

Regular Session, 2010

HOUSE BILL NO. 1417

BY REPRESENTATIVE TUCKER

LEGISLATIVE EXPENSES: Makes appropriations for the expenses of the legislature for  
FY 2010-2011

1 AN ACT

2 To appropriate funds for Fiscal Year 2010-2011 to defray the expenses of the Louisiana  
3 Legislature, including the expenses of the House of Representatives and the Senate,  
4 of legislative service agencies, and of the Louisiana State Law Institute; to provide  
5 for the salary, expenses and allowances of members, officers, staff and agencies of  
6 the Legislature; to provide with respect to the appropriations and allocations herein  
7 made; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. The sum of Sixty-Seven Million Three Hundred Eighty-Three Thousand  
10 One Hundred Twenty-Three and No/100 (\$67,383,123.00) Dollars, or so much thereof as  
11 may be necessary, is hereby appropriated out of the state general fund, the sum of Twenty-  
12 One Million Four Hundred Nineteen Thousand Five Hundred Sixty-Six and No/100  
13 (\$21,419,566.00) Dollars is hereby appropriated out of self-generated funds to defray the  
14 expenses of the legislature, including the House of Representatives and the Senate, the staffs  
15 of the House of Representatives and of the Senate, the Legislative Auditor, the Legislative  
16 Fiscal Office, the Legislative Budgetary Control Council, and the Louisiana State Law  
17 Institute.

18 Section 2.A.(1) Out of the total amount herein appropriated from the state general  
19 fund, Forty-Six Million Four Hundred Forty-Nine Thousand Two Hundred Seventy-One and  
20 No/100 (\$46,449,271.00) Dollars is hereby allocated to provide the salary and allowances

1 of members, officers, and staff of the House of Representatives, and the salary and  
2 allowances for the speaker of the House of Representatives and for expenses of his office,  
3 including reimbursement for actual expenses as presiding officer and for his service to or for  
4 the benefit of the House of Representatives, the legislature, the legislative branch of  
5 government, or the state, as determined by the speaker, and to provide the salary and  
6 allowances of members, officers, and staff of the Senate, and the salary and allowances for  
7 the president of the Senate and for expenses of his office, including reimbursement for actual  
8 expenses as presiding officer and for his service to or for the benefit of the Senate, the  
9 legislature, the legislative branch of government, or the state, as determined by the president  
10 of the Senate. These funds also shall be used to pay mileage and per diem of the members  
11 of the legislature and mileage and per diem expenses of committees; salaries and/or expense  
12 allowances of officers and employees of the legislature; costs of renovations, repairs, and  
13 necessary additions to the House and/or Senate chambers and other legislative rooms; audio-  
14 visual upgrades, technological enhancements, and technical support; printing the bills,  
15 journals, and calendars; computer equipment and services; library services; provision of  
16 accessibility services for persons with disabilities during sessions of the legislature and  
17 during the interim; and for all other expenses of the legislature. In addition to the amounts  
18 and limitations provided in R.S. 24:31.5, these funds shall also be used to provide an  
19 additional two hundred seventy-five dollars per month to the total amount available to each  
20 legislator for the salary of his legislative assistants, provided that one hundred fifty dollars  
21 of the additional two hundred seventy-five dollars provided herein shall not be used pursuant  
22 to R.S. 24:31.5(C) to determine the full-time status or eligibility for benefits for a legislative  
23 assistant. These amounts shall be obtained and disbursed as hereinafter provided.

24 (2) Notwithstanding the provisions of R.S. 24:31.5, any legislative assistant  
25 employed on or before December 1, 2007, may retain the salary they were earning on  
26 December 1, 2007.

27 B. Of the sum above allocated to the two houses of the legislature, Twenty-Seven  
28 Million Six Hundred Seven Thousand Five Hundred Sixty-Eight and No/100  
29 (\$27,607,568.00) Dollars is hereby set aside and allocated for the use of the House of

1 Representatives and Eighteen Million Eight Hundred Forty-One Thousand Seven Hundred  
2 Three and No/100 (\$18,841,703.00) Dollars for the use of the Senate.

3 C. The presiding officer of each house shall warrant on the state treasurer in favor  
4 of the House of Representatives or the Senate, as the case may be, for the allocation herein  
5 provided, or for so much thereof as may be necessary. The aforesaid warrants shall be paid  
6 out of the state general fund, and the state treasurer shall pay said warrants by preference  
7 over all other warrants, except warrants for the salaries of constitutional officers of the state,  
8 which shall be concurrent with the warrants provided for by this Act.

