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HOUSE FLOOR AMENDMENTS

Amendments proposed by Representative Abramson to Reengrossed Senate Bill No. 52 by Senator Alario

AMENDMENT NO. 1

On page 1, line 2 after "amend and reenact" delete the remainder of the line and insert the following:

"R.S. 17:421.7(A), R.S.27:247, R.S. 39:98.1(A)(3), (B), (C) and (D), 98.2(E) and 98.3(A) and (C)(introductory paragraph), (1), (4), (5), (7) and (8), and to enact R.S. 27:270.1 and R.S. 39:98.3(E) through (G), all relative to the"

AMENDMENT NO. 2

On page 1, line 9, after "Fund;" and before "to" insert the following:

"to establish accounts within the Education Excellence Fund; to provide for the deposit and use of monies within certain accounts; to provide for the disposition of certain state gaming revenues;"

AMENDMENT NO. 3

On page 1, between lines 10 and 11, insert the following:

"Section 1. R.S. 17:421.7(A) is hereby amended and reenacted to read as follows:

§421.7. Support Education in Louisiana First Fund

A. There is hereby established, as a special fund in the state treasury, the Support Education in Louisiana First Fund (the SELF Fund). After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of the obligations secured by the full faith and credit of the state which becomes due and payable within any fiscal year, the treasurer shall pay to the SELF Fund an amount equal to the monies received by the state treasury from the avails of the franchise fees charged pursuant to R.S. 27:91(C)(2) through (4) and the revenues required to be deposited in the SELF Fund pursuant to R.S. 27:92(B)(2)(b) and R.S. 27:270(A)(3) **as authorized in Article VII, Section 10.8(C)(4)(a)(iii) of the Constitution of Louisiana and R.S. 39:98.3(D).** The monies in this fund shall be used only as provided in Subsection B of this Section and only in the amounts appropriated by the legislature. All unexpended and unencumbered monies in this fund at the end of each fiscal year shall remain in the fund and shall retain their allocation for use and expenditure in accordance with the provisions of Subsection B of this Section. The monies in this fund shall be invested by the state treasurer in the same manner as monies in the state general fund. Interest earned on the investment of monies in this fund shall be credited to the fund, following compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

* * *

Section 2. R.S. 27:247 is hereby amended and reenacted and R.S. 27:270.1 is hereby enacted to read as follows:

§247. Casino support services contract

Subject to and in accordance with the provisions of this Chapter, the gaming control board shall enter into a casino support services contract with the governing authority of the parish where the official gaming establishment is located in order to compensate the parish on a quarterly basis for the cost to the parish for providing support services resulting from the operation of the official gaming establishment and the activities therein. Support services as used in this Section shall include but not be limited to fire, police, sanitation, health, transportation, and traffic services. The amount of the contract shall be determined by negotiation and agreement between the gaming control board and the parish, subject to approval by the Joint Legislative Committee on the Budget. In the event that a new contract is not agreed upon by the gaming control board and the parish by March thirty-first of any year, the contract currently in effect shall be submitted to the Joint Legislative Committee on the Budget for approval of the amount of the contract at the next meeting of the committee. If the committee approves the amount of the contract, the contract shall remain in full force and effect. If the committee disapproves or does not act upon the amount of the contract, the contract shall be null, void, and of no effect. **Obligations of the state required under the contract shall be paid from funds appropriated out of the Education Excellence Fund-Casino Support Services Account as provided in Article VII, Section 10.8(C)(4)(a)(i) of the Constitution of Louisiana and R.S. 39:98.3(D).**

* * *

§270.1 Revenues from casino gaming operations; operation of the official gaming establishment located in Orleans Parish

Notwithstanding any other provision of law to the contrary, monies received by the state from the operation of the official gaming establishment located in Orleans Parish shall be deposited into the state treasury in accordance with the provisions of Article VII, Section 10.8(A)(3)(b) of the Constitution of Louisiana and R.S. 39:98.1(C)(2). Monies shall be deposited in and credited to the Education Excellence Fund-Casino Support Services Account, and the disposition and appropriation of monies from the account shall be made in accordance with the provisions of Article VII, Section 10.8(C)(4) of the Constitution of Louisiana and R.S. 39:98.3(D)(4).

