

2018 Regular Session

HOUSE BILL NO. 645

BY REPRESENTATIVE ZERINGUE

EMERGENCY PREPAREDNESS: Provides relative to emergency and disaster management

1 AN ACT

2 To amend and reenact R.S. 29:725(H), 725.4, 725.5(C)(3), 725.6(B)(3), (5)(b) and (c),  
3 (6)(introductory paragraph), (b)(ii)(cc) and (iii), and (c)(ii)(cc) and (7), 726(E)(9),  
4 727(D), and 735(A)(1), to enact R.S. 9:2793.10 and R.S. 29:725.6(B)(6)(b)(i)(hh)  
5 and (d), 726(B)(16) and (E)(27), (28), and (29), 726.4, and 735(A)(3), and to repeal  
6 R.S. 29:725.6(B)(6)(a)(ii)(ff), relative to emergency preparedness; to provide for the  
7 powers and duties of the director of the Governor's Office of Homeland Security and  
8 Emergency Preparedness; to provide relative to the office of interoperability; to  
9 provide for the statewide communications interoperability plan; to provide for the  
10 duties of the Unified Command Group; to provide for annual reporting requirements;  
11 to provide for its subcommittees; to create the Statewide Cemetery Response Task  
12 Force; to provide for its membership, powers, and duties; to provide relative to  
13 powers of parish presidents; to provide relative to immunity and limitations of  
14 liability; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 29:725(H), 725.4, 725.5(C)(3), 725.6(B)(3), (5)(b) and (c),  
17 (6)(introductory paragraph), (b)(ii)(cc) and (iii), and (c)(ii)(cc) and (7), 726(E)(9), 727(D)  
18 and 735(A)(1) are hereby amended and reenacted and R.S. 29:725.6(B)(6)(b)(i)(hh) and (d),  
19 726(B)(16) and (E)(27), (28), and (29), 726.4, and 735(A)(3) are hereby enacted to read as  
20 follows:

1 §725. State emergency and disaster agency; powers of director

2 \* \* \*

3 H. The director, subject to the direction and control of the governor, shall be  
4 the executive head of the state homeland security and emergency preparedness  
5 agency and as such shall be responsible to the governor for carrying out the programs  
6 for homeland security and emergency preparedness for the state of Louisiana. He  
7 shall coordinate the activities of all agencies and organizations for homeland security  
8 and emergency preparedness within the state and shall maintain liaison with and  
9 cooperate with homeland security and emergency preparedness agencies and  
10 organizations of other states and of the federal government. He shall coordinate  
11 public-private sector relationships in order to meet the needs of an emergency or  
12 disaster pursuant to R.S. 29:726. All state agencies and departments shall comply  
13 with directives from the Governor's Office of Homeland Security and Emergency  
14 Preparedness relating to emergency planning and operations. He shall coordinate the  
15 implementation of the Emergency Preparedness and Disaster Compact pursuant to  
16 R.S. 29:733.

17 \* \* \*

18 §725.4. Office of interoperability; creation and authority

19 The office of interoperability is established within the Governor's Office of  
20 Homeland Security and Emergency Preparedness. The office shall have the  
21 authority to oversee, direct, and manage interoperability programs and efforts  
22 identified in the ~~statewide interoperability plan and the statewide communications~~  
23 ~~interoperability plan for first responders~~ in coordination with local, state, and federal  
24 officials. The office shall address critical interoperability issues relating to public  
25 safety and emergency response, including communications, spectrum, networks,  
26 equipment, training, and other areas as needs are identified.

27 §725.5. Assistant deputy director of interoperability

28 \* \* \*

1 C. The assistant deputy director of interoperability shall perform the  
2 following functions:

3 \* \* \*

4 (3) Administer the ~~statewide interoperability plan~~ and statewide  
5 communications interoperability plan ~~for first responders~~ in coordination with the  
6 chief information officer or his designee.

7 \* \* \*

8 §725.6. State Unified Command Group

9 \* \* \*

10 B.

11 \* \* \*

12 (3) The roles, duties, and activities of the UCG shall include but are not  
13 limited to the following:

14 (a) Submitting recommendations to the legislature relative to any changes  
15 in state law necessary to remove barriers to achieving the goals of the UCG.

16 (b) ~~Establishing a comprehensive statewide interoperability plan for short-~~  
17 ~~term and long-term initiatives.~~

18 (c) Submitting ~~a semi-annual~~ an annual report to the governor and entities  
19 involved in the statewide plan by January first ~~and July first~~ of each year which  
20 includes a copy of the current or revised statewide communications interoperability  
21 plan.

22 (d)(c) Re-prioritizing initiatives in the statewide plan, as needed, to address  
23 immediate communication needs in cases of emergencies or disasters.

