

## RÉSUMÉ DIGEST

HB 772

2024 Regular Session

Zeringue

Present law provides for the Statewide Cemetery Response Task Force.

Proposed law would have changed the name of the task force.

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

Proposed law would have authorized, upon approval of the task force, any other state authority to appoint a representative as a member of the task force. The appointing authority of such entity would have been required to make the appointment. Would have authorized each member to appoint a designee who would have had 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 would have retained present law and would have required the La. Dept. of Health, office of public health to be advised of any public health or other concerns related to disinterred remains for which the person responsible for disposition was not able to be located.

Proposed law would have provided exemptions to the task force relative to the vital records registry.

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

Proposed law would have required 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 the right of disposing of remains in present law.

Proposed law would have provided 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 would have provided 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 would have authorized the task force to adopt rules pursuant to the Administrative Procedure Act.

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

Proposed law would have authorized 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 would have authorized 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 would have authorized 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.

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

**VETO MESSAGE:**

"Please be advised that I have vetoed House Bill 772 of the 2024 Regular Legislative Session. The purpose of the Cemetery Task Force is to assess response and recovery needs related to cemeteries during a state or parish emergency declaration. R.S. 29:726.4 (A). This task force is activated by the director of the Governor's Office of Homeland Security and Emergency Preparedness ("GOHSEP") only when an emergency declaration has been issued and there is evidence of cemetery damage. R.S. 29:726.4 (D). However, House Bill 772 dramatically expands the authority, powers, and purpose of this task force, and does so without providing corresponding oversight by a state department or office. This legislation would grant the task force, a non-judicial entity, the authority to file lawsuits against private parties for specific performance and to recover federal cemetery funds.

This legislation would also allow the task force to expand and appoint its own membership without limitation, and beyond the oversight of any state department or office. Although the activation of this task force should be temporary, and only at the discretion of the GOHSEP director, this bill imposes continuous obligations on the task force that are more appropriate for a state department or office. It would also permit the task force to disregard certain laws and promulgate its own rules.

Additionally, Section (F)(4) gives the task force the ultimate authority to direct state, parish, and local resources for emergency cemetery response. This conflicts with the authority given to the director of GOHSEP, who is responsible for coordinating and directing the activities of all agencies and organizations for emergency preparedness. R.S. 29:725(H).

The Cemetery Task Force is designed to be a tool for emergency preparedness response at the direction of GOHSEP and for a limited duration, and such an extreme expansion of powers and duties is not appropriate for such a task force.

For these reasons, House Bill 772 will not become law."