

ACT No. 526

HOUSE BILL NO. 1070 (Substitute for House Bill No. 759 by Representative Schexnayder)

BY REPRESENTATIVES SCHEXNAYDER AND THOMPSON

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AN ACT

To amend and reenact R.S. 29:725(A), 725.5, 726(B)(introductory paragraph) and (F), and 729(B)(introductory paragraph) and (12), to enact R.S. 29:725(K), 726(G), and 728(G), and to repeal R.S. 29:726(E)(25) and 731, relative to the Governor's Office of Homeland Security and Emergency Preparedness; to provide relative to interoperability; to create the Emergency Communications Interoperability Fund; to provide requirements for the statewide emergency management software system; to provide for mandatory training requirements; to provide relative to parish offices of homeland security and emergency preparedness; to provide relative to prepositioned contracts; to provide relative to procurement; to provide for reporting; to provide for temporary housing assistance; to provide for eligibility; to provide relative to waivers of local land use regulations; to provide for exemptions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:725(A), 725.5, 726(B)(introductory paragraph), and 729(B)(introductory paragraph) and (12), are hereby amended and reenacted and R.S. 29:725(K), 726(G), and 728(G) are hereby enacted to read as follows:

§725. State emergency and disaster agency; powers of director; officers of the agency

A. The Governor's Office of Homeland Security and Emergency Preparedness, hereafter referred to in this Chapter as GOHSEP, is hereby established as a state agency within the office of the governor.

* * *

1 K.(1) The office of interoperability shall be headed by an assistant deputy
2 director of interoperability who shall be in the unclassified service. The assistant
3 deputy director may delegate authority to such designees or to any governmental
4 body as the assistant deputy director may deem appropriate within the limitations of
5 state and federal laws, rules, and regulations. The assistant deputy director of
6 interoperability may promulgate rules and regulations to carry out the provisions of
7 R.S. 29:725.1 through 725.4.

8 (2) The assistant deputy director of interoperability shall work in conjunction
9 with the state Unified Command Group and interoperability subcommittee to
10 develop, implement, and maintain a secure interagency communication across
11 jurisdictional and geographic boundaries to enable end users to access authorized
12 information when and how they need it as identified in the statewide interoperability
13 plan and statewide communications interoperability plan for first responders.

14 (3) The assistant deputy director of interoperability shall perform the
15 following functions:

16 (a) Serve as chairman of the interoperability subcommittee.

17 (b) Serve as the state liaison for interoperability.

18 (c) Administer the statewide communications interoperability plan in
19 coordination with the chief information officer or his designee.

20 (d) Partner with local, state, and federal officials to achieve emergency
21 response interoperability in every parish throughout the state.

22 (e) Leverage existing local, state, and federal efforts, including assets and
23 resources, to ensure better coordination and accountability for activities including but
24 not limited to research and development, testing and evaluation, standards, technical
25 assistance, training, and funding for interoperability.

26 (f) Support the creation of interoperability standards.

27 (g) Submit recommendations to the legislature relative to any changes in
28 state law necessary to remove barriers to achieving communications interoperability.

1 (h) Provide an update to the Joint Legislative Committee on the Budget no
 2 later than August first of each year on upgrades made to the Louisiana Wireless
 3 Information Network system and resiliency and redundancy plans for the system.

4 * * *

5 §725.5. ~~Assistant deputy director of interoperability~~ Emergency Communications
 6 Interoperability Fund

7 A. ~~The office of interoperability shall be headed by an assistant deputy~~
 8 ~~director of interoperability who shall be in the unclassified service. The assistant~~
 9 ~~deputy director may delegate authority to such designees or to any governmental~~
 10 ~~body as the assistant deputy director may deem appropriate within the limitations of~~
 11 ~~state and federal laws, rules, and regulations. The assistant deputy director of~~
 12 ~~interoperability may promulgate rules and regulations to carry out the provisions of~~
 13 ~~R.S. 29:725.1 through 725.5.~~

14 ~~B. The assistant deputy director of interoperability shall work in conjunction~~
 15 ~~with the state Unified Command Group and interoperability subcommittee to~~
 16 ~~develop, implement, and maintain a secure interagency communication across~~
 17 ~~jurisdictional and geographic boundaries to enable end users to access authorized~~
 18 ~~information when and how they need it as identified in the statewide interoperability~~
 19 ~~plan and statewide communications interoperability plan for first responders.~~

20 ~~C. The assistant deputy director of interoperability shall perform the~~
 21 ~~following functions:~~

