

2024 Regular Session

SENATE BILL NO. 357

BY SENATOR SEABAUGH

EMERGENCY POWERS. Provides relative to termination of a public health emergency.  
(gov sig)

1 AN ACT

2 To amend and reenact R.S. 29:724(B)(2) and 768(B), relative to emergency declarations; to  
3 authorize the legislature to terminate all or part of an emergency declaration; to  
4 provide for the procedure by which the petition is signed and transmitted to the  
5 governor; to provide for the effectiveness of the petition to terminate; to provide for  
6 an effective date; to provide for retroactive application; and to provide for related  
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 29:724(B)(2) and 768(B) are hereby amended and reenacted to read  
10 as follows:

11 §724. Powers of the governor

12 \* \* \*

13 B.

14 \* \* \*

15 (2) ~~The legislature~~ **Either the House of Representatives or the Senate**, by  
16 petition signed by a majority of the surviving members of either ~~house~~ **the House**  
17 **of Representatives or the Senate**, may terminate a **the entire** state of disaster or

1 emergency **or any part or subpart of the executive order or proclamation** at any  
 2 time. This petition terminating the state of emergency or disaster **or part or subpart**  
 3 **of the executive order or proclamation** may establish a period during which no  
 4 other declaration of emergency or disaster may be issued. ~~Thereupon, the governor~~  
 5 ~~shall issue an executive order or proclamation ending the state of disaster or~~  
 6 ~~emergency.~~ **The petition terminating the declaration of a state of disaster or**  
 7 **emergency or any part or subpart of the executive order or proclamation, duly**  
 8 **signed by a majority of the surviving members of the House of Representatives**  
 9 **or the Senate shall be transmitted to the clerk of the House of Representatives**  
 10 **or secretary of the Senate, as applicable, who shall transmit the petition to the**  
 11 **governor. The termination shall be effective upon the transmission of the**  
 12 **petition to the governor.**

13 \* \* \*

14 §768. Termination of declaration of public health emergency

15 \* \* \*

16 B. ~~The legislature~~ **Either the House of Representatives or the Senate,** in  
 17 ~~consultation with the public health authority,~~ by a petition signed by a majority of  
 18 the surviving members of either ~~house~~ **the House of Representatives or the Senate,**  
 19 may terminate a ~~the entire~~ state of public health emergency **or any part or subpart**  
 20 **of the executive order or proclamation** at any time. This petition terminating the  
 21 public health emergency **or any part or subpart of the executive order or**  
 22 **proclamation** may establish a period during which no other declaration of public  
 23 health emergency may be issued. ~~Thereupon, the governor shall issue an executive~~  
 24 ~~order or proclamation ending the state of public health or emergency~~ **The petition**  
 25 **terminating the declaration of a state of public health emergency or any part or**  
 26 **subpart of the executive order or proclamation, duly signed by a majority of the**  
 27 **surviving members of the House of Representatives or the Senate shall be**  
 28 **transmitted to the clerk of the House of Representatives or the secretary of the**  
 29 **Senate, as applicable, who shall transmit the petition to the governor. The**

1 termination shall be effective upon the transmission of the petition to the  
2 governor.

3 \* \* \*

4 Section 2. This Act shall become effective upon signature by the governor or, if not  
5 signed by the governor, upon expiration of the time for bills to become law without signature  
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
8 effective on the day following such approval.

9 Section 3. The provisions of this Act shall be given prospective and retroactive  
10 application.

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The original instrument was prepared by Yoursheka Butler. The following  
digest, which does not constitute a part of the legislative instrument, was  
prepared by Dawn Romero Watson.

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DIGEST  
SB 357 Reengrossed 2024 Regular Session Seabaugh

Present law provides for the termination of a public health emergency when the governor determines 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.

Proposed law retains present law.

Present law authorizes the legislature, in consultation with the public health authority, to terminate a public health emergency by a petition signed by a majority of the surviving members of either house, and requires the governor to issue an executive order or proclamation ending the public health emergency.

Proposed law deletes the requirement that the legislature consult with the public health authority, and otherwise retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

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

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Make a technical correction.