

2019 Regular Session

SENATE BILL NO. 181

BY SENATOR HEWITT AND REPRESENTATIVE EDMONDS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

FUNDS/FUNDING. Provides relative to the classification, revision, dedication, or repeal of certain funds in the state treasury. (7/1/19)

AN ACT

To amend and reenact R.S. 13:998(B) and (C), 1141(B), and 1414(B), R.S. 15:1224(A), (B), and (C), R.S. 39:100.31(B), R.S. 47:120.71(B), R.S. 49:308.5(B)(3), (4), and (C)(1), the introductory paragraph of 308.5(C)(3)(a), and (E), R.S. 56:279(C)(1) and (2) as amended by Section 18 of Act No. 612 of the 2018 Regular Session of the Legislature, Code of Criminal Procedure Art. 895.1(E) as amended by Section 1 of Act No. 260 of the 2017 Regular Session of the Legislature and by Act No. 137 of the 2018 Regular Session of the Legislature, Code of Criminal Procedure Art. 895.1(F)(2) as amended by Section 19 of Act No. 612 of the 2018 Regular Session of the Legislature, and Sections 1 and 24 of Act No. 612 of the 2018 Regular Session of the Legislature, and to repeal R.S. 24:653(N)(3) as amended by Section 8 of Act No. 612 of the 2018 Regular Session of the Legislature, R.S. 39:100.26 and 100.41, and R.S. 49:308.5(B) as amended by Section 16 of Act No. 612 of the 2018 Regular Session of the Legislature, relative to certain funds in the state treasury and the review of those funds; to provide for the reclassification of funds in the state treasury; to provide for the elimination of certain treasury funds and the creation of certain treasury accounts; to provide relative to monies deposited and credited into

1 certain agency accounts in the state treasury; to provide for the classification and
2 consideration of certain monies as fees and self-generated revenues; to provide
3 relative to the investment of monies in certain treasury funds and accounts; to
4 provide relative to the plan of review of certain special funds and dedications; to
5 provide for the review of certain special funds and dedications in the state treasury,
6 including those containing fees and self-generated revenues, by the Dedicated Fund
7 Review Subcommittee of the Joint Legislative Committee on the Budget; to provide
8 for meetings of the subcommittee; to provide for effective dates; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Sections 1 and 24 of Act No. 612 of the 2018 Regular Session of the
12 Legislature is hereby amended and reenacted to read as follows:

13 Section 1. The conversion of certain dedicated funds to special agency
14 accounts in the state treasury contained herein, shall cause the special agency
15 accounts to be classified as fees and self-generated revenues to be used only for the
16 purposes of identifying the means of finance in the executive budget. The conversion
17 of certain dedicated funds to special agency accounts shall not change the purpose
18 for which the monies were dedicated unless the use of the monies is specifically
19 amended herein. Unless specifically provided for in the statute establishing the
20 agency account, all funds transferred to agency accounts shall not revert to the state
21 general fund at the end of the fiscal year. **Unless specifically provided otherwise**
22 **in the statute establishing the agency account, the monies in the accounts shall**
23 **be invested by the treasurer in the same manner as the state general fund, and**
24 **interest earnings shall be deposited into the accounts following compliance with**
25 **the requirements of Article VII, Section 9(B) of the Louisiana Constitution**
26 **relative to the Bond Security and Redemption Fund, and shall not revert to the**
27 **state general fund.** The revenues in the accounts shall remain in the accounts. All
28 monies in the accounts shall require an appropriation to be withdrawn from the
29 account. No funds shall be transferred in or out of an account without an annual

1 appropriation or favorable action of the Joint Legislative Committee on the Budget
2 through a budget adjustment for the statutory purpose of those revenues.

3 * * *

4 Section 24. The state treasurer is hereby authorized and directed to transfer
5 any unencumbered balances remaining in the funds repealed and abolished in
6 Sections 1 through ~~14~~ **23** of this Act to the state general fund after satisfying the
7 appropriations for Fiscal Year 2019-2020.

