

**CONFERENCE COMMITTEE REPORT**  
**House Bill No. 620 By Representative Geymann**

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. 620 by Representative Geymann, recommend the following concerning the Re-Reengrossed bill:

1. That Senate Committee Amendments Nos. 1 through 10 proposed by the Senate Committee on Finance and adopted by the Senate on May 30, 2013, be adopted.
2. That Senate Committee Amendments Nos. 11 and 12 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 Re-reengrossed bill, be adopted:

AMENDMENT NO. 1

On page 5, delete lines 24 through 29 in their entirety

Respectfully submitted,

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Representative Brett F. Geymann

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Senator Robert Adley

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Representative James R. Fannin

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Senator Jack Donahue

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Representative Gene Reynolds

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Senator John A. Alario, Jr.

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 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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## CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 620 by Representative Geymann

**Keyword and oneliner of the instrument as it left the House**

**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

**Report adopts Senate amendments to:**

1. Change entity determining the recommendations for expenditures from the legislative auditor to the legislative fiscal officer.
2. Specify that health care expenditures are as contained in the schedule for the Dept. of Health and Hospitals and higher education expenditures are for Higher Education as contained in Schedule 19 for Higher Education and the LSU Health Care Services Division.
3. Change reference to prior year from as enacted to existing operating budget at the time the executive budget is submitted.
4. Provide that nondiscretionary expenditures include but are not limited to certain items.
5. Change the time for submission of the General Appropriation Bill from seven days after submission of the executive budget to the Joint Legislative Committee on the Budget to fourteen days after submission.
6. Delete exclusion of recommendations for legislative expenses and judicial expenses.

**Report rejects Senate amendments which would have:**

1. Made the Act null, void, and of no effect on June 30, 2015.

**Report amends the bill to:**

1. Delete provision providing that the Act shall take effect and become operative only if certain other legislative instruments were concurred in by both houses or enacted into law.

**Digest of the bill as proposed by the Conference Committee**

**Abstract:** Requires the General Appropriation Bill be introduced with separate recommendations for discretionary and nondiscretionary spending if the Legislative Fiscal Office 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 functions of the Legislative Fiscal Office.

Proposed law adds functions to include reporting whether the proposed budget recommendation for appropriations out of the state general fund and dedicated funds for the ensuing fiscal year for health care as provided for the Dept. of Health and Hospitals and for

higher education as provided for Higher Education and the LSU Health Care Services Division is less than the appropriations enacted for either purpose for the current fiscal year's existing operating budget as of the budget that is submitted to the Joint Legislative Committee on the Budget. Requires such report to be made 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; salaries and related benefits for the registrars of voters and their employees.)
- (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 fiscal officer 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 for either purpose in the same schedules in the existing operating budget for the current fiscal year, the governor shall cause a General Appropriation Bill to be introduced which shall provide separate recommendations for discretionary and nondiscretionary expenditures and the means of financing such expenditures.

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 and the ancillary appropriations bill be submitted for introduction no later than fourteen 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); Adds R.S. 24:603(20) and R.S. 39:36(A)(6))