

Regular Session, 2013

HOUSE BILL NO. 531

BY REPRESENTATIVE HAVARD

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

EDUCATION/FINANCE: (Constitutional Amendment) Provides relative to increasing the financial burden of public school systems

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A JOINT RESOLUTION

Proposing to amend Article VI, Section 14(B) of the Constitution of Louisiana, relative to laws requiring increased expenditures by public school systems; to provide relative to the provision that no such law shall become effective until certain conditions are met with respect to funding; to remove the exceptions to such provision; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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(B) of the Constitution of Louisiana, to read as follows:

§14. Increasing Financial Burden of Political Subdivisions

Section 14.

* * *

(B)(1) No law requiring increased expenditures ~~within by~~ a city, parish, or other local public school system for any purpose shall become effective ~~within for~~ such school system unless, and only as long as, the legislature appropriates funds for the purpose to the affected school system and only to the extent and amount that such funds are provided, or until a law provides for a local source of revenue within the school system for the purpose and the affected school board is authorized by

1 ordinance or resolution to levy and collect such revenue and only to the extent and
2 amount of such revenue. ~~This Paragraph shall not apply to any political subdivision~~
3 ~~to which Paragraph (A) of this 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 of~~
8 ~~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 members~~
11 ~~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 instrument~~
15 ~~adopted or enacted by the legislature approving such formula.~~

16 ~~(h) Any law relative to the implementation of the state school and district~~
17 ~~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 November 4,
20 2014.

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

25 Do you support an amendment to remove all exceptions to the prohibition
26 against laws that increase the financial burden of public school systems?

27 (Amends Article VI, Section 14(B))

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)]

Havard

HB No. 531

Abstract: Removes all exceptions to the prohibition against "unfunded mandates" for public school systems.

Present constitution provides that no law requiring increased expenditures for any purpose within a city, parish, or other local public school system shall become effective within such school system:

- (1) Unless the legislature appropriates funds for the purpose to the affected school system and only to the extent and amount that such funds are provided; or
- (2) Until a law provides for a local source of revenue within the school system for the purpose and the affected school board is authorized by ordinance or resolution to levy and collect such revenue and only to the extent and amount of such revenue.

Present constitution provides that the prohibition against such laws becoming effective does not apply to the following:

- (1) A law:
 - (a) Requested by the school board of the affected school system.
 - (b) Defining a new crime or amending an existing crime.
 - (c) Enacted and effective prior to the adoption of the amendment of this Section of present constitution by the electors of the state in 2006.
 - (d) Enacted to comply with a federal mandate.
 - (e) Having insignificant fiscal impact on the affected school system.
 - (f) Relative to implementation of state school and district accountability system.
- (2) Any instrument adopted or enacted by 2/3 of the elected members of each house of the legislature.
- (3) Minimum Foundation Program (MFP) formula or any instrument adopted or enacted by the legislature approving such formula.

Proposed constitutional amendment removes all of these exceptions.

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

(Amends Const. Art. VI, §14(B))