

First Extraordinary Session, 2006

SENATE BILL NO. 17

BY SENATOR SCHEDLER

GOVERNMENT ORGANIZATION. Establishes the Louisiana Recovery Authority as a statutory entity. (gov sig)

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AN ACT

To amend and reenact R.S. 36:4(B)(1)(n) and 801.1(A) and to enact Chapter 6-A of Title 29 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 29:739.1 through 739.9, relative to the Louisiana Recovery Authority; to establish the authority as a statutory entity; to provide for a board and its membership, powers and duties; to provide for an executive director and his duties and responsibilities; to provide that employees of the authority shall be in the unclassified service of the state; to provide procedures and requirements for legislative approval of the authority's recommended plans for funding and coordinating resources; to provide for quarterly reports; to provide for audits; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 6-A of Title 29 of the Louisiana Revised Statutes of 1950, comprised of R.S. 29:739.1 through 739.9 is hereby enacted to read as follows:

CHAPTER 6-A. LOUISIANA RECOVERY AUTHORITY

§739.1. Louisiana Recovery Authority; creation

The Louisiana Recovery Authority, referred to in this Chapter as the "authority," is hereby established as an agency of the state within The Military

1 **Department. The authority shall be a separate unit of such department with**
2 **independent authority to contract and to employ, appoint, remove, assign, and**
3 **promote personnel.**

4 **§739.2. Louisiana Recovery Authority; duties**

5 **A. The authority shall:**

6 **(1) Determine and establish the short-term priorities for recovery and**
7 **long-term plans for redevelopment. Such priorities and plans shall draw upon**
8 **existing state resources and programs and create special programs dedicated**
9 **to responding to the aftermath of Hurricane Katrina and Hurricane Rita. Such**
10 **priorities and plans shall include timelines and benchmarks and provide a**
11 **mechanism for public input and modifications based on such input.**

12 **(2) Create and pursue initial thirty-day and one hundred-day agendas,**
13 **as well as one and five year plans for the recovery and redevelopment effort,**
14 **consistent with the priorities and plans established pursuant to this Section.**

15 **(3) Establish a federal and state legislative agenda for the recovery and**
16 **redevelopment effort and for coordinating between levels and branches of**
17 **government to implement that agenda.**

18 **(4) Identify funding sources and innovative financing alternatives to**
19 **adequately fund recovery and redevelopment as described in the plan. The**
20 **authority shall set priorities and offer broad direction to the office of homeland**
21 **security and emergency preparedness relating to the use of funds made**
22 **available through the Robert T. Stafford Disaster Relief and Emergency**
23 **Assistance Act, as amended. It shall also receive, prioritize, create guidelines for**
24 **and disburse to other agencies and organizations funding that is provided or**
25 **otherwise made available to the state for recovery and redevelopment efforts,**
26 **including but not limited to, any state funds made available and any special**
27 **congressional appropriations associated with Hurricane Katrina or Hurricane**
28 **Rita, or both.**

29 **(5) Set priorities and plan and coordinate resource allocations as it**

1 pertains to the recovery and redevelopment effort, that may include but are not
2 limited to the following:

3 (a) Economic and workforce development.

4 (b) Environmental quality and review.

5 (c) Temporary and permanent housing.

6 (d) Healthcare.

7 (e) Infrastructure and transportation.

8 (f) Education.

9 (g) Fiscal stability.

10 (h) Family services.

11 (i) Law and order.

12 B.(1) The authority shall prepare and adopt recommended plans for
13 funding and coordinating resources, as set forth in Subsection A of this Section.
14 The recommended plans shall be approved by the legislature, as provided by
15 law, prior to funds being spent. The consideration of such plans for approval
16 shall be as provided in this Subsection.

