

ACT No. 40

HOUSE BILL NO. 942

BY REPRESENTATIVES DOWNER, CAPELLA, R. CARTER, FAUCHEUX, WELCH, ALEXANDER, ANSARDI, ARNOLD, BALDONE, BAUDOIN, BAYLOR, BROOME, BRUCE, BRUNEAU, CAZAYOUX, CRANE, CROWE, DAMICO, DANIEL, DARTEZ, DEVILLIER, DEWITT, DIEZ, DOERGE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FLAVIN, FRITH, FUTRELL, GALLOT, GLOVER, GUILLORY, HAMMETT, HEATON, HEBERT, HILL, HONEY, HOPKINS, HUNTER, HUTTER, ILES, L. JACKSON, M. JACKSON, JOHNS, KATZ, KENNARD, KENNEY, LAFLEUR, LANCASTER, LANDRIEU, LEBLANC, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRISH, MURRAY, NEVERS, ODINET, PEYCHAUD, PIERRE, PINAC, PITRE, POWELL, QUEZAIRE, RICHMOND, ROMERO, SALTER, SCALISE, SCHNEIDER, SHAW, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, SNEED, STELLY, STRAIN, SWILLING, THOMPSON, TOOMY, TOWNSEND, TUCKER, WADDELL, WALKER, WALSWORTH, WINSTON, AND WRIGHT AND SENATORS BARHAM, DARDENNE, LAMBERT, AND ULLO

AN ACT

To amend and reenact R.S. 14:329.6(E), R.S. 29:1, 5(A), (B), (C), (D), and (H), 6, 7, 721, 722(A)(introductory paragraph), (1), (3), and (4) and (B), 723(1), 724(C) and (F), 725, 726(A) and (B)(introductory paragraph), (10), (11), and (12), (C), (D), (E)(6) and (9), and (F), 727(A), (B), (C), and (H), 728(A), (C), (D), and (F), 729(A), (B)(introductory paragraph), (6), (10), and (11), (C), (D), and (E)(introductory paragraph) and (6), 730(A) and (B), 730.1, 731, 733.1, 735(A), 737(C), (D), and (E), and 751(introductory paragraph) and the second and third undesignated paragraphs of Article I, the first and third undesignated paragraphs of Article II, Article III(A)(1) and (2), (B)(1), and (C), and Articles IV and X, R.S. 30:2458(A)(9), R.S. 45:841(2) and (5), 842, 843(A)(1) and (2), and 844, and R.S. 49:853(4), to enact R.S.

14:329.6(G), R.S. 29:723(3.1) and (6) and 726(B)(14) and (15), to repeal the existing R.S. 29:7.1, and to redesignate R.S. 29:7.2 as R.S. 29:7.1, relative to military affairs; to provide for the office of homeland security and emergency preparedness; to provide for the redesignation of the office of emergency preparedness as the office of homeland security and emergency preparedness within the Military Department, and to redesignate references in accordance therewith; to redesignate Chapter 6 of Title 29 of the Louisiana Revised Statutes as the "Louisiana Homeland Security and Emergency Assistance and Disaster Act" and to include references to homeland security; to provide for the authority and responsibilities of the office; to provide for definitions; to delete certain mandatory reimbursements between political subdivisions during certain emergencies; to provide for the composition of the Military Department; to provide for the activation of the militia during public emergencies; to provide for authority of national guardsmen and military police during certain emergencies, including homeland security purposes; to redesignate parish, local, and interjurisdictional emergency preparedness agencies as homeland security and emergency preparedness agencies; to redesignate references to emergency preparedness agencies within provisions applicable to emergency alert services; to include acts of terrorism as emergencies, disasters for purposes of homeland security and emergency preparedness and the operation of government during interim emergencies; to revise the Southern Regional Emergency Management and Assistance Compact to include provisions for homeland security and emergency preparedness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:329.6(E) is hereby amended and reenacted and R.S. 14:329.6(G) is hereby enacted to read as follows:

§329.6. Proclamation of state of emergency; conditions therefor; effect thereof

* * *

E. During the period of the existence of the state of emergency the chief law enforcement officer of the political subdivision may call upon the sheriff, mayor, or other chief executive officer of any other parish or municipality to furnish such law enforcement or fire protection personnel, or both, together with appropriate equipment and apparatus, as may be necessary to preserve the public peace and protect persons and property in the requesting area. Such aid shall be furnished to the chief law enforcement officer requesting it insofar as possible without withdrawing from the political subdivision furnishing such aid the minimum police and fire protection appearing necessary under the circumstances. In such case, law enforcement and fire protection personnel acting outside the territory of their regular employment shall be considered as performing services within the territory of their regular employment for purposes of compensation, pension, and other rights or benefits to which they may be entitled as incidents of their regular employment. ~~The political subdivision receiving such aid shall reimburse the cost thereof to the other political subdivision which furnished the aid, including the cost of compensation of personnel, expenses incurred by reason of the injury or death of any such personnel while rendering such aid, expenses of furnishing equipment and apparatus, compensation for damages to or loss of equipment or~~

