

2018 Regular Session

SENATE BILL NO. 262

BY SENATOR GATTI

GOVERNOR. Provides relative to powers of the governor during times of a disaster or emergency. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 29:724(B)(1) and the introductory paragraph of (D) and to enact
3 R.S. 29:724(D)(8) and (9), relative to the Louisiana Homeland Security and
4 Emergency Assistance and Disaster Act; to provide for the powers of the governor
5 during a disaster or emergency; to remove the thirty day expiration date of certain
6 executive orders or proclamations; to authorize the suspension of liberative
7 prescription and preemptive periods; to authorize the extension of certain insurance
8 claims; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 29:724(B)(1) and the introductory paragraph of (D) are hereby
11 amended and reenacted, and R.S. 29:724(D)(8) and (9) are hereby enacted to read as follows:

12 §724. Powers of the governor

13 * * *

14 B.(1) A disaster or emergency, or both, shall be declared by executive order
15 or proclamation of the governor if he finds that a disaster or emergency has occurred
16 or the threat thereof is imminent. The state of disaster or emergency shall continue
17 until the governor finds that the threat of danger has passed or the disaster or

1 emergency has been dealt with to the extent that the emergency conditions no longer
2 exist and terminates the state of disaster or emergency by executive order or
3 proclamation, ~~but no state of disaster or emergency may continue for longer than~~
4 ~~thirty days unless renewed by the governor.~~

5 * * *

6 D. In addition to any other powers conferred upon the governor by law, he
7 may do any or all of the following **during a gubernatorially declared disaster or**
8 **emergency:**

9 * * *

10 **(8) Suspend liberative prescription and preemptive periods for all legal**
11 **proceedings by executive order or proclamation.**

12 **(9) Extend the period in which residents may file a claim against an**
13 **insurer pursuant to R.S. 22:868 by executive order or proclamation.**

14 * * *

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

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by J. W. Wiley.

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Present law provides that no state of disaster or emergency may continue for longer than 30 days unless renewed by the governor.

Proposed law removes the present law 30-day requirement.

Proposed law allows the governor during a gubernatorially declared disaster or emergency to suspend liberative prescription and preemptive periods for all legal proceedings by executive order or proclamation, and to extend the period in which residents may file a claim against an insurer pursuant to R.S. 22:868 by executive order or proclamation.

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

(Amends R.S. 29:724(B)(1) and (D)(intro para); adds R.S. 29:724(D)(8) and (9))