8 * * *

9 Section 2. The conversion of certain dedicated funds to special agency accounts in
10 the state treasury contained herein, shall cause the special agency accounts to be classified
11 as fees and self-generated revenues to be used only for the purposes of identifying the means
12 of finance in the executive budget. The conversion of certain dedicated funds to special
13 agency accounts shall not change the purpose for which the monies were dedicated unless
14 the use of the monies is specifically amended herein. Unless specifically provided for in the
15 statute establishing the agency accounts, all funds transferred to agency accounts shall not
16 revert to the state general fund at the end of the fiscal year. Unless specifically provided
17 otherwise in the statute establishing the agency account, the monies in the accounts shall be
18 invested by the treasurer in the same manner as the state general fund, and interest earnings
19 shall be deposited into the account following compliance with the requirements of Article
20 VII, Section 9(B) of the Louisiana Constitution relative to the Bond Security and
21 Redemption Fund, and shall not revert to the state general fund. The revenues in the
22 accounts shall remain in the accounts. All monies in the account shall require an
23 appropriation to be withdrawn from the account. No funds shall be transferred in or out of
24 an account without an annual appropriation or favorable action of the Joint Legislative
25 Committee on the Budget through a budget adjustment for the statutory purpose of those
26 revenues.

27 Section 3. R.S. 13:998(B) and (C), 1141(B), and 1414(B) are hereby amended and
28 reenacted to read as follows:

29 §998. Nonrefundable fee; assessment and disposition

* * *

B. The clerks of the respective district courts, within thirty days of the close of each fiscal year, shall remit all funds collected pursuant to this Section to be deposited in the state treasurer's account for credit to a special ~~fund~~ **agency account** after meeting the requirements of Article VII, Section 9 of the Constitution of Louisiana. The monies in this ~~fund~~ **account** shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to the ~~fund~~ **account** following compliance with the requirement of Article VII, Section 9(B) relative to the Bond Security and Redemption Fund. Disbursement of funds shall be made by the office of children and family services in the Department of Children and Family Services, or its successor, in accordance with Paragraph (E)(2) of this Section and only in amounts appropriated by the legislature. **Funding deposited into this account shall be considered fees and self-generated revenues and shall be available for annual appropriations by the legislature.**

C. The monies appropriated by the legislature and disbursed from this special ~~fund~~ **account** shall not displace, replace, or supplant appropriations from the general fund. This Paragraph shall mean that no appropriation for any fiscal year from the special account shall be made for any purpose for which a general fund appropriation was made in the previous year unless the total appropriations for that fiscal year from the state general fund for such purpose exceed general fund appropriations for the previous year.

* * *

§1141. Domestic Relations Section; nonrefundable fee; assessment and disposition

* * *

B. The clerk of the civil district court, within thirty days of the close of each fiscal year, shall remit all costs collected pursuant to this Section to be deposited in the state treasurer's account for credit to a special ~~fund~~ **agency account** after meeting the requirements of Article VII, Section 9 of the Constitution of Louisiana. The

1 monies in this ~~fund~~ **account** shall be invested by the state treasurer in the same
 2 manner as monies in the state general fund, and interest earned on the investment of
 3 these monies shall be credited to the ~~fund~~ **account** following compliance with the
 4 requirement of Article VII, Section 9(B) relative to the Bond Security and
 5 Redemption Fund. Disbursement of funds shall be made by the office of children and
 6 family services in the Department of Children and Family Services, or its successor,
 7 in accordance with Paragraph E(2) of this Section and only in amounts appropriated
 8 by the legislature. **Funding deposited into this account shall be considered fees**
 9 **and self-generated revenues and shall be available for annual appropriations by**
 10 **the legislature.**

11 * * *

12 §1414. Nonrefundable fee; assessment and disposition

13 * * *

14 B. The clerk of the 19th Judicial District Court, within thirty days of the close
 15 of each fiscal year, shall remit all costs collected pursuant to this Section to be
 16 deposited in the state treasurer's account for credit to a special ~~fund~~ **agency account**
 17 after meeting the requirements of Article VII, Section 9 of the Constitution of
 18 Louisiana. The monies in this ~~fund~~ **account** shall be invested by the state treasurer
 19 in the same manner as monies in the state general fund, and interest earned on the
 20 investment of these monies shall be credited to the ~~fund~~ **account** following
 21 compliance with the requirement of Article VII, Section 9(B) relative to the Bond
 22 Security and Redemption Fund. Disbursement of funds shall be made by the office
 23 of children and family services in the Department of Children and Family Services,
 24 or its successor, in accordance with Paragraph (E)(2) of this Section and only in
 25 amounts appropriated by the legislature. **Funding deposited into this account shall**
 26 **be considered fees and self-generated revenues and shall be available for annual**
 27 **appropriations by the legislature.**

