

First Extraordinary Session, 2005

SENATE BILL NO. 92

BY SENATOR HEITMEIER

FUNDS/FUNDING. Provides for the appropriation of additional amounts in the Budget Stabilization Fund following the declaration of a state disaster or emergency. (2/3 - CA13s1(A))

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A JOINT RESOLUTION

Proposing to amend Article VII, Section 10.3(C)(3) of the Constitution of Louisiana, relative to the Budget Stabilization Fund; to provide for appropriations from the fund following certain declarations of disaster or emergency; to provide for an effective date; 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 amend Article VII, Section 10.3(C)(3) 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:

\* \* \*

(3) In no event shall the amount included in the official forecast for the next

1 fiscal year plus the amount appropriated in the current fiscal year exceed one-third  
2 of the fund balance at the beginning of the current fiscal year. **Notwithstanding any**  
3 **other provision of this constitution to the contrary, if a deficit for the current**  
4 **fiscal year is projected due to a decrease in the official forecast following the**  
5 **declaration by the governor of a state disaster or emergency, an amount not to**  
6 **exceed seventy-five percent of the fund shall be available for appropriations**  
7 **pursuant to this Subparagraph. The amount available for appropriation shall**  
8 **not exceed the amount of the projected deficit and shall be incorporated into the**  
9 **official forecast upon the consent of two-thirds of the elected members of each**  
10 **house of the legislature, such consent being provided in writing, in a manner**  
11 **established by law, if the legislature is not in session.**

12 \* \* \*

13 Section 2. Be it further resolved that this proposed amendment shall be submitted  
14 to the electors of the state of Louisiana at the statewide election to be held on February 4,  
15 2006.

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

20 Authorizes appropriation of up to seventy-five percent of monies in the  
21 Budget Stabilization Fund if a deficit for the current fiscal year is projected  
22 due to a decrease in the official forecast following the declaration by the  
23 governor of a state disaster or emergency. The amount available for  
24 appropriation shall not exceed the amount of the projected deficit and shall  
25 be incorporated into the official forecast upon the consent of two-thirds of the  
26 elected members of each house of the legislature, such consent being  
27 provided in writing, in a manner established by law, if the legislature is not  
28 in session.

29 (Amends Article VII, Section 10.3(C)(3))

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jay R. Lueckel.

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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.

Present constitution 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 retains present constitution and provides that notwithstanding any other provision of present constitution to the contrary, if a deficit for the current fiscal year is projected due to a decrease in the official forecast following the declaration by the governor of a state disaster or emergency, an amount not to exceed seventy-five percent of the fund shall be available for appropriations pursuant to this Subparagraph. The amount available for appropriation shall not exceed the amount of the projected deficit and shall be incorporated into the official forecast upon the consent of two-thirds of the elected members of each house of the legislature, such consent being provided in writing, in a manner established by law, if the legislature is not in session.

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

(Amends Const. Art. VII, Sec. 10.3(C)(3))