

First Extraordinary Session, 2005

SENATE BILL NO. 91

BY SENATOR NEVERS

FUNDS/FUNDING. Constitutional amendment to authorize appropriation of certain monies placed in the Budget Stabilization Fund to be used for certain operating expenses for health, safety, and education only when a disaster or emergency has been declared by the governor. (2/3 - CA13s1(A))

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A JOINT RESOLUTION

Proposing to add Article VII, Section 10.3(C)(5) of the Constitution of Louisiana, relative to the Budget Stabilization Fund; to authorize the appropriation of monies due to the effects of a gubernatorially declared disaster or emergency; to provide for the use of monies to be deposited into the Fund in a fiscal year to be appropriated for certain purposes when a disaster or emergency has been declared; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to add Article VII, Section 10.3(C)(5) of the Constitution of Louisiana, to read as follows:

§10.3. Budget Stabilization Fund

Section 10.3.

* * *

(C) The money in the fund shall not be available for appropriation or use except under the following conditions:

* * *

1 **(5) Notwithstanding the provisions of Subparagraphs (1) through (4) of**
 2 **this Paragraph to the contrary, if a disaster or emergency has been declared in**
 3 **the state by the governor, monies generated in the current fiscal year that are**
 4 **or will be deposited into the fund pursuant to Paragraph (A) of this Section may**
 5 **be appropriated, by two-thirds vote of the elected members of each house of the**
 6 **legislature, to continue operating those governmental agencies which provide**
 7 **for health, safety, and education to the citizens of the state.**

8 Section 2. Be it further resolved that this proposed amendment shall be submitted
 9 to the electors of the state of Louisiana at the statewide election to be held on February 4,
 10 2006.

11 Section 3. Be it further resolved that on the official ballot to be used at said election
 12 there shall be printed a proposition, upon which the electors of the state shall be permitted
 13 to vote FOR or AGAINST, to amend the Constitution of Louisiana, which proposition shall
 14 read as follows:

15 To authorize legislative appropriations, by two-thirds vote, of current fiscal
 16 year monies placed in the Budget Stabilization Fund to be used to continue
 17 operation of governmental agencies which provide for the health, safety, and
 18 education of citizens in a manner established by law only when a disaster or
 19 emergency has been declared by the governor.

20 (Adds Article VII, Section 10.3(C)(5))

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Thoms L. Tyler.

DIGEST

Present constitution provides for the establishment of a Budget Stabilization Fund, the
 deposits into the fund, and appropriations from the fund in certain circumstances related to
 revenue shortfalls. Limits appropriations from the fund to one-third of the fund balance,
 which may be appropriated after two-thirds vote of both houses of the legislature.

Proposed constitutional amendment authorizes the legislature, by two-thirds vote, to
 appropriate monies in the fund from the current fiscal year to be used to continue operating
 those governmental agencies which provide for health, safety, and education to the citizens
 of the state when a disaster or emergency has been declared by the governor.

Specifies submission of the amendment to the voters at the statewide election to be held on February 4, 2006.

(Adds Const. Art. VII, §10.3(C)(5))