24 (e)(d) Centralizing coordination among multiple agencies, including local,  
25 state, and federal.

26 \* \* \*

27 (5)

28 \* \* \*

1 (b) The UCG shall allocate the funds according to the initiatives set forth in  
2 the statewide communications interoperability plan ~~for first responders and statewide~~  
3 ~~interoperability plan.~~

4 (c) The UCG shall have oversight in reviewing the spending of federal funds  
5 and additional sources of funding earmarked for interoperability to optimize the  
6 investment and resources needed in planning, implementing, and maintaining a  
7 statewide communications interoperability plan.

8 (6) Except as provided in Subparagraph (a) of this Paragraph, only the UCG  
9 may take official action. There shall be ~~three~~ the following four permanent  
10 subcommittees of the UCG ~~as provided for in this Paragraph.~~ In and in addition, the  
11 UCG may establish other subcommittees as it deems advisable and feasible: ~~Except~~  
12 ~~as provided in Subparagraph (a) of this Paragraph, only the UCG may take official~~  
13 ~~action.~~

14 \* \* \*

15 (b)(i) A "first responders subcommittee" is hereby established and shall be  
16 composed of the following members:

17 \* \* \*

18 (hh) A representative for credentialed private non profit disaster volunteer  
19 groups, appointed by the chairman of the subcommittee.

20 (ii) The roles, duties, and activities of the subcommittee shall include but are  
21 not limited to:

22 \* \* \*

23 (cc) ~~Submitting a semi-annual~~ an annual report to the governor and to the  
24 UCG by January first ~~and July first~~ of each year.

25 (iii) The chairman of the subcommittee shall be appointed by the director of  
26 the Governor's Office of Homeland Security and Emergency Preparedness. The  
27 representative of credentialed private non profit disaster volunteer groups shall be  
28 appointed by the chairman of the subcommittee. All remaining officers shall be

1 elected by and from the membership of the subcommittee.

2 \* \* \*

3 (c)

4 \* \* \*

5 (ii) The roles, duties, and activities of the subcommittee shall include but are  
6 not limited to:

7 \* \* \*

8 (cc) Submitting ~~a semi-annual~~ an annual report to the governor and to the  
9 UCG by January first ~~and July first~~ of each year.

10 \* \* \*

11 (d)(i) A "long term recovery subcommittee" is hereby established and shall  
12 be composed of the following members:

13 (aa) The director of the Governor's Office of Homeland Security and  
14 Emergency Preparedness, or his designee.

15 (bb) The executive director of the Office of Community Development,  
16 Disaster Recovery Unit, or his designee.

17 (cc) The commissioner of the Louisiana Department of Agriculture and  
18 Forestry, or his designee.

19 (dd) The secretary of the Louisiana Department of Wildlife and Fisheries,  
20 or his designee.

21 (ee) The office of the Lt. Governor; Department of Culture, Recreation, and  
22 Tourism, or his designee.

23 (ff) The secretary of the Louisiana Department of Children and Family  
24 Services, or his designee.

25 (gg) The secretary of the Louisiana Department of Health, or his designee.

26 (hh) The secretary of Louisiana Department of Education, or his designee.

27 (ii) The secretary of the Department of Transportation and Development, or  
28 his designee.

1           (jj) The executive director of the Louisiana Housing Corporation, or his  
2           designee.

3           (kk) The secretary of Louisiana Economic Development, or his designee.

4           (ll) The chairman of the Coastal Protection Restoration Authority, or his  
5           designee.

6           (mm) The chairman of the regional parish OEP parish directors  
7           subcommittee.

8           (ii) The roles, duties, and activities of the subcommittee shall include but are  
9           not limited to:

10           (aa) Develop long term recovery planning and advise on opportunities that  
11           will achieve sustainability efforts within affected localities.

12           (bb) Establishing advisory subcommittees for specific issues.

13           (cc) Submitting an annual report to the governor and to the UCG by January  
14           first of each year.

15           (iii) The co-chairmen of the subcommittee shall be the director of the  
16           Governor's Office of Homeland Security and Emergency Preparedness and the  
17           director of the Office of Community Development-Disaster Recovery Unit. All  
18           remaining officers shall be elected by and from the membership of the  
19           subcommittee.

20           (iv) Members of the subcommittee shall be entitled to be reimbursed for  
21           actual expenses for travel consistent with allowances for state classified employees  
22           and approved by the chairman of the subcommittee, if funding is available.

23           (v) The subcommittee shall meet at regular intervals at the direction of the  
24           co-chairmen.

25           (7) The UCG may recommend additions or deletions to the interoperability  
26           subcommittee on the statewide communications interoperability plan ~~for first~~  
27           responders, but shall have no authority to change the system.

