



EXECUTIVE DEPARTMENT

PROCLAMATION NUMBER 136 JBE 2020

AMENDMENT TO STATE OF EMERGENCY – HURRICANE DELTA

- WHEREAS,** pursuant to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, La. R.S. 29:721, *et seq.*, a state of emergency was declared through Proclamation Number 133 JBE 2020;
- WHEREAS,** Hurricane Delta is expected to make landfall on the Louisiana on Friday, October 9, 2020, posing an imminent risk of devastating winds, widespread power-outages, and severe damage to Louisiana;
- WHEREAS,** the expected damage from Hurricane Delta poses a threat to citizens and communities in the storm's path and creates conditions which place lives and property in the state in jeopardy;
- WHEREAS,** it is necessary to suspend strict compliance with Louisiana Procurement Code (La. R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (La. R.S. 38:2211, *et seq.*) for emergency procurement in response to Hurricane Delta;
- WHEREAS,** further, La. R.S. 40:2116(D)(2) prohibits the Department of Health from approving additional beds in nursing facilities;
- WHEREAS,** the State of Louisiana desires that residents and evacuees in nursing facilities be able to temporarily evacuate to safe sheltering locations during an emergency;
- WHEREAS,** the State of Louisiana, recognizing the potential significance of Hurricane Delta, desires to minimize the impact of the hurricane on the residents of nursing facilities;
- WHEREAS,** the State of Louisiana, recognizing the potential significant impact of Hurricane Delta, desires to minimize this impact on the residents and assist communities in their recovery; and
- WHEREAS,** La. R.S. 29:724 authorizes the governor during a declared state of emergency to suspend the provisions of any state regulatory statute prescribing procedures for conducting state business, or the orders, rules or regulations of any state agency, if strict compliance with the provision of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency.

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: Section 3 of Proclamation Number 133 JBE 2020 is hereby amended as follows:

SECTION 3: A) Pursuant to the La. R.S. 29:732, during a declared state of emergency, the 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.

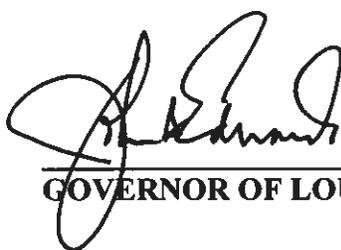
- B)** Pursuant to La. R.S. 29:724(D)(1), the Louisiana Procurement Code (La. R.S. 39:1551, *et seq.*) and Louisiana Public Bid Law (La. R.S. 38:2211, *et seq.*) and their corresponding rules and regulations are hereby suspended for the purpose of the procurement of any good or services necessary to respond to this emergency, including emergency contracts, cooperative endeavor agreements, and any other emergency amendments to existing contracts.
- C)** Pursuant to La. R.S. 29:724(D)(1), the provisions of La. R.S. 39:126 regarding prior approval of change orders are hereby suspended.

SECTION 2: The provisions of La. R.S. 40:2116(D)(2) are hereby suspended 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 and certified bed capacity in the event of a declared emergency. 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: Unless otherwise provided in this order, these provisions are effective from Tuesday, October 6, 2020 to Wednesday, November 4, 2020, or as extended by any subsequent Proclamation, 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 8th day of October, 2020.



GOVERNOR OF LOUISIANA

**ATTEST BY THE
SECRETARY OF STATE**

SECRETARY OF STATE