

First Extraordinary Session, 2005

SENATE BILL NO. 108

BY SENATORS HINES AND HEITMEIER

FUNDS/FUNDING. Authorizes appropriation of additional amounts from the Budget Stabilization Fund after declaration of a disaster or emergency.

1 AN ACT

2 To enact R.S. 39:94(C)(4), relative to the Budget Stabilization Fund; to provide for  
3 appropriations from the fund following certain declarations of disaster or emergency;  
4 to provide for an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 39:94(C)(4) is hereby enacted to read as follows:

7 §94. Budget Stabilization Fund

8 \* \* \*

9 C. The money in the fund shall not be available for appropriation except  
10 under the following conditions:

11 \* \* \*

12 **(4) Notwithstanding any other provision of law to the contrary, if a**  
13 **deficit for the current fiscal year is projected due to a decrease in the official**  
14 **forecast following the declaration by the governor of a state disaster or**  
15 **emergency, an amount not to exceed seventy-five percent of the fund balance**  
16 **shall be available for appropriation pursuant to this Paragraph. The amount**  
17 **available for appropriation shall not exceed the amount of the projected deficit**

1           **and shall be incorporated into the official forecast of revenues available for**  
2           **appropriation upon the consent of two-thirds of the elected members of both**  
3           **houses of the legislature, pursuant to adoption of a concurrent resolution or as**  
4           **provided under R.S. 39:87.**

5           Section 2. This Act shall take effect and become operative if and when the proposed  
6           amendment of Article VII, Section 10.3(C)(3) of the Constitution of Louisiana contained in  
7           the Act which originated as Senate Bill No. 92 of this 2006 Regular Session of the  
8           Legislature is approved at the statewide election to be held on April 29, 2006, and becomes  
9           effective.

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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 law provides for the establishment of the Budget Stabilization Fund, deposits into the fund, and appropriations from the fund under certain circumstances related to revenue shortfalls.

Present law 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 law retains present law and provides that 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, up to 75% of the fund balance may be appropriated. The amount available for appropriation shall not exceed the amount of the projected deficit and shall be incorporated into the official forecast of revenues available for appropriation upon the consent of two-thirds of the elected members of both houses of the legislature, pursuant to adoption of a concurrent resolution or as provided under R.S. 39:87.

Effective and operative if and when the proposed amendment to the constitution contained in SB No. 92 of the 2005 1st E.S. is approved at the statewide elections to be held on April 29, 2006.

(Adds R.S. 39:94(C)(4))