

ACT No. 5

HOUSE BILL NO. 59

BY REPRESENTATIVES ALARIO, DORSEY, MCDONALD, SALTER, ANSARDI, BADON, BALDONE, BAUDOIN, BAYLOR, BRUCE, BURRELL, K. CARTER, CURTIS, DAMICO, DARTEZ, DEWITT, DOVE, DOWNS, DURAND, FANNIN, FRITH, GLOVER, GRAY, E. GUILLORY, HARRIS, HILL, HUNTER, JACKSON, JEFFERSON, JOHNS, KENNEY, LAFLEUR, LAFONTA, LANCASTER, PIERRE, PINAC, PITRE, QUEZAIRE, RITCHIE, ST. GERMAIN, THOMPSON, AND WALKER AND SENATORS BAJOIE, HINES, AND MOUNT

1 AN ACT

2 To enact R.S. 36:4(H) and Part V of Chapter 2 of Title 49 of the Louisiana Revised Statutes
3 of 1950, to be comprised of R.S. 49:220.1 through 220.7, and to repeal R.S. 36:4(H)
4 and Part V of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950,
5 comprised of R.S. 49:220.1 through 220.7, relative to the Louisiana Recovery
6 Authority; to establish the Louisiana Recovery Authority in the office of the
7 governor; to provide for the authority and its powers, functions, and duties; to
8 provide for an executive director and the powers, functions, and duties of the
9 executive director; to provide for the Louisiana Recovery Authority Board and its
10 membership, powers, functions, and duties; to provide for the effectiveness of the
11 provisions; to repeal all provisions relative to the Louisiana Recovery Authority; and
12 to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 36:4(H) is hereby enacted to read as follows:

15 §4. Structure of executive branch of state government

16 * * *

17 H. The Louisiana Recovery Authority (originally established by Executive
18 Order No. 63 of 2005), as more specifically provided in R.S. 49:220.1 through 220.7,
19 shall be placed in the office of the governor as provided in R.S. 36:801.

20 * * *

21 Section 2. Part V of Chapter 2 of Title 49 of the Louisiana Revised Statutes of 1950,
22 comprised of R.S. 49:220.1 through 220.7, is hereby enacted to read as follows:

1 (4) "Executive director" shall mean the executive director of the Louisiana
2 Recovery Authority.

3 (5) "Recovery" shall mean all of the efforts and activities of the state to
4 rebuild and redevelop from Hurricane Katrina and its aftermath and Hurricane Rita
5 and its aftermath.

6 (6) "Resources" shall mean any thing of value including but not limited to
7 movable or immovable property and funding from any source.

8 §220.4. Louisiana Recovery Authority; creation; executive director; board

9 A. (1) The Louisiana Recovery Authority is hereby created as a state agency
10 within the office of the governor. The authority shall be a body corporate with power
11 to sue and be sued. The domicile of the authority shall be in the parish of East Baton
12 Rouge. The purpose of the authority shall be to recommend policy, planning, and
13 resource allocation affecting programs and services for the recovery, and to identify
14 duplication of services relative to the recovery where appropriate. The authority
15 shall carry out its functions to support the most efficient and effective use of
16 resources for the recovery.

17 (2) The board shall provide leadership and oversight for the activities of the
18 authority.

19 (3) The authority shall have an executive director who shall be appointed by
20 the governor and subject to confirmation by the Senate. The executive director shall
21 serve at the pleasure of the governor and shall be paid a salary which shall be fixed
22 by the governor. The executive director shall be responsible to the governor and the
23 board.

24 B.(1)(a) The board shall be composed of no more than thirty-three members.
25 Twenty-nine members shall be appointed by and serve at the pleasure of the
26 governor and subject to confirmation by the Senate and four ex officio members who
27 shall be as provided in Paragraph (4) of this Subsection. Of the twenty-nine
28 members appointed by the governor, no less than two members shall be appointed
29 from each congressional district. The board shall be composed of members who

1 reflect the diversity of the state as to race and gender to the greatest extent
2 practicable.

3 (b) Notwithstanding any provision of law to the contrary, any member of the
4 board of the Louisiana Recovery Authority, as it was established by executive order
5 prior to the effective date of this Part, who is appointed to or remains appointed to
6 the board of the authority as established in this Part shall be subject to the
7 confirmation of the Senate.

