



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 477** HLS 11RS 516
 Bill Text Version: **REENGROSSED**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 28, 2011 9:26 AM	Author: FANNIN
Dept./Agy.:	Analyst: Travis McIlwain
Subject: Funds	

FUNDS/FUNDING RE -\$118,000,868 GF RV See Note Page 1 of 2
 Provides for the transfer and deposit of monies among state funds

Proposed bill provides for the transfer of \$5.6 M from various funds into the Overcollections Fund, effective FY 11. Proposed bill provides for the transfer of \$118 M SGF into the Overcollections Fund, effective FY 11. Proposed bill provides for the transfer of \$97.2 M SGR from higher education institutions into the Higher Education Initiatives Fund, effective FY 11. Proposed bill provides for the transfer of \$182.1 M from various funds into the Overcollections Fund, effective July 1, 2011. Proposed bill provides for the transfer of the current balance and all future interest earned of 7 various funds into the Overcollections Fund, effective July 1, 2011. Proposed bill provides for the transfer of \$1.0 M SGR from Office of State Lands for deposit into the Overcollections Fund, effective July 1, 2011. Proposed bill provides for the transfer of not less than \$10.6 M from the DHH Facility Support Fund to the Overcollections Fund, effective July 1, 2011. Proposed bill provides for the transfer of \$25.1 M from unrestricted or unencumbered fund assets of the LA Housing Finance Agency (LHFA), effective July 1, 2011. Proposed bill provides that monies in the Rapid Response Fund at the end of FY 11 shall not be included in the determination of the fund balance, requiring the state treasurer to deposit \$10 M into the fund on July 1, 2011. Proposed bill repeals R.S. 39:94(C)(4)(b) relative to the Budget Stabilization Fund (effective July 1, 2012). Proposed bill creates the One Time Money Fund.

EXPENDITURES	2011-12	2012-13	2013-14	2014-15	2015-16	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

REVENUES	2011-12	2012-13	2013-14	2014-15	2015-16	5 -YEAR TOTAL
State Gen. Fd.	(\$118,000,868)	(\$155,600,000)	\$0	\$0	\$0	(\$273,600,868)
Agy. Self-Gen.	(\$123,346,512)	\$0	\$0	\$0	\$0	(\$123,346,512)
Ded./Other	\$241,347,380	\$155,600,000	\$0	\$0	\$0	\$396,947,380
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

There is no anticipated direct material effect on governmental expenditures as a result of this measure. The various fund deposits will presumably be appropriated within FY 12 or FY 11. If not, these monies will likely remain within their respective funds until the legislature appropriates or directs that the state treasurer transfer such fund balances elsewhere.

REVENUE EXPLANATION

This bill repeals R.S. 39:94(C)(4)(b) relative to the **Budget Stabilization Fund**, which would dedicate approximately \$155 million into the Budget Stabilization Fund and decrease SGF in a like amount. R.S. 39:94(C)(4)(b) provides that mineral revenue in excess of a base threshold will not flow into the fund until the adopted SGF revenue forecast exceeds the 2008 actual collections (\$10.2 Billion). Repealing this language in Title 39 removes the provisions which prevent mineral revenues from flowing into the fund. Based on the FY 11 maximum allowed balance of \$801.3 million and a current fund balance of \$645.7 million, there would be a diversion of FY 13 SGF revenues of approximately \$155.6 million and an increase in the Budget Stabilization Fund in a like amount. This repeal is effective July 1, 2012 (FY 13). The specific amount that would be dedicated to this fund in FY 13 will be based on the fund's actual balance in FY 13, its allowed maximum balance in FY 13, and the level of mineral revenues in FY 13.

