
DIGEST

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HB No. 59

Abstract: Creates the Louisiana Recovery Authority as an independent agency within the office of the governor. Provides for the board of the authority to be composed of no more than 26 voting members appointed by the governor for staggered six-year terms and four nonvoting, ex officio members who are the presiding officers and pro tempores of the houses of the legislature. Provides for the executive director to be appointed by the governor (subject to board approval and Senate confirmation) with a salary fixed by the governor. Provides for the authority or its designated team to serve as the State Hazard Mitigation Team for Hurricanes Katrina and Rita recovery purposes. Requires state CDBG proposals to originate with the authority. Gives the board authority to establish subsidiaries with broad powers in accordance with approved CDBG proposals. Repeals provisions for the Louisiana Recovery Authority on June 30, 2016.

Proposed law provides legislative findings that the impact of the disasters of Hurricanes Katrina and Rita requires the coordination, cooperation, and services of a myriad of state and other entities and a need to coordinate and target programs and funding to achieve an effective and efficient use of monetary, human, and organizational resources related to recovery from the hurricanes and that in order to meet these needs the legislature creates the Louisiana Recovery Authority, "LRA". Proposed law additionally provides that the legislature finds proposed law integral to the welfare of the state and its residents and requires that proposed law be liberally construed to effectuate the purposes of the authority.

Proposed law creates the LRA, as an independent state agency within the office of the governor and domiciled in Baton Rouge. Provides that the LRA shall be a body corporate with power to sue and be sued. Provides that the purpose of the LRA is to facilitate and coordinate policy, planning, and budgeting affecting programs and services for the recovery; to coordinate delivery of services relative to the recovery; and to eliminate duplication of services relative to the recovery where appropriate. Proposed law specifies that the LRA is subject to audit and examination by the legislative auditor, the Code of Governmental Ethics, the laws relative to public records and open meetings, the laws relative to public bid, and all other provisions of law applicable to state agencies.

Proposed law provides for an executive director of the LRA to be appointed by the governor, subject to the approval of the LRA Board, and subject to confirmation by the Senate. Provides that the executive director serves at the pleasure of the governor at a salary which is fixed by the governor. Proposed law provides that the executive director shall (1) serve as the appointing authority and executive administrative officer of the authority; (2) discharge all operational, administrative, and executive functions of the authority; (3) employ, appoint, remove, assign, and

promote such personnel of the authority and of such programs or entities created by the authority, in accordance with the constitution and applicable civil service laws, rules, and regulations; and (4) perform any duties or functions consistent with the provisions of proposed law as requested by the board. Proposed law provides for the LRA and the executive director to be responsive to the LRA Board.

Proposed law provides for the LRA Board to be composed of no more than 26 voting members appointed by and serving at the pleasure of the governor, subject to Senate confirmation and four ex officio, nonvoting members who are speaker and speaker pro tempore of the House of Representatives and the president and president pro tempore of the Senate. Provides for the voting members to serve six-year staggered terms and provides that the governor designates the terms of the initial members such that no more than eight shall serve a two-year term, no more than nine shall serve a four-year term, and no more than nine shall serve a six-year term. Provides that a vacancy is filled in the manner of the original appointment for the remainder of the term. Provides that ex officio members and vacancies shall not be counted for the purposes of a quorum. Provides that voting members serve without additional compensation; however, subject to the approval of the chairman of the board, such members shall be entitled to reasonable and necessary travel expenses in accordance with state travel policy for state employees. Provides that an ex officio member may seek per diem and mileage reimbursement in accordance with rules of his respective house of the legislature.

Proposed law provides that the chairman and vice chairman of the board shall be selected by the governor; that the board may elect other officers as it deems necessary; and that the board shall meet according to a board-established schedule, on call of the chairman, or as otherwise provided by the board. Authorizes the board to adopt bylaws as necessary consistent with proposed law. Requires the board to encourage and provide for input from all stakeholders in the recovery, both public and private.

