

ACT No. 362

2019 Regular Session

HOUSE BILL NO. 286

BY REPRESENTATIVE HENRY

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AN ACT

To amend and reenact R.S. 18:21(C)(3), R.S. 47:463.167(E), 463.167(E) as amended by Section 15 of Act No. 612 of the 2018 Regular Session of the Legislature, and 481, R.S. 48:196(A)(introductory paragraph), and 197, R.S. 49:257(G)(2), R.S. 56:644(B), (C)(introductory paragraph), (D), and (E), and R.S. 56:644(B) and (C)(introductory paragraph) as amended by Section 18 of Act No. 612 of the 2018 Regular Session of the Legislature, and to enact R.S. 48:25.2 and R.S. 56:644(G), relative to special treasury funds; to establish certain special treasury funds; to require the Department of Transportation and Development to provide for continued operation of certain ferries; to provide for the transfer, deposit, investment, and use, as specified, of certain treasury funds; to provide for the appropriation of registration and license fees and taxes collected in certain parishes; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1.(A) Notwithstanding any provision of law to the contrary, the state treasurer is hereby authorized and directed to transfer \$77,013,301, to be comprised wholly of nonrecurring revenues out of the state general fund from the Fiscal Year 2017-2018 surplus, as recognized by the Revenue Estimating Conference, to the Budget Stabilization Fund.

(B) Notwithstanding any provision of law to the contrary, the state treasurer is hereby authorized and directed to transfer \$55,000,000, to be comprised wholly of nonrecurring revenues out of the state general fund from the Fiscal Year 2017-2018 surplus,

1 as recognized by the Revenue Estimating Conference, to the Coastal Protection and
2 Restoration Fund.

3 Section 2.(A) Notwithstanding any provision of law to the contrary, the state
4 treasurer is hereby authorized and directed to transfer \$450,000 into the Fiscal Administrator
5 Revolving Loan Fund from state general fund (direct).

6 (B) Notwithstanding any provision of law to the contrary, the state treasurer is
7 hereby authorized and directed to transfer \$2,000,000 into the Utility and Carrier Inspection
8 and Supervision Fund from state general fund (direct).

9 (C) Notwithstanding any provision of law to the contrary, the state treasurer is
10 hereby authorized and directed to transfer \$1,500,000 into the Motor Fuels Underground
11 Storage Tank Trust Fund from state general fund (direct).

12 (D) Notwithstanding any provision of law to the contrary, the state treasurer is
13 hereby authorized and directed to transfer \$2,000,000 into the Higher Education Initiatives
14 Fund from state general fund (direct).

15 (E) Notwithstanding any provision of law to the contrary, the state treasurer is
16 hereby authorized and directed to transfer \$3,161,921 into the Voting Technology Fund from
17 state general fund (direct).

18 (F) Notwithstanding any provision of law to the contrary, the state treasurer is
19 hereby authorized and directed to transfer \$1,094,092 into the Higher Education Initiatives
20 Fund from state general fund (direct) for the projects authorized by R.S. 17:3394.3(C)(1)(n)
21 and R.S. 17:3394.3(C)(2)(a).

22 Section 3. R.S. 18:21(C)(3) is hereby amended and reenacted to read as follows:

23 §21. Maps; use of voting machines, technology, and other resources; fees; Voting

24 Technology Fund

25 * * *

26 C.(1)

27 * * *

1 (3) All monies in the fund shall be used solely and exclusively for general
 2 operating purposes and for the acquisition and maintenance of voting machine
 3 technology, including hardware and software; voting equipment and supplies; voter
 4 outreach; voter improvement; early voting; and information technology products to
 5 produce, run, and support the election and voting system.

6 Section 4. R.S. 47:481 is hereby amended and reenacted to read as follows:

7 §481. Disposition of collections

8 Except as provided in R.S. 47:480, all fees and taxes provided for in this
 9 Chapter, including the permit fees, shall be paid to the state treasurer on or before the
 10 tenth day of each month following their collection and shall be credited to the
 11 account of the Transportation Trust Fund, the State Highway Improvement Fund,
 12 state highway fund No. 2, ~~and~~ the New Orleans Ferry Fund, and the Regional
 13 Maintenance and Improvement Fund, as provided by law.

