

SB 296 By Senator Quinn

KEYWORD AND SUMMARY AS IT LEFT THE SENATE

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))

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

- 1. Deletes the authority of a school board to adopt a resolution making a law requiring increased expenditures by the school system effective notwithstanding that the legislature did not appropriate sufficient funds or provide a source of revenue to the school system.

DIGEST OF THE SENATE BILL AS IT LEFT THE SENATE

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.

Riley Boudreaux
Senate Counsel