

Regular Session, 2006

SENATE BILL NO. 296

BY SENATOR QUINN AND REPRESENTATIVE TOOMY

SCHOOLS. Constitutional amendment to prohibit, with certain exceptions, legislative mandates increasing the financial burden of local school boards unless enacted by two-thirds of the elected members of each house of the legislature. (2/3 - CA13s1(A))

1 A JOINT RESOLUTION

2 Proposing to amend Article VI, Section 14(A) and (B)(3) and to add Article VI, Section
3 14(B)(8) and (9) of the Constitution of Louisiana, to provide that no law, unless
4 enacted by two-thirds of the elected members of each house of the legislature,
5 requiring increased expenditures for any purpose shall be applicable to a city, parish,
6 or other local public school board except under certain circumstances; to provide for
7 exceptions to such prohibition; and to specify an election for submission of the
8 proposition to electors and provide a ballot proposition.

9 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
10 elected to each house concurring, that there shall be submitted to the electors of the state of
11 Louisiana, for their approval or rejection in the manner provided by law, a proposal to
12 amend Article VI, Section 14(A) and (B)(3) and to add Article VI, Section 14(B)(8) and (9)
13 of the Constitution of Louisiana, to read as follows:

14 §14. Increasing Financial Burden of Political Subdivisions

15 Section 14.(A) No law or state executive order, rule, or regulation requiring
16 increased expenditures for any purpose shall become effective within a political
17 subdivision until approved by ordinance enacted, or resolution adopted, by the

1 governing authority of the affected political subdivision or until, and only as long as,
 2 the legislature appropriates funds for the purpose to the affected political subdivision
 3 and only to the extent and amount that such funds are provided, or until a law
 4 provides for a local source of revenue within the political subdivision for the purpose
 5 and the affected political subdivision is authorized by ordinance or resolution to levy
 6 and collect such revenue and only to the extent and amount of such revenue. ~~This~~
 7 ~~Section shall not apply to a school board.~~

8 (B) This Section shall not apply to:

9 * * *

10 (3) A law enacted and effective prior to the adoption of the amendment of
 11 this Section by the electors of the state in 1991, **or, in the case of school boards, in**
 12 **2006.**

13 * * *

14 **(8) The contribution by every city, parish, or other local public school**
 15 **system provided for in the formula for the Minimum Foundation Program of**
 16 **education as required by Article VIII, Section 13(B) of this constitution, nor to**
 17 **any instrument adopted or enacted by the legislature approving such formula.**

18 **(9) Any law relative to the implementation of the state school and**
 19 **district accountability system.**

20 Section 2. Be it further resolved that this proposed amendment shall be submitted
 21 to the electors of the state of Louisiana at the statewide election to be held on September 30,
 22 2006.

23 Section 3. Be it further resolved that on the official ballot to be used at said election
 24 there shall be printed a proposition, upon which the electors of the state shall be permitted
 25 to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall
 26 read as follows:

27 To provide that no law, unless enacted by two-thirds of the elected members
 28 of each house of the legislature, requiring increased expenditures for any
 29 purpose shall be applicable to any city, parish, or other local public school

1 board until approved by school board resolution or until, and as long as, the
 2 legislature appropriates funds to the school board for the purpose and only
 3 to the extent and amount of such funds or until a law provides for a local
 4 source of revenue to the school board for the purpose and the school board
 5 is authorized to levy and collect such revenue and only to the extent and
 6 amount of such revenue; and to provide for exceptions to such prohibition on
 7 increasing the financial burden of city, parish, and other local public school
 8 boards. (Amends Article 14(A) and (B)(3) and adds Article VI, Section
 9 14(B)(8) and (9))

The original instrument was prepared by Diane M. Burkhart. The following digest, which does not constitute a part of the legislative instrument, was prepared by H. David Smith.

DIGEST

Quinn (SB 296)

Present constitution prohibits a law, state executive order, rule or regulation requiring increased expenditure for any purpose from becoming effective within a political subdivision until it is approved by the political subdivision or until sufficient money is appropriated by the legislature to pay the cost or until a law provides for a local source of revenue. Provides that the prohibition doesn't apply to:

- (1) A law requested by the political subdivision.
- (2) A law defining a new crime or amending an existing crime.
- (3) A law enacted or effective prior to 1991 (the time when this present constitution provision was adopted).
- (4) A law, executive order, or rule adopted to comply with a federal mandate.
- (5) A law providing for civil service, minimum wages, hours, working condition, and pension and retirement benefits or vacation or sick leave benefits for fireman and policemen.
- (6) Any instruments adopted by two-thirds of both houses and any rule adopted pursuant to such instrument.
- (7) A law having insignificant fiscal impact on the affected political subdivision.

Present constitution exempts school boards.

Proposed constitutional amendment deletes the exemption and adds school boards to the effect of present constitutional provisions and adds three additional items to which the present provisions do not apply:

- (1) A law applicable to a city, parish, or other local public school board which was enacted and effective prior to 2006.
- (2) The contribution by every city, parish, or other local public school system provided for in the formula for the Minimum Foundation Program of education as required by the constitution, nor to any instrument adopted or enacted by the legislature approving such formula.

- (3) Any law relative to the implementation of the state school and district accountability system.

Specifies submission of the proposed amendment to the voters at the statewide election to be held Sept. 30, 2006.

(Amends Const. Art. VI, Sec. 14(A) and (B)(3); adds Const. Art.14(B)(8) and (9))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill.

1. Replaces a new section of the constitution with an amendment to a current section of the constitution by making the current section applicable to school boards.