

1 ~~heading of contingencies~~ or for longer than one year, and no contingent
2 appropriation shall be made.

3 * * *

4 Section 2. Be it resolved by the Legislature of Louisiana, two-thirds of the members
5 elected to each house concurring, that there shall be submitted to the electors of the state of
6 Louisiana, for their approval or rejection in the manner provided by law, a proposal to
7 amend Article VII, Sections 10(B), (D)(1), and (E) and 11(A) and to add Article VII, Section
8 10(D)(4) of the Constitution of Louisiana, to read as follows:

9 §10. Expenditure of State Funds

10 Section 10.

11 * * *

12 (B) Official Forecast. The conference shall prepare and publish initial and
13 revised estimates of money to be received by the state general fund and each
14 dedicated funds fund for the current and next fiscal years which are available for
15 appropriation. Except for money that is not required to be deposited in the state
16 treasury and that which is excluded from the definition of state general funds, each
17 estimate of money to be received shall include all money that supports
18 appropriations in the executive budget, general appropriation bill, capital outlay bill,
19 and any other bill or bills that raise additional revenue as provided in Section 11 of
20 this Article or that provide financing. To the extent that money supporting such
21 appropriations consists of the balance in any fund, the conference estimate of such
22 balance shall be certified by the treasurer. In each estimate, the conference shall
23 designate as either recurring or nonrecurring all of the money in the estimate,
24 including money to be received by each fund, which is recurring and which is
25 ~~nonrecurring.~~ All conference decisions to adopt these estimates shall be by
26 unanimous vote of its members. Changes to the unanimous vote requirement shall
27 be made by law enacted by a favorable vote of two-thirds of the elected members of
28 each house. The most recently adopted estimate of money available for
29 appropriation shall be the official forecast. The conference may designate other

1 money as nonrecurring, but shall use the definition of nonrecurring as provided for
2 in law to determine the designation of money in the official forecast as either
3 recurring or nonrecurring.

4 * * *

5 (D) Appropriations. (1) Except as otherwise provided by this constitution,
6 money shall be drawn from the state treasury only pursuant to an appropriation made
7 in accordance with law. Appropriations from the state general fund and dedicated
8 funds except funds allocated by Article VII, Section 4, Paragraphs (D) and (E) shall
9 not exceed the expenditure limit for the fiscal year. Monies from state general fund
10 and dedicated funds as defined in Paragraph (J) of this Section shall not be available
11 for appropriation unless included in the official forecast.

12 * * *

13 (4) Except as otherwise provided in this constitution, including Paragraph
14 (F) of this Section, the amount appropriated out of any fund shall not exceed the
15 official forecast by the Revenue Estimating Conference of money available for
16 appropriation from that fund for that fiscal year.

17 (E) Balanced Budget. Appropriations by the legislature from the state
18 general fund and dedicated funds for any fiscal year except funds allocated by
19 Article VII, Section 4, Paragraphs (D) and (E) shall not exceed the official forecast
20 in effect for each fund at the time the appropriations are made.

21 * * *

22 §11. Budgets

23 Section 11.(A) Budget Estimate. The governor shall submit to the
24 legislature, at the time and in the form fixed by law, a budget estimate for the next
25 fiscal year setting forth all proposed state expenditures. This budget shall include
26 a recommendation for appropriations from the state general fund and from dedicated
27 funds, except funds allocated by Article VII, Section 4, Paragraphs (D) and (E),
28 which shall not exceed the official forecast of the Revenue Estimating Conference
29 and the expenditure limit for the fiscal year. The recommendation shall not contain

1 expenditures authorized by the constitution? (Amends Article III, Section
 2 16(A) and Article VII, Sections 10(B), (D)(1), and (E) and 11(A); Adds
 3 Article VII, Section 10(D)(4))

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)]

Seabaugh

HB No. 435

Abstract: Provides for the role of the Revenue Estimating Conference in the expenditure of state funds, including determining what money is defined as nonrecurring. Provides that funds shall not be available for appropriation unless included in the official forecast. Provides that appropriations shall not exceed the official forecast. Provides that the Revenue Estimating Conference shall use the definition of nonrecurring revenues as provided in law in determining whether revenues are recurring or nonrecurring. Provides that the treasurer shall certify fund balances used in appropriations. Provides that the governor's budget recommendation shall not contain contingent appropriations or use nonrecurring revenues for purposes other than those specifically authorized by the constitution.

APPROPRIATIONS

Present constitution provides that no money shall be withdrawn from the state treasury except through specific appropriation and no appropriation shall be made under the heading of contingencies for longer than one year. Proposed constitutional amendment clarifies that no contingent appropriation shall be made.

EXPENDITURE OF STATE FUNDS

Present constitution sets forth requirements relative to the expenditure of state funds and establishes the Revenue Estimating Conference (REC) to prepare and publish initial and revised estimates of money to be received by the state general fund and dedicated funds for the current and next fiscal years which are available for appropriation, the most recent of which is called the official forecast. In each estimate, the REC must also designate money as either recurring or nonrecurring. Proposed constitutional amendment retains present constitution and specifies that the REC must designate as recurring or nonrecurring money to be received by each fund and provides that the REC shall use the definition of nonrecurring revenue as provided in law in determining which revenues in the official estimate are recurring and nonrecurring. Proposed constitutional amendment provides that the state treasurer shall certify fund balances used in appropriations.

Present constitution provides that money shall be drawn from the state treasury only pursuant to an appropriation made in accordance with law and that appropriations from state general fund and dedicated funds shall not exceed the expenditure limit. Proposed constitutional amendment provides that funds (other than federal, self-generated by higher education institutions, and interagency transfers) shall not be available for appropriation unless included in the REC's official forecast. Proposed constitutional amendment further specifies that unless otherwise provided in the constitution, the amount appropriated out of any fund shall not exceed the official forecast of money available for appropriation from that fund.

BUDGETS

Present constitution requires the governor to submit to the legislature a budget estimate for the next fiscal year setting forth all proposed state expenditures. This budget shall include a recommendation for appropriations from the state general fund and from dedicated funds which shall not exceed the REC's official forecast or the expenditure limit for that year. Proposed constitutional amendment retains the present constitution and prohibits including in the budget estimate any recommendation for a contingent appropriation or an appropriation from nonrecurring money, except as authorized by present constitution.

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

Further provides that this proposed constitutional amendment shall not be submitted to the electors of this state unless HB Nos. 434, 435, and 436 are concurred in by both houses of the legislature, and unless HB Nos. 1, 456, 474, 571, 620, 653, and 696 of the 2012 Regular Session of the Legislature are enacted into law.

(Amends Art. III, § 16(A) and Art. VII, §10(B), (D)(1), and (E) and 11(A); Adds Art. VII, §10(D)(4))

Summary of Amendments Adopted by HouseHouse Floor Amendments to the engrossed bill.

1. Provides that each Revenue Estimating Conference estimate of money to be received in the state treasury for appropriation shall include all money that supports appropriations in the executive budget, general appropriation bill, capital outlay bill, and any other bill or bills that raise revenue. Further provides that the state treasurer shall certify fund balances used for appropriations.
2. Provides that the conference shall use the definition of nonrecurring revenue as provided in law in determining which revenues in the official estimate are recurring and nonrecurring.
3. Provides that this proposed constitutional amendment shall not be submitted to the electors of this state unless HB Nos. 434, 435, and 436 are concurred in by both houses of the legislature, and unless HB Nos. 1, 456, 474, 571, 620, 653, and 696 of the 2012 Regular Session of the Legislature are enacted into law.