

1 proclamation, but no state of disaster or emergency may continue for longer than
 2 thirty days unless renewed by the governor. After sixty calendar days from the
 3 initial declaration of a state of disaster or emergency, each renewal by the
 4 governor shall require approval by a majority of the elected members of both
 5 houses of the legislature. Failure to obtain approval shall terminate the state of
 6 disaster or emergency. Such termination shall be in addition to other means of
 7 termination provided by law.

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9 §768. Termination of declaration of public health emergency

10 A. The state of public health emergency shall continue until the governor
 11 finds that the threat of danger has passed or the disaster or emergency has been dealt
 12 with to the extent that the emergency conditions no longer exist and terminates the
 13 state of public health or emergency by executive order or proclamation, but no state
 14 of public health emergency may continue for longer than thirty days unless renewed
 15 by the governor. After sixty calendar days from the initial declaration of a state
 16 of public health emergency, each renewal by the governor shall require
 17 approval by a majority of the elected members of both houses of the legislature.
 18 Failure to obtain approval shall terminate the state of public health emergency.
 19 Such termination shall be in addition to other means of termination provided
 20 by law.

21 * * *

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry G. Jones.

DIGEST

SB 43 Original

2020 Second Extraordinary Session

Morris

Present law provides relative to the Louisiana Homeland Security and Emergency Assistance and Disaster Act. Provides that a disaster or emergency, or both, shall be declared by executive order or proclamation of the governor if he finds that a disaster or emergency has occurred or the threat thereof is imminent. The state of disaster or 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 or emergency by executive order or proclamation, but no state of disaster or emergency may continue for longer than 30 days unless renewed by the governor.

Proposed law retains present law and adds that after 60 calendar days from the initial declaration of a state of disaster or emergency, each renewal by the governor shall require approval by a majority of the elected members of both houses of the legislature. Failure to obtain approval shall terminate the state of disaster or emergency. Such termination shall be in addition to other means of termination provided by law.

Present law provides relative to the Louisiana Health Emergency Powers Act. Provides that a declared state of 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 public health or emergency by executive order or proclamation, but no state of public health emergency may continue for longer than 30 days unless renewed by the governor.

Proposed law retains present law and adds that after 60 calendar days from the initial declaration of a state of public health emergency, each renewal by the governor shall require approval by a majority of the elected members of both houses of the legislature. Failure to obtain approval shall terminate the state of public health emergency. Such termination shall be in addition to other means of termination provided by law.

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

(Amends R.S. 29:724(B)(1) and 768(A))