14 Section 5. R.S. 48:196(A)(introductory paragraph) and 197 are hereby amended and
 15 reenacted and R.S. 48:25.2 is hereby enacted to read as follows:

16 §25.2. New Orleans Ferry Fund; ferry operations

17 A. There is hereby created, as a special fund in the state treasury, the New
 18 Orleans Ferry Fund, hereinafter referred to as the "fund". Notwithstanding any
 19 provision of law to the contrary, beginning July 1, 2019, and each fiscal year
 20 thereafter, after compliance with the requirements of Article VII, Section 9(B) of the
 21 Constitution of Louisiana, and after making the allocation for state highway fund No.
 22 2 for the Greater New Orleans Expressway Commission, the treasurer shall deposit
 23 into the fund, an amount equal to the total of all of the funds derived from the
 24 collection of registration and license fees and taxes collected by the state pursuant
 25 to R.S. 47:462, and as provided in R.S. 47:481, in the parish of Orleans.

26 B. The monies in the fund shall be subject to an annual appropriation by the
 27 legislature and shall be used only as provided in Subsection C of this Section. The
 28 monies in the fund shall be invested by the treasurer in the same manner as the
 29 monies in the state general fund, and all interest earned shall be deposited and

1 credited to the fund. All unexpended or unencumbered monies remaining in the fund
2 at the end of the fiscal year shall remain to the credit of the fund.

3 C. Monies appropriated from the fund shall be used exclusively by the
4 Department of Transportation and Development to fund operations of the Chalmette
5 ferry and to provide ferry service formerly operated by its Crescent City Connection
6 Division. These monies shall be in addition to monies the department shall
7 contribute from its operating budget as provided by law.

8 * * *

9 §196. State Highway Improvement Fund

10 A. There is hereby created, as a special fund in the state treasury, the State
11 Highway Improvement Fund, hereinafter referred to as the "fund." The source of
12 monies in this fund shall be registration and license fees and taxes collected by the
13 state pursuant to R.S. 47:462, and as provided in R.S. 47:481, in such amounts as
14 remain after payment of amounts due on bonds and related expenses as provided in
15 the documents pursuant to which the bonds were issued under the provisions of R.S.
16 48:196.1. Beginning July 1, 2007, and each fiscal year thereafter, after satisfaction
17 of the requirements of the provisions of R.S. 48:196.1 and compliance with the
18 requirements of Article VII, Section 9(B) of the Constitution of Louisiana, and after
19 making the allocation for state highway fund No. 2, ~~and the New Orleans Ferry~~
20 ~~Fund, and the Regional Maintenance and Improvement Fund,~~ the treasurer shall
21 deposit into the fund the following amounts:

22 * * *

23 §197. Motor vehicle license tax; ~~Transportation Trust Fund~~ Regional Maintenance
24 and Improvement Fund

25 A.(1) Beginning January 1, 2013, and each fiscal year thereafter, through
26 June 30, 2019, after compliance with the requirements of Article VII, Section 9(B)
27 of the Constitution of Louisiana, and after making the allocation for state highway
28 fund No. 2, the treasurer shall deposit into the Transportation Trust Fund fifty

1 percent of all funds derived from the collection of registration and license fees and
2 taxes collected by the state pursuant to R.S. 47:462, and as provided in R.S. 47:481,
3 in the parishes of Orleans, Jefferson, St. John the Baptist, St. Charles, Tangipahoa,
4 and St. Tammany.

5 (2) Beginning July 1, 2019, and each fiscal year thereafter, after compliance
6 with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana,
7 after making the allocation for state highway fund No. 2 for the Greater New Orleans
8 Expressway Commission, and after making the allocation for the New Orleans Ferry
9 Fund pursuant to R.S. 48:25.2, and after making the allocation to the Regional
10 Maintenance and Improvement Fund, the treasurer shall deposit into the
11 Transportation Trust Fund fifty percent of the remaining monies derived from the
12 collection of registration and license fees and taxes collected by the state pursuant
13 to R.S. 47:462, and as provided in R.S. 47:481, in the parishes of Jefferson, St.
14 Charles, St. John the Baptist, Tangipahoa, and St. Tammany.

