

Regular Session, 2012

HOUSE BILL NO. 551

BY REPRESENTATIVE GEYMANN

BUDGETARY PROCEDURES: (Constitutional Amendment) Requires precertification of the executive budget by the Revenue Estimating Conference

1 A JOINT RESOLUTION

2 Proposing to amend Article VII, Sections 10(B) and 11(A) of the Constitution of Louisiana,
3 relative to the budget process; to provide for certification of the governor's budget
4 estimate by the Revenue Estimating Conference; to provide for submission of the
5 proposed amendment to the electors; and to provide for related matters.

6 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
7 elected to each house concurring, that there shall be submitted to the electors of the state of
8 Louisiana, for their approval or rejection in the manner provided by law, a proposal to
9 amend Article VII, Sections 10(B) and 11(A) of the Constitution of Louisiana, to read as
10 follows:

11 §10. Expenditure of State Funds

12 Section 10.(A)

13 * * *

14 (B)(1) Official Forecast. The conference shall prepare and publish initial
15 and revised estimates of money to be received by the state general fund and each
16 dedicated funds for the current and next fiscal years which are available for
17 appropriation. In each estimate, the conference shall designate the money in the
18 estimate which is recurring and which is nonrecurring. All conference decisions to
19 adopt these estimates shall be by unanimous vote of its members. Changes to the
20 unanimous vote requirement shall be made by law enacted by a favorable vote of
21 two-thirds of the elected members of each house. The most recently adopted
22 estimate of money available for appropriation shall be the official forecast.

1 (2) Budget Precertification. The conference shall review the governor's
2 budget estimate for the next fiscal year prior to its submission to the legislature to
3 ensure that the proposed budget is balanced, does not exceed the official forecast of
4 the conference, does not exceed the expenditure limit, does not recommend the
5 appropriation of any nonrecurring money for purposes other than those specifically
6 authorized in Subparagraph (D)(2) of this Section, and recommends no contingent
7 appropriations. The conference decision to precertify the budget estimate shall be
8 by unanimous vote of its members. The legislature by law shall establish a
9 procedure to change the unanimous vote requirement for precertification. Any law
10 establishing such procedure, once enacted, shall not be changed except by specific
11 legislative instrument which receives a favorable vote of at least two-thirds of the
12 elected members of each house of the legislature.

* * *

14 §11. Budgets

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

* * *

1 Section 2. Be it further resolved that this proposed amendment shall be submitted
2 to the electors of the state of Louisiana at the statewide election to be held on November 6,
3 2012.

4 Section 3. Be it further resolved that on the official ballot to be used at the election,
5 there shall be printed a proposition, upon which the electors of the state shall be permitted
6 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
7 follows:

8 Do you support an amendment to change the manner in which state revenue
9 is budgeted and appropriated by requiring that the Revenue Estimating
10 Conference certify that the governor's budget does not contain any
11 nonrecurring money except as specifically provided by law, does not contain
12 any contingent appropriation, does not exceed the expenditure limit, and does
13 not exceed the official forecast for the next fiscal year? (Amends Article VII,
14 Sections 10(B) and 11(A))

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. 551

Abstract: Requires budget precertification by the Revenue Estimating Conference (REC) and with respect to the vote requirement for such determinations.

Present constitution requires the governor to submit to the legislature a budget estimate for the next fiscal year setting forth all proposed state expenditures. The budget must include a recommendation for appropriations from the state general fund and from dedicated funds which do not exceed the official forecast of the Revenue Estimating Conference (REC). Proposed constitutional amendment retains present constitutional provision and adds that the governor's budget estimate must first be submitted to the REC which shall review and precertify that the governor's budget estimate is balanced, does not exceed the official forecast of the conference, does not exceed the expenditure limit, does not contain any nonrecurring money for purposes other than those specifically authorized by present constitution, and does not recommend any contingent appropriation. Proposed constitutional amendment requires that the REC's precertification be included in the governor's subsequent submission of his budget estimate to the legislature.

With respect to budget precertification by the REC, proposed constitutional amendment requires that the REC's action be by unanimous vote. Proposed constitutional amendment 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. VII, §§10(B) and 11(A))