

2017 Regular Session

SENATE BILL NO. 224

BY SENATOR PETERSON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH SERVICES. Provides relative to the Health Education Authority of Louisiana.
(gov sig)

1 AN ACT

2 To amend and reenact R.S. 17:3052(2), 3053(B), 3053.1, 3054, and 3059, and R.S.

3 36:921(A), to enact R.S. 17:3051.1 and R.S. 36:4(BB), and to repeal R.S. 17:3052

4 (3) and (5), and 3053(C) through (G), and R.S. 36:651(D)(10), relative to the

5 abolition of the Health Education Authority of Louisiana; to provide for the transfer

6 of the powers, duties, functions, and responsibilities of the Health Education

7 Authority of Louisiana from the Department of Education to the office of the

8 governor; to delete references to the board and executive director of the Health

9 Education Authority of Louisiana; to provide for an effective date; and to provide for

10 related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 17:3052(2), 3053(B), 3053.1, 3054, and 3059 are hereby amended
13 and reenacted, and R.S. 17:3051.1 is hereby enacted, to read as follows:

14 **§3051.1. Abolition of Health Education Authority of Louisiana; transfer of**

15 **powers, duties, functions, immunities, restrictions, and**

16 **exemptions to the office of the governor**

17 **The Health Education Authority of Louisiana is hereby abolished**

1 effective July 1, 2017, and all of its powers, duties, functions, immunities,
 2 restrictions, and exemptions from taxation under any laws, are transferred to
 3 the office of the governor effective July 1, 2017, and after such date the office
 4 of the governor is hereby granted the right, power, and authority to do,
 5 perform, and exercise for and on behalf of the Health Education Authority of
 6 Louisiana all of the executive and administrative functions provided for by the
 7 constitution or laws with respect to the Health Education Authority of
 8 Louisiana herein abolished, including the right to do, perform, and exercise for
 9 and on behalf of the authority all acts and things required to be done and
 10 performed in connection with the authorization and issuance of revenue bonds
 11 under the provisions of this Chapter.

12 * * *

13 §3052. Definitions

14 The following terms shall have the following meanings, unless the context
15 clearly indicates otherwise:

16 * * *

17 (2) "Authority" shall mean the Health Education Authority of Louisiana, and
18 when used in connection with action authorized to be taken by the authority, shall
19 mean the authority acting by and through ~~its board of trustees~~ the office of the
20 governor.

21 * * *

22 §3053. Health Education Authority of Louisiana; creation; domicile; membership;
23 terms; vacancies; staff

24 * * *

25 B. The power to establish policy to carry out the intent of this Chapter shall
26 be vested in ~~a board of trustees~~ the office of the governor. ~~Effective October 1,~~
27 ~~2016, the board shall consist of the governor as ex-officio trustee and nine members~~
28 ~~comprised of one member appointed by the governor from each of the five public~~
29 ~~service commission districts as established in R.S. 45:1161.5, and four members~~

1 appointed by the governor from the state at large.

2 * * *

3 §3053.1. Laws applicable to the Health Education Authority of Louisiana; audit of
4 records by legislative auditor

5 A. The ~~board and the~~ authority shall be subject to the Public Records Law,
6 R.S. 44:1 et seq.; the Open Meetings Law, R.S. 42:11 et seq.; and the Code of
7 Governmental Ethics, R.S. 42:1101 et seq.

8 B. The ~~board, in its capacity as the governing body of the~~ authority; shall
9 ensure that the books and records of the authority are audited by the legislative
10 auditor in accordance with the provisions of R.S. 24:513.

11 §3054. ~~Meetings; rules; officers; compensation~~ **Rules; records**

12 ~~A. The board~~ **authority** shall adopt rules for the transaction of business and
13 shall keep a record of its resolutions, transactions, findings and determinations. ~~A~~
14 ~~majority of the appointed members shall constitute a quorum for the transaction of~~
15 ~~business.~~

16 ~~B. The board shall meet at such times as provided by its rules.~~

17 ~~C. The governor shall designate one member of the board to serve as~~
18 ~~chairman. The board shall elect a vice-chairman, secretary, treasurer, and such other~~
19 ~~officers as it shall determine. Officers elected by the board shall serve a term of one~~
20 ~~year.~~

21 ~~D. No member of the authority shall receive compensation or per diem for~~
22 ~~service on the authority, but shall be reimbursed for actual expenses while attending~~
23 ~~meetings and other authority business; such payments to be made in accordance with~~
24 ~~appropriate state regulations.~~

25 * * *

26 §3059. Hearings

27 Wherever the provisions of this Chapter require the authority to hold a
28 hearing, notice of such hearing shall be given at least ten days in advance by
29 publication in the official journal of the state and in a newspaper having general

1 circulation in Orleans Parish, and by notifying ~~all members of the board of trustees~~
 2 ~~and~~ the chairmen of the boards of each of the primary institutions. Such hearings
 3 shall be open to the public and shall be conducted in accordance with rules adopted
 4 by the ~~board of trustees~~ **authority**.

