

2022 Regular Session

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

BY REPRESENTATIVES SCHEXNAYDER AND THOMPSON

EMERGENCY PREPAREDNESS: Provides relative to the Governor's Office of Homeland Security and Emergency Preparedness

1 AN ACT

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

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 29:725(A) and (F), 725.5, 726(B)(introductory paragraph) and (F),
16 and 729(B)(introductory paragraph) and (12), are hereby amended and reenacted and R.S.
17 29:725(K), 726(G), and 728(G) are hereby enacted to read as follows:

1 §725. State emergency and disaster agency; powers of director; ~~assistant deputy~~
2 director of interoperability

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

6 * * *

7 F.(1) The director shall, in addition to other staff, appoint regional
8 coordinators and may appoint assistant coordinators for each homeland security and
9 emergency preparedness region throughout the state, as provided by R.S.
10 29:726(E)(21) to assist each of the parish offices of homeland security and
11 emergency preparedness in the administration of the provisions of this Chapter.

12 (2)(a) The regional coordinator shall administer the emergency management
13 training program provided in R.S. 29:726(F)(2) to local officials and employees
14 identified by the parish president pursuant to the provisions of R.S. 29:728(G).

15 (b) The regional coordinator shall provide the training on no less than an
16 annual basis and shall provide additional training as requested by any director of a
17 parish office of homeland security and emergency preparedness.

18 (c) The training may be provided in-person or virtually, however, any virtual
19 training shall require active participation from attendees.

20 * * *

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

28 (2) The assistant deputy director of interoperability shall work in conjunction
29 with the state Unified Command Group and interoperability subcommittee to

1 develop, implement, and maintain a secure interagency communication across
2 jurisdictional and geographic boundaries to enable end users to access authorized
3 information when and how they need it as identified in the statewide interoperability
4 plan and statewide communications interoperability plan for first responders.

5 (3) The assistant deputy director of interoperability shall perform the
6 following functions:

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

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

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

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

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

17 (f) Support the creation of interoperability standards.

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

20 (4) The assistant deputy director of interoperability shall work in conjunction
21 with the interoperability subcommittee of the Unified Command Group to develop
22 a plan for alternatives to the Louisiana Wireless Information Network. The plan
23 shall be submitted to the Joint Legislative Committee on the Budget no later than
24 March 1, 2023.

25 * * *

26 §725.5. ~~Assistant deputy director of interoperability~~ Emergency Communications
27 Interoperability Fund

28 A. ~~The office of interoperability shall be headed by an assistant deputy~~
29 ~~director of interoperability who shall be in the unclassified service.~~ The assistant

1 ~~deputy director may delegate authority to such designees or to any governmental~~
2 ~~body as the assistant deputy director may deem appropriate within the limitations of~~
3 ~~state and federal laws, rules, and regulations. The assistant deputy director of~~
4 ~~interoperability may promulgate rules and regulations to carry out the provisions of~~
5 ~~R.S. 29:725.1 through 725.5.~~

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

12 C. ~~The assistant deputy director of interoperability shall perform the~~
13 ~~following functions:~~

14 (1) ~~Serve as chairman of the interoperability subcommittee.~~

15 (2) ~~Serve as the state liaison for interoperability.~~

16 (3) ~~Administer the statewide communications interoperability plan in~~
17 ~~coordination with the chief information officer or his designee.~~

18 (4) ~~Partner with local, state, and federal officials to achieve emergency~~
19 ~~response interoperability in every parish throughout the state.~~

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

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

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

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

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

5 C. Monies in the fund shall be used to provide funding for alternatives to the
6 Louisiana Wireless Information Network as provided in the plan submitted pursuant
7 to R.S. 29:725(K)(4) and approved by the Joint Legislative Committee on the
8 Budget.

9 * * *
10 §726. Governor's Office of Homeland Security and Emergency Preparedness;
11 authority and responsibilities

12 * * *

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

16 * * *

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

- 25 (1) Ensure that the official state emergency management software system:
26 (a) Is accessible to all sixty-four parishes, state and federal agencies, and
27 approved non-governmental emergency management partners to monitor and
28 manage activities before, during, and after an emergency or disaster.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 (b) Is accessible to local officials for the purpose of viewing the status of
2 requests for resources and services.

3 (c) Has the capability to allow GOHSEP to update the status of all requests
4 for resources and services continuously and make the information simultaneously
5 available to all users.

6 (d) Sends automatic notifications to the requesting parish when the status of
7 a request changes.

8 (2) Develop an emergency management training program for local officials
9 and employees. The training program shall contain the following components:

10 (a) Instruction on submitting requests for resources and services.

11 (b) Information on the roles of the Governor's Office of Homeland Security
12 and Emergency Preparedness, the parish offices of homeland security and emergency
13 preparedness, and state agencies that provide resources and assistance for disaster
14 preparedness, response, and recovery.

15 (c) Information on contracting for goods and services before, during, and
16 after a disaster, procurement procedures, reimbursement requirements from the
17 Federal Emergency Management Agency, and the utilization of prepositioned
18 contracts.

19 (d) Availability and utilization of nonprofit organizations.

20 (3)(a) Coordinate with the office of state procurement, the Department of
21 Agriculture and Forestry, the Department of Transportation and Development, and
22 the Military Department to prepare a report indicating the following:

23 (i) The amount of procured goods and services utilized for emergency
24 preparedness and disaster response.

