

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.

1 §725.5. Assistant deputy director of interoperability

2 \* \* \*

3 C. The assistant deputy director of interoperability shall perform the  
4 following functions:

5 \* \* \*

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

9 \* \* \*

10 §725.6. State Unified Command Group

11 \* \* \*

12 B.

13 \* \* \*

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

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

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

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

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

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

28 \* \* \*

1 (5)

2 \* \* \*

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

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

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

16 \* \* \*

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

19 \* \* \*

20 (hh) A representative for credentialed private nonprofit disaster volunteer  
21 groups, appointed by the chairman of the subcommittee.

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

24 \* \* \*

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

27 (iii) The chairman of the subcommittee shall be appointed by the director of  
28 the Governor's Office of Homeland Security and Emergency Preparedness. The

1 representative of credentialed private non profit disaster volunteer groups shall be  
2 appointed by the chairman of the subcommittee. All remaining officers shall be

3 elected by and from the membership of the subcommittee.

4 \* \* \*

5 (c)

6 \* \* \*

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

9 \* \* \*

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

12 \* \* \*

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

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

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

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

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

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

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

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

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

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

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

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

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

9           (mm) The chairman of the regional parish OEP parish directors  
10          subcommittee.

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

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

15           (bb) Establishing advisory subcommittees for specific issues.

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

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

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

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

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

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

6 \* \* \*

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

10 \* \* \*

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

17 \* \* \*

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

20 \* \* \*

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

24 \* \* \*

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





1 a result of the emergency event to the director of the Governor's Office of Homeland  
2 Security and Emergency Preparedness.

3 F. The Statewide Cemetery Response Task Force shall have the following  
4 powers and duties:

5 (1) Determine whether response and recovery efforts related to cemeteries  
6 is necessary.

7 (2) When a response is necessary, make recommendations for the nature of  
8 the response.

9 (3) Provide subject matter expertise as requested during the response.

10 (4) May direct available parish and local resources for the response.

11 (5) Coordinate with any relevant federal agencies on cemetery impacts  
12 response and recovery.

13 (6) Coordinate with any impacted parish or local governments in the  
14 cemetery impacts response and recovery.

15 (7) Coordinate with any non-governmental organizations, funeral directors,  
16 monument and vault companies, churches, cemetery authorities, associations, and  
17 vendors involved in the cemetery impacts response and recovery.

18 (8) Advise the director of the Governor's Office of Homeland Security and  
19 Emergency Preparedness of any public health or other concerns related to disinterred  
20 remains for which the person responsible for disposition cannot be located.

21 G. Members of the task force shall be entitled to be reimbursed for actual  
22 expenses for travel consistent with allowances for state classified employees and  
23 approved by the director of the Governor's Office of Homeland Security and  
24 Emergency Preparedness, if funding is available.

25 H. The task force, acting pursuant to its authority provided in this Section,  
26 may not supplant the authority of an individual cemetery authority that seeks to  
27 manage its own disaster response and communicates that desire in writing to the task  
28 force.

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

2 \* \* \*

3 D. A local disaster or emergency may be declared only by the parish  
4 president, except as otherwise provided in this Chapter. In that event, the state of  
5 emergency shall continue until the parish president finds that the threat of danger has  
6 been dealt with to the extent that emergency conditions no longer exist. The state of  
7 emergency may be terminated by executive order or proclamation, ~~but no state of~~  
8 ~~emergency may continue for longer than thirty days unless extended by the parish~~  
9 ~~president~~. The state of emergency or disaster may be terminated by the governor, a  
10 petition signed by a majority of the surviving members of either house of the  
11 legislature, or a majority of the surviving members of the parish governing authority.  
12 The document terminating the state of emergency or disaster may establish a period  
13 during which no other declaration of emergency or disaster may be issued. All  
14 executive orders or proclamations issued under this Subsection shall indicate the  
15 nature of the emergency, the area or areas which are or may be affected, and the  
16 conditions which brought it about. Any order or proclamation declaring, continuing,  
17 or terminating a local disaster or emergency shall be given prompt and general  
18 publicity and shall be filed promptly with the office of emergency preparedness and  
19 the office of the clerk of court.

20 \* \* \*

21 §735. Immunity of personnel

22 A.(1) Neither the state nor any political subdivision thereof, nor other  
23 agencies, nor, except in case of willful misconduct, the agents' employees or  
24 representatives of any of them engaged in any homeland security and emergency  
25 preparedness and recovery activities, while complying with or attempting to comply  
26 with this Chapter or any rule or regulation promulgated pursuant to the provisions  
27 of this Chapter shall be liable for the death of or any injury to persons or damage to  
28 property as a result of such activity.

29 \* \* \*



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 Statewide Cemetery Response Task Force and provides for its membership, powers, and duties. Provides for the appointment of a chairman and of a designee for each task force member. Provides that the task force, acting pursuant to proposed law may not supplant the authority of an individual cemetery authority that seeks to manage its own disaster response and communicates that desire in writing to the task force.

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))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Require the Disaster Cemetery Response Task Force to appoint a chairman and authorize each task force member to appoint a designee.
2. Add to the powers and duties of the task force to include coordination with funeral directors and monument and vault companies.
3. Provide that the task force acting pursuant to proposed law may not supplant the authority of an individual cemetery authority that seeks to manage its own disaster response and communicates that desire in writing.

4. Specify that the task force may direct available parish and local resources for the response under proposed law.