~~apparatus while in service outside the territory of its regular use, and such other reasonable expenses as may be incurred by any such political subdivision furnishing such aid.~~ Law enforcement officers acting pursuant to this Section outside the territory of their regular employment have the same authority to enforce the law as when acting within the territory of their own employment.

* * *

G. As used in this Section:

(1) "Disaster" shall have the same meaning as provided in R.S. 29:723(1).

(2) "Emergency" shall have the same meaning as provided in R.S. 29:723(2).

Section 2. R.S. 29:1, 5(A), (B), (C), (D), and (H), 6, 7, 721, 722(A)(introductory paragraph), (1), (3), and (4) and (B), 723(1), 724(C) and (F), 725, 726(A) and (B)(introductory paragraph), (10), (11), and (12), (C), (D), (E)(6) and (9), and (F), 727(A), (B), (C), and (H), 728(A), (C), (D), and (F), 729(A), (B)(introductory paragraph), (6), (10), and (11), (C), (D), and (E)(introductory paragraph) and (6), 730(A) and (B), 730.1, 731, 733.1, 735(A), 737(C), (D), and (E), and 751(introductory paragraph) and the second and third undesignated paragraphs of Article I, the first and third undesignated paragraphs of Article II, Article III(A)(1) and (2), (B)(1), and (C), and Articles IV and X are hereby amended and reenacted and R.S. 29:723(3.1) and (6) and 726(B)(14) and (15) are hereby enacted to read as follows:

§1. ~~Title of military department~~ Military Department

A. The Military Department of this state shall be known as "The Military Department, State of Louisiana".

B. The Military Department shall be composed of the national guard, Louisiana State Guard, military police forces, the office of homeland security and emergency preparedness, and such other offices that may be created or established according to law.

* * *

§5. Louisiana State Guard

A. Members of the ~~unorganized~~ militia who enter, volunteer, ~~and or who~~ are called into active service of the state may, ~~in the governor's discretion~~ in accordance with the orders of the governor or the adjutant general or rules and regulations adopted by the Military Department, be organized into units in addition to and distinct from designated units of the national guard and, ~~when so organized~~, shall be known as the Louisiana State Guard.

B. The Louisiana State Guard shall be uniformed, organized, ~~compensated, governed,~~ and maintained in accordance with the orders of the governor or the adjutant general or the rules and regulations for discipline and training prescribed by the secretary of the army and the secretary of the air force of the United States of America or their successors adopted by the military department. ~~The governor may establish rules and regulations as may be necessary to govern the Louisiana State Guard.~~

C. Whenever ~~these forces~~ the members of the state guard are ~~on~~ in active service or going to or returning therefrom as authorized by law or rules or regulations, the members shall have the same rights, duties, privileges, and immunities as are provided for the other military forces of this state, ~~This shall not be construed to entitle any officer or enlisted man of the state guard, by reason of service, to any pension, bounty,~~

~~bonus, or gratuity, other than the~~ including the same worker's workers'
 compensation benefits provided for the National Guard under R.S.
 23:1211.

D. The governor or the Military Department may request from
~~the secretary of the army and secretary of the air force~~ any agency,
branch, or department of the United States of America funds, arms, and
equipment, or any other property for the use of the Louisiana State
 Guard. ~~He may make available to these forces property or facilities of~~
~~the state or its subdivisions.~~

* * *

H. All officers of the Louisiana State Guard shall take the oath
 required by law before entering upon the duties of their office. Every
 person who enlists or reenlists in the Louisiana State Guard shall take
 and sign the oath required by law and shall execute a contract of
 enlistment. No person shall be enlisted in the state guard for longer
 than one year, but the enlistment may be extended for successive
 periods not to exceed one year in length. ~~Volunteers in the state guard~~
~~shall not be paid by the military department of the state for any state~~
~~active duty performed unless this duty extends beyond three~~
~~consecutive days, when the governor may authorize payment.~~

§6. Unorganized militia

The unorganized militia is subject to active military duty only
 when called into the service of the state or of the United States of
 America. The ~~governor~~ adjutant general may assign them to existing
 military organizations or organize them as the exigency of the occasion
 requires.

