
DIGEST

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HB 12 Reengrossed

2022 Regular Session

Frieman

Abstract: Provides for legislative termination of a declaration of an emergency or any portion of the declaration.

Present law provides that a disaster, emergency, or public health emergency shall be declared by executive order or proclamation of the governor if the governor finds that a disaster or emergency has occurred or the threat thereof is imminent.

Present law also provides that the state of disaster, emergency, or public health emergency shall continue until the governor finds that the threat of danger has passed or the disaster or emergency has been dealt with to the extent that the emergency conditions no longer exist and he terminates the state of disaster, emergency, or public health emergency by executive order or proclamation.

Present law provides that no state of disaster, emergency, or public health emergency may continue for longer than 30 days unless renewed by the governor.

Present law authorizes the legislature to terminate an emergency declaration of a state of disaster, emergency, or public health emergency by petition of a majority of the surviving members of either house of the legislature. Relative to public health emergencies, provides for the legislature to be in consultation with the public health authority (defined in present law as the secretary of the La. Dept. of Health, or his designee, and the state health officer).

Proposed law specifies that either house of the legislature may terminate the entire state of emergency or any section or subsection of an emergency declaration by petition signed by a majority of the surviving members of that house. Relative to public health emergencies, provides for either house of the legislature to terminate the emergency by petition after consulting with a public health specialist who has a degree from a school of public health that is accredited by an institutional accrediting agency recognized by the U.S. Dept. of Education.

Present law provides that the petition terminating an emergency declaration may establish a period during which no other declaration of emergency may be issued. Proposed law limits present law to situations related to the state of disaster or emergency or any section or subsection or the order or proclamation that was terminated.

Proposed law requires the petition terminating an emergency declaration be transmitted to the clerk of the House of Representatives or the secretary of the Senate, as applicable, and requires the appropriate chief clerical officer to transmit the petition to the governor.

Proposed law provides that the petition terminating an emergency declaration becomes effective upon transmission of the petition to the governor.

Proposed law provides that the clerk of the House of Representatives or secretary of the Senate, as applicable, shall disseminate the petition to the general public and file it with specified executive branch agencies.

Proposed law further provides that the termination of a state of disaster or emergency pursuant to proposed law shall not affect an election being conducted in accordance with present law regarding emergency election procedures.

Effective Jan. 8, 2024.

(Amends R.S. 29:724(B)(2) and 768(B))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Replace present law providing that either house of the legislature may terminate the emergency declaration with requirement that a majority of both houses of the legislature is required to terminate such an emergency declaration.
2. Add provision that the termination of a state of disaster or emergency does not affect an election being conducted in accordance with present law regarding emergency election procedures.

The House Floor Amendments to the engrossed bill:

1. Restore provisions authorizing either house of the legislature to terminate the emergency declaration.