AMENDMENT NO. 4

On page 1, delete lines 11 and 12 in their entirety and insert the following:

"Section 3. R.S. 39:98.1(A)(3), (B), (C) and (D), 98.2(E) and 98.3(A) and (C)(introductory paragraph), (1), (4), (5), (7) and (8) are hereby amended and reenacted and R.S. 39:98.3(E) through (G) are hereby enacted to read as follows:"

AMENDMENT NO. 5

On page 2, at the beginning of line 29, change "C.(1)" to "C."

AMENDMENT NO. 6

On page 3, line 1, after "Trust." delete the remainder of the line and from the beginning of line 2, delete "Education Excellence Fund" and insert the following:

"The fund shall be comprised of three accounts, the Permanent Account, the Casino Support Services Account and the Early Childhood Development Account.

(1)(a) The Education Excellence Fund-Permanent Account shall be established as an account within the Education Excellence Fund. The treasurer shall credit to the **Permanent Account**"

AMENDMENT NO. 7

On page 3, at the beginning of line 6, change "**(2)**" to "**(b)**"

AMENDMENT NO. 8

On page 3, line 7, after "**to the**" and before "**one-third**" delete "**Education Excellence Fund**" and insert "**Permanent Account**"

AMENDMENT NO. 9

On page 3, between lines 9 and 10, insert the following:

"(2) The Education Excellence Fund-Casino Support Services Account shall be established as an account within the Education Excellence Fund. After satisfying the requirements of Article VII, Section 9(B) of this constitution, the state treasurer shall deposit in and credit to this account the monies received by the state under the contract to operate the official gaming establishment located in Orleans Parish. Monies in the account shall be invested in the same manner as the state general fund and any earnings on such investment shall be deposited into the account. Any unexpended and unencumbered monies remaining in the account at the end of the fiscal year shall remain to the credit of the account.

(3) The Education Excellence Fund-Early Childhood Development Account shall be established as an account within the Education Excellence Fund. The source of monies to be deposited into the account shall be those monies transferred from the Education Excellence Fund-Casino Support Services Account as provided in Article VII Section 10.8(C)(4) of the Constitution of Louisiana and R.S. 39:98.3(D). Monies in the account shall be invested in the same manner as the state general fund and any earnings on such investment shall be deposited into the account. Any unexpended and unencumbered monies remaining in the account at the end of the fiscal year shall remain to the credit of the account."

AMENDMENT NO. 10

On page 3, delete line 25 in its entirety and insert the following:

"§98.2. Investment of Millennium Trust

* * *

E. On or before December first of each year, the treasurer shall prepare and submit a report on the performance of the Millennium Trust to the Joint Legislative Committee on the Budget and the commissioner of administration for their review. With respect to the Education Excellence Fund-**Permanent Account**, the report shall also be provided to the state superintendent of education."

AMENDMENT NO. 11

On page 3, at the beginning of line 28, change "**A.(1)**" to "**A.**"

1 AMENDMENT NO. 12

2 On page 3, line 29, after "Excellence" delete "Fund," and insert "**Fund-Permanent**
3 **Account**"

4 AMENDMENT NO. 13

5 On page 4, at the end of line 13, insert the following:

6 "Actual earnings from interest, dividends, and capital gains during the fiscal year in
7 excess of the amounts estimated as available for appropriation shall be credited to
8 the appropriate fund and available for appropriation in subsequent years.
9 Appropriations from the Health Excellence Fund, the Education Excellence Fund;
10 **-Permanent Account** and the TOPS Fund shall include performance expectations
11 to ensure accountability in the expenditure of such monies.

12 * * *

13 C. Appropriations from the Education Excellence Fund **-Permanent Account**
14 shall be restricted as follows:

15 (1) Fifteen percent of monies available for appropriation in any fiscal year
16 from the ~~Education Excellence Fund~~ **Permanent Account** shall be appropriated to
17 the state superintendent of education for distribution on behalf of all children
18 attending private elementary and secondary schools that have been approved by the
19 State Board of Elementary and Secondary Education, both academically and as
20 required for such school to receive money from the state.

21 * * *

22 (4) Beginning Fiscal Year 2000-2001 and for each fiscal year through the
23 end of Fiscal Year 2006-2007, of the monies available for appropriation **from the**
24 **Permanent Account** after providing for the purposes enumerated in Paragraphs (1),
25 (2), and (3) of this Subsection, the following appropriations shall be made to the state
26 superintendent of education for distribution as follows:

27 * * *

28 (5) Beginning Fiscal Year 2007-2008 and for each year thereafter, of the
29 monies available for appropriation after providing for the purposes enumerated in
30 Paragraphs (1), (2), and (3) of this Subsection, one hundred percent of the monies
31 available for appropriation in any fiscal year from the ~~Education Excellence Fund~~
32 **Permanent Account** shall be distributed to each city, parish, or other local school
33 system, to be apportioned to the recipient entities on a pro rata basis which is based
34 on the ratio of the student population of that school or school system to that of the
35 total state student population.

