

2024 Regular Session

HOUSE BILL NO. 772

BY REPRESENTATIVE ZERINGUE

EMERGENCY PREPAREDNESS: Provides relative to cemetery emergency assistance and disaster relief

1 AN ACT

2 To amend and reenact R.S. 29:726.4(A), (D), (E), and (F) and to enact R.S. 29:726.4(I),  
3 relative to cemetery emergency assistance and disaster relief; to amend the Louisiana  
4 Cemetery Response Task Force; to provide for its powers, duties, and functions; to  
5 provide for certain terms and procedures; to provide for an effective date; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 29:726.4(A), (D), (E), and (F) are hereby amended and reenacted and  
9 R.S. 29:726.4(I) is hereby enacted to read as follows:

10 §726.4. ~~Statewide~~ Louisiana Cemetery Response Task Force; authority and  
11 responsibilities

12 A. The ~~Statewide~~ Louisiana Cemetery Response Task Force is hereby  
13 established to assess response and recovery needs related to cemeteries during any  
14 emergency declaration by the state or any parish thereof.

15 \* \* \*

16 D. The task force shall be activated ~~at the request of the director of the~~  
17 ~~Governor's Office of Homeland Security and Emergency Preparedness~~ at the call of  
18 its elected chairman when the state or a parish has issued an emergency declaration  
19 and there is evidence that damage has occurred to a cemetery.

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. Such assessments shall be updated from time  
5           to time as additional information is acquired.

6           F. The ~~Statewide Cemetery Response Task Force~~ task force shall have the  
7           following powers and duties:

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

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

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

13          (4) ~~May direct~~ Direct available state, parish, and local resources for the  
14          response.

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

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

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

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

25          (9) Be exempted from any requirements under R.S. 40:52 through 54 and  
26          any successor laws thereof.

27          (10) Be authorized to access records as set forth in R.S. 40:2020(D)(1) and  
28          any successor law thereof, subject only to the limitations set forth in R.S. 44:4, R.S.  
29          44:4.1(26), or any applicable federal law.

1 (11) Be subject to the confidentiality mandates set forth in R.S. 15:660 and  
2 any successor law thereof.

3 (12) Be authorized to retain and test materials as set forth in R.S.  
4 13:5713(4)(b) or any successor law thereof, pursuant to an order of a court of  
5 competent jurisdiction or to consent pursuant to R.S. 8:655 or any successor law  
6 thereof.

7 (13) Have discretion to direct deviations from requirements to repair and  
8 restore grave spaces or wall vaults to original condition as set forth in R.S. 8:308,  
9 R.S. 8:903, and R.S. 8:903.1 or any successor laws thereof.

10 (14) Have a right of action and a cause of action to file suit in its own name  
11 against private parties for the recovery of federal cemetery recovery funds not  
12 allocated according to federal law, regulation, and policy and against individuals or  
13 juridical persons for specific performance of the recovery and repair work for which  
14 they received such funds.

15 (15) Have the authority to draft and pass regulations to effectuate the  
16 provisions of this Section.

17 (16) Provide for the permanent archiving of its final identification records.

18 \* \* \*

19 I. The task force shall be activated at the discretion of its chairman to direct  
20 or supplement efforts in the search for human remains associated with cold case  
21 disinterments and mass fatality events. Such activation shall be ongoing from the  
22 effectiveness of this law and the task force shall have the same powers and duties set  
23 forth in Part F of this Section with the exception that, in the event of an activation  
24 under this Part, the task force's authority shall be subject to the direction of the  
25 relevant incident commander, if any.

26 Section 2. This Act shall become effective upon signature by the governor or, if not  
27 signed by the governor, upon expiration of the time for bills to become law without signature  
28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.

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## 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)]

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HB 772 Original

2024 Regular Session

Zeringue

**Abstract:** Provides relative to cemetery emergency assistance and disaster relief.

Present law provides for the Statewide Cemetery Response Task Force.

Proposed law changes the name of the task force.

Present law provides that the task force shall be activated at the request of the director of the GOHSEP when the state or a parish has issued an emergency declaration and there is evidence that damage has occurred to a cemetery.

Proposed law retains present law but changes the designated person to activate the task force to the elected chairman of the task force.

Proposed law provides relative to the powers and duties of the task force. Provides exemptions to the task force relative to the vital records registry.

Proposed law requires that the task force be subject to the confidentiality mandates relative to the La. Repository for Unidentified and Missing Persons Information Program.

Proposed law requires the task force to retain and test materials relative to autopsies or any successor law thereof, pursuant to an order of a court of competent jurisdiction or to consent to right of disposing of remains in present law.

Proposed law provides the task force discretion to direct deviations from requirements to repair and restore grave spaces or wall vaults to original condition in present law.

Proposed law provides the task force a right of action and a cause of action to file suit in its own name against private parties for the recovery of federal cemetery recovery funds not allocated according to federal law, regulation, and policy and against individuals or juridical persons for specific performance of the recovery and repair work for which they received such funds.

Proposed law authorizes the task force to draft and pass regulations to effectuate the provisions of proposed law.

Proposed law requires the task force to provide for the permanent archiving of its final identification records.

Proposed law authorizes the task force to be activated at the discretion of its chairman to direct or supplement efforts in the search for human remains associated with cold case disinterments and mass fatality events upon effectiveness of proposed law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 29:726.4(A), (D), (E), and (F); Adds R.S. 29:726.4(I))