



**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**

Fiscal Note On: **HB 244** HLS 23RS 200  
 Bill Text Version: **REENGROSSED**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

|   |         |                                |
|---|---------|--------------------------------|
| <b>Date:</b> May 17, 2023   | 8:27 AM | <b>Author:</b> BISHOP, S.      |
| <b>Dept./Agy.:</b>  |         | <b>Analyst:</b> Deborah Vivien |
| <b>Subject:</b> Restricts use of Revenue Stabilization Trust Fund |         |                                |

FUNDS/FUNDING RE SEE FISC NOTE SD RV See Note Page 1 of 1  
 (Constitutional Amendment) Provides relative to the Revenue Stabilization Trust Fund

Present Constitution provides that annual collections from corporate income and franchise taxes above \$600 M be deposited to the Revenue Stabilization Trust Fund (RSTF). Further, any mineral revenue collections between \$660 M - \$950 M (after various allocations of mineral revenue) are to be deposited 70% to the RSTF and 30% to pay the retirement UAL. Once the fund balance reaches \$5 B, up to 10% of the balance may be appropriated for capital outlay projects or transportation infrastructure. With a 2/3 vote, an emergency appropriation of any amount may be made from the fund, the minimum fund balance (\$5 B), or the allowable percentage (10%) appropriated to capital or transportation projects may be changed.

Proposed constitutional amendment retains current law but restricts the emergency use of the RSTF to an annual maximum of \$250 M if current year or ensuing year revenue forecasts decline (the same recurring revenue triggers as the Budget Stabilization Fund - BSF) and only after maximum use of the BSF. For use, a 2/3 vote is required and can change the maximum use limit. Subject to voter approval at the statewide election on October 14, 2023.

| EXPENDITURES        | <u>2023-24</u> | <u>2024-25</u> | <u>2025-26</u> | <u>2026-27</u> | <u>2027-28</u> | <u>5 -YEAR TOTAL</u> |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd.      | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Agy. Self-Gen.      | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Ded./Other          | SEE BELOW      | SEE BELOW      | SEE BELOW      | SEE BELOW      | SEE BELOW      |                      |
| Federal Funds       | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Local Funds         | <u>\$0</u>     | <u>\$0</u>     | <u>\$0</u>     | <u>\$0</u>     | <u>\$0</u>     | <b>\$0</b>           |
| <b>Annual Total</b> |                |                |                |                |                |                      |
| REVENUES            | <u>2023-24</u> | <u>2024-25</u> | <u>2025-26</u> | <u>2026-27</u> | <u>2027-28</u> | <u>5 -YEAR TOTAL</u> |
| State Gen. Fd.      | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Agy. Self-Gen.      | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Ded./Other          | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Federal Funds       | \$0            | \$0            | \$0            | \$0            | \$0            | <b>\$0</b>           |
| Local Funds         | <u>\$0</u>     | <u>\$0</u>     | <u>\$0</u>     | <u>\$0</u>     | <u>\$0</u>     | <b>\$0</b>           |
| <b>Annual Total</b> | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>     | <b>\$0</b>           |

**EXPENDITURE EXPLANATION**

The bill restricts the eligible appropriations from the Revenue Stabilization Trust Fund (RSTF) by repealing the blanket emergency provision that allows use of any amount, up to the entire fund balance, for any reason with a 2/3 vote.

In the bill, prior to reaching a \$5 B balance, annual use of the RSTF is limited to \$250 M (2/3 vote to change) only when a deficit is forecast for taxes, licenses and fees (TLF) for gross recurring revenue within the current year or in the ensuing year (same triggers as Budget Stabilization Fund - BSF). The RSTF may only be utilized if the BSF has also been recognized by REC (ensuing year deficit) or budgeted (current year deficit) and the amount of BSF utilized does not resolve the revenue deficit. For an ensuing year deficit, use of the RSTF is limited to the deficit between the ensuing year to current year forecasts up to \$250 M. However, if a current year TLF deficit is forecast, use of the RSTF is not constrained by the size of the deficit but is limited to \$250 M.

With the bill, the Revenue Stabilization Trust Fund cannot be accessed for anything except capital and/or transportation projects and then only after the maximum balance is reached (\$5 B which can be changed with a 2/3 vote). The only exceptional circumstance would be after the Budget Stabilization Fund is utilized due to a current or ensuing year deficit in gross revenue. For instance, if one revenue stream is in peril, such as the fuel tax, but gross revenue is not in a deficit posture, the RSTF cannot be utilized unless the maximum balance is reached.

Timing:

Presumably, the REC would meet to recognize a deficit, which would set the amount needed (the RSTF balance would also be recognized as is standard in the forecast). A legislative instrument requiring a 2/3 vote of both bodies would authorize maximum use of the BSF and RSTF to resolve the deficit(s) in the current and/or ensuing year(s). In current law, the use of the BSF is limited to 1/3 of the beginning fund balance in each fiscal year, expected to be about \$300 M in FY 24 (cannot be changed by vote). Use of RSTF would be limited to a maximum of \$250 M per year (may be increased with a 2/3 vote).

**REVENUE EXPLANATION**

The bill does not change the revenue that will be deposited to the fund. There is no anticipated direct material effect on governmental revenues as a result of this measure. Given the source of deposits to the RSTF, if total revenue is declining while mineral revenue and/or corporate combined taxes are up, as occurred post-Katrina, the RSTF may be utilized and instantly refilled.

Senate  
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}  
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House  
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}  
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

*Alan M. Boxberger*  
 Alan M. Boxberger  
 Interim Legislative Fiscal Officer