

2016 First Extraordinary Session

SENATE BILL NO. 9

BY SENATOR DONAHUE

FUNDS/FUNDING. Provides relative to funds in the state treasury and certain fund transfers. (gov sig)

1 AN ACT

2 To enact R.S. 39:82.1, relative to special treasury funds and dedicated money; to provide for
3 specific reports to the Joint Legislative Committee on the Budget; to provide for the
4 review and reporting of special funds and statutory dedications, including the means
5 of financing, specifically funds whose primary source of financing is the state
6 general fund, the purpose and use of the monies, and the status and balances of the
7 special funds and dedicated monies; to provide for the transfer, dedication, use, and
8 appropriation as specified of certain treasury funds; to authorize the transfer of
9 balances to the state general fund; to provide for an effective date; and to provide for
10 related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. R.S. 39:82.1 is hereby enacted to read as follows:

13 **§82.1. Reporting on special funds**

14 **A. Each year at the August meeting of the Joint Legislative Committee**
15 **on the Budget, the state treasurer shall submit information regarding the status**
16 **of fund transfers authorized to eliminate budget deficits for the prior fiscal**
17 **year, specifically those transfers which reduced constitutionally protected funds**

1 or dedications which were approved by the Joint Legislative Committee on the
 2 Budget to eliminate budget deficits. The information shall include the date and
 3 amount of the transfer, the balance of the fund immediately prior to the
 4 transfer and the balance of the fund at year end.

5 B. The Joint Legislative Committee on the Budget may make such
 6 studies and hold such hearings as it shall deem appropriate and necessary to
 7 review special funds and dedications of money in the state treasury including
 8 the means of financing, specifically those funds whose primary source of
 9 funding is the state general fund, the purpose and use of the monies, and the
 10 status and balances of the special funds and dedicated monies.

11 Section 2. Notwithstanding any provision of the law to the contrary, the state
 12 treasurer is hereby authorized and directed to transfer the following amounts into the State
 13 General Fund (Direct) from the funds specified below in accordance with the reductions
 14 enacted in the bill that originated as HB 122 of the 2016 First Extraordinary Session of the
 15 Legislature:

