

2019 Regular Session

SENATE BILL NO. 181

BY SENATOR HEWITT AND REPRESENTATIVE EDMONDS

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

FUNDS/FUNDING. Provides relative to the classification, revision, dedication, or repeal of certain funds in the state treasury. (7/1/19)

1 AN ACT

2 To amend and reenact R.S. 13:998(B) and (C), 1141(B), and 1414(B), R.S. 15:1224(A), (B),

3 and (C), R.S. 39:100.31(B), R.S. 47:120.71(B), R.S. 49:308.5(B)(3), (4), and (C)(1),

4 the introductory paragraph of 308.5(C)(3)(a), and (E), R.S. 56:279(C)(1) and (2) as

5 amended by Section 18 of Act No. 612 of the 2018 Regular Session of the

6 Legislature, Code of Criminal Procedure Art. 895.1(E) as amended by Section 1 of

7 Act No. 260 of the 2017 Regular Session of the Legislature and by Act No. 137 of

8 the 2018 Regular Session of the Legislature, Code of Criminal Procedure Art.

9 895.1(F)(2) as amended by Section 19 of Act No. 612 of the 2018 Regular Session

10 of the Legislature, and Sections 1 and 24 of Act No. 612 of the 2018 Regular Session

11 of the Legislature, and to repeal R.S. 24:653(N)(3) as amended by Section 8 of Act

12 No. 612 of the 2018 Regular Session of the Legislature, R.S. 39:100.26 and 100.41,

13 and R.S. 49:308.5(B) as amended by Section 16 of Act No. 612 of the 2018 Regular

14 Session of the Legislature, relative to certain funds in the state treasury and the

15 review of those funds; to provide for the reclassification of funds in the state

16 treasury; to provide for the elimination of certain treasury funds and the creation of

17 certain statutorily dedicated fund accounts containing fees and self-generated

1 revenues; to provide relative to monies deposited and credited into certain statutorily
2 dedicated fund accounts in the state treasury; to provide that statutorily dedicated
3 fund accounts shall be presented as a distinct means of finance in the executive
4 budget; to provide relative to the investment of monies in certain treasury funds and
5 statutorily dedicated fund accounts; to provide relative to the plan of review of
6 certain special funds, dedications, and statutorily dedicated fund accounts; to provide
7 for the review of certain special funds and dedications in the state treasury, including
8 those containing fees and self-generated revenues, by the Dedicated Fund Review
9 Subcommittee of the Joint Legislative Committee on the Budget; to provide for
10 meetings of the subcommittee; to provide for effective dates; and to provide for
11 related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Sections 1 and 24 of Act No. 612 of the 2018 Regular Session of the
14 Legislature is hereby amended and reenacted to read as follows:

15 Section 1. The conversion of certain dedicated funds to ~~special agency~~
16 **statutorily dedicated fund** accounts in the state treasury contained herein, shall
17 cause the special **statutorily dedicated** agency accounts to be classified as fees and
18 ~~self-generated revenues to be used only for the purposes of identifying the~~ **accounts**
19 **containing fees and self-generated revenues, hereinafter referred to as special**
20 **agency accounts or accounts, in the state treasury contained herein, shall cause**
21 **the special agency accounts to be presented as a distinct** means of finance in the
22 executive budget. The conversion of certain dedicated funds to special agency
23 accounts shall not change the purpose for which the monies were dedicated unless
24 the use of the monies is specifically amended herein. Unless specifically provided
25 for in the statute establishing the agency account, all funds transferred to agency
26 accounts shall not revert to the state general fund at the end of the fiscal year. **Unless**
27 **specifically provided otherwise in the statute establishing the agency account,**
28 **the monies in the accounts shall be invested by the treasurer in the same**
29 **manner as the state general fund, and interest earnings shall be deposited into**

1 **the accounts following compliance with the requirements of Article VII, Section**
 2 **9(B) of the Louisiana Constitution relative to the Bond Security and**
 3 **Redemption Fund, and shall not revert to the state general fund.** The revenues
 4 in the accounts shall remain in the accounts. All monies in the accounts shall require
 5 an appropriation to be withdrawn from the account. No funds shall be transferred in
 6 or out of an account without an annual appropriation or favorable action of the Joint
 7 Legislative Committee on the Budget through a budget adjustment for the statutory
 8 purpose of those revenues.

