

2016 Regular Session

SENATE BILL NO. 155

BY SENATOR CLAITOR

FUNDS/FUNDING. Provides for the allocation for a portion of the economic damages proceeds from the Deepwater Horizon event. (7/1/16)

1 AN ACT

2 To amend and reenact R.S. 39:91(B)(1) and (2) and (C)(2)(a) and to enact R.S. 39:91(B)(4),
3 relative to the deposit of certain funds into the Deepwater Horizon Economic
4 Damages Collection Fund; to provide for the allocation of a certain portion of the
5 funds; to provide for the use of such monies; to provide for an effective date; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 39:91(B)(1) and (2) and (C)(2)(a) are hereby amended and reenacted
9 and R.S. 39:91(B)(4) is hereby enacted to read as follows:

10 §91. Deepwater Horizon Economic Damages Collection Fund

11 * * *

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

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

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

5 * * *

6 **(4) Ten percent of each such receipt of economic damages proceeds shall**
7 **be allocated and distributed to the Board of Regents as provided in Paragraph**
8 **(C)(2) of this Section.**

9 C.

10 * * *

11 (2)(a) Appropriations from the Deepwater Horizon Economic Damages
12 Collection Fund ~~shall be limited to an annual amount not to exceed~~ **derived from**
13 **the receipts of proceeds as provided in Paragraph (B)(4) of this Section and** the
14 estimated aggregate annual earnings from interest earned on the investment of
15 monies in the fund ~~and~~ shall be made to the Board of Regents to be equitably
16 allocated to public postsecondary education institutions in the state in accordance
17 with Article VIII, Section 5(D)(4) of the Constitution of Louisiana. ~~The board may~~
18 ~~also distribute such appropriations to independent institutions for higher learning in~~
19 ~~accordance with R.S. 17:2053.~~

20 * * *

21 Section 2. This Act shall become effective on July 1, 2016; if vetoed by the governor
22 and subsequently approved by the legislature, this Act shall become effective on July 1,
23 2016, or on the day following such approval by the legislature, whichever is later.

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

DIGEST

SB 155 Original 2016 Regular Session Claitor

Present law provides that 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) 45% of each such receipt of economic damages proceeds to the Budget Stabilization

Fund until that fund reaches the amount statutorily mandated by law.

- (2) 45% of each such receipt of economic damages proceeds to the Medicaid Trust Fund for the Elderly until an amount not to exceed \$700 million has been deposited into such fund.
- (3) 10% of each such receipt of economic damages proceeds to the Health Trust Fund until an amount not to exceed \$30 million has been deposited into such fund.

Proposed law retains present law but reduces each of the allocations of the Budget Stabilization Fund and the Medicaid Trust Fund for the Elderly from 45% to 40%. Further provides that 10% shall be allocated and distributed to the Board of Regents.

Present law provides that appropriations from the Deepwater Horizon Economic Damages Collection Fund shall be limited to an annual amount not to exceed the estimated aggregate annual earnings from interest earned on the investment of monies in the fund and shall be made to the Board of Regents to be equitably allocated to public postsecondary education institutions in the state in accordance with the constitutionally mandated master plan and the distribution formula. Further provides that the board may also distribute such appropriations to independent institutions for higher learning in accordance with R.S. 17:2053.

Proposed law retains provisions of present law relative to the appropriation of interest earnings but deletes provisions authorizing the Board of Regents to distribute appropriations to independent institutions for higher learning. Further, specifies that appropriations for public postsecondary education institutions shall include the 10% of each receipt of the economic damages proceeds, as well as the estimated aggregate annual interest earnings on the fund to be equitably allocated to public postsecondary education institutions in the state in accordance with the constitutionally mandated master plan and the distribution formula.

Effective July 1, 2016.

(Amends R.S. 39:91(B)(1) and (2) and (C)(2)(a); adds R.S. 39:91(B)(4))