

2022 Regular Session

HOUSE BILL NO. 872

BY REPRESENTATIVE TURNER

FUNDS/FUNDING: Requires the La. Motor Vehicle Commission to deposit all revenues in a dedicated fund account in the state treasury

1 AN ACT

2 To amend and reenact R.S. 32:1253(F) and (G), to enact R.S. 36:4.1(F), and to repeal R.S.
3 36:4.1(C)(12), relative to the Louisiana Motor Vehicle Commission; to provide with
4 respect to the powers and duties of the commission; to provide with respect to the
5 funds of the commission; to establish an account in the state treasury for commission
6 funds and require deposit into the account; to require appropriation of commission
7 funds; to provide for use of monies in the account; to provide with respect to the
8 powers and duties of the Joint Legislative Committee on the Budget; to provide with
9 respect to the powers and duties of the governor; to provide for an effective date; and
10 to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 32:1253(F) and (G) is hereby amended and reenacted to read as
13 follows:

14 §1253. Motor Vehicle Commission; appointment and qualifications of members;
15 terms of office; organization; oath; official bond; compensation; powers and
16 duties

17 * * *

18 F. All fees and charges under the provisions of this Chapter shall be
19 collected and received by the executive director of the commission and remitted
20 daily to the state treasury for deposit in compliance with the provisions of this

~~Subsection shall be disbursed by him at the direction of the commission in administering and enforcing the provisions of this Chapter. There is hereby established as a special statutorily dedicated fund account in the state treasury, the Louisiana Motor Vehicle Commission Dedicated Fund Account, hereafter referred to in this Section as the "fund account". After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, the treasurer shall deposit into the fund account the proceeds of all fees and charges levied pursuant to the provisions of this Chapter. Monies deposited into the fund account shall be categorized as fees and self-generated revenue for the sole purpose of reporting related to the executive budget, supporting documents, and general appropriation bills and shall be available for annual appropriation by the legislature. Monies in the fund account shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on monies in the fund account shall be deposited into the state general fund. Unexpended and unencumbered monies in the fund account at the end of the fiscal year shall remain in the fund account.~~

G. All expenses incurred by the commission in carrying out the provisions of this Chapter, including but not limited to per diem, wages, salaries, rent, postage, supplies, bond premiums, travel and subsistence, and printing and utilities, shall be a proper charge against ~~said~~ the fund account established in Subsection F of this Section.

* * *

Section 2. R.S. 36:4.1(F) is hereby enacted to read as follows

§4.1. Agencies transferred from the Department of Economic Development to the office of the governor; agencies placed within the office of the governor

* * *

F. The Louisiana Motor Vehicle Commission (R.S. 32:1251 et seq.) is hereby transferred to and shall be placed within the office of the governor and shall perform and exercise its powers, duties, functions, and responsibilities as provided

1 in R.S. 36:803, except that it shall deposit its funds in the state treasury as provided
2 in R.S. 32:1253.

3 * * *

4 Section 3. R.S. 36:4.1(C)(12) is hereby repealed in its entirety.

5 Section 4. No later than July 1, 2022, the executive director of the Louisiana Motor
6 Vehicle Commission, or his designated staff, shall transfer to the state treasurer for deposit
7 into the Louisiana Motor Vehicle Commission Dedicated Fund Account all fees and charges
8 in its possession. Any interest or other sums attributable to such fees and charges that accrue
9 after July 1, 2022, shall be transferred upon receipt to the treasurer for deposit into the
10 Louisiana Motor Vehicle Commission Dedicated Fund Account in accordance with the
11 provisions of this Act.

12 Section 5. For fiscal year 2022-2023, if no appropriation to the Louisiana Motor
13 Vehicle Commission is made in the Act that originated as House Bill No. 1 of the 2022
14 Regular Session of the Legislature, then the Joint Legislative Committee on the Budget shall
15 appropriate monies for the commission from the Louisiana Motor Vehicle Commission
16 Dedicated Fund Account at the committee's first meeting held in the 2022-2023 Fiscal Year.

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 872 Original

2022 Regular Session

Turner

Abstract: Establishes the La. Motor Vehicle Commission (LMVC) Dedicated Fund Account in the state treasury and requires the proceeds of all fees and charges levied pursuant to present law by the LMVC to be deposited into the account.

Present law establishes the LMVC within the office of the governor and provides for its composition and duties. Further authorizes the LMVC to levy fees and charges for licenses and other activities handled by the commission. Proposed law retains present law.

Present law authorizes the LMVC to retain all fees and charges collected and to spend them for carrying out the operations of the LMVC. Proposed law requires the proceeds of all fees and charges levied by the LMVC to be deposited into the LMVC Dedicated Fund Account established in the state treasury pursuant to proposed law. Requires monies in the fund account to be used for operations by the LMVC and appropriated by the legislature. Further provides that monies in the fund account be invested by the treasurer in the same manner as state general fund monies. Requires interest earned on fund account monies to be deposited into the state general fund. Further provides that any unencumbered and unexpended monies in the fund account at the end of the fiscal year shall remain in the fund account.

Proposed law requires the executive director of the LMVC, or his designated staff, to transfer to the state treasurer for deposit into the LMVC Dedicated Fund Account all fees and charges in its possession. Further requires any interest or other sums attributable to such fees and charges that accrue after July 1, 2022, to be transferred upon receipt to the treasurer for deposit into the LMVC Dedicated Fund Account.

Further provides that for Fiscal Year 2022-2023, if no appropriation is made in the Act that originated as House Bill No. 1 of the 2022 Regular Session of the Legislature, then the Joint Legislative Committee on the Budget shall appropriate monies for the commission from the LMVC Dedicated Fund Account at the committee's first meeting held in the 2022-2023 Fiscal Year.

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

(Amends R.S. 32:1253(F) and (G); Adds R.S. 36:4.1(F); Repeals R.S. 36:4.1(C)(12))