§7. Calling militia for active service by governor; homeland security and emergency preparedness; public emergency

A. The governor may order into the active service of the state any part of the militia that is necessary to provide for homeland security or emergency preparedness or in the event of insurrection, invasion, or riot, or imminent danger thereof, or in the event of public disaster or danger from flood, fire, storm, or earthquake, civil disturbances, terrorist events, or in the event of a civil disturbance, order to detect, prevent, prepare for, investigate, respond to, or recover from any of the foregoing, or ~~as~~ to assist the civil authorities in guarding prisoners, or in response to a national or state emergency or a congressional authorization or presidential declaration pursuant to the War Powers Resolution (50 U.S.C. 1541 et seq.).

B. When called to state service by the governor as provided in Subsection A, members of the Louisiana National Guard and military police shall, unless otherwise restricted by the executive orders, proclamations, or regulations or the orders of their commander, have all of the powers and authority of peace officers, including but not limited to the powers to make arrests, to perform searches and seizures, to execute criminal warrants, and to exercise such other powers and duties of a peace officer as are reasonably necessary to preserve the lives, property, and security of persons in the subject civil jurisdiction, all in accordance with the laws and constitutions of Louisiana and the United States of America.

~~B. C.~~ When the active national guard, or a part thereof, is called to duty under the constitution and laws of the United States of America,

the governor shall order into service the remaining units of the active national guard, if any, or any part thereof that is necessary.

~~C.D.~~ If the number of persons available from the active national guard is not sufficient, he shall order out whatever part of the unorganized militia necessary. During the absence of active national guard organizations in the service of the United States of America, their state designations shall not be given to new organizations.

* * *

CHAPTER 6. THE LOUISIANA HOMELAND SECURITY AND
EMERGENCY ASSISTANCE AND DISASTER ACT

§721. Short title

This Chapter shall be cited as the "Louisiana Homeland Security and Emergency Assistance and Disaster Act".

§722. Purpose

A. Because of the existing possibility of the occurrence of emergencies and disasters of unprecedented size and destructiveness resulting from terrorist events, enemy attack, sabotage, or other hostile action, or from fire, flood, earthquake, or other natural or man-made causes, and in order to ensure that preparations of this state will be adequate to deal with such emergencies or disasters, and in order to detect, prevent, prepare for, investigate, respond to, or recover from these events, and generally to preserve the lives and property of the people of the state of Louisiana, it is hereby found and declared to be necessary:

(1) To provide for designation of the Military Department, state of Louisiana, as the state homeland security and emergency preparedness agency, and to authorize the creation of local

organizations for emergency preparedness in the political subdivisions of the state.

* * *

(3) That statewide and local plans for homeland security and emergency preparedness be prepared and approved without further delay and be maintained current to the maximum extent possible.

(4) To reduce vulnerability of people and communities of this state to damage, injury, and loss of life and property resulting from natural or man-made catastrophes, riots, acts of terrorism, or hostile military or paramilitary action.

* * *

B. It is further declared to be the purpose of this Chapter and the policy of the state of Louisiana that all homeland security and emergency preparedness functions of the state be coordinated to the maximum extent possible with the comparable functions of the federal government, other states and localities, and private agencies of every type, to the end that the most effective preparation and use may be made of the resources and facilities available for dealing with any emergency or disaster that may occur.

§723. Definitions

As used in this Chapter:

(1) "Disaster" means the result of a natural or man-made event which causes loss of life, injury, and property damage, including but not limited to natural disasters such as hurricane, tornado, storm, flood, high winds, and other weather related events, forest and marsh fires, and man-made disasters, including but not limited to nuclear power plant incidents, hazardous materials incidents, oil spills, explosion, civil

disturbances, public calamity, acts of terrorism, hostile military action, and other events related thereto.

* * *

(3.1) "Homeland" means the state of Louisiana, and where the context requires means the parishes of the state of Louisiana, "the United States".

* * *

(6) "Terrorism" or "acts of terrorism" shall have the same meaning as provided in R.S. 14:128.1.

§724. Powers of the governor

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C. The declaration of an emergency or disaster by the governor shall activate the state's emergency response and recovery program under the command of the director of the state office of homeland security and emergency preparedness.

* * *

F. No organization for homeland security and emergency preparedness established under this Chapter shall be employed directly or indirectly for political purposes.

