

CONFERENCE COMMITTEE REPORT

SB 278

2015 Regular Session

Brown

June 10, 2015

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 278 by Senator Brown, recommend the following concerning the Engrossed bill:

1. Adopt House Committee Amendments Nos. 1, 2, 3, 4, 5, 7, and 8 proposed by the House Committee on Municipal, Parochial and Cultural Affairs and adopted by the House of Representative on June 3, 2015.
2. Reject House Committee Amendment No. 6 proposed by the House Committee on Municipal, Parochial and Cultural Affairs and adopted by the House of Representative on June 3, 2015.
3. Reject House Floor Amendment Nos. 1 and 2 proposed by Representative Richard, designated as #4548, and adopted by the House of Representatives on June 8, 2015.
4. Reject House Floor Amendment No. 1 proposed by Representative Richard, designated as #4547, and adopted by the House of Representatives on June 8, 2015.
5. Adopt House Floor Amendment No. 1 proposed by Representative Richard, designated as #4544, and adopted by the House of Representatives on June 8, 2015.
6. Adopt Legislative Bureau Amendments Nos. 2 and 3 proposed by the Legislative Bureau and adopted by the House of Representatives on June 8, 2015.
7. Reject Legislative Bureau Amendments Nos. 1, 4 and 5 proposed by the Legislative Bureau and adopted by the House of Representatives on June 8, 2015.
8. Amend the Engrossed bill as follows:

AMENDMENT NO. 1

On page 2, line 20, change "**mayor of the city of**" to "**senator of the senatorial district in which the district is located.**" and delete line 21.

AMENDMENT NO. 2

On page 3, line 2, after "**term.**" and before "**Commissioners**" insert the following:

"If the appointing authority fails to make an appointment within sixty days after the vacancy, the senator in whose senatorial district the recreation enhancement district is located and the representative who represents House District No. 55 shall jointly appoint a member to fill the vacancy within thirty days after such failure."

Respectfully submitted,

Senators:

Senator Lee "Jody" Amedee

Senator Troy E. Brown

Senator Yvonne Dorsey-Colomb

Representatives:

Representative Austin J. Badon

Representative Joe Harrison

Representative Edward J. Price

The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry J. Guillot.

CONFERENCE COMMITTEE REPORT DIGEST

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Keyword and summary of the bill as proposed by the Conference Committee

SPECIAL DISTRICTS. Creates and provides for the North Lafourche Recreation Enhancement District. (1/1/16)

Report adopts House amendments to:

1. Delete authorization for the district to levy taxes or incur debts, subject to voter approval, and add provision that the district has no authority to levy taxes or incur debt.
2. Add provision that requires board vacancies to be filled within 60 days and provision for appointment if an appointing authority fails to meet this deadline.
3. Add provisions relative to the first meeting of the board.
4. Delete provisions that include on the board of commissioners appointees selected by the senator and representative of the senatorial and representative districts in which the district is located and replace them with appointees selected by the members of the Lafourche Parish Council representing District Nos. 2 and 3.

Report rejects House amendments which would have:

1. Added provisions that restrict the expenditure of funds in the city of Thibodaux and the parish of Lafourche by requiring approval by the governing authorities if the district receives any funds for capital outlay.
2. Added provision that the district shall not comprise any territory located in the city of Thibodaux.
3. Added provision that if the appointing authority fails to make an appointment within 60 days after the vacancy, the senator or state representative who make appointments in proposed law shall appoint a member to fill the vacancy within thirty days after such failure.

Report amends the bill to:

1. Delete the appointment by the mayor of the city of Thibodaux.
2. Add an appointment by the senator representing the senatorial district in which the district is located.
3. Adds provision that if the appointing authority fails to make an appointment within 60 days after the vacancy, the senator in whose senatorial district the recreation enhancement district is located and the representative who represents House District No. 55 shall jointly appoint a member to fill the vacancy within thirty days after such failure.

