

Regular Session, 2009

HOUSE BILL NO. 802

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 and deposit of monies among state funds

1 AN ACT

2 To amend and reenact R.S. 51:2365(F), relative to state funds; to provide for the purposes  
3 of the Louisiana Mega-Project Development Fund; provide for the transfer,  
4 dedication, use, and appropriation as specified of certain treasury funds; to provide  
5 for effective dates; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 51:2365(F) is hereby amended and reenacted to read as follows:

8 §2365. Louisiana Mega-Project Development Fund

9 \* \* \*

10 F.(1)(a) For purposes of this Section, "mega-project" means ~~any project~~  
11 ~~which will provide all of the following:~~

12 (a) A project which will provide the following:

13 (i) Five hundred new direct jobs to the state:

14 (ii) ~~A~~ or a minimum initial investment of ~~one~~ five hundred million dollars  
15 by the private sector or the United States Government through the creation of a new  
16 facility or the expansion of an existing facility.

17 (iii) ~~(ii)~~ (ii) A substantial return on the investment by the state as measured by  
18 projected tax revenues.

1           (b) ~~"Mega-project"~~ shall also mean any A project for a military or federal  
2 installation which is important to the Louisiana economy and that may be subject to  
3 base realignment and closure, ~~and or for the purchase of land for a mega-project.~~

4           ~~(c) Notwithstanding the provisions of Subsections D and E of this Section,~~  
5 ~~for Fiscal Year 2008-2009, the monies in the fund may be used to provide a one-time~~  
6 ~~salary supplement for all school support personnel and nonpublic lunchroom~~  
7 ~~employees eligible for state salary supplements in accordance with House Bill No.~~  
8 ~~1 of the 2008 Regular Session of the Legislature. Notwithstanding the provisions of~~  
9 ~~this Section, no additional approvals are necessary for the payment of the one-time~~  
10 ~~salary supplement.~~

11           (c) A project resulting in re-creating or saving at least five hundred direct  
12 jobs, through the transfer of ownership of a facility that has been closed or is at the  
13 risk of closure due to conditions arising out of or relating to a proceeding under Title  
14 11 of the United States Code.

15           (2) The investment by the state in any mega-project shall not exceed thirty  
16 percent of the total cost of the project as described in the cooperative endeavor  
17 agreement.

18           Section 2. The state treasurer is hereby authorized and directed to transfer Three  
19 Million Dollars from the Incentive Fund to be deposited to and credited in the state general  
20 fund.

21           Section 3. In accordance with the Deficit Reduction Plan authorized by R. S. 39:75  
22 (C) and implemented and approved by the governor in issuing Executive Order No. BJ  
23 2008-114 and by action of the Joint Legislative Committee on the Budget on January 9,  
24 2009, the state treasurer is authorized and directed to transfer from the following funds and  
25 in the amounts specified Twenty-four Million Three Hundred Seventy-eight Thousand Fifty-  
26 six Dollars to the state general fund:

27           (1) One Thousand Five Hundred dollars from the DNA Testing Post-Conviction  
28 Relief for Indigents Fund.

1 (2) Three Hundred Thirty Two Thousand Six Hundred Seventy-three Dollars from  
2 the State Parks Improvement and Repair Fund.

3 (3) Forty-seven Thousand Five Hundred Dollars from the Poverty Point Reservoir  
4 Development Fund.

5 (4) Two Thousand Five Hundred Dollars from the Audubon Golf Trail Development  
6 Fund.

7 (5) Fifteen Thousand Six Hundred Twenty-Five Dollars from the Higher Education  
8 Initiatives Fund.

9 (6) Thirty-three Thousand Eight Hundred Sixty-one Dollars from the Louisiana  
10 Charter School Startup Loan Fund.

11 (7) Thirty Thousand Six Hundred Thirty-three Dollars from the from the Louisiana  
12 Technology Innovations Fund.

13 (8) Thirty-two Thousand Seven Hundred Fifty Dollars from the St. Landry Parish  
14 Excellence Fund.

15 (9) Thirty Thousand Dollars from the Calcasieu Parish Fund.

16 (10) Five Hundred Twenty-Eight Thousand Two Hundred Forty Five Dollars from  
17 the Tobacco Tax Health Care Fund.

18 (11) Thirty Eight Thousand Five Hundred Dollars from the Bossier Parish Truancy  
19 Fund.

