Regular Session, 2011

HOUSE BILL NO. 631

BY REPRESENTATIVE TUCKER

LEGISLATIVE EXPENSES: Makes appropriations for the expenses of the legislature for FY 2011-2012

AN ACT

To appropriate funds for Fiscal Year 2011-2012 to defray the expenses of the Louisiana Legislature, including the expenses of the House of Representatives and the Senate, of legislative service agencies, and of the Louisiana State Law Institute; to provide for the salary, expenses and allowances of members, officers, staff and agencies of the Legislature; to provide with respect to the appropriations and allocations herein made; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The sum of Sixty-Seven Million Three Hundred Seventy-Seven Thousand Five Hundred Forty-Three and No/100 ($67,377,543.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of the state general fund, the sum of Twenty-One Million Eight Hundred Sixty-Nine Thousand Five Hundred Sixty-Six and No/100 ($21,869,566.00) Dollars is hereby appropriated out of self-generated funds to defray the expenses of the legislature, including the House of Representatives and the Senate, the staffs of the House of Representatives and of the Senate, the Legislative Auditor, the Legislative Fiscal Office, the Legislative Budgetary Control Council, and the Louisiana State Law Institute.

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

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

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

B. Of the sum above allocated to the two houses of the legislature, Twenty-Seven Million Six Hundred Seven Thousand Five Hundred Sixty-Eight and No/100 ($27,607,568.00) Dollars is hereby set aside and allocated for the use of the House of Representatives and Eighteen Million Eight Hundred Forty-One Thousand Seven Hundred Three and No/100 ($18,841,703.00) Dollars for the use of the Senate.

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

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

(2) Copies of legislative documents of the Senate and the House shall be provided at fees according to policy and schedules adopted by the secretary of the Senate and clerk of the House, jointly, and approved by the president of the Senate and the speaker of the House, jointly. Funds derived from the sale of legislative documents of the Senate and the House during the 2012 Regular Session shall be used to offset the cost of printing the journals and calendars.

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

E. Any portion of the funds herein allocated to the two houses, any portion of the funds previously appropriated or interest earnings on such appropriations and any self-generated revenues that are not required for the expenses of the 2011 Regular Session of the Legislature, including printing and all expenses in connection therewith, are hereby appropriated and may be used to pay the mileage, per diem, expenses of committees, and any

other expenses of the legislature during the 2011-2012 Fiscal Year; however, all funds remaining unexpended and/or unencumbered shall be returnable to the state general fund on or before October 1, 2012.

Section 3.A. The sum of Nine Million Three Hundred Fourteen Thousand Eight Hundred Twenty-Three and No/100 ($9,314,823) Dollars is hereby allocated out of the total appropriation from the state general fund made in Section 1 of this Act to the legislative auditor, to pay the expenses of his office, including the salaries and expenses of his employees, the costs of equipment, and all other expenses incurred by that office in connection with the operation thereof during the 2011-2012 Fiscal Year.

B.(1) The sum of Three Hundred Fifty Thousand and No/100 ($350,000.00) Dollars is hereby appropriated, payable from the state general fund, to establish an agency working capital fund to be known as the Legislative Auditor Ancillary Enterprise Fund. Of the funds available in the ancillary enterprise fund, the sum of Twenty-One Million Eight Hundred Sixty-Nine Thousand Five Hundred Sixty-Six and No/100 ($21,869,566.00) Dollars is authorized to be used by the legislative auditor, in addition to the amount allocated in Section 3.A. hereof, to pay the expenses of his office, including the salaries and expenses of his employees, the costs of equipment, and all other expenses incurred by that office in connection with the operations thereof during the 2011-2012 Fiscal Year.

