

2016 Regular Session

HOUSE BILL NO. 105

BY REPRESENTATIVE HENRY

APPROPRIATIONS: Provides for the ordinary operating expenses of state government for
Fiscal Year 2016-2017

1 AN ACT

2 To make appropriations for the ordinary expenses of the Department of Justice and
3 providing with respect to the expenditure of said appropriations; to provide for an
4 effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1.A. The appropriations in this Act from state revenue shall be payable out
7 of the sources specified and shall be limited by the provisions of Article VII, Section 10(D)
8 of the Louisiana Constitution.

9 B. The Attorney General shall warrant the state treasurer for the allocations herein
10 provided to the Department of Justice and the state treasurer shall pay said warrants by
11 preference over all other warrants, except warrants for the salaries of constitutional officers
12 of the state, which shall be concurrent with the warrants provided by this Act.

13 Section 2. All money from federal, interagency, statutory dedications, or self-
14 generated revenues shall be available for expenditure in the amounts herein appropriated.
15 Any increase in such revenues shall be available for allotment and expenditure by an agency
16 on approval of an increase in the appropriation by the Joint Legislative Committee on the
17 Budget. Any increase in such revenues for an agency without an appropriation from the
18 respective revenue source shall be incorporated into the agency's appropriation on approval
19 of the Joint Legislative Committee on the Budget. In the event that these revenues should
20 be less than the amount appropriated, the appropriation shall be reduced accordingly. To the
21 extent that such funds were included in the budget on a matching basis with state funds, a

1 corresponding decrease in the state matching funds may be made. Any federal funds which
2 are classified as disaster or emergency may be expended prior to approval of a BA-7 by the
3 Joint Legislative Committee on the Budget upon the Attorney General certifying to the
4 governor that any delay would be detrimental to the state. The Joint Legislative Committee
5 on the Budget shall be notified in writing of such declaration and shall meet to consider such
6 action, but if it is found by the committee that such funds were not needed for an emergency
7 expenditure, such approval may be withdrawn and any balance remaining shall not be
8 expended.

9 Section 3.A. Notwithstanding any other provision of law to the contrary and before
10 the purchase of any luxury or full-size motor vehicle for personal assignment by the
11 Attorney General, he shall first submit the request to the Joint Legislative Committee on the
12 Budget for approval. "Luxury or full-sized motor vehicle" shall mean or refer to such
13 vehicles as defined or used in rules or guidelines promulgated and implemented by the
14 division of administration.

15 B. Notwithstanding any other provision of law to the contrary, the Department of
16 Justice may use a portion of its appropriations contained in this Act for the expenditure of
17 funds for salaries and related benefits for smoking cessation wellness programs, including
18 pharmacotherapy and behavioral counseling for state employees of the agency.

19 Section 4. Each schedule as designated by a five-digit number code for which an
20 appropriation is made in this Act is hereby declared to be a budget unit of the state.

21 Section 5.A. The program descriptions, account descriptions, and the role, scope,
22 and mission statements of departments, agencies, programs, and budget units contained in
23 this Act are not part of the law and are not enacted into law by virtue of their inclusion in this
24 Act.

25 B. All key and supporting performance objectives and indicators for the Department
26 of Justice as contained in the Governor's Executive Budget Supporting Document shall be
27 adjusted by the Attorney General, or his designee, to reflect the funds appropriated. The
28 Attorney General shall report on these adjustments to the Commissioner of Administration
29 and the Joint Legislative Committee on the Budget by August 12, 2016.

1 Section 6. Unless otherwise prohibited by this Act, funds may be transferred
2 between departments or schedules receiving appropriations in this Act and in the General
3 Appropriation Act. Such transfers that affect the Department of Justice shall be subject to
4 the approval of the Joint Legislative Committee on the Budget.

5 Section 7. The state treasurer is hereby authorized and directed to use any available
6 funds on deposit in the state treasury to complete the payment of General Fund
7 appropriations for the Department of Justice for the Fiscal Year 2015-2016, as contained in
8 Act 16 of the 2015 Regular Session of the Legislature. In order to conform to the provisions
9 of P.L. 101-453, the Cash Management Improvement Act of 1990, and in accordance with
10 the agreement executed between the state and Financial Management Services, a division
11 of the U.S. Treasury, the state treasurer is hereby authorized to release checks drawn on
12 federally funded appropriations prior to the receipt of funds from the U.S. Treasury.

13 Section 8.A.(1) The figures in parentheses following the designation of a department
14 are the total authorized positions and authorized other charges positions for that department.