9 * * *

10 Section 24. The state treasurer is hereby authorized and directed to transfer
 11 any unencumbered balances remaining in the funds repealed and abolished in
 12 Sections 1 through ~~14~~ 23 of this Act to the state general fund after satisfying the
 13 appropriations for Fiscal Year 2019-2020. **This Section shall not apply to any fund**
 14 **converted to a statutorily dedicated fund account or escrow account in this Act.**

15 * * *

16 **Section 2. The conversion of certain dedicated funds to statutorily dedicated**
 17 **fund accounts containing fees and self-generated revenues, hereinafter referred to as**
 18 **agency accounts or accounts, in the state treasury contained herein, shall cause the**
 19 **special agency accounts to be presented as a distinct means of finance in the executive**
 20 **budget. The conversion of certain dedicated funds to special agency accounts shall not**
 21 **change the purpose for which the monies were dedicated unless the use of the monies**
 22 **is specifically amended herein. Unless specifically provided for in the statute**
 23 **establishing the agency accounts, all funds transferred to agency accounts shall not**
 24 **revert to the state general fund at the end of the fiscal year. Unless specifically provided**
 25 **otherwise in the statute establishing the agency account, the monies in the accounts**
 26 **shall be invested by the treasurer in the same manner as the state general fund, and**
 27 **interest earnings shall be deposited into the account following compliance with the**
 28 **requirements of Article VII, Section 9(B) of the Louisiana Constitution relative to the**
 29 **Bond Security and Redemption Fund, and shall not revert to the state general fund.**

1 The revenues in the accounts shall remain in the accounts. All monies in the account
 2 shall require an appropriation to be withdrawn from the account. No funds shall be
 3 transferred in or out of an account without an annual appropriation or favorable
 4 action of the Joint Legislative Committee on the Budget through a budget adjustment
 5 for the statutory purpose of those revenues.

6 Section 3. R.S. 13:998(B) and (C), 1141(B), and 1414(B) are hereby amended and
 7 reenacted to read as follows:

8 §998. Nonrefundable fee; assessment and disposition

9 * * *

10 B. The clerks of the respective district courts, within thirty days of the close
 11 of each fiscal year, shall remit all funds collected pursuant to this Section to be
 12 deposited in the state treasurer's account for credit to a special ~~fund~~ statutorily
 13 dedicated fund account after meeting the requirements of Article VII, Section 9 of
 14 the Constitution of Louisiana. The monies in this ~~fund~~ account shall be invested by
 15 the state treasurer in the same manner as monies in the state general fund, and
 16 interest earned on the investment of these monies shall be credited to the ~~fund~~
 17 account following compliance with the requirement of Article VII, Section 9(B)
 18 relative to the Bond Security and Redemption Fund. Disbursement of funds shall be
 19 made by the office of children and family services in the Department of Children and
 20 Family Services, or its successor, in accordance with Paragraph (E)(2) of this Section
 21 and only in amounts appropriated by the legislature. Funding deposited into this
 22 account shall be presented as a distinct means of finance in the executive budget
 23 and shall be available for annual appropriations by the legislature.

24 C. The monies appropriated by the legislature and disbursed from this special
 25 ~~fund~~ account shall not displace, replace, or supplant appropriations from the general
 26 fund. This Paragraph shall mean that no appropriation for any fiscal year from the
 27 special account shall be made for any purpose for which a general fund appropriation
 28 was made in the previous year unless the total appropriations for that fiscal year from
 29 the state general fund for such purpose exceed general fund appropriations for the

1 previous year.

