

2020 Regular Session

HOUSE BILL NO. 268

BY REPRESENTATIVE BRASS

EMERGENCY PREPAREDNESS: Adds statewide civilian emergency dispatchers to the definition of "first responders" for certain purposes

1 AN ACT

2 To amend and reenact R.S. 23:1017.1(6) and R.S. 29:723(1) through (17) and 739(C) and
3 to enact R.S. 29:723(18), relative to first responders; to provide relative to
4 emergency assistance and preparedness; to expand the definition of first responders
5 to include civilian emergency dispatchers; to provide for a definition of civilian
6 emergency dispatchers; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 23:1017.1 is hereby amended and reenacted to read as follows:

9 §1017.1. Definitions

10 Unless the context clearly indicates otherwise, the following words and
11 terms, when used in this Part, shall have the following meanings:

12 * * *

13 (6) "First responder" means a volunteer engaged in activities involving the
14 Governor's Office of Homeland Security and Emergency Preparedness pursuant to
15 R.S. 29:721 et seq., and first responders as defined in R.S. 40:1231 including but not
16 limited to medical personnel, emergency and medical technicians, volunteer firemen,
17 auxiliary law enforcement officers, civilian emergency dispatchers as defined by
18 R.S. 29:723(1), and members of the Civil Air Patrol.

19 * * *

1 Section 2. R.S. 29:723(1) through (17) and 739(C) are hereby amended and
2 reenacted and R.S. 29:723(18) is hereby enacted to read as follows:

3 §723. Definitions

4 As used in this Chapter:

5 (1) "Civilian emergency dispatcher" means an emergency response operator
6 or emergency services dispatcher who provides communication support services for
7 an agency by responding to requests for assistance in emergencies, including any
8 other emergency response personnel employed by an agency.

9 ~~(1)~~(2) "Designated emergency area" means the specific area, which shall be
10 limited to the actual affected local area or parish or parishes or such areas as
11 designated in an executive order or proclamation of the governor or parish president.

12 ~~(2)~~(3) "Disaster" means the result of a natural or man-made event which
13 causes loss of life, injury, and property damage, including but not limited to natural
14 disasters such as hurricane, tornado, storm, flood, high winds, and other weather
15 related events, forest and marsh fires, and man-made disasters, including but not
16 limited to nuclear power plant incidents, hazardous materials incidents, oil spills,
17 explosion, civil disturbances, public calamity, acts of terrorism, hostile military
18 action, and other events related thereto.

19 ~~(3)~~(4) "Emergency" means either of the following:

20 (a) The actual or threatened condition which has been or may be created by
21 a disaster;~~or,~~

22 (b)(i) Any natural or man-made event which results in an interruption in the
23 delivery of utility services to any consumer of such services and which affects the
24 safety, health, or welfare of a Louisiana resident;~~or,~~

25 (ii) Any instance in which a utility's property is damaged and such damage
26 creates a dangerous condition to the public.

27 (iii) Any national or state emergency, including acts of terrorism or a
28 congressional authorization or presidential declaration pursuant to the War Powers
29 Resolution (50 U.S.C. 1541 et seq.).

1 ~~(4)~~(5) "Emergency preparedness" means the mitigation of, preparation for,
2 response to, and the recovery from emergencies or disasters. The term "emergency
3 preparedness" shall be synonymous with "civil defense", "emergency management",
4 and other related programs of similar name.

5 ~~(5)~~(6) "Essential workforce" or "critical workforce" means public safety
6 officials, disaster response personnel, and other such employees of federal, state, and
7 local governmental agencies, or contractors of such agencies and specific private
8 sector employees, possessing important skills and training in emergency mitigation,
9 preparedness, response, and recovery as designated by the parish homeland security
10 and emergency preparedness agency or in the absence of such designation by the
11 parish homeland security and emergency preparedness agency, such designation by
12 the Governor's Office of Homeland Security and Emergency Preparedness.
13 Businesses who deem private sector employees essential or critical for mitigation,
14 preparedness, response, and recovery of private business assets and resources shall
15 identify such employees and obtain the necessary designation and credentials for
16 such employees to be classified essential or critical. In addition to identifying
17 personnel to the parish homeland security and emergency preparedness agency, or
18 in the absence thereof, to the Governor's Office of Homeland Security and
19 Emergency Preparedness, a licensed private security company shall submit a list of
20 their employees and their assignment to the Louisiana State Board of Private
21 Security Examiners for any employee that the private security company wants to be
22 designated and classified as essential or critical workforce.