28 * * *

29 Section 4. R.S. 15:1224 (A), (B), and (C) are hereby amended and reenacted to read

1 as follows:

2 §1224. Drug Abuse Education and Treatment ~~Fund~~ **Account**; creation; purpose

3 A. The Drug Abuse Education and Treatment ~~Fund~~ **Account**, hereafter
4 referred to as the "~~fund~~ **account**", is hereby created as a special ~~fund~~ **agency account**
5 in the state treasury, which shall be the depository for all fees collected under the
6 provisions of C.Cr.P. Art. 895.1(E).

7 B. After compliance with the requirements of Article VII, Section 9(B) of
8 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
9 and prior to monies being placed in the state general fund, an amount equal to that
10 deposited as required by Subsection A hereof shall be credited to the ~~fund~~ **account**.
11 The monies in the ~~fund~~ **account** shall be used solely as provided by Subsection C of
12 this Section and only in the amounts appropriated by the legislature. The monies in
13 this ~~fund~~ **account** shall be invested by the state treasurer in the same manner as
14 monies in the state general fund, and interest earned on the investment of these
15 monies shall be credited to the ~~fund~~ **account**, again following compliance with the
16 requirement of Article VII, Section 9(B) relative to the Bond Security and
17 Redemption Fund. **Funding deposited into the account shall be considered fees**
18 **and self-generated revenues and shall be available for annual appropriation by**
19 **the legislature.**

20 C. The monies available in the ~~fund~~ **account** shall be used exclusively by the
21 Louisiana Commission on Law Enforcement to administer a grant program to assist
22 local public and private nonprofit agencies involved in drug abuse prevention and
23 treatment in developing drug abuse and treatment programs. In addition, the
24 commission shall allocate from the ~~fund~~ **account** such monies as are necessary in
25 administering this grant program.

26 * * *

27 Section 5. R.S. 39:100.31(B) is hereby amended and reenacted to read as follows:

28 §100.31. State Emergency Response Fund

29 * * *

1 B. Monies in the fund shall be appropriated and used to provide a source of
2 funds to pay expenses incurred as a result of activities associated with the
3 preparation for and response to an emergency or declared disaster. The expenditure
4 for such a purpose from another source may be eligible to be repaid from the fund
5 if the using agency has certified the necessity of such action to the commissioner of
6 administration. Monies in the fund may also be utilized to provide bridge funding in
7 anticipation of reimbursements from the federal government or other source. Any
8 reimbursement received for expenses paid from the fund shall be returned to and
9 deposited into the fund. Transfers of monies from the fund may be made from one
10 agency to another prior to obtaining approval by the Joint Legislative Committee on
11 the Budget in the event of an emergency and if certified by the commissioner of
12 administration to the governor that any delay in the expenditure of such monies
13 would be detrimental to the welfare and safety of the state and its citizens. The Joint
14 Legislative Committee on the Budget shall be notified in writing of such declaration
15 and shall meet to consider such action, but if it is found by the committee that such
16 funds were not needed for an emergency expenditure, such approval may be
17 withdrawn and any balance remaining shall not be expended. ~~Monies in the fund~~
18 ~~may also be transferred to the FEMA Reimbursement Fund by the commissioner of~~
19 ~~administration with the approval of the Joint Legislative Committee on the Budget.~~

* * *

21 Section 6. R.S. 47:120.71(B) is hereby amended and reenacted to read as follows:

22 §120.71. Income tax checkoff; donation for Louisiana Pet Overpopulation Advisory
23 Council; creation; use of monies

* * *

25 B. Upon receipt of any taxpayer's current-year income tax return upon which
26 the designation of a donation has been made, the secretary shall, after having
27 deducted the donation from the amount to be refunded, remit the donation for
28 deposit, ~~as provided in R.S. 3:2364(E),~~ directly into the Louisiana Animal Welfare
29 Fund **Escrow Account** within the state treasury no more than one hundred twenty

1 days from the due date of the return.