2 * * *

3 §1141. Domestic Relations Section; nonrefundable fee; assessment and disposition

4 * * *

5 B. The clerk of the civil district court, within thirty days of the close of each
6 fiscal year, shall remit all costs collected pursuant to this Section to be deposited in
7 the state treasurer's account for credit to a special **statutorily dedicated** fund
8 **account** after meeting the requirements of Article VII, Section 9 of the Constitution
9 of Louisiana. The monies in this ~~fund~~ **account** shall be invested by the state treasurer
10 in the same manner as monies in the state general fund, and interest earned on the
11 investment of these monies shall be credited to the ~~fund~~ **account** following
12 compliance with the requirement of Article VII, Section 9(B) relative to the Bond
13 Security and Redemption Fund. Disbursement of funds shall be made by the office
14 of children and family services in the Department of Children and Family Services,
15 or its successor, in accordance with Paragraph E(2) of this Section and only in
16 amounts appropriated by the legislature. **Funding deposited into this account shall**
17 **be presented as a distinct means of finance in the executive budget and shall be**
18 **available for annual appropriation by the legislature.**

19 * * *

20 §1414. Nonrefundable fee; assessment and disposition

21 * * *

22 B. The clerk of the 19th Judicial District Court, within thirty days of the close
23 of each fiscal year, shall remit all costs collected pursuant to this Section to be
24 deposited in the state treasurer's account for credit to a special **statutorily dedicated**
25 fund **account** after meeting the requirements of Article VII, Section 9 of the
26 Constitution of Louisiana. The monies in this ~~fund~~ **account** shall be invested by the
27 state treasurer in the same manner as monies in the state general fund, and interest
28 earned on the investment of these monies shall be credited to the ~~fund~~ **account**
29 following compliance with the requirement of Article VII, Section 9(B) relative to

1 the Bond Security and Redemption Fund. Disbursement of funds shall be made by
 2 the office of children and family services in the Department of Children and Family
 3 Services, or its successor, in accordance with Paragraph (E)(2) of this Section and
 4 only in amounts appropriated by the legislature. **Funding deposited into this**
 5 **account shall be presented as a distinct means of finance in the executive budget**
 6 **and shall be available for annual appropriations by the legislature.**

7 * * *

8 Section 4. R.S. 15:1224 (A), (B), and (C) are hereby amended and reenacted to read
 9 as follows:

10 §1224. Drug Abuse Education and Treatment **Dedicated** Fund **Account**; creation;
 11 purpose

12 A. The Drug Abuse Education and Treatment **Dedicated** Fund **Account**,
 13 hereafter referred to as the "**fund account**", is hereby created as a special **statutorily**
 14 **dedicated** fund **account** in the state treasury, which shall be the depository for all
 15 fees collected under the provisions of C.Cr.P. Art. 895.1(E).

16 B. After compliance with the requirements of Article VII, Section 9(B) of
 17 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
 18 and prior to monies being placed in the state general fund, an amount equal to that
 19 deposited as required by Subsection A hereof shall be credited to the **fund account**.
 20 The monies in the **fund account** shall be used solely as provided by Subsection C of
 21 this Section and only in the amounts appropriated by the legislature. The monies in
 22 this **fund account** shall be invested by the state treasurer in the same manner as
 23 monies in the state general fund, and interest earned on the investment of these
 24 monies shall be credited to the **fund account**, again following compliance with the
 25 requirement of Article VII, Section 9(B) relative to the Bond Security and
 26 Redemption Fund. **Funding deposited into the account shall be presented as a**
 27 **distinct means of finance in the executive budget and shall be available for**
 28 **annual appropriation by the legislature.**

29 C. The monies available in the **fund account** shall be used exclusively by the

1 Louisiana Commission on Law Enforcement to administer a grant program to assist
 2 local public and private nonprofit agencies involved in drug abuse prevention and
 3 treatment in developing drug abuse and treatment programs. In addition, the
 4 commission shall allocate from the ~~fund~~ **account** such monies as are necessary in
 5 administering this grant program.