* * *

§725. State emergency and disaster agency; powers of adjutant general

A. The governor is hereby authorized and directed to designate the Military Department, state of Louisiana, as the state homeland security and emergency preparedness agency under the adjutant general.

B. The office of homeland security and emergency preparedness is hereby established within the Military Department.

C. The adjutant general shall be the director of the office of homeland security and emergency preparedness and shall administer the state emergency preparedness agency and the provisions of this Chapter.

D. The adjutant general, as director of the office of homeland security and emergency preparedness, may adopt and promulgate, pursuant to the Administrative Procedure Act and his authority to promulgate rules and regulations for the National Guard, such rules and regulations as are necessary to implement his authority under the provisions of this Chapter and such authority as the governor shall delegate to him pursuant to the provisions of this Chapter.

E. The director may appoint an assistant director of the office of homeland security and emergency preparedness to administer the provisions of this Chapter. The assistant director shall have and may exercise such powers and duties of the director related thereto as the director shall delegate to him.

F. The director may employ such professional, technical, clerical, stenographic, and other personnel and he shall fix their compensation and may make expenditures from available funds appropriated for the Military Department of the state or other funds made available to him for purposes of homeland security and emergency preparedness as may be necessary to carry out the purposes of this Chapter. The director and the assistant director, if an assistant director is appointed, shall be provided with necessary and appropriate office space, furniture, equipment, supplies, stationery, and printing. The necessary mileage, office expenses, salaries of personnel, postage,

telephone, and expressage shall be chargeable to any funds available for homeland security and emergency preparedness.

G. The director, subject to the direction and control of the governor, shall be the executive head of the state emergency preparedness agency and as such shall be responsible to the governor for carrying out the programs for homeland security and emergency preparedness for the state of Louisiana. He shall coordinate the activities of all organizations for homeland security and emergency preparedness within the state and shall maintain liaison with and cooperate with homeland security and emergency preparedness agencies and organizations of other states and of the federal government.

§726. Office of homeland security and emergency preparedness;
authority and responsibilities

A. The Military Department, office of homeland security and emergency preparedness, under the governor and the adjutant general, shall be responsible for homeland security and emergency preparedness in the state. In order to perform the duties and functions required under this Chapter, the department may establish and maintain office of homeland security and emergency preparedness operations centers. The department may obtain immovable property for such operations centers by sale, transfer, grant, donation, lease, exchange, or any other means, including interagency transfers of property and cooperative endeavors.

B. The office shall prepare and maintain a homeland security and state emergency operations plan and keep it current, which plan may include any of the following:

* * *

(10) Coordination of federal, state, and local homeland security, disaster or emergency activities.

(11) Coordination of the state operations plan with the homeland security and emergency plans of other state agencies, local government, and the federal government.

(12) All parish hazard plans, hurricane evacuation and shelter plans, hazard mitigation plans, homeland security and emergency response plans, and such other emergency plans as required.

* * *

(14) Prevention of terrorist attacks within this state and reduction of the vulnerability of the homeland to terrorism, minimize the loss of life, injury, and property damage in the state resulting from acts of terrorism, and the coordination of all state and local plans for securing the homeland.

(15) Coordination with the Department of Homeland Security of the United States of responsibilities, duties, activities, and programs as may be required under the federal Homeland Security Act of 2002 for securing the homeland.

* * *

C. The office of homeland security and emergency preparedness shall take an integral part in the development and revision of local and interjurisdictional emergency plans prepared under this Chapter. To this end it shall employ or otherwise secure the services of professional

and technical personnel capable of providing expert assistance to political subdivisions, their homeland security and emergency preparedness agencies, and interjurisdictional planning and homeland security and emergency preparedness agencies. These personnel shall consult with subdivisions and agencies on a regularly scheduled basis and shall make field examinations of the areas, circumstances, and conditions to which particular local and interjurisdictional disaster plans are intended to apply, and may suggest or require revisions.

D. In preparing and revising the state homeland security and emergency operations plan, the office shall seek the advice and assistance of local government, business, labor, industry, agriculture, civic and volunteer organizations, and community leaders. In advising local and interjurisdictional agencies, the office shall encourage them also to seek advice from these sources.

E. The office shall:

* * *

(6) Assist political subdivisions, their homeland security and emergency preparedness agencies, and interjurisdictional homeland security and emergency preparedness agencies in establishing and operating training programs and programs of information.

* * *

(9) Establish a register of persons with types of training and skills important in homeland security and emergency mitigation, preparedness, response, and recovery.