15 (2) The number of authorized positions and authorized other charges positions
16 approved for each department as a result of the passage of this Act may be increased by the
17 Attorney General in conjunction with the transfer of functions or funds to the Department
18 of Justice when sufficient documentation is presented to and approved by the Joint
19 Legislative Committee on the Budget.

20 B. The budget requests of the Department of Justice shall include, within their
21 existing table of organization, positions which perform the function of internal auditing,
22 including the position of a chief audit executive. The chief audit executive shall be
23 responsible for ensuring that the internal audit function adheres to the Institute of Internal
24 Auditors, International Standards for the Professional Practice of Internal Auditing. The
25 chief audit executive shall maintain organizational independence in accordance with these
26 standards and shall have direct and unrestricted access to the commission, board, secretary,
27 or equivalent head of the agency. The chief audit executive shall certify to the commission,
28 board, secretary, or equivalent head of the agency that the internal audit function conforms
29 to the Institute of Internal Auditors, International Standards for the Professional Practice of
30 Internal Auditing.

1 C. In the event that any cost assessment allocation proposed by the Office of Group
2 Benefits becomes effective during Fiscal Year 2016-2017, the Department of Justice shall
3 pay out of its respective appropriation an amount no less than seventy-five percent of total
4 premiums for all active employees and those retirees with Medicare in accordance with R.S.
5 42:851(D)(1) for the state basic health insurance indemnity program.

6 D. In the event that any cost allocation or increase recommended by the Public
7 Retirement Systems' Actuarial Committee through adoption of a valuation submitted to the
8 Joint Legislative Committee on the Budget and the House and Senate committees on
9 retirement becomes effective before or during Fiscal Year 2016-2017, the Department of
10 Justice shall pay out of its appropriation funds necessary to satisfy the requirements of such
11 increase.

12 Section 9.A. Pursuant to Article IV, Section 5(G)(2) and Article VII, Section 10(F)
13 of the Constitution of Louisiana, if at any time during Fiscal Year 2016-2017 the official
14 budget status report indicates that appropriations will exceed the official revenue forecast,
15 the governor shall have full power to reduce appropriations in accordance with R.S. 39:75.
16 The Attorney General shall have the authority to make adjustments to other means of
17 financing and positions in his department necessary to balance the budget based on the
18 adjustments made as authorized by R.S. 39:75(C).

19 B. The governor may also issue executive orders in a combination of any of the
20 foregoing means for the purpose of preventing the occurrence of a deficit.

21 Section 10. For the purpose of paying appropriations made herein, all revenues due
22 the state in Fiscal Year 2016-2017 shall be credited by the collecting agency to Fiscal Year
23 2016-2017 provided such revenues are received in time to liquidate obligations incurred
24 during Fiscal Year 2016-2017.

25 Section 11. In the event that more than one appropriation is made in this Act or the
26 General Appropriation Act which is payable from any specific statutory dedication, such
27 appropriations shall be allocated and distributed by the state treasurer in accordance with the
28 order of priority specified or provided in the law establishing such statutory dedication and
29 if there is no such order of priority such appropriations shall be allocated and distributed as

1 otherwise provided by any provision of law including this or any other act of the legislature
2 appropriating funds from the state treasury.

3 Section 12. Pay raises or supplements provided for by this Act shall in no way
4 supplant any local or parish salaries or salary supplements to which the personnel affected
5 would be ordinarily entitled.

6 Section 13. Any unexpended or unencumbered reward monies received by any state
7 agency during prior fiscal years pursuant to the Exceptional Performance and Efficiency
8 Incentive Program may be carried forward for expenditure in Fiscal Year 2016-2017, in
9 accordance with the respective resolution granting the reward. The Attorney General shall
10 implement any internal budgetary adjustments necessary to effectuate incorporation of these
11 monies into his agencies' budgets for Fiscal Year 2016-2017, and shall provide a summary
12 list of all such adjustments to the commissioner of administration and the Joint Legislative
13 Committee on the Budget by August thirty-first.

14 Section 14. Should any section, subsection, clause, sentence, phrase, or part of the
15 Act for any reason be held, deemed or construed to be unconstitutional or invalid, such
16 decisions shall not affect the remaining provisions of the Act, and the legislature hereby
17 declares that it would have passed the Act, and each section, subsection, clause, sentence,
18 phrase, or part thereof, irrespective of the fact that one or more of the sections, subsections,
19 clauses, sentences, phrases, or parts thereof, is declared unconstitutional or invalid. To this
20 end, the provisions of this Act are hereby declared severable.