15 B.(1) There is hereby created, as a special fund in the state treasury, the
16 Regional Maintenance and Improvement Fund, hereinafter referred to as the "fund".
17 Beginning July 1, 2019, and each fiscal year thereafter, after compliance with the
18 requirements of Article VII, Section 9(B) of the Constitution of Louisiana, after
19 making the allocation for state highway fund No. 2 for the Greater New Orleans
20 Expressway Commission, and after making the allocation for the New Orleans Ferry
21 Fund pursuant to R.S. 48:25.2, the treasurer shall deposit into the fund fifty percent
22 of the remaining monies derived from the collection of registration and license fees
23 and taxes collected by the state pursuant to R.S. 47:462, and as provided in R.S.
24 47:481, in Jefferson Parish.

25 (2) The monies in the fund shall be subject to an annual appropriation by the
26 legislature and shall be used only as provided in Paragraph (3) of this Subsection.
27 The monies in the fund shall be invested by the treasurer in the same manner as the
28 monies in the state general fund, and all interest earned shall be deposited and
29 credited to the fund. All unexpended or unencumbered monies remaining in the fund
30 at the end of the fiscal year shall remain to the credit of the fund.

1 (3) Monies appropriated from the fund shall be used exclusively for
2 maintenance and improvements of state highways in Jefferson Parish. Monies
3 collected in the parish of Jefferson shall be appropriated to the Regional Planning
4 Commission and used for purposes pursuant to R.S. 48:1161.2(D).

5 Section 6. R.S. 47:463.167(E) is hereby amended and reenacted to read as follows:
6 §463.167. Special prestige license plates; "Hunters for the Hungry Louisiana"

7 * * *

8 E. The annual royalty fee collected by the department shall be forwarded to
9 the Department of Wildlife and Fisheries with ninety percent to be deposited into a
10 special escrow account known as the "Hunters for the Hungry Escrow Account". No
11 more than ten percent of the monies in the account forwarded to the Department of
12 Wildlife and Fisheries from the annual royalty fee shall be deposited into the state
13 treasury and shall be credited to the Bond Security and Redemption Fund. After a
14 sufficient amount is allocated from that fund to pay all obligations secured by the full
15 faith and credit of the state which become due and payable within any fiscal year, the
16 treasurer shall, prior to placing such remaining funds in the state general fund, pay
17 ten percent of the annual royalty fees into the Conservation Fund which shall be used
18 for administrative costs of the Department of Wildlife and Fisheries. The balance
19 in the escrow fund shall be used solely by Hunters for the Hungry Louisiana to pay
20 for the processing and distribution of meats, when such meats shall be used by a
21 nonprofit entity or charitable organization in food or meal distribution at no cost to
22 an individual pursuant to R.S. 56:644.

23 * * *

24 Section 7. R.S. 47:463.167(E) as amended by Section 15 of Act No. 612 of the 2018
25 Regular Session of the Legislature is hereby amended and reenacted to read as follows:

26 §463.167. Special prestige license plates; "Hunters for the Hungry Louisiana"

27 * * *

28 E. The annual royalty fee collected by the department shall be forwarded to
29 the Department of Wildlife and Fisheries ~~Conservation Fund~~ with ninety percent to
30 be deposited into a special escrow account known as the "Hunters for the Hungry

1 Escrow Account". No more than ten percent of the monies ~~in the account~~ forwarded
 2 to the Department of Wildlife and Fisheries from the annual royalty fee shall be
 3 deposited into the state treasury and shall be credited to the Bond Security and
 4 Redemption Fund. After a sufficient amount is allocated from that fund to pay all
 5 obligations secured by the full faith and credit of the state which become due and
 6 payable within any fiscal year, the treasurer shall, prior to placing such remaining
 7 funds in the state general fund, pay ten percent of the annual royalty fees into the
 8 Conservation Fund which shall be used for administrative costs. The balance in the
 9 escrow fund shall be used solely by Hunters for the Hungry Louisiana to pay for the
 10 processing and distribution of meats, when such meats shall be used by a nonprofit
 11 entity or charitable organization in food or meal distribution at no cost to an
 12 individual pursuant to R.S. 56:644.