8 (2) The appointed members of the board shall serve six-year staggered terms;
9 however, of the initial members appointed after the effective date of this Part, no
10 more than nine shall serve terms of two years, no more than ten shall serve terms of
11 four years, and no more than ten shall serve terms of six years, all as designated by
12 the governor.

13 (3) A vacancy in the office of an appointed member shall be filled in the
14 manner of the original appointment for the remainder of the term. Any vacancy
15 occurring on the board as established by executive order prior to the effective date
16 of this Act shall be filled with an appointment which complies with the requirements
17 of Paragraph (1) of this Subsection with respect to the minimum representation from
18 each congressional district.

19 (4) In addition to the appointed members, the speaker and speaker pro
20 tempore of the House of Representatives and the president and president pro tempore
21 of the Senate or their respective designees shall be members of the board. Such
22 designees shall be members of the Louisiana Legislature.

23 (5) Official action of the board shall require action by a majority of a
24 quorum. A quorum shall be not less than a majority of the number of voting
25 members authorized by law.

26 (6) All appointed members of the board shall serve without additional
27 compensation; however, subject to the approval of the chairman of the board, such
28 members shall be entitled to reasonable and necessary travel expenses in accordance
29 with state travel policy for state employees. An ex officio member of the board may

1 seek per diem and mileage reimbursement in accordance with rules of his respective
 2 house of the legislature.

3 (7)(a) The chairman and vice chairman of the board shall be selected by the
 4 governor.

5 (b) The board may elect other officers as it deems necessary.

6 (c) The board shall meet according to a schedule established by the board.
 7 Meetings shall also be held on call of the chairman or as otherwise provided by the
 8 board.

9 (8) The board shall encourage and provide for input from all stakeholders
 10 in the recovery, both public and private.

11 C. The authority, and the board, shall be subject to the Code of
 12 Governmental Ethics, the laws relative to public records and open meetings, the laws
 13 relative to public bid and procurement, and all other provisions of law applicable to
 14 state agencies.

15 D. All funding received, expended, or disbursed by the authority shall be
 16 subject to audit, review, and examination by the independent accounting firm or
 17 firms engaged by the state or any agency of the state to oversee the receipt and
 18 disbursement of funds as well as audit by the legislative auditor pursuant to R.S.
 19 24:513.

20 §220.5. Louisiana Recovery Authority; powers; duties; functions

21 A. The authority shall have the following powers, duties, and functions:

22 (1) To develop and promote short-term and long-term priorities and plans for
 23 recovery which shall draw upon all resources, including but not limited to traditional
 24 state resources and programs.

25 (2) To propose and promote the implementation of special programs
 26 dedicated to the recovery which may be funded by state or federal funds or other
 27 monies.

28 (3) To identify and pursue funding sources and innovative financing
 29 alternatives to fund the recovery and make recommendations to the governor and the
 30 legislature relative to such funding and financing.

1 (4) To recommend priorities and plans for the coordination of resource
2 allocations pertaining to issues related to the recovery.

3 (5) To make recommendations to the governor and the legislature with
4 respect to utilization of any monies received by the state for purposes of the
5 recovery.

6 (6)(a) To make and execute contracts and all other instruments necessary for
7 the exercise of its powers and functions under this Part with any federal or state
8 governmental agency, local political subdivision, public or private corporation, or
9 other entity or person.

10 (b) No performance-based energy efficiency contract for any state or non-
11 state purpose shall be made or executed by or on behalf of the authority, and no
12 Community Development Block Grant Funds shall be expended, unless the contract
13 complies with the provisions of R.S. 39:1496.1 and any rules or regulations
14 promulgated thereunder and any evaluation of a contract proposal and the
15 recommendation of the commissioner of administration is first approved by both the
16 Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways
17 and Means.

18 (7) Subject to the approval of the Joint Legislative Committee on the Budget,
19 to accept, administer, and expend donations of movable or immovable property from
20 any source.

21 (8) To receive, administer, and expend appropriations from the legislature
22 and financial assistance, grants, funds, guarantees, insurance, or subsidies from any
23 source.

24 (9) To recommend recovery-related policy for all departments, units,
25 divisions, and agencies of the state, as directed by the governor.