20 (12) One Hundred Forty-nine Thousand Six Hundred Eighty-two Thousand Dollars  
21 from the Louisiana Economic Development Fund.

22 (13) Two hundred Ninety-seven Thousand Eight Hundred Sixty-nine dollars from  
23 the Small Business Surety Bonding Fund.

24 (14) Eight Thousand Two Hundred Twenty-three Dollars from the Entertainment  
25 Promotion and Marketing Fund.

26 (15) One Hundred Eighteen Thousand Two Hundred Seventy-three Dollars from the  
27 Marketing Fund.

28 (16) Two Million Three Hundred Fifty-four Thousand Nine Hundred Ninety-four  
29 Dollars from the Rapid Response Fund.

1 (17) Two Million Three Hundred Forty-one Thousand Seven Hundred Eighty-seven  
2 Dollars from the Video Draw Poker Device Fund.

3 (18) One Hundred Seventy-six Thousand Three Hundred Twenty-nine Dollars from  
4 the Video Draw Poker Purse Supplemental Fund.

5 (19) One Hundred Twenty-seven Thousand Four Hundred Thirty-seven Dollars from  
6 the Pari-mutuel Racing Facility Gaming Control Fund.

7 (20) Ten Thousand Dollars from the Beautification/Improvement New Orleans City  
8 Park Fund.

9 (21) Five Thousand Dollars from the Algiers Economic Development Foundation  
10 Fund.

11 (22) Twenty-seven Thousand Eight Hundred Dollars from the 2 Percent Fire  
12 Insurance Fund.

13 (23) Thirty-two Thousand Six Hundred Sixty-three Dollars from the Administrative  
14 Fund - Department of Insurance.

15 (24) Sixty Thousand Three Hundred Nineteen Dollars from the Department of  
16 Justice of Legal Support Fund.

17 (25) Forty-one Thousand Two Hundred Thirty-five Dollars from the Department of  
18 Justice Debt Collection Fund.

19 (26) One Thousand Eight hundred Dollars from the Greater New Orleans  
20 Expressway Commission.

21 (27) Six Hundred Seventy-one Thousand Seven Hundred Thirty-two Dollars from  
22 the Office of Workers' Compensation Administration.

23 (28) Two Million Three Hundred Eighty-seven Thousand Six Hundred Seventy-one  
24 Dollars from the Labor-Incumbent Worker Training Account.

25 (29) Two Hundred Seventy-one Thousand One Hundred Thirty-eight Dollars from  
26 the Employment Security Administration Account.

27 (30) One Hundred Thirty-four Thousand Eight Hundred Eighty-nine Dollars from  
28 the Labor - Penalty and Interest Account.

1 (31) Two Hundred Seventy-seven Thousand Three Hundred Eighty-eight Dollars  
2 from the Oilfield Site Restoration Fund.

3 (32) Five Hundred Sixty-one Thousand Ninety-five Dollars from the Mineral  
4 Resource Operation Fund.

5 (33) Four Hundred Eighty-seven Thousand Nine Hundred Fifty-seven Dollars from  
6 the Oil and Gas Regulatory Fund.

7 (34) Four Hundred Fifty-four Thousand Three Hundred Fifty-six Dollars from the  
8 Louisiana Fire Marshal Fund.

9 (35) Six Thousand Five Hundred Forty-four Dollars from the Motorcycle Safety and  
10 Training Fund.

11 (36) Thirty Thousand Two Hundred Forty-seven Dollars from the Public Safety  
12 DWI Testing, Maintenance and Training Fund.

13 (37) Seventeen Thousand Six Hundred Fifty-five Dollars from the Concealed  
14 Handgun Permit Fund.

15 (38) Four Thousand Five Hundred Fifty-nine Dollars from the Right to Know Fund.

16 (39) Thirty-nine Thousand Seven Hundred Fourteen Dollars from the Liquefied  
17 Petroleum Gas Commission Rainy Day Fund.

18 (40) Five Thousand Seven Hundred Ninety Dollars from the Explosives Trust Fund.

19 (41) Five Hundred Sixty-four Thousand Nine Hundred Ninety-three Dollars from  
20 the Office of Motor Vehicle Customer Service and Technology Fund.

21 (42) Twenty-seven Thousand Three Hundred Thirty-five Dollars from the Louisiana  
22 Life Safety and Property Protection Trust Fund.

23 (43) Two Thousand Five Hundred Twenty-five Dollars from the Oyster Sanitation  
24 Fund.

