

Regular Session, 2011

HOUSE BILL NO. 477

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 enact Subpart R of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana
3 Revised Statutes of 1950, to be comprised of R.S. 39:100.131, and to repeal R.S.
4 39:94(C)(4)(b), relative to state funds; to create the One Time Money Fund as a
5 special treasury fund; to repeal certain prohibitions on appropriations or deposits
6 into the Budget Stabilization Fund; to provide for the transfer, dedication, use, and
7 appropriations as specified of certain treasury funds; to provide for the deposit of
8 certain funds into the state treasury; to provide for effective dates; and to provide for
9 related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Subpart R of Part II-A of Chapter 1 of Subtitle I of Title 39 of the
12 Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.131, is hereby enacted to read
13 as follows:

14 SUBPART R. ONE TIME MONEY FUND

15 §100.131. One Time Money Fund

16 A. There is hereby established in the state treasury, as a special fund, the One
17 Time Money Fund, hereinafter referred to as the "fund".

18 B. The source of monies deposited into the fund shall be one time money.
19 The treasurer shall deposit into the fund one time money as defined in Subsection D
20 of this Section. All unexpended and unencumbered monies in the fund at the end of
21 the fiscal year shall remain in the fund. The monies in the fund shall be invested by

1 the state treasurer in the same manner as monies in the state general fund, and
2 interest earned on the investment of monies shall be credited to the fund.

3 C. The monies in the fund shall be appropriated and used solely for the
4 following purposes:

5 (1) Retiring or for the defeasance of bonds in advance or in addition to the
6 existing amortization requirements of the state.

7 (2) Providing for payments against the unfunded accrued liability of the
8 public retirement systems which are in addition to any payments required for the
9 annual amortization of the unfunded accrued liability of the public retirement
10 systems, as required by Article X, Section 29(E)(2)(c) of the Constitution of
11 Louisiana; however, any such payments to the public retirement systems shall not
12 be used, directly or indirectly, to fund cost-of-living increases for such systems.

13 (3) Providing funding for capital outlay projects in the comprehensive state
14 capital budget.

15 (4) Providing for allocation or appropriation for deposit into the Budget
16 Stabilization Fund established in Article VII, Section 10.3 of the Constitution of
17 Louisiana.

18 (5) Providing for allocation or appropriation for deposit into the Coastal
19 Protection and Restoration Fund established in Article VII, Section 10.2 of the
20 Constitution of Louisiana.

21 (6) Providing for new highway construction for which federal matching
22 funds are available, without excluding highway projects otherwise eligible as capital
23 projects under provisions of the Constitution of Louisiana.

24 D. For the purposes of this Subpart, "one time money" means money in the
25 state general fund from one time transactions, but not recognized as nonrecurring
26 revenue by the Revenue Estimating Conference, including but not limited to court
27 settlements, the sale of state facilities, and the privatization of state operations.

28 Section 2. Notwithstanding any provision of law to the contrary, the treasurer is
29 authorized and directed to transfer the following amounts into the Overcollections Fund from
30 the funds specified below:

1 (1) Five Million Five Hundred Ninety-Three Thousand Nine Hundred Seventy-Eight
2 Dollars from the Louisiana Fire Marshal Fund.

3 (2) Fifty Thousand Dollars from the Incentive Fund.

4 (3) One Hundred Eighteen Million Eight Hundred Sixty-Eight Dollars from the State
5 General Fund (Direct).

6 Section 3. Notwithstanding any provision of law to the contrary, the treasurer is
7 authorized and directed to transfer Ninety-Seven Million Two Hundred Forty-Six Thousand
8 Five Hundred Twelve Dollars from fees and self-generated revenues from higher education
9 institutions to the Higher Education Initiatives Fund based on a plan approved by the Board
10 of Regents.

11 Section 4. Notwithstanding any provision of law to the contrary, the treasurer is
12 authorized and directed to transfer the following amounts into the Overcollections Fund
13 from the funds specified below. The treasurer shall make such transfers from each fund after
14 fully funding the appropriation from the fund.

15 (1) Four Hundred Eighty Dollars from the Agricultural Products Processing
16 Development Fund.

17 (2) Thirty-Seven Thousand Three Hundred Ninety-Three Dollars from the Formosan
18 Termite Initiative Fund.

19 (3) Twenty-Eight Thousand Five Hundred Dollars from the DNA Testing Post-
20 Conviction Relief for Indigents Fund.

