

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 Management Assistance Compact pursuant to R.S.
16 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, disaster
18 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 lieutenant governor; Department of Culture,
24 Recreation, and 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 state superintendent of the Louisiana Department of Education, or
2 his designee.

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

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

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

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

10 (mm) The chairman of the regional parish office of emergency preparedness
11 parish directors subcommittee.

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

14 (aa) Developing long term recovery planning and advising on opportunities
15 that will achieve sustainability efforts within affected localities.

16 (bb) Establishing advisory subcommittees for specific issues.

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

19 (iii) The co-chairmen of the subcommittee shall be the director of the
20 Governor's Office of Homeland Security and Emergency Preparedness and the
21 director of the office of community development, disaster recovery unit. All
22 remaining officers shall be elected by and from the membership of the
23 subcommittee.

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

27 (v) The subcommittee shall meet at regular intervals at the direction of the
28 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 described in 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 threatening 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 E. Upon activation, the task force shall complete and submit within
2 seventy-two hours a preliminary assessment of the known impacts to cemeteries as
3 a result of the emergency event to the director of the Governor's Office of Homeland
4 Security and Emergency Preparedness.

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

7 (1) Determine whether response and recovery efforts related to cemeteries
8 is necessary.

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

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

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

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

15 (6) Coordinate with any impacted parish or local governments on the
16 cemetery impacts response and recovery.

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

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

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

27 H. The task force, acting pursuant to its authority provided in this Section,
28 may not supplant the authority of an individual cemetery authority that seeks to

1 of this Chapter shall be liable for the death of or any injury to persons or damage to
2 property as a result of such activity.

3 * * *

4 (3) The Governor's Office of Homeland Security and Emergency
5 Preparedness and each parish homeland security and emergency preparedness
6 agency shall be immune from any claim based upon the exercise or performance of,
7 or the failure to exercise or perform any discretionary function or duty, on the part
8 of the office or any employee thereof in carrying out its mission as defined in R.S.
9 29:726 and 728.

10 * * *

11 Section 2. R.S. 9:2793.10 is hereby enacted to read as follows:
12 §2793.10. Immunity for homeland security and emergency preparedness, response
13 and recovery activities

14 The state and any political subdivision thereof, and other agencies, engaged
15 in homeland security, emergency preparedness, response and recovery activities shall
16 be immune pursuant to R.S. 29:735.

17 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 Reengrossed 2018 Regular Session Zeringue

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 Management Assistance 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 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.

The House Floor Amendments to the engrossed bill:

1. Make technical amendments.