In addition, this bill provides for the transfer of approximately \$439.7 million from various funds and revenue sources into either the Overcollections Fund (\$342.5 million) or the Higher Education Initiatives Fund (\$97.2 million). Of the total \$439.7 million, approximately \$220.9 million will be transferred in FY 11 (effective upon signature of the governor) and the remaining \$218.8 million will be transferred in FY 12 (effective July 1, 2011). The information reflected within the FY 12 column of the revenue table above is a summation of the FY 11 & FY 12 impact for the various fund transfers. Because there is approximately \$295.6 million of transfers among various statutory dedicated funds, these specific transfers are not reflected within the revenue table above, but are listed on **page 2** of this fiscal note. The fiscal impact of the proposed legislation is discussed by section as follows:

Section 1: One-Time Money Fund - Proposed legislation creates the One Time Money Fund, which provides for deposits into the fund for those SGF one time transactions not recognized as nonrecurring revenue by the REC. **Section 2: Fund Transfers** - Proposed legislation transfers \$123,644,846 from 3 various funds into the Overcollections Fund, effective upon the signature of the governor (FY 11 impact). The specific funds impacted include: \$5,593,978 from the Louisiana Fire Marshal Fund and \$50,000 from the Incentive Fund, & \$118,000,868 SGF. In addition, language within this bill provides for a \$118,000,868 SGF transfer into the fund or "as much as may be available." The latest revenue forecast reduced FY 11 revenues by \$77 million. Thus, this SGF transfer may not all be available to transfer. **Section 3: Higher Education Tuition** - Proposed legislation transfers \$97,246,512 SGR from higher education institutions to the Higher Education Initiatives Fund, effective upon the signature of the governor (FY 11 impact). The excess SGR is "freed-up" in FY 11 due to a means of finance substitution contained within the FY 11 supplemental appropriations bill (HB 611) that replaces SGR with \$67.2 million SGF (Ed Jobs unallotted SGF) and \$30.0 million SGF (FY 11 excess recognized at the March 7, 2011 REC) (FY 11 impact). **Section 4: Fund Transfers** - Proposed legislation transfers \$182,129,759 from various statutory dedications into the Overcollections Fund and transfers \$1.0 M State Lands SGR into the Overcollections Fund effective July 1, 2011 (FY 12 impact). **Section 5: Future Interest Earned** - Proposed legislation directs the state treasurer to transfer the current balance and all future interest earned and credit to the Overcollections Fund. The funds impacted include: Agricultural Products Processing Development Fund, Formosan Termite Initiative Fund, School & District Accountability Rewards Fund, General Aviation & Reliever Airport Grant Program Fund, Railroad Crossing Safety Fund, Manufactured Home Tax Fairness Fund, Rural Development Fund. These particular funds do not (**See Pg. 2**)

Senate <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H}	Dual Referral Rules <input type="checkbox"/> 6.8(F)1 >= \$500,000 Annual Fiscal Cost {S} <input type="checkbox"/> 6.8(F)2 >= \$100,000 Annual SGF Cost {H&S}	House <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}
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H. Gordon Monk
 Legislative Fiscal Officer

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CONTINUED EXPLANATION from page one:

have any FY 11 current appropriations. Based upon FY 10 total interest earned data, these 7 funds generated approximately \$3,090 in interest revenue. However, to the extent the fund balances are transferred per this bill, future interest earnings that will flow into the Overcollections Fund will likely be much smaller. Effective July 1, 2011 (FY 12 impact). **Section 6: DHH Facility Support Fund** - Proposed legislation provides for the transfer of not less than \$10,590,000 from the DHH Facility Support Fund to the Overcollections Fund. Potential proceeds from the surplus property sale of the Southeast Hospital in Mandeville. Effective July 1, 2011 (FY 12 impact). **Section 7: Louisiana Housing Finance Agency (LHFA)** - Proposed legislation provides for the transfer of \$25.1 million of the unrestricted fund assets of the LHFA (or its successor) into the Overcollections Fund. According to the LHFA, transferring \$25.1 million would likely result in approximately \$1.0 million of unearned interest accruing within their investment account (assuming a 4% interest rate). Effective July 1, 2011 (FY 12 impact). NOTE: R.S. 40:600.17 provides that all monies received within the LHFA shall be deemed to be trust funds, to be held and applied solely to or for the public functions and corporate purposes of the agency. **Section 8: Rapid Response Language**- Proposed legislation provides for monies in the Rapid Response Fund at the end of FY 11 shall not be included in the determination of the fund balance, requiring the state treasurer to deposit \$10 M into the fund on July 1, 2011. This has already been accounted for by the Revenue Estimating Conference (REC). Effective July 1, 2011 (FY 12 impact). The total fund impact of the transfers for FY 11 & F 12 together is as follows:

