

Regular Session, 2013

HOUSE BILL NO. 452

BY REPRESENTATIVE FANNIN

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

FUNDS/FUNDING: Provides for the transfer of deposits and monies among state funds

1 AN ACT

2 To provide relative to special treasury funds; to provide for the transfer, dedication, use, and
3 appropriations as specified of certain treasury funds; to provide for the deposit of
4 certain funds into the state treasury; to provide for effective dates; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1.(A) Notwithstanding any provision of law to the contrary, the state
8 hospitals, or its successor state agencies, are hereby authorized and directed to deposit into
9 the state treasury all receipts of lease payments for the lease of state hospital buildings. The
10 state treasurer is hereby authorized and directed to transfer all payments for the lease of state
11 hospital buildings to the Overcollections Fund.

12 (B) After satisfying the requirements of the Bond Security and Redemption Fund
13 as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the requirements
14 of R.S. 46:440.1, the Medical Assistance Programs Fraud Detection Fund, and the
15 requirements of R.S. 49:259, the Department of Justice Legal Support Fund, and after
16 deposit into the state general fund, then the treasurer shall transfer into the Overcollections
17 Fund an amount equal to the settlement or judgment funds or proceeds recovered by the
18 attorney general on behalf of the state related to any cause of action mentioned or raised in
19 any suit against pharmaceutical companies - including any affiliated, precursor, "formerly
20 known as", and/or successor entities - filed by, or on behalf of, the State of Louisiana. To
21 the extent that in satisfying the requirements of R.S. 49:259, the Department of Justice Legal

1 Support Fund, any monies from these settlement or judgment funds or proceeds are paid into
2 the Department of Justice Legal Support Fund, a like amount shall be transferred from the
3 Department of Justice Legal Support Fund into the Overcollections Fund.

4 (C) Notwithstanding any provision of law to the contrary, the state treasurer is
5 authorized and directed to transfer the proceeds of at least Twelve Million Dollars relating
6 to the assignment, transfer, sale, or lease of the Pointe Clair Farms to the Overcollections
7 Fund.

8 (D) Notwithstanding any provision of law to the contrary, the state treasurer is
9 authorized and directed to transfer to the Overcollections Fund the proceeds of at least Ten
10 Million Two Hundred Fifty Thousand Dollars relating to the assignment, transfer, sale, or
11 lease of the Baton Rouge State Office Building property to the Overcollections Fund.

12 (E) Notwithstanding any provision of law to the contrary, the state treasurer is
13 authorized and directed to transfer to the Overcollections Fund the proceeds of at least
14 Seventeen Million Eight Hundred Forty Thousand Dollars relating to the assignment,
15 transfer, sale, or lease of the Southeast Louisiana Hospital property to the Overcollections
16 Fund.

17 (F) Notwithstanding any provision of law to the contrary, the state treasurer is
18 authorized and directed to transfer the proceeds of at least Three Hundred Fifty Thousand
19 Dollars from the assignment, transfer, sale, or lease of the Wooddale Towers to the
20 Overcollections Fund.

21 (G) Notwithstanding any provision of law to the contrary, the state treasurer is
22 authorized and directed to transfer to the Overcollections Fund the proceeds relating to the
23 assignment, transfer, sale, or lease of the Hart Parking Garage property to the
24 Overcollections Fund.

25 (H) Notwithstanding any provision of law to the contrary, the state treasurer is
26 authorized and directed to transfer to the Overcollections Fund the proceeds relating to the
27 assignment, transfer, sale, or lease of the Greenwell Springs Hospital property to the
28 Overcollections Fund.

29 (I) Notwithstanding any provision of law to the contrary, the state treasurer is
30 authorized and directed to transfer to the Overcollections Fund the proceeds relating to the

1 assignment, transfer, sale, or lease of the Pines Campus property to the Overcollections
2 Fund.

3 (J) Notwithstanding any provision of law to the contrary, the state treasurer is
4 authorized and directed to transfer to the Overcollections Fund the proceeds relating to the
5 assignment, transfer, sale, or lease of the Southern Oaks Addiction Recovery property to the
6 Overcollections Fund.