9 D.(1) The funds drawn as provided herein shall be deposited in the name of the  
10 House of Representatives or the Senate, as the case may be, in an approved bank located in  
11 this state selected by the presiding officer of each house. Payment of per diem and mileage,  
12 salaries of the members, officers, and employees, and other expenses of the legislature shall  
13 be made by individual check, payable to the person or firm entitled thereto, signed by the  
14 presiding officer of the House of Representatives as to disbursements by the House, and as  
15 to disbursements by the Senate, signed by the president of the Senate. Facsimile signatures  
16 may be used; such payment also may be made by electronic funds transfer through the  
17 automated clearing house and deposited into the account of the person or firm entitled to  
18 such payment.

19 (2) Copies of legislative documents of the Senate and the House shall be provided  
20 at fees according to policy and schedules adopted by the secretary of the Senate and clerk  
21 of the House, jointly, and approved by the president of the Senate and the speaker of the  
22 House, jointly. Funds derived from the sale of legislative documents of the Senate and the  
23 House during the 2011 Regular Session shall be used to offset the cost of printing the  
24 journals and calendars.

25 (3) The legislature is hereby expressly authorized to receive and expend any monies  
26 received as a result of any grants or donations or other forms of assistance as provided for  
27 in Article VII, Section 9(A)(1) of the Louisiana Constitution of 1974.

28 E. Any portion of the funds herein allocated to the two houses, any portion of the  
29 funds previously appropriated or interest earnings on such appropriations and any self-

1 generated revenues that are not required for the expenses of the 2010 Regular Session of the  
2 Legislature, including printing and all expenses in connection therewith, are hereby  
3 appropriated and may be used to pay the mileage, per diem, expenses of committees, and any  
4 other expenses of the legislature during the 2010-2011 Fiscal Year; however, all funds  
5 remaining unexpended and/or unencumbered shall be returnable to the state general fund on  
6 or before October 1, 2011.

7 Section 3.A. The sum of Nine Million Three Hundred Fourteen Thousand Eight  
8 Hundred Twenty-Three and No/100 (\$9,314,823) Dollars is hereby allocated out of the total  
9 appropriation from the state general fund made in Section 1 of this Act to the legislative  
10 auditor, to pay the expenses of his office, including the salaries and expenses of his  
11 employees, the costs of equipment, and all other expenses incurred by that office in  
12 connection with the operation thereof during the 2010-2011 Fiscal Year.

13 B.(1) The sum of Three Hundred Fifty Thousand and No/100 (\$350,000.00) Dollars  
14 is hereby appropriated, payable from the state general fund, to establish an agency working  
15 capital fund to be known as the Legislative Auditor Ancillary Enterprise Fund. Of the funds  
16 available in the ancillary enterprise fund, the sum of Twenty-One Million Four Hundred  
17 Nineteen Thousand Five Hundred Sixty-Six and No/100 (\$21,419,566.00) Dollars is  
18 authorized to be used by the legislative auditor, in addition to the amount allocated in  
19 Section 3.A. hereof, to pay the expenses of his office, including the salaries and expenses  
20 of his employees, the costs of equipment, and all other expenses incurred by that office in  
21 connection with the operations thereof during the 2010-2011 Fiscal Year.

22 (2) The legislative auditor, in addition to the authority contained in R.S. 24:517.1,  
23 shall be authorized to receive reimbursement of actual expenses of audits performed on  
24 federally funded programs, both direct and indirect, and regulatory boards funded primarily  
25 from fees and self-generated revenues and self-supported enterprise functions for the  
26 purpose of generating revenue to pay expenses as provided in Section 3.B.(1) of this Act.  
27 Reimbursement for audits performed on federally funded programs shall be limited to  
28 reimbursement authorized by federal laws and regulations.

1 (3) Notwithstanding any provision of the law to the contrary, including the General  
2 Appropriation Act, in addition to the authority contained in R.S. 24:517.1 and 517.3, the  
3 legislative auditor is authorized to allocate and collect from each auditee included in the  
4 state's Comprehensive Annual Financial Report, exclusive of those auditees audited by  
5 independent certified public accountants, such amounts as may be reasonably necessary to  
6 compensate the legislative auditor for services rendered and costs incurred in connection  
7 with the audit of each auditee. In the collection of such amounts, the legislative auditor  
8 shall, on or after the first day of July of each year, notify and warrant, without any other  
9 approval, the state treasurer of the amount allocated to each auditee. The state treasurer,  
10 upon receipt of said notice and warrant, shall transfer forthwith the amounts allocated to  
11 each auditee from monies accruing or available to the auditee to the Legislative Auditor  
12 Ancillary Enterprise Fund. Notwithstanding the foregoing, the sum of all amounts allocated  
13 to all such auditees shall not exceed the amount appropriated to the legislative auditor from  
14 the Legislative Auditor Ancillary Enterprise Fund in accordance with Section 3.B.(1) herein.

