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HOUSE FLOOR AMENDMENTS

2016 Regular Session

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

AMENDMENT NO. 1

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

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

AMENDMENT NO. 2

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

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

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

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

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

(2) * * *

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