17 (2)(a) The appropriate standing committees of the legislature shall be the
18 Senate Committee on Finance and the House Committee on Appropriations.
19 Approval by both committees shall be required. Upon receipt of plans which
20 have been approved by the authority, the standing committees shall meet, either
21 separately or jointly, to consider and act on the plans. The plans shall be
22 presented to the committees by the authority. The committees may approve or
23 disapprove the plans but may not amend the plans. If either committee
24 disapproves the plans, the committee may return the plans to the authority and
25 may recommend to the authority amendments to the plans for consideration by
26 the authority and submission to the legislature for approval. Approval shall be
27 by motion which may be offered for all plans considered at any meeting in globo
28 or may, at the discretion of the chairperson conducting the meeting, be acted on
29 separately. Approval by either committee, meeting separately, shall require a

1 favorable vote on the motion by a majority of the members present and voting,
2 a quorum of the committee being present. Approval by the two committees,
3 meeting jointly, shall require a favorable vote on the motion by a majority of
4 the members thereof from each house present and voting, each house voting
5 separately, a quorum of the joint committee being present.

6 (b) Approval by both houses of the legislature shall be required. If either
7 house disapproves the plans, the house may return the plans to the authority
8 and may recommend to the authority amendments to the plans for
9 consideration by the authority and submission to the legislature for approval.
10 If the legislature is not in session, written consent of the elected members of
11 each house of the legislature shall be obtained in the following manner:

12 (i) The governor shall request the clerk of the House of Representatives
13 and the secretary of the Senate to prepare and transmit a ballot to each member
14 of the legislature by certified mail with return receipt requested.

15 (ii) The ballot shall be uniform and shall state as an affirmative
16 proposition the specified questions to be posed to the legislature as requested by
17 the governor. The ballot shall state the factual basis for such proposition and
18 such other pertinent information as the governor may determine.

19 (iii) Each ballot also shall contain the name of the member to whom it
20 is to be mailed and the member shall sign the ballot after casting his vote. Any
21 unsigned ballot shall be invalid.

22 (iv) The ballots mailed to all members shall be postmarked on the same
23 day and shall be returned to the clerk of the House of Representatives and the
24 secretary of the Senate no later than five p.m. fifteen days after the postmarked
25 date.

26 (v) A ballot received by the clerk or the secretary after such deadline
27 shall have the date and time received marked on each ballot and shall not be
28 valid or counted. Such a ballot shall be marked "Invalid." At any time prior
29 to the deadline, a member may withdraw his ballot or change his vote upon his

1 written request.

2 (vi) For the purposes of this Subparagraph, an electronically
3 transmitted facsimile of a ballot transmitted through connection with a
4 telephone network may be accepted as a ballot. A ballot so transmitted shall be
5 sealed immediately upon receipt and the date and time received marked on the
6 sealed envelope. Its contents shall not be disclosed until the day when all ballots
7 are opened and tabulated.

8 (vii) The clerk and the secretary shall hold such ballots unopened and
9 shall not disclose the contents to any person until the day when such ballots are
10 opened and tabulated. No ballot shall be deemed invalid if inadvertently opened
11 in processing or if received and sealed pursuant to Item (vi) of this
12 Subparagraph.

13 (viii) On the sixteenth day after the date on which the ballots were
14 mailed, the clerk of the House of Representatives and the secretary of the Senate
15 shall open and tabulate the vote in roll call order for each house of the
16 legislature. The tabulation shall indicate by name those members who voted in
17 favor of the proposition, those who voted against the proposition, those who did
18 not vote on the proposition, those who did not return the ballot by the deadline,
19 and those whose ballot was invalid because of not being signed by the member.

20 (ix) The clerk and the secretary shall sign the tabulation sheet or sheets
21 and transmit a statement of the vote and the proposition to which it relates to
22 the president of the Senate, the speaker of the House of Representatives, and the
23 governor.

24 (3)(a) A plan which has been approved as provided in this Subsection
25 may be the basis for the expenditure of any funds described in Subsection A of
26 this Section received in the coming year.

27 (b) The plan may be revised and continue to be the basis for expending
28 funds in the coming year upon a showing, satisfactory to the authority, that the
29 revision is either technical, as provided in this Subparagraph, and does not

1 require further approval as provided in this Subparagraph or that the planned
2 expenditures are either no longer possible or will not address the goal originally
3 sought to be achieved. Those revisions which are technical and do not require
4 further approval are those that retain the essential aspects of the original plan
5 approved by the legislature which require only technical or minor revisions that
6 do not result in significant variation from the plan as presented to and approved
7 by the legislature. Such revisions may be accepted by the authority as
8 corrections which do not require further legislative approval. Those revisions
9 which significantly vary from the original plan, once approved by the authority,
10 shall be submitted for the approval of legislative committees as provided for the
11 original approval in this Subsection.