21 Section 15.A. All BA-7 budget transactions, including relevant changes to
22 performance information, submitted in accordance with this Act or any other provisions of
23 law which require approval by the Joint Legislative Committee on the Budget shall be
24 submitted to the Joint Legislative Committee on the Budget and Legislative Fiscal Office
25 a minimum of sixteen working days prior to consideration by the Joint Legislative
26 Committee on the Budget. Each submission must include full justification of the transaction
27 requested, but submission in accordance with this deadline shall not be the sole determinant
28 of whether the item is actually placed on the agenda for a hearing by the Joint Legislative
29 Committee on the Budget. Transactions not submitted in accordance with the provisions of

1 this Section shall be considered by the Joint Legislative Committee on the Budget only when
2 extreme circumstances requiring immediate action exist.

3 B. Notwithstanding any contrary provision of this Act or any contrary provision of
4 law, no funds appropriated by this Act shall be released or provided to any recipient of an
5 appropriation made in this Act if, when, and for as long as, the recipient fails or refuses to
6 comply with the provisions of R.S. 24:513. No recipient shall be considered to fail or refuse
7 to comply with the provisions of R.S. 24:513 pursuant to this Section during any extension
8 of time granted by the legislative auditor or the Legislative Audit Advisory Council. The
9 legislative auditor may grant a recipient, for good cause shown, an extension of time to
10 comply with the provisions of R.S. 24:513. The Legislative Audit Advisory Council may
11 grant additional extensions of time to comply with the provisions of R.S. 24:513 for recipient
12 entities of an appropriation contained in this Act with recommendation by the legislative
13 auditor pursuant to R.S. 39:72.1.

14 Section 16.A. Except for the conditions set forth in Subsection B of this Section, the
15 following sums or so much thereof as may be necessary are hereby appropriated out of any
16 monies in the state treasury from the sources specified; from federal funds payable to the
17 state by the United States Treasury; or from funds belonging to the State of Louisiana and/or
18 collected by boards, commissions, departments, and agencies thereof, for purposes specified
19 herein for the year commencing July 1, 2016, and ending June 30, 2017. Funds appropriated
20 to auxiliary accounts herein shall be from prior and current year collections, with the
21 exception of State General Fund direct. Further provided with regard to auxiliary funds, that
22 excess cash funds, excluding cash funds arising from working capital advances, shall be
23 invested by the state treasurer with the interest proceeds therefrom credited to each account
24 and not transferred to the State General Fund. Except as otherwise provided in this Act, the
25 Department of Justice shall be subject to all conditions set forth in Title 39 of the Louisiana
26 Revised Statutes of 1950 as amended.

27 B.(1) No funds appropriated in this Act shall be transferred to a public or quasi
28 public agency or entity which is not a budget unit of the state unless the intended recipient
29 of those funds submits, for approval, a comprehensive budget to the legislative auditor and
30 the transferring agency showing all anticipated uses of the appropriation, an estimate of the

1 duration of the project, and a plan showing specific goals and objectives for the use of such
2 funds, including measures of performance. In addition, and prior to making such
3 expenditure, the transferring agency shall require each recipient to agree in writing to
4 provide written reports to the transferring agency at least every six months concerning the
5 use of the funds and the specific goals and objectives for the use of the funds. In the event
6 the transferring agency determines that the recipient failed to use the funds set forth in its
7 budget within the estimated duration of the project or failed to reasonably achieve its
8 specific goals and objectives for the use of the funds, the transferring agency shall demand
9 that any unexpended funds be returned to the state treasury unless approval to retain the
10 funds is obtained from the Joint Legislative Committee on the Budget. Each recipient shall
11 be audited in accordance with R.S. 24:513. If the amount of the public funds received by
12 the provider is below the amount for which an audit is required under R.S. 24:513, the
13 transferring agency shall monitor and evaluate the use of the funds to ensure effective
14 achievement of the goals and objectives. The transferring agency shall forward to the
15 legislative auditor and the Joint Legislative Committee on the Budget a report showing
16 specific data regarding compliance with this Section and collection of any unexpended
17 funds. This report shall be submitted no later than May 1, 2017.

18 (2) Transfers to public or quasi public agencies or entities that have submitted a
19 budget request to the division of administration in accordance with Part II of Chapter 1 of
20 Subtitle 1 of Title 39 of the Louisiana Revised Statutes of 1950 and transfers authorized by
21 specific provisions of the Louisiana Revised Statutes of 1950 and the Constitution of
22 Louisiana to local governing authorities shall be exempt from the provisions of this
23 Subsection.