36 * * *

37 (7) Each recipient school or school system shall annually prepare and submit
38 to the state Department of Education, hereinafter the "department", a prioritized plan
39 for expenditure of funds it expects to receive in the coming year from the ~~Education~~
40 ~~Excellence Fund~~ **Permanent Account**. The plan shall include performance
41 expectations to ensure accountability in the expenditure of such monies. The
42 department shall review such plans for compliance with the requirements of this
43 Subsection and to assure that the expenditure plans will support excellence in
44 educational practice. No funds may be distributed to any school system until its plan
45 has been approved by the department and by the appropriate standing committees of
46 the legislature.

(8) No amount appropriated as required in this Subsection shall displace, replace, or supplant appropriations from the general fund for elementary and secondary education, including implementing the Minimum Foundation Program. This Paragraph shall mean that no appropriation for any fiscal year from the ~~Education Excellence Fund~~ **Permanent Account** shall be made for any purpose for which a general fund appropriation was made the previous year unless the total appropriations for the fiscal year from the state general fund for such purpose exceeds general fund appropriations of the previous year. Nor shall any money allocated to a city or parish school board pursuant to this Section displace, replace, or supplant locally generated revenue, meaning that no allocation to any city or parish school board from the investment earnings attributable to the ~~Education Excellence Fund~~ **Permanent Account** shall be expended for any purpose for which a local revenue source was expended the previous fiscal year unless the total of the local revenue amount expended that fiscal year exceeds the total of such local revenue amounts for the previous year.

* * *

D. The disposition and appropriation of monies from the Education Excellence Fund-Casino Support Services Account shall be made in accordance with the provisions of this Subsection. Of the total monies deposited into the account each fiscal year:

(1) An amount equal to the revenues received by the state in Fiscal Year 2010-2011 under the contract to operate the official gaming establishment located in Orleans Parish shall be available for appropriation for the following purposes:

(a) First, monies may be appropriated in an amount sufficient to satisfy any state obligation which may be required pursuant to a casino support services contract for purposes of the official gaming establishment located in Orleans Parish as may be provided by law.

(b) Of the monies remaining thereafter, up to one percent may be appropriated for services related to compulsive and problem gaming as may be provided by law.

(c) Of the monies remaining thereafter, appropriations may be made for the support of salaries of public pre-kindergarten through twelfth grade certificated personnel and public post-secondary education faculty as provided in R.S. 17:421.7.

(2) All monies remaining thereafter shall be deposited in and credited to the Education Excellence Fund-Early Childhood Development Account.

(3) Changes to the purposes for and limitations on appropriations and transfers of money from the Casino Support Services Account as provided for in this Subsection may be authorized for a specific fiscal year by a favorable vote of two-thirds of the elected members of each house. Any such change shall be approved by passage of a specific instrument which clearly states the intent to change a purpose or limitation on an appropriation or required transfer of money, and the instrument shall only be considered in the fiscal year preceding the fiscal year for which the change is proposed.

E. Appropriations from the Education Excellence Fund-Early Childhood Development Account shall be restricted to the support of early childhood development and education services as may be provided by law.

1 **F.(1)** Appropriations from the TOPS Fund shall be restricted to support of
 2 the state's program for financial assistance for students attending Louisiana
 3 institutions of postsecondary education as established in Chapter 20-G of Title 17 of
 4 the Louisiana Revised Statutes of 1950."

5 AMENDMENT NO. 14

6 On page 5, delete lines 7 through 13 in their entirety and insert the following:

7 E: **G.** Recommendations and requests for expenditure or funding from the
 8 Health Excellence Fund and TOPS Fund shall be made in accordance with the
 9 provisions of R.S. 39:98.4(C) through (F)."

10 AMENDMENT NO. 15

11 On page 5, from the beginning of line 14, delete "Section 2. Section 1" and insert "Section
 12 4. Sections 1, 2, and 3"

13 AMENDMENT NO. 16

14 On page 5, at the beginning of line 19, delete "Section 3. Sections 2 and 3" and insert
 15 "Section 5. Sections 4 and 5"