16 **(1) Executive Department**

17 Forty-One Thousand Eight Hundred Nineteen Dollars from the Tax Commission Expense
 18 Fund.

19 Twenty-Eight Thousand One Hundred Ninety-Two Dollars from the State Emergency
 20 Response Fund.

21 Fifty-Three Thousand Eight Hundred Fifty-Three Dollars from the Crime Victims
 22 Reparation Fund.

23 **(2) Elected Officials**

24 Four Hundred Two Thousand Four Hundred Sixty-Five Dollars from the Department of
 25 Justice Legal Support Fund.

26 Eleven Thousand Fifty-Eight Dollars from the Tobacco Control Special Fund.

27 Twenty Thousand Seven Hundred Thirty-One Dollars from the Department of Justice Debt
 28 Collection Fund.

29 Ten Thousand Dollars from the Tobacco Settlement Enforcement Fund.

1 One Thousand Two Hundred Eighty-Seven Dollars from the Crescent City Amnesty Refund
2 Fund.

3 Five Thousand Three Hundred Forty-One Dollars from the Grain and Cotton Indemnity
4 Fund.

5 Forty Thousand Seven Hundred Sixty-Two Dollars from the Administrative Fund.

6 **(3) Department of Economic Development**

7 Sixteen Thousand One Hundred Eighty-Two Dollars from the Entertainment, Promotion and
8 Marketing Fund.

9 One Hundred Twenty Thousand Two Hundred Sixty-Six Dollars from the Marketing Fund.

10 **(4) Department of Transportation and Development**

11 Twenty-Three Thousand Nine Hundred Eighty-Two Dollars from the Geaux Pass Transition
12 Fund.

13 **(5) Public Safety Services**

14 One Hundred Sixty Thousand Dollars from the Debt Recovery Fund.

15 One Thousand Five Hundred Thirty-Seven Dollars from the Pari-Mutuel Live Racing
16 Facility Gaming Control Fund.

17 Seventeen Thousand Five Hundred Dollars from the Two Percent Fire Insurance Fund.

18 **(6) Department of Health and Hospitals**

19 Two Hundred Nineteen Thousand One Hundred Forty-Six Dollars from the Compulsive &
20 Problem Gaming Fund.

21 Two Hundred Twenty Eight Thousand Sixty-Four Dollars from the Tobacco Tax Health
22 Care Fund.

23 One Hundred Thirty-One Thousand One Hundred Fifty Dollars from the Tobacco Tax
24 Health Care Fund.

25 **(7) Department of Children and Family Services**

26 Thirty Thousand Six Hundred Nine Dollars from the Fraud Detection Fund.

27 Three Thousand Dollars from the SNAP Fraud and Abuse Detection and Prevention Fund.

28 **(8) Department of Natural Resources**

29 Ninety-One Thousand Two Hundred Fifty-Five Dollars from the Oil and Gas Regulatory

1 Fund.

2 One Hundred Fifty Thousand Dollars from the Underwater Obstruction Removal Fund.

3 Two Hundred Seventy-Two Thousand Five Hundred Forty-Seven Dollars from the Mineral
4 and Energy Operation Fund.

5 **(9) Department of Revenue**

6 Eighteen Thousand Seventy-Four Dollars from the Tobacco Regulation Enforcement Fund.

7 **(10) Department of Environmental Quality**

8 Two Hundred Twenty-Five Thousand Dollars from the Hazardous Waste Site Cleanup Fund.

9 **(11) Louisiana Workforce Commission**

10 Two Hundred Forty-Five Thousand Six Hundred Four Dollars from the Employment
11 Security Administration Account.

12 Two Hundred Nine Thousand Five Hundred Fifty-Five Dollars from the Penalty and Interest
13 Account.

14 **(12) Higher Education**

15 Two Thousand Dollars from the Medical and Allied Health Professional Education
16 Scholarship & Loan Fund.

17 One Thousand Three Hundred Thirty-Nine Dollars from the Support Education in Louisiana
18 First Fund.

19 Seven Thousand Five Hundred Dollars from the Equine Health Studies Program Fund.

20 Forty-Four Thousand Two Hundred Eighty-Eight Dollars from the Fireman's Training Fund.

21 Six Hundred Seventy-Eight Thousand Ninety-Two Dollars from the Support Education in
22 Louisiana First Fund.

23 Ninety-Seven Thousand Eight Hundred Seventy-Two Dollars from the Support Education
24 in Louisiana First Fund.

25 Five Hundred Forty-Eight Thousand Nine Hundred Nine Dollars from the Support Education
26 in Louisiana First Fund.

27 One Hundred Seventy-Seven Thousand Nine Hundred Twenty-Eight Dollars from the
28 Support Education in Louisiana First Fund.

29 **(13) Special Schools and Commissions**

1 Two Thousand One Hundred Eighty-Eight Dollars from the Louisiana Charter School Start-
2 up Loan Fund.

3 **(14) Other Requirements**

4 Two Thousand Dollars from the DeSoto Parish Visitor Enterprise Fund.

5 Thirteen Thousand Ninety-One Dollars from the East Baton Rouge Parish Community
6 Improvement Fund.

7 Twenty Thousand Dollars from the Ernest N. Morial Convention Center Phase IV Expansion
8 Project Fund.

9 Four Thousand Dollars from the Lafourche Parish Association for Retarded Citizens (ARC)
10 Training and Development Fund.

11 One Million Eight Hundred Eighty-Eight Thousand Two Hundred Thirteen Dollars from the
12 Rapid Response Fund.

13 One Million Two Hundred Six Thousand Six Hundred Twenty-Six Dollars from the
14 Louisiana Mega-Project Development Fund.

15 Two Thousand Fourteen Dollars from the Friends of NORD Fund.

16 **(15) DOTD - Capital Outlay/Non-State**

17 One Hundred Seventy Thousand Dollars from the Debt Recovery Fund.

18 Twenty-Six Thousand Dollars from the Crescent City Transition Fund.

19 Eighteen Million One Hundred Three Thousand One Hundred Thirty-Eight Dollars from the
20 Transportation Trust Fund.

21 Section 3. Within ten days after the effective date of this Act, the state treasurer shall
22 make all transfers provided in this Act. In the event that the amount of any reduction in State
23 General Fund by Fees and Self-generated Revenues, Statutory Dedications, or Interagency
24 Transfers being transferred to the State General Fund (Direct) are insufficient to fully fund
25 the reduction made from such fund source on the tenth day following the effective date of
26 this Act or on that date the amount remaining in Fees and Self-generated Revenues,
27 Statutory Dedications, or Interagency Transfers is insufficient to fully fund the reductions
28 required by this Act and the appropriations remaining after the reductions in this Act, the
29 treasurer shall notify the commissioner of administration and the Joint Legislative

1 Committee on the Budget.

2 Section 4. This Act shall become effective upon signature by the governor or, if not
3 signed by the governor, upon expiration of the time for bills to become law without signature
4 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
5 vetoed by the governor and subsequently approved by the legislature, this Act shall become
6 effective on the day following such approval.

7

The original instrument was prepared by Leonore F. Heavey. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jay Lueckel.

DIGEST

SB 9 Engrossed

2016 First Extraordinary Session

Donahue

Proposed law provides for the reporting on special funds. Provides that each year the state treasurer shall submit at the August meeting of the Joint Legislative Committee on the Budget (JLCB) the status of fund transfers authorized to eliminate budget deficits for the prior fiscal year, specifically transfers which reduced constitutionally protected funds or dedications which were approved by the JLCB to eliminate budget deficits. The information shall include the date and amount of the transfer, the balance of the fund immediately prior to the transfer and the balance of the fund at year end.

Proposed law further provides that the JLCB may make such studies and hold such hearings as it shall deem appropriate and necessary to review special funds and dedications of money in the state treasury including the means of financing, specifically those funds whose primary means of financing is the state general fund, the purpose and use of the monies, and the status and balances of the special funds and dedicated monies.

Directs the state treasurer to effectuate certain fund transfers of funds into the State General Fund (Direct) from the funds specified in accordance with reductions to appropriations in the Act which originated as HB No. 122 of the 2016 First Extraordinary Session of the Legislature.

Requires that within 10 days after the effective date of the Act, the state treasurer shall make all transfers provided for in the Act.

In the event that the transfers are insufficient to fully fund the reductions made for such funds on the tenth day following the effective date of the Act, the treasurer shall notify the commissioner of administration and the Joint Legislative Committee on the Budget.

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

(Adds R.S. 39:82.1)

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Finance to the original bill

1. Specifies that the information submitted by the state treasurer regarding the status of fund transfers authorized to eliminate budget deficits shall be for the prior fiscal year.
2. Directs the state treasurer to effectuate certain fund transfers of funds into the State General Fund (Direct) from the funds specified in accordance with reductions to appropriations in the Act which originated as HB No. 122 of the 2016 First Extraordinary Session of the Legislature.
3. Requires that within 10 days after the effective date of the Act, the state treasurer shall make all transfers provided for in the Act.
4. In the event that the transfers are insufficient to fully fund the reductions made for such funds on the tenth day following the effective date of the Act, the treasurer shall notify the commissioner of administration and the Joint Legislative Committee on the Budget.