

CONFERENCE COMMITTEE REPORT
House Bill No. 437 By Representative Harris

June 6, 2013

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 437 by Representative Harris, recommend the following concerning the Reengrossed bill:

1. That Senate Committee Amendments Nos. 1 through 4 proposed by the Senate Committee on Finance and adopted by the Senate on May 30, 2013, be adopted.
2. That Senate Committee Amendments Nos. 5 through 7 proposed by the Senate Committee on Finance and adopted by the Senate on May 30, 2013, be rejected.
3. That the following amendments to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 2, line 25, between "forecast" and the period "." insert the following:

"except as provided for in R.S. 39:54(A)(2)"

AMENDMENT NO. 2

On page 3, between lines 7 and 8 insert the following:

"(2) Financing from any existing statutorily dedicated fund for appropriations other than the fund's intended statutory purpose shall be limited to the prior fiscal year's fund balance and shall not include anticipated fund balances for the ensuing fiscal year unless otherwise provided by law."

AMENDMENT NO. 3

On page 3, delete lines 9 through 14 in their entirety.

AMENDMENT NO. 4

On page 3, delete lines 15 through 18 in their entirety and insert the following:

"Section 2. This Act shall become effective on July 1, 2013; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2013, or on the day following such approval by the legislature, whichever is later."

Respectfully submitted,

Representative Lance Harris

Senator John A. Alario, Jr.

Representative James R. Fannin

Senator Jack Donahue

Representative John "Johnny" Berthelot

Senator Robert Adley

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)]

CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 437 by Representative Harris

Keyword and onliner of the instrument as it left the House

BUDGETARY CONTROLS: Provides with respect to the development of the budget

Report adopts Senate amendments to:

1. Delete the proposed provision that the state treasurer certify the balance of any fund supporting appropriations estimated by the conference.
2. Change the proposed requirement of the conference's designation of nonrecurring funds from "shall" designate funds not available for three consecutive fiscal years as nonrecurring to "may" designate money not available for the preceding two fiscal years or the succeeding two fiscal years as nonrecurring.

Report rejects Senate amendments which would have:

1. Added that financing for appropriations using prior year funds shall only be authorized in the amounts remaining after the satisfaction of the remission of cash balances to the state treasurer, the liquidation of any bona fide liabilities, and authorized withdrawals after the close of the fiscal year as provided for by law.
2. Made the provisions of proposed law null, void, and of no effect on June 30, 2015.

Report amends the bill to:

1. Require that financing for any appropriation from statutorily dedicated funds shall be limited to the prior year fund balance and shall not include anticipated fund balances for the ensuing year unless otherwise provided by law.
2. Delete the section of the bill which would make the bill take effect only if other House Bills were enacted into law.

Digest of the bill as proposed by the Conference Committee

REVENUE ESTIMATING CONFERENCE

Present law 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 nonrecurring. Money not designated as nonrecurring is designated recurring.

Proposed law retains present law and adds that the REC shall include a forecast of all funds as defined in Art. VII, §10(J) of the Const. of La., with an estimate of money available for appropriation from each dedicated fund. Proposed law also provides that the REC may designate as nonrecurring, money available for appropriation from any source that is defined in present law (R.S. 39:2(27)) as nonrecurring. (R.S. 39:24 (A))

EXECUTIVE BUDGET

Present law requires the governor to prepare an executive budget to include recommendations for appropriations from the state general fund and dedicated funds which shall not exceed the official forecast of the REC. Proposed law retains present law and provides that the executive budget shall not include recommendations for appropriations from any fund in excess of the official forecast of money available for appropriation from that fund. (R.S. 39:34(A))

APPROPRIATION BILLS

Present law requires, after submitting his executive budget, that the governor then cause to be introduced a General Appropriation Bill (GAB) for the ordinary operating expenditures in conformity with the budget estimate. Proposed law retains this provision and provides that the general appropriation bill and other appropriation bills shall not appropriate any funds which are not part of the official REC forecast. (R.S. 39:51(A))

EXPENDITURE OF STATE FUNDS

Present law provides that appropriations from the state general fund and dedicated funds shall not exceed the official forecast. Proposed law retains present law and also specifies that unless otherwise provided by present law permitting the use and transfer of funds to avoid a projected deficit, the amount appropriated out of any fund shall not exceed the official forecast of money available for appropriation from that fund. Proposed law further provides that financing for any appropriation from statutorily dedicated funds shall be limited to the prior fiscal year fund balance and shall not include anticipated fund balances for the ensuing fiscal year unless otherwise provided by law. (R.S. 39:54(A))

Effective July 1, 2013.

(Amends R.S. 39:24(A), 34(A), 51(A), and 54(A))