# **CONFERENCE COMMITTEE REPORT**

### SB 2 2018 Second Extraordinary Session

Claitor

June 4, 2018

To the Honorable President and Members of the Senate and to the Honorable Speaker and Members of the House of Representatives.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning Senate Bill No. 2 by Senator Claitor, recommend the following concerning the Engrossed bill:

1. That the set of House Floor Amendments proposed by Representative Steve Carter and adopted by the House of Representatives on June 3, 2018 be rejected.

2. That the following amendments be adopted:

#### AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and insert "R.S. 39:91(B) and R.S. 47:551(D)(8)(a), relative to the transfer, dedication, distribution, and use of certain funds in the state treasury; to provide for the use of the monies in the Deepwater Horizon Economic Damages Collection Fund; to provide relative to deposits into and uses of the Overcollections Fund; to provide relative to the distribution of the local avails"

#### AMENDMENT NO. 2

On page 1, between lines 6 and 7, insert:

"Section 1. R.S. 39:91(B) is hereby amended and reenacted to read as follows:

§91. Deepwater Horizon Economic Damages Collection Fund

\* \* \*

B. All economic damages proceeds from the DWH litigation in excess of the first two hundred million dollars deposited in the Fiscal Year 2015-2016 Deficit Elimination Fund shall be deposited by the treasurer as follows:

(1) Notwithstanding any provision of law to the contrary including the provisions of Paragraphs 2, 3, and 4 of this Subsection, and Subsection C of this Section, in Fiscal Year 2018-2019, the annual payment of fifty-three million three hundred thirty-three thousand three hundred thirty-three dollars to the state general fund.

(1) (2) Forty-five percent of each such receipt of economic damages proceeds to the Budget Stabilization Fund until that fund reaches the amount statutorily mandated by R.S. 39:94.

(2) (3) Forty-five percent of each such receipt of economic damages proceeds to the Medicaid Trust Fund for the Elderly provided for in R.S. 46:2691 until an amount not to exceed seven hundred million dollars has been deposited into such fund.

(3) (4) Ten percent of each such receipt of economic damages proceeds to the Health Trust Fund provided for in R.S. 46:2731 until an amount not to exceed thirty million dollars has been deposited into such fund.

\* \*

# AMENDMENT NO. 3

On page 1, line 7, change "Section 1." to "Section 2."

# AMENDMENT NO. 4

On page 1, between lines 15 and 16, insert the following:

"Section 3. Notwithstanding any provision of law to the contrary, the state treasurer is hereby authorized and directed to transfer the amount of \$3,221,928 from the medical device settlement from the Department of Revenue Escrow Account to the Overcollections Fund."

### AMENDMENT NO. 5

On page 1, line 16, change "Section 2." to "Section 4."

Respectfully submitted,

Senators:

Representatives:

Senator Dan Claitor

Representative Cameron Henry

Senator Jean-Paul Morrell

Representative Steve Carter

Senator Eric LaFleur

Representative Neil Abramson

The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Martha Hess.

### **CONFERENCE COMMITTEE REPORT DIGEST**

# SB 2 2018 Second Extraordinary Session

Claitor

# Keyword and summary of the bill as proposed by the Conference Committee

FUNDS/FUNDING. Provides relative to the transfer, dedication, distribution, and use of certain funds in the state treasury.

# **Report rejects House amendments which would have:**

1. Changed the effective date from July 1, 2018 to August 1, 2018.

# **Report amends the bill to:**

- 1. Revise the distribution of economic damage proceeds from the Deepwater Horizon litigation in excess of the first \$200 million deposited into the FY 15-16 Deficit Elimination Fund in FY 18-19.
- 2. Provides for a transfer of \$3,221,928 from the Department of Revenue Escrow Account to the Overcollections Fund.

# Digest of the bill as proposed by the Conference Committee

<u>Present law</u>, relative to avails of the automobile rental tax collected in East Baton Rouge Parish, dedicates 40% to the East Baton Rouge Council on Aging; 40% to Capital Area Human Services, and 20% to the Arts Council of Greater Baton Rouge for its operations and programs.

<u>Proposed law</u> provides for dedication of 40% of the avails to the East Baton Rouge Office of the Public Defender rather than the East Baton Rouge Council on Aging; otherwise retains present law.

<u>Present law</u> provides for the creation of the Deepwater Horizon Economic Damages Collection Fund, and provides that all economic damage proceeds from the Deepwater Horizon litigation in excess of the first \$200 million deposited into the FY 15-16 Deficit Elimination Fund, shall be deposited into the Economic Damages Collection Fund and then deposited (1) 45% to the Budget Stabilization Fund; (2) 45% to the Trust Fund for the Elderly; and (3) 10% to the Health Trust Fund.

<u>Proposed law</u> retains <u>present law</u> except that <u>proposed law</u> provides notwithstanding any provision of law to the contrary, in FY 2018-2019, the treasurer shall deposit the annual payment of \$53,333,333 of economic damage proceeds received by the state in the state general fund.

<u>Proposed law</u> further authorizes and directs the state treasurer to transfer an amount of \$3,221,928 from the medical device settlement from the Department of Revenue Escrow Account to the Overcollections Fund.

Effective July 1, 2018.

(Amends R.S. 39:91(B) and R.S. 47:551(D)(8)(a))