7 (K) Notwithstanding any provision of law to the contrary, the state treasurer is
8 authorized and directed to transfer to the Overcollections Fund the proceeds relating to the
9 assignment, transfer, sale, or lease of the Bayou Region property to the Overcollections
10 Fund.

11 (L) Notwithstanding any provision of law to the contrary, the state treasurer is
12 authorized and directed to transfer to the Overcollections Fund the proceeds relating to the
13 assignment, transfer, sale, or lease of the MDC Apartment property to the Overcollections
14 Fund.

15 (M) Notwithstanding any laws to the contrary, the treasurer is hereby authorized and
16 directed to transfer to the Overcollections Fund the amount of state general fund over Three
17 Million Dollars identified by the Department of Revenue as increased net state tax receipts
18 realized from the implementation of additional fraud initiatives.

19 Section 2. Notwithstanding any provision of law to the contrary, the state treasurer
20 shall not include unexpended and unencumbered monies in the Rapid Response Fund at the
21 end of the 2012-2013 Fiscal Year in the determination of the unencumbered balance of the
22 fund for purposes of determining the amount to be deposited into the fund at the beginning
23 of the fiscal year pursuant to R.S. 51:2361(A)(2).

24 Section 3.(A) Notwithstanding any provision of the law to the contrary, the state
25 treasurer is hereby authorized and directed to transfer Twenty-Nine Million One Hundred
26 Thirty-Two Thousand Eight Hundred Eighty-One Dollars of fees and self-generated
27 revenues collected by the Department of Revenue to the Overcollections Fund.

28 (B) After satisfying the requirements of the Bond Security and Redemption Fund
29 as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the state treasurer
30 is hereby authorized and directed to transfer all loan payments received from political

1 subdivisions, under Section 7 of Act 41 of the 2006 First Extraordinary Session, of at least
2 Twenty-Eight Million Two Hundred Eighty-Four Thousand Five Hundred Dollars to the
3 Overcollections Fund.

4 (C) Notwithstanding any provision of the law to the contrary, the state treasurer is
5 hereby authorized and directed to transfer excess collections from Interagency Transfers and
6 Fees and Self-Generated Revenues of at least Ten Million Dollars into the Overcollections
7 Fund.

8 (D) Notwithstanding any provision of law to the contrary, the Louisiana Housing
9 Finance Agency or its successor is hereby authorized and directed to deposit into the state
10 treasury the unrestricted or unencumbered fund assets of Two Million Dollars. The state
11 treasurer is hereby authorized and directed to transfer the funds to the Overcollections Fund.

12 (E) Notwithstanding any provision of the law to the contrary, the state treasurer is
13 hereby authorized and directed to transfer Sixteen Million Dollars from the Self-Insurance
14 Fund to the Overcollections Fund.

15 (F) Notwithstanding any provision of law to the contrary, the Louisiana Property
16 Assistance Agency or its successor is hereby authorized and directed to deposit into the state
17 treasury the unrestricted or encumbered balance of Five Million Dollars. The state treasurer
18 is hereby authorized and directed to transfer the funds to the Overcollections Fund.

19 (G) Notwithstanding any provision of the law to the contrary, the state treasurer is
20 hereby authorized and directed to transfer the following amounts into the Overcollections
21 Fund from the funds specified below. The treasurer shall make such transfers from each
22 fund after fully funding the appropriation from the fund:

23 (1) Two Million Dollars from the Adult Probation and Parole Officer Retirement
24 Fund.

25 (2) Twenty Million Six Hundred Thousand Dollars from the Artificial Reef
26 Development Fund.

27 (3) Forty-Eight Thousand Two Hundred Ninety-Eight Dollars from the
28 Beautification and Improvement of the New Orleans City Park Fund.

29 (4) Seven Thousand Nine Hundred Sixty-Three Dollars from the Bossier Parish
30 Truancy Program Fund.

1 (5) Forty-Nine Thousand Eight Hundred Thirty-Eight Dollars from the Calcasieu
2 Parish Fund.

3 (6) Twenty-Two Thousand Two Hundred Twenty-Seven Dollars from the
4 Community and Family Support System Fund.

5 (7) Fifty-Seven Thousand Seventy-One Dollars from the Compulsive and Problem
6 Gaming Fund.

