

2016 Regular Session

SENATE BILL NO. 460

BY SENATOR LAFLEUR

FUNDS/FUNDING. Provides for the disposition and reporting on fees and self-generated revenues by state agencies and the state treasurer. (gov sig)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

AN ACT

To amend and reenact R.S. 39:372(A)(1) and (D) and R.S. 49:320.1 and to enact R.S. 39:82(K) and 372(E), relative to state funds; to provide for the remission of cash balances to the state general fund; to provide relative to certain state depositories and associated banking and checking accounts; to provide for reporting requirements relative to such banking and checking accounts; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:372(A)(1) and (D) are hereby amended and reenacted and R.S. 39:82(K) and 372(E) are hereby enacted to read as follows:

§82. Remission of cash balances to the state treasurer; authorized withdrawals of state monies after the close of the fiscal year

\* \* \*

**K. (1) Notwithstanding any provision of law to the contrary except for Subsection C of this Section, all unexpended fees and self-generated revenues and all unexpended cash balances of any banking or checking account for which no bona fide liability exists on the last day of each fiscal year shall be remitted**

1 to the state treasurer by the fifteenth day following the last day of the fiscal  
2 year.

3 (2) In the event any state department, agency or budget unit shall fail to  
4 remit to the state treasury the unexpended fees and self-generated revenues and  
5 the unexpended cash balance from any banking or checking account for which  
6 no bona fide obligation exists on the last day of the fiscal year, the governor  
7 shall draw a warrant on said department, agency, or budget unit in favor of the  
8 state treasurer for the amount due in accordance with the provisions of R.S.  
9 49:318.

10 (3) This Subsection shall not apply to any state department, agency or  
11 budget unit which is not required to deposit its funds in the state treasury  
12 pursuant to Article VII, Section 9(A) of the Constitution of Louisiana or R.S.  
13 49:308.

14 \* \* \*

15 §372. Powers; policies; reports

16 A.(1) The review board is hereby empowered to require all state agencies to  
17 submit a report of all banking and checking accounts and the balances in each. All  
18 banking and checking accounts opened or to be opened by state agencies must have  
19 the approval of the review board in writing for authorization for the account and the  
20 method of compensation. Quarterly, all state agencies shall report all banking  
21 and checking accounts and the balances in each account to the review board to  
22 be compiled into one report and forwarded to the Joint Legislative Committee  
23 on the Budget as further provided in Subsection D of this Section.

24 \* \* \*

25 D. The review board shall make a written report to the legislature as the  
26 review board deems necessary prior to the beginning of each regular session of such  
27 recommendations for changes in cash management law and practices as deemed  
28 appropriate. In addition to the other reporting requirements of this Subsection,  
29 the review board shall quarterly make a written report to the Joint Legislative

1 Committee on the Budget relative to the banking and checking accounts of all  
2 state agencies, as follows:

3 (1) The state depositing authority as defined in R.S. 49:319.

4 (2) The banking or checking account name, account type, and, if there  
5 is more than one account with the same name, the account number.

6 (3) The approval date for the banking or checking account and the name  
7 of the fiscal agent bank.

8 (4) The banking or checking account investments, interest earnings, and  
9 fee payments.

10 (5) The account balance as of the beginning and the end of the quarter.

11 (6) The source of the funds in the account.

12 (7) If any funds in the banking or checking account have not been  
13 recognized by the Revenue Estimating Conference or have not been  
14 appropriated by the legislature, whether such funds are considered by the  
15 agency to be self-generated revenues, fees, statutory dedications, or interagency  
16 transfers, and the dollar amount of each.

17 (E) The Joint Legislative Committee on the Budget shall hold a hearing  
18 on the number and types of banking or checking accounts, the need for the  
19 agency to have one or more banking or checking account, the source of funds  
20 and the balances in the banking or checking account, and whatever other  
21 information as deemed necessary by the chairman.