15 C. In the conduct of such functions all receipts of self-generated revenues shall be  
16 deposited in the state treasury to the credit of the Legislative Auditor Ancillary Enterprise  
17 Fund and disbursements made by the state treasurer to the extent of the amounts deposited  
18 to the credit of such fund in accordance with provisions of law governing expenditures. All  
19 monies from self-generated revenue of the legislative auditor's office shall be paid to the  
20 Legislative Auditor Ancillary Enterprise Fund and shall be deemed to be available for  
21 expenditure in the amount herein appropriated, and any increase in self-generated revenue  
22 over the amount herein appropriated shall be available for expenditure by the legislative  
23 auditor only on approval of the Legislative Budgetary Control Council. Any transfer of  
24 excess funds from such category of expenditure to another shall be made only with the  
25 approval of the Legislative Budgetary Control Council.

26 D. The legislative auditor shall warrant on the state treasurer for the monies  
27 allocated by this Section, and the warrant shall be paid by the state treasurer out of the state  
28 general fund. The funds so drawn shall be disbursed only in accordance with budgeted

1 amounts provided herein and such amendments as may be approved by the Legislative  
2 Budgetary Control Council.

3 E. Any portion of the funds herein allocated to the legislative auditor, any portion  
4 of the funds previously appropriated to the legislative auditor, other revenue and funds of  
5 the legislative auditor or interest earnings are hereby appropriated and may be used to defray  
6 the expenses of the legislative auditor; however, all funds remaining unexpended and/or  
7 unencumbered shall be returnable to the state general fund on or before October 1, 2011.

8 Section 4.A. The sum of Two Million Four Hundred Thirty-Five Thousand Eight  
9 Hundred Seventy-Seven and No/100 (\$2,435,877.00) Dollars is hereby allocated out of the  
10 total appropriation from the state general fund made in Section 1 of this Act to the Joint  
11 Legislative Committee on the Budget, to be used solely for the operations of the Legislative  
12 Fiscal Office and in particular to pay the expenses thereof, including the salaries and  
13 expenses of its employees, the cost of equipment, and all other expenses incurred by said  
14 office in connection with the operation thereof during the 2010-2011 Fiscal Year. The  
15 operations and functions of the Legislative Fiscal Office shall be under the direction and  
16 supervision of the Joint Legislative Committee on the Budget. Any contracts for consultant  
17 services shall be approved by the Legislative Budgetary Control Council and the Joint  
18 Legislative Committee on the Budget.

19 B. The legislative fiscal officer shall warrant on the state treasurer for the allocation  
20 provided by this Section, and the warrant shall be paid by the state treasurer out of the state  
21 general fund. The funds so drawn shall be disbursed only in accordance with a budget  
22 approved by the Joint Legislative Committee on the Budget and the Legislative Budgetary  
23 Control Council.

24 C. Any portion of the funds herein allocated to the Legislative Fiscal Office, any  
25 portion of the funds previously appropriated or interest earnings on such appropriations and  
26 any self-generated revenues that are not required for the expenses of the 2010 Regular  
27 Session of the Legislature, including printing and all expenses in connection therewith, are  
28 hereby appropriated and may be used to pay expenses of the Legislative Fiscal Office during

1 the 2010-2011 Fiscal Year; however, all funds remaining unexpended and/or unencumbered  
2 shall be returnable to the state general fund on or before October 1, 2011.

3 Section 5.A. The sum of One Million Thirty-Three Thousand Five Hundred Nine  
4 and No/100 (\$1,033,509.00) Dollars is hereby allocated out of the total appropriation from  
5 the state general fund made in Section 1 of this Act to the Louisiana State Law Institute, to  
6 pay the expenses thereof, including the salaries and expenses of its employees, the cost of  
7 equipment, and all other expenses incurred by said office in connection with the operation  
8 thereof during the 2010-2011 Fiscal Year. All unexpended and/or unencumbered funds  
9 remaining on October 1, 2011, shall be returnable to the state general fund.

10 B. The executive director of the Louisiana State Law Institute shall warrant on the  
11 state treasurer for the allocation provided by this Section, and the warrant shall be paid by  
12 the state treasurer out of the state general fund. The funds so drawn shall be disbursed only  
13 in accordance with a budget approved by the Legislative Budgetary Control Council and  
14 subject to the budgetary control of said council.

