

2023 Regular Session

HOUSE BILL NO. 397

BY REPRESENTATIVE MINCEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

EMERGENCY PREPAREDNESS: Provides relative to parish homeland security and emergency preparedness agency requests during an emergency

1 AN ACT

2 To amend and reenact R.S. 29:727(E), relative to emergency preparedness; to provide
3 relative to local governmental powers regarding homeland security and emergency
4 preparedness; to provide relative to the authority of sheriffs in certain parishes; to
5 provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 29:727(E) is hereby amended and reenacted to read as follows:

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

9 * * *

10 E.(1) Notwithstanding any other provision of this Chapter, when the parish
11 president declares a local disaster or emergency within such subdivision the parish
12 president shall carry out the provisions of this Chapter. Nothing contained herein
13 shall be construed to confer upon the parish president any authority to control or
14 direct the activities of any state agency. When the disaster or emergency is beyond
15 the capabilities of the local government, the parish president shall request assistance
16 from the Governor's Office of Homeland Security and Emergency Preparedness.
17 The declaration of a local emergency will serve to activate the response and recovery
18 program of the local government.

19 (2) In a parish having a population of not less than one hundred forty two
20 thousand nor more than one hundred forty three thousand according to the latest

1 decennial census, the sheriff may request assistance from the Governor's Office of
2 Homeland Security and Emergency Preparedness during a declared local disaster or
3 emergency.

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

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 397 Engrossed

2023 Regular Session

Mincey

Abstract: Provides relative to the duties and responsibilities of the parish president and sheriff during a declared local disaster or state of emergency.

Present law provides that a local disaster or emergency may be declared only by the parish president.

Present law authorizes the parish president to request assistance from GOHSEP when disaster response and recovery are beyond the capabilities of the parish.

Proposed law retains present law and authorizes the sheriff, in certain parishes defined by populations, to request assistance from GOHSEP during a declared local disaster or state of emergency when so authorized by the parish governing authority.

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

(Amends R.S. 29:727(E))