State General Fund - (\$118,000,868)

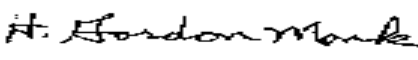
Fees & Self Generated Revenues - (\$123,346,512) (\$97.2 million - higher education tuition, \$1.0 million - State Lands collections, \$25.1 million - LHFA SGR Louisiana State Fire Marshal - (\$9,050,610)
Incentive Fund - (\$4,000,000)

Higher Education Initiatives Fund - \$97,246,512

Agricultural Products Processing Development Fund - (\$480)
Formosan Termite Initiative Fund - (\$37,393)
DNA Testing Post-Conviction Relief for Indigents Fund - (\$28,500)
Archaeological Curation Fund - (\$29,767)
School & District Accountability Rewards Fund - (\$3)
Calcasieu Parish Fund - (\$401,852)
Tobacco Tax Health Care Fund - (\$505,780)
Bossier Parish Truancy Fund - (\$19,000)
Teacher Educational Aid for Children - (\$216)
Variable Earnings Transaction Fund - (\$27,266)
LA Economic Development Fund - (\$37,673,208)
UNO Slidell Technology Park Fund - (\$362,478)
Casino Gaming Proceeds Fund - (\$3,060)
Greater New Orleans Sports Foundation - (\$8,900)
Algiers Economic Development Foundation Fund - (\$4,007)
New Orleans Urban Tourism & Hospitality Training Economic Development Foundation Fund - (\$306,251)
New Orleans Neighborhoods Fund - (\$304,822)
Friends of NORD Fund - (\$304,822)
General Aviation & Reliever Airport Grant Program Fund - (\$3)
Railroad Crossing Safety Fund - (\$3,069)
Municipal Fire & Police Civil Service Operation Fund - (\$183,654)
DOI Administrative Fund - (\$187,393)
Insurance Fraud Investigation Fund - (\$76,931)
Auto Theft & Insurance Fraud Prevention Authority Fund - (\$14,639)
DOJ Debt Collection Fund - (\$339,545)
Mineral & Energy Operation Fund - (\$1,326,792)
Motorcycle Safety, Awareness and Operator Training Program Fund - (\$62,135)
LA Towing & Storage Fund - (\$69,602)
Concealed Handgun Permit Fund - (\$870,147)
Right To Know - (\$136,855)
Underground Damages Prevention Fund - (\$256,803)
Hazardous Materials Emergency Response Fund - (\$210,170)
Pet Overpopulation Fund - (\$4,440)
Explosives Trust Fund - (\$995,621)
OMV Customer Service Technology Fund - (\$351,721)
DPS Police Officer Fund - (\$339,616)
LA Life Safety & Property Protection Trust Fund - (\$458,779)
LA Highway Safety Fund - (\$1,954)
Industrialized Building Program Fund - (\$2,405)
Fraud Detection Fund - (\$36,547)
Rehabilitation for the Blind & Visually Impaired Fund - (\$1,000,889)
Manufactured Home Tax Fairness Fund - (\$52)
Rural Development Fund - (\$1,265)
LA Environmental Education Fund - (\$10,434)
FEMA Reimbursement Fund - (\$41,022,977)
Artificial Reef Development Fund - (\$26,613,236)
Scenic Rivers Fund - (\$1,962)
Reptile & Amphibian Research Fund - (\$1,441)
Utility & Carrier Inspection/Supervision Fund - (\$9,053)
Telephonic Solicitation Relief Fund - (\$115,192)
Self-Insurance Fund - (\$60,000,000)
DHH Facility Support Fund - (\$10,590,000)

Overcollections Fund - \$342,464,605 (\$123,644,846 being transferred in FY 11 (upon governor's signature); \$218,819,759 being transferred in FY 12)

NOTE: House amendments eliminated the fund transfer from the Adult Probation & Parole Officer Retirement Fund in the amount of \$4,160,175.

<u>Senate</u>	<u>Dual Referral Rules</u>	<u>House</u>	
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