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

(3) Notwithstanding any provision of the law to the contrary, including the General Appropriation Act, in addition to the authority contained in R.S. 24:517.1 and 517.3, the legislative auditor is authorized to allocate and collect from each auditee included in the state's Comprehensive Annual Financial Report, exclusive of those auditees audited by independent certified public accountants, such amounts as may be reasonably necessary to

compensate the legislative auditor for services rendered and costs incurred in connection with the audit of each auditee. In the collection of such amounts, the legislative auditor shall, on or after the first day of July of each year, notify and warrant, without any other approval, the state treasurer of the amount allocated to each auditee. The state treasurer, upon receipt of said notice and warrant, shall transfer forthwith the amounts allocated to each auditee from monies accruing or available to the auditee to the Legislative Auditor Ancillary Enterprise Fund. Notwithstanding the foregoing, the sum of all amounts allocated to all such auditees shall not exceed the amount appropriated to the legislative auditor from the Legislative Auditor Ancillary Enterprise Fund in accordance with Section 3.B.(1) herein.

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

D. The legislative auditor shall warrant on the state treasurer for the monies allocated by this Section, and the warrant shall be paid by the state treasurer out of the state general fund. The funds so drawn shall be disbursed only in accordance with budgeted amounts provided herein and such amendments as may be approved by the Legislative Budgetary Control Council.

E. Any portion of the funds herein allocated to the legislative auditor, any portion of the funds previously appropriated to the legislative auditor, other revenue and funds of the legislative auditor or interest earnings are hereby appropriated and may be used to defray the expenses of the legislative auditor; however, all funds remaining unexpended and/or unencumbered shall be returnable to the state general fund on or before October 1, 2012.

Section 4.A. The sum of Two Million Four Hundred Thirty Thousand Two Hundred Ninety-Seven and No/100 ($2,430,297.00) Dollars is hereby allocated out of the total appropriation from the state general fund made in Section 1 of this Act to the Joint Legislative Committee on the Budget, to be used solely for the operations of the Legislative Fiscal Office and in particular to pay the expenses thereof, including the salaries and expenses of its employees, the cost of equipment, and all other expenses incurred by said office in connection with the operation thereof during the 2011-2012 Fiscal Year. The operations and functions of the Legislative Fiscal Office shall be under the direction and supervision of the Joint Legislative Committee on the Budget. Any contracts for consultant services shall be approved by the Legislative Budgetary Control Council and the Joint Legislative Committee on the Budget.

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

C. Any portion of the funds herein allocated to the Legislative Fiscal Office, any portion of the funds previously appropriated or interest earnings on such appropriations and any self-generated revenues that are not required for the expenses of the 2011 Regular Session of the Legislature, including printing and all expenses in connection therewith, are hereby appropriated and may be used to pay expenses of the Legislative Fiscal Office during the 2011-2012 Fiscal Year; however, all funds remaining unexpended and/or unencumbered shall be returnable to the state general fund on or before October 1, 2012.

Section 5.A. The sum of One Million Thirty-Three Thousand Five Hundred Nine and No/100 ($1,033,509.00) Dollars is hereby allocated out of the total appropriation from the state general fund made in Section 1 of this Act to the Louisiana State Law Institute, to pay the expenses thereof, including the salaries and expenses of its employees, the cost of equipment, and all other expenses incurred by said office in connection with the operation thereof during the 2011-2012 Fiscal Year. All unexpended and/or unencumbered funds remaining on October 1, 2012, shall be returnable to the state general fund.

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

Section 6.A. The sum of Eight Million One Hundred Forty-Nine Thousand Six Hundred Forty-Three and No/100 ($8,149,643.00) Dollars is hereby allocated out of the total appropriation from the state general fund made in Section 1 of this Act and the balance on June 30, 2011 of the fund created pursuant to Section 13 of Act 513 of the 2008 Regular Session is hereby appropriated to the Legislative Budgetary Control Council, all of which may be used to pay the expenses thereof, including salaries and expenses of certain legislative employees, expenses of the Huey P. Long Memorial Law Library, the David R. Poynter Legislative Research Library, contracts for professional services, mileage and per diem expenses of the interim activities of joint legislative committees created by statute or by the presiding officers of the Senate and the House of Representatives to which no specific allocation of funds is made in this Act, as approved by the council or, jointly, by the co-chairmen of the council, the cost of construction, maintenance, renovations, and access to the capitol building, capitol annex building, pentagon courts, and arsenal building, and purchase, maintenance, and repair of furniture and equipment, audio-visual upgrades, technological enhancements, technical support, and computer equipment and services, as jointly approved by the president of the Senate and the speaker of the House of Representatives, the cost of equipment, dues to legislative associations, to pay costs to maintain actuarial integrity of the state retirement system affected by the inclusion of certain legislative employees, and all other expenses incurred by said council in connection with the operation thereof during the 2011-2012 Fiscal Year.