24 (3) Notwithstanding any other provision of law or this Act to the contrary, if the
25 name of an entity subject to this Subsection is misspelled or misstated in this Act or any
26 other Act, the state treasurer may pay the funds appropriated to the entity without obtaining
27 the approval of the Joint Legislative Committee on the Budget, but only after the entity has
28 provided proof of its correct legal name to the state treasurer and transmitted a copy to the
29 staffs of the House Committee on Appropriations and the Senate Committee on Finance.

1 **DEPARTMENT OF JUSTICE**

2 **04-141 OFFICE OF THE ATTORNEY GENERAL**

3 EXPENDITURES:

4 Administrative

5 **Program Description:** *Includes the Executive Office of the Attorney General and*
6 *the first assistant attorney general; provides leadership, policy development, and*
7 *administrative services including management and finance functions, coordination*
8 *of departmental planning, professional services contracts, mail distribution, human*
9 *resource management and payroll, employee training and development, property*
10 *control and telecommunications, information technology, and internal/ external*
11 *communications.*

12 Civil Law

13 **Program Description:** *Provides legal services (opinions, counsel, and*
14 *representation) in the areas of public finance and contract law, education law, land*
15 *and natural resource law, collection law, consumer protection/environmental law,*
16 *auto fraud law, and insurance receivership law.*

17 Criminal Law and Medicaid Fraud

18 **Program Description:** *Conducts or assists in criminal prosecutions; acts as*
19 *advisor for district attorneys, legislature and law enforcement entities; provides*
20 *legal services in the areas of extradition, appeals and habeas corpus proceedings;*
21 *prepares attorney general opinions concerning criminal law; operates White Collar*
22 *Crimes Section, Violent Crime and Drug Unit, and Insurance Fraud Unit;*
23 *investigates and prosecutes individuals and entities defrauding the Medicaid*
24 *Program or abusing residents in health care facilities and initiates recovery of*
25 *identified overpayments; and provides investigation services for the department.*

26 Risk Litigation

27 **Program Description:** *Provides legal representation for the Office of Risk*
28 *Management, the Self-Insurance Fund, the State of Louisiana and its departments,*
29 *agencies, boards and commissions and their officers, officials, employees and*
30 *agents in all claims covered by the State Self-Insurance Fund, and all tort claims*
31 *whether or not covered by the Self-Insurance Fund. The Division has six regional*
32 *offices (in Alexandria, Lafayette, New Orleans, Shreveport, Monroe, and Lake*
33 *Charles) that handle litigation filed in the geographical areas covered by the*
34 *regional offices.*

35 Gaming

36 **Program Description:** *Serves as legal advisor to gaming regulatory agencies*
37 *(Louisiana Gaming Control Board, Office of State Police, Department of Revenue*
38 *and Taxation, Louisiana State Racing Commission, and Louisiana Lottery*
39 *Corporation) and represents them in legal proceedings.*

40 Authorized Positions (479)

41 Authorized Other Charges Positions (1)

42 **TOTAL EXPENDITURES** \$ 69,836,339

43 MEANS OF FINANCE:

44 State General Fund (Direct) \$ 10,808,077

45 State General Fund by:

46 Interagency Transfers \$ 22,565,754

47 Fees & Self-generated Revenues \$ 6,816,714

1	Statutory Dedications:	
2	Department of Justice Debt Collection Fund	\$ 2,391,328
3	Department of Justice Legal Support Fund	\$ 8,466,897
4	Riverboat Gaming Enforcement Fund	\$ 1,869,475
5	Video Draw Poker Device Fund	\$ 2,823,091
6	Insurance Fraud Investigation Fund	\$ 712,664
7	Louisiana Fund	\$ 2,148,200
8	Medical Assistance Program Fraud Detection Fund	\$ 1,426,608
9	Pari-mutuel Live Racing Facility Gaming Control Fund	\$ 834,658
10		
11	Sex Offender Registry Technology Fund	\$ 826,057
12	Tobacco Control Special Fund	\$ 200,000
13	Tobacco Settlement Enforcement Fund	\$ 400,000
14	Federal Funds	\$ <u>7,546,816</u>
15		
16	TOTAL MEANS OF FINANCING	\$ <u>69,836,339</u>
17	Section 5. This Act shall become effective on July 1, 2016.	

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 105 Engrossed

2016 Regular Session

Henry

Makes appropriations for the Department of Justice, Office of the Attorney General for FY 2016-2017.

Effective July 1, 2016.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the original bill:

1. Provide for the appropriations for the Department of Justice, Office of the Attorney General for Fiscal Year 2016-2017.