1 §726. Governor's Office of Homeland Security and Emergency Preparedness;  
2 authority and responsibilities

3 \* \* \*

4 B. The office shall prepare and maintain a homeland security and state  
5 emergency operations plan and keep it current, which plan may include any of the  
6 following:

7 \* \* \*

8 (16) Coordinating public-private sector relationships during a disaster or  
9 emergency declared pursuant to R.S. 29:724, or during a disaster or emergency that  
10 does not rise to the level of a declaration, to assist in response and recovery efforts  
11 including soliciting and distributing donated resources from the private sector to  
12 meet the needs of an emergency or disaster. This authority shall not be subject to the  
13 limitations of R.S. 42:1115.

14 \* \* \*

15 E. The office shall either directly or through authorized assignment to  
16 another state agency or department:

17 \* \* \*

18 (9) Establish a register of persons, including but not limited to volunteers  
19 pursuant to R.S. 29:735.3.1, with types of training and skills important in homeland  
20 security and emergency mitigation, preparedness, response, and recovery.

21 \* \* \*

22 (27) For emergencies not rising to the level of a state declaration of an  
23 emergency, but still threaten life, safety or health of Louisiana residents, the  
24 Governor's Office of Homeland Security and Emergency Preparedness director may  
25 coordinate the solicitation and donation of resources needed to meet the needs of  
26 citizens. This authority shall not be subject to the limitations of RS 42:1115.

27 (28) Hold the legal responsibility for the Louisiana Emergency Management  
28 Assistance Compact under the provisions of R.S. 29:733









1 Section 2. R.S. 9:2793.10 is hereby enacted to read as follows:

2 §2793.10. Immunity for homeland security and emergency preparedness, response

3 and recovery activities

4 The state and any political subdivision thereof, and other agencies, engaged

5 in homeland security, emergency preparedness, response and recovery activities shall

6 be immune pursuant to R.S. 29:735.

7 Section 3. R.S. 29:725.6(B)(6)(a)(ii)(ff) is hereby repealed in its entirety.

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 645 Original	2018 Regular Session	Zeringue
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**Abstract:** Amends the powers and duties of GOHSEP and the UCG, creates a Disaster Cemetery Response Task Force, and extends limitations of liability and immunity for certain disaster-related activities.

Present law provides for the powers and duties of the director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), including the duty to coordinate the activities of all agencies and organizations for purposes of homeland security and emergency preparedness.

Proposed law retains present law and requires the director to coordinate public-private sector relationships to meet the needs of an emergency or disaster, and to coordinate the implementation of the Emergency Preparedness and Disaster Compact.

Present law provides for the office of interoperability within GOHSEP and provides for the authority of the office in managing interoperability programs and efforts identified in the (1) statewide interoperability plan and (2) statewide communications interoperability plan for first responders. Further requires the Unified Command Group (UCG) to establish a comprehensive statewide interoperability plan for short-term and long-term initiatives.

Proposed law consolidates the two plans referenced in present law, to be referred to as the statewide communications interoperability plan.

Present law requires the UCG to provide semiannual reports to the governor and entities in the statewide plan.

Proposed law changes the present law reporting requirement from a semiannual report to an annual report.

Present law provides for three permanent subcommittees of the UCG.

Proposed law amends the membership of the first responders subcommittee and adds a fourth subcommittee (the long term recovery subcommittee), and provides for its membership and duties.

Proposed law creates a Disaster Cemetery Response Task Force and provides for its membership, powers, and duties.

Present law provides for powers of parish presidents in disasters or emergencies. Provides for the declaration of a state of emergency by a parish president and provides that they may be terminated by executive order or proclamation for a period of time not to exceed 30 days unless extended by the parish president.

Proposed law retains present law but removes the 30-day limitation.

Present law provides for limitations of liability for certain employees and agents of the state or political subdivisions in homeland security and emergency preparedness activities, except in the case of willful misconduct.

Proposed law retains present law and provides that GOHSEP, each parish homeland security and emergency preparedness agency, the state, political subdivisions of the state, and other agencies engaged in homeland security, emergency preparedness, response and recovery activities shall also be immune from claims based on the exercise or performance of, of the failure to exercise or perform, certain homeland security and emergency preparedness activities.

(Amends R.S. 29:725(H), 725.4, 725.5(C)(3), 725.6(B)(3), (5)(b) and (c), (6)(intro. para.), (b)(ii)(cc) and (iii), and (c)(ii)(cc) and (7), 726(E)(9), 727(D), and 735(A)(1); Adds R.S. 9:2793.10 and R.S. 29:725.6(B)(6)(b)(i)(hh) and (d), 726(B)(16) and (E)(27), (28), and (29), 726.4, and 735(A)(3); Repeals R.S. 29:725.6(B)(6)(a)(ii)(ff))