23 ~~(6)~~(7) "Evacuation" means an operation whereby all or part of a particular
24 population is temporarily relocated, whether individually or in an organized manner,
25 from an area in which a disaster or emergency has been declared and is considered
26 dangerous for health or safety of the public.

27 (a) "Voluntary evacuation" or "advisory evacuation" means an evacuation
28 that may be ordered when a disaster or emergency has been declared and evacuation
29 is recommended due to the potential for rapidly changing conditions to develop into

1 a serious threat and all persons in designated evacuation areas are recommended to
2 consider relocating to safer locations for their own safety.

3 (b)(i) "Mandatory evacuation" means an evacuation that may be ordered
4 when a disaster or emergency has been declared and danger is imminent, conditions
5 exist that seriously imperil or endanger the lives of those in a defined area, and
6 government officials strongly urge and order all persons in designated evacuation
7 areas to relocate to safer locations for their own safety. Personal discretion is not to
8 be considered a deciding factor.

9 (ii) A mandatory evacuation order applies to the public in general. All
10 nonessential persons are ordered to immediately leave the area via the described
11 evacuation routes. Exceptions to a mandatory evacuation order are those persons
12 designated as essential workforce or critical workforce. However, persons
13 designated as essential workforce or critical workforce are expected to eventually
14 seek adequate shelter prior to the onset of emergency conditions.

15 (c)(i) "Forced evacuation" means an evacuation that may be ordered as a last
16 resort when a disaster or emergency has been declared and danger of loss of life is
17 imminent, and conditions exist that critically imperil or endanger the lives of those
18 in a defined area. During a forced evacuation, government officials may direct and
19 compel all persons in designated evacuation areas to relocate to safer locations for
20 their own safety.

21 (ii) A forced evacuation order shall apply to the public in general and may
22 include personnel designated as essential workforce or critical workforce. Forced
23 evacuations are designed for small geographic areas affected by a local emergency
24 or disaster. When a parish president determines that the size of the population or
25 geographic area to be evacuated during a forced evacuation exceeds the local
26 government's resources and capabilities to enforce the evacuation, he may request
27 the governor to issue a state-forced evacuation order. The governor may utilize the
28 national guard, state police, public safety agencies, or available federal agencies to
29 enforce the evacuation order.

1 (iii) No person who refuses to evacuate an evacuation area after a forced
2 evacuation order has been issued shall have a cause of action for damages, death, or
3 injury against the state or any political subdivision thereof, or other agencies, or the
4 agents, employees, or representatives of any of them.

5 ~~(7)~~(8) "First responders" means the first arriving organized responders with
6 the capability and mission to contain, mitigate, and resolve the emergency at hand.
7 "First responders" shall also include civilian emergency dispatchers.

8 ~~(8)~~(9) "Homeland" means the state of Louisiana, and where the context
9 requires, means the parishes of the state of Louisiana, "the United States".

10 ~~(9)~~(10) "Interoperability" means the ability of two or more systems or their
11 components to exchange information and to use the information exchanged.

12 ~~(10)~~(11) "Interoperability for public safety" means the ability for emergency
13 services and public safety agencies to talk to one another via communications
14 systems and share information with one another accurately, on demand, in real time,
15 when needed, and when authorized, regardless of the device used.

16 ~~(11)~~(12) "Local governmental subdivision" means a parish of the state of
17 Louisiana.