13 * * *

14 Section 8. R.S. 49:257(G)(2) is hereby amended and reenacted to read as follows:

15 §257. Legal representation of certain state agencies

16 * * *

17 G.(1)

18 * * *

19 (2) There is hereby established in the state treasury a special fund to be
 20 known as the Department of Justice Debt Collection Fund, hereinafter referred to as
 21 the "fund". The fund shall be comprised of monies received by the attorney general
 22 as compensation for any debt collection activities undertaken pursuant to the
 23 provisions of this Subsection or any other provision of law. Monies in the fund shall
 24 be subject to annual appropriation to the Department of Justice solely for support of
 25 debt collection activities, and general operating expenses. Monies so appropriated
 26 shall be used to supplement the department's budget and shall not be used to
 27 displace, replace, or supplant appropriations from the state general fund for

1 operations of the department below the level of state general fund appropriation for
2 the foregoing year. All unencumbered and unexpended monies in the fund at the end
3 of the fiscal year shall remain in the fund. Monies in the fund shall be invested by
4 the treasurer in the same manner as those in the state general fund, and any interest
5 earned on such investment shall be deposited in and credited to the fund.

6 * * *

7 Section 9. R.S. 56:644(B), (C)(introductory paragraph), (D), and (E) are hereby
8 amended and reenacted, and R.S. 56:446(G) is hereby enacted to read as follows:

9 §644. Fishing and hunting license checkoff; donation for Hunters for the Hungry

10 * * *

11 B. There is hereby created within the ~~Conservation Fund~~ Department of
12 Wildlife and Fisheries a special escrow account known as the "Hunters for the
13 Hungry Escrow Account". The escrow account is created to receive deposits of
14 donations for the benefit of Hunters for the Hungry made when an individual
15 purchases a fishing and hunting license, and no public funds shall be deposited into
16 the escrow account. No more than seventy-five percent of the donations received by
17 the department under the provisions of this Section shall be deposited into the escrow
18 account. Subject to the exception contained in Article VII, Section 9(A) of the
19 Constitution of Louisiana, twenty-five percent of all funds collected from the
20 donations made under the provisions of this Section shall be paid into the state
21 treasury and shall be credited to the Bond Security and Redemption Fund. Out of the
22 funds remaining in the Bond Security and Redemption Fund after a sufficient amount
23 is allocated from that fund to pay all obligations secured by the full faith and credit
24 of the state which become due and payable within any fiscal year, the treasurer shall,
25 prior to placing such remaining funds in the state general fund, pay into the ~~Hunters~~
26 ~~for the Hungry Account~~ Conservation Fund an amount equal to twenty-five percent
27 of the amount of funds collected under the provisions of this Section. The escrow
28 account shall be administered by the ~~treasurer who~~ department which shall every

1 three months remit the balance of the monies in the escrow account to Hunters for
 2 the Hungry. The monies in the escrow account shall be used solely as provided by
 3 Subsection C of this Section. All unexpended and unencumbered monies in this
 4 escrow account at the end of the fiscal year shall remain in the fund escrow account.
 5 The monies in the ~~fund~~ Conservation Fund shall be invested by the state treasurer in
 6 the same manner as monies in the state general fund.

7 C. No more than twenty-five percent of the monies in the escrow account
 8 shall be transferred to the Conservation Fund to be used for administrative costs. The
 9 balance shall be used solely by Hunters for the Hungry to pay for the following:

10 * * *

11 D. All monies used pursuant to the Hunters for the Hungry Escrow Account
 12 shall be subject to audit by the legislative auditor.

13 E. At the end of each calendar year, Hunters for the Hungry shall submit to
 14 the House Natural Resources and Environment Committee and the Senate
 15 Committee on Natural Resources a report that at a minimum contains a detailed
 16 explanation of the revenues and expenditures of the escrow account, as well as a
 17 description of the organization's activities related to the account. The committee
 18 may summon any person employed by or associated with Hunters for the Hungry to
 19 provide testimony with respect to the report.

20 * * *

21 G. The state treasurer is hereby authorized and directed to immediately upon
 22 creation of the Hunters for the Hungry Escrow Account, transfer the balance in the
 23 Hunters for the Hungry Account in the Conservation Fund to the department to be
 24 deposited into the Hunters for the Hungry Escrow Account created in this Section.