7 (8) Two Hundred Twelve Thousand Eight Hundred Thirty-Eight Dollars from the
8 Department of Justice Debt Collection Fund.

9 (9) Five Hundred Eighty-Five Thousand Five Hundred Ninety-Eight Dollars from
10 the Department of Justice Legal Support Fund.

11 (10) Six Million Nine Hundred Five Thousand Seven Hundred Twenty-Seven
12 Dollars from the Employment Security Administration Account.

13 (11) Four Hundred Seventy-One Thousand Five Hundred Sixty-Four Dollars from
14 the Energy Performance Contract Fund.

15 (12) One Hundred Fifty-Two Thousand Nine Hundred Fifty-One Dollars from the
16 Entertainment Promotion and Marketing Fund.

17 (13) Two Million Four Hundred Eighty-Seven Thousand One Hundred Forty-Six
18 Dollars from the Environmental Trust Fund.

19 (14) Eight Hundred Forty-Seven Thousand Six Hundred Forty-One Dollars from the
20 Health Care Facility Fund.

21 (15) Four Million Dollars from the Incentive Fund.

22 (16) Two Hundred Twenty-Five Thousand Six Hundred Thirty-Eight Dollars from
23 the Louisiana Filmmakers Grant Fund.

24 (17) Nine Hundred Eighty-Eight Thousand Six Hundred Thirty-Two Dollars from
25 the Louisiana Fire Marshal Fund.

26 (18) One Hundred Forty-Four Thousand Four Hundred Thirty-Five Dollars from the
27 Louisiana Life Safety and Property Protection Trust Fund.

28 (19) One Million Dollars from the Marketing Fund.

29 (20) One Hundred Six Thousand Nine Hundred Twenty Dollars from the Medical
30 and Allied Health Professional Education Scholarship and Loan Fund.

1 (21) Two Million Four Hundred Thirty-Five Thousand Seven Hundred Forty-Six
2 Dollars from the Medical Assistance Program Fraud Detection Fund.

3 (22) Eleven Million Three Hundred Thousand Dollars from the Louisiana Mega-
4 Project Development Fund.

5 (23) Two Hundred Fifteen Thousand Five Hundred Sixty Dollars from the Motor
6 Carrier Registration Fund.

7 (24) Twenty-Five Thousand Nineteen Dollars from the New Orleans Urban Tourism
8 and Hospitality Training in Economic Development Foundation Fund.

9 (25) Five Million Seven Hundred Thousand Dollars from the Penalty and Interest
10 Account.

11 (26) One Hundred Seventy-Five Thousand Five Hundred Dollars from the Right to
12 Know Fund.

13 (27) Eight Million Six Hundred Five Thousand Three Hundred Ninety-Two Dollars
14 from the Riverboat Gaming Enforcement Fund.

15 (28) One Million Nine Hundred Thousand Dollars from the Small Business Surety
16 Bonding Fund.

17 (29) Forty-Eight Thousand Nine Hundred Seventy-Eight Dollars from the Tax
18 Commission Expense Fund.

19 (30) Eighty-One Thousand One Hundred Thirteen Dollars from the Telephone
20 Solicitation Fund.

21 (31) One Million Eight Hundred Ninety-One Thousand Nine Hundred Fifty-One
22 Dollars from the Traumatic Head and Spinal Cord Injury Trust Fund.

23 (32) Seven Hundred Thousand Dollars from the 2% Fire Insurance Fund.

24 (33) One Hundred Eleven Dollars from the UNO Slidell Technology Park Fund.

25 (34) Eighteen Thousand Four Hundred Five Dollars from the Variable Earnings
26 Transaction Fund.

27 (35) Four Hundred Thirty-One Thousand One Hundred Ninety-Four Dollars from
28 the Video Draw Poker Device Purse Supplement Fund.

29 (36) Four Thousand Two Hundred Forty-Three Dollars from the Vital Records
30 Conversion Fund.

1 (H) Notwithstanding any provision of the law to the contrary, the state treasurer is
2 hereby authorized and directed to transfer Two Hundred Sixty-Seven Dollars from the
3 Higher Education Initiatives Fund into the Overcollections Fund. The state treasurer is
4 further authorized and directed to transfer all additional interest and proceeds to the
5 Overcollections Fund.

