

Regular Session, 2012

HOUSE BILL NO. 1044

BY REPRESENTATIVE KLECKLEY

LEGISLATIVE EXPENSES: Makes appropriations for the expenses of the legislature for  
FY 2012-2013

1 AN ACT

2 To appropriate funds for Fiscal Year 2012-2013 to defray the expenses of the Louisiana  
3 Legislature, including the expenses of the House of Representatives and the Senate,  
4 of legislative service agencies, and of the Louisiana State Law Institute; to provide  
5 for the salary, expenses and allowances of members, officers, staff and agencies of  
6 the Legislature; to provide with respect to the appropriations and allocations herein  
7 made; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. The sum of Sixty-Nine Million Two Hundred Sixty-Three Thousand  
10 Nine Hundred Thirty-Three and No/100 (\$69,263,933.00) Dollars, or so much thereof as  
11 may be necessary, is hereby appropriated out of the state general fund, the sum of Twenty-  
12 Three Million Three Hundred Seventy-Nine Thousand Five Hundred Sixty-Six and No/100  
13 (\$23,379,566.00) Dollars is hereby appropriated out of self-generated funds to defray the  
14 expenses of the legislature, including the House of Representatives and the Senate, the staffs  
15 of the House of Representatives and of the Senate, the Legislative Auditor, the Legislative  
16 Fiscal Office, the Legislative Budgetary Control Council, and the Louisiana State Law  
17 Institute.

18 Section 2.A.(1) Out of the total amount herein appropriated from the state general  
19 fund, Forty-Eight Million Three Hundred Thirty-Five Thousand Six Hundred Sixty-One and  
20 No/100 (\$48,335,661.00) Dollars is hereby allocated to provide the salary and allowances  
21 of members, officers, and staff of the House of Representatives, and the salary and

1 allowances for the speaker of the House of Representatives and for expenses of his office,  
2 including reimbursement for actual expenses as presiding officer and for his service to or for  
3 the benefit of the House of Representatives, the legislature, the legislative branch of  
4 government, or the state, as determined by the speaker, and to provide the salary and  
5 allowances of members, officers, and staff of the Senate, and the salary and allowances for  
6 the president of the Senate and for expenses of his office, including reimbursement for actual  
7 expenses as presiding officer and for his service to or for the benefit of the Senate, the  
8 legislature, the legislative branch of government, or the state, as determined by the president  
9 of the Senate. These funds also shall be used to pay mileage and per diem of the members  
10 of the legislature and mileage and per diem expenses of committees; salaries and/or expense  
11 allowances of officers and employees of the legislature; costs of renovations, repairs, and  
12 necessary additions to the House and/or Senate chambers and other legislative rooms; audio-  
13 visual upgrades, technological enhancements, and technical support; printing the bills,  
14 journals, and calendars; computer equipment and services; library services; provision of  
15 accessibility services for persons with disabilities during sessions of the legislature and  
16 during the interim; and for all other expenses of the legislature. Notwithstanding any other  
17 provision of the law to the contrary, any and all monies paid to an employee of the  
18 legislature shall be used to determine full-time status and for the eligibility and calculation  
19 of all benefits, including, but not limited to, retirement and insurance. This provision shall  
20 be remedial in nature and shall not eliminate or reduce any current benefits of a legislative  
21 employee. In addition to the amounts and limitations provided in R.S. 24:31.5, these funds  
22 shall also be used to provide an additional two hundred seventy-five dollars per month to the  
23 total amount available to each legislator for the salary of his legislative assistants which shall  
24 be obtained and disbursed as hereinafter provided.

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

28 B. Of the sum above allocated to the two houses of the legislature, Twenty-Seven  
29 Million Six Hundred Seven Thousand Five Hundred Sixty-Eight and No/100  
30 (\$27,607,568.00) Dollars is hereby set aside and allocated for the use of the House of

1 Representatives and Twenty Million Seven Hundred Twenty-Eight Thousand Ninety- Three  
2 and No/100 (\$20,728,093.00) Dollars for the use of the Senate.

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

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

19 (2) Copies of legislative documents of the Senate and the House shall be provided  
20 at fees according to policy and schedules adopted by the secretary of the Senate and clerk  
21 of the House, jointly, and approved by the president of the Senate and the speaker of the  
22 House, jointly. Funds derived from the sale of legislative documents of the Senate and the  
23 House during the 2013 Regular Session shall be used to offset the cost of printing the  
24 journals and calendars.

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

28 E. Any portion of the funds herein allocated to the two houses, any portion of the  
29 funds previously appropriated or interest earnings on such appropriations and any self-  
30 generated revenues that are not required for the expenses of the 2012 Regular Session of the

1 Legislature, including printing and all expenses in connection therewith, are hereby  
2 appropriated and may be used to pay the mileage, per diem, expenses of committees, and any  
3 other expenses of the legislature during the 2012-2013 Fiscal Year; however, all funds  
4 remaining unexpended and/or unencumbered shall be returnable to the state general fund on  
5 or before October 1, 2013.

