

2022 Regular Session

HOUSE BILL NO. 12

BY REPRESENTATIVE FRIEMAN

LEGISLATIVE POWERS: Provides relative to termination of emergency declarations

1 AN ACT

2 To amend and reenact R.S. 29:724(B)(2) and 768(B), relative to emergency declarations; to
3 provide for legislative termination of all or part of an emergency declaration; to
4 provide procedures for terminations; to provide for an effective date; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

9 §724. Powers of the governor

10 * * *

11 B.

12 * * *

13 (2)(a) ~~The~~ Either house of the legislature, by petition signed by a majority
14 of the surviving members of ~~either~~ that house, may terminate ~~a~~ the entire state of
15 disaster or emergency or any section or subsection of the executive order or
16 proclamation declaring the state of disaster or emergency at any time. ~~This~~ The
17 petition terminating the state of emergency or disaster or any section or subsection
18 of the executive order or proclamation declaring the state of disaster or emergency
19 may establish a period during which no other declaration of emergency or disaster
20 related to the state of disaster or emergency that was terminated or related to any

1 section or subsection of the executive order or proclamation declaring the state of
2 disaster or emergency that was terminated by the petition may be issued. ~~Thereupon,~~
3 ~~the governor shall issue an executive order or proclamation ending the state of~~
4 ~~disaster or emergency.~~

5 (b) The petition terminating the entire declaration of a state of disaster or
6 emergency or terminating one or more sections or subsections of the executive order
7 or proclamation, duly signed by a majority of the surviving members of the House
8 of Representatives or the Senate, shall be transmitted to the clerk of the House of
9 Representatives or secretary of the Senate, as applicable, who shall transmit the
10 petition to the governor. The termination shall become effective upon the
11 transmission of the petition to the governor.

12 (c) Further, the clerk of the House of Representatives or secretary of the
13 Senate, as applicable, shall disseminate the petition promptly by means calculated
14 to bring its contents to the attention of the general public and promptly file it with
15 the Governor's Office of Homeland Security and Emergency Preparedness and with
16 the secretary of state.

17 (d) The termination of a state of disaster or emergency pursuant to this
18 Paragraph shall not affect an election being conducted in accordance with R.S.
19 18:401.1, 401.2, or 401.3.

20 * * *

21 §768. Termination of declaration of public health emergency

22 * * *

23 B.(1) ~~The~~ Either house of the legislature, in consultation with the public
24 health authority after consulting a public health specialist with a degree from a
25 school of public health that is accredited by an institutional accrediting agency
26 recognized by the United States Department of Education, by a petition signed by a
27 majority of the surviving members of either that house, may terminate a the entire
28 state of public health emergency or any section or subsection of the executive order
29 or proclamation declaring the state of public health emergency at any time. This The

1 petition terminating the public health emergency or any section or subsection of the
2 executive order or proclamation declaring the state of public health emergency may
3 establish a period during which no other declaration of public health emergency
4 related to the state of public health emergency that was terminated or related to any
5 section or subsection of the executive order or proclamation declaring the state of
6 public health emergency that was terminated by the petition may be issued.

7 ~~Thereupon, the governor shall issue an executive order or proclamation ending the~~
8 ~~state of public health or emergency.~~

9 (2) The petition terminating the entire declaration of a state of public health
10 emergency or terminating one or more sections or subsections of the executive order
11 or proclamation, duly signed by a majority of the surviving members of the House
12 of Representatives or the Senate, shall be transmitted to the clerk of the House of
13 Representatives or secretary of the Senate, as applicable, who shall transmit the
14 petition to the governor. The termination shall become effective upon the
15 transmission of the petition to the governor.

16 (3) Further, the clerk of the House of Representatives or secretary of the
17 Senate, as applicable, shall disseminate the petition promptly by means calculated
18 to bring its contents to the attention of the general public and promptly file it with
19 the Governor's Office of Homeland Security and Emergency Preparedness, with the
20 Louisiana Department of Health, office of public health, and with the secretary of
21 state.

22 (4) The termination of a state of public health emergency pursuant to this
23 Subsection shall not affect an election being conducted in accordance with R.S.
24 18:401.1, 401.2, or 401.3.

25 Section 2. This Act shall become effective on January 8, 2024.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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.