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

C. The funds drawn as provided herein shall be deposited in the name of the Legislative Budgetary Control Council in an approved bank located in this state selected by the presiding co-chairmen of the council. Payment of per diem and mileage, salaries of the officers and employees, and other expenses of the Legislative Budgetary Control Council shall be made by individual check, payable to the person or firm entitled thereto, signed by the presiding co-chairmen of the council. Facsimile signatures may be used; such payment also may be made by electronic funds transfer through the automated clearing house and deposited into the account of the person or firm entitled to such payment.

D. Any portion of the funds herein allocated to the Legislative Budgetary Control Council, any portion of the funds previously appropriated, or interest earnings on any such appropriations, and self-generated revenues are hereby appropriated and may be used to pay any expenses of the Legislative Budgetary Control Council during the 2011-2012 Fiscal Year; however, all funds remaining unexpended and/or unencumbered shall be returnable to the state general fund on or before October 1, 2012.

Section 7. Notwithstanding any other provision of law to the contrary, the per diem rate and the salaries for the members and officers of the legislature for the 2011-2012 fiscal year shall not exceed the rate and amount in effect on June 30, 2011. Notwithstanding any other provision of law to the contrary, the monthly allotment available to a member of the legislature during the 2011-2012 fiscal year to employ one or more legislative assistants shall not exceed the amount of such monthly allotment available to that member in effect on June 30, 2011. Notwithstanding any other provision of law to the contrary, no legislative employee shall be eligible for or granted a merit increase during the 2011-2012 fiscal year.

Section 8. In accordance with R.S. 39:51(D), a comparative statement of the existing operating budget for the 2010-2011 fiscal year and the appropriation for 2011-2012 fiscal year is as follows:

Entity	**FY 2010-2011**	**FY 2011-2012**
House of Representatives	$ 27,607,568	$ 27,607,568
Senate	$ 18,841,703	$ 18,841,703
Legislative Auditor	$ 9,314,823	$ 9,314,823
Legislative Fiscal Office	$ 2,435,877	$ 2,430,297

Louisiana State Law Institute	$ 1,033,509	$ 1,033,509
Legislative Budgetary Control		
Council	$ 8,149,643	$ 8,149,643
Total state general fund	$ 67,383,123	$ 67,377,543

The Legislative Auditor for FY 2010-2011 was appropriated self-generated funds in the amount of $21,419,566 and for FY 2011-2012 is appropriated self-generated funds in the amount of $21,869,566. The Legislative Budgetary Control Council for FY 2010-2011 was appropriated one-half the balance of the technology fund as of June 30, 2011 and for FY 2011-2012 is appropriated the remaining balance of said fund.

Section 9. This Act shall become effective on July 1, 2011; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2011, or on the day following such approval by the legislature, whichever is later.

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)]

Tucker HB No. 631

Provides for the expenses of the legislature and legislative service agencies. Appropriates $67,377,543 from the state general fund for FY 2011-12 including the following:

House of Representatives	$	27,607,568
Senate	$	18,841,703
Legislative Auditor	$	9,314,823
Legislative Fiscal Office	$	2,430,297
Louisiana State Law Institute	$	1,033,509
Legislative Budgetary Control Council	$	8,149,643
Total state general fund	$	67,377,543

Provides for the allocation of funds for salaries and allowances of members, officers, and staff of the House and Senate. Provides the balance on June 30, 2011 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 $21,869,566 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 2011-12 the per diem and salaries of members and officers of the legislature shall not increase over the rate on June 30, 2011. Proposed law further provides that the monthly allotment during FY 2011-12 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, 2011. Proposed law provides that no legislative employee shall be eligible for or granted a merit increase during FY 2011-12.

Effective July 1, 2011.