6 Section 3.A. The sum of Nine Million Three Hundred Fourteen Thousand Eight  
7 Hundred Twenty-Three and No/100 (\$9,314,823) Dollars is hereby allocated out of the total  
8 appropriation from the state general fund made in Section 1 of this Act to the legislative  
9 auditor, to pay the expenses of his office, including the salaries and expenses of his  
10 employees, the costs of equipment, and all other expenses incurred by that office in  
11 connection with the operation thereof during the 2012-2013 Fiscal Year.

12 B.(1) The sum of Three Hundred Fifty Thousand and No/100 (\$350,000.00) Dollars  
13 is hereby appropriated, payable from the state general fund, to establish an agency working  
14 capital fund to be known as the Legislative Auditor Ancillary Enterprise Fund. Of the funds  
15 available in the ancillary enterprise fund, the sum of Twenty-Three Million Three Hundred  
16 Seventy-Nine Thousand Five Hundred Sixty-Six and No/100 (\$23,379,566.00) Dollars is  
17 authorized to be used by the legislative auditor, in addition to the amount allocated in  
18 Section 3.A. hereof, to pay the expenses of his office, including the salaries and expenses  
19 of his employees, the costs of equipment, and all other expenses incurred by that office in  
20 connection with the operations thereof during the 2012-2013 Fiscal Year.

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

28 (3) Notwithstanding any provision of the law to the contrary, including the General  
29 Appropriation Act, in addition to the authority contained in R.S. 24:517.1 and 517.3, the  
30 legislative auditor is authorized to allocate and collect from each auditee included in the

1 state's Comprehensive Annual Financial Report, exclusive of those auditees audited by  
2 independent certified public accountants, such amounts as may be reasonably necessary to  
3 compensate the legislative auditor for services rendered and costs incurred in connection  
4 with the audit of each auditee. In the collection of such amounts, the legislative auditor  
5 shall, on or after the first day of July of each year, notify and warrant, without any other  
6 approval, the state treasurer of the amount allocated to each auditee. The state treasurer,  
7 upon receipt of said notice and warrant, shall transfer forthwith the amounts allocated to  
8 each auditee from monies accruing or available to the auditee to the Legislative Auditor  
9 Ancillary Enterprise Fund. Notwithstanding the foregoing, the sum of all amounts allocated  
10 to all such auditees shall not exceed the amount appropriated to the legislative auditor from  
11 the Legislative Auditor Ancillary Enterprise Fund in accordance with Section 3.B.(1) herein.

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

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

26 E. In addition to any portion of the funds herein allocated in this Section to the  
27 legislative auditor, any portion of the funds previously appropriated to the legislative auditor,  
28 and all other revenue and funds of the legislative auditor, or interest earnings, are hereby  
29 appropriated and may be used to defray the expenses of the legislative auditor. These funds  
30 shall be subject to warrant by the legislative auditor on the state treasurer, in an amount not

1 to exceed the total balance remaining at the end of the previous fiscal year; however, all  
2 funds remaining unexpended and/or unencumbered shall be returnable to the state general  
3 fund on or before October 1, 2013.

4 Section 4.A. The sum of Two Million Four Hundred Thirty Thousand Two Hundred  
5 Ninety-Seven and No/100 (\$2,430,297.00) Dollars is hereby allocated out of the total  
6 appropriation from the state general fund made in Section 1 of this Act to the Joint  
7 Legislative Committee on the Budget, to be used solely for the operations of the Legislative  
8 Fiscal Office and in particular to pay the expenses thereof, including the salaries and  
9 expenses of its employees, the cost of equipment, and all other expenses incurred by said  
10 office in connection with the operation thereof during the 2012-2013 Fiscal Year. The  
11 operations and functions of the Legislative Fiscal Office shall be under the direction and  
12 supervision of the Joint Legislative Committee on the Budget. Any contracts for consultant  
13 services shall be approved by the Legislative Budgetary Control Council and the Joint  
14 Legislative Committee on the Budget.

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

20 C. Any portion of the funds herein allocated to the Legislative Fiscal Office, any  
21 portion of the funds previously appropriated or interest earnings on such appropriations and  
22 any self-generated revenues that are not required for the expenses of the 2012 Regular  
23 Session of the Legislature, including printing and all expenses in connection therewith, are  
24 hereby appropriated and may be used to pay expenses of the Legislative Fiscal Office during  
25 the 2012-2013 Fiscal Year; however, all funds remaining unexpended and/or unencumbered  
26 shall be returnable to the state general fund on or before October 1, 2013.

27 Section 5.A. The sum of One Million Thirty-Three Thousand Five Hundred Nine  
28 and No/100 (\$1,033,509.00) Dollars is hereby allocated out of the total appropriation from  
29 the state general fund made in Section 1 of this Act to the Louisiana State Law Institute, to  
30 pay the expenses thereof, including the salaries and expenses of its employees, the cost of

1 equipment, and all other expenses incurred by said office in connection with the operation  
2 thereof during the 2012-2013 Fiscal Year. All unexpended and/or unencumbered funds  
3 remaining on October 1, 2013, shall be returnable to the state general fund.