* * *

7 Section 5. R.S. 39:100.31(B) is hereby amended and reenacted to read as follows:

8 §100.31. State Emergency Response Fund

* * *

10 B. Monies in the fund shall be appropriated and used to provide a source of
 11 funds to pay expenses incurred as a result of activities associated with the
 12 preparation for and response to an emergency or declared disaster. The expenditure
 13 for such a purpose from another source may be eligible to be repaid from the fund
 14 if the using agency has certified the necessity of such action to the commissioner of
 15 administration. Monies in the fund may also be utilized to provide bridge funding in
 16 anticipation of reimbursements from the federal government or other source. Any
 17 reimbursement received for expenses paid from the fund shall be returned to and
 18 deposited into the fund. Transfers of monies from the fund may be made from one
 19 agency to another prior to obtaining approval by the Joint Legislative Committee on
 20 the Budget in the event of an emergency and if certified by the commissioner of
 21 administration to the governor that any delay in the expenditure of such monies
 22 would be detrimental to the welfare and safety of the state and its citizens. The Joint
 23 Legislative Committee on the Budget shall be notified in writing of such declaration
 24 and shall meet to consider such action, but if it is found by the committee that such
 25 funds were not needed for an emergency expenditure, such approval may be
 26 withdrawn and any balance remaining shall not be expended. ~~Monies in the fund~~
 27 ~~may also be transferred to the FEMA Reimbursement Fund by the commissioner of~~
 28 ~~administration with the approval of the Joint Legislative Committee on the Budget.~~

* * *

1 Section 6. R.S. 47:120.71(B) is hereby amended and reenacted to read as follows:

2 §120.71. Income tax checkoff; donation for Louisiana Pet Overpopulation Advisory
3 Council; creation; use of monies

4 * * *

5 B. Upon receipt of any taxpayer's current-year income tax return upon which
6 the designation of a donation has been made, the secretary shall, after having
7 deducted the donation from the amount to be refunded, remit the donation for
8 deposit, as provided in R.S. 3:2364(E), directly into the Louisiana Animal Welfare
9 Fund **Escrow Account** within the state treasury no more than one hundred twenty
10 days from the due date of the return.

11 Section 7. R.S. 49:308.5(B)(3) and (4), (C)(1), the introductory paragraph of
12 308.5(C)(3)(a), and (E) are hereby amended and reenacted to read as follows:

13 §308.5. Legislative review and recommendation on special funds and dedication of
14 money

15 * * *

16 B.(1) * * *

17 (3)(a) ~~No~~ **Beginning July 1, 2019, and no** later than October 1, 2017, and
18 ~~every two years thereafter,~~ **2019,** the division of administration shall submit a plan
19 of **all** special funds and dedications **that contain fees and self-generated revenues**
20 **of the special dedicated funds in law as of the date of the submission of the plan**
21 to the Joint Legislative Committee on the Budget ~~that specifies at least fifty percent~~
22 ~~of the special dedicated funds in law as of the date of the submission of the plan.~~ The
23 Joint Legislative Committee on the Budget shall review the plan and may add special
24 funds to the plan submitted by the division of administration prior to approval by the
25 committee. **The Dedicated Fund Review Subcommittee of the Joint Legislative**
26 **Committee on the Budget, hereinafter referred to as "the subcommittee", shall**
27 **meet and review each dedicated fund that contains fees and self-generated**
28 **revenues prior to the 2020 Regular Session of the Legislature.**

29 (b) **Beginning February 1, 2020, and every four years thereafter, the state**

1 treasurer's office shall submit a list of all dedicated funds and statutorily
 2 dedicated fund accounts in law as of the date of the submission of the list, to the
 3 Joint Legislative Committee on the Budget.

4 (c) The Joint Legislative Committee on the Budget shall review each
 5 submitted list and may add special funds and statutorily dedicated fund
 6 accounts to the lists submitted by the state treasurer's office.

7 (d) The Joint Legislative Committee on the Budget shall ensure that after two
 8 consecutive plans have been approved, all special funds established by law date of
 9 the submission of the second consecutive plan will have been on the, including will
 10 have been approved in a plan at least once in the previous four years. all statutorily
 11 dedicated fund accounts, will have been included in the list and reviewed at least
 12 once every four years.

13 (4) Once the plan for review of special funds is approved by the Joint
 14 Legislative Committee on the Budget, the Dedicated Fund Review Subcommittee of
 15 the Joint Legislative Committee on the budget, hereinafter referred to as "the The
 16 Joint Legislative Committee on the Budget shall devise a plan for the
 17 subcommittee to review. The subcommittee", shall conduct a review of the special
 18 funds and dedications funds, dedications, and statutorily dedicated fund accounts
 19 specified in each such plan, resulting in a recommendation for each specified fund,
 20 dedication, or statutorily dedicated fund account in the plan. The subcommittee
 21 shall meet only on a day in which the Joint Legislative Committee on the Budget is
 22 scheduled to convene. The subcommittee shall meet at least once every two years
 23 and may hold other meetings upon the call of the chairperson or majority of the
 24 members.

