
SENATE COMMITTEE AMENDMENTS

2016 Regular Session

Amendments proposed by Senate Committee on Finance to Reengrossed House Bill No. 409
by Representative HenryAMENDMENT NO. 1

On page 1, line 2, after "reenact" and before "Code", insert "R.S. 39:91(A), R.S. 47:302.2(C)(1)(b), and R.S. 49:258(3) and 259, and"

AMENDMENT NO. 2

On page 1, line 2, change "895.1(F)(3)(e) and" to "895.1(F)(3)(e),"

AMENDMENT NO. 3

On page 1, line 3, change "17:1519.6(E)," to "17:1519.6(E), and to repeal R.S. 49:259(C)(3),"

AMENDMENT NO. 4

On page 1, delete lines 5 and 6, and insert the following:

"and transfer of hospital payments; to provide relative to the Deepwater Horizon Economic Damages Collection Fund; to provide relative to the Fiscal Year 2015-2016 Deficit Elimination Fund; to provide for the allocations of certain monies in the Shreveport Riverfront and Convention Center and Independence Stadium Fund; to provide for the definition of "state agency" for the purpose of the procurement of legal counsel; to authorize and direct the state treasurer to transfer certain monies received by the state as a result of the Deepwater Horizon incident; to provide for the transfer of excess funds in the High Risk Pool Fund; to provide relative to the Department of Justice Legal Support Fund; to provide for distributions out of the Sex Offender Registry Technology Fund; to repeal R.S. 49:259(C)(3); and to provide for related matters."

AMENDMENT NO. 5

On page 1, at the beginning of line 11, change "E." to "E.(1)"

AMENDMENT NO. 6

On page 1, between lines 17 and 18, insert the following:

"(2) The health care services division shall transfer to the Department of Health and Hospitals, or its successor, all revenues received from the public private partnership hospitals for the provision of accountable care services.

Section 2. R.S. 39:91(A) is hereby amended and reenacted to read as follows:

§91. Deepwater Horizon Economic Damages Collection Fund

A.(1) There shall be established in the state treasury as a special permanent trust fund named the Deepwater Horizon Economic Damages Collection Fund. ~~After Notwithstanding any provision of law to the contrary, including but not limited to R.S. 49:258 and R.S. 49:259, after allocation of money to the Bond Security and Redemption Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana; and prior to any other allocation,~~ the treasurer shall deposit in and credit to the Fiscal Year 2015-2016 Deficit Elimination Fund as created in Subsection D of this Section, the first two hundred million dollars of the proceeds of the

1 settlement, judgment, or final disposition of the state's economic damages claims
2 asserted in State of Louisiana v. BP Exploration & Production, et al., MDL NO. 2179
3 (E.D.LA. pending) (hereinafter "DWH litigation") to recover economic damages
4 sustained by the state from the Deepwater Horizon explosion and oil spill that
5 occurred on or about April 20, 2010, at the MC 252 site in the Gulf of Mexico.

6 (2) All settlement proceeds received on behalf of the state shall be reported
7 to the Joint Legislative Committee on the Budget.

8 * * *

9 Section 3. R.S. 47:302.2(C)(1)(b) is hereby amended and reenacted to read
10 as follows:

11 §302.2. Disposition of certain collections in the city of Shreveport

12 * * *

13 C. Subject to an annual appropriation by the legislature, monies in the fund
14 shall be used as follows:

15 (1) For allocation from all monies in the fund in the following amounts:

16 * * *

17 (b) One and one-half percent for ~~African-American Multi-Cultural Tourism~~
18 Commission to be divided equally with fifty percent to Pamoja Art Society and fifty
19 percent to Rho Omega and Friends, Inc., and one and one-half percent for the
20 Shreveport Bossier African American Chamber of Commerce.

21 * * *

22 Section 4. R.S. 49:258(3) and 259 are hereby amended and reenacted to read
23 as follows:

24 §258. Procurement of private contractual legal services for state agencies

25 Notwithstanding the provisions of any other law to the contrary and
26 specifically the provisions of any law that authorizes the state or a state agency to
27 appoint, employ, or contract for private legal counsel to represent the state or a state
28 agency, including but not limited to the provisions of R.S. 42:261, 262, and 263, and
29 R.S. 40:1299.39(E), any appointment of private legal counsel to represent the state
30 or a state agency shall be made by the attorney general with the concurrence of the
31 commissioner of administration in accordance with the following procedure:

32 * * *

33 (3) For the purposes of this Section, "state agency" means any department,
34 board, commission, agency, office, special district, authority, or other entity of the
35 state, but does not include the secretary of state, the Public Service Commission or
36 the State Bond Commission or any political subdivision of the state, as defined by
37 Article VI of the Constitution of Louisiana, or any entity of such political
38 subdivision.
39

40 §259. Department of Justice Legal Support Fund

41 A. There is hereby established in the state treasury a special fund to be known
42 as the Department of Justice Legal Support Fund, hereinafter referred to as the
43 "fund". The fund shall be comprised of proceeds recovered by the attorney general
44 on behalf of the state from court judgments, settlements, fines, fees, forfeitures and
45 penalties, from the recovery or award of any attorney fees as provided in R.S.
46 42:262, or from proceeds recovered by the attorney general from any other source
47 ~~from~~ from which revenues are ~~designated~~ recommended by the attorney general for
48 deposit into the fund, except those judgments and recoveries made on or pertaining
49 to any office of risk management litigation, or litigation involving the Department
50 of Natural Resources, ~~and~~ the Department of Environmental Quality, or the
51 Deepwater Horizon incident as provided in Subsection D of this Section.

