

Regular Session, 2013

HOUSE BILL NO. 620

BY REPRESENTATIVES GEYMAN, REYNOLDS, ARNOLD, BARRAS, BERTHELOT, STUART BISHOP, BURFORD, CARMODY, CHAMPAGNE, CONNICK, DANAHAY, GAROFALO, GREENE, HARRIS, HARRISON, HAVARD, HENRY, HODGES, HOLLIS, HOWARD, KATRINA JACKSON, JAMES, LAMBERT, NANCY LANDRY, LEOPOLD, MILLER, JAY MORRIS, JIM MORRIS, POPE, PYLANT, ROBIDEAUX, SCHEXNAYDER, SCHRODER, SEABAUGH, TALBOT, THIERRY, AND THOMPSON

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

BUDGETARY CONTROLS: Requires spending due to constitutional or other mandates to be considered in a separate appropriation bill from spending that is not required to be funded if health care or higher education funding is reduced

1 AN ACT

2 To amend and reenact R.S. 39:36(A)(3)(b) and 51(A) and (B) and to enact R.S.

3 24:513(D)(7) and R.S. 39:36(A)(6), relative to budgetary controls and priorities; to

4 require certain items be included in the executive budget; to require separate

5 appropriation bills for discretionary and nondiscretionary spending in certain

6 circumstances; to provide for the powers and duties of the legislative auditor; to

7 provide for definitions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 24:513(D)(7) is hereby enacted to read as follows:

10 §513. Powers and duties of legislative auditor; audit reports as public records;

11 assistance and opinions of attorney general; frequency of audits; subpoena

12 power

13 * * *

14 D. In addition, the legislative auditor shall perform the following duties and

15 functions:

16 * * *

- 1 (aa) The salaries of statewide elected officials.
- 2 (bb) Cost of elections and ballot printing.
- 3 (cc) Nonpublic school textbooks and the Minimum Foundation Program.
- 4 (dd) Parish transportation.
- 5 (ee) Interim Emergency Board.
- 6 (ff) State revenue sharing.
- 7 (gg) Debt service for net state tax-supported debt.
- 8 (hh) Severance tax dedications to parishes.
- 9 (ii) Parish royalty fund dedications to parishes.
- 10 (jj) Highway Fund #2 dedications to Mississippi River Bridge Authority and
- 11 Causeway Commission.
- 12 (kk) State supplemental pay.
- 13 (ii) Expenditures due to a court order:
- 14 (aa) Representation for mental health patients.
- 15 (bb) Medical care for some state prisoners.
- 16 (iii) Expenditures to avoid a court order:
- 17 (aa) Litigation involving community-based waiver options.
- 18 (bb) Elderly and disabled adult waiver litigation.
- 19 (cc) Instruction for Special School Districts #1 and #2-Juvenile Justice
- 20 Settlement.
- 21 (iv) Debt service:
- 22 (aa) The Debt Management Program.
- 23 (bb) Debt service of state-owned buildings paid by the Office Facilities
- 24 Corporation.
- 25 (cc) Rent in state-owned buildings-paid by state agencies to the Office
- 26 Facilities Corporation.
- 27 (dd) Corrections debt service-Louisiana Correctional Facilities Corporation.
- 28 (ee) Higher education debt service and maintenance.
- 29 (v) Expenditures due to federal mandates:

1 §51. General Appropriation Bill; other appropriation bills

2 A.(1) The governor shall cause a General Appropriation Bill for the ordinary
3 operating expenses of government to be introduced which shall be in conformity
4 with the recommendations for appropriations contained in the budget estimate as
5 provided by Article VII, Section 11(B) of the Constitution of Louisiana. In the event
6 that the legislative auditor determines that the budget estimate as provided by Article
7 VII, Section 11(A) of the Constitution of Louisiana recommends appropriations out
8 of the state general fund and dedicated funds for the next fiscal year for health care
9 and for higher education in amounts less than the appropriations enacted for each
10 purpose for the current fiscal year, the governor shall cause a General Appropriation
11 Bill to be introduced as provided by Article VII, Section 11(B) of the Constitution
12 of Louisiana which shall only include the recommendations for discretionary
13 expenditures. The governor shall cause to be introduced a Nondiscretionary
14 Appropriation Bill to supplement the General Appropriation Bill which shall only
15 include the recommendations for nondiscretionary expenditures which are subject
16 to appropriation, excluding recommendations for legislative expenses and judicial
17 expenses.

18 (2) The General Appropriation Bill, the Nondiscretionary Appropriation Bill,
19 and the bill appropriating funds for ancillary expenses of state government shall each
20 be submitted for introduction ~~at the same time required for~~ no later than seven days
21 after submission of the executive budget to the Joint Legislative Committee on the
22 Budget as required by R.S. 39:37.

23 B. The General Appropriation Bill, the Nondiscretionary Appropriation Bill,
24 and the bill appropriating funds for ancillary expenses of state government shall
25 include for each program, department, and budget unit, comparative statements of
26 the number of authorized positions and of the existing operating budget for a date
27 certain to be established by the budget office for the current fiscal year and the
28 appropriations for the ensuing fiscal year.

29 * * *

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)]

Geymann

HB No. 620

Abstract: Requires a separate Nondiscretionary Appropriation Bill be caused to be introduced if the legislative auditor determines that the executive budget proposes to reduce funding from the state general fund and dedicated funds for health care or higher education.

