

CONFERENCE COMMITTEE REPORT
Senate Bill No. 52 By Senator Alario

June 23, 2011

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. 52 by Senator Alario, recommend the following concerning the Reengrossed bill:

1. That the House Committee Amendments Nos. 1 and 2 proposed by the House Committee on Appropriations and adopted by the House on June 16, 2011 be adopted.
2. That House Floor Amendments Nos. 1, 2, 3, 4, 5, and 6 proposed by Representative Ritchie and adopted by the House on June 20, 2011 be rejected.
3. That the following amendments to the reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, at the end 2, insert the following:

"dedication of certain tobacco proceeds; to provide relative to the"

AMENDMENT NO. 2

On page 1, line 4, after "Fund;" and before "to provide" insert "to provide for the deposit of certain tobacco proceeds into the Health Excellence Fund; to provide for the use of monies in the Health Excellence Fund;"

AMENDMENT NO. 3

On page 2, between lines 28 and 29, insert the following:

"(3) Beginning July 1, 2012, after allocation of money to the Bond Security and Redemption Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer shall deposit in and credit to the Health Excellence Fund the revenues derived from the tax imposed by R.S. 47:841(B)(3)."

AMENDMENT NO. 4

On page 3, delete lines 28 and 29 and insert following:

"A.(1) Appropriations from the ~~Health Excellence Fund~~, the Education Excellence Fund, ~~and the TOPS Fund~~ shall be limited to an annual amount not to"

AMENDMENT NO. 5

On page 4, line 2, delete "**to each fund**"

AMENDMENT NO. 6

On page 4, between lines 13 and 14, insert the following:

"(2)(a) For Fiscal Year 2011-2012 appropriations from the Health Excellence Fund shall be limited to an annual amount not to exceed the estimated aggregate annual earnings from interest, dividends, and realized capital gains on investment of the trust and credited to the Health Excellence Fund as provided by R.S. 39:98.1(B)(2) and as recognized by the Revenue Estimating Conference.

(b) For Fiscal Year 2012-2013, and each fiscal year thereafter, appropriations from the Health Excellence Fund shall be limited to an annual amount not to exceed the estimated aggregate annual earnings from interest, dividends, and realized capital gains on investment of the trust and credited to the Health Excellence Fund as provided by R.S. 39:98.1(B)(2) and as recognized by the Revenue Estimating Conference and the amount of proceeds credited to and deposited into the Health Excellence Fund as provided by R.S. 39:98.1(B)(3)."

AMENDMENT NO. 7

On page 4, at the beginning of line 14, change "(2)" to "(3)"

AMENDMENT NO. 8

On page 5, line 7, change "(3)" to "(4)"

AMENDMENT NO. 9

On page 5, line 15, after "Section 10.8" and before "of the" insert "and the addition of Article VII, Section 4.1"

AMENDMENT NO. 10

On page 5, at the end of line 16, change "is" to "are"

AMENDMENT NO. 11

On page 5, line 18, change "becomes" to "and addition become"

Respectfully submitted,

Senators:

Representatives:

Senator Joel T. Chaisson II

Representative Jim Tucker

Senator John A. Alario, Jr.

Representative Jane H. Smith

Senator Lydia P. Jackson

Representative Harold L. Ritchie

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

CONFERENCE COMMITTEE REPORT DIGEST

Senate Bill No. 52 by Senator Alario

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

FUNDS/FUNDING. Provides that one the balance in the Millennium Trust reaches R1.38 billion, 100% of the annual Tobacco Settlement Proceeds shall be dedicated to the TOPS program and to dedicate certain tobacco proceeds to the Health Excellence Fund. (See Act)

Report adopts House amendments to:

1. Make technical changes.

Report rejects House amendments which would have:

1. Provided the dedication of tobacco revenues from R.S. 47:841(B)(3) to the Health Excellence Fund.
2. Added statutory provisions deleting the sunset (June 30, 2012) of the tax levied on four-twentieths of one cent per cigarette as provided by Section 4 of Act No. 32 of the 2000 Regular Session of the Legislature, and as amended and reenacted by Act No. 21 of the 2002 Regular Session of the Legislature.

Report amends the bill to:

1. Provide for depositing and crediting the revenues derived from the tobacco tax levied in R.S. 47:841(B)(3) into the Health Excellence Fund beginning July 1, 2012.
2. Provide that, for Fiscal Year 2011-2012 and each year thereafter, appropriations from the Health Excellence Fund shall be limited to the annual earnings from interest, dividends, and realized capital gains on investment of the trust as recognized by the Revenue Estimating Conference and the proceeds credited to and deposited into the Health Excellence Fund from the tax on tobacco in R.S. 47:841(B)(3).

