

2016 Regular Session

HOUSE BILL NO. 696

BY REPRESENTATIVE LEGER

FUNDS/FUNDING: Establishes the Revenue Stabilization Trust Fund

1 AN ACT

2 To enact Subpart P-4 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana  
3 Revised Statutes of 1950, to be comprised of R.S. 39:100.111 and 100.112, relative  
4 to dedications of revenues; to create the Revenue Stabilization Trust Fund; to provide  
5 for deposits into the funds; to provide for investments of the fund; to provide for uses  
6 of the fund; to provide for an effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Subpart P-4 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the  
9 Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.111 and 100.112, is hereby  
10 enacted to read as follows:

11 SUBPART P-4. RESTRICT, RESTORE, REBUILD ACT

12 §100.111. This Subpart shall be know as the "Restrict, Restore, Rebuild Act".

13 §100.112. Revenue Stabilization Trust Fund

14 A. There is hereby established in the state treasury a special trust fund, the  
15 Revenue Stabilization Trust Fund, hereinafter referred to as the "fund".

16 B. After allocation of money to the Bond Redemption and Security Fund as  
17 provided in Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer  
18 shall deposit in and credit to the fund the revenues as provided for in Subsections C  
19 and D of this Section.

1           C.(1) The treasurer shall deposit into the fund the amount of mineral  
2           revenues received in each year in excess of six hundred fifty million dollars and less  
3           than nine hundred fifty million dollars. For the purpose of this Section, mineral  
4           revenues are revenues received in each fiscal year by the state as a result of the  
5           production or exploration for minerals and as further defined in Paragraph (2) of this  
6           Subsection. The deposit of mineral revenues into the fund shall exclude the  
7           following deposits of mineral revenues:

8                   (a) To the Bond Security and Redemption Fund as provided by Article VII,  
9                   Section 9(B) of the Constitution of Louisiana.

10                   (b) To the political subdivisions of the state as provided in Article VII,  
11                   Sections 4(D) and (E) of the Constitution of Louisiana.

12                   (c) To the Louisiana Wildlife and Fisheries Conservation Fund as provided  
13                   by the requirements of Article VII, Section 10-A of the Constitution of Louisiana and  
14                   R.S. 47:324, R.S. 56:799, and 799.3.

15                   (d) To the Louisiana Wildlife and Fisheries Conservation Fund and the Oil  
16                   and Gas Regulatory Fund as provided in R.S. 30:136.1(D).

17                   (e) To the Rockefeller Wildlife Refuge Trust and Protection Fund as  
18                   provided in R.S. 56:797.

19                   (f) To the Marsh Island Operating Fund and the Russell Sage or Marsh  
20                   Island Refuge Fund as provided in R.S. 56:798.

21                   (g) To the MC Davis Conservation Fund as provided in R.S. 56:799.

22                   (h) To the White Lake Property Fund as provided in R.S. 56:799.3.

23                   (i) To the Louisiana Education Quality Trust Fund and Louisiana Education  
24                   Quality Support Fund as provided in Article VII, Section 10.1 of the Constitution of  
25                   Louisiana.

26                   (j) To the Coastal Protection and Restoration Fund as provided in Article  
27                   VII, Section 10.2 of the Constitution of Louisiana and R.S. 49:214.5.4.

28                   (k) To the Mineral Revenue Audit and Settlement Fund as provided in  
29                   Article VII, Section 10.5 of the Constitution of Louisiana and R.S. 39.97.

1           (l) To the Budget Stabilization Fund as provided in Article VII, Section 10.3  
2           of the Constitution of Louisiana and R.S. 39:94.

3           (m) An amount equal to the state general fund deposited into the  
4           Transportation Trust Fund and the Louisiana State Transportation Infrastructure  
5           Fund as provided in R.S. 48:77.

6           (2) For purposes of this Section, "mineral revenues" shall include severance  
7           taxes, royalty payments, bonus payments, or rentals, with the following exceptions:

8           (a) Revenues designated as nonrecurring, pursuant to Article VII, Section  
9           10(B) of the Constitution of Louisiana.

10          (b) Revenues received by the state as a result of grants or donations when the  
11          terms or conditions thereof require otherwise.

12          (c) Revenues derived from any tax on the transportation of minerals.

13          D. The treasurer shall deposit into the fund the amount of revenues in excess  
14          of five hundred million dollars received each fiscal year from corporate franchise  
15          and income taxes as recognized by the Revenue Estimating Conference.

16          E.(1) Except as provided for in Subsection F of this Section, monies  
17          deposited into the Revenue Stabilization Trust Fund shall be permanently credited  
18          to the trust fund and shall be invested by the treasurer in the same manner as  
19          investments of the Millennium Trust, as provided in R.S. 39:98.2.