- 22 ~~(1) Serve as chairman of the interoperability subcommittee.~~
- 23 ~~(2) Serve as the state liaison for interoperability.~~
- 24 ~~(3) Administer the statewide communications interoperability plan in~~
 25 ~~coordination with the chief information officer or his designee.~~
- 26 ~~(4) Partner with local, state, and federal officials to achieve emergency~~
 27 ~~response interoperability in every parish throughout the state.~~
- 28 ~~(5) Leverage existing local, state, and federal efforts, including assets and~~
 29 ~~resources, to ensure better coordination and accountability for activities including but~~

1 ~~not limited to research and development, testing and evaluation, standards, technical~~
2 ~~assistance, training, and funding for interoperability.~~

3 ~~(6) Support the creation of interoperability standards.~~

4 ~~(7) Submit recommendations to the legislature relative to any changes in~~
5 ~~state law necessary to remove barriers to achieving communications interoperability.~~

6 There is hereby created in the state treasury, as a special fund, the Emergency
7 Communications Interoperability Fund, hereinafter referred to in this Section as the
8 "fund".

9 B. All unexpended and unencumbered monies in the fund at the end of the
10 fiscal year shall remain in the fund. Monies in the fund shall be invested in the same
11 manner as monies in the state general fund. Interest earned on the investment of
12 monies in the fund shall be deposited in and credited to the fund.

13 C. Monies in the fund shall be used to provide funding for the Louisiana
14 Wireless Information Network.

15 * * *

16 §726. Governor's Office of Homeland Security and Emergency Preparedness;
17 authority and responsibilities

18 * * *

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

22 * * *

23 ~~F. The Governor's Office of Homeland Security and Emergency~~
24 ~~Preparedness shall ascertain what means exist for rapid communications in times of~~
25 ~~disaster or emergencies, shall consider the desirability of supplementing these~~
26 ~~communications resources or of integrating them into a comprehensive state or state-~~
27 ~~federal telecommunication or other communications system or its several parts, shall~~
28 ~~evaluate the possibility of multipurpose use thereof for general state and local~~
29 ~~governmental purposes, and shall make recommendations to the governor as~~
30 ~~appropriate.~~ No later than August 1, 2022, GOHSEP shall:

- 1 (1) Ensure that the official state emergency management software system:
- 2 (a) Is accessible to all sixty-four parishes to monitor and manage activities
- 3 before, during, and after an emergency or disaster.
- 4 (b) Is accessible to the president of the Senate, the speaker of the House of
- 5 Representatives, the chairman of the Senate Select Committee on Homeland
- 6 Security, and the chairman of the House Select Committee on Homeland Security
- 7 for the purpose of viewing the status of requests for resources and services.
- 8 (c) Has the capability to allow GOHSEP to update the status of all requests
- 9 for resources and services continuously and make the information simultaneously
- 10 available to all users.
- 11 (d) Sends automatic notifications to the requesting parish when the status of
- 12 a request changes.
- 13 (2)(a) Develop an emergency management training program for local
- 14 officials and employees. The training program shall contain the following
- 15 components:
- 16 (i) Instruction on submitting requests for resources and services.
- 17 (ii) Standards and regulations for the disbursement of assets and diversion
- 18 of resources during a federally or gubernatorially declared emergency.
- 19 (iii) Information on the roles of the Governor's Office of Homeland Security
- 20 and Emergency Preparedness, the parish offices of homeland security and emergency
- 21 preparedness, and state agencies that provide resources and assistance for disaster
- 22 preparedness, response, and recovery.
- 23 (iv) Information on contracting for goods and services before, during, and
- 24 after a disaster, procurement procedures, reimbursement requirements from the
- 25 Federal Emergency Management Agency, and the utilization of prepositioned
- 26 contracts.
- 27 (v) Availability and utilization of nonprofit organizations.
- 28 (b) GOHSEP shall provide the training to local officials and employees
- 29 identified by the parish president pursuant to the provisions of R.S. 29:728(G) on no

1 less than an annual basis and shall provide additional training as requested by any
 2 director of a parish office of homeland security and emergency preparedness.

3 (c) GOHSEP shall provide the training to all members of the legislature at
 4 the beginning of each legislative term and shall provide additional training as
 5 requested by the president of the Senate, the speaker of the House of
 6 Representatives, the chairman of the Senate Select Committee on Homeland
 7 Security, or the chairman of the House Select Committee on Homeland Security.

