

2016 Regular Session

SENATE BILL NO. 77

BY SENATOR GATTI

FUNDS/FUNDING. Abolishes statutory dedication of funds. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 49:308.3, relative to statutory dedications; to abolish statutory
3 dedication of funds; to provide for exceptions; to direct the Louisiana State Law
4 Institute to make recommendations regarding statutory dedications; and to provide
5 for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 49:308.3 is hereby amended and reenacted to read as follows:

8 §308.3. Special funds and dedication of money

9 A. Notwithstanding any other law to the contrary and except as provided by
10 the Constitution of Louisiana and Subsection B of this Section, all special funds in
11 the state treasury are abolished and any and all laws of the state which dedicate or
12 otherwise provide for the use of money required by the Constitution of Louisiana to
13 be deposited in the state treasury are superseded on the effective date of this Section.
14 The treasurer is therefore authorized and directed to transfer the balances of the
15 abolished funds and deposit them into the general fund. Notwithstanding laws
16 requiring certain money to be deposited in and credited to such abolished special
17 funds, the treasurer, upon receipt of such money, and after compliance with the

1 requirements of Article VII, Section 9(B) of the constitution relative to the Bond
2 Security and Redemption Fund, shall deposit the money in and credit it to the general
3 fund. All interest earned on investment of the money shall be deposited in and
4 credited to the general fund.

5 B. This Section shall not apply to or affect the laws which dedicate or
6 otherwise provide for the use of the following money or the laws which provide for
7 the following special funds in the state treasury:

8 (1) Special funds or dedications of money established in or protected by the
9 Constitution of Louisiana or special funds containing money not required by the
10 constitution to be deposited in the state treasury.

11 (2) Special funds established in the treasury or dedications of money
12 established solely as a requirement of the terms and conditions of, or as a
13 requirement of an agreement pertaining to, the following:

14 (a) Grants, donations, or other forms of assistance.

15 (b) Court or regulatory agency orders or judgments.

16 (c) Contracts of the state or of its agencies, boards, or commissions, including
17 contracts related to the issuance of bonds, notes, and other indebtedness.

18 (d) A contract concerning the satisfaction of final judgments, settlements, or
19 compromises.

20 (3) Special funds and dedications of money provided by law for money
21 received by or on behalf of a state board, agency, authority, or commission which is
22 mainly composed of and represents members of a trade, business, or professional
23 association from fees or assessments paid by the members of the trade, business, or
24 professional association and which expends the money on market or product research
25 and development.

26 (4) Special funds and dedications of money provided by law funded by
27 assessments or surcharges for the satisfaction of final judgments, settlements, orders,
28 awards, or compromises.

29 (5) Special funds and dedications of money provided by law related to the

1 judiciary.

2 (6) Any funds including interest earned thereon which are paid or deposited
3 on a voluntary basis by persons or other private legal entities for their protection or
4 benefit.

5 ~~(7) The Hazardous Waste Site Cleanup Fund created and maintained pursuant~~
6 ~~to R.S. 30:2205 and the Environmental Trust Fund created and maintained pursuant~~
7 ~~to R.S. 30:2015.~~

8 C. ~~This Section shall not apply to or affect R.S. 47:5001 et seq. relative to the~~
9 ~~State Tax Revenue Limit.~~

10 ~~D. This Section shall not apply to the Motorcycle Safety, Awareness, and~~
11 ~~Operator Training Program Fund as provided in R.S. 32:412(C)(2), the Proprietary~~
12 ~~School Student Protection Fund as provided for in R.S. 17:3141.16.~~

13 E. Not later than March first of each fiscal year, the treasurer shall submit to
14 the Joint Legislative Committee on the Budget and the legislative fiscal office a
15 report on special funds which shall include but not be limited to a listing of all
16 currently authorized special funds created by the legislature, together with the legal
17 citation, date of creation, cash balance in the fund as of the end of the prior fiscal
18 year, and a notation of whether or not any revenue or expenditure activity has
19 occurred during the prior fiscal year.

20 **D. Purpose; conflicts**

21 **(1) The purpose of this Section is to abolish all statutory dedications of**
22 **funds unless specifically exempted by this Section.**

23 **(2) The provisions of this Section shall supersede and control to the**
24 **extent of conflict with any other provision of law, other than the constitution.**

25 Section 2. The Louisiana State Law Institute is hereby directed to study and make
26 recommendations for the revision of all laws pertaining to statutory dedications.

27 Section 3. This Act shall become effective upon signature by the governor or, if not
28 signed by the governor, upon expiration of the time for bills to become law without signature
29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become
2 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Leonore Heavey.

	DIGEST	
SB 77 Original	2016 Regular Session	Gatti

Present law establishes a variety of special funds within the state treasury for the purpose of dedicating revenues for certain expenditure purposes.

Present law, originally enacted as Act 5 of the 1988 1st E.S., abolished all special funds in the state treasury, with the exception of certain listed funds, and authorized the treasurer to transfer the balances of the abolished funds and deposit them into the state general fund.

Present law provides specific exemptions for the Hazardous Waste Site Cleanup Fund, the Environmental Trust Fund, the State Tax Revenue Limit Fund, the Motorcycle Safety, Awareness and Operator Training Program Fund, and the Proprietary School Student Fund.

Proposed law repeals these exemptions. Otherwise retains present law.

Proposed law directs the La. State Law Institute to study and make recommendations for the revision of all laws pertaining to statutory dedications.

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

(Amends R.S. 49:308.3)