25 C.(1) No later than fifteen days after the approval of the plan by the Joint
 26 Legislative Committee on the Budget, the subcommittee shall cause to be posted on
 27 the website of the Louisiana Legislature, notification of a hearing schedule which
 28 shall include a date for presentation and discussion of each specified special fund,
 29 dedication, or statutorily dedicated fund account in the approved plan.

1 Additionally, the Joint Legislative Committee on the Budget shall notify the
 2 commissioner of administration and the treasurer of the hearing schedule. The
 3 ~~commissioner of administration~~ **state treasurer's office** shall notify any agency or
 4 entity receiving an appropriation from a special fund, **dedication, or statutorily**
 5 **dedicated fund** specified in the plan ~~in the previous five fiscal years~~ of the hearing
 6 schedule.

7 * * *

8 (3)(a) No later than thirty days after the approval of the plan, the head of each
 9 agency or entity receiving an appropriation or allocation from ~~the a~~ special dedicated
 10 ~~fund within the previous five years~~ **fund, dedication, or statutorily dedicated fund**
 11 **account included in the plan** shall submit to the subcommittee the following:

12 * * *

13 E. ~~No later than February 15, 2018, and every two years thereafter, the~~ **The**
 14 Joint Legislative Committee on the Budget shall report the findings and
 15 recommendations of each ~~biennial~~ review to the presiding officer of each house of
 16 the legislature for electronic distribution to each member of the legislature, the
 17 governor, the treasurer, and the commissioner of administration.

18 Section 8. R.S. 56:279(C)(1) and (2) as amended by Section 18 of Act No. 612 of
 19 the 2018 Regular Session of the Legislature is hereby amended and reenacted to read as
 20 follows:

21 §279. Louisiana Alligator Resource **Dedicated Fund** Account

22 * * *

23 C.(1) Except as otherwise provided by law, all revenues received by the state
 24 from the sale of licenses as provided in R.S. 56:251(A)(2), from tag fees imposed on
 25 alligator hunters, alligator farmers, alligator shipping label fees on the sale of
 26 alligators, all revenues derived from the sale of alligators, alligator skins, or alligator
 27 eggs harvested from department-administered lands, all fees derived from alligator
 28 lottery harvest programs on department-administered lands and public waters, and
 29 all revenues derived from any other alligator-related fees and from the severance tax

1 on alligator skins provided for in R.S. 56:256 shall be credited by the state treasurer
 2 to a special account designated as the "Louisiana Alligator Resource **Dedicated**
 3 **Fund** Account" after those revenues have been deposited in the Bond Security and
 4 Redemption Fund. Out of the funds remaining in the Bond Security and Redemption
 5 Fund after a sufficient amount is allocated from that fund to pay all obligations
 6 secured by the full faith and credit of the state that become due and payable within
 7 each fiscal year, the treasurer ~~shall classify and consider as fees and self-generated~~
 8 ~~revenues available for appropriation as recognized by the Revenue Estimating~~
 9 ~~Conference, and, prior to placing such funds in the state general fund,~~ shall pay into
 10 the Louisiana Alligator Resource Account, a special agency account to be retained
 11 for future appropriation as provided in this Subpart, an amount equal to the revenues
 12 generated from collection from those sources provided for in this Section and other
 13 sources as provided by law. **Funding deposited into this account shall be**
 14 **presented as a distinct means of finance in the executive budget and shall be**
 15 **available for annual appropriation by the legislature.**

16 (2) **The state treasurer shall invest the monies in this statutorily**
 17 **dedicated fund account in the same manner as monies in the state general fund.**
 18 Any surplus monies remaining to the credit of the account, after all appropriations
 19 of the preceding fiscal year have been made, shall remain to the credit of the account.
 20 The state treasurer shall prepare and submit to the department on a quarterly basis
 21 a printed report showing the amount of money contained in the account from all
 22 sources. **Any amounts earned through investment of the monies in the account**
 23 **shall remain to the credit of the account and shall not revert to the state general**
 24 **fund.**

25 * * *

26 Section 9. Code of Criminal Procedure Article 895.1(E) as amended by Section 1
 27 of Act No. 260 of the 2017 Regular Session of the Legislature and as amended by Act No.
 28 137 of the 2018 Regular Session of the Legislature is amended and reenacted to read as
 29 follows:

1 Art. 895.1. Probation; restitution; judgment for restitution; fees

2 * * *

3 E. When the court places any defendant convicted of a violation of the
4 Uniform Controlled Dangerous Substances Law, R.S. 40:966 through 1034, on any
5 type of probation, it shall order as a condition of probation a fee of not less than fifty
6 nor more than one hundred dollars, payable to the Louisiana Commission on Law
7 Enforcement and Administration of Criminal Justice to be credited to the Drug
8 Abuse Education and Treatment Fund **Dedicated Fund Account** and used for the
9 purposes provided in R.S. 15:1224.

10 * * *

11 Section 10. Code of Criminal Procedure Article 895.1(F)(2) as amended by Section
12 19 of Act No. 612 of the 2018 Regular Session of the Legislature is hereby amended and
13 reenacted to read as follows:

14 Art. 895.1. Probation; restitution; judgment for restitution; fees

15 * * *

16 F. When the court places the defendant on supervised probation, it shall order
17 as a condition of probation the payment of a monthly fee of eleven dollars. The
18 monthly fee established in this Paragraph shall be in addition to the fee established
19 in Paragraph C of this Article and shall be collected by the Department of Public
20 Safety and Corrections and shall be transmitted, deposited, appropriated, and used
21 in accordance with the following provisions:

22 * * *

23 (2) After compliance with the requirements of Article VII, Section 9(B) of
24 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
25 and prior to monies being placed in the state general fund, the treasurer shall ~~classify~~
26 ~~and consider as fees and self-generated revenues available for appropriation as~~
27 ~~recognized by the Revenue Estimating Conference;~~ **credit** an amount equal to that
28 deposited as required by Subparagraph (1) of this Paragraph ~~shall be credited~~ to a
29 special agency account to be retained for future appropriation as provided in this

1 Article which is hereby created in the state treasury to be known as the "Sex
 2 Offender Registry Technology Account". The monies in this account shall be used
 3 solely as provided in Subparagraph (3) of this Paragraph and only in the amounts
 4 appropriated by the legislature. **Funding deposited into this account shall be**
 5 **presented as a distinct means of finance in the executive budget and shall be**
 6 **available for annual appropriations by the legislature.**

7 * * *

8 Section 11. The provisions of R.S. 24:653(N)(3), as amended by Section 18 of Act
 9 No. 612 of the Regular Session of the Legislature, and R.S. 49:308.5(B) as amended by
 10 Section 16 of Act No. 612 of the Regular Session of the Legislature are hereby repealed in
 11 their entirety.

12 Section 12. The provisions of R.S. 39:100.26 and 100.41 are hereby repealed in their
 13 entirety.

14 **Section 13. The state treasurer is hereby authorized and directed to transfer any**
 15 **unencumbered balances remaining in the funds repealed and abolished in Sections 1**
 16 **through 12 of this Act to the state general fund after satisfying the appropriations for**
 17 **Fiscal Year 2019-2020. This Section shall not apply to any fund converted to a**
 18 **statutorily dedicated fund account or escrow account in this Act.**

19 **Section 14. (A) Notwithstanding the provisions of Act No. 612 of the 2018**
 20 **Regular Session, the following funds which were converted to accounts in Act No. 612**
 21 **of the 2018 Regular Session shall be considered as statutorily dedicated fund accounts**
 22 **containing fees and self-generated revenues, as follows:**

23 **(1) The Administrative Fund of the Department of Insurance created in R.S.**
 24 **22:1071, shall be renamed the Administrative Dedicated Fund Account of the**
 25 **Department of Insurance.**

26 **(2) The Emergency Medical Technician Fund created in R.S. 40:1135.10, shall**
 27 **be renamed the Emergency Medical Technician Dedicated Fund Account.**

28 **(3) The Environmental Trust Fund created in R.S. 30:2015 shall be renamed the**
 29 **Environmental Trust Dedicated Fund Account.**

1 **(4) The Louisiana Alligator Resource Fund created in R.S. 56:279 shall be**
2 **renamed the Louisiana Alligator Resource Dedicated Fund Account.**

