State of Louisiana

EXECUTIVE DEPARTMENT

PROCLAMATION NUMBER 124 JBE 2020

RENEWAL OF STATE OF EMERGENCY AND EXTENSION OF EMERGENCY PROVISIONS FOR HURRICANE LAURA

WHEREAS, the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, confers upon the Governor of the State of Louisiana emergency powers to deal with emergencies and disasters, including those caused by fire, flood, earthquake or other natural or manmade causes, in order to ensure that preparations of this State will be adequate to deal with such emergencies or disasters and to preserve the lives and property of the people of the State of Louisiana;

WHEREAS, pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, Governor John Bel Edwards declared a state of emergency in response to the imminent threat posed by Hurricane Laura on August 21, 2020, in Proclamation Number 108 JBE 2020;

WHEREAS, Hurricane Laura made landfall on the Louisiana coast during the early morning hours on Thursday, August 27, 2020, bringing devastating winds, widespread power-outages, and severe damage to Louisiana;

WHEREAS, the State of Louisiana suffered severe damage that threatens the safety, health, and security of the citizens of the State of Louisiana, along with private property and public facilities;

WHEREAS, this storm has displaced thousands of workers and employers from their homes and places of business and has caused numerous communication challenges due to the interruption of mail service, phone service and electricity;

WHEREAS, Louisiana Revised Statute 29:724 confers upon the Governor emergency powers to deal with emergencies and disasters and to ensure that preparations of the State will be adequate to deal with such emergencies or disasters, and to preserve the lives and property of the citizens of the State of Louisiana, including the authority to suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency; and

WHEREAS, damage from this storm continues to pose a threat to citizens and communities across the Gulf Coast and create conditions that place lives and property in the state in jeopardy, thus it is necessary to renew the emergency proclamation 108 JBE 2020 and the other Hurricane Laura-related proclamations.

NOW THEREFORE, I, JOHN BEL EDWARDS, Governor of the State of Louisiana, by virtue of the authority vested by the Constitution and the laws of the State of Louisiana, do hereby order and direct as follows:

SECTION 1: GENERAL PROVISIONS

A) Pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, a state of emergency is hereby declared to continue to exist statewide in the State of Louisiana as a result of the continued threat of emergency conditions that threaten the lives and property of the citizens of the State.

B) The Director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) is hereby authorized to continue to undertake any activity authorized by law which he deems appropriate in response to this declaration.

C) Pursuant to La. R.S. 29:732, prices charged or value received for goods and services sold within the designated emergency area may not exceed the prices ordinarily charged for comparable goods and services in the same market area at or immediately before the time of the state of emergency, unless the price by the seller is attributable to fluctuations in applicable commodity markets, fluctuations in applicable regional or national market trends, or to reasonable expenses and charges and attendant business risk incurred in procuring or selling the goods or services during the state of emergency.

SECTION 2: LICENSED BED CAPACITY FOR NURSING HOMES

A) The suspension of the provisions of La. R.S. 40:2116(D)(2) is hereby continued for the purpose of allowing the Secretary of the Department of Health, at her discretion, to establish such protocols, policies, and procedures as to allow a licensed nursing facility which accepts or receives evacuated residents to temporarily exceed its licensed bed capacity in the event of a declared emergency.

B) The Secretary of the Department of Health may establish such protocols, policies, and procedures without strict compliance with the requirements and provisions of the Administrative Procedure Act.

SECTION 3: REGULATORY SUSPENSIONS, DEADLINES, AND INSURANCE COMMISSIONER

A) Pursuant to La. R.S. 29:724(D)(1), suspensions of the Louisiana Procurement Code (La. R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (La. R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby continued for the purpose of the procurement of any good or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.

B) Pursuant to La. R.S. 29:724(D)(1), the suspensions of the provisions of La. R.S. 39:126 regarding prior approval of change orders are hereby continued.

C) Suspensions of the deadlines for judicial and sheriffs' sales contained in *La. R.S. 13:4341 et seq.* are hereby continued in Cameron, Calcasieu, and Beauregard parishes.

D) The requirements if La. R.S. 35:192 that bond required of notaries by R.S. 35:191 shall be submitted to the clerk of court and ex officio recorder of mortgages for the parish where the notary will exercise the functions of his office shall be suspended for the parishes of Cameron, Calcasieu, and Beauregard. The obligation to file with the Secretary of State is, however, not suspended.

E) The Commissioner of Insurance shall continue to have limited transfer of authority from the Governor to suspend provisions of any statute of the Louisiana Insurance Code, Title 22 of the Louisiana Revised Statutes of 1950, concerning the cancellation, termination, nonrenewal, and reinstatement provisions of Title 22, including, but not limited to, R.S. 22:272, 22:887, 22:977, 22:978, 22:1068, 22:1074, 22:1266, 22:1267, 22:1311, and 22:1335, where such statutory requirements may prevent, hinder, or delay necessary action in light of the current emergency relative to Hurricane Laura and its aftermath, including providing additional time for policyholders to complete existing claims and to remit premium payments to avoid cancellation of policies, prohibiting cancellations where policyholders are incapable of fulfilling requirements due to evacuation or inhabitability, providing for continuation of coverage and suspending rate increases, providing for the payment of claims incurred during any prohibition on cancellations imposed under this authority, and providing for provider access and prescription drug benefit requirements necessary to protect public health and welfare. This Order shall not relieve an insured who has a claim caused by Hurricane Laura and its aftermath from compliance with the insured's obligation to provide information and cooperate in the claim adjustment process relative to such claim, or to pay insurance premiums upon termination of the provisions of this Order.