26 (10) To coordinate with local governments and metropolitan planning
27 commissions and organizations to develop community-driven local and regional
28 plans for recovery.

29 (11) To adopt rules and regulations in accordance with the Administrative
30 Procedure Act as necessary to implement the provisions of this Part as follows:

1 (a) Any rule adopted by the board for its operation or governance shall be
2 subject to the oversight of the Senate Committee on Senate and Governmental
3 Affairs and the House Committee on House and Governmental Affairs in the manner
4 provided for legislative oversight in the Administrative Procedure Law.

5 (b) Any rule of the board or the authority, other than those provided for in
6 Subparagraph (a) of this Paragraph shall be submitted for oversight to the
7 committees of the Senate and the House of Representatives according to the subject
8 matter as determined by the president of the Senate and the speaker of the House of
9 Representatives.

10 (12) To report to the governor and legislature at least quarterly on the
11 progress of the recovery.

12 B. The board shall appoint an audit committee to ensure best practices and
13 procedures in the management of any funds received, expended, or disbursed by the
14 authority. Such committee shall receive and review all reports produced by the
15 inspector general, the legislative auditor, the independent accounting firm or firms
16 engaged by the state or any agency of the state for such purpose and by any audit
17 firm or firms retained by the authority. The audit committee shall present all
18 findings of such reports to the board and make recommendations to the board as
19 appropriate.

20 C.(1)(a) The authority shall also develop proposals related to the recovery,
21 including CDBG proposals, Action Plans, Partial Action Plans, amendments to
22 Action Plans or Partial Action Plans, or any other method utilized for the allocation
23 of dollars for the use of Community Development Block Grant or other funds
24 provided for the recovery, hereinafter the "proposal". After developing and
25 approving a proposal, the authority shall send the proposal to the governor for
26 approval. If the governor approves the proposal, it shall be submitted to the Joint
27 Legislative Committee on the Budget for review and approval. At the same time as
28 the proposal is submitted to the Joint Legislative Committee on the Budget, the
29 proposal shall be submitted for review to the appropriate oversight committees of the

1 House of Representatives and the Senate which have jurisdiction over the type of
2 matter which is the subject of the proposal.

3 (b) If the appropriate oversight committee objects to the proposal, it shall so
4 notify the Joint Legislative Committee on the Budget. Whenever any proposal
5 amounts to ten million dollars or more and is approved by the Joint Legislative
6 Committee on the Budget, the authority shall submit the proposal for approval of a
7 majority of the elected members of each house of the legislature. If the legislature
8 is in session, the approval shall be by resolution or Act. If the legislature is not in
9 session, approval shall be obtained using the same mail ballot procedure used to
10 obtain such approval of action of the interim emergency board.

11 (c) If a proposal is approved as provided by Subparagraphs (a) and (b) of this
12 Paragraph, the governor shall submit the proposal to the United States Department
13 of Housing and Urban Development or other appropriate federal authority for
14 approval.

15 (2) After the appropriate federal approval has been obtained, the authority
16 shall request the approval of the Joint Legislative Committee on the Budget for a
17 budget adjustment in the amount of the approved funding in accordance with the
18 procedures set forth in the general appropriations act and Title 39 of the Louisiana
19 Revised Statutes of 1950.

20 (3) In the development of proposals related to the recovery, the authority
21 shall give due consideration to the nonprofit organizations which are involved in the
22 recovery, especially those which are licensed in Louisiana as residential contractors.

23 (4) The authority and the office of community development within the
24 division of administration shall establish a clear and effective process for
25 implementation of action plans for the CDBG program, including but not limited to
26 providing for the preparation and review of draft plans, fiscal management,
27 reporting, technical support, and all other support activities necessary to
28 administration and complying with any other federal or state requirements.

29 D. The executive director shall have the following powers, duties, and
30 functions:

1 (1) To serve as the appointing authority and executive administrative officer
 2 of the authority.

3 (2) To discharge all operational, administrative, and executive functions of
 4 the authority.

5 (3) To employ, appoint, remove, assign, and promote such personnel as is
 6 necessary for the efficient administration of the powers, duties, functions, and
 7 responsibilities of the authority and for the administration and implementation of
 8 such programs or entities created by the authority, in accordance with the
 9 constitution and applicable civil service laws, rules, and regulations.