3 **(5) The Louisiana Bicycle and Pedestrian Safety Fund created in R.S. 32:202**
4 **shall be renamed the Louisiana Bicycle and Pedestrian Safety Dedicated Fund Account.**

5 **(6) The Motorcycle Safety, Awareness, and Operator Training Program Fund**
6 **created in R.S. 32:412 shall be renamed the Motorcycle Safety, Awareness, and**
7 **Operator Training Program Dedicated Fund Account.**

8 **(7) The Municipal Fire and Police Civil Service Operating Fund created in R.S.**
9 **22:1476 shall be renamed the Municipal Fire and Police Civil Service Operating**
10 **Dedicated Fund Account.**

11 **(8) The Office of Workers' Compensation Administration Fund created in R.S.**
12 **23:1291.1 shall be renamed the Office of Workers' Compensation Administration**
13 **Dedicated Fund Account.**

14 **(9) The Proprietary School Student Protection Fund created in R.S. 17:3141.16**
15 **shall be renamed the Proprietary School Student Protection Dedicated Fund Account.**

16 **(10) The Sex Offender Registry Technology Fund created in Code of Criminal**
17 **Procedure Article 895.1 shall be renamed the Sex Offender Registry Technology**
18 **Dedicated Fund Account.**

19 **(11) The Youthful Offender Management Fund created in R.S. 15:921 shall be**
20 **renamed the Youthful Offender Management Dedicated Fund Account.**

21 **(B) The Louisiana State Law Institute is hereby directed, pursuant to its**
22 **authority in R.S. 24:253, to correct any reference in any Code or the Louisiana Revised**
23 **Statutes of 1950 to reflect the changes to the funds and accounts listed in Subsection A**
24 **of this Section.**

25 Section 15. The provisions of this Section and Sections 7 and 12 shall become
26 effective on July 1, 2019; if vetoed by the governor and subsequently approved by the
27 legislature, this Section and Sections 7 and 12 shall become effective on July 1, 2019. The
28 provisions of Sections 1 through 6, 8 through 11, 13, and 14 of this Act shall become
29 effective on July 1, 2020. If vetoed by the governor and subsequently approved by the

1 legislature, Sections 1 through 6, 8 through 11, 13, and 14 of this Act shall become effective
2 on July 1, 2020.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Martha S. Hess.

DIGEST

SB 181 Engrossed

2019 Regular Session

Hewitt

Proposed law abolishes certain funds in the state treasury, as follows:

DEDICATED FUNDS ELIMINATED BY PROPOSED LAW

FEMA Reimbursement Fund	R.S. 39:100.26
Louisiana Interoperability Communications Fund	R.S. 39:100.41

Proposed law amends certain funds from being dedicated funds in the state treasury to being statutorily dedicated fund accounts in the state treasury, which contain fees and self-generated revenues and which shall be presented as a distinct means of finance in the executive budget as follows:

DEDICATED FUNDS AMENDED FROM FUNDS
TO DEDICATED FUND ACCOUNTS

Battered Women's Shelter Fund	R.S. 13:998(B) and (C), 1141(B), and 1414(B)
Drug Abuse Education and Treatment Fund	R.S. 15:1224(A), (B), and (C); CCRP 895.1 as amended by Act 260 of 2017 R.S. and Act 137 of 2018 R.S.

Proposed law amends present law to clarify that unless specifically provided otherwise in the statute establishing the dedicated fund account, hereinafter referred to as the "account", the monies in the accounts shall be invested by the treasurer in the same manner as the state general fund, and interest earnings shall be deposited into the account following compliance with the requirements the Bond Security and Redemption Fund, and shall not be deposited into the general fund.

Proposed law changes the Louisiana Animal Welfare Fund to an escrow fund.

Proposed law also corrects cross-references to funds and accounts revised in proposed law and makes technical corrections, which funds are listed below:

DEDICATED FUNDS OR ACCOUNTS
OTHERWISE AMENDED BY PROPOSED LAW

Louisiana Alligator Resource Account	R.S. 56:279(C)(1) as amended by Act 612 of the 2018 R.S.
Louisiana Animal Welfare Fund	R.S. 47:120.71
State Emergency Response Fund	R.S. 39:100.3(B)
Sex Offender Registry Technology Account	CCRP 895.1(E) as amended

by Act 612 of the 2018 R.S.

