

2020 Regular Session

SENATE BILL NO. 189

BY SENATOR WHITE

FUNDS/FUNDING. Provides for the creation, transfer, dedication, deposit, and use of certain funds in the state treasury. (7/1/20)

1 AN ACT

2 To enact Subpart L-1 of Part II-A of Chapter 1 of Subtitle 1 of Title 39 of the Louisiana
3 Revised Statutes of 1950, to be comprised of R.S. 39:100.36, relative to special
4 funds; to create the 2020 Capital Project Fund as a special fund in the state treasury;
5 to provide for the dedication of certain revenues and for the deposit of and use of
6 monies in the fund; to provide for an effective date; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Subpart L-1 of Part II-A of Chapter 1 of Subtitle 1 of Title 39 of the
10 Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.36, is hereby enacted to read
11 as follows:

12 **SUBPART L-1. 2020 CAPITAL PROJECT FUND**

13 **100.36. 2020 Capital Project Fund**

14 **A. There is hereby created in the state treasury, as a special fund, the**
15 **2020 Capital Project Fund, hereinafter referred to as the "fund".**

16 **B. The state treasurer shall, subject to legislative appropriation, take the**
17 **following actions with regards to the monies designated as nonrecurring**

1 revenues out of the state general fund from the Fiscal Year 2018-2019 surplus,
2 as recognized by the Revenue Estimating Conference:

3 (1) Transfer to and deposit in the Budget Stabilization Fund, twenty-five
4 percent of the amount of the Fiscal Year 2018-2019 surplus.

5 (2) Transfer ten percent of the Fiscal Year 2018-2019 surplus to the
6 unfunded accrued liabilities of the Louisiana State Employees' Retirement
7 System and the Teachers' Retirement System of Louisiana, pro rata, as
8 provided in Article VII, Section 10(D)(2)(b) of the Louisiana Constitution.

9 (3) Transfer to and deposit in the fund, the remaining sixty-five percent
10 of the Fiscal Year 2018-2019 surplus.

11 C. The monies in the fund shall be invested in the same manner as
12 monies in the state general fund. Interest earned on the investment of monies
13 in the fund shall be deposited in and credited to the fund. Unexpended and
14 unencumbered monies in the fund shall remain in the fund. Monies in the fund
15 shall be appropriated and used solely as provided in Subsection D of this
16 Section.

17 D. Subject to an appropriation by the legislature, monies in the fund
18 shall be used solely and exclusively for one of the following purposes:

19 (1) Providing funding for capital outlay projects in the comprehensive
20 state capital budget.

21 (2) For deposit into the Coastal Protection and Restoration Fund to be
22 used for purposes consistent with the Coastal Master Plan developed by the
23 Coastal Protection and Restoration Authority, or its successor.

24 (3) Providing for new highway construction for which federal matching
25 funds are available, without excluding highway projects otherwise eligible as
26 capital projects under the Louisiana Constitution.

27 Section 2. This Act shall become effective on July 1, 2020. If vetoed by the governor
28 and subsequently approved by the legislature, this Act shall become effective on the day
29 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 189 Engrossed

2020 Regular Session

White

Present law provides for the creation, transfer, dedication, deposit, and use of certain funds in the state treasury.

Proposed law retains present law and creates the 2020 Capital Project Fund as a special fund in the state treasury.

Proposed law directs nonrecurring revenues from the Fiscal Year 2018-2019 surplus, subject to legislative appropriation, as follows: transfer 25% of the surplus to the Budget Stabilization Fund; transfer 10% of the surplus to the Unfunded Accrued Liabilities of the La. State Employees' Retirement System and the Teachers' Retirement System of La. on a pro rata basis as provided in Article VII, Section 10(D)(2)(b) of the Louisiana Constitution; and transfer to the 2020 Capital Project Fund, the remaining 65%.

Proposed law provides that monies in the 2020 Capital Project Fund shall be subject to appropriation for one of the following purposes solely and exclusively: providing funding for capital outlay projects in the comprehensive state capital budget; for deposit into the Coastal Protection and Restoration Fund to be used consistently with the Coastal Master Plan developed by the Coastal Protection and Restoration Authority; or for providing for new highway construction for which federal matching funds are available without excluding highway projects otherwise eligible as capital projects under the Louisiana Constitution.

Effective July 1, 2020.

(Adds R.S. 39:100.36)