52 B.(1) After satisfying the requirements of the Bond Security and Redemption
53 Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the
54 treasurer shall ~~pay~~ transfer into the fund each fiscal year ~~an amount equal to~~ from the
55 proceeds received as provided in Subsection A of this Section ~~in~~ an amount which
56 ~~is sufficient to bring the balance in the fund to~~ shall not exceed ten million dollars
57 annually. The balance of the fund shall not exceed ten million dollars. Any proceeds

1 remaining received as provided in Subsection A of this Section after making the
2 annual deposit into the fund of ten million dollars shall be deposited into the state
3 general fund.

4 (2) The attorney general shall notify the state treasurer, the Joint Legislative
5 Committee on the Budget, and the commissioner of administration immediately upon
6 receipt of any proceeds received as provided in Subsection A of this Section.

7 C.(1) The monies in the fund shall be annually appropriated to the
8 Department of Justice solely for the purposes of defraying the costs of expert
9 witnesses, consultants, contract legal counsel, technology, specialized employee
10 training and education, and public education initiatives. Monies in the fund may also
11 be used to defray the expense of employees hired, including attorneys and support
12 staff, and to pay related expenses to represent the state. ~~Monies appropriated from~~
13 ~~the fund shall be used to supplement the Department of Justice budget and shall in~~
14 ~~no way be used to displace, replace, or supplant appropriations from the state general~~
15 ~~fund for operations of the Department of Justice below the level of state general fund~~
16 ~~appropriations for that department in the current fiscal year.~~

17 (2) No employee salary or wages or other expenses, to be paid from the
18 recovery or award of any attorney fees as provided in R.S. 42:262, including the
19 recovery or award of any attorney fees from any claims resulting from the Deepwater
20 Horizon incident, shall be paid by the Department of Justice, until funding is
21 approved by the Joint Legislative Committee on the Budget.

22 (3) ~~Each fiscal year, monies shall be deposited into the fund in an amount~~
23 ~~sufficient to bring the unencumbered balance in the fund to ten million dollars.~~

24 D. Notwithstanding the provisions of Subsection A of this Section, no
25 proceeds shall be deposited into the fund from court-awarded judgments and
26 settlements involving the Department of Natural Resources as specified in R.S.
27 30:136.3(B)(1), nor any judgments, settlements, or recoveries which are designated
28 for credit to the Hazardous Waste Site Cleanup Fund, the Environmental Trust Fund,
29 or any other funds administered by the Department of Environmental Quality under
30 the Environmental Quality Act. Notwithstanding the provisions of Subsection A of
31 this Section, no proceeds shall be deposited into the fund from court-awarded
32 judgments and settlements involving the Department of Transportation and
33 Development. Notwithstanding the provisions of Subsection A of this Section, no
34 proceeds shall be deposited into the fund from judgments, settlements, or recoveries
35 from litigation or arising from the Deepwater Horizon incident, including but not
36 limited to litigation expenses, assessment costs, court costs or attorneys' fees.

37 * * *

38 AMENDMENT NO. 7

39 On page 1, at the beginning of line 18, change "Section 2." to "Section 5."

40 AMENDMENT NO. 8

41 On page 3, at the beginning of line 1, change "Section 2." to "Section 6."

42 AMENDMENT NO. 9

43 On page 3, between lines 7 and 8, insert the following:

44 "Section 7. Upon cessation of the Health Plan Board by March 1, 2016 per
45 R.S. 22:1205(C)(7) and notwithstanding the provisions of R.S. 51:2365(E), the state
46 treasurer is hereby authorized and directed to transfer the excess High Risk Pool
47 Funds to the Mega-Project Development Fund.

48 Section 8. Notwithstanding any law to the contrary, upon receipt of any
49 monies received on behalf of the state as a result of claims involving the Deepwater
50 Horizon incident, the attorney general shall notify the state treasurer, the Joint
51 Legislative Committee on the Budget and the commissioner of administration. The
52 state treasurer shall immediately transfer the thirty-day BP settlement agreement
53 payment of approximately Twenty Million Dollars to the Oil Spill Contingency
54 Fund. The state treasurer is further authorized and directed to immediately upon

1 receipt transfer the full amount of the sixty-day BP settlement agreement payment
2 of approximately Nineteen Million One Hundred Twenty-five Thousand Dollars to
3 the Natural Resource Restoration Trust Fund. The state treasurer shall immediately
4 upon receipt transfer the full amount of the economic damage settlement proceeds
5 from the BP settlement in accordance with R.S. 39:91. Immediately upon signature
6 of the governor of this Act, the treasurer shall reverse any prior transfer to the
7 attorney general of settlement dollars associated with the thirty-day BP settlement
8 or the sixty-day BP settlement.

9 Section 9. When the Department of Revenue prevails in any suit, appeal, or
10 petition associated with an amount paid under protest and held in escrow in
11 accordance with R.S. 47:1576, the proceeds thereof shall be transferred to the state
12 general fund.

13 Section 10. R.S. 49:259(C)(3) is hereby repealed."

14 AMENDMENT NO. 10

15 On page 3, at the beginning of line 8, change "Section 3." to "Section 11."