Proposed law corrects the names of eleven funds which were amended in Act 612 of the 2018 R.S. which converted the funds to an account, by considering those accounts as statutorily dedicated fund accounts containing fees and self-generated revenues to be presented as a distinct means of finance in the executive budget, as follows:

- (1) Administrative Dedicated Fund Account of the Department of Insurance.
- (2) Emergency Medical Technician Dedicated Fund Account.
- (3) Environmental Trust Dedicated Fund Account.
- (4) Louisiana Alligator Resource Dedicated Fund Account.
- (5) Louisiana Bicycle and Pedestrian Safety Dedicated Fund Account.
- (6) Motorcycle Safety, Awareness, and Operator Training Program Dedicated Fund Account.
- (7) Municipal Fire and Police Civil Service Operating Dedicated Fund Account.
- (8) Office of Workers' Compensation Administration Dedicated Fund Account.
- (9) Proprietary School Student Protection Dedicated Fund Account.
- (10) Sex Offender Registry Technology Dedicated Fund Account.
- (11) Youthful Offender Management Dedicated Fund Account.

Proposed law directs the Louisiana State Law Institute to correct references in any Code or the Louisiana Revised Statutes to reflect the changes made to the funds and accounts listed in this section of proposed law.

Present law provides relative to the plan of review of certain treasury funds by the Dedicated Fund Review Subcommittee (subcommittee) of the Joint Legislative Committee on the Budget (JLCB). Present law provides that no later than October 1, 2017, and every two years thereafter, the division of administration shall submit a plan of special funds and dedications to the subcommittee. Further provides that no later than September 1, 2017, and every two years thereafter, the JLCB shall provide for the subcommittee.

Proposed law revises present law to provide that beginning July 1, 2019, and no later than October 1, 2019, the division of administration shall submit a plan of special funds and dedications that contain fees and self-generated revenues to the JLCB. The subcommittee shall meet and review each dedicated fund that contains fees and self-generated revenues prior to the 2020 R.S.

Proposed law provides that beginning February 1, 2020, and every four years thereafter, the state treasurer's office shall submit a list of special funds, dedications, and statutorily dedicated fund accounts to the JLCB. The JLCB shall devise a plan for the Dedicated Fund Review Subcommittee to review. Proposed law removes references to September 1, 2017, and October 1, 2017.

Present law provides that the JLCB shall ensure that all special funds established by law on the date of the submission of the second consecutive plan will have been approved in a plan at least once in the previous four years.

Proposed law provides that the JLCB shall ensure that all special funds, dedications, and statutorily dedicated fund accounts shall be reviewed by the subcommittee at least once every four years.

Proposed law provides that the subcommittee shall meet at least once every two years and may hold other meetings upon the call of the chairperson or majority of the members.

Proposed law clarifies that funds converted to a statutorily dedicated fund account or escrow account shall not be considered as revoked or repealed.

Effective July 1, 2019.

(Amends R.S. 13:998(B) and (C), 1141(B), and 1414(B); R.S. 15:1224(A), (B), and (C); R.S. 39:100.31(B); R.S. 47:120.71(B); R.S. 49:308.5(B)(3) and (4), (C)(1), (C)(3)(a)(intro para), and (E); R.S. 56:279(C)(1) and (2) both as amended by Acts 2018, No. 612, §8; C.Cr.P. Art. 895.1(E) as amended by Acts 2017, No. 260, §1 and Acts 2018, No. 137; C.Cr.P. Art. 895.1(F)(2) as amended by Acts 2018, No. 612, §19; Sections 1 and 24 of Acts 2018, No. 612, §8; repeals R.S. 24:653(N)(3) as amended by Acts 2018, No. 612, §18; R.S. 39:100.26 and 100.41, R.S. 49:308.5(B) as amended by Acts 2018, No. 612, §16)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the original bill

1. Changes names of certain dedicated funds or accounts to statutorily dedicated fund accounts.
2. Revises references to fees and self-generated revenues to provide that monies in statutorily dedicated fund accounts shall be presented as a distinct means of finance in the executive budget.
3. Clarifies that funds converted to a statutorily dedicated fund account or escrow account shall not be considered as revoked or repealed.