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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 "water;" delete the remainder of the line and delete lines 3 through 6 in their entirety and insert the following:

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

AMENDMENT NO. 2

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

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

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

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

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

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

C. The fiscal administrator shall have authority to direct all fiscal operations of the water utility system and to take whatever action deemed necessary to ensure the system's compliance with all applicable water quality standards and financial stability in accordance with all applicable laws, rules, regulations, and policies with

1 which the system must comply. Such authority shall include but not be limited to
 2 authority to take one or more of the following actions:

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

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

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

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

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

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

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

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

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

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

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