

Regular Session, 2006

SENATE BILL NO. 296

BY SENATORS QUINN AND HINES 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))

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A JOINT RESOLUTION

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

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article VI, Section 14 of the Constitution of Louisiana, to read as follows:

§14. Increasing Financial Burden of Political Subdivisions

Section 14.(A)(1) No law or state executive order, rule, or regulation requiring increased expenditures for any purpose shall become effective within a political subdivision until approved by ordinance enacted, or resolution adopted, by the governing authority of the affected political subdivision or until, and only as long as, the legislature appropriates funds for the purpose to the affected political

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

6 ~~(B)(2)~~ This ~~Section~~ **Paragraph** shall not apply to:

7 ~~(1)~~ **(a)** A law requested by the governing authority of the affected political
 8 subdivision.

9 ~~(2)~~ **(b)** A law defining a new crime or amending an existing crime.

10 ~~(3)~~ **(c)** A law enacted and effective prior to the adoption of the amendment
 11 of this Section by the electors of the state in 1991.

12 ~~(4)~~ **(d)** A law enacted, or state executive order, rule, or regulation
 13 promulgated, to comply with a federal mandate.

14 ~~(5)~~ **(e)** A law providing for civil service, minimum wages, hours, working
 15 conditions, and pension and retirement benefits, or vacation or sick leave benefits for
 16 firemen and municipal policemen.

17 ~~(6)~~ **(f)** Any instrument adopted or enacted by two-thirds of the elected
 18 members of each house of the legislature and any rule or regulation adopted to
 19 implement such instrument or adopted pursuant thereto.

20 ~~(7)~~ **(g)** A law having insignificant fiscal impact on the affected political
 21 subdivision.

22 ~~(B)(1)~~ **No law requiring increased expenditures within a city, parish, or**
 23 **other local public school system for any purpose shall become effective within**
 24 **such school system until approved by a resolution adopted by the school board**
 25 **governing the affected school system or until, and only as long as, the legislature**
 26 **appropriates funds for the purpose to the affected school system and only to the**
 27 **extent and amount that such funds are provided, or until a law provides for a**
 28 **local source of revenue within the school system for the purpose and the affected**
 29 **school board is authorized by ordinance or resolution to levy and collect such**

1 revenue and only to the extent and amount of such revenue. This Subsection
2 shall not apply to any political subdivision to which Paragraph (A) of this
3 Section applies.

4 (2) This Paragraph shall not apply to:

5 (a) A law requested by the school board of the affected school system.

6 (b) A law defining a new crime or amending an existing crime.

7 (c) A law enacted and effective prior to the adoption of the amendment
8 of this Section by the electors of the state in 2006.

9 (d) A law enacted to comply with a federal mandate.

10 (e) Any instrument adopted or enacted by two-thirds of the elected
11 members of each house of the legislature.

12 (f) A law having insignificant fiscal impact on the affected school system.

13 (g) The formula for the Minimum Foundation Program of education as
14 required by Article VIII, Section 13(B) of this constitution, nor to any
15 instrument adopted or enacted by the legislature approving such formula.

16 (h) Any law relative to the implementation of the state school and
17 district accountability system.

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

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

25 To provide that no law, unless enacted by two-thirds of the elected members
26 of each house of the legislature, requiring increased expenditures for any
27 purpose shall be applicable to any city, parish, or other local public school
28 board until approved by school board resolution or until, and as long as, the
29 legislature appropriates funds to the school board for the purpose and only

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

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 Rene Marshall.

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 additional items to which the present provisions do not apply:

- (1) No law requiring expenditures within a city, parish or local public school system shall become effective until approved by a resolution adopted by the affected governing school board or until, and long as, the legislature appropriates such funds or a law provides a local source of revenue.
- (2) Nor to a law requested by the school board.
- (3) A law defining a new crime or existing crime
- (4) A law-effective prior to adoption of proposed constitutional amendment.
- (5) A law enacted to comply with a federal mandate.
- (6) Any instrument adopted or enacted by 2/3 of the legislature

- (7) A law with insignificant fiscal impact on the affected school system.
- (8) The Minimum Foundation Program as required by the constitution, nor to any instrument adopted or enacted by the legislature approving such formula.
- (9) 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)

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.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to reengrossed bill.

- 1. Clarifies provisions regarding increasing the financial burden on school boards.
- 2. Adds exceptions.