

Regular Session, 2013

HOUSE BILL NO. 101

BY REPRESENTATIVE HARRISON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

TREASURER: (Constitutional Amendment) Provides for the duties of the treasurer in certain circumstances

1 A JOINT RESOLUTION

2 Proposing to amend Article IV, Section 9 of the Constitution of Louisiana, to require the  
3 state treasurer to redirect an appropriation to the state entity which has the legal  
4 authority to perform the purpose, function, or program being funded by the  
5 appropriation; to provide for submission of the proposed amendment to the electors;  
6 and to provide for related matters.

7 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members  
8 elected to each house concurring, that there shall be submitted to the electors of the state of  
9 Louisiana, for their approval or rejection in the manner provided by law, a proposal to  
10 amend Article IV, Section 9 of the Constitution of Louisiana, to read as follows:

11 §9. Treasurer; Powers and Duties

12 Section 9.(A) There shall be a Department of the Treasury. The treasurer  
13 shall head the department and shall be responsible for the custody, investment, and  
14 disbursement of the public funds of the state, except as otherwise provided by this  
15 constitution. He shall report annually to the governor and to the legislature at least  
16 one month before each regular session on the financial condition of the state, and  
17 shall have other powers and perform other duties authorized by this constitution or  
18 provided by law.

19 (B) If an appropriation is made to a state department or agency to fund, in  
20 whole or part, a purpose, function, or program which is not within the constitutional,  
21 codal, or statutory authority of that department or agency but is within the

1        constitutional, codal, or statutory authority of another state department or agency, the  
2        treasurer shall redirect the appropriated funds to the department or agency with such  
3        authority.

4        Section 2. Be it further resolved that this proposed amendment shall be submitted  
5 to the electors of the state of Louisiana at the statewide election to be held on November 4,  
6 2014.

7        Section 3. Be it further resolved that on the official ballot to be used at the election,  
8 there shall be printed a proposition, upon which the electors of the state shall be permitted  
9 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as  
10 follows:

11                    Do you support an amendment that would require the state treasurer, in the  
12                    event that an appropriation is made to a state agency other than the agency  
13                    which has the legal authority to perform the purpose, function, or program  
14                    for which funding was appropriated, to redirect such funding to the agency  
15                    with the legal authority? (Amends Article IV, Section 9)

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Harrison

HB No. 101

**Abstract:** Provides for transfer by the state treasurer of funds appropriated to a state agency other than the agency which has the legal authority to perform the purpose, function, or program being funded.

Present constitution establishes the powers and duties of the state treasurer.

Proposed constitutional amendment provides that if an appropriation is made to a state department or agency to fund a purpose, function, or program that is within the constitutional, codal, or statutory authority of another state department or agency rather than the authority of the department or agency to which the appropriation is made, then the state treasurer is required to redirect such funds to the constitutional, codal, or statutorily appropriate department or agency.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 4, 2014.

(Amends Art. IV, §9)