

2020 Regular Session

SENATE BILL NO. 308

BY SENATOR HEWITT AND REPRESENTATIVE EDMONDS

FUNDS/FUNDING. Provides relative to the Dedicated Fund Review Subcommittee of the Joint Legislative Committee on the Budget. (7/1/20)

1 AN ACT

2 To amend and reenact R.S. 49:308.5(B), (C)(1), the introductory paragraph of R.S.
3 49:308.5(C)(3)(a), and (D), relative to the Dedicated Fund Review Subcommittee of
4 the Joint Legislative Committee on the Budget; to provide relative to a plan of
5 review by the Dedicated Fund Review Subcommittee of certain special funds and
6 dedications in the state treasury, including those containing fees and self-generated
7 revenues; to provide relative to the scheduling of funds in the plan of review; to
8 provide for an effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 49:308.5(B), (C)(1), the introductory paragraph of R.S.
11 49:308.5(C)(3)(a), and (D) are hereby amended and reenacted to read as follows:

12 §308.5. Legislative review and recommendation on special funds and dedication of
13 money

14 * * *

15 B.(1) ~~The division of administration shall establish a procedure to assure that~~
16 ~~the activities supported by a special fund are subject to the same level of~~
17 ~~transparency and accountability as activities supported by the state general fund. The~~

1 procedure shall include the annual submission of reports no later than December first
2 of each year for all entities and activities supported by appropriations from the fund.

3 (2) The reports shall be submitted to the president of the Senate, the speaker
4 of the House of Representatives, and the division of administration. The reports to
5 the division of administration shall be submitted electronically in a form and format
6 as specified and established by the commissioner of administration. The division of
7 administration shall publish the reports in an electronic database so as to ensure
8 transparency and accountability.

9 (3)(a) No later than August 1, 2019 **2020**, the division of administration shall
10 submit **to the Joint Legislative Committee on the Budget** a plan ~~of~~ **to review** all
11 special funds and dedications that contain fees and self-generated revenues of the
12 special dedicated funds in law as of the date of the submission, ~~of the plan to the~~
13 Joint Legislative Committee on the Budget. The **Joint Legislative Committee on**
14 **the Budget shall refer the plan to the** Dedicated Fund Review Subcommittee of the
15 Joint Legislative Committee on the Budget, hereinafter referred to as "the
16 subcommittee"; **The subcommittee** shall meet ~~and~~ **to review** **and to make**
17 **recommendations, as provided in this Section, on** each dedicated fund that
18 contains fees and self-generated revenues prior to ~~January 15, 2020~~ **the 2021**
19 **Regular Session of the Legislature.**

20 (b)(2) On or before ~~February 1, 2020, and every four years thereafter,~~
21 **August 1, 2021, and on or before August first of the first year of every term of**
22 **the legislature,** the state treasurer's office **division of administration** shall submit
23 a list of all dedicated funds and statutorily dedicated fund accounts in law as of the
24 date of the submission of the list, to the Joint Legislative Committee on the Budget.

25 (c) The Joint Legislative Committee on the Budget **list shall be referred to**
26 **the subcommittee which** shall **develop a plan to** review each ~~submitted~~ **item on**
27 **the list and may add special funds and statutorily dedicated fund accounts to the lists**
28 submitted by the state treasurer's office. (d) The Joint Legislative Committee on the
29 Budget. **The subcommittee** shall ensure that all special funds established by law,

1 including all statutorily dedicated fund accounts, ~~will have been~~ **are** included in the
 2 list and **ensure that each item is** reviewed at least once every four years. **The**
 3 **subcommittee shall ensure each item receives a recommendation on whether the**
 4 **dedication shall continue to be protected, deleted, or modified.** (4) The Joint
 5 Legislative Committee on the Budget shall devise a plan for the subcommittee to
 6 review. The subcommittee shall conduct a review of the special funds, dedications,
 7 and statutorily dedicated fund accounts specified in each such plan, resulting in a
 8 recommendation for each specified fund, dedication, or statutorily dedicated fund
 9 account in the plan. The subcommittee shall meet at least once every two years and
 10 may hold other meetings upon the call of the chairperson or majority of the
 11 members. The subcommittee shall meet only between the fifteenth day of August
 12 and the fifteenth day of January of each fiscal year.

13 C.(1) After the approval of the plan by the Joint Legislative Committee on
 14 the Budget, the subcommittee shall cause to be posted on the website of the
 15 Louisiana Legislature, a schedule of funds, dedications, and statutorily dedicated
 16 fund accounts to be reviewed each year. The subcommittee shall have the authority
 17 to amend the schedule. Additionally, **The subcommittee, acting on behalf of** the
 18 Joint Legislative Committee on the Budget, shall notify the commissioner of
 19 administration and the treasurer of the ~~schedule~~ **date each fund is scheduled for**
 20 **review.** The ~~state treasurer's office~~ **commissioner of administration** shall notify any
 21 agency or entity receiving an appropriation from a special fund, dedication, or
 22 statutorily dedicated fund specified in the schedule.

