

Regular Session, 2013

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

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                                  \*        \*        \*

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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_