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HOUSE FLOOR AMENDMENTS

2016 Regular Session

Amendments proposed by Representative Jackson to Engrossed House Bill No. 823 by Representative Hunter

1 AMENDMENT NO. 1

2 On page 1, line 2, after "water;" delete the remainder of the line and delete lines 3 through
3 6 in their entirety and insert the following:

4 "to provide for the appointment of a fiscal administrator of certain water utility
5 systems; to provide for the fiscal administrator's powers, duties, and responsibilities;
6 to provide for the filing of reports; to provide for the termination of appointment; and
7 to provide for related matters."

8 AMENDMENT NO. 2

9 On page 1, delete lines 9 through 18 in their entirety and delete pages 2 through 5 in their
10 entirety and insert the following:

11 §5.6.1. Fiscal administrator of certain drinking water utility systems; appointment;
12 powers and duties; termination

13 A. The governor shall appoint a fiscal administrator from a list of three names
14 nominated by the secretary of the Department of Health and Hospitals for a water
15 utility system where all of the following circumstances have occurred:

16 (1) A water utility system is operated by a municipality having a population
17 of less than one thousand two hundred but greater than seven hundred located in a
18 parish having a population of less than six thousand or is operated by a municipality
19 having a population of less than three thousand three hundred but less than four
20 thousand four hundred in a parish having a population of less than one hundred sixty
21 thousand but greater than one hundred forty thousand as of the latest federal
22 decennial census.

23 (2) A municipality that has failed to provide an audit required by R.S. 24:513
24 to the legislative auditor and that failure has resulted in the inability of the
25 municipality to receive state funds for the maintenance, repair, or capital
26 improvements to the municipality's water utility system.

27 B. The fiscal administrator shall perform such investigation of the operational
28 and financial affairs of the system as he deems necessary. He shall have access to
29 all papers, books, records, documents, films, tapes, and other forms of recordation
30 of the municipality as they relate to the water utility system. After the fiscal
31 administrator conducts his investigation, he shall file a report with the governor, the
32 secretary of the Department of Health and Hospitals, the legislative auditor, and the
33 attorney general. The report shall contain a detailed plan to return the water utility
34 system to compliance with all applicable water quality standards, along with any
35 improvements to the system, and financial stability. Within seven days of receiving
36 the report, the local governing authority shall adopt in an open meeting an
37 appropriate budget instrument that contains the proposals from the fiscal
38 administrator. Failure to adopt shall not prevent implementation of the fiscal
39 administrator's plan.

40 C. The fiscal administrator shall have authority to direct all fiscal operations
41 of the water utility system and to take whatever action deemed necessary to ensure
42 the system's compliance with all applicable water quality standards and financial

1 stability in accordance with all applicable laws, rules, regulations, and policies with
 2 which the system must comply. Such authority shall include but not be limited to
 3 authority to take one or more of the following actions:

4 (1) Amend, formulate, and execute the annual budget and supplemental
 5 budgets of the system.

6 (2) Implement and maintain uniform budget guidelines and procedures for
 7 the system.

8 (3) Amend, formulate, and execute capital budgets, including authority to
 9 receive state funds and to amend any borrowing authorization or finance or refinance
 10 any debt in accordance with law.

11 (4) Review and approve or disapprove all contracts for goods or services.

12 (5) Appoint, supervise, and control all personnel.

13 (6) Alter or eliminate the responsibilities of officials, officers, or employees
 14 of the system and remove personnel upon approval of the local governing authority.

15 (7) Employ, retain, and supervise such managerial, professional, and clerical
 16 staff as are necessary to carry out the fiscal administrator's responsibilities.

17 (8) Reorganize, consolidate, or abolish departments, commissions,
 18 authorities, boards, offices, or functions of the political subdivision responsible for
 19 operating the water utility system upon approval of the local governing authority.

20 (9) Make any appropriation, contract, expenditure, or loan, create any new
 21 position, or fill any vacancy, or approve or disapprove any such action.

22 D. The fiscal administrator's appointment shall terminate upon the terms of
 23 the detailed plan provided in the report, or upon the governor's determination, in
 24 consultation with the secretary of the Department of Health and Hospitals, that the
 25 water utility system will remain in compliance with all applicable water quality
 26 standards and debt service payments for the remainder of the current fiscal year and
 27 the following fiscal year.

28 E. In order to perform the investigation and reporting required of the fiscal
 29 administrator by this Section, the officers, officials, and employees of the local
 30 government shall cooperate in providing any and all information required by the
 31 fiscal administrator in the performance of his statutorily required duties within three
 32 business days of the fiscal administrator's request. If the fiscal administrator fails to
 33 timely receive the requested information, then the fiscal administrator may employ
 34 the procedures provided for in R.S. 39:1352(C) to compel compliance."