Regular Session, 2010

HOUSE RESOLUTION NO. 12

BY REPRESENTATIVE ABRAMSON

HOUSE/RULES: Creates and provides for the Fiscal Note Review Committee

1	A RESOLUTION
2	To amend and readopt House Rule 7.6(A) of the Rules of Order of the House of
3	Representatives, relative to fiscal notes; to create and provide for the Fiscal Note
4	Review Committee; and to provide relative to procedure when questions arise
5	regarding the content of a fiscal note on a legislative instrument.
6	BE IT RESOLVED by the House of Representatives of the Legislature of Louisiana
7	that House Rule 7.6(A) of the Rules of Order of the House of Representatives is hereby
8	amended and readopted to read as follows:
9	Rule 7.6. Fiscal notes; requirement; capital outlay appropriations, amendments
10	A.(1) Every bill, joint resolution, and simple or concurrent resolution, which
11	will affect the receipt, expenditure, or allocation of state funds in an amount of one
12	hundred thousand dollars or greater in any fiscal year or of the funds of any political
13	subdivision of the state in an amount of one hundred thousand dollars or greater in
14	any fiscal year or which will authorize the issuance of general obligation bonds or
15	other general obligations of the state shall have a fiscal note attached to it prior to its
16	adoption or its consideration on final passage. Whenever a measure which affects
17	the receipt, expenditure, or allocation of state funds in an amount of one hundred
18	thousand dollars or greater in any fiscal year or of the funds of any political
19	subdivision of the state in an amount of one hundred thousand dollars or greater in
20	any fiscal year or which will authorize the issuance of general obligation bonds or

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

1	other general obligations of the state has been reported by any committee of the
2	House without a fiscal note filed with the Clerk, or which needs a revised fiscal note
3	prepared and filed with the Clerk due to the adoption of committee amendments, the
4	Clerk shall request a fiscal note on the measure be so prepared and filed. The
5	determination of the need to obtain a fiscal note shall be made by the Clerk, with due
6	consideration of the recommendation of House Legislative Services staff. If upon
7	the measure being called for final passage or final consideration a current fiscal note
8	has not been filed with the Clerk, the measure shall be returned to the calendar.
9	(2)(a) There is hereby created the Fiscal Note Review Committee which
10	shall be composed of three members of the House of Representatives appointed by
11	the Speaker of the House.
12	(b) Whenever the author of a measure questions the information contained
13	in a fiscal note on the measure, he may request the Fiscal Note Review Committee
14	to review the content of the fiscal note. When the Fiscal Note Review Committee
15	receives a request from an author, it shall review the fiscal note and shall notify the
16	author whether the committee approves the information contained within the fiscal
17	note or recommends that a revised fiscal note be obtained.
18	(c) Whenever a committee of the House, by majority vote, questions the
19	information contained in a fiscal note on a measure which has been referred to the
20	committee, the measure shall not be reported by the committee until the Fiscal Note
21	Review Committee has reviewed the content of the fiscal note and approved the
22	information contained within the fiscal note or until a revised fiscal note has been
23	obtained and approved by the Fiscal Note Review Committee.
24	(d) Whenever the House, by majority vote, questions the information
25	contained in a fiscal note on a measure in its possession, the measure shall be
26	returned to the calendar until the Fiscal Note Review Committee has reviewed the
27	content of the fiscal note and approved the information contained within the fiscal
28	note or until a revised fiscal note has been obtained and approved by the Fiscal Note
29	Review Committee.

1	(e) When the Fiscal Note Review Committee receives a request to review a
2	fiscal note pursuant to this Paragraph, the Fiscal Note Review Committee shall
3	review and make a determination regarding the fiscal note no later than three days
4	after receipt of the request. If the Fiscal Note Review Committee fails to make a
5	determination regarding the fiscal note within the time period provided in this
6	Subparagraph, the fiscal note is deemed approved.
7	* * *

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)]

Abramson

HR No. 12

Abstract: Provides for and creates the Fiscal Note Review Committee (composed of 3 members appointed by the Speaker) to review the content of fiscal notes when a question arises about the information in a fiscal note and either approve it or obtain and approve a revised note.

Present House Rule provides that every legislative instrument which will affect the receipt, expenditure, or allocation of state funds in an amount of \$100,000 or greater in any fiscal year or of the funds of any political subdivision of the state in an amount of \$100,000 or greater in any fiscal year or which will authorize the issuance of general obligation bonds or other general obligations of the state shall have a fiscal note attached to it prior to its adoption or its consideration on final passage. Requires, whenever such a legislative instrument has been reported by any committee of the House without a fiscal note filed with the Clerk, or which needs a revised fiscal note prepared and filed with the Clerk due to the adoption of committee amendments, the Clerk to request a fiscal note be so prepared and filed. Specifies that a determination of the need to obtain a fiscal note shall be made by the Clerk, with due consideration of the recommendation of House Legislative Services staff. Requires the instrument to be returned to the calendar, if when it's called for final passage or final consideration, a current fiscal note has not been filed. Requires legislative instruments which appropriate monies for capital outlay purposes to have a fiscal note attached and requires the worksheet of the fiscal note attached to those instruments to include a feasibility study and needs assessment as required by present law (R.S. 39:101). Further provides that if an actuarial note is required by present law (R.S. 24:521), the actuarial note shall serve as the fiscal note.

<u>Proposed House Rule</u> retains <u>present House Rule</u> and creates the Fiscal Note Review Committee (review committee) composed of three members of the House appointed by the Speaker. Provides that whenever:

- (1) An author questions the information contained in a fiscal note on his instrument, he may request the review committee to review the note. Provides for the review committee to notify the author whether it approves the information or recommends that a revised fiscal note be obtained.
- (2) A House committee, by majority vote, questions the information contained in a fiscal note on an instrument referred to the committee, the instrument shall not be reported

by the committee until the review committee has approved the fiscal note or obtained and approved a revised fiscal note.

(3) The House, by majority vote, questions the information contained in a fiscal note on an instrument in its possession, the instrument shall be returned to the calendar until the review committee has approved the fiscal note or obtained and approved a revised fiscal note

<u>Proposed House Rule</u> further provides that when the review committee receives a request to review a fiscal note, it shall review and make a determination regarding the fiscal note no later than three days after receipt of the request. Further provides that if the review committee fails to make a determination within the time period, the fiscal note is deemed approved.

(Amends House Rule 7.6(A))

Summary of Amendments Adopted by House

- Committee Amendments Proposed by <u>House Committee on House and Governmental</u> <u>Affairs</u> to the <u>original</u> resolution.
- 1. Provided for the review committee to make a determination regarding a fiscal note no later than three days after receipt of the request and provided that if it fails to make a determination within the time period, the fiscal note is deemed approved.