

CONFERENCE COMMITTEE REPORT
Senate Bill No. 171 By Senator Chaisson

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. 171 by Senator Chaisson, recommend the following concerning the Engrossed bill:

1. That the set of House Committee Amendments proposed by the House Committee on Appropriations and adopted by the House of Representatives on June 16, 2011, be rejected.
2. That the following amendments to the Engrossed bill be adopted:

AMENDMENT NO. 1

On page 2, line 4, after "fund" and before "shall" insert "**, except those deposits into the fund for such purposes included in the official forecast of the Revenue Estimating Conference,**"

AMENDMENT NO. 2

On page 2, line 12, change "**twenty-five percent**" to "**one-third**"

AMENDMENT NO. 3

On page 2, at the beginning of line 14, insert "**for the next three years after the ensuing year,**"

AMENDMENT NO. 4

On page 2, at the end of line 16, after "**less.**" insert "**Amounts which are not deposited into the fund in one fiscal year as provided in this Paragraph shall be deposited into the fund in the subsequent fiscal year until the amount withdrawn or used is satisfied or until the balance in the fund reaches the maximum as provided in Subparagraph C(4)(a). The resumption of these deposits shall not cease because of a subsequent withdrawal from the fund.**"

Respectfully submitted,

Senators:

Representatives:

Senator Joel T. Chaisson II

Representative Jim Tucker

Senator Michael J. "Mike" Michot

Representative James R. Fannin

Senator Lydia P. Jackson

Representative Eddie J. Lambert

The legislative instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jessica Y. Miller.

CONFERENCE COMMITTEE REPORT DIGEST

Senate Bill No. 171 by Senator Chaisson

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

FUNDS/FUNDING. Provides relative to deposits into the Budget Stabilization Fund. (See Act)

Report rejects House amendments which would have:

1. Revised circumstances when deposits of mineral revenues do not have to be made to the fund.

Report amends the bill to:

1. Provide that mineral revenues do not have to be deposited in the fund in the fiscal year that monies in the fund are appropriated or used or in the next ensuing fiscal year, if mineral revenues exceed the base, except by specific appropriation. Thereafter, deposits of mineral revenues shall resume as provided in present constitution except in an annual amount not to exceed 33% of the most recent amount made available for appropriation or use until the balance in the fund equals the maximum or an amount equal to the amount made available for appropriation or use is deposited into the fund, whichever is less.
2. Provide that amounts which are not deposited into the fund in one fiscal year as provided in constitutional amendment shall be deposited into the fund in the subsequent fiscal year until the amount withdrawn or used is satisfied or until the balance in the fund reaches the maximum as provided in constitutional amendment. Provide that the resumption of deposits shall not cease because of a subsequent withdrawal from the fund.

Digest of the bill as proposed by the Conference Committee

Present law establishes the Budget Stabilization Fund in the state treasury and provides the following revenues are to be deposited into the fund:

- (1) Monies available for appropriation in excess of the expenditure limit.
- (2) All mineral revenues received by the state in each fiscal year in excess of the base, which, by legislative act, was increased to \$850 million.
- (3) 25% of any monies recognized by the Revenue Estimating Conference as nonrecurring.
- (4) Any other monies appropriated to the fund by the legislature including the balance of any monies declared to be nonrecurring.

Proposed law retains present law.

Present law permits up to 1/3 of the Budget Stabilization Fund, subject to 2/3 approval of each house of the legislature, to be incorporated in the next fiscal year's official forecast if revenue estimates for the next fiscal year are less than the official forecast for the current fiscal year. Present law further permits up to 1/3 of the Budget Stabilization Fund, subject to 2/3 approval of each house of the legislature, to be appropriated for the current fiscal year

budget if a deficit for the current fiscal year is projected due to a decrease in the official forecast.

Proposed law retains present law.

Proposed law provides that if at any time mineral revenues exceed the base and money in the fund is made available for appropriation or use as provided in present law, no deposit of mineral revenues, except those deposits into the fund for such purposes included in the official forecast of the Revenue Estimating Conference, shall be made in the fiscal year for which money in the fund is appropriated or for which money in the fund is incorporated into the official forecast nor for the ensuing fiscal year, except by specific appropriation. Thereafter, deposits of mineral revenues shall resume as provided in present except in an annual amount not to exceed 33% of the most recent amount made available for appropriation or use until the balance in the fund equals the maximum or an amount equal to the amount made available for appropriation or use is deposited into the fund, whichever is less.

Proposed law further provides that amounts which are not deposited into the fund in one fiscal year as provided in this Subparagraph shall be deposited into the fund in a subsequent fiscal year until the amount withdrawn or used is satisfied or until the balance in the fund reaches the maximum as provided in constitutional amendment. The resumption of these deposits shall not cease because of a subsequent withdrawal from the fund.

Proposed law further provides that all other deposits, except mineral revenues, shall continue to be made to the fund in the fiscal year for which money in the fund is appropriated or incorporated into the official forecast or for the ensuing fiscal year.

Section 1 of proposed law becomes effective and operative if the amendment of Article VII, Section 10.3(C) of the Constitution of Louisiana contained in the Act which originated as SB 147 of the 2011 RS 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. 39:94(C)(4)(b))