

Regular Session, 2013

HOUSE BILL NO. 102

BY REPRESENTATIVE HARRISON

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

BUDGETARY PROCEDURES: (Constitutional Amendment) Limits the power of an appropriation bill to effect change in other laws

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A JOINT RESOLUTION

Proposing to add Article III, Section 16(F) of the Constitution of Louisiana, to limit the effect of an appropriation bill; to prohibit an appropriation bill from affecting laws except when directly related to an expenditure; 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 add Article III, Section 16(F) of the Constitution of Louisiana, to read as follows:

§16. Appropriations

Section 16.

* * *

(F) Effect on Other Laws. Neither the general appropriation bill nor any ancillary appropriation bill shall contain any nonmonetary provision the effect of which is to alter a law except for the specific and limited purpose of imposing qualifications, conditions, limitations, or restrictions that have a direct connexity to the expenditure of the funds being appropriated.

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

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

5 Do you support an amendment that would preclude the use of a legislative
 6 instrument that appropriates state funds from altering laws except as directly
 7 related to the expenditure of the funds appropriated? (Adds Article III,
 8 Section 16(F))

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)]

Harrison

HB No. 102

Abstract: Prohibits using an appropriation bill to alter laws except as directly related to the appropriation.

Present constitution provides for annual appropriations by the legislature and imposes further requirements on the origin and specifics of any appropriation bill.

Present case law recognizes that inherent in the power of appropriation is the power to specify how the money can be spent, including qualifications, conditions, limitations, or restrictions on the expenditure of funds; however, such conditions and limitations must exhibit such a connexity with money items of appropriation that they logically belong in a schedule of expenditures, *Henry v. Edwards*, 346 So.2d 153 (La. 1977). Accordingly, the state supreme court in *Henry v. Edwards* held that the governor may veto nonmonetary provisions invalidly contained in the general appropriation bill.

Proposed constitutional amendment would prohibit the general appropriation bill or any ancillary appropriation bill from containing nonmonetary provisions unless those provisions were for the specific and limited purpose of imposing qualifications, conditions, limitations, or restrictions related to the expenditure of the funds.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 4, 2014.

(Adds Art. III, §16(F))