

2020 Second Extraordinary Session

HOUSE BILL NO. 38

BY REPRESENTATIVES HARRIS, AMEDEE, BACALA, CARRIER, CREWS, ECHOLS, EDMONDS, EDMONSTON, FIRMENT, FONTENOT, GADBERRY, GAROFALO, HODGES, HORTON, NELSON, CHARLES OWEN, PRESSLY, SEABAUGH, VILLIO, AND WRIGHT

FUNDS/FUNDING: Provides relative to funding university, parish, and municipal police departments (Items #15 and 16)

1 AN ACT

2 To enact Part VIII of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of
3 1950, to be comprised of R.S. 39:291 and 292, relative to funding for parish and
4 municipal police departments; to provide for budget submission requirements; to
5 provide for the authority of the Joint Legislative Committee on the Budget; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Part VIII of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised
9 Statutes of 1950, comprised of R.S. 39:291 and 292, is hereby enacted to read as follows:

10 PART VIII. POLICE FUNDING PROTECTION

11 §291. Short title

12 This Part shall be known and may be cited as the "Louisiana Police Funding
13 Protection Act".

14 §292. Municipal police departments and sheriff's offices

15 A.(1) Each governing authority of a political subdivision which is required
16 to adopt a budget pursuant to the Louisiana Local Government Budget Act and
17 which includes a municipal police department or sheriff's office shall notify the Joint
18 Legislative Committee on the Budget if the annual operating budget for the

1 municipal police department or sheriff's office for the ensuing fiscal year indicates
2 a decrease of ten percent or greater as compared to the current fiscal year. The
3 governing authority shall notify the committee in writing no later than fifteen days
4 prior to the beginning of the ensuing fiscal year.

5 (2) The governing authority shall notify the Joint Legislative Committee on
6 the Budget if the annual operating budget for the municipal police department or
7 sheriff's office is reduced by ten percent or greater at any point in the current fiscal
8 year. The governing authority shall notify the committee in writing no later than
9 fifteen days following the effective date of the reduction.

10 B. Upon receipt of notification pursuant to Subsection A of this Section, the
11 Joint Legislative Committee on the Budget may require the governing authority to
12 appear before the committee and provide a description of the proposed budget
13 reductions and the effect of the reductions on the governing authority's ability to
14 provide for public safety.

15 C. If the committee determines the reductions submitted pursuant to this
16 Section will have a significant and harmful effect on public safety, the governing
17 authority shall be ineligible to apply for or receive funding for any new capital outlay
18 projects for the ensuing fiscal year and to receive appropriations from sales tax
19 dedications for the ensuing fiscal year.

20 D. The provisions of this Section shall not be applicable to any political
21 subdivision which decreases the annual operating budget for its municipal police
22 department or sheriff's office by ten percent or more if the decrease in the operating
23 budget for its municipal police department or sheriff's office is the result of an
24 overall decrease in tax collections within the political subdivision.

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)]

HB 38 Reengrossed

2020 Second Extraordinary Session

Harris

Abstract: Requires municipalities and parishes to notify JLCB if funding for their police department or sheriff's office is reduced by 10% or more. If JLCB determines the reductions will have a significant and harmful effect on public safety, the municipality or parish is ineligible to apply for or receive funding for new capital outlay projects or receive sales tax dedications for the next fiscal year.

Proposed law requires any governing authority with a municipal police department or sheriff's office to notify JLCB if the annual operating budget for the police department or sheriff's office decreases by 10% or more from the current to ensuing fiscal year or any time during the current year.

Proposed law authorizes JLCB to require the governing authority to appear before the committee and if JLCB determines the reductions will have a significant and harmful effect on public safety, the governing authority shall be ineligible to apply for or receive funding for any new capital outlay projects or receive appropriations from sales tax dedications for the ensuing fiscal year.

Proposed law exempts any political subdivision which decreases the annual operating budget for its municipal police department or sheriff's office due to a decrease in tax collections.

(Adds R.S. 39:291 and 292)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the original bill:

1. Clarify that public colleges and universities and governing authorities with a municipal police department or sheriff's office would be ineligible to apply for or receive funding for new capital outlay projects.
2. Make a technical change.

The House Floor Amendments to the engrossed bill:

1. Remove the reporting requirements and penalties for public colleges and universities.
2. Provide an exception to proposed law for any political subdivision that decreases the annual operating budget for its municipal police department or sheriff's office due to a decrease in tax collections.