25 (ii) The number of emergency contracts for the preceding calendar year that
26 were let without competition pursuant to an executive order issued under the
27 authority granted in R.S. 29:724.

28 (b) GOHSEP shall submit the report to the Joint Legislative Committee on
29 the Budget and the House and Senate select committees on homeland security.

1 (4) Develop a program to provide additional funding and resources for
2 temporary housing and shelter assistance to parish governing authorities during the
3 first fourteen days following a presidential declaration of a major disaster or
4 emergency. The program shall include the following:

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

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

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

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

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

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

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

26 (5) Develop a process for parishes and municipalities to submit the waiver
27 certification or opt out of the program through the state emergency management
28 software system. Parishes and municipalities shall be given the opportunity to
29 change the selection regarding the waiver each year.

1 G. No later than August first of each year, the office shall submit an annual
2 report to the Joint Legislative Committee on the Budget and the House and Senate
3 select committees on homeland security. The report shall include all of the
4 following:

5 (1) A list of all prepositioned contracts entered into for the current fiscal
6 year.

7 (2) The procurement report provided for in Paragraph (F)(3) of this Section.

8 (3) A list of all parishes and municipalities in the state and whether or not
9 the governing authority has submitted the certification provided in Item (F)(4)(b)(iii)
10 of this Section.

11 * * *

12 §728. Parish homeland security and emergency preparedness agency

13 * * *

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

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

22 * * *

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

26 * * *

27 (12) Other necessary matters as determined by GOHSEP.

28 * * *

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

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

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 1070 Reengrossed

2022 Regular Session

Schexnayder

Abstract: Provides relative to the operational procedures of the Governor's Office of Homeland Security and Emergency Preparedness.

Present law provides for the authorities and responsibilities of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP).

Present law requires state and local emergency operation plans that may include certain information.

Proposed law retains present law regarding the information included in the plans but makes the inclusion of the information mandatory.

Proposed law retains present law and adds that GOHSEP shall do the following by Aug. 1, 2022:

- (1) Ensure the official state emergency management software system is accessible to certain entities and has specific capabilities regarding requests.
- (2) Develop an online emergency management training program to be completed annually by local officials and employees identified by each parish president.
- (3) Coordinate with the office of state procurement, Dept. of Agriculture and Forestry, Dept. of Transportation and Development, and Dept. of Military Affairs to prepare a procurement assessment report and submit the report to the Joint Legislative Committee on the Budget (JLCB) and the House and Senate select committees on homeland security.
- (4) Develop a program to provide temporary housing and shelter assistance to parish governing authorities during the first 14 days following a disaster.

Proposed law provides requirements for GOHSEP to implement the program and for local governments to participate in the program. Eligibility for participation includes waiving certain land use regulations.

Proposed law requires the regional coordinator for each homeland security and emergency preparedness region to administer the emergency management training to local officials and employees annually either in-person or virtually.

Proposed law requires GOHSEP to submit an annual report to JLCB and the House and Senate select committees on homeland security regarding contracts and the temporary housing and shelter assistance program.

Present law requires GOHSEP to study the feasibility of pre-bidding certain contracts for disaster response services.

Proposed law repeals present law.

Present law provides that the office of interoperability shall be headed by an assistant deputy director of interoperability.

Proposed law relocates present law under the present law provision which provides relative to powers of a director.

Proposed law requires the assistant deputy director of interoperability to work with the interoperability subcommittee of the Unified Command Group to develop a plan for alternatives to the La. Wireless Information Network and submit the plan to JLCB for approval by March 1, 2023.

Proposed law creates the Emergency Communications Interoperability Fund to provide funding for the interoperability plan approved by JLCB.

Present law requires each parish office of homeland security and emergency preparedness to have a director appointed by the parish president and provides for responsibilities of the director.

Proposed law requires each parish president to 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 response in the parish.

Proposed law further requires the director to ensure that the employees so designated and any local officials deemed necessary by the parish president have received the annual emergency management training provided by GOHSEP.

Present law provides for a disaster and emergency funding board.

Proposed law repeals present law.

(Amends R.S. 29:725(A) and (F), 725.5, 726(B)(intro. para.) and (F) and 729(B)(intro. para.) and (12); Adds R.S. 29:725(K), 726(G), and 728(G); Repeals R.S. 29:726(E)(25) and 731)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Require the regional coordinator for each homeland security and emergency preparedness region to administer the emergency management training to local officials and employees annually either in-person or virtually.
2. Require the assistant deputy director of interoperability to work with the Unified Command Group's interoperability subcommittee to develop a plan for alternatives to the La. Wireless Information Network and submit the plan to JLCB for approval by March 1, 2023.
3. Create the Emergency Communications Interoperability Fund to provide funding for the plan approved by JLCB.

4. Require that local officials have access to the state emergency management software system for the purpose of viewing the status of requests.
5. Require the software system to send automatic notifications to requesting parishes when the status of a request changes.
6. Add criteria for the emergency management training program.
7. Clarify that the temporary housing waiver applies to housing directly adjacent to the survivor's damaged dwelling.
8. Change the party responsible for designating local employees to respond to a disaster or emergency from the parish director of the office of homeland security and emergency preparedness to the parish president.
9. Provide that the components included in the state and local emergency operations plans are mandatory instead of optional.
10. Make technical changes.