2 Section 7. R.S. 49:308.5(B)(3) and (4), (C)(1), the introductory paragraph of
3 308.5(C)(3)(a), and (E) are hereby amended and reenacted to read as follows:

4 §308.5. Legislative review and recommendation on special funds and dedication of
5 money

6 * * *

7 B.(1) * * *

8 (3)(a) ~~No~~ **Beginning July 1, 2019, and no** later than October 1, 2017, and
9 every two years thereafter, **2019**, the division of administration shall submit a plan
10 of all special funds and dedications **that contain fees and self-generated revenues**
11 **of the special dedicated funds in law as of the date of the submission of the plan**
12 to the Joint Legislative Committee on the Budget ~~that specifies at least fifty percent~~
13 ~~of the special dedicated funds in law as of the date of the submission of the plan.~~ The
14 Joint Legislative Committee on the Budget shall review the plan and may add special
15 funds to the plan submitted by the division of administration prior to approval by the
16 committee. **The Dedicated Fund Review Subcommittee of the Joint Legislative**
17 **Committee on the Budget, hereinafter referred to as "the subcommittee", shall**
18 **meet and review each dedicated fund that contains fees and self-generated**
19 **revenues prior to the 2020 Regular Session of the Legislature.**

20 (b) **Beginning July 1, 2020, and every year thereafter, the division of**
21 **administration shall submit a plan of special funds and dedications to the Joint**
22 **Legislative Committee on the Budget that specifies at least fifty percent of the**
23 **special dedicated funds in law as of the date of the submission of the plan.**

24 (c) **The Joint Legislative Committee on the Budget shall review each**
25 **submitted plan and may add special funds to the plans submitted by the division**
26 **of administration prior to approval by the committee.**

27 (d) ~~The Joint Legislative Committee on the Budget shall ensure that after two~~
28 ~~consecutive plans have been approved,~~ all special funds established by law ~~date of~~
29 ~~the submission of the second consecutive plan will have been on the,~~ **including**

1 the legislature for electronic distribution to each member of the legislature, the
2 governor, the treasurer, and the commissioner of administration.

3 Section 8. R.S. 56:279(C)(1) and (2) as amended by Section 18 of Act No. 612 of
4 the 2018 Regular Session of the Legislature is hereby amended and reenacted to read as
5 follows:

6 §279. Louisiana Alligator Resource Account

7 * * *

8 C.(1) Except as otherwise provided by law, all revenues received by the state
9 from the sale of licenses as provided in R.S. 56:251(A)(2), from tag fees imposed on
10 alligator hunters, alligator farmers, alligator shipping label fees on the sale of
11 alligators, all revenues derived from the sale of alligators, alligator skins, or alligator
12 eggs harvested from department-administered lands, all fees derived from alligator
13 lottery harvest programs on department-administered lands and public waters, and
14 all revenues derived from any other alligator-related fees and from the severance tax
15 on alligator skins provided for in R.S. 56:256 shall be credited by the state treasurer
16 to a special account designated as the "Louisiana Alligator Resource Account" after
17 those revenues have been deposited in the Bond Security and Redemption Fund. Out
18 of the funds remaining in the Bond Security and Redemption Fund after a sufficient
19 amount is allocated from that fund to pay all obligations secured by the full faith and
20 credit of the state that become due and payable within each fiscal year, the treasurer
21 ~~shall classify and consider as fees and self-generated revenues available for~~
22 ~~appropriation as recognized by the Revenue Estimating Conference, and, prior to~~
23 ~~placing such funds in the state general fund,~~ shall pay into the Louisiana Alligator
24 Resource Account, a special agency account to be retained for future appropriation
25 as provided in this Subpart, an amount equal to the revenues generated from
26 collection from those sources provided for in this Section and other sources as
27 provided by law. **Funding deposited into this account shall be considered fees**
28 **and self-generated revenues and shall be available for annual appropriations by**
29 **the legislature.**

1 as a condition of probation the payment of a monthly fee of eleven dollars. The
 2 monthly fee established in this Paragraph shall be in addition to the fee established
 3 in Paragraph C of this Article and shall be collected by the Department of Public
 4 Safety and Corrections and shall be transmitted, deposited, appropriated, and used
 5 in accordance with the following provisions:

