
DIGEST

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HB 759 Original

2022 Regular Session

Schexnayder

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

Present law (R.S. 29:725.5) provides for the assistant deputy director of interoperability and gives the director the power to promulgate rules and regulations.

Proposed law retains present law.

Proposed law provides that the assistant deputy director of interoperability shall initiate, through the notice process provided by present law (R.S. 49:953.1), the promulgation of administrative rules required by present law on or before Aug. 1, 2022.

Present law (R.S. 29:726) provides for the authorities and responsibilities of the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP).

Present law provides that GOHSEP shall take an integral part in the development and revision of local and interjurisdictional emergency plans prepared under present law. Provides that GOHSEP 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.

Proposed law retains present law and adds that GOHSEP shall provide expert training and assistance to political subdivisions, their homeland security and emergency preparedness agencies, and interjurisdictional planning and homeland security and emergency preparedness agencies.

Present law provides that GOHSEP shall either directly or through authorized assignment to another state agency or department include a proposed post-disaster response and recovery component in the homeland security and state emergency operations plan that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of post-disaster response and recovery activities.

Present law provides that the proposed post-disaster response and recovery component shall, at a minimum, include all of the following:

- (1) Establishment of the state's plan for post-disaster response and recovery.

- (2) Establishment of procedures for activating the state's plan.
- (3) Establishment of policies used to guide post-disaster response and recovery activities.
- (4) Description of the initial and continuous post-disaster response and recovery actions.
- (5) Identification of the roles and responsibilities of each involved agency and organization.
- (6) Establishment of a comprehensive communications plan.
- (7) Establishment of procedures for monitoring mutual aid agreements.
- (8) Provision for rapid impact assessment teams.
- (9) Procedures to ensure the availability of an effective statewide urban search and rescue program coordinated with fire and emergency responders.
- (10) Procedures to ensure the existence of a comprehensive statewide medical care and relief plan directed by the La. Dept. of Health.
- (11) Establishment of systems for coordinating volunteers and accepting and distributing donated funds and goods.

Proposed law retains present law and adds that GOHSEP's proposed post-disaster response and recovery component shall also include the establishment of a mandatory number of full-time employees in each parish office of homeland security and emergency preparedness as follows:

- (1) Two full-time employees if the parish population is under 50,000 people.
- (2) Three full-time employees if the parish population is over 50,000 people but not more than 149,000 people.
- (3) Four full-time employees if the parish population is at least 150,000 people or more.

Proposed law provides that the post-disaster response and recovery component shall include an official state emergency management software system which shall be accessible to all 64 parishes, state and federal agencies, and approved non-governmental emergency management partners to monitor and manage activities before, during, and after an emergency or disaster.

Proposed law provides that the system shall include all of the following capabilities:

- (1) Situational reporting.
- (2) Daily reports.

- (3) A process for requesting resources and preliminary damage assessments in the aftermath of a disaster.
- (4) Retention of financial data.
- (5) Intelligence reporting.

Proposed law provides that no later than Aug. 1, 2022, the system shall have the capability to allow the office to update the status of all requests for resources and services continuously and make the information simultaneously available to all users.

Present law provides that GOHSEP shall propose the assignment of lead and support responsibilities to state agencies and personnel for emergency support functions and other support activities. Provides that GOHSEP shall provide assistance to parish offices of emergency preparedness in the preparation of parish emergency operations plans.

Proposed law provides that the assistance from GOHSEP shall include, but not be limited to, the implementation of a mandatory disaster preparation and recovery training program to be completed by every parish president, mayor, and local official before June 1st of each calendar year. Provides that for the first year following the effective date of proposed law, the training shall be completed no later than Sep. 1, 2022.

Proposed law provides that the education and training required pursuant to proposed law may be received either in person or via the internet through training and education materials approved by the office.

Proposed law provides that the GOHSEP shall ensure that each parish office of emergency preparedness is notified of the training program. Provides that the agency head, or his designee, shall be responsible for maintaining records of the compliance of each parish office with the mandatory training requirement and that each public servant's record of compliance shall be a public record and available to the public in accordance with the Public Records Law.

Proposed law provides that the content, structure, accessibility, record maintenance, and all other related matters of the training program shall be developed and promulgated by the office in accordance with the rules and regulations of the Administrative Procedure Act.

Proposed law provides that GOHSEP shall initiate, through the notice process provided by present law (R.S. 49:953.1), the promulgation of administrative rules required by proposed law on or before Aug. 1, 2022.

Present law provides that GOHSEP shall study the feasibility of pre-bidding of contracts to provide for disaster response services such as but not limited to transportation services for evacuation purposes, housing or temporary and long-term shelter for evacuees, provision of emergency food supplies, water and ice, and debris removal and enter into such contracts deemed to be in the best interest of the state to preserve and protect life, health, safety, and property of all citizens.

Proposed law repeals present law.

Present law (R.S. 29:729) provides for the authorities and responsibilities of parish homeland security and emergency preparedness agencies.

Present law provides that a parish office of homeland security and emergency preparedness shall 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.

Proposed law retains present law and adds that a parish office of homeland security and emergency preparedness shall administer a mandatory disaster preparation and recovery training program to be completed by every political subdivision leader before June 1st of each calendar year. Provides that for the first year following the effective date of proposed law, the training shall be complete no later than Sep. 1, 2022.

Proposed law provides that the education and training required pursuant to proposed law may be received either in person or via the internet through training and education materials approved by GOHSEP.

Proposed law provides that the parish office of homeland security and emergency preparedness shall ensure that each political subdivision is notified of the training program. Provides that the parish office head, or his designee, shall be responsible for maintaining records of the compliance of each parish office with the mandatory training requirement.