25 (44) One Hundred Dollars from the Keep Louisiana Beautiful Fund.

26 (45) Thirty-eight Thousand Two Hundred Dollars from the Indigent Parent  
27 Representation Program Fund.

28 (46) Fifty Thousand Dollars from the Incentive Fund.

1 (47) Twelve Thousand Five Hundred Dollars from the Evangeline Parish  
2 Recreational District Fund.

3 (48) Five Thousand Eight Hundred Ten Dollars from the Shreveport Riverfront and  
4 Convention Center and Independence Stadium Fund.

5 (49) Two Hundred Nine Thousand Seven Hundred Fifty-two Dollars from the Oil  
6 Spill Contingency Fund.

7 (50) Thirty-eight Thousand Seven Hundred Sixty Dollars from the Drug Abuse  
8 Education and Treatment Fund.

9 (51) Forty-five Thousand Nine Hundred Eighty-seven Dollars from the Louisiana  
10 Environmental Education Fund.

11 (52) Thirty Thousand Nine Hundred Sixty-six Dollars from the Louisiana  
12 Manufactured Home Commission.

13 (53) Five Million Three Hundred thirty Thousand Eight Hundred Thirty-two Dollars  
14 from the Overcollections Fund.

15 (54) One Million Four Hundred Forty-three Thousand Twenty-nine Dollars from the  
16 Louisiana Public Defender Fund.

17 (55) Five Hundred Thousand Dollars from the Community Water Enrichment Fund.

18 (56) Three Million One Hundred Sixty-nine Thousand Six Hundred Thirty-nine  
19 Dollars from the Conservation Fund.

20 (57) Eighteen Thousand Three Hundred Ninety-nine Dollars from the Seafood  
21 Promotion and Marketing Fund.

22 (58) Five Thousand Dollars from the Fur and Alligator Education - Marketing Fund.

23 (59) Sixty-Five Thousand Fourteen Dollars from the Wildlife Habitat and Natural  
24 Heritage

25 (60) Twenty-one Thousand Eight Hundred Twenty-five Dollars from the Louisiana  
26 Duck License Stamp and Print Fund.

27 (61) One Hundred Thousand Eight Hundred Twenty-one Dollars from the Louisiana  
28 Alligator Resource Fund.

29 (62) One Thousand Eight Hundred Dollars from the Natural Heritage Account.

1 (63) Three Hundred Eighty Dollars from the Louisiana Reptile/Amphibian Research  
2 Fund.

3 (64) Three Thousand Seven Hundred Forty-three Dollars from the Louisiana Wild  
4 Turkey Stamp Fund.

5 (65) Nine Thousand One Hundred Eighty-five Dollars from the Oyster Development  
6 Fund.

7 (66) Nine Thousand Two Hundred Fifty-six Dollars from the Shrimp Marketing and  
8 Promotion Account.

9 (67) Two Thousand One Hundred Eighty Dollars from the Conservation of the Black  
10 Bear Account.

11 (68) Twenty-six Thousand Dollars from the Public Oyster Seed Ground  
12 Development Account.

13 (69) Thirteen Thousand Four Hundred Dollars from the Shrimp Trade Petition  
14 Account.

15 (70) Two Hundred Fifty Dollars from the Crab Promotion and Marketing Account.

16 (71) One Thousand Nine Hundred Eighty-one Dollars from the Derelict Crab Trap  
17 Removal Program Account.

18 (72) Forty-one Thousand Five Hundred Ninety-two Dollars from the Motor Carrier  
19 Regulation Fund.

20 (73) Three Hundred Sixty-four Thousand Eighty Dollars from the Utility and Carrier  
21 Inspection/Supervision Fund.

22 (74) Sixteen Thousand Three Hundred Nineteen Dollars from the Telephonic  
23 Solicitation Relief Fund.

24 (75) Eight Thousand Four Hundred Seventy Dollars from the Education Excellence  
25 Fund.

26 Section 4. Notwithstanding any provision of law to the contrary, the state treasurer  
27 is authorized and directed to transfer Four Hundred Eight Thousand Four Hundred Eighty  
28 Four Dollars from the Louisiana Technology Innovation Fund to the Overcollections Fund.

1 Section 5. The state treasurer is hereby authorized and directed to transfer from the  
2 state general fund for Fiscal Year 2008-2009 receipts of Three Hundred Forty-four Million  
3 Five Hundred Thousand Dollars to be deposited in and credited to the Louisiana Medical  
4 Assistance Trust Fund.