6 (I) Notwithstanding any provision of the law to the contrary, the state treasurer is
7 hereby authorized and directed to transfer Seventy-Six Dollars from the Louisiana State
8 Board of Private Investigator Examiners Fund into the Overcollections Fund. The state
9 treasurer is further authorized and directed to transfer all additional interest and proceeds to
10 the Overcollections Fund.

11 Section 4. The state treasurer is hereby authorized and directed to transfer One
12 Million One Hundred Eighty-One Thousand One Hundred Forty-Seven Dollars from State
13 General Fund (Direct) to the Coastal Protection and Restoration Fund to be comprised
14 wholly of nonrecurring revenue returned from the Department of Economic Development
15 capital outlay project Port of Terrebonne commitment from Act No. 7 of 2008 Second
16 Extraordinary Session of the Legislature.

17 Section 5. Notwithstanding any provision of the law to the contrary, the state
18 treasurer is hereby authorized and directed to transfer One Million One Hundred Eighty-One
19 Thousand One Hundred Forty-Seven Dollars from recurring revenues in the Coastal
20 Protection and Restoration Fund into the Overcollections Fund.

21 Section 6. Sections 1 and 4 through 7 of this Act shall become effective upon
22 signature of this Act by the governor or, if not signed by the governor, upon expiration of
23 the time for bills to become law without signature by the governor, as provided by Article
24 III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and
25 subsequently approved by the legislature, Sections 1 and 4 through 7 of this Act shall
26 become effective on the day following such approval.

27 Section 7. Sections 2 and 3 of this Act shall become effective on July 1, 2013; if
28 vetoed by the governor and subsequently approved by the legislature, Sections 2 and 3 of
29 this Act shall become effective on July 1, 2013, or on the day following such approval by
30 the legislature, whichever is later.

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)]

Fannin

HB No. 452

Abstract: Provides for the transfer and deposit of monies among state funds.

Effective upon signature of governor, authorizes the following to be deposited into the Overcollections Fund:

- (1) All receipts of lease payments for the lease of state hospital buildings.
- (2) An amount equal to the settlement or judgment funds or proceeds recovered by the attorney general on behalf of the state related to any cause of action mentioned or raised in any suit against pharmaceutical companies, less any amount paid to the Medical Assistance Programs Fraud Detection Fund.
- (3) Proceeds relating to the assignment, transfer, sale, or lease of the following:
 - (a) Pointe Clair Farms (at least \$12 million).
 - (b) Baton Rouge State Office Building (at least \$10,250,000)
 - (c) Southeast La. Hospital property (at least \$17,840,000)
 - (d) Wooddale Towers (at least \$350,000)
 - (e) Hart Parking Garage
 - (f) Greenwell Springs Hospital property
 - (g) Pines Campus property
 - (h) Southern Oaks Addiction Recovery property
 - (i) Bayou Region property
 - (j) MDC Apartment property
- (4) Over \$3,000,000 identified by the Dept. of Revenue as increased net state tax receipts realized from the implementation of additional fraud initiatives.

Effective July 1, 2013, provides that the state treasurer shall not include unexpended and unencumbered monies in the Rapid Response Fund at the end of FY 2012-2013 in the determination of the unencumbered balance of the fund for purposes of determining the amount to be deposited into the fund at the beginning of the fiscal year pursuant to R.S. 51:2361(A)(2).

Effective July 1, 2013, authorizes the state treasurer to transfer the following amounts into the Overcollections Fund from the following:

| Amount | Source |
|---------------|---|
| \$29,132,881 | Department of Revenue from fees and self-generated revenues |
| \$28,284,500 | GO Zone Bond Payments. All loan payments received from political subdivisions of at least the amount specified |
| \$10,000,000 | Excess collections from Fees & Self-Generated Revenues and Interagency Transfers of at least the amount specified |
| \$ 2,000,000 | Louisiana Housing Finance Agency or its successor from unrestricted or unencumbered fund assets |
| \$16,000,000 | From the Self-Insurance Fund |
| \$ 5,000,000 | Louisiana Property Assistance Agency or its successor from the unrestricted or unencumbered fund balance |

