

**CONFERENCE COMMITTEE REPORT  
House Bill No. 452 By Representative Fannin**

June 6, 2013

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 452 by Representative Fannin, recommend the following concerning the Reengrossed bill:

1. That Senate Committee Amendments Nos. 1 through 6 proposed by the Senate Committee on Finance and adopted by the Senate on May 30, 2013, be adopted.
2. That Senate Committee Amendments Nos. 7 through 10 proposed by the Senate Committee on Finance and adopted by the Senate on May 30, 2013, be rejected.
3. That the set of Legislative Bureau Amendments adopted by the Senate on May 31, 2013, be adopted.
4. That Senate Floor Amendments Nos. 1 through 4, 6, 8, 10 through 12, and 18 through 30 proposed by Senator Donahue and adopted by the Senate on June 3, 2013, be adopted.
5. That Senate Floor Amendments Nos. 5, 7, 9, 13 through 17, 31, and 32 proposed by Senator Donahue and adopted by the Senate on June 3, 2013, be rejected.
6. That the following amendments to the reengrossed bill be adopted:

AMENDMENT NO. 1

In Senate Committee Amendment No. 1 proposed by the Senate Committee on Finance and adopted by the Senate on May 30, 2013, on page 1, line 2, after "87.5(E)(2)," and before "and" insert "94(C)(4)(b),"

AMENDMENT NO. 2

In Senate Floor Amendment No.1 of the Senate Floor Amendments proposed by Senator Donahue and adopted by the Senate on June 3, 2013, on page 1, line 5, change "33.6(B)" to "332.6(B)"

AMENDMENT NO. 3

In Senate Committee Amendment No. 2 proposed by the Senate Committee on Finance and adopted by the Senate on May 30, 2013, on page 1, line 11, after "Corporation;" and before "to provide for" insert "to provide for deposits or appropriations into the Budget Stabilization Fund;"

AMENDMENT NO. 4

In Senate Committee Amendment No. 3 proposed by the Senate Committee on Finance and adopted by the Senate on May 30, 2013, on page 1, line 27, after "from the" delete the remainder of the line and insert "Employment Security Administration Account into the"

AMENDMENT NO. 5

In Senate Committee Amendment No. 5 proposed by the Senate Committee on Finance and adopted by the Senate on May 30, 2013, on page 1, at the end of line 36, insert a comma "," and insert the following:

"and insert the following:

"(H) Notwithstanding any provision of the law to the contrary, the state treasurer is hereby authorized and directed to transfer the following amounts into the state general fund from the funds specified below. The treasurer shall make such transfers from each fund after fully funding the appropriation from the fund:

(1) Two Million Dollars from the Adult Probation and Parole Officer Retirement Fund.

(2) Four Million One Hundred Fifty-Eight Thousand Five Hundred Sixty Dollars from the Penalty and Interest Account.

(3) Twenty-Two Thousand Two Hundred Twenty-Seven Dollars from the Community and Family Support System Fund.

(4) Two Hundred Twelve Thousand Eight Hundred Thirty-Eight Dollars from the Department of Justice Debt Collection Fund.

(5) Four Hundred Seventy-One Thousand Five Hundred Sixty-Four Dollars from the Energy Performance Contract Fund.

(6) One Hundred Fifty-Two Thousand Nine Hundred Fifty-One Dollars from the Entertainment Promotion and Marketing Fund.

(7) Two Million Four Hundred Eighty-Seven Thousand One Hundred Forty-Six Dollars from the Environmental Trust Fund.

(8) Eight Hundred Forty-Seven Thousand Six Hundred Forty-One Dollars from the Health Care Facility Fund.

(9) Two Hundred Twenty-Five Thousand Six Hundred Thirty-Eight Dollars from the Louisiana Filmmakers Grant Fund.

(10) One Hundred Forty-Four Thousand Four Hundred Thirty-Five Dollars from the Louisiana Life Safety and Property Protection Trust Fund.

(11) One Hundred Six Thousand Nine Hundred Twenty Dollars from the Medical and Allied Health Professional Education Scholarship and Loan Fund.

(12) One Hundred Seventy-Five Thousand Five Hundred Dollars from the Right to Know Fund.

(13) One Million Nine Hundred Thousand Dollars from the Small Business Surety Bonding Fund.

(14) Forty-Eight Thousand Nine Hundred Seventy-Eight Dollars from the Tax Commission Expense Fund.

(15) Two Hundred Thirty-Three Thousand Three Hundred Thirty-Four Dollars from the Tobacco Tax Health Care Fund.

