HLS 18RS-714 ORIGINAL

2018 Regular Session

HOUSE BILL NO. 645

1

BY REPRESENTATIVE ZERINGUE

EMERGENCY PREPAREDNESS: Provides relative to emergency and disaster management

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:

Page 1 of 12

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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

2 * * *

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

17 * * *

§725.4. Office of interoperability; creation and authority

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

§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	* * *
1	(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	(II) 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
1	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
1	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	(29)(a) Activate the Statewide Cemetery Response Task Force pursuant to
2	R.S. 29:726.4.
3	(b) Review assessments for the Statewide Cemetery Response Task Force
4	to determine the continued need for assistance from that body.
5	* * *
6	§726.4. Disaster Cemetery Response Task Force; authority and responsibilities
7	A. The Statewide Cemetery Response Task Force is hereby established to
8	assess response and recovery needs related to cemeteries during any emergency
9	declaration by the state or any parish thereof.
10	B. The task force shall be composed as follows:
1	(1) One representative from the Louisiana State University's Forensic
12	Anthropology and Computer Enhancement Services (FACES) Laboratory.
13	(2) One representative from the Louisiana Department of Health.
14	(3) One representative from the Department of Justice.
15	(4) One representative from the Louisiana Cemetery Board.
16	(5) One representative from the Governor's Office of Homeland Security and
17	Emergency preparedness.
18	(6) One representative appointed by the Louisiana Coroner's Association.
19	C. The task force shall be activated at the request of the director of the
20	Governor's Office of Homeland Security and Emergency Preparedness when the
21	state or a parish has issued an emergency declaration and there is evidence that
22	damage has occurred to a cemetery.
23	D. Upon activation, the task force shall complete and submit within
24	seventy-two hours a preliminary assessment of the known impacts to cemeteries as
25	a result of the emergency event to the director of the Governor's Office of Homeland
26	Security and Emergency Preparedness.
27	E. The Statewide Cemetery Response Task Force shall have the following
28	powers and duties:

1	(1) Determine whether response and recovery efforts related to cemeteries
2	is necessary.
3	(2) When a response is necessary, make recommendations for the nature of
4	the response.
5	(3) Provide subject matter expertise as requested during the response.
6	(4) Direct available parish and local resources for the response.
7	(5) Coordinate with any relevant federal agencies on cemetery impacts
8	response and recovery.
9	(6) Coordinate with any impacted parish or local governments in the
10	cemetery impacts response and recovery.
11	(7) Coordinate with any non-governmental organizations, churches,
12	cemetery authorities, associations, and vendors involved in the cemetery impacts
13	response and recovery, and
14	(8) Advise the director of the Governor's Office of Homeland Security and
15	Emergency Preparedness of any public health or other concerns related to disinterred
16	remains for which the person responsible for disposition cannot be located.
17	F. Members of the task force shall be entitled to be reimbursed for actual
18	expenses for travel consistent with allowances for state classified employees and
19	approved by the director of the Governor's Office of Homeland Security and
20	Emergency Preparedness, if funding is available.
21	* * *
22	§727. Powers of the parish president; penalties for violations
23	* * *
24	D. A local disaster or emergency may be declared only by the parish
25	president, except as otherwise provided in this Chapter. In that event, the state of
26	emergency shall continue until the parish president finds that the threat of danger has
27	been dealt with to the extent that emergency conditions no longer exist. The state of
28	emergency may be terminated by executive order or proclamation, but no state of
29	emergency may continue for longer than thirty days unless extended by the parish

president. The state of emergency or disaster may be terminated by the governor, a petition signed by a majority of the surviving members of either house of the legislature, or a majority of the surviving members of the parish governing authority. The document terminating the state of emergency or disaster may establish a period during which no other declaration of emergency or disaster may be issued. All executive orders or proclamations issued under this Subsection shall indicate the nature of the emergency, the area or areas which are or may be affected, and the conditions which brought it about. Any order or proclamation declaring, continuing, or terminating a local disaster or emergency shall be given prompt and general publicity and shall be filed promptly with the office of emergency preparedness and the office of the clerk of court.

* * *

§735. Immunity of personnel

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

21 * * *

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

28 * * *

	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
1	The state and any political subdivision thereof, and other agencies, engaged
5	in homeland security, emergency preparedness, response and recovery activities shall
5	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

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.

<u>Present law</u> 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.

<u>Proposed law</u> retains <u>present law</u> 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.

<u>Present law</u> 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.

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

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

<u>Proposed law</u> changes the <u>present law</u> reporting requirement $\underline{\text{from}}$ a semiannual report $\underline{\text{to}}$ an annual report.

<u>Present law</u> provides for three permanent subcommittees of the UCG.

<u>Proposed law</u> 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.

Page 11 of 12

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

<u>Present law</u> 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.

<u>Proposed law</u> retains <u>present law</u> but removes the 30-day limitation.

<u>Present law</u> 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.

<u>Proposed law</u> retains <u>present law</u> 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))