

2024 Regular Session

HOUSE BILL NO. 772

BY REPRESENTATIVE ZERINGUE

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

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

\* \* \*

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

(2) 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.

(3) 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.

\* \* \*

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 and the Louisiana Department of Health, office of public  
24          health, of any public health or other concerns related to disinterred remains for which  
25          the person responsible for disposition cannot be located.

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

1                   (10) Be authorized to access records as set forth in R.S. 40:2020(D)(1) and  
2                   any successor law thereof, subject only to the limitations set forth in R.S. 44:4 and  
3                   4.1(26), or any applicable federal law.

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

6                   (12) Be authorized to retain and test materials as set forth in R.S.  
7                   13:5713(B)(4)(b) or any successor law thereof, pursuant to an order of a court of  
8                   competent jurisdiction or to consent pursuant to R.S. 8:655 or any successor law  
9                   thereof.

10                  (13) Have discretion to direct deviations from requirements to repair and  
11                  restore grave spaces or wall vaults to original condition as set forth in R.S. 8:308,  
12                  903, and 903.1, or any successor laws thereof.

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

18                  (15) Adopt rules pursuant to the Administrative Procedure Act to effectuate  
19                  the provisions of this Section.

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

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

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

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

4   \*         \*         \*

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_