

Regular Session, 2014

HOUSE BILL NO. 490

BY REPRESENTATIVES GEYMANN, ARMES, BARROW, BILLIOT, HENRY BURNS, CHAMPAGNE, GAROFALO, GISCLAIR, GUINN, HAVARD, HENRY, HENSGENS, HOWARD, LEGER, LEOPOLD, MILLER, JIMMORRIS, ORTEGO, POPE, REYNOLDS, RICHARD, SCHRODER, WHITNEY, PATRICK WILLIAMS, AND WOODRUFF

BUDGETARY CONTROLS: (Constitutional Amendment) Prohibits certain transfers of monies through the Coastal Protection and Restoration Fund or the Budget Stabilization Fund

1 A JOINT RESOLUTION

2 Proposing to amend Article VII, Sections 10.2(D) and 10.3(C)(introductory paragraph) of  
 3 the Constitution of Louisiana, to prohibit transfers of monies from the Coastal  
 4 Protection and Restoration Fund or the Budget Stabilization Fund for purposes other  
 5 than those provided for by law; to provide for an effective date; to provide for  
 6 submission of the proposed amendment to the electors; and to provide for related  
 7 matters.

8 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members  
 9 elected to each house concurring, that there shall be submitted to the electors of the state of  
 10 Louisiana, for their approval or rejection in the manner provided by law, a proposal to  
 11 amend Article VII, Sections 10.2(D) and 10.3(C)(introductory paragraph) of the Constitution  
 12 of Louisiana, to read as follows:

13 §10.2. Coastal Protection and Restoration Fund

14 Section 10.2

15 \* \* \*

16 (D) The money in the fund may be appropriated for purposes consistent with  
 17 the Coastal Protection Plan developed by the Coastal Protection and Restoration  
 18 Authority, or its successor.

1           No appropriation, transfer, or removal of monies shall be made from the fund  
2 inconsistent with the purposes of the plan.

3   \*       \*       \*

4       §10.3. Budget Stabilization Fund

5           Section 10.3.

6   \*       \*       \*

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

9   \*       \*       \*

10          Section 2. Be it further resolved that this proposed amendment shall be submitted  
11 to the electors of the state of Louisiana at the statewide election to be held on November 4,  
12 2014.

13          Section 3. Be it further resolved that the provisions of this proposed amendment  
14 shall become effective on July 1, 2015.

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

19                       Because the constitution currently prohibits any "appropriation" be made  
20 from the Coastal Protection and Restoration Fund and the Budget  
21 Stabilization Fund that is inconsistent with the Coastal Protection Plan or the  
22 purposes of the Budget Stabilization Fund, do you support an amendment  
23 which would add to that prohibition that no "transfer or removal of monies"  
24 shall be made from either fund which is inconsistent with the plan or purpose  
25 of the ~~affected~~ affected fund? (Effective July 1, 2015) (Amends Article VII,  
26 Sections 10.2(D) and 10.3(C)(introductory paragraph)

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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)]

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Geymann

HB No. 490

**Abstract:** Prohibits the transfer or removal of monies from the Coastal Protection and Restoration Fund and the Budget Stabilization Fund for purposes other than those provided for by law.

Present constitution provides that no appropriation shall be made from the Coastal Protection and Restoration Fund that is inconsistent with the Coastal Protection Plan developed by the Coastal Protection and Restoration Authority.

Proposed constitutional amendment retains present constitution and adds the prohibition to transfer or remove monies from the fund for purposes inconsistent with the Coastal Protection Plan developed by the Coastal Protection and Restoration Authority.

Present constitution provides that money in the Budget Stabilization Fund shall not be available for appropriation or use except under specific conditions.

Proposed constitutional amendment retains present constitution but clarifies that the transfer or removal of monies from the Budget Stabilization Fund shall only be for purposes provided for in present constitution.

Provides for submission of the proposed amendment to the voters at the statewide election to be held November 4, 2014.

Effective July 1, 2015.

(Amends Const. Art. VII, §§10.2(D) and 10.3(C)(intro. para.))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Appropriations to the original bill.

1. Deleted requirement of consent of 2/3 of the legislature to transfer monies from the funds in years in which nonrecurring revenues are transferred into the funds.
2. Added an effective date.

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the engrossed bill.

1. Changed the ballot language to provide a more detailed explanation of the proposed constitutional amendment.