* * *

F. The Military Department, state of Louisiana, shall ascertain what means exist for rapid communications in times of disaster or

emergencies, shall consider the desirability of supplementing these communications resources or of integrating them into a comprehensive state or state-federal telecommunication or other communications system or its several parts, shall evaluate the possibility of multipurpose use thereof for general state and local governmental purposes, and shall make recommendations to the governor as appropriate.

* * *

§727. Powers of the parish president; penalties for violations

A. Each political subdivision within this state shall be within the jurisdiction of and served by the Military Department, office of homeland security and emergency preparedness, for purposes of homeland security and emergency preparedness and by a parish homeland security and emergency preparedness agency responsible for emergency or disaster mitigation, preparedness, response, and recovery.

B. Each parish president is hereby authorized and directed to establish an office of homeland security and emergency preparedness for the respective parish.

C. Each parish president shall maintain ~~an~~ a homeland security and emergency preparedness agency which, except as otherwise provided under this Chapter, has jurisdiction over and serves the entire parish.

* * *

H. No organization for homeland security and emergency preparedness established under this Chapter shall be employed directly or indirectly for political purposes.

§728. Parish homeland security and ~~emergency/disaster~~ emergency preparedness agency

A. Each parish office of homeland security and emergency preparedness thus created shall have a director who shall be appointed by the parish president of the parish establishing such organization and each director shall be commissioned by the director of the state office of homeland security and emergency preparedness. The parish director thus appointed and commissioned shall serve at the pleasure of the parish president.

* * *

C. The director of the parish office of homeland security and emergency preparedness shall have direct responsibility for the organization, administration, and operation of such local organization for homeland security and emergency preparedness subject to the direction and control of the parish president under the general direction and control of the governor and the state office of homeland security and emergency preparedness.

D. The director of the parish office of homeland security and emergency preparedness shall take and subscribe to the following oath:

"I _____, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution of the state of Louisiana, and the territory, institutions, and facilities thereof, both public and private, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; and I take this obligation freely, without any mental reservations or purpose of evasion; and that I will well and faithfully discharge the duties on which I am about to enter and I do further swear (or affirm) that I do

not advocate, nor am I a member of any political party or organization that advocates, the overthrow of the government of the United States or of this state by force or violence; and that during such time as I am a member of the _____ (parish) office of homeland security and emergency preparedness, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence."

* * *

F. The parish president may authorize the director to employ such professional, technical, clerical, stenographic, and other personnel and he shall fix their compensation and may make expenditures from available funds appropriated or authorized by the state for purposes of homeland security and emergency preparedness as may be necessary to carry out the purposes of this Chapter. The director and the assistant director, if an assistant director is appointed, shall be provided with necessary and appropriate office space, furniture, equipment, supplies, stationery, and printing. The necessary mileage, office expenses, salaries of personnel, postage, telephone, and expressage shall be chargeable to any funds available for homeland security and emergency preparedness.

* * *

§729. Parish ~~emergency/disaster~~ homeland security and emergency preparedness agency authorities and responsibilities

A. The parish office of homeland security and emergency preparedness, under the parish president, shall be responsible for homeland security and emergency preparedness in the parish.

B. The parish office of homeland security and emergency preparedness shall prepare and maintain an all hazards emergency operations plan and keep it current, which plan may include any of the following:

* * *

(6) Assistance to local officials in designing local homeland security and emergency action plans.

* * *

(10) Coordination of federal, state, and local disaster or homeland security and emergency activities.

(11) Coordination of the state operations plan with the homeland security and emergency plans of other state agencies, local government, and the federal government.

* * *

C. The parish office of homeland security and emergency preparedness shall take an integral part in the development and revision of local and interjurisdictional homeland security and emergency plans prepared under this Chapter. To this end, it shall employ or otherwise secure the services of professional and technical personnel capable of providing expert assistance to political subdivisions, their homeland security and emergency preparedness agencies, and interjurisdictional planning and homeland security and emergency preparedness agencies. These personnel shall consult with subdivisions and agencies on a regularly scheduled basis and shall make field examinations of the areas, circumstances, and conditions to which particular local and interjurisdictional disaster plans are intended to apply, and may suggest or require revisions.

D. In preparing and revising the plan, the parish office of homeland security and emergency preparedness shall seek the advice and assistance of government, business, labor, industry, agriculture, civic, and volunteer organizations, and community leaders.

E. The parish office of homeland security and emergency preparedness shall:

* * *

(6) Assist political subdivisions, their homeland security and emergency preparedness agencies and interjurisdictional homeland security and emergency preparedness agencies, in establishing and operating training programs and programs of information.