6 * * *

7 (2) After compliance with the requirements of Article VII, Section 9(B) of
 8 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
 9 and prior to monies being placed in the state general fund, the treasurer shall ~~classify~~
 10 ~~and consider as fees and self-generated revenues available for appropriation as~~
 11 ~~recognized by the Revenue Estimating Conference;~~ **credit** an amount equal to that
 12 deposited as required by Subparagraph (1) of this Paragraph ~~shall be credited~~ to a
 13 special agency account to be retained for future appropriation as provided in this
 14 Article which is hereby created in the state treasury to be known as the "Sex
 15 Offender Registry Technology Account". The monies in this account shall be used
 16 solely as provided in Subparagraph (3) of this Paragraph and only in the amounts
 17 appropriated by the legislature. **Funding deposited into this account shall be**
 18 **considered fees and self-generated revenues and shall be available for annual**
 19 **appropriations by the legislature.**

20 * * *

21 Section 11. The provisions of R.S. 24:653(N)(3), as amended by Section 18 of Act
 22 No. 612 of the Regular Session of the Legislature, and R.S. 49:308.5(B) as amended by
 23 Section 16 of Act No. 612 of the Regular Session of the Legislature are hereby repealed in
 24 their entirety.

25 Section 12. The provisions of R.S. 39:100.26 and 100.41 are hereby repealed in their
 26 entirety.

27 Section 13. The state treasurer is hereby authorized and directed to transfer any
 28 unencumbered balances remaining in the funds repealed and abolished in Sections 1 through
 29 12 of this Act to the state general fund after satisfying the appropriations for Fiscal Year

	by Act 612 of the 2018 R.S.
Louisiana Animal Welfare Fund	R.S. 47:120.71
State Emergency Response Fund	R.S. 39:100.3(B)
Sex Offender Registry Technology Account	CCRP 895.1(E) as amended by Act 612 of the 2018 R.S.

Present law provides relative to the plan of review of certain treasury funds by the Dedicated Fund Review Subcommittee (subcommittee) of the Joint Legislative Committee on the Budget (JLCB). Present law provides that no later than October 1, 2017, and every two years thereafter, the division of administration shall submit a plan of special funds and dedications to the subcommittee. Further provides that no later than September 1, 2017, and every two years thereafter, the JLCB shall provide for the subcommittee.

Proposed law revises present law to provide that beginning July 1, 2019, and no later than October 1, 2019, the division of administration shall submit a plan of special funds and dedications that contain fees and self-generated revenues to the JLCB. The subcommittee shall meet and review each dedicated fund that contains fees and self-generated revenues prior to the 2020 R.S.

Proposed law provides that beginning July 1, 2020, and every year thereafter, the division of administration shall submit a plan of special funds and dedications to the JLCB that specifies at least 50% of the special dedicated funds in law as of the date of the submission of the plan.

Proposed law removes references to September 1, 2017, and October 1, 2017.

Present law provides that the JLCB shall ensure that all special funds established by law on the date of the submission of the second consecutive plan will have been approved in a plan at least once in the previous four years.

Proposed law provides that the JLCB shall ensure that all special funds established by law, including statutory dedications which contain fees and self-generated revenues, will have been approved in a plan at least once in the previous four years.

Proposed law provides that the subcommittee shall meet at least once every two years and may hold other meetings upon the call of the chairperson or majority of the members.

Effective July 1, 2019.

(Amends R.S. 13:998(B) and (C), 1141(B), and 1414(B); R.S. 15:1224(A), (B), and (C); R.S. 39:100.31(B); R.S. 47:120.71(B); R.S. 49:308.5(B)(3) and (4), (C)(1), (C)(3)(a)(intro para), and (E); R.S. 56:279(C)(1) and (2) both as amended by Acts 2018, No. 612, §8; C.Cr.P. Art. 895.1(E) as amended by Acts 2017, No. 260, §1 and Acts 2018, No. 137; C.Cr.P. Art. 895.1(F)(2) as amended by Acts 2018, No. 612, §19; Sections 1 and 24 of Acts 2018, No. 612, §8; repeals R.S. 24:653(N)(3) as amended by Acts 2018, No. 612, §18; R.S. 39:100.26 and 100.41, R.S. 49:308.5(B) as amended by Acts 2018, No. 612, §16)