

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), (C), (E), and (F), relative to cemetery emergency  
3 assistance and disaster relief; to amend the Louisiana Cemetery Response Task  
4 Force; to provide for its powers, duties, and functions; to provide for certain terms  
5 and procedures; to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 29:726.4(A), (C), (E), and (F) are hereby amended and reenacted to  
8 read as follows:

9 §726.4. ~~Statewide~~ Louisiana Cemetery Response Task Force; authority and  
10 responsibilities

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

14 \* \* \*

15 C.(1) The task force shall appoint a chairperson from among its members.  
16 Each member may appoint a designee who shall have all of the rights and privileges  
17 as a member of the task force when acting in such capacity.

18 (2) Upon approval of the task force, any other state authority may appoint  
19 a representative as a member of the task force. The appointing authority of such  
20 entity shall make the appointment.

1           (3) Each member may appoint a designee who shall have all the rights and  
 2           privileges as a member of the task force when acting in such capacity.

3   \*       \*       \*

4           E. Upon activation, the task force shall complete and submit within  
 5           seventy-two hours a preliminary assessment of the known impacts to cemeteries as  
 6           a result of the emergency event to the director of the Governor's Office of Homeland  
 7           Security and Emergency Preparedness. Such assessments shall be updated from time  
 8           to time as additional information is acquired.

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

11           (1) Determine whether response and recovery efforts related to cemeteries  
 12           is necessary.

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

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

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

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

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

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

25           (8) Advise the director of the Governor's Office of Homeland Security and  
 26           Emergency Preparedness and the Louisiana Department of Health, office of public  
 27           health, of any public health or other concerns related to disinterred remains for which  
 28           the person responsible for disposition cannot be located.

1           (9) Be exempted from any requirements under R.S. 40:52 through 54 and  
2           any successor laws thereof due to the exigent circumstances under which the task  
3           force operates.

4           (10) Be authorized to access records as set forth in R.S. 40:2020(D)(1) and  
5           any successor law thereof, subject only to the limitations set forth in R.S. 44:4, R.S.  
6           44:4.1(26), or any applicable federal law.

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

9           (12) Be authorized to retain and test materials as set forth in R.S.  
10          13:5713(4)(b) or any successor law thereof, pursuant to an order of a court of  
11          competent jurisdiction or to consent pursuant to R.S. 8:655 or any successor law  
12          thereof.

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

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

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

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

24          (17) Activate at the discretion of its chairman to direct or supplement efforts  
25          in the search for human remains associated with cold cases or mass fatality events  
26          if requested by a state, local, or tribal governmental agency and approved by the  
27          director of the Governor's Office of Homeland Security and Emergency  
28          Preparedness.

1 (18) Be authorized to access both public and private property to abate public  
2 health and safety risks posed by human remains, caskets, or burial vaults located  
3 thereon and to remove such hazards from both public and private property.

4 (19) Be authorized to access both public and private property to reinter or  
5 direct the reinterment of human remains, caskets, or burial vaults to their original  
6 resting place in order to mitigate risks to human health and safety.

7 \* \* \*

8 Section 2. This Act shall become effective upon signature by the governor or, if not  
9 signed by the governor, upon expiration of the time for bills to become law without signature  
10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
11 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
12 effective on the day following such approval.

---

#### 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 772 Engrossed

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 relative to members of the task force and the appointment of a chairperson.

Proposed law adds that upon approval of the task force, any other state authority may appoint a representative as a member of the task force. The appointing authority of such entity shall make the appointment. Provides further that each member may appoint a designee who shall have all the rights and privileges as a member of the task force when acting in such capacity.

Present law provides relative to the powers and duties of the task force.

Present law provides that the task force shall advise the director of the Governor's Office of Homeland Security and Emergency Preparedness of any public health or other concerns related to disinterred remains for which the person responsible for disposition cannot be located.

Proposed law retains present law and adds that the La. Dept. of Health, office of public health shall be advised of any public health or other concerns related to disinterred remains for which the person responsible for disposition cannot be located.

Proposed law 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 if requested by a state, local, or tribal governmental agency and approved by the director of the Governor's Office of Homeland Security and Emergency Preparedness.

Proposed law authorizes the task force to access both public and private property to abate public health and safety risks posed by human remains, caskets, or burial vaults located thereon and to remove such hazards from both public and private property.

Proposed law authorizes the task force to access both public and private property to reinter or direct the reinterment of human remains, caskets, or burial vaults to their original resting place in order to mitigate risks to human health and safety.

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

(Amends R.S. 29:726.4(A), (C), (E), and (F))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Make technical changes.
2. Add provisions relative to members of the task force and the appointment of a chairperson.
3. Add that the La. Dept. of Health, office of public health shall be advised of any public health or other concerns related to disinterred remains.
4. Add provisions relative to the powers and duties of the task force.
5. Remove provisions relative to authorizing the task force at the discretion of the chairman.