

ACT No. 713

2018 Regular Session

HOUSE BILL NO. 645

BY REPRESENTATIVE ZERINGUE

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

* * *

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

* * *

§725.4. Office of interoperability; creation and authority

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

§725.5. Assistant deputy director of interoperability

* * *

27 C. The assistant deputy director of interoperability shall perform the
 28 following functions:

* * *

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

4 * * *

5 §725.6. State Unified Command Group

6 * * *

7 B.

8 * * *

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

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

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

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

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

21 ~~(e)~~(d) Centralizing coordination among multiple agencies, including local,
22 state, and federal.

23 * * *

24 (5)

25 * * *

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

29 (c) The UCG shall have oversight in reviewing the spending of federal funds
30 and additional sources of funding earmarked for interoperability to optimize the

1 investment and resources needed in planning, implementing, and maintaining a
2 statewide communications interoperability plan.

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

9 * * *

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

12 * * *

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

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

17 * * *

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

20 (iii) The chairman of the subcommittee shall be appointed by the director of
21 the Governor's Office of Homeland Security and Emergency Preparedness. The
22 representative of credentialed private nonprofit disaster volunteer groups shall be
23 appointed by the chairman of the subcommittee. All remaining officers shall be
24 elected by and from the membership of the subcommittee.

25 * * *

26 (c)

27 * * *

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

30 * * *

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

3 * * *

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

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

8 (bb) The executive director of the office of community development, disaster
9 recovery unit, or his designee.

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

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

14 (ee) The lieutenant governor, or his designee.

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

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

18 (hh) The state superintendent of the Louisiana Department of Education, or
19 his designee.

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

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

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

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

27 (mm) The chairman of the regional parish office of emergency preparedness
28 parish directors subcommittee.

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

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

3 (bb) Establishing advisory subcommittees for specific issues.

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

6 (iii) The co-chairmen of the subcommittee shall be the director of the
 7 Governor's Office of Homeland Security and Emergency Preparedness and the
 8 director of the office of community development, disaster recovery unit. All
 9 remaining officers shall be elected by and from the membership of the
 10 subcommittee.

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

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

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

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

21 * * *

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

25 * * *

26 (16) Coordinating public-private sector relationships during a disaster or
 27 emergency declared pursuant to R.S. 29:724, or during a disaster or emergency that
 28 does not rise to the level of a declaration, to assist in response and recovery efforts
 29 including soliciting and distributing donated resources from the private sector to

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscoring are additions.

1 meet the needs of an emergency or disaster. This authority shall not be subject to the
2 limitations of R.S. 42:1115.

3 * * *

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

6 * * *

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

10 * * *

11 (27) For emergencies not rising to the level of a state declaration of an
12 emergency, but still threatening life, safety or health of Louisiana residents, the
13 Governor's Office of Homeland Security and Emergency Preparedness director may
14 coordinate the solicitation and donation of resources needed to meet the needs of
15 citizens. This authority shall not be subject to the limitations of R.S. 42:1115.

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

18 (29)(a) Activate the Statewide Cemetery Response Task Force pursuant to
19 R.S. 29:726.4.

20 (b) Review assessments for the Statewide Cemetery Response Task Force
21 to determine the continued need for assistance from that body.

22 * * *

23 §726.4. Statewide Cemetery Response Task Force; authority and responsibilities

24 A. The Statewide Cemetery Response Task Force is hereby established to
25 assess response and recovery needs related to cemeteries during any emergency
26 declaration by the state or any parish thereof.

27 B. The task force shall be composed as follows:

28 (1) One representative from the Louisiana State University's Forensic
29 Anthropology and Computer Enhancement Services (FACES) Laboratory.

30 (2) One representative from the Louisiana Department of Health.

1 (3) One representative from the Department of Justice.

2 (4) One representative from the Louisiana Cemetery Board.

3 (5) One representative from the Governor's Office of Homeland Security and
4 Emergency Preparedness.

5 (6) One representative appointed by the Louisiana State Coroner's
6 Association.

7 C. The task force shall appoint a chairperson from among its members. Each
8 member may appoint a designee who shall have all of the rights and privileges as a
9 member of the task force when acting in such capacity.

10 D. The task force shall be activated at the request of the director of the
11 Governor's Office of Homeland Security and Emergency Preparedness when the
12 state or a parish has issued an emergency declaration and there is evidence that
13 damage has occurred to a cemetery.

14 E. Upon activation, the task force shall complete and submit within
15 seventy-two hours a preliminary assessment of the known impacts to cemeteries as
16 a result of the emergency event to the director of the Governor's Office of Homeland
17 Security and Emergency Preparedness.

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

20 (1) Determine whether response and recovery efforts related to cemeteries
21 is necessary.

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

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

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

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

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

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

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

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

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

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

16 * * *

17 D. A local disaster or emergency may be declared only by the parish
 18 president, except as otherwise provided in this Chapter. In that event, the state of
 19 emergency shall continue until the parish president finds that the threat of danger has
 20 been dealt with to the extent that emergency conditions no longer exist. The state of
 21 emergency may be terminated by executive order or proclamation, ~~but no state of~~
 22 ~~emergency may continue for longer than thirty days unless extended by the parish~~
 23 ~~president.~~ The state of emergency or disaster may be terminated by the governor, a
 24 petition signed by a majority of the surviving members of either house of the
 25 legislature, or a majority of the surviving members of the parish governing authority.
 26 The document terminating the state of emergency or disaster may establish a period
 27 during which no other declaration of emergency or disaster may be issued. All
 28 executive orders or proclamations issued under this Subsection shall indicate the
 29 nature of the emergency, the area or areas which are or may be affected, and the
 30 conditions which brought it about. Any order or proclamation declaring, continuing,

1 or terminating a local disaster or emergency shall be given prompt and general
2 publicity and shall be filed promptly with the office of emergency preparedness and
3 the office of the clerk of court.

4 * * *

5 §735. Immunity of personnel

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

13 * * *

14 (3) The Governor's Office of Homeland Security and Emergency
15 Preparedness and each parish homeland security and emergency preparedness
16 agency shall be immune from any claim based upon the exercise or performance of,
17 or the failure to exercise or perform, any discretionary function or duty, on the part
18 of the office or any employee thereof in carrying out its mission as defined in R.S.
19 29:726 and 728.

20 * * *

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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____