

2020 Regular Session

HOUSE BILL NO. 73

BY REPRESENTATIVE SCHAMERHORN

EMERGENCY PREPAREDNESS: Provides with respect to the definition of "first responders"

1 AN ACT

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

6 Be it enacted by the Legislature of Louisiana:

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

8 §1017.1. Definitions

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

11 * * *

12 (6) "First responder" means a volunteer engaged in activities involving the
13 Governor's Office of Homeland Security and Emergency Preparedness pursuant to
14 R.S. 29:721 et seq. and first responders as defined in R.S. 40:1231 including but not
15 limited to medical personnel, emergency and medical technicians, volunteer firemen,
16 auxiliary law enforcement officers, electrical linemen as defined by R.S. 29:723(3),
17 and members of the Civil Air Patrol.

18 * * *

19 Section 2. R.S. 29:723(3) through (17) and 739(C) are hereby amended and
20 reenacted and R.S. 29:723(18) is hereby enacted to read as follows:

1 §723. Definitions

2 As used in this Chapter:

3 * * *

4 (3) "Electrical lineman" means a person employed to install, maintain, or
5 repair electrical transmission and power distribution systems.

6 ~~(3)~~(4) "Emergency" means:

7 (a) The actual or threatened condition which has been or may be created by
8 a disaster; or

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

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

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

17 ~~(4)~~(5) "Emergency preparedness" means the mitigation of, preparation for,
18 response to, and the recovery from emergencies or disasters. The term "emergency
19 preparedness" shall be synonymous with "civil defense", "emergency management",
20 and other related programs of similar name.

21 ~~(5)~~(6) "Essential workforce" or "critical workforce" means public safety
22 officials, disaster response personnel, and other such employees of federal, state, and
23 local governmental agencies, or contractors of such agencies and specific private
24 sector employees, possessing important skills and training in emergency mitigation,
25 preparedness, response, and recovery as designated by the parish homeland security
26 and emergency preparedness agency or in the absence of such designation by the
27 parish homeland security and emergency preparedness agency, such designation by
28 the Governor's Office of Homeland Security and Emergency Preparedness.
29 Businesses who deem private sector employees essential or critical for mitigation,

1 preparedness, response, and recovery of private business assets and resources shall
2 identify such employees and obtain the necessary designation and credentials for
3 such employees to be classified essential or critical. In addition to identifying
4 personnel to the parish homeland security and emergency preparedness agency, or
5 in the absence thereof, to the Governor's Office of Homeland Security and
6 Emergency Preparedness, a licensed private security company shall submit a list of
7 their employees and their assignment to the Louisiana State Board of Private
8 Security Examiners for any employee that the private security company wants to be
9 designated and classified as essential or critical workforce.

10 ~~(6)~~(7) "Evacuation" means an operation whereby all or part of a particular
11 population is temporarily relocated, whether individually or in an organized manner,
12 from an area in which a disaster or emergency has been declared and is considered
13 dangerous for health or safety of the public.

14 (a) "Voluntary evacuation" or "advisory evacuation" means an evacuation
15 that may be ordered when a disaster or emergency has been declared and evacuation
16 is recommended due to the potential for rapidly changing conditions to develop into
17 a serious threat and all persons in designated evacuation areas are recommended to
18 consider relocating to safer locations for their own safety.

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

25 (ii) A mandatory evacuation order applies to the public in general. All
26 nonessential persons are ordered to immediately leave the area via the described
27 evacuation routes. Exceptions to a mandatory evacuation order are those persons
28 designated as essential workforce or critical workforce. However, persons

1 designated as essential workforce or critical workforce are expected to eventually
2 seek adequate shelter prior to the onset of emergency conditions.

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

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

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

22 ~~(7)~~(8) "First responders" means the first arriving organized responders,
23 including electrical linemen, with the capability and mission to contain, mitigate, and
24 resolve the emergency at hand.

25 ~~(8)~~(9) "Homeland" means the state of Louisiana, and where the context
26 requires, means the parishes of the state of Louisiana, "the United States".

27 ~~(9)~~(10) "Interoperability" means the ability of two or more systems or their
28 components to exchange information and to use the information exchanged.

1 ~~(10)~~(11) "Interoperability for public safety" means the ability for emergency
2 services and public safety agencies to talk to one another via communications
3 systems and share information with one another accurately, on demand, in real time,
4 when needed, and when authorized, regardless of the device used.

5 ~~(11)~~(12) "Local governmental subdivision" means a parish of the state of
6 Louisiana.

7 ~~(12)~~(13) "Necessary designation and credentials" means appropriate
8 credentials obtained from the parish homeland security and emergency preparedness
9 agency or any regional cooperative of parish homeland security and emergency
10 preparedness agencies. In the absence of any plan by a parish homeland security and
11 emergency preparedness agency or regional cooperative, necessary designation and
12 credentials means appropriate credentials obtained in accordance with the State of
13 Louisiana Standard Operating Procedure Statewide Credentialing/Access Program.

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

16 ~~(14)~~(15) "State Unified Command Group" or "UCG" means the group which
17 is established by executive order of the governor to bring senior officials within the
18 governor's office and cabinet secretaries or their designees together with a common
19 objective of effectively managing an incident and ensuring that regardless of the
20 number of agencies or jurisdictions involved, all decisions will be based upon
21 mutually agreed upon objectives with the governor as the unified commander.

22 ~~(15)~~(16) "Statewide communications interoperability plan for first
23 responders" means a statewide shared communications system for first responders
24 with the ability to transport and receive voice, data, image, and video information
25 adopted by the interoperability subcommittee.

26 ~~(16)~~(17) "Statewide interoperability plan" means short-term and long-term
27 statewide plans for interoperability for communications and information sharing
28 needed during an emergency and adopted by the state Unified Command Group.

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 "electrical lineman" to the definition of "first responder".

Proposed law defines "electrical lineman" as a person employed to install, maintain, or repair electrical transmission and power distribution systems.

(Amends R.S. 23:1017.1(6) and R.S. 29:723(3)-(17) and 739(C); Adds R.S. 29:723(18))