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

9 Section 6.A. The sum of Eight Million One Hundred Forty-Nine Thousand Six  
10 Hundred Forty-Three and No/100 (\$8,149,643.00) Dollars is hereby allocated out of the total  
11 appropriation from the state general fund made in Section 1 of this Act and the balance on  
12 July 2, 2012 of the fund created pursuant to Section 13 of Act 513 of the 2008 Regular  
13 Session is hereby appropriated to the Legislative Budgetary Control Council, all of which  
14 may be used to pay the expenses thereof, including salaries and expenses of certain  
15 legislative employees, expenses of the Huey P. Long Memorial Law Library, the David R.  
16 Poynter Legislative Research Library, contracts for professional services, mileage and per  
17 diem expenses of the interim activities of joint legislative committees created by statute or  
18 by the presiding officers of the Senate and the House of Representatives to which no specific  
19 allocation of funds is made in this Act, as approved by the council or, jointly, by the co-  
20 chairmen of the council, the cost of construction, maintenance, renovations, and access to  
21 the capitol building, capitol annex building, pentagon courts, and arsenal building, and  
22 purchase, maintenance, and repair of furniture and equipment, audio-visual upgrades,  
23 technological enhancements, technical support, and computer equipment and services, as  
24 jointly approved by the president of the Senate and the speaker of the House of  
25 Representatives, the cost of equipment, dues to legislative associations, to pay costs to  
26 maintain actuarial integrity of the state retirement system affected by the inclusion of certain  
27 legislative employees, and all other expenses incurred by said council in connection with the  
28 operation thereof during the 2012-2013 Fiscal Year.

29 B. The co-chairmen of the Legislative Budgetary Control Council shall jointly  
30 warrant on the state treasurer for the monies appropriated and allocated by this Section, and

1 the state treasurer shall pay their warrants by preference over all other warrants, except  
2 warrants for the salaries of constitutional officers of the state, which shall be concurrent with  
3 warrants provided for by this Act.

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

12 D. Any portion of the funds herein allocated to the Legislative Budgetary Control  
13 Council, any portion of the funds previously appropriated, or interest earnings on any such  
14 appropriations, and self-generated revenues are hereby appropriated and may be used to pay  
15 any expenses of the Legislative Budgetary Control Council during the 2012-2013 Fiscal  
16 Year; however, all funds remaining unexpended and/or unencumbered shall be returnable  
17 to the state general fund on or before October 1, 2013.

18 Section 7. In accordance with R.S. 39:51(D), a comparative statement of the existing  
19 operating budget for the 2011-2012 fiscal year and the appropriation for 2012-2013 fiscal  
20 year from the state general fund is as follows:

21	<b>Entity</b>	<b>FY 2011-2012</b>	<b>FY 2012-2013</b>
22	House of Representatives	\$ 27,607,568	\$ 27,607,568
23	Senate	\$ 18,841,703	\$ 20,728,093
24	Legislative Auditor	\$ 9,314,823	\$ 9,314,823
25	Legislative Fiscal Office	\$ 2,430,297	\$ 2,430,297
26	Louisiana State Law Institute	\$ 1,033,509	\$ 1,033,509
27	Legislative Budgetary Control		
28	Council	\$ 8,149,643	\$ 8,149,643
29	Total state general fund	\$ 67,377,543	\$ 69,263,933

1           The Legislative Auditor for FY 2011-2012 was appropriated self-generated funds in  
 2 the amount of \$23,229,566 and for FY 2012-2013 is appropriated self-generated funds in the  
 3 amount of \$23,379,566. The Legislative Budgetary Control Council for FY 2011-2012 was  
 4 appropriated the balance of the technology fund at the end of such fiscal year and for FY  
 5 2012-2013 is appropriated the balance on July 2, 2012 of said fund.

6           Section 8. This Act shall become effective on July 1, 2012; if vetoed by the governor  
 7 and subsequently approved by the legislature, this Act shall become effective on July 1,  
 8 2012, 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)]

Kleckley

HB No. 1044

Provides for the expenses of the legislature and legislative service agencies. Appropriates \$69,263,933 from the state general fund for FY 2012-13 including the following:

House of Representatives	\$	27,607,568
Senate	\$	20,728,093
Legislative Auditor	\$	9,314,823
Legislative Fiscal Office	\$	2,430,297
Louisiana State Law Institute	\$	1,033,509
Legislative Budgetary Control Council	\$	<u>8,149,643</u>
 Total state general fund	\$	 69,263,933

Provides for the allocation of funds for salaries and allowances of members, officers, and staff of the House and Senate. Provides the balance on July 2, 2012 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 \$23,379,566 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.

Effective July 1, 2012.