

2020 Second Extraordinary Session

HOUSE BILL NO. 79

BY REPRESENTATIVE HARRIS

EMERGENCY PREPAREDNESS: Provides relative to the definition of "first responder"
(Items #18 and 24)

1 AN ACT

2 To amend and reenact R.S. 23:1017.1(6) and R.S. 29:739(C) and to enact R.S. 29:723(20),
3 relative to first responders; to expand the definition of first responders to include
4 electrical linemen; to provide for a definition of electrical linemen; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 23:1017.1(6) is hereby amended and reenacted to read as follows:

8 §1017.1. Definitions

9 Unless the context clearly indicates otherwise, the following words and
10 terms, when used in this Part, shall have the following meanings:

11 * * *

12 (6) "First responder" means a volunteer engaged in activities involving the
13 Governor's Office of Homeland Security and Emergency Preparedness pursuant to
14 R.S. 29:721 et seq., including but not limited to medical personnel, emergency and
15 medical technicians, volunteer firemen, auxiliary law enforcement officers, electrical
16 linemen as defined by R.S. 29:723(20), and members of the Civil Air Patrol.

17 * * *

18 Section 2. R.S. 29:739(C) is hereby amended and reenacted and R.S. 29:723(20) is
19 hereby enacted to read as follows:

20 §723. Definitions

21 As used in this Chapter:

22 * * *

1 (20)(a) "Electrical lineman" means a person employed to install, maintain,
 2 or repair electrical transmission and power distribution systems, and who, based
 3 solely on employment as an electrical lineman, shall not be entitled to compensation,
 4 pension, or other benefits paid by the state or a political subdivision of the state.
 5 Electrical linemen shall be considered first responders only in instances involving
 6 weather emergencies as declared by the governor pursuant to R.S. 29:721 et seq.

7 (b) Nothing in this Subsection shall relieve an employer of its
 8 responsibilities pursuant to Civil Code Article 2320.

9 * * *

10 §739. Intrastate Mutual Aid Compact

11 * * *

12 C. Definitions

13 As used in this Section, "first responder" refers to those individuals who in
 14 the early stages of an incident are responsible for the protection and preservation of
 15 life, property, evidence, and the environment, including emergency response
 16 providers as defined in Section 2 of the Homeland Security Act of 2002 (6 U.S.C.
 17 101), as well as emergency management, public health, clinical care, public works,
 18 and other skilled support personnel, such as equipment operators and electrical
 19 linemen as defined by R.S. 29:723(20) that provide immediate support services
 20 during prevention, response, and recovery operations consistent with Homeland
 21 Security Presidential Directive 8.

22 * * *

23 Section 2. The Louisiana State Law Institute is hereby authorized and directed to
 24 renumber the definitions in R.S. 29:723 to ensure that the definitions are in alphabetical
 25 order.

26 Section 3. 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)]

HB 79 Reengrossed

2020 Second Extraordinary Session

Harris

Abstract: Adds electrical linemen to the definition of "first responder", provides a definition for "electrical lineman", and provides that electrical linemen are not to receive the same benefits of first responders paid by the state or political subdivisions of the state.

Present law with regard to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, provides a definition of "first responder" as meaning a volunteer engaged in activities involving the Governor's Office of Homeland Security and Emergency Preparedness pursuant to R.S. 29:721 et seq., including but not limited to medical personnel, emergency and medical technicians, volunteer firemen, auxiliary law enforcement officers, and members of the Civil Air Patrol.

Present law also provides that "first responder" means the first arriving organized responders with the capability and mission to contain, mitigate, and resolve the emergency at hand.

Present law, with regard to the Louisiana Homeland Security and Emergency Assistance and Disaster Act, also provides that "first responder" refers to those individuals who in the early stages of an incident are responsible for the protection and preservation of life, property, evidence, and the environment, including emergency response providers as defined in Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101), as well as emergency management, public health, clinical care, public works, and other skilled support personnel, such as equipment operators that provide immediate support services during prevention, response, and recovery operations consistent with Homeland Security Presidential Directive 8.

Proposed law provides that "electrical lineman" be included in the definition of "first responder".

Proposed law defines "electrical lineman" as a person employed to install, maintain, or repair electrical transmission and power distribution systems for the purpose of being allowed first access to the scene of an emergency and not for purposes of monetary or health benefits.

Proposed law provides that electrical linemen shall be considered first responders only during weather emergencies as declared by the governor pursuant to R.S. 29:721 et seq.

Proposed law further provides that nothing in proposed law shall relieve an employer of its responsibilities pursuant to C.C. Art. 2320.

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

(Amends R.S. 23:1017.1(6) and R.S. 29:739(C); Adds R.S. 29:723(20))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Provide that electrical linemen are to be considered first responders only during weather emergencies as declared by the governor pursuant to R.S. 29:721 et seq.
2. Provide that nothing in proposed law shall relieve an employer of its responsibilities pursuant to C.C. Art. 2320.
3. Make technical changes.