* * *

§730. Interjurisdictional homeland security and emergency preparedness agency

A. The governing authorities of any two or more parishes may enter into agreements, under which they shall be authorized to establish regional organizations for homeland security and emergency preparedness. Such agreements shall include plans, programs, administration, personnel, unified operation, allotment of available equipment, and distribution of costs and funds.

B. Interjurisdictional homeland security and emergency preparedness agencies shall prepare and distribute to all appropriate officials, in written form, a clear and complete statement of the homeland security and emergency responsibilities of all local agencies and officials and of the disaster chain of command.

* * *

§730.1. Interjurisdictional homeland security and emergency preparedness agency; providing assistance within another parish

A. In the event of an emergency or a disaster and upon the request of a parish president, a parish governing authority, or a parish ~~emergency/disaster~~ homeland security and emergency preparedness agency, a parish president, a parish governing authority, or a parish ~~emergency/disaster~~ homeland security and emergency preparedness agency may enter the jurisdiction of the requesting parish in order to furnish manpower, materials, equipment, or services. During the emergency or disaster, the personnel of the responding parish shall have the same power and authority as the equivalent personnel in the requesting parish. Manpower, materials, and equipment may be recalled at the discretion of the responding parish president, parish governing authority, or homeland security and parish ~~emergency/disaster~~ agency at any time.

B. The providing of assistance by one parish to another as authorized in this Section shall not give rise to liability by the responding or requesting parish to the other nor make any parish responsible for failure to respond to a request for assistance.

~~C. No charge shall be made to a requesting parish for manpower, materials, or equipment provided or service rendered by any responding parish governing authority.~~

* * *

§731. Financing

A. It is the intent of the legislature and declared to be the policy of the state that funds to meet ~~disaster~~ disasters and emergencies shall always be available.

B. The disaster and emergency funding board is established, composed of the president of the Senate, the speaker of the House of Representatives, and the chairmen of the House Appropriations Committee and the Senate Finance Committee.

C. It is the intent of the legislature that the first recourse shall be to funds regularly appropriated to state agencies. If the governor finds that the demands placed upon these funds in coping with a particular disaster are unreasonably great, with the concurrence of the disaster and emergency funding board, he may make funds available by transferring and expending monies appropriated for other purposes or may borrow for a term not to exceed two years from the United States government or any other public or private source. Action pursuant to this Subsection shall be only with the concurrence of the disaster and emergency funding board.

D. Nothing contained in this Section shall be construed to limit the governor's authority to apply for, administer, and expend any grants, gifts, or payments in aid of homeland security, disaster prevention, preparedness, response, or recovery.

* * *

§733.1. Limitation of liability of owner or operator of facilities

Any person or organization, public or private, owning or operating immovable property or other premises who voluntarily and without compensation grants a license or privilege or otherwise permits the designation by the state or local homeland security and emergency ~~management preparedness~~ agency or use of the whole or any part of the immovable property or premises for the purpose of sheltering persons during an actual, impending, mock, or practice emergency, together

with his successor in interest, if any, shall not be liable for the death of, or injury to, any person on or about such immovable property or premises during the actual, impending, mock, or practice emergency, or for loss of, or damage to, the property of such person, solely by reason or as a result of the license, privilege, designation, or use, unless the gross negligence or the willful and wanton misconduct of the person owning or operating the immovable property or premises or his successor in interest is the proximate cause of the death, injury, loss, or damage occurring during the sheltering period.

* * *

§735. Immunity of personnel

A. Neither the state nor any political subdivision thereof, nor other agencies, nor, except in case of willful misconduct, the agents' employees, or representatives of any of them, engaged in any homeland security and emergency preparedness activities, while complying with or attempting to comply with this Chapter or any rule or regulation promulgated pursuant to the provisions of this Chapter shall be liable for the death of or any injury to persons, or damage to property, as a result of such activity.

* * *

§737. Municipalities; authority to respond to emergencies

* * *

C. The state of emergency shall continue until the mayor or chief executive officer finds that the threat of danger has been dealt with to the extent that emergency conditions no longer exist. The state of emergency may be terminated by executive order or proclamation, but no state of emergency may continue for longer than thirty days

unless extended by the mayor or chief executive officer. The state of emergency or disaster may be terminated by the governor, parish president, a petition signed by a majority of the surviving members of either house of the legislature, a majority of the surviving members of the parish governing authority, or a majority of the surviving members of the municipal governing authority. The document terminating the state of emergency or disaster may establish a period during which no other declaration of emergency or disaster may be issued. All executive orders or proclamations issued under this Subsection shall indicate the nature of the emergency, the area or areas which are or may be affected, and the conditions which brought it about. Any order or proclamation declaring, continuing, or terminating a local disaster or emergency shall be given prompt and general publicity and shall be filed promptly with the state office of homeland security and emergency preparedness and the local office of homeland security and emergency preparedness and the office of the clerk of court.

