

2018 First Extraordinary Session

HOUSE BILL NO. 15

BY REPRESENTATIVES BARRAS AND JIM MORRIS

BUDGETARY CONTROLS: (Constitutional Amendment) Provides for changes in the expenditure limit calculation (Item #12)

1 A JOINT RESOLUTION

2 Proposing to amend Article VII, Section 10(C)(1) and (2) of the Constitution of Louisiana
3 and to repeal Article VII, Section 10.3(A)(1) of the Constitution of Louisiana,
4 relative to the expenditure limit; to provide for the determination of the growth factor
5 of the expenditure limit; to cap the growth of the expenditure limit; to eliminate
6 required uses of monies in excess of the expenditure limit; to provide for changing
7 the expenditure limit; to provide for submission of the proposed amendment to the
8 electors; and to provide for related matters.

9 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
10 elected to each house concurring, that there shall be submitted to the electors of the state of
11 Louisiana, for their approval or rejection in the manner provided by law, a proposal to
12 amend Article VII, Section 10(C)(1) and (2) of the Constitution of Louisiana, to read as
13 follows:

14 §10. Expenditure of State Funds

15 Section 10.

16 * * *

17 (C) Expenditure Limit. (1) The legislature shall provide for the
18 determination of an expenditure limit for each fiscal year to be established during the
19 first quarter of the calendar year for the next fiscal year. However, the expenditure
20 limit for the 1991-1992 Fiscal Year shall be the actual appropriations from the state

1 general fund and dedicated funds for that year except funds allocated by Article VII,
 2 Section 4, Paragraphs (D) and (E). For subsequent fiscal years, the limit shall not
 3 exceed the expenditure limit for the current fiscal year plus an amount equal to that
 4 limit ~~times multiplied by~~ a positive growth factor. ~~The growth factor is the average~~
 5 ~~annual percentage rate of change of personal income for Louisiana as defined and~~
 6 ~~reported by the United States Department of Commerce for the three calendar years~~
 7 ~~prior to the fiscal year for which the limit is calculated~~ legislature by law shall
 8 establish a procedure to determine the growth factor, which shall not exceed six
 9 percent. Any law establishing a procedure to determine the growth factor, once
 10 enacted, shall not be changed except by specific legislative instrument which
 11 received a favorable vote of two-thirds of the elected members of each house of the
 12 legislature.

13 (2) The expenditure limit may be changed in any fiscal year by ~~a favorable~~
 14 ~~vote of~~ consent of two-thirds of the elected members of each house. ~~Any~~ If the
 15 legislature is in session, any such change in the expenditure limit shall be approved
 16 by passage of a specific legislative instrument which clearly states the intent to
 17 change the limit. If the legislature is not in session, the two-thirds requirement may
 18 be satisfied upon obtaining written consent of two-thirds of the elected members of
 19 each house in a manner provided by law.

20 * * *

21 Section 2. Be it resolved by the Legislature of Louisiana, two-thirds of the members
 22 elected to each house concurring, that there shall be submitted to the electors of the state of
 23 Louisiana, for their approval or rejection in the manner provided by law, a proposal to repeal
 24 Article VII, Section 10.3(A)(1) of the Constitution of Louisiana.

25 Section 3. Be it further resolved that this proposed amendment shall be submitted
 26 to the electors of the state of Louisiana at the statewide election to be held on November 6,
 27 2018.

28 Section 4. Be it further resolved that on the official ballot to be used at the election,
 29 there shall be printed a proposition, upon which the electors of the state shall be permitted

1 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
2 follows:

3 Do you support an amendment to cap the annual growth of the expenditure
4 limit, to change the use of money in excess of the expenditure limit, and to
5 allow the legislature to establish in law the method of determining the
6 expenditure limit? (Amends Article VII, Section 10(C)(1) and (2), Repeals
7 Article VII, Section 10.3(A)(1))

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 15 Re-Reengrossed 2018 First Extraordinary Session

Barras

Abstract: Caps the annual growth factor of the expenditure limit to 6%, allows the growth factor to be established by law that requires 2/3 vote of each house of the legislature to change, provides for changing the expenditure limit when the legislature is not in session, and deletes the requirement that money in excess of the expenditure limit be deposited into the Budget Stabilization Fund.

Present constitution provides for the determination of the expenditure limit for the next fiscal year to be determined in the first quarter of the calendar year for the current fiscal year. The expenditure limit for the next fiscal year is based on the expenditure limit for the current fiscal year multiplied by a growth factor.

Present constitution defines the growth factor as the average annual percentage rate of change of personal income for La. as defined and reported by the U.S. Dept. of Commerce for the three calendar years prior to the fiscal year for which the limit is calculated.

Proposed constitutional amendment removes the definition of the growth factor in present constitution and instead requires the legislature to establish a procedure to determine the growth factor, which shall not exceed 6%. Once established, the growth factor shall not be changed except by specific legislative instrument receiving a favorable 2/3 vote of the elected members of each house of the legislature.

Present constitution authorizes the legislature to change of the expenditure limit by a favorable vote of 2/3 of the elected members of each house on a specific legislative instrument.

Proposed constitutional amendment authorizes the legislature to change the expenditure limit with written consent of 2/3 of the elected members of each house when the legislature is not in session.

Present constitution requires that money available for appropriation from the state general fund and dedicated funds in excess of the expenditure limit be deposited into the Budget Stabilization Fund.

Proposed constitutional amendment repeals present constitution.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 6, 2018.

(Amends Const. Art. VII, §10(C)(1) and (2); Repeals Const. Art. VII, §10.3(A)(1))

Summary of Amendments Adopted by House

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

1. Correct ballot language.

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the engrossed bill:

1. Specify in the ballot language that the procedure to determine the expenditure limit is applicable to each fiscal year and not just the next fiscal year.

The House Floor Amendments to the reengrossed bill:

1. Delete language that would have calculated the ensuing fiscal year's expenditure limit based on the current year appropriations.
2. Add authorization for the legislature to approve a change to the expenditure limit when the legislature is not in session.