

2015 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 190

BY REPRESENTATIVE TIM BURNS

PLANNING/ZONING: Expresses the intended meaning of Act No. 859 of the 2004 R.S.

1 A CONCURRENT RESOLUTION

2 To express the intent of the legislature regarding R.S. 33:109.1 as enacted by Act No. 859
3 of the 2004 Regular Session of the Legislature.

4 WHEREAS, R.S. 24:177(B)(2)(b) provides that the "legislature may express the
5 intended meaning of a law in a duly adopted concurrent resolution, by the same vote and,
6 except for gubernatorial veto and time limitations for introduction, according to the same
7 procedures and formalities required for enactment of that law; and

8 WHEREAS, during the 2004 Regular Session of the Legislature, Act No. 859 was
9 enacted into law and provided, in R.S. 33:109.1, that whenever a parish or municipal
10 planning commission has adopted a master plan, state agencies and departments shall
11 consider such adopted master plan before undertaking any activity or action which would
12 affect the adopted elements of the master plan; and

13 WHEREAS, the legislature's intent in requiring that local master plans be considered
14 by state agencies and departments was that those agencies and departments would act in
15 compliance with a local master plan to the greatest extent practicable; to interpret "shall
16 consider" to mean that the agency or department must merely take the master plan into
17 account renders the statute without effect.

18 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
19 express its intent that the "shall consider" language in R.S. 33:109.1 as enacted by Act
20 No. 859 of the 2004 Regular Session of the Legislature is to require that state agencies and
21 departments act in compliance with a local master plan to the greatest extent practicable.

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)]

HCR 190 Original

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Tim Burns

Present law (R.S. 24:117(B)(2)) authorizes the legislature to express the intended meaning of a law in a duly adopted concurrent resolution, by the same vote and, except for gubernatorial veto and time limitations for introduction, according to the same procedures and formalities required for enactment of that law.

Present law (R.S. 33:109.1), which was enacted by Act No. 859 of the 2004 R.S., requires state agencies and departments to consider a master plan adopted by a parish or municipal governing authority before undertaking any activity or action which would affect the adopted elements of the master plan.

Proposed resolution expresses the intent of the legislature that "shall consider" in such requirement means act in compliance with the local master plan to the greatest extent practicable.