Effective July 1, 2013, authorizes the state treasurer to transfer the following amounts into the Overcollections Fund from the following, after funding appropriations out of such funds:

| Amount | Fund |
|---------------|--|
| \$ 2,000,000 | Adult Probation and Parole Officer Retirement Fund |
| \$20,600,000 | Artificial Reef Development Fund |
| \$ 48,298 | Beautification and Improvement of the New Orleans City Park Fund |
| \$ 7,963 | Bossier Parish Truancy Program Fund |
| \$ 49,838 | Calcasieu Parish Fund |
| \$ 22,227 | Community and Family Support System Fund |
| \$ 57,071 | Compulsive and Problem Gaming Fund |
| \$ 212,838 | Department of Justice Debt Collection Fund |
| \$ 585,598 | Department of Justice Legal Support Fund |
| \$ 6,905,727 | Employment Security Administration Account |
| \$ 471,564 | Energy Performance Contract Fund |
| \$ 152,951 | Entertainment Promotion and Marketing Fund |
| \$ 2,487,146 | Environmental Trust Fund |
| \$ 847,641 | Health Care Facility Fund |
| \$ 4,000,000 | Incentive Fund |
| \$ 225,638 | Louisiana Filmmakers Grant Fund |
| \$ 988,632 | Louisiana Fire Marshal Fund |
| \$ 144,435 | Louisiana Life Safety and Property Protection Trust Fund |
| \$ 1,000,000 | Marketing Fund |
| \$ 106,920 | Medical and Allied Health Professional Education Scholarship and Loan Fund |
| \$ 2,435,746 | Medical Assistance Program Fraud Detection Fund |
| \$11,300,000 | Louisiana Mega-Project Development Fund |
| \$ 215,560 | Motor Carrier Registration Fund |
| \$ 25,019 | New Orleans Urban Tourism and Hospitality Training in Economic Development Foundation Fund |
| \$ 5,700,000 | Penalty and Interest Account |
| \$ 175,500 | Right to Know Fund |
| \$ 8,605,392 | Riverboat Gaming Enforcement Fund |
| \$ 1,900,000 | Small Business Surety Bonding Fund |
| \$ 48,978 | Tax Commission Expense Fund |
| \$ 81,113 | Telephone Solicitation Fund |
| \$ 1,891,951 | Traumatic Head and Spinal Cord Injury Trust Fund |
| \$ 700,000 | 2% Fire Insurance Fund |
| \$ 111 | UNO Slidell Technology Park Fund |
| \$ 18,405 | Variable Earnings Transaction Fund |
| \$ 431,194 | Video Draw Poker Device Purse Supplemental Fund |
| \$ 4,243 | Vital Record Conversion Fund |

Effective July 1, 2013, authorizes the state treasurer to transfer the following amounts into the Overcollections Fund from the following, plus all additional interest and proceeds out of such funds:

| Amount | Fund |
|---------------|--|
| \$ 276 | Higher Education Initiatives Fund |
| \$ 76 | Louisiana State Board of Private Investigator Examiners Fund |

Effective upon signature of governor, directs the state treasurer to transfer \$1,181,147 from State General Fund (Direct) to the Coastal Protection and Restoration Fund to be comprised wholly of nonrecurring revenue returned from the Department of Economic Development capital outlay project Port of Terrebonne commitment from Act No. 7 of the 2008 2nd E.S. Directs the state treasurer to transfer \$1,181,147 of recurring revenues out of the Coastal Protection and Restoration Fund into the Overcollections Fund.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Appropriations to the original bill.

1. Deleted provisions amending the Louisiana State Parks Improvement and Repair Fund.
2. Deleted transfer of funds from properties to the Dept. of Wildlife and Fisheries (at least \$2 million); Ernest N. Morial - New Orleans Exhibition Hall Authority (\$100,000,000); Concealed Handgun Permit Fund (\$1,154,573); Louisiana Charter School Startup Fund (\$436,905); Louisiana Animal Welfare Fund (\$60,361); Mineral Resources Audit and Settlement Fund (\$86,559); and Pet Overpopulation Fund (\$11,108).
3. Increased funding from the Dept. of Revenue from fees and self-generated revenues; decreases funding from the Right to Know Fund and Riverboat Gaming Enforcement Fund.
4. Added transfer of Medical Assistance Program Fraud Detection Fund (\$2,435,746).