18 ~~(12)~~(13) "Necessary designation and credentials" means appropriate
19 credentials obtained from the parish homeland security and emergency preparedness
20 agency or any regional cooperative of parish homeland security and emergency
21 preparedness agencies. In the absence of any plan by a parish homeland security and
22 emergency preparedness agency or regional cooperative, necessary designation and
23 credentials means appropriate credentials obtained in accordance with the State of
24 Louisiana Standard Operating Procedure Statewide Credentialing/Access Program.

25 ~~(13)~~(14) "Parish president" means the president of any parish, mayor-
26 president, mayor of New Orleans (Orleans Parish), or police jury president.

27 ~~(14)~~(15) "State Unified Command Group" or "UCG" means the group which
28 is established by executive order of the governor to bring senior officials within the
29 governor's office and cabinet secretaries or their designees together with a common

1 objective of effectively managing an incident and ensuring that regardless of the
2 number of agencies or jurisdictions involved, all decisions will be based upon
3 mutually agreed upon objectives with the governor as the unified commander.

4 ~~(15)~~(16) "Statewide communications interoperability plan for first
5 responders" means a statewide shared communications system for first responders
6 with the ability to transport and receive voice, data, image, and video information
7 adopted by the interoperability subcommittee.

8 ~~(16)~~(17) "Statewide interoperability plan" means short-term and long-term
9 statewide plans for interoperability for communications and information sharing
10 needed during an emergency and adopted by the state Unified Command Group.

11 ~~(17)~~(18) "Terrorism" or "acts of terrorism" shall have the same meaning as
12 provided in R.S. 14:128.1.

13 * * *

14 §739. Intrastate Mutual Aid Compact

15 * * *

16 C. Definitions

17 As used in this Section, "first responder" refers to those individuals who in
18 the early stages of an incident are responsible for the protection and preservation of
19 life, property, evidence, and the environment, including emergency response
20 providers as defined in Section 2 of the Homeland Security Act of 2002 (6 U.S.C.
21 101), as well as civilian emergency dispatchers as defined by R.S. 29:723(1),
22 emergency management, public health, clinical care, public works, and other skilled
23 support personnel, such as equipment operators that provide immediate support
24 services during prevention, response, and recovery operations consistent with
25 Homeland Security Presidential Directive 8.

26 * * *

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 268 Original

2020 Regular Session

Brass

Abstract: Adds civilian emergency dispatchers to the definition of "first responder" for purposes of emergency assistance and preparedness and provides a definition for "civilian emergency dispatchers".

Present law with regard to the La. Homeland Security and Emergency Assistance and Disaster Act, provides a definition of "first responder" as meaning a volunteer engaged in activities involving the Governor's Office of Homeland Security and Emergency Preparedness pursuant to present law (R.S. 29:721 et seq.) and first responders as defined in present law (R.S. 40:1231) including but not limited to medical personnel, emergency and medical technicians, volunteer firemen, auxiliary law enforcement officers, and members of the Civil Air Patrol.

Present law also provides that "first responder" means the first arriving organized responders with the capability and mission to contain, mitigate, and resolve the emergency at hand.

Present law, with regard to the La. Homeland Security and Emergency Assistance and Disaster Act, also provides that "first responder" refers to those individuals who in the early stages of an incident are responsible for the protection and preservation of life, property, evidence, and the environment, including emergency response providers as defined in Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as well as emergency management, public health, clinical care, public works, and other skilled support personnel, such as equipment operators that provide immediate support services during prevention, response, and recovery operations consistent with Homeland Security Presidential Directive 8.

Proposed law retains present law and adds "civilian emergency dispatchers" to the definition of "first responder".

Proposed law defines "civilian emergency dispatchers" as meaning an emergency response operator or emergency services dispatcher who provides communication support services for an agency by responding to requests for assistance in emergencies, including any other emergency response personnel employed by an agency.

(Amends R.S. 23:1017.1(6) and R.S. 29:723(1)-(17) and 739(C); Adds R.S. 29:723(18))