Proposed law grants the board the following powers, duties, and functions: (1) establish and pursue short-term and long-term priorities and plans for recovery; (2) create and provide for the implementation of special programs dedicated to the recovery which may be funded by state or federal funds or other monies; (3) establish federal and state legislative agendas for the recovery and redevelopment effort and for coordination of implementation thereof; (4) identify and pursue funding sources and innovative financing alternatives to fund the recovery; (5) set priorities, establish plans, and provide for the coordination of resource allocations pertaining to issues related to the recovery; (6) direct how monies received by the state for the recovery shall be utilized for the recovery; (7) make and execute contracts and all other instruments necessary for the exercise of its powers and functions under proposed law; (8) 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, grants, funds, guarantees, insurance, or subsidies from any source; (9) establish recovery-related policy for all departments, units, divisions, and agencies of the state, as directed by the governor; (10) coordinate with local governments and metropolitan planning commissions and organizations to develop community-driven local and regional plans for recovery; (11) adopt rules and regulations in accordance with the APA; and (12) make an annual report to the governor and to the legislature on the progress of

the recovery.

Proposed law defines terms as follows: "Authority" means the Louisiana Recovery Authority; "Board" means the Louisiana Recovery Authority Board; "CDBG proposal" means an Action Plan, a Partial Action Plan, an amendment or amendments to an Action Plan or a Partial Action Plan, or any other method utilized for the allocation of dollars for the use of Community Development Block Grant funds provided for the recovery; "Executive director" means the executive director of the Louisiana Recovery Authority; "Recovery" means all of the efforts and activities of the state to rebuild and redevelop from Hurricane Katrina and its aftermath and Hurricane Rita and its aftermath; "Resources" means any thing of value including but not limited to movable or immovable property and funding from any source; and "Subsidiary" means any nonprofit corporation established by the board pursuant to an approved CDBG proposal.

Proposed law provides that in addition to its other powers and duties, the board is responsible for developing CDBG proposals (CDBGP) related to the recovery and requires all CDBGPs for the state for the recovery developed after the effective date of proposed law to originate with the board. Requires the board, after developing and approving a CDBGP to send the CDBGP to the governor for submission to the Joint Legislative Committee on the Budget. Requires the governor, if the CDBGP is approved by the JLCB, to submit the CDBGP to the U.S. Dept. of Housing and Urban Development (HUD) for approval.

Proposed law provides that if an approved CDBGP authorizes the board to establish a subsidiary, the board may establish such a subsidiary with all of the powers, functions, and authority detailed in the approved CDBGP, including if so detailed, the ability to issue bonds; to incur debt; and to acquire or contract to acquire movable or immovable property or an interest therein by grant, purchase, or otherwise and to own, hold, clear, improve, lease, construct, rehabilitate, sell, invest, assign, exchange, transfer, convey, lease, mortgage, or otherwise dispose of or encumber such property or interest, subject to the rights of holders of the bonds of the subsidiary.

Proposed law additionally provides that notwithstanding any contrary provision of Executive Order No. 2004-35 establishing the State Hazard Mitigation Team within the office of homeland security and emergency preparedness, the LRA board, or a team of persons so designated by the board shall be the State Hazard Mitigation Team for the recovery (Hurricanes Katrina and Rita recovery efforts and activities) for the purposes of the Hazard Mitigation Grant Program authorized pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended or such program's successor. Provides that the powers and functions of the State Hazard Mitigation Team shall be as defined by the LRA.

Proposed law authorizes the governor to direct any employee of any executive branch agency to be detailed to the LRA to assist in carrying out the functions and duties imposed by proposed law and provides that any such employee so detailed retains his original position, status, and rights, subject to applicable state civil service laws, rules, and regulations. Proposed law further requires each officer, board, commission, council, department, and agency of the state and of each political subdivision to cooperate in all ways with the LRA, the board, and the executive director in carrying out the functions and duties imposed by proposed law.

Proposed law provides for the placement of the LRA in the office of the governor under provisions granting it independent status. Proposed law provides that the LRA established in proposed law is the successor of the LRA established by executive order in every way and provides for the transfer of unfinished business, references in documents, employees, property, obligations, and books and records of the former LRA to the new LRA. Provides that proposed law shall not impair contractual or other obligations. Transfers all funds, revenues, and sources of revenue of the former LRA to the new LRA. Provides that proposed law shall not be construed or applied so as to prevent full compliance with requirements of federal law or regulations by which federal assistance is made available. Provides that employees, insofar as practicable and necessary, are transferred to the new LRA and shall continue to perform their duties, subject to applicable state civil service laws, rules, and regulations and other applicable laws and that, subject to such provisions, positions in the unclassified service shall remain in the unclassified service.

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

Proposed law additionally provides that the provisions of proposed law shall be repealed on June 30, 2016.

(Adds R.S. 36:4(H) and R.S. 49:220.1-220.7; Repeals R.S. 36:4(H) and R.S. 49:220.1-220.7)