

ACT No. 738

2022 Regular Session

HOUSE BILL NO. 701

BY REPRESENTATIVES HILFERTY AND GAROFALO

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
21 governor, a petition signed by a majority of the surviving members of either house
22 of the legislature, or by a majority of the surviving members of the parish governing

1 authority. The document terminating the state of emergency or disaster may
 2 establish a period during which no other declaration of emergency or disaster may
 3 be issued. The termination of a state of disaster or emergency pursuant to this
 4 Paragraph shall not affect changes to polling places for an election being conducted
 5 in accordance with R.S. 18:401.1 or 401.2.

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

12 * * *

13 §737. Municipalities; authority to respond to emergencies

14 * * *

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

22 (2) The state of emergency or disaster may be terminated by the governor,
 23 parish president, a petition signed by a majority of the surviving members of either
 24 house of the legislature, a majority of the surviving members of the parish governing
 25 authority, or a majority of the surviving members of the municipal governing
 26 authority. The document terminating the state of emergency or disaster may
 27 establish a period during which no other declaration of emergency or disaster may
 28 be issued. The termination of a state of disaster or emergency pursuant to this
 29 Paragraph shall not affect changes to polling places for an election being conducted
 30 in accordance with R.S. 18:401.1 or 401.2.