5 Section 2. R.S. 36:921(A) is hereby amended and reenacted and R.S. 36:4(BB) is
 6 hereby enacted to read as follows:

7 §4. Structure of executive branch of state government

8 * * *

9 **(BB) The Health Education Authority of Louisiana, as more specifically**
 10 **provided in R.S. 17:3051 through 3060, is hereby abolished and its powers,**
 11 **duties, functions, and responsibilities are hereby transferred to the governor**
 12 **and hereafter shall be exercised and performed as provided in Part IV of**
 13 **Chapter 22 of this Title.**

14 * * *

15 §921. Transfer, merger and consolidation of functions

16 A.**(1)** The powers, duties, functions, responsibilities, programs, and
 17 operations as vested by the constitution and laws of the state of each of the agencies
 18 abolished by the provisions of R.S. 36:~~4(BB)~~, 4.1(E), 109(G), 209(H), 259(F),
 19 409(F), 459(C), 509(F), 610(C), 651(H) and (K), 744(E), and 769(E) upon and after
 20 the date of each such abolition shall be exercised and performed by and be under the
 21 administration and control of the secretary of the department to which such powers,
 22 duties, functions, and responsibilities are transferred. The secretary shall assign those
 23 functions of each which are required to be performed and administered by the
 24 undersecretary of each department, as heretofore provided for each department by
 25 this Title, to the undersecretary.

26 **(2) With regard to the agency transferred or placed to this Part**
 27 **pursuant to the provisions of R.S. 36:4(BB), the following terms used in R.S.**
 28 **36:921 through 927 shall have the following meanings when used in those**

29 **Sections:**

1 **(a) "Department" means the office of the governor.**

2 **(b) "Secretary" means the governor through the commissioner of**
3 **administration.**

4 **(c) "Undersecretary" means the commissioner of administration.**

5 **(3) The term "assistant secretary" shall have no application to the**
6 **transfer or placement of agencies in the office of the governor provided in this**
7 **Section and shall not be deemed to grant any power or authority to any officer**
8 **or employee of the office of the governor with respect to any agency transferred**
9 **to or placed within the office of the governor by this Section.**

10 * * *

11 Section 3. R.S. 17:3052(3) and (5), and 3053(C) through (G), and R.S.
12 36:651(D)(10) are hereby repealed in their entirety.

13 Section 4. All of the equipment, vehicles, supplies, books, records, documents,
14 papers, monies, actions, or any other item of property, and the improvements thereon, both
15 movable and immovable, heretofore owned, held, used, operated, or maintained by the
16 Health Education Authority of Louisiana, in the exercise of functions herein transferred are
17 hereby transferred to the office of the governor.

18 Section 5. The governor or his designee, on behalf of the state of Louisiana, is hereby
19 specifically authorized to execute such documents, contracts, agreements, or other
20 instruments, and to perform such other acts as are necessary to properly effectuate the
21 purposes of this Act. The provisions of this Act shall supersede any other laws in conflict.
22 The provision of this Act shall be liberally construed to effectuate these purposes.

23 Section 6. This Act shall become effective upon signature by the governor or, if not
24 signed by the governor, upon expiration of the time for bills to become law without signature
25 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
26 vetoed by the governor and subsequently approved by the legislature, this Act shall become
27 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Martha S. Hess.

DIGEST

SB 224 Engrossed

2017 Regular Session

Peterson

Present law creates the Health Education Authority of Louisiana (HEAL or agency) within the Department of Education, as a body corporate and public, constituting an instrumentality of the state and exercising public and essential governmental functions.

Present law provides that the HEAL shall operate to assist public and private institutions and organizations that are dedicated to exemplary patient care, health science education and biomedical research, as well as organizations providing facilities or services deemed appropriate to the authority.

Present law includes a nine member board of trustees made up of one from each of the five public service commission districts and four at-large members, all appointed by and serving at the pleasure of the governor. Present law further establishes that a majority of the appointed members constitute a quorum. Proposed law repeals present law.

Present law further provides that the board shall employ a professionally qualified executive director to carry out the policies established by the board. Proposed law repeals present law.

Present law establishes a cap for bond issuances by HEAL in the amount of \$800 million. Proposed law retains present law.

Present law provides that no bonds of the authority shall be issued or sold by the authority without the prior approval of the State Bond Commission. Proposed law retains present law.

Present law places HEAL within the Department of Education. Proposed law abolishes HEAL and transfers all of its powers, duties, functions, immunities, restrictions, and exemptions from taxation under any laws, to the office of the governor effective July 1, 2017. Proposed law further provides that after HEAL is abolished and its powers, duties, functions, immunities, restrictions, and exemptions from taxation are transferred to the office of the governor, thereafter the governor shall have and exercise all of the executive and administrative functions provided by the constitution or laws with respect to HEAL.

Proposed law removes reference to the board of the authority and to the executive director of the authority.

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

(Amends R.S. 17:3052(2), 3053(B), 3053.1, 3054, and 3059, and R.S. 36:921(A); adds R.S. 17:3051.1 and R.S. 36:4(BB); repeals R.S. 17:3052 (3) and (5), and 3053(C) through (G), and R.S. 36:651(D)(10))