SECTION 4: EDUCATION

A) All Public Post-secondary institutions and proprietary schools within the State of Louisiana that are licensed by the Louisiana Board of Regents shall continue to be allowed to substitute in-person clinical and classroom instruction with online and lab simulations for enrolled students for the duration of the declared emergency.

B) Relative to the initial eligibility requirements for a Taylor Opportunity Program for Students Award, for students residing in parishes that have been designated a major disaster affected parish by FEMA due to the impact of Hurricane Laura, the following requirements shall continue to be suspended:

1) The requirement that students must live in Louisiana and complete their last four (4) semesters at a Louisiana high school or that their parents must reside in Louisiana for the 24 months preceding high school graduation, as set forth in La. R.S. 17:5023.

2) The requirement that a student score a minimum of 23 on the ACT to receive the Opportunity Award if they graduate from an out of state high school, as set forth in La. R.S. 5029 (B)(3).

3) The home study requirements set forth in La. R.S. 17:5029(B)(1)(b)(i).

C) Relative to the continuing eligibility requirements for a Taylor Opportunity Program for Students Award, for students residing in parishes, or are attending an institution of higher education located within a parish, that have been designated a major disaster affected parish by FEMA due to the impact of Hurricane Laura, the following requirements shall continue to be suspended:

1) The steady academic progress requirements imposed by La. R.S. 17:5041 and 17:5042.

2) The minimum grade point average requirements imposed by La. R.S. 17:5041 and 17:5042.

3) The deadlines imposed by La. R.S. 17:5041 or La. R.S. 17:5042 requiring that a student whose award is suspended for failure to meet the grade point average requirements must bring their grade point average up to that required in the applicable statute within a specific time period.

4) The requirement that one semester of TOPS eligibility be reduced for each semester attended full time at an out of state institution, as set forth in La. R.S. 17:5043.

D) Relative to the initial eligibility requirements for a Taylor Opportunity Program for Students Award for high school graduates of 2020 who reside in parishes that have been designated a major disaster affected parish by FEMA due to the impacts of Hurricane Laura, and for high school graduates of 2020 whose ACT or SAT testing site was closed to mitigate the spread of COVID-19, the deadline for achievement of a qualifying score on the ACT or SAT set forth in 17:5103(B)(1)(a) shall continue to be waived. Students are encouraged to take the ACT no later than December 31, 2020.

SECTION 5: UNEMPLOYMENT INSURANCE

A) For the purpose of this Proclamation, "disaster-related claims" shall mean claims for unemployment compensation filed by persons whose unemployment is directly due to the effects of flooding or due to their inability to get to their job or worksite because they cannot travel through a disaster parish, as determined by the administrator of the state's unemployment compensation program, i.e. the Secretary of the Louisiana Workforce Commission. Disaster-related claims will not necessarily include all claims in all parishes included in the flooding disaster proclamations, declarations or orders.

B) Suspensions of the following statutes relative to unemployment insurance, to the extent and in the manner described below, are hereby continued:

1) La. R.S. 23:1533, which provides for claimants' benefits to be charged against base period employers for purposes of employers' tax experience ratings and the protesting of such charges by employers, shall be suspended for disaster-related claims made during the effective period of this Proclamation.

2) La. R.S. 23:1552, which provides for the charging of claimants' benefits to certain employers, shall be suspended for disaster-related claims made during the effective period of this Proclamation.

3) La. R.S. 23:1541, which provides for notice of benefits charged against employer's experience rating record, is extended only to the extent that it requires the administrator to render quarterly statements to each employer of benefits paid each individual and charged to his experience rating record. The benefits paid to persons whose unemployment resulted from the impact of disaster-related claims will not be charged against the employer's account. To send out notices as traditionally done is likely to cause confusion since such notices include benefit charges by all former employees, including those whose benefit will be charged against the social charge account.

4) La. R.S. 23:1600(2), (3), and (4) shall be suspended while this

Proclamation is in effect for disaster-related claims to the extent that they require claimants to register and search for work, have a waiting period of one week and be paid a required amount of wages to be eligible for unemployment insurance benefits. The requirements in La. R.S. 23:1600(2) that claimants continue to report in the manner prescribed by the Secretary, and in La. R.S. 23:1600(3) that claimants be able to work and be available for work, are waived. The requirement to continue to report, which is accomplished through either an automated telephone system or the Internet, is not impractical and avoids overpayments, which claimants would be liable to repay. The requirement in La. R.S. 23:1600(4) that claimants wait a period of one week before receiving benefits is waived. In the immediate aftermath of the flooding, waived requirements are not practical for claimants without fixed temporary or permanent housing and verification of such activities is not practical in many areas affected by the flooding.

5) The provisions of this section shall continue to be effective upon signature for those parishes covered by the Major Presidential Declaration dated August 22, 2020, and for those parishes covered by any subsequent expansion of Declaration.

SECTION 6: All departments, commissions, boards, agencies, and officers of the State, or any political subdivision thereof, are authorized and directed to cooperate in actions the State may take in response to the effects of this severe weather event.

SECTION 7: This order is effective upon signature and shall remain in effect from Sunday, September 20, 2020 to Monday, October 19, 2020, unless terminated sooner.

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 18th day of September, 2020.

GOVERNOR OF LOUISIANA

ATTEST BY THE SECRETARY OF STATE

SECRETARY OF STATE