20          (2) The treasurer shall deposit all interest or other income from investment  
21          on the fund into the state general fund.

22          F.(1) Except as provided in Paragraphs (2) and (3) of this Subsection, no  
23          appropriations shall be made from the Revenue Stabilization Trust Fund.

24          (2)(a) In any fiscal year in which the balance of the fund at the beginning of  
25          the year is in excess of five billion dollars, hereinafter referred to as the minimum  
26          fund balance, the legislature may appropriate an amount not to exceed five percent  
27          of the fund balance, hereinafter referred to as the allowable percentage, for the same  
28          purposes as money designated in the official forecast as nonrecurring pursuant to  
29          Article VII, Section 10(D)(2) of the Constitution of Louisiana.

1           (b) The minimum fund balance or the allowable percentage may be changed  
2           by a law enacted by three-quarters of the elected members of each house of the  
3           legislature.

4           (3) In order to ensure the money in the fund is available for appropriation in  
5           an emergency, the legislature may authorize an appropriation from the fund at any  
6           time for any purpose pursuant to a concurrent resolution adopted by a favorable vote  
7           of three-quarters of the elected members of each house of the legislature. If the  
8           legislature is not in session, the three-quarters consent requirement shall be obtained  
9           as provided in R.S. 39:87.

10          Section 2. This Act shall take effect and become operative if and when the proposed  
11          amendment of Article VII of the Constitution of Louisiana contained in the Act which  
12          originated as House Bill No. \_\_\_\_ of this 2016 Regular Session of the Legislature is adopted  
13          at a statewide election and becomes effective.

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#### DIGEST

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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HB 696 Original

2016 Regular Session

Leger

**Abstract:** Creates the Revenue Stabilization Trust Fund as a special treasury trust fund and deposits into the fund mineral revenues and corporate income tax revenues.

Proposed law establishes the Mineral Revenue Stabilization Trust Fund as a special treasury trust fund.

Proposed law deposits into the fund mineral revenues between \$650 million and \$950 million received during the fiscal year. Further excludes the deposit into the fund of mineral revenues required under present constitution and present law, as follows:

- (1) The Bond Security and Redemption Fund.
- (2) Severance tax and royalty payments to the political subdivisions of the state.
- (3) The Louisiana Wildlife and Fisheries Conservation Fund.
- (4) The Oil and Gas Regulatory Fund.
- (5) The Rockefeller Wildlife Refuge Trust and Protection Fund.
- (6) The Marsh Island Operating Fund and the Russell Sage or Marsh Island Refuge Fund.

- (7) The MC Davis Conservation Fund.
- (8) The White Lake Property Fund.
- (9) The Louisiana Education Quality Trust Fund (the 8g Fund).
- (10) The Coastal Protection and Restoration Fund.
- (11) The Mineral Revenue Audit and Settlement Fund.
- (12) The Budget Stabilization Fund.
- (13) An amount equal to the state general fund deposited into the Transportation Trust Fund and the Louisiana State Transportation Infrastructure Fund.

Proposed law deposits into the fund corporate income and franchise tax revenues over \$500 million received during the fiscal year.

Proposed law authorizes investment of the money in the fund in the same manner as investments of the Millennium Trust as provided for in present law.

Proposed law deposits into the state general fund all interest and other income earned on investments of the fund.

Proposed law prohibits any appropriations from the fund, with an exception for the following:

- (1) In any fiscal year in which the balance of the fund at the beginning of the year is in excess of \$5 billion, hereinafter the minimum fund balance, the legislature may appropriate an amount not to exceed 5% of the fund balance, hereinafter the allowable percentage, for the same purposes as money designated in the official forecast as nonrecurring pursuant to present constitution. Those uses include:
  - (a) Retiring or defeasing of debt.
  - (b) Payments against the unfunded accrued liability of the public retirement systems.
  - (c) Capital outlay projects in the comprehensive state capital budget.
  - (d) Deposits into the Budget Stabilization Fund.
  - (e) Deposits into the Coastal Protection and Restoration Fund.
  - (f) New highway construction.
- (2) The legislature may authorize an appropriation from the fund at any time for any purpose subject to consent of 3/4 of the elected members of each house of the legislature.

Proposed constitutional amendment provides that the minimum fund balance or the allowable percentage may be changed by a law enacted by 3/4 of the elected members of each house of the legislature.

Effective if and when the proposed amendment of Article VII of the Constitution of La. contained in the Act which originated as House Bill No. \_\_\_\_\_ of this 2016 R.S. of the Legislature is adopted at a statewide election and becomes effective.

(Adds R.S. 39:100.111 and 100.112)