

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 provide for 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 (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 and
6 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(B)(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,
15 903, and 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.

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.