

Regular Session, 2013

ACT No. 424

HOUSE BILL NO. 620

BY REPRESENTATIVES GEYMANN, 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, REYNOLDS, ROBIDEAUX, SCHEXNAYDER, SCHRODER, SEABAUGH, TALBOT, THIERRY, AND THOMPSON AND SENATORS CORTEZ, GUILLORY, MILLS, AND PERRY

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

1 AN ACT

2 To amend and reenact R.S. 39:36(A)(3)(b) and 51(A) and to enact R.S. 24:603(20) and R.S.
3 39:36(A)(6), relative to budgetary controls and priorities; to require certain items be
4 included in the executive budget; to require the General Appropriation Bill include
5 separate recommendations for discretionary and nondiscretionary spending in certain
6 circumstances; to provide for the powers and functions of the legislative fiscal office;
7 to provide for effectiveness; to provide for definitions; and to provide for related
8 matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 24:603(20) is hereby enacted to read as follows:

11 §603. Duties and functions

12 Subject to the general direction and supervision of the Joint Legislative
13 Committee on the Budget, the Legislative Fiscal Office shall have the following
14 duties and functions:

15 * * *

16 (20) The Legislative Fiscal Office shall review the proposed executive
17 budget for the ensuing fiscal year and report to the Joint Legislative Committee on
18 the Budget whether the budget recommends appropriations out of the state general
19 fund and dedicated funds for health care as contained in Schedule 09, Department
20 of Health and Hospitals, and for higher education as contained in Schedule 19,
21 Higher Education and Louisiana State University Health Sciences Center Health

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 Care Services Division, in amounts less than the appropriations for either purpose
 2 as contained for the same schedules in the existing operating budget for the current
 3 fiscal year as of the day the executive budget is submitted to the Joint Legislative
 4 Committee on the Budget. Within seven days of the governor's submission of the
 5 executive budget to the Joint Legislative Committee on the Budget pursuant to R.S.
 6 39:37, the Legislative Fiscal Office shall prepare and submit such report to the
 7 governor and the legislature.

8 Section 2. R.S. 39:36(A)(3)(b) and 51(A) are hereby amended and reenacted and
 9 R.S. 39:36(A)(6) is hereby enacted to read as follows:

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

11 A. The executive budget shall present a complete financial and
 12 programmatic plan for the ensuing year, and it shall be configured in a format so as
 13 to clearly present and highlight the functions and operations of state government and
 14 the financial requirements associated with those functions and operations. The
 15 executive budget shall be a performance-based budget. It shall include at a minimum
 16 the following:

17 * * *

18 (3) Comparative statements for each department and budget unit by the
 19 means of financing of the existing operating budget for a date certain to be
 20 established by the budget office for the current fiscal year and recommended
 21 expenditures for the ensuing fiscal year. All such comparative statements shall
 22 include the following:

23 * * *

24 (b) Reports of all discretionary and nondiscretionary expenditures, or
 25 estimates of discretionary or nondiscretionary expenditures, itemized by means of
 26 finance, department and functional area. As used in this Part, "nondiscretionary
 27 expenditures" includes, but is not limited to, expenditures which must be funded
 28 because of the following constitutional and other mandates:

- 29 (i) Expenditures required by the Constitution of Louisiana:
- 30 (aa) The salaries of statewide elected officials.

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

- 1 (vi) Expenditures for certain statutory obligations:
- 2 (aa) Salaries of district attorneys and assistant district attorneys.
- 3 (bb) Local housing of state adult offenders.
- 4 (cc) Peace Officer Standards and Training reimbursement for local law
- 5 enforcement agencies.
- 6 (dd) Parole board and pardon board.
- 7 (ee) Medical care for prisoners.
- 8 (ff) Salaries and related benefits for the registrars of voters and their
- 9 employees.
- 10 (vii) Legislative expenses.
- 11 (viii) Judicial expenses.
- 12 (ix) Expenditures for unavoidable obligations:
- 13 (aa) Group benefits for retirees.
- 14 (bb) Maintenance of state buildings from state agencies to the division of
- 15 administration.
- 16 (cc) Adult Probation and Parole-Field Services Program.
- 17 (dd) Family preservation and children services provided by the Department
- 18 of Children and Family Services.
- 19 (ee) Department of Health and Hospitals-Eastern Louisiana Mental Health
- 20 System-Forensic Facility.
- 21 (ff) Corrections services-incarceration of adult inmates.
- 22 (gg) Legislative auditor fees.
- 23 * * *
- 24 (6) Comparative statements for higher education and for health care by
- 25 expenditures out of the state general fund and dedicated funds for the current fiscal
- 26 year and recommended expenditures out of the state general fund and dedicated
- 27 funds for the ensuing fiscal year.
- 28 * * *

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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 Fiscal Office reports that the budget estimate as provided by
7 Article VII, Section 11(A) of the Constitution of Louisiana provides for
8 appropriations out of the state general fund and dedicated funds for the ensuing fiscal
9 year for health care as contained in Schedule 09, Department of Health and
10 Hospitals, and for higher education as contained in Schedule 19, Higher Education
11 and Louisiana State University Health Sciences Center Health Care Services
12 Division, in amounts less than the appropriations for either purpose as contained for
13 the same schedules in the existing operating budget for the current fiscal year as of
14 the day the executive budget is submitted to the Joint Legislative Committee on the
15 Budget, the governor shall cause a General Appropriation Bill to be introduced as
16 provided by Article VII, Section 11(B) of the Constitution of Louisiana which shall
17 provide separate recommendations for discretionary and nondiscretionary
18 expenditures and the means of financing such expenditures which are subject to
19 appropriation.

20 (2) The General Appropriation Bill and the bill appropriating funds for
21 ancillary expenses of state government shall each be submitted for introduction at
22 ~~the same time required for~~ no later than fourteen days after submission of the

1 executive budget to the Joint Legislative Committee on the Budget as required by
2 R.S. 39:37.

3 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____