Present law provides for the powers and duties of the legislative auditor.

Proposed law expands the powers and duties in present law to include determining whether the budget recommends appropriations out of the state general fund and dedicated funds for the next fiscal year for health care and for higher education in amounts less than the appropriations enacted for each purpose for the current fiscal year. Requires such determination to be submitted to the governor and the legislature within seven days of the governor's submission of the executive budget to the Joint Legislative Committee on the Budget.

Present law provides for the contents of the executive budget.

Present law requires that the executive budget shall include reports of all discretionary and nondiscretionary expenditures, or estimates of discretionary or nondiscretionary expenditures, itemized by department and functional area.

Proposed law defines nondiscretionary expenditures as those which must be funded because of constitutional and other mandates, including but not limited to the following:

- (1) Expenditures required by the Constitution of Louisiana. (The salaries of statewide elected officials; the cost of elections and ballot printing; Nonpublic school textbooks and the Minimum Foundation Program; parish transportation; Interim Emergency Board; State revenue sharing; Debt service for net state tax-supported debt; severance tax dedications to parishes; Parish royalty fund dedications to parishes; Highway Fund #2 dedications to Mississippi River Bridge Authority and Causeway Commission; state supplemental pay.)
- (2) Expenditures due to a court order. (Representation for mental health patient; medical care for some state prisoners.)
- (3) Expenditures to avoid a court order (Litigation involving community-based waiver options; elderly and disabled adult waiver litigation; instruction for Special School Districts #1 and #2-Juvenile Justice Settlement.)
- (4) Debt service. (The Debt Management Program; debt service of state-owned buildings paid by the Office Facilities Corporation; rent in state-owned buildings-paid by state agencies to the Office Facilities Corporation; corrections debt service-Louisiana Correctional Facilities Corporation; higher education debt service and maintenance.)
- (5) Expenditures due to federal mandates. (Mandatory Medicaid services; Federal Safe Drinking Water Act for inspections.)

- (6) Expenditures for certain statutory obligations. (Salaries of district attorneys and assistant district attorneys; local housing of state adult offenders; Peace Officer Standards and Training reimbursement for local law enforcement agencies; parole board; pardon board; medical care for prisoners.)
- (7) Legislative expenses.
- (8) Judicial expenses.
- (9) Expenditures for unavoidable obligations. (Group benefits for retirees; maintenance of state buildings from state agencies to the division of administration; Adult Probation and Parole-Field Services Program; Family preservation and children services provided by the Department of Children and Family Services; Department of Health and Hospitals-Eastern La. Mental Health System-Forensic Facility; corrections services-incarceration of adult inmates; legislative auditor fees.)

Proposed law additionally requires the executive budget contain comparative statements for higher education and for health care by expenditures out of the state general fund and dedicated funds for the current fiscal year and recommended expenditures out of the state general fund and dedicated funds for the ensuing fiscal year.

Present law requires the governor to cause a General Appropriation Bill to be introduced which shall be in conformity with the recommendations contained in the budget estimate. The General Appropriation Bill and the bill appropriating funds for ancillary expenses of state government shall include for each program, department, and budget unit, comparative statements of the number of authorized positions and of the existing operating budget for a date certain to be established by the budget office for the current fiscal year and the appropriations for the ensuing fiscal year.

Proposed law requires that, in the event that the legislative auditor determines that the budget estimate recommends appropriations out of the state general fund and dedicated funds for the next fiscal year for health care and higher education in an amount less than the appropriations enacted for each purpose in the current fiscal year, the governor shall cause a General Appropriation Bill to be introduced which shall only include the recommendations for discretionary expenditures. The governor shall cause to be introduced a Nondiscretionary Appropriation Bill to supplement the General Appropriation Bill. The bill shall include only nondiscretionary expenditures, excluding legislative and judicial expenses. The Nondiscretionary Appropriation Bill shall be subject to content requirements similar to those in present law for the General Appropriation Bill and the bill appropriating funds for ancillary expenses of state government.

Present law requires that the General Appropriation Bill and the bill appropriating funds for ancillary expenses of state government shall each be submitted for introduction at the same time as the executive budget.

Proposed law requires that the General Appropriation Bill, the Nondiscretionary Appropriation Bill, and the ancillary appropriations bill be submitted for introduction no later than seven days after submission of the executive budget to the Joint Legislative Committee on the Budget.

(Amends R.S. 39:36(A)(3)(b) and 51(A) and (B); Adds R.S. 24:513(D)(7) and R.S. 39:36(A)(6))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Appropriations to the original bill.

1. Deleted provisions relative to the powers, duties, and functions of the Revenue Estimating Conference.
2. Deleted provisions prohibiting recommendations for appropriations in excess of the official forecast.
3. Deleted requirement that the House clerk cause an unofficial enrollment and summary of the General Appropriation Bill to be prepared within 24 hours of final passage by the Senate.
4. Deleted effective date.
5. Added requirement that the legislative auditor's determination be submitted within seven days of the submission of the executive budget to the Joint Legislative Committee on the Budget.
6. Defined "nondiscretionary expenditures".
7. Added requirement that the executive budget include comparative statements for health care and higher education.
8. Added requirement for a separate Nondiscretionary Appropriation Bill under certain circumstances.