5 Section 6. Notwithstanding any provision of law to the contrary, the state treasurer  
6 shall not include unexpended and unencumbered monies in the Rapid Response Fund at the  
7 end of the 2008-2009 Fiscal Year in the determination of the unencumbered balance of the  
8 fund for purposes of determining the amount to be deposited into the fund at the beginning  
9 of the fiscal year pursuant to R.S. 51:2361(A)(2).

10 Section 7. Sections 1, 3, 4, and 5 of this Act shall become effective upon signature  
11 of this Act by the governor or, if not signed by the governor, upon expiration of the time for  
12 bills to become law without signature by the governor, as provided by Article III, Section  
13 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and subsequently  
14 approved by the legislature, Sections 1, 3, 4, and 5 of this Act shall become effective on the  
15 day following such approval.

16 Section 8. Sections 2 and 6 of this Act shall become effective on July 1, 2009; if  
17 vetoed by the governor and subsequently approved by the legislature, Sections 2 and 6 of  
18 this Act shall become effective on July 1, 2009, or on the day following such approval by  
19 the legislature, whichever is later.

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#### 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)]

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Fannin

HB No. 802

**Abstract:** Directs the state treasurer to transfer monies among funds within the state treasury and makes changes to the La. Mega-Project Development Fund.

Present law establishes the criteria for projects to be eligible for consideration for funding from the Mega-Project Economic Development Fund. Defines a "mega-project" as meeting all of the following criteria:

- (1) 500 new direct jobs to the state.
- (2) A minimum initial investment of \$100 million dollars by the private sector or the U.S. Government through the creation of a new facility or the expansion of an existing facility.



- (3) A substantial return on the investment by the state as measured by projected tax revenues.

Proposed law defines a "mega-project" as creating direct jobs or demonstrating a minimum initial investment. Increases the amount of the initial investment from \$100 million to \$500 million.

Present law additionally defines a "mega-project" as any project for a military or federal installation which is important to the Louisiana economy and that may be subject to base realignment and closure and purchase of land for a mega-project.

Proposed law clarifies that a "mega-project" may be any project for a military or federal installation which is important to the Louisiana economy and that may be subject to base realignment and closure or the purchase of land for a mega-project.

Present law permits monies in the Mega-Project Economic Development Fund, for FY 2008-09, to be used for a one-time salary supplement for certain school support personnel in accordance with HB No. 1 of the 2008 R.S.

Proposed law deletes present law.

Proposed law defines a "mega-project" as a project resulting in re-creating or saving at least 500 direct jobs, through the transfer of ownership of a facility that has been closed or is at risk of closure due to conditions arising out of or relating to a proceeding under Title 11 of the U.S. Code.

Present law restricts the investment by the state in any mega-project to 30% of the total project cost.

Proposed law specifies that "total project cost" is as defined in the cooperative endeavor agreement.

Authorizes and directs the state treasurer to deposit \$3,000,000 into the state general fund from the Incentive Fund.

Transfers monies to the state general fund from various fund appropriations reduced in the Deficit Reduction Plan approved by the governor by executive order and by action of the Joint Legislative Committee on the Budget on January 9, 2009. Authorizes the transfer of \$24,378,056 to the state general fund in the following amounts from the following funds:

<b>Amount</b>	<b>Fund</b>
\$ 1,500	DNA Testing Post-Conviction Relief for Indigents
\$ 332,673	State Parks Improvement and Repaid Fund
\$ 47,500	Poverty Point Reservoir Development Fund
\$ 2,500	Audubon Golf Trail and Development Fund
\$ 15,625	Higher Education Initiatives Fund
\$ 33,861	Louisiana Charter School Startup Loan Fund
\$ 30,633	Louisiana Technology Innovations Fund
\$ 32,750	St. Landry Parish Excellence Fund
\$ 30,000	Calcasieu Parish Fund
\$ 528,245	Tobacco Tax Health Care Fund
\$ 38,500	Bossier Parish Truancy Fund
\$ 149,682	Louisiana Economic Development Fund
\$ 297,869	Small Business Surety Bonding Fund
\$ 8,223	Entertainment Promotion and Marketing Fund

