

2022 Regular Session

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

BY REPRESENTATIVES SCHEXNAYDER AND THOMPSON

1 AN ACT

2 To amend and reenact R.S. 29:725(A), 725.5, 726(B)(introductory paragraph) and (F), and  
3 729(B)(introductory paragraph) and (12), to enact R.S. 29:725(K), 726(G), and  
4 728(G), and to repeal R.S. 29:726(E)(25) and 731, relative to the Governor's Office  
5 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), 725.5, 726(B)(introductory paragraph), and  
16 729(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:

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

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

23 \* \* \*

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.





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: \_\_\_\_\_