D. Notwithstanding any other provision of this Chapter, when the mayor or chief executive officer declares a local disaster or emergency within such subdivision the mayor or chief executive officer shall carry out the provisions of this Chapter. Nothing contained herein shall be construed to confer upon the mayor or chief executive officer any authority to control or direct the activities of any state or parish agency. When the disaster or emergency is beyond the capabilities of the local government, the mayor or chief executive officer shall request assistance from the state office of homeland security and emergency preparedness or the local office of homeland security and emergency

preparedness. The declaration of a local emergency will serve to activate the response and recovery program of the local government.

E. No organization for homeland security and emergency preparedness established under this Chapter shall be employed directly or indirectly for political purposes.

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CHAPTER 8. SOUTHERN REGIONAL HOMELAND SECURITY AND EMERGENCY PREPAREDNESS MANAGEMENT ASSISTANCE

COMPACT

§751. Adoption of compact

The state of Louisiana hereby adopts, as its substantive law, the applicable provisions contained in the Southern Regional Homeland Security and Emergency Preparedness Management Assistance Compact in the form substantially as follows:

Southern Regional Homeland Security and Emergency Preparedness Management Assistance Compact

Article I - Purpose and Authorities

* * *

The purpose of this compact is to provide for mutual assistance between the states entering into this compact in managing any emergency or disaster that is duly declared by the governor of the affected state or states, whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resource shortages, community disorders, insurgency, ~~or enemy attack,~~ terrorist events, ~~or in the event of a civil disturbance, or in order to~~ detect, prevent, prepare for, investigate, respond to, or recover from any of the foregoing emergencies or disasters. As used in this Chapter,

"disaster" shall have the same meaning as provided in R.S. 29:723(1) and "emergency" shall have the same meaning as provided in R.S. 29:723(2).

This compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during disasters or emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this compact may include the use of the states' National Guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.

Article II - General Implementation

Each party state entering into this compact recognizes many disasters or emergencies transcend political jurisdictional boundaries and that intergovernmental coordination is essential in managing these and other emergencies under this compact. Each state further recognizes that there will be emergencies which require immediate access and present procedures to apply outside resources to make a prompt and effective response to such an emergency. This is because few, if any, individual states have all the resources they may need in all types of disasters or emergencies or the capability of delivering resources to areas where disasters or emergencies exist.

* * *

On behalf of the governor of each state participating in the compact, the legally designated state official who is assigned responsibility for homeland security and emergency preparedness

management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this compact.

Article III - Party State Responsibilities

A. It shall be the responsibility of each party state to formulate procedural plans and programs for interstate cooperation in the performance of the responsibilities listed in this Article. In formulating such plans, and in carrying them out, the party states, insofar as practical, shall:

(1) Review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, emergency aspects or resource shortages, civil disorders, insurgency, ~~or enemy attack, or~~ terrorist event, and to detect, prevent, prepare for, investigate, respond to, or recover from any of the foregoing emergencies or disasters.

(2) Review party states' individual homeland security and emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential disaster or emergency.

* * *

B. The authorized representative of a party state may request assistance of another party state by contacting the authorized representative of that state. The provisions of this agreement shall only apply to requests for assistance made by and to authorized representatives. Requests may be verbal or in writing. If verbal, the

request shall be confirmed in writing within thirty days of the verbal request. Requests shall provide the following information:

(1) A description of the homeland security and emergency preparedness service function for which assistance is needed, such as but not limited to fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

* * *

C. There shall be frequent consultation between state officials who have assigned homeland security and emergency preparedness management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the United States Government, with free exchange of information, plans, and resource records relating to emergency capabilities.

Article IV - Limitations

Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact in accordance with the terms hereof; however, it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state. Each party state shall afford to the homeland security and emergency preparedness forces of any party state, while operating within its state limits under the terms and conditions of this compact, the same powers (except that of arrest unless specifically authorized by the receiving state), duties, rights, and privileges as are afforded forces of the state in which they

are performing emergency services. ~~Emergency~~ Homeland security and emergency preparedness forces will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the homeland security and emergency preparedness services authorities of the state receiving assistance. These conditions may be activated, as needed, only subsequent to a declaration of a state of emergency or disaster by the governor of the party state that is to receive assistance or commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect or loaned resources remain in the receiving state or states, whichever is longer.

