



§724. Powers of the governor

A. The governor is responsible for meeting the dangers to the state and people presented by emergencies or disasters, and in order to effectuate the provisions of this Chapter, the governor may issue executive orders, proclamations, and regulations and amend or rescind them. Executive orders, proclamations, and regulations so issued shall have the force and effect of law.

B.(1) A disaster or emergency, or both, shall be declared by executive order or proclamation of the governor if he finds that a disaster or emergency has occurred or the threat thereof is imminent. The state of disaster or emergency shall continue until the governor finds that the threat of danger has passed or the disaster or emergency has been dealt with to the extent that the emergency conditions no longer exist and terminates the state of disaster or emergency by executive order or proclamation, but no state of disaster or emergency may continue for longer than thirty days unless renewed by the governor.

(2) Either the House of Representatives or the Senate, by petition signed by a majority of the surviving members of that house, may terminate the entire state of disaster or emergency or any part or subpart of the executive order or proclamation at any time. This petition terminating the state of emergency or disaster or any part or subpart of the executive order or proclamation may establish a period during which no other declaration of emergency or disaster may be issued. The petition terminating the state of emergency or disaster or any part or subpart of the executive order or proclamation, duly signed by a majority of the surviving members of the House of Representatives or the Senate, shall be transmitted to the clerk of the House of Representatives or secretary of the Senate, as applicable, who shall transmit the petition to the governor. The termination shall be effective upon the transmission of the petition to the governor.

(3) All executive orders or proclamations issued under this Subsection shall indicate the nature of the disaster or emergency, the designated emergency area which is or may be affected, and the conditions which have brought it about or which make possible the termination of the state of disaster or emergency. An executive order or proclamation shall be disseminated promptly by means calculated to bring its contents to the attention of the general public and, unless the circumstances attendant upon the disaster or emergency prevent or impede it, promptly filed with the Military Department, Governor's Office of Homeland Security and Emergency Preparedness and with the secretary of state.

(4) As soon as conditions allow, the governor may proclaim a reduction of the designated emergency area, or the termination of the state of emergency.

C. The declaration of an emergency or disaster by the governor shall:

(1) Activate the state's emergency response and recovery program under the command of the director of the Governor's Office of Homeland Security and Emergency Preparedness.

(2) Direct and compel the evacuation of all or part of the population from any stricken or threatened area within the state if he deems this action necessary for the preservation of life or other disaster mitigation, response, or recovery.

(3) Control ingress and egress to and from a disaster area, the movement of persons within the area, and the occupancy of premises therein.

D. In addition to any other powers conferred upon the governor by law, he may do any or all of the following:

(1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders, rules, or regulations of any state agency, if strict compliance with the provisions of any statute, order, rule, or regulation would in any way prevent, hinder, or delay necessary action in coping with the emergency.

(2) Utilize all available resources of the state government and of each political subdivision of the state as reasonably necessary to cope with the disaster or emergency.

(3) Transfer the direction, personnel, or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency services.

(4) Subject to any applicable requirements for compensation, commandeer or utilize any private property if he finds this necessary to cope with the disaster or emergency. For purposes of this Paragraph, private property does not include firearms, ammunition, or components of firearms or ammunition.

(5) Prescribe routes, modes of transportation, and destination in connection with evacuation.

(6) Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles, excluding those components of firearm ammunition.

(7) Make provision for the availability and use of temporary emergency housing.

NOTE: See HCR 5 of the 2021 R.S. regarding the suspension of certain criminal penalties and restrictions related to religious assemblies through the 60th day after final adjournment of the 2022 R.S.

E. In the event of an emergency declared by the governor pursuant to this Chapter, any person or representative of any firm, partnership, or corporation violating any order, rule, or regulation promulgated pursuant to this Chapter, shall be fined not more than five hundred dollars or confined in the parish jail for not more than six months, or both. No executive order, proclamation, or regulation shall create or define a crime or fix penalties.

F. No organization for homeland security and emergency preparedness established under this Chapter shall be employed directly or indirectly for political purposes.

G. Notwithstanding the provisions of this Section, except in an imminent life threatening situation nothing herein shall restrict any uniformed employee of a licensed private security company, acting within the scope of employment, from entering and remaining in an area where an emergency has been declared. The provisions of this Subsection shall apply if the licensed private security company submits a list of employees and their assignment to be allowed into the area, to the Louisiana State Board of Private Security Examiners, which shall forward the list to the chief law enforcement office of the parish and, if different, the agency in charge of the scene.

H.(1) Upon the declaration of an abnormal economic disruption by the governor by proclamation or executive order, and continuing for a maximum of fifteen calendar days, a person is prohibited from charging any other person a price for any of the following goods or services that is grossly in excess of the price generally charged for the same or similar goods or services in the usual course of business:

- (a) Consumer food items.
- (b) Repair or construction services.
- (c) Emergency supplies.
- (d) Medical supplies.
- (e) Building materials.
- (f) Motor vehicle fuels.
- (g) Transportation, freight, and storage services.
- (h) Housing.

(2) A declaration of an abnormal economic disruption by the governor may authorize all departments to exercise actions in direct response and specify that only certain goods or services are covered by the prohibition provided by Paragraph (1) of this Subsection.

(3) A price increase is not grossly excessive if the increase was attributable to any of the following:

- (a) Fluctuations of pricing in applicable regional, national, or international commodity markets.
- (b) Pricing set forth in any preexisting agreement, including stored and in-transit inventory.
- (c) Additional costs imposed on the person by the supplier of the goods or services.
- (d) Additional costs for labor, services, or materials used to provide the goods or services, including costs of replacement inventory, additional costs to transport goods or services, and additional labor charges.

(4) The provisions of R.S. 29:732 shall supersede any conflicting provisions of this Subsection upon the declaration of a state of emergency implementing the provisions of R.S. 29:732.

Acts 1993, No. 800, §1, eff. June 22, 1993; Acts 1999, No. 267, §2; Acts 2003, No. 40, §2, eff. May 23, 2003; Acts 2006, 1st Ex. Sess., No. 35, §1, eff. March 1, 2006; Acts 2006, No. 442, §3, eff. June 15, 2006; Acts 2009, No. 512, §1; Acts 2020, No. 323, §1; Acts 2020, No. 325, §2; H.C.R. No. 5, 2021 R.S.; Acts 2024, No. 519, §1, eff. June 10, 2024; Acts 2025, No. 262, §1.

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