(16) Eighteen Thousand Four Hundred Five Dollars from the Variable Earnings Transaction Fund.

(17) Four Thousand Two Hundred Forty-Three Dollars from the Vital Records Conversion Fund.

(I) Notwithstanding any provision of law to the contrary, the state treasurer is authorized and directed to transfer Five Million Eight Hundred Thousand Dollars from the Riverboat Gaming Enforcement Fund into the state general fund.

(J) Notwithstanding any provision of law to the contrary, the state treasurer is hereby authorized and directed to transfer Five Million Dollars from the Overcollections Fund to the state general fund.

(K) Notwithstanding any provision of the law to the contrary, the state treasurer is hereby authorized and directed to transfer Seven Million Twenty-One Thousand Two Hundred Seventy-One Dollars from the Medical Assistance Program Fraud Detection Fund into the state general fund.

(L) Notwithstanding any provision of the law to the contrary, the state treasurer is hereby authorized and directed to transfer Two Hundred Sixty-Seven Dollars from the Higher Education Initiatives Fund into the state general fund. The state treasurer is further

authorized and directed to transfer all additional interest and proceeds to the state general fund.

(M) Notwithstanding any provision of the law to the contrary, the state treasurer is hereby authorized and directed to transfer Seventy-Six Dollars from the Louisiana State Board of Private Investigator Examiners Fund into the state general fund. The state treasurer is further authorized and directed to transfer all additional interest and proceeds exceeding to the state general fund.

(N) Notwithstanding any provision of the law to the contrary, the state treasurer is hereby authorized and directed to transfer Seven Hundred Ninety-One Thousand Seven Hundred Forty-Five Dollars from the Louisiana Fire Marshal Fund into the state general fund.

(O) Notwithstanding any provision of the law to the contrary, the state treasurer is hereby authorized and directed to transfer One Million Eight Hundred Seventy-Eight Thousand One Hundred Seventeen Dollars from the Two Percent Fire Insurance Fund into the state general fund."

AMENDMENT NO. 6

In Senate Committee Amendment No. 6 proposed by the Senate Committee on Finance and adopted by the Senate on May 30, 2013, on page 2, delete lines 1 through 8

AMENDMENT NO. 7

In Senate Committee Amendment No. 6 proposed by the Senate Committee on Finance and adopted by the Senate on May 30, 2013, on page 2, at the beginning of line 9, change "Section 5." to "Section 4."

AMENDMENT NO. 8

In Senate Committee Amendment No. 6 proposed by the Senate Committee on Finance and adopted by the Senate on May 30, 2013, on page 2, line 9, after "87.5(E)(2)," and before "and 352" insert "94(C)(4)(b),"

AMENDMENT NO. 9

In Senate Committee Amendment No. 6 proposed by the Senate Committee on Finance and adopted by the Senate on May 30, 2013, on page 2, between lines 39 and 40, insert the following:

"§94. Budget Stabilization Fund

\* \* \*

C. The money in the fund shall not be available for appropriation except under the following conditions:

\* \* \*

(4)

\* \* \*

(b) Notwithstanding any provision of this Section to the contrary, except pursuant to a specific appropriation by the legislature, no appropriation or deposit to the fund shall be made in the same fiscal year as an appropriation, use or withdrawal is made from the fund or until such time as the official forecast exceeds the actual collections of state general fund (direct) revenue for Fiscal Year 2008. The provisions of this Subparagraph shall be null, void, and of no effect on July 1, 2015.

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AMENDMENT NO. 10

In Senate Committee Amendment No. 6 proposed by the Senate Committee on Finance and adopted by the Senate on May 30, 2013, on page 2, line 45, change "the fiscal year" to "Fiscal Year 2012-2013"

AMENDMENT NO. 11

In Senate Committee Amendment No. 6 proposed by the Senate Committee on Finance and adopted by the Senate on May 30, 2013, on page 2, delete lines 53 through 59, and insert the following:

"B. Monies in the fund shall be subject to appropriation exclusively to the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana, hereinafter referred as the "systems," to defray the increased cost of payments by postsecondary education institutions and their governing boards toward the unfunded accrued liability. The "increased cost" shall be based on the increase in the UAL portion of the projected employer contribution rate for Fiscal Year 2012-2013 compared to the UAL portion of the projected employer contribution rate for Fiscal Year 2013-2014. The systems shall certify to the state treasurer the "increased cost" based on the projected Fiscal Year 2013-2014 payroll attributable to the employees participating in each respective system. If the appropriation is insufficient to defray the full amount of the increased cost, then an amount shall be applied to the unfunded accrued liability on behalf of each postsecondary education institution and their governing boards proportional to the projected Fiscal Year 2013-2014 payroll attributable to the employees participating in the Louisiana State Employees' Retirement System and the Teachers' Retirement System of Louisiana. Any excess amount shall be used for application to the balance of the Original Amortization Bases of such systems, in proportion to the balance of each system's base. Any such payments to the public retirement systems shall not be used to fund cost-of-living increases for such systems."

