

2022 Regular Session

HOUSE BILL NO. 701

BY REPRESENTATIVES HILFERTY AND GAROFALO

EMERGENCY PREPAREDNESS: Provides relative to the declaration of a state of emergency

1 AN ACT

2 To amend and reenact R.S. 29:727(D) and 737(C), relative to emergency preparedness; to  
3 provide relative to declarations of states of emergency declared by local officials; to  
4 provide for the duration of states of emergency; to provide for approval of an  
5 extension of a declaration of emergency under certain circumstances; and to provide  
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 29:727(D) and 737(C) are hereby amended and reenacted to read as  
9 follows:

10 §727. Powers of the parish president; penalties for violations

11 \* \* \*

12 D.(1) A local disaster or emergency may be declared only by the parish  
13 president, except as otherwise provided in this Chapter. In that event, the state of  
14 emergency shall continue until the parish president finds that the threat of danger has  
15 been dealt with to the extent that emergency conditions no longer exist. However,  
16 no state of emergency may continue for longer than thirty days unless extended by  
17 the parish president, and no continuous state of emergency may continue for a period  
18 of more than ninety days unless approved by the parish governing authority.

19 (2) The state of emergency may be terminated by executive order or  
20 proclamation. The state of emergency or disaster may be terminated by the

1 governor, a petition signed by a majority of the surviving members of either house  
 2 of the legislature, or by a majority of the surviving members of the parish governing  
 3 authority. The document terminating the state of emergency or disaster may  
 4 establish a period during which no other declaration of emergency or disaster may  
 5 be issued. The termination of a state of disaster or emergency pursuant to this  
 6 Paragraph shall not affect changes to polling places for an election being conducted  
 7 in accordance with R.S. 18:401.1 or 401.2.

8 (3) All executive orders or proclamations issued under this Subsection shall  
 9 indicate the nature of the emergency, the area or areas which are or may be affected,  
 10 and the conditions which brought it about. Any order or proclamation declaring,  
 11 continuing, or terminating a local disaster or emergency shall be given prompt and  
 12 general publicity and shall be filed promptly with the office of emergency  
 13 preparedness and the office of the clerk of court.

14 \* \* \*

15 §737. Municipalities; authority to respond to emergencies

16 \* \* \*

17 C.(1) The state of emergency shall continue until the mayor or chief  
 18 executive officer finds that the threat of danger has been dealt with to the extent that  
 19 emergency conditions no longer exist. ~~The state of emergency may be terminated~~  
 20 ~~by executive order or proclamation, but~~ However, no state of emergency may  
 21 continue for longer than thirty days unless extended by the mayor or chief executive  
 22 officer, and no continuous state of emergency may continue for a period of more  
 23 than ninety days unless approved by the municipal governing authority.

24 (2) The state of emergency or disaster may be terminated by the governor,  
 25 parish president, a petition signed by a majority of the surviving members of either  
 26 house of the legislature, a majority of the surviving members of the parish governing  
 27 authority, or a majority of the surviving members of the municipal governing  
 28 authority. The document terminating the state of emergency or disaster may  
 29 establish a period during which no other declaration of emergency or disaster may

1 be issued. The termination of a state of disaster or emergency pursuant to this  
2 Paragraph shall not affect changes to polling places for an election being conducted  
3 in accordance with R.S. 18:401.1 or 401.2.

4 (3) All executive orders or proclamations issued under this Subsection shall  
5 indicate the nature of the emergency, the area or areas which are or may be affected,  
6 and the conditions which brought it about. Any order or proclamation declaring,  
7 continuing, or terminating a local disaster or emergency shall be given prompt and  
8 general publicity and shall be filed promptly with the Governor's Office of  
9 Homeland Security and Emergency Preparedness, the local office of homeland  
10 security and emergency preparedness, and the office of the clerk of court.

11 \* \* \*

---

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 701 Reengrossed                      2022 Regular Session                      Hilferty

**Abstract:** Provides for the declaration of a state or emergency in parishes and municipalities; requires the approval of the governing authority of the parish or municipality before a declaration of a state of emergency may continue for a period exceeding 90 days.

Present law provides that a local disaster or emergency may be declared only by the parish president, except as otherwise provided in present law, and that it shall continue until the parish president finds that the threat of danger has been dealt with to the extent that emergency conditions no longer exist.

Proposed law retains present law and also provides that no state of emergency may continue for longer than 30 days unless extended by the parish president and that no continuous state of emergency may be extended by the parish president for a period exceeding 90 days unless approved by the governing authority of the parish.

Present law provides that whenever a situation develops within or outside of a municipality which the chief executive officer of the municipality determines requires immediate action to preserve the public peace, property, health, or safety within the municipality or to provide for continued operation of municipal government, the chief executive officer of the municipality is authorized to undertake immediate emergency response measures.

Present law provides that the state of emergency shall continue until the mayor or chief executive officer finds that the threat of danger has been dealt with to the extent that emergency conditions no longer exist, but that no state of emergency may continue for longer than 30 days unless extended by the mayor or chief executive officer.

Proposed law retains present law and further provides that no state of emergency may be extended by the mayor or chief executive officer for a period exceeding 90 days unless approved by the governing authority of the municipality.

Present law provides for termination of local emergencies by the governor, either house of the legislature, the parish president, or the local governing authority. Also authorizes the parish president or the parish governing authority to terminate a municipal emergency.

Proposed law provides that termination of an emergency does not affect changes to polling places for an election conducted in accordance with present law regarding emergency election procedures.

(Amends R.S. 29:727(D) and 737(C))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill:

1. Add provision that proposed law does not affect an election being conducted in accordance with present law regarding emergency election procedures.
2. Make technical changes.

The House Floor Amendments to the engrossed bill:

1. Remove proposed law providing for termination of emergencies by both houses of the legislature and procedures related thereto.