

Regular Session, 2013

HOUSE BILL NO. 434

BY REPRESENTATIVES JAY MORRIS, ARNOLD, BARRAS, BERTHELOT, STUART BISHOP, BROWN, BURFORD, CARMODY, CHAMPAGNE, CONNICK, DANAHAY, GAROFALO, GEYMAN, GREENE, HARRIS, HARRISON, HAVARD, HENRY, HODGES, HOLLIS, HOWARD, KATRINA JACKSON, JAMES, LAMBERT, NANCY LANDRY, LEOPOLD, MILLER, JIM MORRIS, POPE, PUGH, PYLANT, REYNOLDS, RICHARD, 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: (Constitutional Amendment) 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

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A JOINT RESOLUTION

Proposing to amend Article VII, Section 11(B) of the Constitution of Louisiana, to require the general appropriation bill include separate recommendations for discretionary and nondiscretionary spending in certain circumstances; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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

§11. Budgets

Section 11.

* * *

(B) Operating Budget. The governor shall cause to be submitted a general appropriation bill for proposed ordinary operating expenditures which shall be in conformity with the recommendations for appropriations contained in the budget

1 estimate. If the legislative auditor determines that the proposed expenditures for
 2 health care or for higher education are less than the appropriations for such purposes
 3 from the state general fund and dedicated funds enacted in the prior regular session
 4 of the legislature, such general appropriation bill shall include separate
 5 recommendations for appropriations for discretionary and for nondiscretionary
 6 expenditures, which shall be in conformity with the recommendations for
 7 appropriations contained in the budget estimate. The governor may cause to be
 8 submitted a bill or bills to raise additional revenues with proposals for the use of
 9 these revenues.

10 * * *

11 Section 2.(A) Be it further resolved that this proposed amendment shall be submitted
 12 to the electors of the state of Louisiana at the statewide election to be held on November 4,
 13 2014.

14 (B) Be it further resolved, that notwithstanding the provisions of Paragraph (A) of
 15 this Section, this proposed amendment shall not be submitted to the electors of the state of
 16 Louisiana unless the proposed amendments of the Constitution of Louisiana contained in the
 17 Joint Resolutions which originated as House Bill Nos. 435 and 436 of this 2013 Regular
 18 Session of the Legislature are concurred in by both houses of the legislature and House Bill
 19 Nos. 1, 437, 456, 474, 571, 620, 653, and 696 of this 2013 Regular Session of the Legislature
 20 are enacted into law.

21 Section 3. Be it further resolved that on the official ballot to be used at the election,
 22 there shall be printed a proposition, upon which the electors of the state shall be permitted
 23 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
 24 follows:

25 Do you support an amendment to require that the general appropriation bill
 26 be submitted with separate appropriations for discretionary and
 27 nondiscretionary expenditures if the legislative auditor determines that the
 28 operating budget proposes appropriations for health care or higher education

- 1 costs that are less than the prior year expenditures for such costs? (Amends
2 Article VII, Section 11(B))

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)]

Jay Morris

HB No. 434

Abstract: Requires the general appropriation bill be submitted with separate recommendations for discretionary and nondiscretionary state spending if the executive budget proposes reducing appropriations out of the state general fund and dedicated funds for health care or higher education compared to the most recently enacted appropriation bills.

Present constitution requires the governor shall to submit to the legislature, at the time and in the form fixed by law, 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. Further requires the governor to cause to be submitted a general appropriation bill for proposed ordinary operating expenditures which shall be in conformity with the recommendations for appropriations contained in the budget estimate.

Proposed constitutional amendment provides that, if the legislative auditor determines that the proposed expenditures for health care or for higher education from the state general fund and dedicated funds are less than such appropriations enacted in the prior regular session of the legislature for each purpose, such general appropriation bill shall include separate recommendations for discretionary and nondiscretionary expenditures.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 4, 2014. However, the proposed amendment shall not be submitted to the voters if the proposed constitutional amendments which originated as HB Nos. 435 and 436 of the 2013 R.S. are not concurred in by both houses and HB Nos. 1, 437, 456, 474, 571, 620, 653, and 696 of the 2013 R.S. are not enacted into law.

(Amends Const. Art. VII, §11(B))

Summary of Amendments Adopted by House

House Floor Amendments to the reengrossed bill.

1. Deleted provisions requiring separate appropriation bills and instead provided that the general appropriation bill include separate recommendations for discretionary and nondiscretionary spending.
2. Added requirement that the proposed amendment shall not be submitted to the voters if certain constitutional amendments are not concurred in by both houses and certain bills are not enacted into law.