<b>Amount</b>	<b>Fund</b>
\$ 118,273	Marketing Fund
\$ 2,354,994	Rapid Response Fund
\$ 2,341,787	Video Draw Poker Device Fund
\$ 176,329	Video Draw Poker Purse Supplemental Fund
\$ 127,437	Pari-mutuel Live Racing Facility Gaming Control Fund
\$ 10,000	Beautification/Improvement New Orleans City Park Fund
\$ 5,000	Algiers Economic Development Foundation Fund
\$ 27,800	2 Percent Fire Insurance Fund
\$ 32,663	Administrative Fund - Department of Insurance
\$ 60,319	Department of Justice Legal Support Fund
\$ 41,235	Department of Justice Debt Collection Fund
\$ 1,800	Greater New Orleans Expressway Commission
\$ 671,732	Office of Workers' Compensation Administration
\$ 2,387,671	Labor - Incumbent Worker Training Account
\$ 271,138	Employment Security Administration Account
\$ 134,889	Labor - Penalty and Interest Account
\$ 277,388	Oilfield Site Restoration Fund
\$ 561,095	Mineral Resource Operation Fund
\$ 487,957	Oil and Gas Regulatory Fund
\$ 454,356	Louisiana Fire Marshal Fund
\$ 6,544	Motorcycle Safety and Training Fund
\$ 30,247	Public Safety DWI Testing, Maintenance and Training Fund
\$ 17,655	Concealed Handgun Permit Fund
\$ 4,559	Right to Know Fund
\$ 39,714	Liquified Petroleum Gas Commission Rainy Day Fund
\$ 5,790	Explosives Trust Fund
\$ 564,993	Office of Motor Vehicles Customer Service and Technology Fund
\$ 27,335	Louisiana Life Safety and Property Protection Fund
\$ 2,525	Oyster Sanitation Fund
\$ 100	Keep Louisiana Beautiful Fund
\$ 38,200	Indigent Parent Representation Program Fund
\$ 50,000	Incentive Fund
\$ 12,500	Evangeline Parish Recreational District Fund
\$ 5,810	Shreveport Riverfront and Convention Center and Independence Fund
\$ 209,752	Oil Spill Contingency Fund
\$ 38,760	Drug Abuse Education and Treatment Fund
\$ 45,987	Louisiana Environmental Education Fund
\$ 30,966	Louisiana Manufactured Housing Commission
\$ 5,330,832	Overcollections Fund
\$ 1,443,029	Louisiana Public Defender Fund

<b>Amount</b>	<b>Fund</b>
\$ 500,000	Community Water Enrichment Fund
\$ 3,169,639	Conservation Fund
\$ 18,399	Seafood Promotion and Marketing Fund
\$ 5,000	Fur and Alligator Education - Marketing Fund
\$ 65,014	Wildlife Habitat and Natural Heritage Fund
\$ 21,825	Louisiana Duck License Stamp and Print Fund
\$ 100,821	Louisiana Alligator Resource Fund
\$ 1,800	Natural Heritage Account
\$ 380	Louisiana Reptile/Amphibian Research Fund
\$ 3,743	Louisiana Wild Turkey Stamp Fund
\$ 9,185	Oyster Development Fund
\$ 9,256	Shrimp Marketing and Promotion Account
\$ 2,180	Conservation of the Black Bear Account
\$ 26,000	Public Oyster Seed Ground Development Account
\$ 13,400	Shrimp Trade Petition Account
\$ 250	Crab Promotion and Marketing Account
\$ 1,981	Derelict Crab Trap Removal Program Account
\$ 41,592	Motor Carrier Regulation Fund
\$ 364,080	Utility and Carrier Inspection/Supervision Fund
\$ 16,319	Telephonic Solicitation Relief Fund
\$ 8,470	Education Excellence Fund

Authorizes and directs the state treasurer to deposit \$404,308 into the Overcollections Fund from the Louisiana Technology Innovations Fund, notwithstanding any provision of law to the contrary.

Authorizes and directs the state treasurer to deposit \$344,500,000 into the Louisiana Medical Assistance Trust Fund from FY 2008-2009 state general fund receipts.

Provides that monies in the Rapid Response Fund at the end of FY 2008-09 shall not be included in the determination of the fund balance, requiring the state treasurer to deposit \$10 million into the fund on July 1, 2009.

All provisions of this Act shall become effective upon signature of the governor or lapse of time for gubernatorial action, except that provisions for the transfer of monies from the Incentive Fund for deposit into the state general fund and provisions related to the Rapid Response Fund shall be effective on July 1, 2009.

(Amends R.S. 51:2365(F))