HLS 11RS-281 ORIGINAL

Regular Session, 2011

HOUSE BILL NO. 189

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## BY REPRESENTATIVES GEYMANN AND MORRIS

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

BUDGETARY CONTROLS: Prohibits the appropriation of one time money available for appropriation for ordinary recurring expenses without consent of 2/3 of the elected members of each house of the legislature

AN ACT

2	To enact R.S. 39:2(33.1), 34(E), and 51(G), relative to the operating budget; to prohibit the
3	use of one-time money for ordinary recurring expenses; to provide for definitions;
4	to provide for exceptions; and to provide for related matters.
5	Be it enacted by the Legislature of Louisiana:
6	Section 1. R.S. 39:2(33.1), 34(E), and 51(G) are hereby enacted to read as follows:
7	§2. Definitions
8	As used in this Chapter, except where the context clearly requires otherwise,
9	the words and expressions defined in this Section shall be held to have the meanings
10	here given to them.
11	* * *
12	(33.1) "One-time money available for appropriation" means any one of the
13	following:
14	(a) Money available for appropriation from any special treasury fund
15	excluding any monies forecast to be dedicated into that fund by the Revenue
16	Estimating Conference in the official forecast for that fiscal year.
17	(b) Money available for appropriation from the state general fund from one
18	time transactions, but not recognized as nonrecurring revenue by the Revenue

1	Estimating Conference, including but not limited to court settlements, the sale of
2	state facilities, and the privatization of state operations.
3	* * *
4	§34. Executive budget
5	* * *
6	E. The executive budget shall include a list of sources of one-time money
7	available for appropriation contained in the budget. One-time money available for
8	appropriation shall not be recommended for appropriation for ordinary recurring
9	expenses.
10	* * *
1	§51. General Appropriation Bill; other appropriation bills
12	* * *
13	G. One time money available for appropriation may not be appropriated for
14	ordinary recurring expenses unless such appropriation is consented to by two-thirds
15	of the elected members of each house.

## **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)]

Geymann HB No. 189

**Abstract:** Prohibits appropriation of one time money for ordinary recurring expenses unless such appropriation is consented to by 2/3 of each house of the legislature.

<u>Present law</u> defines "money available for appropriation" as the amount of money to be received for a fiscal year by the state general fund and dedicated funds, exclusive of federal funds and those amounts appropriated or allocated by the Constitution of La.

<u>Proposed law</u> adds a definition for "one-time money available for appropriation" as money available for appropriation:

- (1) Money available for appropriation from any special treasury fund excluding any monies forecast to be dedicated into that fund by the Revenue Estimating Conference in the official forecast for that fiscal year.
- (2) From the state general fund not recognized as nonrecurring revenue by the Revenue Estimating Conference, including but not limited to court settlements, the sale of state facilities, and the privatization of state operations.

<u>Proposed law</u> requires that the executive budget include a list of sources of one-time money available for appropriation contained in the budget. Such one-time money shall not be recommended for appropriation for ordinary recurring expenses.

<u>Proposed law</u> requires that any appropriation from a one-time means of finance may only be for a one-time expenditure unless such appropriation is authorized by a two-thirds vote of each house of the legislature.

<u>Present law</u> defines "ordinary recurring expenses" as means all expenses of a continuing or recurring character, that in the normal course of administration, may be expected to be necessary in approximately the same amounts each year.

(Adds R.S. 39:2(33.1), 34(E), and 51(G))