HLS 12RS-265 ORIGINAL

Regular Session, 2012

HOUSE BILL NO. 553

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BY REPRESENTATIVE GEYMANN

BUDGETARY CONTROLS: (Constitutional Amendment) Provides for the development and enactment of appropriation bills

A JOINT RESOLUTION

2 Proposing to amend Article III Section 16(C) and (D) and Article VII, Sections 10(B) and 3 11(A) and (B) of the Constitution of Louisiana, to limit the items contained in the 4 general appropriation bill; to prohibit inclusion of appropriations to political 5 subdivisions and public charities under certain circumstances; to provide for 6 determinations by the Revenue Estimating Conference of the funding level of higher 7 education and health care; to require enactment of the general appropriation bill prior 8 to enactment of other appropriation bills; to provide for submission of the proposed 9 amendment to the electors; and to provide for related matters. 10 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members 11 elected to each house concurring, that there shall be submitted to the electors of the state of 12 Louisiana, for their approval or rejection in the manner provided by law, a proposal to 13 amend Article III, Section 16(C) and (D) of the Constitution of Louisiana, to read as follows: 14 §16. Appropriations 15 Section 16. 16 17 (C) General Appropriation Bill; Limitations; Priorities. The general 18 appropriation bill shall be itemized and shall contain only appropriations for the 19 ordinary operating expenses of the executive branch of state government, public

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	charities, pensions, and the public debt or interest thereon. <u>Appropriations to</u>
2	political subdivisions and to public charities, except those authorized by this
3	constitution or by statute, shall not be included in the general appropriation bill
4	unless such bill includes appropriations from the state general fund for both higher
5	education and for health care for the next fiscal year in amounts equal to or greater
6	than the amounts appropriated for higher education and for health care in the most
7	recently enacted general appropriation bill.
8	(D) Other Appropriation Bills; Specific Purpose and Amount.
9	(1) In making appropriations for any fiscal year, the legislature shall first
10	finally pass the general appropriation bill.
11	(2) All other bills for appropriating money shall be for a specific purpose and
12	amount.
13	* * *
14	Section 2. Be it resolved by the Legislature of Louisiana, two-thirds of the members
15	elected to each house concurring, that there shall be submitted to the electors of the state of
16	Louisiana, for their approval or rejection in the manner provided by law, a proposal to
17	amend Article VII, Sections 10(B) and 11(A) and (B) of the Constitution of Louisiana, to
18	read as follows:
19	§10. Expenditure of State Funds
20	Section 10.
21	* * *
22	(B)(1) Official Forecast. The conference shall prepare and publish initial
23	and revised estimates of money to be received by the state general fund and
24	dedicated funds for the current and next fiscal years which are available for
25	appropriation. In each estimate, the conference shall designate the money in the
26	estimate which is recurring and which is nonrecurring. All conference decisions to
27	adopt these estimates shall be by unanimous vote of its members. Changes to the
28	unanimous vote requirement shall be made by law enacted by a favorable vote of at

<u>least two-thirds of</u> the elected members of each house. The most recently adopted estimate of money available for appropriation shall be the official forecast.

(2) Determination of priorities. The conference shall review the governor's budget estimate for the next fiscal year prior to its submission to the legislature to determine if the budget estimate includes recommendations for appropriations from the state general fund for both higher education and for health care for the next fiscal year to be included in the general appropriation bill in amounts equal to or greater than the amounts appropriated for higher education and for health care in the most recently enacted general appropriation bill. This determination shall be by unanimous vote of its members. The legislature by law shall establish a procedure to change the unanimous vote requirement for this determination. Any law establishing such procedure, once enacted, shall not be changed except by specific legislative instrument which receives a favorable vote of at least two-thirds of the elected members of each house of the legislature.

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§11. Budgets

Section 11.(A) Budget Estimate. The governor shall submit to the legislature, at the time and in the form fixed by law, a budget estimate for the next fiscal year setting forth all proposed state expenditures. This budget shall include a recommendation for appropriations from the state general fund and from dedicated funds, except funds allocated by Article VII, Section 4, Paragraphs (D) and (E), which shall not exceed the official forecast of the Revenue Estimating Conference and the expenditure limit for the fiscal year. The recommendation shall also comply with the provisions of Article VII, Section 10(D). This budget shall include a recommendation for funding of state salary supplements for full-time law enforcement and fire protection officers of the state, as provided in Article VII, Section 10(D)(3) of this constitution. This budget shall include a statement of the determination adopted by the Revenue Estimating Conference as required by Article VII, Section 10(B)(2).

(B) Operating Budget. The governor shall cause to be submitted a general appropriation bill for proposed ordinary operating expenditures which shall be in conformity with the recommendations for appropriations contained in the budget estimate. The governor may cause to be submitted a bill or bills for appropriations to political subdivisions and to public charities, which shall be in conformity with the recommendations for appropriations contained in the budget estimate, when such appropriations are prohibited by Article III, Section 16(C) from being contained in the general appropriation bill. The governor may cause to be submitted a bill or bills to raise additional revenues with proposals for the use of these revenues.

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Section 3. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on November 6, 2012.

Section 4. Be it further resolved that on the official ballot to be used at the election, there shall be printed a proposition, upon which the electors of the state shall be permitted to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as follows:

Do you support an amendment to change the manner in which state revenue is budgeted and appropriated in those years when the budget proposes a decrease in appropriations to higher education and health care, to preclude the general appropriations bill from including any appropriation to a political subdivision or any public charity, except if authorized by law, but rather requiring that any such appropriation be included in a separate bill which, along with all other appropriation bills, cannot be passed by the legislature prior to passage of the general appropriation bill? (Amends Article III, Section 16(C) and (D) and Article VII, Sections 10(B) and 11(A) and (B))

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. 553

Abstract: Limits the general appropriation bill if state general funding for both higher education and health care are below the prior year's level and requires the general appropriation bill to be enacted prior to any other appropriation bill for the same fiscal year.

<u>Proposed constitutional amendment</u> requires the Revenue Estimating Conference (REC) to review and determine if the governor's budget estimate contains a recommendation for appropriations to both higher education and health care that is equal to or greater than the amounts appropriated in the prior fiscal year. Also requires that the governor's budget estimate include a statement of the REC determination. If the general fund appropriations in the general appropriation bill for both higher education and health care are less than in the most recently enacted general appropriation bill, then the <u>proposed constitutional amendment</u> limits the general appropriation bill (GAB) to only appropriations for the ordinary operating expenses of the executive branch and requires that any appropriation to political subdivisions or public charities, except those authorized by the <u>present constitution</u>, be made in a separate appropriation bill.

<u>Proposed constitutional amendment</u> additionally requires that the legislature must first pass the GAB before passing any other bill appropriating money for any given fiscal year.

With respect to the determination of funding levels by the REC, the <u>proposed constitutional amendment</u> require that the REC's actions be by unanimous vote. The <u>proposed constitutional amendment</u> further provides that the legislature may establish a procedure to change the REC's vote requirement but once established the procedure cannot be changed except by 2/3 vote of the legislature.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 6, 2012.

(Amends Const. Art. III, §16(C) and (D) and Art. VII, §§10(B) and 11(A) and (B))