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HOUSE FLOOR AMENDMENTS

2016 Regular Session

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

1 AMENDMENT NO. 1

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

4 "amend and reenact R.S. 39:1351(A)(1) and enact R.S. 39:1351(A)(2)(d), (B)(1)(c),  
5 and (D), relative to drinking water; to provide for the appointment of a fiscal  
6 administrator for certain political subdivisions providing natural resources including  
7 drinking water; to provide for the fiscal administrator's duties and limitations; to  
8 provide for public notice and hearing; to provide for the termination of appointment;  
9 and to provide for related matters."

10 AMENDMENT NO. 2

11 On page 1, delete lines 8 through 18 in their entirety and delete pages 2 through 5 in their  
12 entirety and insert the following:

13  
14 "Section 1. R.S. 39:1351(A)(1) is hereby amended and reenacted and R.S.  
15 39:1351(A)(2)(d), (B)(1)(c), and (D) are hereby enacted to read as follows:  
16 §1351. Appointment of a fiscal administrator

17 A.(1)(a) The legislative auditor, the attorney general, and the state treasurer,  
18 or their designees, shall meet as often as deemed necessary to review the financial  
19 stability of the political subdivisions of this state.

20 (b) As used in this Chapter, "financial stability" is defined as a condition in  
21 which the political subdivision is capable of meeting its financial obligations in a  
22 timely manner as they become due without substantial disposition of assets outside  
23 the ordinary course of business, substantial layoffs of personnel, or interruption of  
24 humanly required services or constitutionally, statutorily, or other legally required  
25 services of the political subdivision, restructuring of debt, revision of operations, or  
26 similar actions.

27 (c) For the purposes of this Section, "political subdivision" also includes  
28 public or private entities that provide natural resources, including drinking water, and  
29 subject to health, safety, and welfare standards administered by the Department of  
30 Health and Hospitals, the Department of Environmental Quality, or the Public  
31 Service Commission.

32 (2)  
33 \* \* \*

34 (d) In addition to either of the determinations in Subparagraph (a) of this  
35 Paragraph, in determining whether to file a rule to appoint a fiscal administrator of  
36 a political subdivision as defined in Subparagraph (A)(1)(c) of this Section, the  
37 decision shall be by a majority decision of the legislative auditor, the attorney  
38 general, and the state treasurer at a public meeting upon the finding that the political  
39 subdivision is incapable, either due to lack of financial stability or inadequate  
40 operable fixtures and equipment, of providing necessary natural resources, such as  
41 drinking water, for the remainder of the current fiscal year and the next fiscal year  
42 to the residents to which the political subdivision is obligated to provide such

1 service. The public meeting shall be properly noticed in the official journal of the  
2 parish in which the political subdivision is located.

3 \* \* \*

4 B.(1) The trial court shall appoint a fiscal administrator in the following  
5 instances:

6 \* \* \*

7 (c) If a political subdivision as defined in Subparagraph (A)(1)(c) of this  
8 Section is incapable, either due to lack of financial stability or inadequate operable  
9 fixtures and equipment, of providing necessary natural resources, such as drinking  
10 water, for the remainder of the current fiscal year and the next fiscal year to the  
11 residents to which the political subdivision is obligated to provide such service.

12 \* \* \*

13 D. In cases where a fiscal administrator is appointed for a political  
14 subdivision pursuant to Subparagraph (B)(1)(c) of this Section, the fiscal  
15 administrator's duties as provided in this Chapter shall be limited to those necessary  
16 to provide the natural resource. Should the trial court later appoint a fiscal  
17 administrator pursuant to Subparagraph (B)(1)(a) or (b), the trial court shall either  
18 affirm the current appointment or appoint a person recommended by the legislative  
19 auditor and the attorney as provided in this Section. If the political subdivision is a  
20 private entity, the fiscal administrator shall limit his duties to an advisory capacity.  
21 Upon appointment, notice shall be published in the official journal of the parish in  
22 which the political subdivision is located and the fiscal administrator shall receive  
23 public comment either through writing or by properly noticed public meetings. The  
24 appointment of the fiscal administrator provided for in this Subsection may be  
25 terminated upon a majority vote of the legislative auditor, the attorney general, and  
26 the state treasurer at a public meeting and, if such appointment is terminated, the trial  
27 court shall be notified."