AMENDMENT NO. 12

In Senate Committee Amendment No. 6 proposed by the Senate Committee on Finance and adopted by the Senate on May 30, 2013, on page 3, at the beginning of line 14, change "Section 6." to "Section 5."

AMENDMENT NO. 13

In Senate Committee Amendment No. 6 proposed by the Senate Committee on Finance and adopted by the Senate on May 30, 2013, on page 3, at the beginning of line 30, change "Section 7." to "Section 6."

AMENDMENT NO. 14

In Senate Committee Amendment No. 6 proposed by the Senate Committee on Finance and adopted by the Senate on May 30, 2013, on page 4, at the beginning of line 11, change "Section 8.A." to "Section 7.A."

AMENDMENT NO. 15

In Senate Floor Amendment No.12 of the Senate Floor Amendments proposed by Senator Donahue and adopted by the Senate on June 3, 2013, on page 2, at the beginning of line 29, change "Section 9." to "Section 8."

AMENDMENT NO. 16

On page 5, line 15, change "2%" to "Two Percent"

AMENDMENT NO. 17

On page 5, delete lines 18 through 27, and insert the following:

"Section 10. This Act shall take effect and become operative only if House Bill No. 437 of this 2013 Regular Session of the Legislature is enacted into law.

Section 11. Subject to the provisions of Section 10 of this Act, Sections 1, 4, 5, and 7 through 12 of this Act shall become effective upon signature of the governor, or if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana.

Section 12. Subject to the provisions of Section 10 of this Act, Sections 2, 3, and 6 of this Act shall become effective on July 1, 2013."

Respectfully submitted,

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Representative James R. Fannin

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Senator Jack Donahue

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Representative Charles R. Chaney

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Senator Norby Chabert

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Representative Helena N. Moreno

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Senator John A. Alario, Jr.

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 DIGEST
 

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The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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## CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 452 by Representative Fannin

**Keyword and oneliner of the instrument as it left the House**

FUNDS/FUNDING: Provides for the transfer of deposits and monies among state funds

**Report adopts Senate amendments to:**

1. Delete the transfer out of the Video Draw Poker Device Purse Supplement Fund, Bossier Parish Truancy Fund, and Calcasieu Parish Fund into the Overcollections Fund.
2. Decrease the estimate of revenue from Fees and Self-generated revenues from the Dept of Revenue by \$16 million.
3. Add transfers out of the Community Water Enrichment Fund, the Louisiana Fire Marshal Fund, the 2% Fire Insurance Fund, and monies related to the assignment, transfer, sale, or lease of properties to the Dept. of Wildlife and Fisheries to the Overcollections Fund.
4. Transfer out of the Overcollections Fund to Prepaid Wireless 911 Service Fees and Self-Generated Revenues from prior year collections.
5. Add transfer of \$1,101,881 from the Underwater Obstruction Removal Fund to the Oil and Gas Regulatory Fund.
6. Add transfer of \$208,800,000 from certain funds into the state general fund.
7. Create the Payments Toward the UAL Fund. Repeals the Incentive Fund provides that certain monies previously deposited into the Incentive Fund be included in the deposits into the new fund.
8. Added provisions of law regarding the executive director of the Louisiana Housing Corporation.
9. Add provisions changing the allocation of funds in the Shreveport Riverfront and Convention Center and Independence Stadium Fund.
10. Add provisions relative to the uses of the Louisiana State Parks Improvement and Repair Fund.
11. Repeal the Budget Stabilization Replenishment Fund and created the FMAP Stabilization Fund.

**Report rejects Senate amendments which would have:**

1. Deleted transfer of \$200 million from certain funds into the state general fund.

**Report amends the bill to:**

1. Changes provisions related to the Payments Towards the UAL Fund.

2. Make provisions restricting deposits into the Budget Stabilization Fund under certain circumstances null, void, and of no effect on July 1, 2015.
2. Provides for changes, additions, and deletions of transfers out of the various funds into the Overcollections Fund and into the state general fund.
3. Provides that the Act shall become effective only if House Bill No. 437 is enacted into law.