* * *

Article X - Evacuation

Plans for the orderly evacuation and interstate reception of portions of the civilian population, as the result of any emergency or disaster of sufficient proportions to so warrant, shall be worked out and maintained between the party states and the homeland security and emergency preparedness management/services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials or

supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees and the party state from which the evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees, for expenditures for transportation, food, clothing, medicines and medical care, and like items. Such expenditures shall be reimbursed as agreed by the party state from which the evacuees come. After the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support of repatriation of such evacuees.

* * *

Section 3. R.S. 30:2458(A)(9) is hereby amended and reenacted to read as follows:

§2458. Interagency council

A. The coordinator shall convene at least twice annually and as deemed necessary and serve as chairperson to a cooperative council, the interagency council, composed of the following:

* * *

(9) The assistant director of the state office of homeland security and emergency preparedness.

* * *

Section 4. R.S. 45:841(2) and (5), 842, 843(A)(1) and (2), and 844 are hereby amended and reenacted to read as follows:

§841. Definitions

The following terms as used in this Chapter shall have the following meanings:

* * *

(2) "Emergency alert provider" means a third party which is designated by a parish office of homeland security and emergency preparedness to provide emergency alert services for that parish and which is certified as such by the state office of homeland security and emergency preparedness.

* * *

(5) "Parish office of homeland security and emergency preparedness" means an agency of local government established pursuant to R.S. 29:727.

§842. Provision of emergency alert services

A. A parish office of homeland security and emergency preparedness may provide emergency alert services within such parish or may designate an emergency alert provider to provide such services. An emergency alert provider may be a private for-profit entity operating under contract with and at the direction of the parish office of homeland security and emergency preparedness.

B. The state office of homeland security and emergency preparedness shall certify and issue a certificate to each emergency alert provider.

§843. Records required

A.(1) Each telephone company doing business within this state shall, upon request, and subject to the rates, terms, and conditions approved by the Louisiana Public Service Commission, provide a record of all listed and unlisted telephone numbers within a parish where 911/E911 service exists to the parish office of emergency preparedness providing emergency alert services or, upon proof of certification by the state office of homeland security and emergency

preparedness, to its emergency alert provider. Such record shall be provided on computer disc or by other electronic means. Each telephone number shall be identified by address, including street name, street address, and city.

(2) Each telephone company shall provide its 911/E911 database snapshot record of telephone numbers provided pursuant to Paragraph (1) of this Subsection upon request of the parish office of homeland security and emergency preparedness or its certified emergency alert provider, and subject to the terms, rates, and conditions approved by the Louisiana Public Service Commission. Such requests shall not exceed four requests per year.

* * *

§844. Confidentiality

A. Any listed or unlisted number provided by a telephone company pursuant to this Chapter shall be used only by a parish office of homeland security and emergency preparedness or its emergency alert provider, acting at the request of such an office, for the exclusive purpose of providing emergency alert services. Any use involving the reproduction, publishing, reselling, disclosing, tampering with, or providing access to information in the database for any purpose other than the provision of emergency alert service is strictly prohibited.

B. Any unlisted number provided to a parish office of homeland security and emergency preparedness or its emergency alert provider pursuant to this Chapter shall be held in strict confidence by that office, provider, and employees of such office or provider and shall not be disclosed to any other person or persons. Any deliberate violation of this Subsection shall be grounds for a civil suit by the aggrieved

subscriber against the parish office of homeland security and emergency preparedness, the emergency alert provider, and any employee of the office or provider responsible for such violation.

C. In the event that a telephone company is named as a defendant in any action instituted by a subscriber concerning the unauthorized use of such subscriber's listed or unlisted number, the appropriate parish office of homeland security and emergency preparedness or its emergency alert provider shall indemnify and hold the telephone company harmless in such action, including the provision of a timely defense.

Section 5. R.S. 49:853(4) is hereby amended and reenacted to read as follows:

§853. Definitions

Unless otherwise clearly required by the context, as used in this Chapter:

* * *

(4) "Attack" means any act of terrorism, attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by the use of bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological or biological means, or other weapons or processes.

Section 6. R.S. 29:7.1 is hereby repealed in its entirety.

Section 7. The Louisiana State Law Institute is hereby directed to redesignate existing R.S. 29:7.2 as R.S. 29:7.1.

Section 8. The Louisiana State Law Institute is hereby directed to redesignate the office of emergency preparedness as the office of homeland security and emergency preparedness wherever it appears in the law.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____