

Regular Session, 2013

SENATE BILL NO. 29

BY SENATOR NEVERS

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

LOCAL FINANCE. Constitutional Amendment to prohibit unfunded mandates on political subdivisions or public school systems, with limited exceptions. (2/3 - CA13s1(A))

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A JOINT RESOLUTION

Proposing to amend Article VI, Section 14 of the Constitution of Louisiana, relative to exceptions to the prohibition against unfunded mandates on political subdivisions and city, parish or other local public school systems; to limit the exceptions for political subdivisions to laws enacted and effective prior to 1991 and laws providing for certain benefits for firemen and municipal policemen, and to limit the exceptions for city, parish or other local public school systems to laws enacted and effective prior to 2006; 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, 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

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

9 (2) This Paragraph shall not apply to:

10 ~~(a) A law requested by the governing authority of the affected political~~
 11 ~~subdivision.~~

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

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

15 ~~(d) A law enacted, or state executive order, rule, or regulation promulgated,~~
 16 ~~to comply with a federal mandate.~~

17 ~~(e)~~ **(b)** A law providing for civil service, minimum wages, hours, working
 18 conditions, and pension and retirement benefits, or vacation or sick leave benefits for
 19 firemen and municipal policemen.

20 ~~(f) Any instrument adopted or enacted by two-thirds of the elected members~~
 21 ~~of each house of the legislature and any rule or regulation adopted to implement such~~
 22 ~~instrument or adopted pursuant thereto.~~

23 ~~(g) A law having insignificant fiscal impact on the affected political~~
 24 ~~subdivision.~~

25 (B)(1) No law requiring increased expenditures within a city, parish, or other
 26 local public school system for any purpose shall become effective within such school
 27 system **until, and** only as long as, the legislature appropriates funds for the purpose
 28 to the affected school system and only to the extent and amount that such funds are
 29 provided, or until a law provides for a local source of revenue within the school

1 system for the purpose and the affected school board is authorized by ordinance or
2 resolution to levy and collect such revenue and only to the extent and amount of such
3 revenue. This Paragraph shall not apply to any political subdivision to which
4 Paragraph (A) of this Section applies.

5 (2) This Paragraph shall not apply to:

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

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

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

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

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

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

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

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

19 Section 2. Be it further resolved that this proposed amendment shall be submitted
20 to the electors of the state of Louisiana at the statewide election to be held on November 4,
21 2014.

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

26 Do you support an amendment that would prohibit unfunded mandates on
27 political subdivisions except for laws enacted and effective prior to 1991 and
28 laws providing for civil service, minimum wages, hours, working conditions,

- 1 and pension and retirement benefits, or vacation or sick leave benefits for
2 firemen and municipal policemen and that would prohibit unfunded
3 mandates on city, parish or other local public school systems, except for laws
4 enacted and effective prior to 2006?
5 (Amends Const. Art. VI, Sec. 14)

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Julie J. Baxter.

DIGEST

Present constitution provides for exceptions to the prohibition against unfunded mandates on political subdivisions.

Present constitution provides such exceptions for:

- (1) Laws requested by the governing authority of the affected political subdivision.
- (2) Laws defining a new crime or amending an existing crime.
- (3) Laws enacted and effective prior to the adoption of the amendment of present constitution by the electors of the state in 1991.
- (4) Laws enacted, or state executive order, rule, or regulation promulgated, to comply with a federal mandate.
- (5) Laws providing for civil service, minimum wages, hours, working conditions, and pension and retirement benefits, or vacation or sick leave benefits for firemen and municipal policemen.
- (6) Instruments adopted or enacted by two-thirds of the elected members of each house of the legislature and any rule or regulation adopted to implement such instrument or adopted pursuant thereto.
- (7) Laws having insignificant fiscal impact on the affected political subdivision.

Present constitution provides for exceptions to the prohibition against unfunded mandates on city, parish or other local public school systems.

Proposed constitutional amendment limits the exceptions to the prohibition against unfunded mandates on all political subdivisions to laws enacted and effective prior to the adoption of the amendment of the present constitution by the electors of the state in 1991, and to laws providing for civil service, minimum wages, hours, working conditions, and pension and retirement benefits, or vacation or sick leave benefits for firemen and municipal policemen.

Present constitution provides such exceptions for:

- (1) Laws requested by the school board or affected school system.
- (2) Laws defining a new crime or amending an existing crime.
- (3) Laws enacted and effective prior to the adoption of the amendment of present constitution by the electors of the state in 2006.

- (4) Laws enacted to comply with a federal mandate.
- (5) Any instrument adopted or enacted by two-thirds of the elected members of each house of the legislature.
- (6) Laws having insignificant fiscal impact on the affected school system.
- (7) The formula for the Minimum Foundation Program (MFP) of education as required by Article VIII, Section 13(B) of this constitution, nor to any instrument adopted or enacted by the legislature approving the MFP formula.
- (8) Laws relative to the implementation of the state school and district accountability system. Further provides that no laws requiring increased expenditures within a city, parish, or other local public school system for any purpose shall become effective within such school system only as long as the legislature appropriates funds for the purpose to the affected school system, and then only to the extent funded.

Proposed constitutional amendment provides that no laws requiring increased expenditures within a city, parish or other local public school system for any purpose shall become effective within such school system until, and only as long as, the legislature appropriates funds for the purpose to the affected school system, and then only to the extent funded.

Proposed constitutional amendment further limits the exceptions to the prohibition against unfunded mandates on city, parish or other local public school systems to laws enacted and effective prior to the adoption of the present constitution by the electors of the state in 2006.

Specifies submission of the amendment to the voters at the statewide election to be held on November 4, 2014.

(Amends Const. Art. VI, Sec. 14)