SLS 16RS-959

ENGROSSED

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. 39:1401(C) and 1410.60(A) and R.S. 42:19(A)(1)(b)(ii)(cc), to
3	enact R.S. 39:1405.5, relative to the State Bond Commission; to provide for selection
4	of the chairman of the State Bond Commission; to provide relative to reporting
5	requirements; to provide for approval guidelines; to provide relative to certain voting
6	requirements; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 39:1401(C) and 1410.60(A) are hereby amended and reenacted and
9	R.S. 39:1405.5 is enacted to read as follows:
10	§1401. State Bond Commission
11	* * *
12	C. The state treasurer shall serve as chairman of the State Bond Commission
13	shall be elected by a majority vote of the members of the State Bond
14	Commission, the chairman shall be elected for a four-year term concurrent with
15	the term of the legislature, and the State Bond Commission may select such other
16	officers as the commission may deem necessary. The State Bond Commission shall
17	be staffed by the treasurer's office.

Page 1 of 4 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	* * *
2	§1405.5. Prohibition against soliciting or accepting contributions
3	The chairman of the State Bond Commission shall be prohibited from
4	soliciting or receiving any campaign contribution, loans, or transfers of funds
5	from any bond or other counsel, financial adviser, paying agent, registrar, or
6	other professional or persons retained in connection with or requesting the
7	authority to incur debt or levy taxes from the date of the application being filed
8	until a period of one month after the State Bond Commission has, at a regular
9	or special meeting, approved or disapproved such matter.
10	* * *
11	§1410.60. Approval of application; incurring indebtedness
12	A.(1) No parish, municipality, public board, political or public corporation,
13	subdivision, or taxing district, and no road or subroad district, school district,
14	sewerage district, drainage or subdrainage district, levee district, waterworks or
15	subwaterworks district, irrigation district, road lighting district, harbor and terminal
16	district, or any other political subdivision, taxing district, political or public
17	corporation, created under or by the constitution and laws of the state shall have
18	authority to borrow money, incur debt, or to issue bonds, or other evidences of debt,
19	or to levy taxes, or to pledge uncollected taxes or revenues for the payment thereof,
20	where they are authorized by the constitution or laws of the state so to do, without
21	the consent and approval of the State Bond Commission.
22	(2) In order to facilitate the review process for approval of applications,
23	the State Bond Commission shall adopt rules and regulations to provide for a
24	review procedure that is limited strictly to determining the legality and the
25	financial feasability of the requested measure.
26	* * *
27	Section 2. R.S. 42:19(A)(1)(b)(ii)(cc) is hereby amended and reenacted to read as
28	follows:
29	§19. Notice of meetings

Page 2 of 4 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	A.(1)	*	*	*		
2	(b)(i)	*	*	*		
3	(ii)(aa)	*	*	*		
4	(cc) Upon unan	imous app	roval o	f the m	embers present at a meeting of	a
5	public body, the public	body may	take up	a matt	er not on the agenda. However,	a
6	<u>majority of the memb</u>	ers presen	it at a i	meeting	g of the State Bond Commissio	n
7	may approve the com	<u>mission ta</u>	king up	o a mat	t ter not on the agenda. Any suc	h
8	matter shall be identifie	d in the mo	otion to	take up	the matter not on the agenda wit	th
9	reasonable specificity,	including	the pur	pose fo	or the addition to the agenda, an	ıd
10	entered into the minutes	s of the me	eting. I	Prior to	any vote on the motion to take u	ıp
11	a matter not on the age	enda by the	e public	e body,	there shall be an opportunity for	or
12	public comment on any	such motio	n in acc	ordanc	e with R.S. 42:14 or 15. The publi	ic
13	body shall not use its au	thority to t	ake up	a matte	r not on the agenda as a subterfug	şe
14	to defeat the purposes of	f this Chap	oter.			
15		*	*	*		

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by James Benton.

DIGEST

SB 433 Engrossed

2016 Regular Session

Morrell

<u>Present law</u> provides that the state treasurer shall serve as chairman of the State Bond Commission, and the State Bond Commission may select such other officers as the commission may deem necessary.

<u>Proposed law</u> provides that the chairman of the State Bond Commission shall be elected by a majority vote and shall be elected for a four-year term concurrent with the term of the legislature. Further provides that the State Bond Commission shall be staffed by the treasurer's office.

<u>Proposed law</u> 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.

<u>Proposed law</u> 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 feasability of the requested measure.

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<u>Present law</u> 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.

<u>Proposed law</u> retains <u>present law</u> but provides an exception for the State Bond Commission by allowing a majority 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. 39:1401(C), 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

<u>Committee Amendments Proposed by Senate Committee on Revenue and Fiscal</u> <u>Affairs to the original bill</u>

- 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.