

2016 Regular Session

SENATE BILL NO. 433

BY SENATOR MORRELL

BONDS. Provides for the activities and responsibilities of the State Bond Commission.
(8/1/16)

1 AN ACT

2 To amend and reenact R.S. 39:1410.60(A) and R.S. 42:19(A)(1)(b)(ii)(cc), to enact R.S.
3 39:1405.5, relative to the State Bond Commission; to provide relative to reporting
4 requirements; to provide for approval guidelines; to provide relative to certain voting
5 requirements; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 39:1410.60(A) is hereby amended and reenacted and R.S. 39:1405.5
8 is enacted to read as follows:

9 **§1405.5. Prohibition against soliciting or accepting contributions**

10 **The chairman of the State Bond Commission shall be prohibited from**
11 **soliciting or receiving any campaign contribution, loans, or transfers of funds**
12 **from any bond or other counsel, financial adviser, paying agent, registrar, or**
13 **other professional or persons retained in connection with or requesting the**
14 **authority to incur debt or levy taxes from the date of the application being filed**
15 **until a period of one month after the State Bond Commission has, at a regular**
16 **or special meeting, approved or disapproved such matter.**

17 * * *

1 §1410.60. Approval of application; incurring indebtedness

2 A.(1) No parish, municipality, public board, political or public corporation,
3 subdivision, or taxing district, and no road or subroad district, school district,
4 sewerage district, drainage or subdrainage district, levee district, waterworks or
5 subwaterworks district, irrigation district, road lighting district, harbor and terminal
6 district, or any other political subdivision, taxing district, political or public
7 corporation, created under or by the constitution and laws of the state shall have
8 authority to borrow money, incur debt, or to issue bonds, or other evidences of debt,
9 or to levy taxes, or to pledge uncollected taxes or revenues for the payment thereof,
10 where they are authorized by the constitution or laws of the state so to do, without
11 the consent and approval of the State Bond Commission.

12 **(2) In order to facilitate the review process for approval of applications,**
13 **the State Bond Commission shall adopt rules and regulations to provide for a**
14 **review procedure that is limited strictly to determining the legality and the**
15 **financial feasibility of the requested measure.**

16 * * *

17 Section 2. R.S. 42:19(A)(1)(b)(ii)(cc) is hereby amended and reenacted to read as
18 follows:

19 §19. Notice of meetings

20 A.(1) * * *

21 (b)(i) * * *

22 (ii)(aa) * * *

23 (cc) Upon unanimous approval of the members present at a meeting of a
24 public body, the public body may take up a matter not on the agenda. **However, two-**
25 **thirds of the members present at a meeting of the State Bond Commission may**
26 **approve the commission's taking up a matter not on the agenda.** Any such matter
27 shall be identified in the motion to take up the matter not on the agenda with
28 reasonable specificity, including the purpose for the addition to the agenda, and
29 entered into the minutes of the meeting. Prior to any vote on the motion to take up

1 a matter not on the agenda by the public body, there shall be an opportunity for
 2 public comment on any such motion in accordance with R.S. 42:14 or 15. The public
 3 body shall not use its authority to take up a matter not on the agenda as a subterfuge
 4 to defeat the purposes of this Chapter.

5 * * *

The original instrument was prepared by James Benton. The following digest, which does not constitute a part of the legislative instrument, was prepared by McHenry Lee.

DIGEST

SB 433 Reengrossed

2016 Regular Session

Morrell

Proposed law provides that the chairman of the State Bond Commission shall be prohibited from soliciting or receiving any campaign contribution, loans, or transfers of funds from any bond or other counsel, financial advisor, paying agent, registrar, or other professional or persons retained in connection with or requesting the authority to incur debt or levy taxes from the date of the application being filed until a period of one month after the State Bond Commission has, at a regular or special meeting, approved or disapproved such matter.

Proposed law provides that in order to facilitate the review process for approval of applications the State Bond Commission shall adopt rules and regulations to provide for a review procedure that is limited strictly to determine the legality and the financial feasibility of the requested measure.

Present law provides that upon unanimous approval of the members present at a meeting of a public body, the public body may take up a matter not on the agenda.

Proposed law retains present law but provides an exception for the State Bond Commission by allowing two-thirds of the members present at a meeting of the commission to approve the commission taking up a matter not on the agenda.

Effective August 1, 2016.

(Amends R.S. 39:1410.60(A) and R.S. 42:19(A)(1)(b)(ii)(cc); adds R.S. 39:1405.5)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the original bill

1. Provides for the term of the chairman of the Commission.
2. Provides that the treasurer's office shall staff the State Bond Commission.
3. Restores the original law as it relates to costs of issuance and reporting requirements from proposed law.
4. Makes technical changes.

Senate Floor Amendments to engrossed bill

1. Removes provision regarding the election of the chairman.
2. Changes the requirements for commission to approve taking up matters on the agenda.
3. Makes legislative bureau technical changes.