

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 §3052. Definitions

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

15 \* \* \*

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

20 \* \* \*

21 §3053. Health Education Authority of Louisiana; creation; domicile; membership;  
22 terms; vacancies; staff

23 \* \* \*

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

\* \* \*

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

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

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

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

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

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

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

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

\* \* \*

§3059. Hearings

Wherever the provisions of this Chapter require the authority to hold a hearing, notice of such hearing shall be given at least ten days in advance by publication in the official journal of the state and in a newspaper having general circulation in Orleans Parish, and by notifying ~~all members of the board of trustees~~





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The original instrument was prepared by Martha Hess. The following digest, which does not constitute a part of the legislative instrument, was prepared by Tammy Crain-Waldrop.

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## DIGEST

SB 224 Reengrossed

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) - (G), and R.S. 36:651(D)(10))

Summary of Amendments Adopted by SenateSenate Floor Amendments to engrossed bill

1. Makes Legislative Bureau technical changes.