

2018 Regular Session

SENATE BILL NO. 263

BY SENATOR ERDEY

PUBLIC PROPERTY. Constitutional amendment to permit the donation of the use of public equipment and personnel to the state or a political subdivision. (2/3 - CA13s1)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17

A JOINT RESOLUTION

Proposing to amend Article VII, Section 14(B) of the Constitution of Louisiana, relative to public equipment and personnel; to authorize, pursuant to a written agreement, the donation of the use of public equipment and personnel by a political subdivision to another political subdivision for an activity or power which the requesting political subdivision is authorized to exercise; 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, to amend Article VII, Section 14(B) of the Constitution of Louisiana, to read as follows:

§14. Donation, Loan, or Pledge of Public Credit

* * *

(B) Authorized Uses. Nothing in this Section shall prevent (1) the use of public funds for programs of social welfare for the aid and support of the needy; (2) contributions of public funds to pension and insurance programs for the benefit of public employees; (3) the pledge of public funds, credit, property, or things of value

1 for public purposes with respect to the issuance of bonds or other evidences of
2 indebtedness to meet public obligations as provided by law; (4) the return of
3 property, including mineral rights, to a former owner from whom the property had
4 previously been expropriated, or purchased under threat of expropriation, when the
5 legislature by law declares that the public and necessary purpose which originally
6 supported the expropriation has ceased to exist and orders the return of the property
7 to the former owner under such terms and conditions as specified by the legislature;
8 (5) acquisition of stock by any institution of higher education in exchange for any
9 intellectual property; (6) the donation of abandoned or blighted housing property by
10 the governing authority of a municipality or a parish to a nonprofit organization
11 which is recognized by the Internal Revenue Service as a 501(c)(3) or 501(c)(4)
12 nonprofit organization and which agrees to renovate and maintain such property until
13 conveyance of the property by such organization; (7) the deduction of any tax,
14 interest, penalty, or other charges forming the basis of tax liens on blighted property
15 so that they may be subordinated and waived in favor of any purchaser who is not
16 a member of the immediate family of the blighted property owner or which is not
17 any entity in which the owner has a substantial economic interest, but only in
18 connection with a property renovation plan approved by an administrative hearing
19 officer appointed by the parish or municipal government where the property is
20 located; (8) the deduction of past due taxes, interest, and penalties in favor of an
21 owner of a blighted property, but only when the owner sells the property at less than
22 the appraised value to facilitate the blighted property renovation plan approved by
23 the parish or municipal government and only after the renovation is completed such
24 deduction being canceled, null and void, and to no effect in the event ownership of
25 the property in the future reverts back to the owner or any member of his immediate
26 family; (9) the donation by the state of asphalt which has been removed from state
27 roads and highways to the governing authority of the parish or municipality where
28 the asphalt was removed, or if not needed by such governing authority, then to any
29 other parish or municipal governing authority, but only pursuant to a cooperative

1 endeavor agreement between the state and the governing authority receiving the
 2 donated property; (10) the investment in stocks of a portion of the Rockefeller
 3 Wildlife Refuge Trust and Protection Fund, created under the provisions of R.S.
 4 56:797, and the Russell Sage or Marsh Island Refuge Fund, created under the
 5 provisions of R.S. 56:798, such portion not to exceed thirty-five percent of each
 6 fund; (11) the investment in stocks of a portion of the state-funded permanently
 7 endowed funds of a public or private college or university, not to exceed thirty-five
 8 percent of the public funds endowed; ~~or~~ (12) the investment in equities of a portion
 9 of the Medicaid Trust Fund for the Elderly created under the provisions of R.S.
 10 46:2691 et seq., such portion not to exceed thirty-five percent of the fund; ~~or~~ (13) the
 11 investment of public funds to capitalize a state infrastructure bank and the loan,
 12 pledge, or guarantee of public funds by a state infrastructure bank solely for
 13 transportation projects; **or (14) pursuant to a written agreement, the donation of**
 14 **the use of public equipment and personnel by a political subdivision upon**
 15 **request to another political subdivision for an activity or power the requesting**
 16 **political subdivision is authorized to exercise.**

17 * * *

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 6,
 20 2018.

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 YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
 24 follows:

25 Do you support an amendment to permit, pursuant to written agreement, the
 26 donation of the use of public equipment and personnel by a political
 27 subdivision upon request to another political subdivision for an activity or
 28 power which the requesting political subdivision is authorized to exercise?

29 (Amends Const. Art. VII, §14(B))

The original instrument was prepared by Jerry J. Guillot. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cheryl M. Serrett.

DIGEST

Present constitution prohibits the loan, pledge, or donation of funds, credit, property, or things of value of the state. Provides an extensive list of exceptions to this prohibition.

Proposed constitutional amendment retains present constitution and adds an exception that, pursuant to written agreement, permits the use of public equipment and personnel by a political subdivision upon the request of another political subdivision for an activity or power which the requesting political subdivision is authorized to exercise.

Provides for submission of the proposed amendment to the voters at the statewide election to be held on November 6, 2018.

(Amends Const. Art. VII, §14(B))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Clarifies the permitted activity is between political subdivisions of the state.
2. Makes Legislative Bureau technical changes.