

Regular Session, 2013

SENATE BILL NO. 119

BY SENATOR BUFFINGTON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FUNDS/FUNDING. Constitutional amendment relative to the enactment of the budget for the next fiscal year and provides for the restoration of monies to funds under certain circumstances. (2/3-CA13s1(A))

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A JOINT RESOLUTION

Proposing to amend Article VII, Section 10(F)(2)(b) of the Constitution of Louisiana, relative to funds established by the constitution and appropriations and expenditures therefrom; to provide for appropriations or allocations from such funds for certain designated purposes; to provide for certain procedures to avoid a budget deficit in the next fiscal year; 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(F)(2)(b) of the Constitution of Louisiana, to read as follows:

§10. Expenditure of State Funds

Section 10.

\* \* \*

(F) Projected Deficit.

\* \* \*

(2)

\* \* \*

(b) Notwithstanding any other provision of this constitution to the contrary, for the purposes of the budget estimate and enactment of the budget for the next fiscal year, when the official forecast of recurring revenues for the next fiscal year is at least one percent less than the official forecast for the current fiscal year, the following procedure may be employed to avoid a budget deficit in the next fiscal year. An amount not to exceed five percent of the total appropriations or allocations for the current fiscal year from any fund established by law or this constitution shall be available for expenditure in the next fiscal year for a purpose other than as specifically provided by law or this constitution; **provided that, in the event that the Revenue Estimating Conference subsequently adopts an estimate of recurring revenues after the beginning of the fiscal year and recognizes an increase so as to eliminate the need for such funds to be expended for another purpose, all funds transferred under this Subsubparagraph shall be restored to the fund from which it was transferred.** For the purposes of this Subsubparagraph, an amount not to exceed one percent of the current fiscal year appropriation for expenditures required by Article VIII, Section 13(B) of this constitution shall be available for expenditures for other purposes in the next fiscal year. Notwithstanding any other provisions of this constitution to the contrary, monies made available as authorized under this Subsubparagraph may be transferred to a fund for which revenues have been forecast to be less than the revenues in the current fiscal year for such fund. Monies transferred as a result of the budget actions authorized by this Subsubparagraph are deemed available for appropriation and expenditure, but in no event shall the aggregate amount of any such transfers exceed the amount of the difference between the official forecast for the current fiscal year and the next fiscal year.

\* \* \*

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

1 2014.

2 Section 3. Be it further resolved that on the official ballot to be used at said election  
3 there shall be printed a proposition, upon which the electors of the state shall be permitted  
4 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as  
5 follows:

6 Do you support, relative to the budget estimate when revenues for the next  
7 fiscal year drop one percent or more below the current fiscal year and monies  
8 from any fund may be made available for a purpose other than specified in  
9 law, an amendment to authorize restoration of such monies to all funds in the  
10 event the Revenue Estimating Conference revises the official estimate and  
11 recognizes an increase eliminating the need for the other purpose?  
12 (Amends Article VII, Section 10(F)(2)(b))

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

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#### DIGEST

Present constitution authorizes the following procedure to be employed to avoid a budget deficit in an ensuing fiscal year when the official forecast of recurring revenues for that fiscal year is at least one percent less than the official forecast for the current fiscal year. An amount not to exceed five percent of the total appropriations or allocations for the current fiscal year from any fund established by law or this constitution shall be available for expenditure in the next fiscal year for a purpose other than as specifically provided by law or this constitution.

Proposed constitutional amendment retains present constitution and further provides that, in the event that the Revenue Estimating Conference subsequently adopts an estimate of recurring revenues after the beginning of the fiscal year and recognizes an increase so as to eliminate the need for such funds to be expended for another purpose, all funds transferred shall be restored to the fund from which it was transferred.

Specifies submission of the amendment to the voters at the statewide election to be held on November 4, 2014.

(Amends Const Art. VII, Sec. 10(F)(2)(b))