
DIGEST

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HB 645 Engrossed

2018 Regular Session

Zeringue

Abstract: Amends the powers and duties of GOHSEP and the UCG, creates a Disaster Cemetery Response Task Force, and extends limitations of liability and immunity for certain disaster-related activities.

Present law provides for the powers and duties of the director of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP), including the duty to coordinate the activities of all agencies and organizations for purposes of homeland security and emergency preparedness.

Proposed law retains present law and requires the director to coordinate public-private sector relationships to meet the needs of an emergency or disaster, and to coordinate the implementation of the Emergency Preparedness and Disaster Compact.

Present law provides for the office of interoperability within GOHSEP and provides for the authority of the office in managing interoperability programs and efforts identified in the (1) statewide interoperability plan and (2) statewide communications interoperability plan for first responders. Further requires the Unified Command Group (UCG) to establish a comprehensive statewide interoperability plan for short-term and long-term initiatives.

Proposed law consolidates the two plans referenced in present law, to be referred to as the statewide communications interoperability plan.

Present law requires the UCG to provide semiannual reports to the governor and entities in the statewide plan.

Proposed law changes the present law reporting requirement from a semiannual report to an annual report.

Present law provides for three permanent subcommittees of the UCG.

Proposed law amends the membership of the first responders subcommittee and adds a fourth subcommittee (the long term recovery subcommittee), and provides for its membership and duties.

Proposed law creates a Statewide Cemetery Response Task Force and provides for its membership, powers, and duties. Provides for the appointment of a chairman and of a designee for each task force member. Provides that the task force, acting pursuant to proposed law may not supplant the authority of an individual cemetery authority that seeks to manage its own disaster response and

communicates that desire in writing to the task force.

Present law provides for powers of parish presidents in disasters or emergencies. Provides for the declaration of a state of emergency by a parish president and provides that they may be terminated by executive order or proclamation for a period of time not to exceed 30 days unless extended by the parish president.

Proposed law retains present law but removes the 30-day limitation.

Present law provides for limitations of liability for certain employees and agents of the state or political subdivisions in homeland security and emergency preparedness activities, except in the case of willful misconduct.

Proposed law retains present law and provides that GOHSEP, each parish homeland security and emergency preparedness agency, the state, political subdivisions of the state, and other agencies engaged in homeland security, emergency preparedness, response and recovery activities shall also be immune from claims based on the exercise or performance of, of the failure to exercise or perform, certain homeland security and emergency preparedness activities.

(Amends R.S. 29:725(H), 725.4, 725.5(C)(3), 725.6(B)(3), (5)(b) and (c), (6)(intro. para.), (b)(ii)(cc) and (iii), and (c)(ii)(cc) and (7), 726(E)(9), 727(D), and 735(A)(1); Adds 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); Repeals R.S. 29:725.6(B)(6)(a)(ii)(ff))

Summary of Amendments Adopted by House

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

1. Require the Disaster Cemetery Response Task Force to appoint a chairman and authorize each task force member to appoint a designee.
2. Add to the powers and duties of the task force to include coordination with funeral directors and monument and vault companies.
3. Provide that the task force acting pursuant to proposed law may not supplant the authority of an individual cemetery authority that seeks to manage its own disaster response and communicates that desire in writing.
4. Specify that the task force may direct available parish and local resources for the response under proposed law.