25 Section 10. R.S. 56:644(B) and (C)(introductory paragraph) as amended by Section
 26 18 of Act No. 612 of the 2018 Regular Session of the Legislature are hereby amended and
 27 reenacted to read as follows:

§644. Fishing and hunting license checkoff; donation for Hunters for the Hungry

* * *

B. There is hereby created within the ~~Conservation Fund~~ Department of Wildlife and Fisheries a special escrow account known as the "Hunters for the Hungry Escrow Account". The escrow account is created to receive deposits of donations for the benefit of Hunters for the Hungry made when an individual purchases a fishing and hunting license, and no public funds shall be deposited into the escrow account. No more than seventy-five percent of the donations received by the department under the provisions of this Section shall be deposited into the escrow account. Subject to the exception contained in Article VII, Section 9(A) of the Constitution of Louisiana, twenty-five percent of all funds collected from the donations made under the provisions of this Section shall be paid into the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall, prior to placing such remaining funds in the state general fund, pay into the ~~Hunters for the Hungry Account~~ Conservation Fund an amount equal to twenty-five percent of the amount of funds collected under the provisions of this Section. The escrow account shall be administered by the ~~treasurer who~~ department which shall every three months remit the balance of the monies in the escrow account to Hunters for the Hungry. The monies in the escrow account shall be used solely as provided by Subsection C of this Section. All unexpended and unencumbered monies in this escrow account at the end of the fiscal year shall remain in the escrow account. The monies in the ~~escrow account~~ Conservation Fund shall be invested by the state treasurer in the same manner as monies in the state general fund.

C. No more than twenty-five percent of the monies in the escrow account shall be transferred to the Conservation Fund to be used for administrative costs.

The balance shall be used solely by Hunters for the Hungry to pay for the following:

* * *

1 Section 11. After satisfying the requirements of the Bond Security and Redemption
2 Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the state
3 treasurer is hereby authorized and directed to transfer \$3,400,000 State General Fund from
4 land-based casino receipts, contingent upon the enactment of HB 544 of the 2019 Regular
5 Session of the Legislature, to the Overcollections Fund as recognized by the Revenue
6 Estimating Conference.

7 Section 12.(A) There is hereby created, as a special fund in the state treasury, the
8 Oil and Gas Royalties Dispute Payments Fund, hereinafter referred to as the "fund". The
9 monies in the fund shall be subject to an annual appropriation by the legislature and shall be
10 used only as provided in Subsection B of this Section. The monies in the fund shall be
11 invested by the treasurer in the same manner as the monies in the state general fund, and all
12 interest earned remaining in the fund at the end of the fiscal year shall remain to the credit
13 of the fund.

14 (B) Monies appropriated from the fund shall be used exclusively to satisfy the
15 obligation of the state pursuant to R.S. 41:642(A)(2) for oil and gas royalties payments.

16 (C) Notwithstanding any provision of law to the contrary, the state treasurer is
17 hereby authorized and directed to transfer \$445,000 into the Oil and Gas Royalties Dispute
18 Payments Fund from state general fund (direct) in state Fiscal Year 2018-2019.

19 (D) Notwithstanding any provision of law to the contrary, the state treasurer is
20 hereby authorized and directed to transfer \$450,000 into the Oil and Gas Royalties Dispute
21 Payments Fund from state general fund (direct) in state Fiscal Year 2019-2020.

22 (E) Beginning July 1, 2019, fifty percent of the monies in the fund shall be reserved
23 for the Lafourche Parish School Board with the remaining funds to be reserved for other
24 eligible school boards.

25 Section 13. Sections 11 and 12(D) of this Act shall become effective on July 1, 2019.
26 Sections 1 through 10, 12(A), (B), (C), and (E) and 13 of this Act shall become effective
27 upon signature by the governor or, if not signed by the governor, upon expiration of the time
28 for bills to become law without signature by the governor, as provided by Article III, Section
29 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
30 by the legislature, Section 11 and Section 12(D) of this Act shall become effective on July

1 1, 2019. If vetoed by the governor and subsequently approved by the legislature, Sections
2 1 through 10, 12(A), (B), (C), and (E), and 13 of this Act shall become effective on the day
3 following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____