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HOUSE FLOOR AMENDMENTS

2024 Regular Session

Amendments proposed by Representative McFarland to Engrossed House Bill No. 836 by Representative McFarland

1 AMENDMENT NO. 1

2 On page 1, at the beginning of line 2, after "To" and before "relative" delete "amend and
3 reenact R.S. 39:1410.60(C)(1)," and insert "enact R.S. 39:1410.60(B)(3) and (4),"

4 AMENDMENT NO. 2

5 On page 1, line 3, after "subdivisions" delete the comma "," and delete the remainder of the
6 line in its entirety and at the beginning of line 4, delete "districts, and political or public
7 corporations"

8 AMENDMENT NO. 3

9 On page 1, line 8, after "required;" delete the remainder of the line in its entirety and insert
10 "to provide"

11 AMENDMENT NO. 4

12 On page 1, line 11, after "Section 1." delete the remainder of the line in its entirety and insert
13 the following:

14 "R.S. 39:1410.60(B)(3) and (4) are hereby enacted to read as"

15 AMENDMENT NO. 5

16 On page 1, delete lines 15 through 18 in their entirety and on page 2, delete lines 1 through
17 14 in their entirety, and insert the following:

18 "B.

19 * * *

20 (3)(a) The provisions of this Section shall not apply to any of the following
21 agreements unless the agreement is entered into in conjunction with the issuance of
22 state guaranteed bonds, notes, or certificates for which approval by the State Bond
23 Commission would otherwise be required by the constitution of Louisiana:

24 (i) A lease or an installment purchase agreement that contains a
25 nonappropriation clause and does not contain an anti-substitution clause.

26 (ii) A concession agreement, a cooperative endeavor agreement, or any other
27 agreement or obligation that is based on a usage payment and monthly term or is not
28 required to be categorized as long-term debt as defined by the Governmental
29 Accounting Standards Board.

30 (b) The agreements provided for in Subparagraph (a) of this Paragraph shall
31 meet the following requirements:

1 (i) The auditor for the political subdivision shall certify to the political
2 subdivision that the annual appropriation is sufficient to cover the monthly payment
3 obligations for the agreement for the remainder of the fiscal year in which the
4 agreement is entered and that the auditor is not aware of any obligations that are
5 reasonably anticipated to impair the political subdivision's ability to cover the
6 monthly payment obligations for the agreement through its appropriation for the
7 subsequent fiscal year.

8 (ii) The attorney general shall review the terms and conditions of the
9 agreement and its addenda and shall certify, in writing, that the state is not an obligor
10 under the political subdivision's agreement, that the full faith and credit of the state
11 is not pledged to secure the obligations under the agreement, that there is a
12 non-appropriation clause in the agreement, and that there is not an anti-substitution
13 clause in the agreement. If the attorney general finds that the agreement complies
14 with these requirements, he shall certify that the agreement is in compliance with the
15 provisions of this Paragraph. This certification shall be incontestable on the grounds
16 that the contracting parties failed to obtain approval of the State Bond Commission.
17 If the attorney general finds that the agreement fails to meet these requirements, the
18 attorney general shall direct the political subdivision to submit the agreement to the
19 State Bond Commission for approval pursuant to the rules and regulations of the
20 commission. Contracting parties shall not be required to obtain recertification of the
21 same terms and conditions in future agreements. Modifications to the terms and
22 conditions of any agreement shall be submitted to the attorney general for review and
23 approval. The attorney general shall review and certify or reject the agreement in
24 writing within thirty days of submission of an agreement to his office. Any rejection
25 shall provide the specific reason the agreement is in violation of this Subsection. If
26 the attorney general fails to certify or reject an agreement in writing within thirty
27 days of submission to his office, the agreement shall be deemed to be certified.

28 (c) A political subdivision entering into an agreement for infrastructure
29 services and upgrades pursuant to this Paragraph without the approval of the State
30 Bond Commission shall, within fourteen days of entering into the agreement, submit
31 a notice to the secretary of the Department of Economic Development that includes
32 a description of the public benefit and local impact to the political subdivision and
33 the anticipated completion date of any infrastructure upgrades.

34 (4) If an agreement listed in Subparagraph (3)(a) of this Subsection is
35 entered"

36 AMENDMENT NO. 6

37 On page 2, line 15, after "issuance of" and before "bonds," insert "state-guaranteed"

38 AMENDMENT NO. 7

39 On page 2, line 17, after "such" an before "transaction" delete "financing"

40 AMENDMENT NO. 8

41 On page 2, at the beginning of line 20, after "Section 2." delete the remainder of the line in
42 its entirety and delete line 21 in its entirety and at the beginning of line 22, delete "Section
43 3."