

Regular Session, 2013

HOUSE CONCURRENT RESOLUTION NO. 13

BY REPRESENTATIVE CARMODY

BUDGETARY PROCEDURES: Expresses legislative intent regarding the requirement that the governor clearly differentiate appropriations which rely on other legislative actions such as the transfer of funds

1 A CONCURRENT RESOLUTION

2 To express the intent of the legislature regarding R.S. 39:38(A) of the Louisiana Revised
3 Statutes of 1950.

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 1989 Regular Session of the Legislature of Louisiana, R.S.
9 39:34 and 38 were enacted into law as part of Act No. 836; and

10 WHEREAS, R.S. 39:34(A) states that "The governor shall cause to be prepared an
11 executive budget presenting a complete financial and programmatic plan for the ensuing
12 fiscal year which shall include recommendations for appropriations from the state general
13 fund and dedicated funds which shall not exceed the official forecast of the Revenue
14 Estimating Conference"; and

15 WHEREAS, R.S. 39:38(A) states that "Any proposals by the governor to enhance
16 revenues for the ensuing fiscal year beyond the official forecast shall be itemized and
17 projected separately and shall constitute a submission by the governor separate and apart
18 from the recommendations in the executive budget based on the official forecast as provided
19 in Article VII, Section 11(A) of the Constitution of Louisiana and under the provisions of

1 this Chapter. Any such submission shall include a description of the proposed uses and
2 programmatic impacts of the enhanced revenues."; and

3 WHEREAS, the Executive Budget for Fiscal Year 2013-2014 includes a
4 supplementary recommendation of \$465 million from the Overcollections Fund "in the event
5 the legislature approves the transfers delineated in the funds bill to the Overcollections
6 Fund" and a supplementary recommendation of \$30 million from the state general fund "in
7 the event the legislature approves the Department of Revenue fraud initiative to increase the
8 net state tax receipts"; and

9 WHEREAS, the supplementary budget recommendation of \$484 million from the
10 Overcollections Fund was incorporated within the total appropriations to the Board of
11 Regents; and

12 WHEREAS, the \$284.5 million appropriation out of the State General Fund (Direct)
13 to the Board of Regents includes a supplementary budget recommendation of \$30 million
14 in the event the legislature approves the Department of Revenue fraud initiative to increase
15 the net state tax receipts; and

16 WHEREAS, the transfer of fund balances into these funds was not recognized in the
17 official forecast adopted by the Revenue Estimating Conference; and

18 WHEREAS, deposits into the funds in the funds bill last year included revenues
19 collected by the state from the sale of a facility, receipts from lawsuits, and payments from
20 other political subdivisions to the state; and

21 WHEREAS, the \$30 million in increased state general funds from the Department
22 of Revenue fraud initiative has not been incorporated into the official forecast of the
23 Revenue Estimating Conference.

24 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
25 express its intent regarding the meaning of the language "proposals by the governor to
26 enhance revenues for the ensuing fiscal year beyond the official forecast" and "shall
27 constitute a submission by the governor separate and apart from the recommendations in the
28 executive budget", as contained in R.S. 39:38(A).

29 BE IT FURTHER RESOLVED that "proposals by the governor to enhance revenues
30 for the ensuing fiscal year beyond the official forecast" shall include proposals to increase

1 the amount deposited into the state general fund or a dedicated fund to be available for
2 appropriation beyond the official forecast.

3 BE IT FURTHER RESOLVED that "shall constitute a submission by the governor
4 separate and apart from the executive budget" means that such proposed expenditures from
5 enhanced revenues shall not be included in the executive budget or in the General
6 Appropriation Bill.

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)]

Carmody

HCR No. 13

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. 39:34(A)) provides that the governor shall cause to be prepared an executive budget which shall include recommendations for appropriations from the state general fund and dedicated funds which shall not exceed the official forecast of the Revenue Estimating Conference.

Present law (R.S. 39:38(A)) provides that any proposals by the governor to enhance revenues for the ensuing fiscal year beyond the official forecast shall be itemized and projected separately and shall constitute a submission by the governor separate and apart from the recommendations in the executive budget. Any such submission shall include a description of the proposed uses and programmatic impacts of the enhanced revenues.

Proposed resolution expresses the intent of the legislature regarding the meaning of "proposals by the governor to enhance revenues for the ensuing fiscal year beyond the official forecast" and "shall constitute a submission by the governor separate and apart from the recommendations in the executive budget". "Proposals by the governor to enhance revenues for the ensuing fiscal year beyond the official forecast" shall include proposals to increase the amount deposited into the state general fund or a dedicated fund to be available for appropriation beyond the official forecast. "Separate and apart from the recommendations in the executive budget" means that such proposed expenditures from enhanced revenues shall not be included in the executive budget or in the General Appropriation Bill.