

Regular Session, 1999

HOUSE BILL NO. 2271 (Substitute Bill for House Bill No. 657 by Representative DeWitt)

BY REPRESENTATIVE DEWITT

ELECTIONS/INITIATIVE-REF: (Constitutional Amendment) Authorizes the electorate to approve or reject laws by referendum

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A JOINT RESOLUTION

Proposing to amend Article III, Section 1(A) of the Constitution of Louisiana, relative to the exercise of legislative power; to provide that for a certain time period the legislature may submit certain laws to the electorate for approval or rejection by referendum and to provide for effectiveness of such laws upon such approval; to provide for a limitation on the number of referenda during a certain time period; to provide for certain restrictions and requirements; to provide for the powers of the legislature relative thereto; 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 III, Section 1(A) of the Constitution of Louisiana, to read as follows:

§1. Legislative Power; Referendum; Composition of the Legislature;
Continuous Body

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 Section 1.(A)(1) Legislative Power of State. The legislative
2 power of the state is vested in a legislature, consisting of a Senate and
3 a House of Representatives; except that until December 31, 2003, the
4 legislature may submit any law proposed by the legislature in
5 accordance with this Section to the electors of the state for their
6 approval or rejection in a public referendum and provide that the
7 enactment of such law shall be contingent upon its approval by a
8 majority of the electors of the state voting in such public referendum.

9 (2)(a) An instrument which proposes the enactment of a law by
10 referendum pursuant to this Section, in this Section referred to as a
11 "referendum instrument", may only provide for enactment of a new law
12 proposed by the legislature by a favorable record vote of two-thirds of
13 the elected members of each house after the effective date of this
14 Section.

15 (b) A referendum instrument shall be prefiled no later than five
16 o'clock in the evening on the fifteenth calendar day prior to a regular
17 session or shall be prefiled no later than five o'clock in the evening on
18 the fourth calendar day prior to an extraordinary session. Such an
19 instrument shall be prefiled as a referendum instrument and no
20 legislative instrument shall be amended to make such instrument or any
21 other instrument a referendum instrument.

22 (c) A referendum instrument which provides for a new source
23 of state revenue shall provide for the specific dedication of such
24 revenue. A referendum instrument which provides for a reduction in
25 state revenue shall provide for the specific service, services, program,
26 or programs which shall be reduced or eliminated and the specific

1 amount of funds associated with each such reduction or elimination.
2 A referendum instrument which provides for a new or expanded
3 program or service shall provide for the specific source of revenue to
4 provide the funds for such new or expanded program or service and if
5 the source of revenue is a current source of revenue the referendum
6 instrument shall provide for the specific service, services, program, or
7 programs which shall be reduced or eliminated and the specific amount
8 of funds associated with each such reduction or elimination in order to
9 provide the funds for the new or expanded program or service. No
10 referendum instrument shall provide for a general reduction in the
11 budget in order to provide for a reduction in revenue or to provide for
12 a current source of revenue for a new or expanded program or service.
13 No law enacted by referendum which affects revenue shall become
14 effective until the beginning of the fiscal year following such
15 referendum, unless the referendum instrument specifies otherwise. If
16 a law is enacted by referendum in accordance with this Subparagraph
17 A(2)(b), it shall be implemented as provided in the referendum
18 instrument.

19 (d) Any referendum instrument and the provisions of and
20 actions taken pursuant to a law enacted by referendum shall be
21 consistent with the provisions of this constitution.

22 (e) No more than two referendum instruments shall be adopted
23 by the legislature during a calendar year in which there is a regularly
24 scheduled statewide election and such referendum instruments shall
25 provide for the submission of the referendum proposal at a regularly
26 scheduled statewide election to be held in the same calendar year in

1 To authorize the legislature until December 31, 2003 to submit
2 laws to the electorate of Louisiana for approval or rejection and
3 to make their enactment contingent upon approval by the state's
4 electors; to provide that only the enactment of a new law may be
5 proposed by a two-thirds vote of the legislature as a referendum;
6 to limit the number of public referenda submitted by the
7 legislature to no more than two in a calendar year in which there
8 is a regularly scheduled statewide election; to require
9 referendum instruments to be prefiled prior to the legislative
10 session during which such instruments are to be considered; to
11 require certain referenda concerning state revenues and services
12 and programs provide for the use and the source of funds; and
13 to require the legislature by joint rule to provide the procedure,
14 form, manner, and requirements for proposing instruments
15 which propose a referendum. (Amends Article III, Section 1(A))

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

DeWitt

HB No. 2271

Present constitution provides that the legislative power of the state is vested in the legislature, consisting of a Senate and a House of Representatives.

Proposed constitutional amendment retains present constitutional provisions except that it allows the legislature to submit any law to the electors of the state as a public referendum for approval or rejection until December 31, 2003, and provide that the enactment of such law is contingent upon its approval by a majority of the electors of the state voting in such public referendum. Additionally provides that such a referendum instrument may only provide for the enactment of a new law proposed as such by a favorable record vote of two-thirds of the elected members of each house after the effective date of the proposed constitutional amendment.

Proposed constitutional amendment requires any referendum instrument to be prefiled no later than five o'clock in the evening on the fifteenth calendar day prior to a regular session or prefiled no later than five o'clock in the evening on the fourth calendar day prior to an extraordinary session. Requires a referendum instrument to be prefiled as such and prohibits a legislative instrument from being amended to make it or any other instrument a referendum proposal.

Proposed constitutional amendment provides that if a referendum instrument provides for a new source of state revenue it must provide for the specific dedication of such revenue; if a referendum instrument provides for a reduction in state revenue it must provide for the specific services or programs which will be reduced or eliminated and the specific amount of funds associated with each reduction or elimination; if a referendum instrument provides for a new or expanded program or service it must provide for the specific source of revenue to provide the funds for such new or expanded program or service and if the source of revenue is a current source of revenue it must provide for the specific services or programs which shall be reduced or eliminated and the specific amount of funds associated with each reduction or elimination in order to provide the funds for the new or expanded program or service. Proposed constitutional amendment prohibits a referendum instrument from providing for a general reduction in the budget in order to provide for a reduction in revenue or to provide for a current source of revenue for a new or expanded program or service. Provides that a referendum instrument which affects revenue shall not become effective until the beginning of the fiscal year following its approval by the electorate, unless the referendum specifies otherwise. Requires the legislature to implement such proposals as contained in the referendum instrument if approved by the electors.

Proposed constitutional amendment requires any referendum instrument and the provisions of and actions taken pursuant to a law enacted by referendum to be consistent with the provisions of the present constitution.

Proposed constitutional amendment provides that no more than two referendum instruments shall be adopted by the legislature during a calendar year in which there is a regularly scheduled statewide election and specifies that those instruments must provide for the submission of the referendum proposal at such an election in the same calendar year in which the instruments are adopted. Specifies that after the legislature has adopted two referendum instruments for submission at a regularly scheduled statewide election in a calendar year, no other referendum instrument shall be adopted by the legislature during such calendar year. Restricts submission of referendum proposals to regularly scheduled statewide elections.

Proposed constitutional amendment provides that the legislature shall provide by joint rule for the procedure, form, manner, and any additional requirements by which a referendum instrument may be proposed.

Provides for submission of the proposed amendment to the voters at the gubernatorial primary election in 1999.

(Amends Const. Art. III, Section 1(A))