

2020 Second Extraordinary Session

HOUSE BILL NO. 61

BY REPRESENTATIVE AMEDEE

LEGISLATIVE OVERSIGHT: Provides relative to the authority of the governor to declare certain emergencies (Items #1, 2, and 28)

1 AN ACT

2 To amend and reenact R.S. 29:724(B)(1) and 768(B) and to enact R.S. 29:724.1, relative to  
3 emergency declarations; to provide relative to the renewal of emergency  
4 declarations; to require written notice of intent to renew emergency declarations; to  
5 require legislative approval for renewal of emergency declarations; to provide  
6 procedures for legislative approval of the renewal of emergency declarations; to  
7 provide for an effective date; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 29:724(B)(1) and 768(A) are hereby amended and reenacted and  
10 R.S. 29:724.1 is hereby enacted to read as follows:

11 §724. Powers of the governor

12 \* \* \*

13 B.(1) A disaster or emergency, or both, shall be declared by executive order  
14 or proclamation of the governor if he finds that a disaster or emergency has occurred  
15 or the threat thereof is imminent. The state of disaster or emergency shall continue  
16 until the governor finds that the threat of danger has passed or the disaster or  
17 emergency has been dealt with to the extent that the emergency conditions no longer  
18 exist and terminates the state of disaster or emergency by executive order or  
19 proclamation, but no state of disaster or emergency ~~may~~ shall continue for longer  
20 than thirty days ~~unless renewed by the governor.~~ A state of disaster or emergency

1 may be renewed by the governor only if such renewal is approved by a majority vote  
2 of the surviving members of the legislature in the manner as provided for in R.S.  
3 29:724.1

4 \* \* \*

5 §724.1. Procedure for approval of governor's emergency declaration; legislative  
6 voting

7 A. The governor shall provide, no later than ten days prior to the expiration  
8 of the emergency declaration that is currently issued, written notice of his intent to  
9 renew the emergency declaration to the chairmen of the House Committee on House  
10 and Governmental Affairs and the Senate Committee on Senate and Governmental  
11 Affairs.

12 B. When the chairmen receive written notice, the committees shall have a  
13 meeting within eleven days from the date the notice was received.

14 C. If a majority of the members of House Committee on House and  
15 Governmental Affairs and the Senate Committee on Senate and Governmental  
16 Affairs vote to approve the renewal of the extension of the emergency declaration,  
17 the approval shall then be submitted to each house of the legislature for approval of  
18 the majority of the surviving members.

19 D.(1) In order to obtain the approval of a majority of the surviving members  
20 of each house of the legislature, the secretary of the Senate and the clerk of the  
21 House of Representatives shall jointly prepare and transmit a ballot to each member  
22 of the legislature by electronic transmittal unless the legislature is in session, in  
23 which case the ballots may be distributed and returned during the session as provided  
24 in this Subsection.

25 (2)(a) The ballot shall be uniform and the materials sent with the ballot shall  
26 include:

27 (i) A copy of the governor's written notice of intent to renew the emergency  
28 declaration.

1           (ii) A copy of the governor's emergency declaration by executive order or  
2 proclamation.

3           (iii) A copy of the roll call votes of the Senate Committee on Senate and  
4 Governmental Affairs and the House Committee on House and Governmental  
5 Affairs on the approval of the extension of the emergency declaration.

6           (iv) The date and time on which the ballot may be returned to the secretary  
7 of the Senate or the clerk of the House of Representatives, as the case may be, in  
8 order for the ballot to be valid.

9           (b) Each ballot shall contain the name of the member to whom it is to be  
10 transmitted, and the member shall sign the ballot after casting his vote.