12 §739.3. Report

13 The authority shall submit a written comprehensive report quarterly to
14 the governor, the president of the Senate, the speaker of the House of
15 Representatives, and the public at-large on the issues set forth in R.S. 29:739.2.

16 §739.4. Board; composition; officers; duties

17 A.(1) The authority shall be governed by a board, which shall be
18 composed of twenty-six voting members, who shall be appointed by and serve
19 at the pleasure of the governor, subject to Senate confirmation. In addition, the
20 president and president pro tempore of the Senate and the speaker and speaker
21 pro tempore of the House of Representatives shall be ex-officio, non-voting
22 members. These additional members shall not be counted for purposes of a
23 quorum.

24 (2) Subject to Senate confirmation, the members of the board serving on
25 the effective date of this Chapter shall continue to serve on the board, subject
26 to the provisions of this Chapter.

27 B.(1) The chair and vice chair of the board shall be selected by the
28 governor. All other officers, if any, shall be elected by the membership of the
29 board.

1 **(2) The officers of the board serving on the effective date of this Chapter**
2 **shall continue to serve as officers of the board, subject to the provisions of this**
3 **Chapter.**

4 **C. The board shall have two primary responsibilities:**

5 **(1) To provide leadership for an agenda for action to be set by the**
6 **authority. The board may draw on state resources, as necessary, to exercise its**
7 **leadership role in setting and assisting the authority in advancing the agenda.**

8 **(2) To provide oversight to the activities of the authority.**

9 **§739.5. Board; committees; meetings**

10 **A. The board may create committees as appropriate which may include**
11 **members of the board and other stakeholders and conduct work through the**
12 **use of such committees, provided all final decisions shall be by a vote of the**
13 **board.**

14 **B. The board shall appoint an audit committee to ensure best practices**
15 **and procedures in the management of any funds received, expended, or**
16 **disbursed by the authority. The audit committee serving on the effective date**
17 **of this Chapter shall continue to serve on the committee, subject to the**
18 **provisions of this Chapter. Such committee shall receive reports produced by**
19 **the independent accounting firm or firms engaged by the division of**
20 **administration and the office of homeland security and emergency preparedness**
21 **and by the audit firm or firms retained by the state or the authority. The audit**
22 **committee shall present the report's finding to the full board and make**
23 **recommendations as may be appropriate.**

24 **C. The board shall meet at regularly scheduled meetings and at the call**
25 **of the chair.**

26 **D. Board members shall not receive compensation of any type for service**
27 **on the board, except as provided in this Subsection. Members shall be entitled**
28 **to reimbursement of reasonable and necessary travel expenses pursuant to the**
29 **travel allowance for state classified employees as provided in the policy of the**

1 division of administration. Members of the legislature who serve on the board
2 shall receive the per diem and mileage provided for committees by the rules of
3 their respective house of the legislature.

4 §739.6. Executive director

5 A. The executive director shall be appointed by the governor and shall
6 serve at the pleasure of the governor. The governor's direction to all
7 gubernatorial appointees, cabinet officials, and agency and department heads
8 as it pertains to the recovery and redevelopment efforts shall be expressed
9 through the executive director. The executive director shall serve as the chief
10 executive officer of the authority and shall be responsible for the management
11 of the operations and functions of the authority, subject to the control,
12 jurisdiction, and supervision of the governor.

13 B. The executive director, subject to the board's approval, shall appoint
14 a chief financial officer who shall report to the executive director and
15 independently to the audit committee of the board.

16 §739.7. Staffing for the board

17 A. The executive director shall employ all necessary staff persons for the
18 authority, subject to approval by the board. In addition to regular staffing
19 provided to the authority, the authority may draw upon staffing and resources
20 from other executive branch agencies as needed.

21 B. All employees of the authority shall be in the unclassified service of
22 the state and shall be selected, assigned, promoted, compensated, and
23 terminated as provided by the executive director, subject to the approval of the
24 governing board.

25 §739.8. Audits

26 All funding received, expended, or disbursed by the authority shall be
27 subject to audit by the accounting firm engaged by the office of homeland
28 security and emergency preparedness to oversee the receipt and disbursement
29 of federal funds and by the legislative auditor in accordance with R.S. 24:513.