Proposed law provides that each public servant's record of compliance shall be a public record and available to the public in accordance with the Public Records Law.

Present law provides that a parish office of homeland security and emergency preparedness shall cooperate with the state and federal government and any public or private agency or entity in achieving any purpose of present law and in implementing programs for disaster emergency mitigation, preparation, response, and recovery.

Proposed law retains present law and adds that implementation measures shall include providing continuous information and accessibility to parish presidents, mayors, and local officials of the official state emergency management software system as developed and promulgated by GOHSEP in accordance with the rules and regulations of the Administrative Procedure Act.

Present law (R.S. 29:731) provides for financing.

Proposed law amends present law to provide for prepositioned contracts for disaster and emergency preparedness and temporary housing assistance.

Present law provides that it is the intent of the legislature and declared to be the policy of the state that funds to meet disasters and emergencies shall always be available.

Proposed law amends present law and adds that resources to meet disasters and emergencies shall always be available. Provides that GOHSEP shall utilize the processes established in proposed law.

Present law provides that 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.

Proposed law repeals present law.

Present law provides that it is the intent of the legislature that the first recourse shall be to funds regularly appropriated to state agencies. Provides 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 U.S. government or any other public or private source. Provides that action pursuant to present law shall be only with the concurrence of the disaster and emergency funding board.

Proposed law repeals present law.

Present law provides that nothing contained in present law 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.

Proposed law repeals present law and provides that GOHSEP shall complete an annual procurement needs assessment by Jan. 1st of each year. Provides that GOHSEP shall prepare a report indicating the amount of procured goods and services utilized for disaster preparedness and response and the number of emergency contracts entered into for disaster response in the preceding three calendar years. Provides that the assessment shall be used to determine the number, types, and amounts of prepositioned contracts necessary for the ensuing fiscal year.

Proposed law provides that GOHSEP shall have prepositioned contracts in place for the ensuing fiscal year no later than June 30th of each year. Provides that for the first year following the effective date of proposed law, the prepositioned contracts shall be in place no later than Sep. 1, 2022.

Proposed law provides that the prepositioned contracts shall include, but not be limited to, the following:

- (1) Transportation services for evacuation purposes.
- (2) Temporary housing and sheltering.
- (3) Generators.
- (4) Emergency food supplies, water, and ice.

- (5) Debris removal.
- (6) Professional services for disaster recovery, grant management, and administration.

Proposed law provides that GOHSEP shall prioritize post-disaster delivery time when letting prepositioned contracts.

Proposed law provides that all prepositioned contracts shall be procured in compliance with state and federal procurement regulations.

Proposed law provides GOHSEP shall develop a program to provide additional funding and resources for temporary housing and shelter assistance to parish governing authorities during the first 14 days following a presidential declaration of a major disaster or emergency. Provides that the office shall utilize prepositioned contracts for temporary housing and shelter and professional services for disaster recovery, grant management, and administration for the program.

Proposed law provides that a parish governing authority shall be eligible for participation in the program if all of the following conditions are met:

- (1) The parish is included in a presidential declaration of a major disaster or an emergency.
- (2) The parish governing authority submits a request to the office within seven days after the presidential disaster declaration.
- (3) The parish governing authority has submitted the certification provided in proposed law.

Proposed law provides that if the parish governing authority submits the certification to waive parish land use regulations but the municipal governing authority fails to submit the certification, the temporary housing assistance shall only apply for parish residents residing outside of the municipality.

Proposed law provides that prior to Aug. 1, 2022, the office shall develop a process for parishes and municipalities to certify that the local governing authority will waive any land use regulations relative to permitting for mobile homes, recreational vehicles, and other temporary housing to allow for expedited temporary housing assistance in the parish. Provides that the office shall provide for a mechanism for municipalities and parishes to submit the certification through the state emergency management software system.

Proposed law provides that during the 2022 calendar year, each parish and municipality shall submit the certification or opt out of participating in the program no later than Sep. 1st.

Proposed law provides that beginning in 2026, and each four years thereafter, the parish and municipality shall submit the certification or opt out of participating in the program no later than June 30th.

Proposed law provides that no later than July 15th of each year, GOHSEP shall submit a report to the Joint Legislative Committee on the Budget and the House and Senate select committees on homeland security. Provides that the report shall contain the following information:

- (1) A list of all prepositioned contracts let pursuant to proposed law for the current fiscal year.
- (2) The procurement assessment report required pursuant to proposed law.
- (3) A list of all emergency contracts let without competition pursuant to an executive order issued by the authority granted in present law (R.S. 29:724) for the previous fiscal year.
- (4) A list of all parishes and municipalities in the state and whether or not the governing authority has submitted the certification provided in proposed law.

Present law (R.S. 39:1572) provides for exemptions from central purchasing.

Proposed law retains present law and adds GOHSEP for prepositioned purchasing contracts entered into pursuant to proposed law (R.S. 29:731).

Present law (R.S. 39:1617, 1619, 1620, and 1621) provides that contracts for professional services, social services, personal services, and consulting services may be awarded without the necessity of competitive bidding or competitive negotiation.

Proposed law amends present law to exempt disaster recovery, grant management, and administration contracts let pursuant to proposed law (R.S. 29:731).

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 29:725.5(A), 726(C), (E)(15),(16), (25)-(28), 729(E)(6) and (12), and 731 and R.S. 39:1617, 1619(B), and 1620; Adds R.S. 39:1572(B)(7) and 1621(D); Repeals R.S. 29:731(E)(29))