22 \* \* \*

23 Section 2. R.S. 49:320.1 is hereby amended and reenacted to read as follows:

24 §320.1. Notification upon opening banking accounts

25 Any state depositing authority which deposits state funds in a bank  
26 designated as a fiscal agent bank by the Interim Emergency Board shall provide  
27 written notice to the state treasurer **and the cash management review board** upon  
28 opening any type of account at the fiscal agent bank. The state treasurer shall  
29 annually provide a listing to the Joint Legislative Committee on the Budget of all

1 accounts reported under these provisions. The information the state treasurer  
 2 reports herein shall be in addition to the report required under the provisions  
 3 of R.S. 39:372(D).

4 Section 3. This Act shall become effective upon signature by the governor or, if not  
 5 signed by the governor, upon expiration of the time for bills to become law without signature  
 6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 7 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 8 effective on the day following such approval.

---

The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Martha S. Hess.

---

## DIGEST

SB 460 Original

2016 Regular Session

LaFleur

Present law provides that cash balances occurring from appropriations made by legislative act or by the Interim Emergency Board for which no bona fide liability exists on the last day of the fiscal year shall be remitted to the state treasurer by the fifteenth day following the last day of the fiscal year.

Proposed law retains present law and further provides that all unexpended fees and self-generated revenues and all unexpended cash balances of any banking or checking account for which no bona fide liability exists on the last day of each fiscal year shall be remitted to the state treasurer by the fifteenth day following the last day of the fiscal year.

Proposed law further provides that if any state department, agency or budget unit fails to remit to the state treasury the unexpended fees and self-generated revenues and the unexpended cash balance from any banking or checking account for which no bona fide obligation exists on the last day of the fiscal year, the governor shall draw a warrant on said department, agency, or budget unit in favor of the state treasurer for the amount due in accordance with the provisions of R.S. 49:318.

Proposed law further provides that it shall not apply to any state department, agency or budget unit which is not required to deposit its funds in the state treasury pursuant to the constitution and state law.

Present law provides for the cash management review board which is authorized to approve the opening of banking and checking accounts by state agencies. The review board is also empowered to require all state agencies to submit a report of all banking and checking accounts and the balances in each.

Proposed law retains present law and further provides that all state agencies shall report all banking and checking accounts and the balances in each account quarterly to the review board. The review board shall then compile such information into one report and forward the report to the Joint Legislative Committee on the Budget.

Proposed law provides that the review board's quarterly written report to the Joint Legislative Committee on the Budget relative to the banking and checking accounts of all state agencies, as follows:

- (1) The state depositing authority as defined in R.S. 49:319.
- (2) The banking or checking account name, account type, and, if there is more than one account with the same name, the account number.
- (3) The approval date for the banking or checking account and the name of the fiscal agent bank.
- (4) The banking or checking account investments, interest earnings, and fee payments.
- (5) The account balance as of the beginning and the end of the quarter.
- (6) The source of the funds in the account.
- (7) If any funds in the banking or checking account have not been recognized by the Revenue Estimating Conference or have not been appropriated by the legislature, whether such funds are considered by the agency to be self-generated revenues, fees, statutory dedications, or interagency transfers, and the dollar amount of each.

Proposed law further provides that the Joint Legislative Committee on the Budget shall hold a hearing on the number and types of banking or checking accounts, the need for the agency to have one or more banking or checking account, the source of funds and the balances in the banking or checking account, and whatever other information as deemed necessary by the chairman.

Present law provides that any state depositing authority which deposits state funds in a bank designated as a fiscal agent bank by the Interim Emergency Board shall provide written notice to the state treasurer upon opening any type of account at the fiscal agent bank. The state treasurer is to annually provide a list of all accounts to the Joint Legislative Committee on the Budget.

Proposed law retains present law and further provides that the state depositing authority shall provide written notice to the cash management review board in addition to the state treasurer upon opening any type of account.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 39:372(A)(1) and (D) and R.S. 49:320.1; adds R.S. 39:82(K) and 372(E))