10 (4) To perform any duties or functions consistent with the provisions of this
 11 Part as requested by the board.

12 E. The Louisiana Recovery Authority shall work in partnership with the
 13 Coastal Protection and Restoration Authority, which has responsibilities for directing
 14 coastal protection and restoration efforts. The Coastal Protection and Restoration
 15 Authority shall be required to participate actively in the Louisiana Recovery
 16 Authority long-term planning process so that community and coastal protection plans
 17 are developed in a coordinated manner. The Louisiana Recovery Authority and the
 18 Coastal Protection and Restoration Authority shall jointly support requests for
 19 federal funding for the state's coastal protection and restoration needs.

20 §220.6. Hazard mitigation

21 The governor may designate the authority or a team designated by the
 22 authority as the State Hazard Mitigation Team for the recovery for the purposes of
 23 the Hazard Mitigation Grant Program authorized pursuant to the Robert T. Stafford
 24 Disaster Relief and Emergency Assistance Act, as amended or such program's
 25 successor.

26 §220.7. Detailing of employees; cooperation of governmental entities

27 A. The governor may direct that any employee of any executive branch
 28 agency may be detailed to the authority to assist in carrying out the functions and
 29 duties imposed by this Part. Any such employee so detailed shall retain his original

1 position, status, and rights subject to applicable state civil service laws, rules, and
 2 regulations.

3 B. Each officer, board, commission, council, department, and agency of the
 4 state and of each political subdivision shall, to the greatest extent practicable,
 5 cooperate with the authority, the board, and the executive director in carrying out the
 6 functions and duties imposed by this Part.

7 Section 3. On the effective date of this Act, the Louisiana Recovery Authority and
 8 the Louisiana Recovery Authority Board as established by Executive Order No. 63 of 2005,
 9 collectively referred to as the "LRA" in this Section, shall be transferred to the office of the
 10 governor and shall become the Louisiana Recovery Authority and Louisiana Recovery
 11 Authority Board as established by the provisions of this Act, collectively referred to as the
 12 "authority" in this Section. All unfinished business, references in documents, employees,
 13 property, obligations, and books and records of the LRA shall be transferred as provided in
 14 this Section. Any pending or unfinished business of the LRA shall be taken over and be
 15 completed by the authority with the power and authorization granted pursuant to this Act.
 16 This Act shall not be construed so as to impair the contractual or other obligations of the
 17 LRA or of the state of Louisiana. All debts and obligations of the LRA shall be the
 18 obligations of the authority. All funds of the former office and all dedications to and
 19 revenues and sources of revenue of the LRA shall continue and shall be transferred to the
 20 authority. This Act shall not be construed or applied in any way which will prevent full
 21 compliance by the state, or any department, office, or agency thereof, with the requirements
 22 of any Act of the Congress of the United States or any regulation made thereunder by which
 23 federal aid or other federal assistance has been or hereafter is made available. All books,
 24 papers, records, money, actions, and other property of every kind, movable and immovable,
 25 real and personal, heretofore possessed, controlled, or used by the LRA is hereby transferred
 26 to the authority. All employees heretofore engaged in the performance of duties of the LRA,
 27 insofar as practicable and necessary are hereby transferred to the authority and shall continue
 28 to perform the duties heretofore performed, subject to applicable state civil service laws,
 29 rules, and regulations and other applicable laws. Subject to such laws, rules, and regulations,
 30 positions in the unclassified service shall remain in the unclassified service.

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

1 Section 4. R.S. 36:4(H) and Part V of Chapter 2 of Title 49 of the Louisiana Revised
2 Statutes of 1950, comprised of R.S. 49:220.1 through 220.7, are hereby repealed in their
3 entirety.

4 Section 5. All statutory authority for the Louisiana Recovery Authority shall cease
5 as of July 1, 2010, unless recreated by the Louisiana Legislature.

6 Section 6.A. This Section and Sections 1, 2, 3, and 5 of this Act shall become
7 effective upon signature by the governor or, if not signed by the governor, upon expiration
8 of the time for bills to become law without signature by the governor, as provided by Article
9 III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently
10 approved by the legislature, this Section and Sections 1, 2, 3, and 5 of this Act shall become
11 effective on the day following such approval.

12 B. Section 4 of this Act shall become effective on June 30, 2016.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____