Requires the authority to prepare and adopt recommended plans for funding and coordinating resources, to be submitted to the legislature for approval. Provides that the appropriate standing committees of the legislature shall be the Senate Committee on Finance and the House Committee on Appropriations. Requires approval by both committees, meeting separately or jointly. Provides that the committees may approve or disapprove the plans but may not amend the plans. Provides that if either committee disapproves the plans, the committee may return the plans to the authority and may recommend to the authority amendments to the plans for consideration by the authority and submission to the legislature for approval. Also requires approval by both houses of the legislature. If either house disapproves the plans, the house may return the plans to the authority and may recommend to the authority amendments to the plans for consideration by the authority and submission to the legislature for approval. If the legislature is not in session, written consent of the elected members of each house of the legislature shall be obtained by mail ballot. Further provides that a plan which has been approved as provided in the Act may be the basis for the expenditure of any funds described in the Act which are received in the coming year. Further provides for handling of technical revisions which require no additional legislative approval.

Further requires the authority to submit a written comprehensive report quarterly to the governor, the president of the Senate, the speaker of the House of Representatives, and the public at-large.

Provides for board composed of twenty-six voting members, who shall be appointed by and serve at the pleasure of the governor, subject to Senate confirmation. Further provides that the president and president pro tempore of the Senate and the speaker and speaker pro tempore of the House of Representatives shall be ex-officio, non-voting members, and shall not be counted for purposes for a quorum. Provides that the chair and vice-chair of the board shall be selected by the governor, and that all other officers, if any, shall be elected by the membership of the board.

Provides that the board shall have two primary responsibilities:

- (1) To provide leadership for an agenda for action to be set by the authority.
- (2) To provide oversight to the activities of the authority.

Authorizes the board to create committees as appropriate which may include members of the board and other stakeholders to conduct the work of the authority.

Requires the board to appoint an audit committee to ensure best practices and procedures in the management of funds received, expended, or disbursed by the authority. Provides for reports produced by the independent accounting firm or firms engaged by the division of administration and the office of homeland security and emergency preparedness and by the audit firm or firms retained by the state or the authority. Requires the audit committee to present the report's finding to the full board and make recommendations as appropriate. Further requires the board to meet at regularly scheduled meetings and at the call of the chair.

Provides that board members shall not receive compensation of any type for service on the board, except as provided in the Act. Provides that members shall be entitled to reimbursement of reasonable and necessary travel expenses pursuant to the travel allowance for state classified employees as provided in the policy of the division of administration. Further provides that members of the legislature shall receive the per diem and mileage provided for committees by the rules of their respective house of the legislature.

Provides for an executive director who shall be appointed by the governor and shall serve at the pleasure of the governor. Further provides that the executive director shall serve as the chief executive officer of the authority and shall be responsible for the management of the operations and functions of the authority, subject to the control, jurisdiction, and supervision

of the governor. Further provides that the executive director, subject to board approval, shall appoint a chief financial officer who shall report to the executive director and independently to the audit committee of the board.

Provides that the executive director shall employ all necessary staff persons for the authority, subject to approval by the board. Also authorizes the authority to draw upon staffing and resources from other executive branch agencies as needed. Further provides that all employees of the authority shall be in the unclassified service of the state and shall be selected, assigned, promoted, compensated, and terminated as provided by the executive director, subject to the approval of the governing board.

Provides that all funding received, expended, or disbursed by the authority shall be subject to audit by the accounting firm engaged by the office of homeland security and emergency preparedness to oversee the receipt and disbursement of federal funds and the legislative auditor.

Provides for all departments, commissions, boards, offices, entities, agencies, and officers of the state, or any political subdivision thereof, to cooperate with the authority and the board in implementing the provisions of the Act. Further provides for other agencies of the state to establish subsidiaries or take on such functions as may be necessary and appropriate in order to assist the authority in fulfilling its duties.

Provides that all statutory requirements for state agencies are applicable to the board and its committees, the authority and any subsidiary established pursuant to the Act, including but not limited to the Open Meetings Law, the Public Records Law and the Code of Governmental Ethics.

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

(Amends R.S. 36:4(B)(1)(n) and 801.1(A); adds R.S. 29:739.1-739.9)