11           (3) The ballots shall be transmitted to all members on the same day and shall  
12 be returned to the secretary of the Senate or the clerk of the House of  
13 Representatives, as the case may be, within two days after the transmittal date; or  
14 when such ballots are delivered to the members of the legislature while in session,  
15 the ballots shall be returned to the secretary of the Senate or the clerk of the House  
16 of Representatives, as the case may be, within the next day after the ballots were  
17 delivered to members. No ballot received after five o'clock p.m. on the second day  
18 after the date on which the ballots were delivered to the members during session or  
19 after five o'clock p.m. on the third day after the date on which the ballots were  
20 transmitted electronically shall be valid or counted, and the date and time received  
21 shall be marked on each such ballot and the ballot shall be marked "Invalid". Prior  
22 to five o'clock p.m. on the second day after the date when delivered to the members  
23 of the legislature while in session or prior to five o'clock p.m. on the third day after  
24 the transmittal date if electronically transmitted to the members of the legislature, a  
25 member may withdraw his ballot or change his vote upon his written request.

26           (4) At any time after the deadline for submitting the ballots as provided in  
27 Paragraph (3) of this Subsection, but prior to the fifth day after the date on which the  
28 ballots were electronically transmitted, or prior to the fourth day after the date on  
29 which the ballots were delivered to the members of the legislature in session, the

1 secretary of the Senate and the clerk of the House of Representatives shall jointly  
 2 open and tabulate the vote in roll call order for each house of the legislature. The  
 3 clerk and the secretary shall hold such ballots unopened and shall not disclose the  
 4 contents to any person until the day when such ballots are opened and tabulated. The  
 5 tabulation sheet shall indicate by name each member who voted in favor of the  
 6 renewal, each member who voted against renewal, each member who did not return  
 7 the ballot by the deadline, and each member whose ballot was invalid because it was  
 8 not marked or signed by the member. The secretary of the Senate and the clerk of  
 9 the House of Representatives shall each sign the tabulation sheet and cause a  
 10 certified copy thereof to be transmitted to the governor and the chairmen of the  
 11 Senate Committee on Senate and Governmental Affairs and House Committee on  
 12 House and Governmental Affairs.

13 (5) The tabulation sheet shall be a public record.

14 (6) If electronic transmittal is impaired, the secretary of the Senate and the  
 15 clerk of the House of Representatives shall utilize any method necessary to deliver  
 16 the ballots, including commercial delivery or hand delivery, and shall keep a record  
 17 of the manner of delivery utilized to deliver the ballot to each member and the date  
 18 the ballot was so transmitted to each member.

19 \* \* \*

20 §768. Termination of declaration of public health emergency

21 A. The state of public health emergency shall continue until the governor  
 22 finds that the threat of danger has passed or the disaster or emergency has been dealt  
 23 with to the extent that the emergency conditions no longer exist and terminates the  
 24 state of public health ~~or~~ emergency by executive order or proclamation, but no state  
 25 of public health emergency ~~may~~ shall continue for longer than thirty days ~~unless~~  
 26 ~~renewed by the governor.~~ A state of public health emergency may be renewed by  
 27 the governor only if such renewal is approved by a majority vote of the legislature  
 28 in the manner as provided for in R.S. 29:724.1.

29 \* \* \*

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

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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)]

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HB 61 Original

2020 Second Extraordinary Session

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**Abstract:** Authorizes the legislature, by a majority vote, to approve the renewal of emergency declarations to continue beyond 30 days, requires the governor to submit a notice of intent to renew to the legislature, provides the procedure for legislative approval of a renewal, and provides for an effective date.

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 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.

Proposed law amends present law to provide that no state of disaster, emergency, or public health emergency shall continue beyond 30 days unless renewed by the governor and approved by a majority vote of the legislature.

Proposed law requires the governor to give written notice of his intent to renew an emergency declaration to the legislature.

Proposed law requires that the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs to meet jointly within 11 days of receiving the governor's written intent to renew the emergency. The recommendation of the joint committee shall be subject to approval by a vote of the full legislature.

Proposed law provides the procedure for legislative approval of an emergency declaration renewal.

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

(Amends R.S. 29:724(B)(1) and 768(B); Adds R.S. 29:724.1))