

2023 Regular Session

HOUSE BILL NO. 210

BY REPRESENTATIVE BUTLER

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

DISTRICTS/SPECIAL: Provides relative to the Louisiana Local Government Environmental Facilities and Community Development Authority

1 AN ACT

2 To amend and reenact R.S. 33:4548.5(A)(6), (12), and (20) and to enact R.S. 33:4548.5(C),
3 relative to the Louisiana Local Government Environmental Facilities and
4 Community Development Authority; to provide relative to the powers and duties of
5 the authority; to provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 33:4548.5(A)(6), (12), and (20) are hereby amended and reenacted
8 and R.S. 33:4548.5(C) is hereby enacted to read as follows:

9 §4548.5. Powers of the authority

10 A. The authority shall have all the powers necessary to give effect to and
11 carry out the purpose and provisions of this Chapter, including, in addition to all
12 other powers granted by other provisions of this Chapter, the powers:

13 * * *

14 (6) To accept, administer, and expend donations of movable or immovable
15 property from any source; and receive, administer, and expend appropriations from
16 the legislature and financial assistance, guarantees, insurance, or subsidies from the
17 federal or state government or a private source.

18 * * *

19 (12) To accept any gifts or grants or loans of funds or financial or other aid
20 in any form from the federal government ~~or any agency~~ or instrumentality thereof

1 or from the state or from any other source and to comply, subject to the provisions
2 of this Chapter, with the terms and conditions thereof.

3 * * *

4 (20) To loan money to any political subdivision, state agency, or other
5 eligible entity under any loan guaranty program of any department or agency of the
6 United States, including the United States Department of Agriculture Rural Utility
7 Services Water and Waste Disposal Guaranteed Loan Program and Community
8 Program Guaranteed Loan Program or any such successor guaranty program.

9 * * *

10 C. Notwithstanding any other provision of law to the contrary, the powers
11 of the authority pursuant to this Section shall extend to all parishes of the state. The
12 authority may exercise these powers directly or through the establishment of a joint
13 commission by entering into a local services agreement with a parish or municipality
14 pursuant to R.S. 33:1321 et seq. The service area of the authority or a joint
15 commission established in this manner shall be the state unless otherwise limited
16 pursuant to the terms of the local services agreement.

17 Section 2. This Act shall become effective upon signature by the governor or, if not
18 signed by the governor, upon expiration of the time for bills to become law without signature
19 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
20 vetoed by the governor and subsequently approved by the legislature, this Act shall become
21 effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 210 Engrossed 2023 Regular Session Butler

Abstract: Provides relative to the powers and duties of the Louisiana Local Government Environmental Facilities and Community Development Authority.

Present law creates and provides for the La. Local Government Environmental Facilities and Community Development Authority as a political subdivision of the state to address the growing need in the state for economic development and to assist in the upgrade,

rehabilitation, repair, and construction of infrastructure and environmental facilities to maintain a healthful and safe environment for the people of the state.

Present law provides that the authority is composed of one or more participating political subdivisions and is governed by a board of directors. Provides for the board's powers and duties, including but not limited to the following:

- (1) To sue and be sued.
- (2) To adopt an official seal and alter the same at its pleasure.
- (3) To adopt bylaws and rules for the regulation of its affairs and the conduct of its business.
- (4) To make and execute contracts and all other instruments necessary or convenient for the exercise of its powers and functions with any federal or state governmental agency, local political subdivision, public or private corporation, lending institution, or other entity or person.
- (5) To accept, administer, and expend donations of movable or immovable property from any source, and receive, administer, and expend appropriations from the legislature and financial assistance, guarantees, insurance, or subsidies from the federal or state government.
- (6) To insure, coinsure, reinsure, or cause to be insured, coinsured, or reinsured loans to and bonds or obligations issued by any participating political subdivision for authorized projects and pay or receive premiums on such insurance, coinsurance, or reinsurance and establish reserves for losses.
- (7) To borrow money and issue negotiable bonds, or other obligations on behalf of or for the benefit of or for any participating political subdivision, in the principal amounts and for the purposes authorized by law, and to provide for the rights of the owners of such bonds, notes, or other obligations, and to provide other financing assistance to participating political subdivisions.
- (8) To invest any funds held in reserve or sinking funds, or any monies not required for immediate use or disbursements at the discretion of the authority in any investments or securities in which monies of the state are authorized to be invested.
- (9) To accept any gifts or grants or loans of funds or financial or other aid in any form from the federal government or any agency or instrumentality thereof or from the state or from any other source and to comply, with the terms and conditions thereof.
- (10) To loan money to any political subdivision or other eligible entity under any loan guaranty program of any department or agency of the U.S., including the U.S. Dept. of Agriculture Rural Utility Services Water and Waste Disposal Guaranteed Loan Program and Community Program Guaranteed Loan Program or any such successor guaranty program.

Proposed law retains present law and authorizes the authority to receive, administer, and expend financial assistance, guarantees, insurance, or subsidies from a private source. Authorizes the authority to loan money to a state agency.

Proposed law provides that the powers of the authority shall extend to all parishes of the state. Authorizes the authority to exercise these powers directly or through the establishment of a joint commission by entering into a local services agreement with a parish or municipality pursuant to present law (R.S. 33:1321 et seq.).

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

(Amends R.S. 33:4548.5(A)(6), (12), and (20); Adds R.S. 33:4548.5(C))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Municipal, Parochial and Cultural Affairs to the original bill:

1. Restore present law provisions to clarify that the authority may receive appropriations from the legislature and financial assistance, guarantees, insurance, or subsidies from the federal or state government or a private source.