8 (d) The training may be provided in-person or virtually, however, any virtual
 9 training shall require active participation from attendees.

10 (3) Develop a program to provide additional funding and resources for
 11 temporary housing and shelter assistance to parish governing authorities within the
 12 first fourteen days following a presidential declaration of a major disaster or
 13 emergency. GOHSEP shall prioritize implementation of the program based on the
 14 projected level of impact. The program shall include the following:

15 (a) GOHSEP shall enter into prepositioned contracts for temporary housing
 16 and shelter and professional services for disaster recovery, grant management, and
 17 administration for the program. GOHSEP shall prioritize post-disaster delivery time
 18 when letting the contracts.

19 (b) A parish governing authority shall be eligible for participation in the
 20 program if all of the following conditions are met:

21 (i) The parish is included in a presidential declaration of a major disaster or
 22 an emergency.

23 (ii) The parish governing authority submits a request to GOHSEP within
 24 seven days after the presidential disaster declaration.

25 (iii)(aa) The parish governing authority has submitted a certification to
 26 GOHSEP that the local governing authority will waive any land use regulations
 27 relative to permitting for mobile homes, recreational vehicles, and other temporary
 28 housing directly adjacent to the survivor's damaged dwelling to allow for expedited
 29 temporary housing assistance in the parish.

1 (bb) If the parish governing authority submits the certification to waive
 2 parish land use regulations but the municipal governing authority fails to submit the
 3 certification, the temporary housing assistance shall only apply for parish residents
 4 residing outside of the municipality.

5 (cc) For calendar year 2022, each parish and municipality shall submit the
 6 certification or opt out of participating in the program no later than September first.

7 (4) Develop a process for parishes and municipalities to submit the waiver
 8 certification or opt out of the program through the state emergency management
 9 software system. Parishes and municipalities shall be given the opportunity to
 10 change the selection regarding the waiver each year. GOHSEP shall make the list
 11 of parishes and municipalities that have submitted the certification or opted out of
 12 participating in the program accessible to the public on its website.

13 (5) Work with state agencies and parish offices of homeland security and
 14 emergency preparedness to complete an inventory of portable generators owned by
 15 the state and local governments which are capable of operating during a major
 16 disaster. The inventory shall identify, at a minimum, the location of each generator,
 17 the number of generators stored at each specific location, the agency to which each
 18 generator belongs, the primary use of the generator by the owner agency, and the
 19 names, addresses, and telephone numbers of persons having the authority to loan the
 20 stored generators as authorized by the division during a declared emergency.

21 G.(1) GOHSEP shall coordinate with the office of state procurement and all
 22 state agencies that provide emergency support functions to ensure that the state is
 23 prepared to efficiently respond to disasters and emergencies. This effort shall
 24 include the state having prepositioned contracts in place for the ensuing fiscal year
 25 no later than June thirtieth of each year. However, for Fiscal Year 2022-2023, the
 26 prepositioned contracts shall be in place no later than September 1, 2022.

27 (2) The prepositioned contracts shall include but not be limited to the
 28 following:

29 (a) Transportation services for evacuation purposes.

30 (b) Temporary housing and sheltering.

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(c) Generators.

(d) Emergency food supplies, water, and ice.

(e) Debris removal.

(f) Professional services for disaster recovery, grant management, and administration.

(3) All prepositioned contracts shall be procured in compliance with applicable state and federal procurement regulations.

(4) No later than July fifteenth of each year, GOHSEP shall submit a list of all prepositioned contracts entered into pursuant to this Subsection to the Joint Legislative Committee on the Budget and the House and Senate select committees on homeland security.

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§728. Parish homeland security and emergency preparedness agency

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G. The parish president shall designate any parish, municipal, or special district employees the parish president deems necessary to be dedicated, on a full-time basis, to emergency preparedness and disaster or emergency response in the parish. The director shall ensure the employees designated pursuant to this Section and any local officials deemed necessary by the parish president have received the annual emergency management training provided for in R.S. 29:726(F)(2).

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

* * *

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.~~ The plan ~~may~~ shall include any of the following:

* * *

(12) Other necessary matters as determined by GOHSEP.

* * *

1 Section 2. R.S. 29:726(E)(25) and 731 are hereby repealed in their entirety.

2 Section 3. This Act shall become effective upon signature by the governor or, if not
3 signed by the governor, upon expiration of the time for bills to become law without signature
4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
5 vetoed by the governor and subsequently approved by the legislature, this Act shall become
6 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____