Digest of the bill as proposed by the Conference Committee

SB 278 Engrossed

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Present law, generally provides for the creation of recreation districts by parish governing authorities. Such districts constitute a body corporate with the authority to incur debts and enter into contracts and to do and perform any and all acts necessary or proper for carrying out the objects and purposes for which the district is created, including but not limited to the expropriation of property and the acquisition of equipment, buildings, and physical facilities. Provides that such districts may sue and be sued; buy and sell; acquire by purchase, gift, expropriation, or otherwise every type and specie of property and servitudes, rights-of-way, and flowage rights necessary to its purpose; lease, build, operate, and maintain any works or machinery designed to accomplish the purposes of the district; sell or assign any interests in minerals or royalties it may own, not to exceed 50% of its interest in such minerals or royalties, pursuant to law, however, any sale or assignment shall be done in accordance with the public bid law; have complete control over any supply of fresh water made available by its facilities which shall be administered for the benefit of the persons residing or owning property within the district, and if it should be for the benefit of the district, sell such water for irrigation, municipal, and industrial uses both within and outside the district. Provides that such districts constitute an agency of the state designated to carry out an essential governmental function of the state and all of the property of the district shall be exempt from taxation. The district may cooperate and contract with the federal government or any department or agency thereof and to accept gifts, grants, and donations of property and money therefrom and cooperate with the state or any political subdivision, department, agency, or corporation of the state for the construction, operation, and maintenance of facilities designed to accomplish the purpose for which the district is created on any basis including the matching of funds and by participating in projects authorized by any federal or state law as it shall see fit.

Proposed law creates the North Lafourche Recreation Enhancement District. Provides that the objects and purposes of the district shall be to own and operate playgrounds and other recreational facilities within the boundaries of the district whether preexisting or thereafter constructed or acquired by the district; and generally to administer programs and engage in activities which would promote recreation and any related activity designed to encourage recreation and promote the general health and well-being of citizens.

Proposed law provides that the district is a political subdivision of the state but shall have no authority to levy taxes, incur debt, or issue bonds. Otherwise authorizes the district to exercise all powers granted by present law to recreation districts.

Proposed law provides that the domicile of the district shall be within the district as determined by the governing authority of the district.

Proposed law provides that the district shall be composed of that portion of Lafourche Parish situated within Senatorial District No. 2.

Proposed law provides that the district shall be governed by a board of seven commissioners who shall be qualified voters and residents of the district and appointed as follows:

- (1) One member shall be appointed by the member of the parish council representing District No. 1.
- (2) One member shall be appointed by the parish president.
- (3) One member shall be appointed by the member of the Thibodaux city council representing District C.
- (4) One member shall be appointed by the senator of the senatorial district in which the district is located.

- (5) One member shall be appointed by the member of the parish School Board representing District No. 3.
- (6) One member shall be appointed by the member of the Lafourche Parish Council representing District No. 2.
- (7) One member shall be appointed by the member of the Lafourche Parish Council representing District No. 3.

Provides for four year terms concurrent with the terms of members of the legislature. Provides that any vacancy which otherwise occurs shall be filled by appointment within 60 days of the vacancy by the appointing authority for the unexpired term. Provides that, if for any reason after the appointing authority fails to make an appointment within 60 days after the vacancy, the senator in whose senatorial district the recreation enhancement district is located and the representative who represents House District No. 55 shall jointly appoint a member to fill the vacancy within 30 days of such failure. Provides that members shall serve until their successors shall have been appointed and qualified. Provides that the board shall hold its first meeting in January 2016 at the call of the Senator authorized by proposed law to appoint a commissioner. Provides that, at such meeting the commission shall select its chairman, vice chairman, and any other officers it deems necessary. Provides that the commission shall meet as necessary thereafter to carry out its duties. Provides that commissioners shall serve without compensation.

Proposed law provides that obligations of the district shall not be obligations of Lafourche Parish or the city of Thibodaux and shall not be secured by the full faith and credit of the parish or city.

Proposed law otherwise retains present law.

Effective January 1, 2016.

(Adds R.S. 33:4570.15)