

2021 Regular Session

HOUSE BILL NO. 614

BY REPRESENTATIVE GEYMANN

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

BUDGETARY PROCEDURES: Provides with respect to the budget process

1 AN ACT

2 To amend and reenact R.S. 39:22(A)(introductory paragraph) and 51(A)(1) and to enact R.S.
3 39:22(B) through (D), 36(A)(8), and 51(H), relative to the budget process; to provide
4 with respect to the powers and duties of the Revenue Estimating Conference; to
5 provide relative to requirements and restrictions on the content of the governor's
6 executive budget; to provide relative to requirements and restrictions on the content
7 of the general appropriations bill; to provide relative to requirements and restrictions
8 on the legislature's authority to appropriate funds and pass legislation; to provide
9 definitions; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 39:22(A)(introductory paragraph) and 51(A)(1) are hereby amended
12 and reenacted and R.S. 39:22(B) through (D), 36(A)(8), and 51(H) are hereby enacted to
13 read as follows:

14 §22. Revenue Estimating Conference

15 A. The Revenue Estimating Conference, hereafter referred to in this Section
16 as "Conference", consists ~~is a conference consisting~~ of principals and participants as
17 follows:

18 * * *

19 B. No bill appropriating money may be received by the Senate, no
20 amendment to such a bill may be concurred in by the House, and no conference

1 committee report concerning such a bill may be adopted by either house of the
2 legislature unless the Conference certifies by a unanimous vote prior to each instance
3 that the instrument, amendment, or report, as applicable, meets all of the following
4 criteria:

5 (1) Contains no appropriation of nonrecurring revenues for any purpose
6 other than those specifically authorized in Article VII, Section 10(D)(2) of the state
7 constitution.

8 (2) Contains no contingent appropriation.

9 (3) That appropriations in the bill of state general fund and dedicated funds,
10 in the aggregate, do not exceed the expenditure limit or the official forecast in effect
11 at the time the appropriations are made.

12 C. Each year, prior to its submission to the legislature, the Conference must
13 certify by unanimous vote that the governor's proposed executive budget meets all
14 of the following criteria:

15 (1) That appropriations in the bill of state general fund and dedicated funds,
16 in the aggregate, do not exceed the expenditure limit or the official forecast in effect
17 at the time the appropriations are made.

18 (2) Does not use nonrecurring revenues for purposes other than those
19 authorized in Article VII, Section 10(D)(2) of the state constitution.

20 (3) Does not contain contingent appropriations.

21 D. For the purposes of this Section, the phrase "state general fund and
22 dedicated funds" shall have the same meaning as in R.S. 39:33.1.

23 * * *

24 §36. Contents and format of executive budget; supporting document

25 A. The executive budget shall present a complete financial and
26 programmatic plan for the ensuing year, and it shall be configured in a format so as
27 to clearly present and highlight the functions and operations of state government and
28 the financial requirements associated with those functions and operations. The
29 executive budget shall be a performance-based budget and as such may include key

1 objectives and key performance indicators. The commissioner of administration may
2 designate key objectives and key performance indicators to be included in the
3 executive budget. Additionally, the executive budget shall include at a minimum the
4 following:

5 * * *

6 (8) A statement that the Revenue Estimating Conference has certified the
7 executive budget prior to its submission to the legislature in accordance with R.S.
8 39:22.

9 * * *

10 §51. General Appropriation Bill; other appropriation bills

11 A.(1) The governor shall cause a General Appropriation Bill for the ordinary
12 operating expenses of ~~government~~ the executive branch of state government to be
13 introduced which shall be in conformity with the recommendations for
14 appropriations contained in the budget estimate as provided by Article VII, Section
15 11(B) of the Constitution of Louisiana.

16 * * *

17 H. Each year, the legislature shall not finally pass any legislation that has the
18 effect of law until it has finally passed the General Appropriation Bill.

19 Section 2. This Act shall become effective on July 1, 2021; if vetoed by the governor
20 and subsequently approved by the legislature, this Act shall become effective on July 1,
21 2021, or on the day following such approval by the legislature, whichever is later.

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)]

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Abstract: Provides requirements and restrictions on the construction and passage of the general appropriation bill each year.

Present law (R.S. 39:22) establishes the Revenue Estimating Conference ("REC") and provides for its composition.

Proposed law retains present law and provides new duties for REC to perform. Requires REC to certify by a unanimous vote that a bill appropriating money meets all of the following criteria:

- (1) Contains no appropriation of nonrecurring revenues for any purpose other than those authorized pursuant to present constitution (Article VII, Section 10(D)(2)).
- (2) Contains no contingent appropriation.
- (3) That appropriations in the bill of state general fund and dedicated funds, in the aggregate, do not exceed the expenditure limit or the official forecast in effect at the time the appropriations are made.

Requires such certification prior to receipt by the Senate of any bill appropriating money, concurrence by the House in such a bill, and adoption of a conference committee report on such a bill.

Proposed law further requires that prior to submission to the legislature of the governor's proposed executive budget, REC must certify by unanimous vote that the proposal meets all of the following criteria:

- (1) That proposed appropriations of state general fund and dedicated funds, in the aggregate, do not exceed the expenditure limit or the official forecast in effect at the time the appropriations are made.
- (2) That the proposal does not use nonrecurring revenues for purposes other than those authorized pursuant to present constitution (Article VII, Section 10(D)(2) of the state constitution).
- (3) That the proposal does not contain contingent appropriations.

Defines the phrase "state general fund and dedicated funds" for the purposes of proposed law to mean all money required to be deposited in the state treasury, except that money the origin of which is:

- (1) The federal government.
- (2) Self-generated collections by any entity subject to the policy and management authority established by present constitution (Article VIII, Sections 5 through 7).
- (3) A transfer from another state agency, board, or commission.

Present law (R.S. 39:36) provides requirements for the content and format of the governor's executive budget proposal. Proposed law adds the requirement that the proposal contain a statement that REC has certified the proposal prior to its submission to the legislature in accordance with proposed law.

Present law (R.S. 39:51) requires the governor to cause a "General Appropriation Bill" to be introduced. Present law provides that such bill shall provide for the ordinary operating expenses of government. Proposed law changes this to the ordinary operating expenses of the executive branch of state government.

Further prohibits the legislature each year from finally passing any legislation that has the effect of law until the General Appropriation Bill has been finally passed.

Effective July 1, 2021.

(Amends R.S. 39:22(A)(intro. para.) and 51(A)(1) and adds R.S. 39:22(B)-(D), 36(A)(8), and 51(H))