Digest of the bill as proposed by the Conference Committee

Present law creates the Millennium Trust as a special permanent trust in the state treasury to receive certain monies as a result of the Tobacco Master Settlement Agreement executed November 23, 1998, and approved by Consent Decree and Final Judgment entered in the case "Richard P. Ieyoub, Attorney General, ex rel. State of Louisiana v. Philip Morris, Incorporated, et al.", bearing Number 98-6473 on the docket of the Fourteenth Judicial District for the parish of Calcasieu, state of Louisiana; and all dividend and interest income and all realized capital gains on investment of the monies in the Millennium Trust.

Present law provides that beginning Fiscal Year 2002-2003, and each fiscal year thereafter, 75% percent of the total monies received that year shall be allocated as follows:

1. Health Excellence Fund which is a special fund established within the Millennium Trust - the state treasurer shall credit to the Heath Excellence Fund one-third of the Settlement Proceeds deposited each year into the Millennium Trust and one-third of all investment earnings on the investment of the Trust.
2. Education Excellence Fund which is a special fund established within the Millennium Trust - the state treasurer shall credit to the Education Excellence Fund

one-third of the Settlement Proceeds deposited each year into the Millennium Trust and one-third of all investment earnings on the investment of the Trust.

3. TOPS Fund which is a special fund established within the Millennium Trust - the state treasurer shall credit to the TOPS Fund one-third of the Settlement Proceeds deposited each year into the Millennium Trust and one-third of all investment earnings on the investment of the Trust.

Proposed law provides that beginning Fiscal Year 2011-2012 after the balance in the Millennium Trust reaches a total of \$1.38 billion, the monies deposited in and credited to the Millennium Trust received from the Settlement Agreement shall be allocated as follows:

1. Heath Excellence Fund - one-third of all investment earnings on the investment of the Trust.
2. Education Excellence Fund - one-third of all investment earnings on the investment of the Trust.
3. TOPS Fund - 100% of the Settlement Proceeds deposited each year into the Millennium Trust and one-third of all investment earnings on the investment of the Trust.

Proposed law provides that beginning July 1, 2012, after allocation of money to the Bond Security and Redemption Fund as provided in Article VII, Section 9(B) of the Constitution, the state treasurer shall deposit in and credit to the Health Excellence Fund an amount equal to the revenues derived from four-twentieths of one cent of tax per cigarette.

Proposed law provides that upon the effective date of the amendment, the state treasurer shall deposit, transfer, or otherwise credit funds in an amount equal to such Settlement Agreement proceeds deposited in and credited to the Millennium Trust received by the state between April 1, 2011 and the effective date of the amendment to the TOPS Fund.

Present law limits appropriations from the Health Excellence Fund, Education Excellence Fund, and the TOPS Fund to an annual amount not to exceed the estimated aggregate annual earnings from interest, dividends, and realized capital gains on investment of the trust, adjusted for inflation, and as recognized by the Revenue Estimating Conference.

Proposed law retains present law limitations on appropriations from the Education Excellence Fund relative to interest, dividends, and realized capital gains on investment of the trust.

Proposed law provides that for Fiscal Year 2011-2012, appropriations from the TOPS Fund shall be limited to the annual Settlement Agreement proceeds plus an amount of Settlement Agreement proceeds equal to such proceeds received by the state between April 1, 2011 and the effective date of the Act, as well as the estimated aggregate annual earnings from interest, dividends, and realized capital gains on investment of the trust.

Proposed law further provides that for Fiscal Year 2012-2013, and each fiscal year thereafter, appropriations from the TOPS Fund shall be limited to the amount of annual Settlement Agreement proceeds credited to and deposited into the TOPS Fund and the estimated aggregate annual earnings from interest, dividends, and realized capital gains on investment of the trust, adjusted for inflation and as recognized by the Revenue Estimating Conference.

Proposed law provides that for Fiscal Year 2011-2012, appropriations from the Health Excellence Fund shall be limited to an annual amount not to exceed the estimated aggregate annual earnings from interest, dividends, and realized capital gains on investment of the trust and as recognized by the Revenue Estimating Conference.

Proposed law provides that for Fiscal Year 2012-2013, and each fiscal year thereafter, appropriations from the Health Excellence Fund shall be limited to an annual amount not to exceed the estimated aggregate annual earnings from interest, dividends, and realized capital gains on investment of the trust and as recognized by the Revenue Estimating Conference and the amount of proceeds credited to and deposited into the Health Excellence Fund from the tobacco tax proceeds.

Section 1 of the Act takes effect and becomes operative if the amendment of Article VII, Section 10.8 and the addition of Article VII, Section 4.1 of the Constitution of Louisiana contained in the Act which originated as Senate Bill No. 53 of the 2011 Regular Session of the Legislature is adopted at the statewide election to be held on October 22, 2011, and at the same time as such proposed amendment becomes effective. Sections 2 and 3 of the Act, which are the effective date provisions, become effective on July 1, 2011.

(Amends R.S. 39:98.1(A)(3), (B), (C), and (D) and 98.3(A))