23 * * *

24 (3)(a) ~~No later than the first day of August of each year in which the fund is~~
 25 ~~scheduled, the~~ **The** head of each agency or entity receiving an appropriation or
 26 allocation from a special dedicated fund, dedication, or statutorily dedicated fund
 27 account ~~included in the plan~~ **scheduled for review that fiscal year** shall submit to
 28 the subcommittee the following:

29 * * *

1 D.(1) Following the review of each special fund as required in this Section,
 2 members of the subcommittee shall offer motions as are necessary to produce a
 3 report of findings and recommendations on each special dedicated fund, **dedication,**
 4 **or statutorily dedicated fund account** reviewed **by the subcommittee.** Such
 5 findings and recommendations may include but are not limited to no change to the
 6 fund, a change to the **fund's** revenue source ~~into the fund~~, a change in the amount
 7 dedicated ~~into~~ **to** the fund, a change in the use of the fund, or elimination of the fund.

8 (2) The **No later than thirty days prior to the beginning of the regular**
 9 **session of the legislature, the** subcommittee shall report the findings and
 10 recommendations to the Joint Legislative Committee on the Budget for review. The
 11 Joint Legislative Committee on the Budget may recommend modifications to the
 12 report submitted by the subcommittee, however, such modifications shall be noted
 13 in the report along with any original findings or recommendations of the
 14 subcommittee.

15 * * *

16 Section 2. This Act shall become effective on July 1, 2020. If vetoed by the governor
 17 and subsequently approved by the legislature, this Act shall become effective on July 1,
 18 2020.

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

DIGEST

SB 308 Engrossed

2020 Regular Session

Hewitt

Present law provides for the creation of the Dedicated Fund Subcommittee of the Joint Legislative Committee on the Budget (subcommittee) to review all dedicated fees, funds, and accounts in the state treasury. Proposed law retain present law.

Present law provides for an annual submission of reports for all entities and activities supported by appropriations from the fund, to the president of the Senate, the speaker of the House of Representatives, and the division of administration. Proposed law deletes present law.

Present law provides that no later than August 1, 2019, the division of administration shall submit a plan of all special funds and dedications that contain fees and self-generated revenues of the special dedicated funds in law as of the date of the submission of the plan to the Joint Legislative Committee on the Budget. The subcommittee shall meet and review each dedicated fund that contains fees and self-generated revenues prior to January 15, 2020.

Proposed law changes the date the division of administration is to submit a plan of special funds and dedications that contain fees and self-generated revenues to the subcommittee from August 1, 2019, to August 1, 2020. The subcommittee is to meet to review and to make recommendations on the funds on the list prior to the 2021 Regular Session.

Present law provides that on or before February 1, 2020, and every four years thereafter, the state treasurer's office shall submit a list of all dedicated funds and statutorily dedicated fund accounts in law as of the date of the submission of the list, to the Joint Legislative Committee on the Budget. Proposed law changes the entity to submit the list of dedicated funds from the state treasurer's office to the division of administration.

Proposed law provides that the lists are to be referred to the subcommittee which shall develop a plan to review each item on the list. The subcommittee shall ensure that all special funds established by law are included in the list, that each item is reviewed at least once every four years, and that each item receives a recommendation on whether the dedication shall continue to be protected, deleted, or modified.

Present law provides that on or before February 1, 2020, and every four years thereafter, they shall submit a list of all dedicated funds and statutorily dedicated fund accounts in law as of the date of the submission of the list, to the Joint Legislative Committee on the Budget, who is to devise a plan of review for the subcommittee. Proposed law changes the dates future plans are to be submitted from February 1, 2020, and every four years thereafter, to August 1, 2021, and on or before August 1st of the first year of every term thereafter.

Proposed law provides changes to the entity to which the plan is to be submitted from the Joint Legislative Committee on the Budget to the subcommittee. Proposed law also changes the entity who is to submit the plan from the state treasurer's office to the division of administration. Proposed law further provides that the division of administration shall notify the agencies when the fund is to be reviewed.

Present 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. The subcommittee shall meet only between the fifteenth day of August and the fifteenth day of January of each fiscal year. Proposed law repeals present law.

Proposed law provides that the subcommittee shall submit its findings and recommendations to the Joint Legislative Committee on the Budget no later than thirty days prior to the beginning of the regular session of the legislature.

Proposed law provides that the subcommittee shall notify the state treasurer and the commissioner of administration the date each fund is scheduled for review and the commissioner of administration shall notify the agencies.

Effective on July 1, 2020.

(Amends R.S. 49:308.5(B), (C)(1), (3)(a)(intro para), and (D))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the original bill

1. Provides that the subcommittee shall notify the state treasurer and the commissioner the date each fund is scheduled for review and the commissioner of administration shall notify the agencies.