15 Section 6.A. The sum of Eight Million One Hundred Forty-Nine Thousand Six  
16 Hundred Forty-Three and No/100 (\$8,149,643.00) Dollars is hereby allocated out of the total  
17 appropriation from the state general fund made in Section 1 of this Act and one-half of the  
18 balance on June 30, 2010 of the fund created pursuant to Section 13 of Act 513 of the 2008  
19 Regular Session is hereby appropriated to the Legislative Budgetary Control Council, to pay  
20 the expenses thereof, including salaries and expenses of its employees, expenses of the Huey  
21 P. Long Memorial Law Library, the David R. Poynter Legislative Research Library,  
22 contracts for professional services, mileage and per diem expenses of the interim activities  
23 of joint legislative committees created by statute or by the presiding officers of the Senate  
24 and the House of Representatives to which no specific allocation of funds is made in this  
25 Act, as approved by the council or, jointly, by the co-chairmen of the council, the cost of  
26 construction, maintenance, and renovations to the capitol building, capitol annex building,  
27 pentagon courts, and arsenal building, and purchase, maintenance, and repair of furniture and  
28 equipment, as jointly approved by the president of the Senate and the speaker of the House  
29 of Representatives, the cost of equipment, dues to legislative associations, to pay costs to

1 maintain actuarial integrity of the state retirement system affected by the inclusion of certain  
2 legislative employees, and all other expenses incurred by said council in connection with the  
3 operation thereof during the 2010-2011 Fiscal Year.

4 B. The co-chairmen of the Legislative Budgetary Control Council, on their joint  
5 signature, shall warrant on the state treasurer for the monies appropriated and allocated by  
6 this Section, and the state treasurer shall pay their warrants by preference over all other  
7 warrants, except warrants for the salaries of constitutional officers of the state, which shall  
8 be concurrent with warrants provided for by this Act.

9 C. The funds drawn as provided herein shall be deposited in the name of the  
10 Legislative Budgetary Control Council in an approved bank located in this state selected by  
11 the presiding co-chairmen of the council. Payment of per diem and mileage, salaries of the  
12 officers and employees, and other expenses of the Legislative Budgetary Control Council  
13 shall be made by individual check, payable to the person or firm entitled thereto, signed by  
14 the presiding co-chairmen of the council. Facsimile signatures may be used.

15 D. Any portion of the funds herein allocated to the Legislative Budgetary Control  
16 Council, any portion of the funds previously appropriated, including those appropriated in  
17 Act Nos. 60 and 122 of the 2009 Regular Session, or interest earnings on any such  
18 appropriations, and self-generated revenues are hereby appropriated and may be used to pay  
19 any expenses of the Legislative Budgetary Control Council during the 2010-2011 Fiscal  
20 Year; however, all funds remaining unexpended and/or unencumbered shall be returnable  
21 to the state general fund on or before October 1, 2011.

22 Section 7. Notwithstanding any other provision of law to the contrary, the per diem  
23 rate and the salaries for the members and officers of the legislature for the 2010-2011 fiscal  
24 year shall not exceed the rate and amount as they were established on June 30, 2010.  
25 Notwithstanding any other provision of law to the contrary, the monthly allotment available  
26 to a member of the legislature during the 2010-2011 fiscal year to employ one or more  
27 legislative assistants shall not exceed the amount of such monthly allotment available to that  
28 member as established on June 30, 2010. Notwithstanding any other provision of law to the



1 contrary, no legislative employee shall be eligible for or granted a merit increase during the  
2 2010-2011 fiscal year.

3 Section 8. This Act shall become effective on July 1, 2010; if vetoed by the governor  
4 and subsequently approved by the legislature, this Act shall become effective on July 1,  
5 2010, or on the day following such approval by the legislature, whichever is later.

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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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Tucker HB No. 1417

Provides for the expenses of the legislature and legislative service agencies. Appropriates \$67,383,123 from the state general fund for FY 2010-11 including the following:

House of Representatives	\$ 27,607,568
Senate	\$ 18,841,703
Auditor	\$ 9,314,823
Legislative Fiscal Office	\$ 2,435,877
Louisiana State Law Institute	\$ 1,033,509
Legislative Budgetary Control Council	<u>\$ 8,149,643</u>
Total state general fund	\$ 67,383,123

Provides for the allocation of funds for salaries and allowances of members, officers, and staff of the House and Senate. Provides that one-half of the balance on 6/30/10 of the fund created by Act 513, §13 of 2008 RS is appropriated to the Legislative Budgetary Control Council.

Appropriates \$350,000 from the state general fund to establish the Legislative Auditor Ancillary Enterprise Fund as an agency working capital fund; appropriates \$21,419,566 from the fund, which is authorized to be used for expenses of the auditor's office.

Retains provisions of existing law allowing legislative assistants who were employed on or before Dec. 1, 2007, to retain the salary they were earning on Dec. 1, 2007.

Proposed law provides that for FY 2010-11 the per diem and salaries of members and officers of the legislature shall not increase over the rate on June 30, 2010. Proposed law further provides that the monthly allotment during FY 2010-11 available to a member of the legislature to employ one or more legislative assistants shall not exceed the monthly amount available to each member on June 30, 2010. Proposed law provides that no legislative employee shall be eligible for or granted a merit increase during FY 2010-11.

Effective July 1, 2010.