21 (4) Four Million One Hundred Sixty Thousand One Hundred Seventy-Five Dollars
22 from the Adult Probation and Parole Officer Retirement Fund.

23 (5) Twenty-Nine Thousand Seven Hundred Sixty-Seven Dollars from the
24 Archaeological Curation Fund.

25 (6) Three Dollars from the School and District Accountability Rewards Fund.

26 (7) Four Hundred One Thousand Eight Hundred Fifty-Two Dollars from the
27 Calcasieu Parish Fund.

28 (8) Five Hundred Five Thousand Seven Hundred Eighty Dollars from the Tobacco
29 Tax Health Care Fund.

30 (9) Nineteen Thousand Dollars from the Bossier Parish Truancy Fund.

1 (10) Two Hundred Sixteen Dollars from the Teacher Educational Aid for Children.

2 (11) Twenty-Seven Thousand Two Hundred Sixty-Six Dollars from the Variable
3 Earnings Transaction Fund.

4 (12) Thirty-Seven Million Six Hundred Seventy-Three Thousand Two Hundred
5 Eight Dollars from the Louisiana Economic Development Fund.

6 (13) Three Hundred Sixty-Two Thousand Four Hundred Seventy-Eight Dollars from
7 the UNO Slidell Technology Park Fund.

8 (14) Three Thousand Sixty Dollars from the Casino Gaming Proceeds Fund.

9 (15) Eight Thousand Nine Hundred Dollars from the Greater New Orleans Sports
10 Foundation Fund.

11 (16) Four Thousand Seven Dollars from the Algiers Economic Development
12 Foundation Fund.

13 (17) Three Hundred Six Thousand Two Hundred Fifty-One Dollars from the New
14 Orleans Urban Tourism and Hospitality Training in Economic Development Foundation
15 Fund.

16 (18) Three Hundred Four Thousand Eight Hundred Twenty-Two Dollars from the
17 Beautification Project for New Orleans Neighborhoods Fund.

18 (19) Three Hundred Four Thousand Eight Hundred Twenty-Two Dollars from the
19 Friends of NORD Fund.

20 (20) Three Dollars from the General Aviation and Reliever Airport Grant Program
21 Fund.

22 (21) Three Thousand Sixty-Nine Dollars from the Railroad Crossing Safety Fund.

23 (22) One Hundred Eighty-Three Thousand Six Hundred Fifty-Four Dollars from the
24 Municipal Fire and Police Civil Service Operation Fund.

25 (23) One Hundred Eighty-Seven Thousand Three Hundred Ninety-Three Dollars
26 from the Administrative Fund of the Department of Insurance.

27 (24) Seventy-Six Thousand Nine Hundred Thirty-One Dollars from the Insurance
28 Fraud Investigation Fund.

29 (25) Fourteen Thousand Six Hundred Thirty-Nine Dollars from the Automobile
30 Theft and Insurance Fraud Prevention Authority Fund.

1 (26) Three Hundred Thirty-Nine Thousand Five Hundred Forty-Five Dollars from
2 the Department of Justice Debt Collection Fund.

3 (27) One Million Three Hundred Twenty-Six Thousand Seven Hundred Ninety-Two
4 Dollars from the Mineral and Energy Operation Fund.

5 (28) Three Million Four Hundred Fifty-Six Thousand Six Hundred Thirty-Two
6 Dollars from the Louisiana Fire Marshal Fund.

7 (29) Sixty-Two Thousand One Hundred Thirty-Five Dollars from The Motorcycle
8 Safety, Awareness, and Operator Training Program Fund.

9 (30) Sixty-Nine Thousand Six Hundred Two Dollars from the Louisiana Towing and
10 Storage Fund.

11 (31) Eight Hundred Seventy Thousand One Hundred Forty-Seven Dollars from the
12 Concealed Handgun Permit Fund.

13 (32) One Hundred Thirty-Six Thousand Eight Hundred Fifty-Five Dollars from the
14 Right-to-Know Fund.

15 (33) Two Hundred Fifty-Six Thousand Eight Hundred Three Dollars from the
16 Underground Damages Prevention Fund.

17 (34) Two Hundred Ten Thousand One Hundred Seventy Dollars from the Hazardous
18 Materials Emergency Response Fund.

19 (35) Four Thousand Four Hundred Forty Dollars from the Pet Overpopulation Fund.

20 (36) Nine Hundred Ninety-Five Thousand Six Hundred Twenty-One Dollars from
21 the Explosives Trust Fund.

22 (37) Three Hundred Fifty-One Thousand Seven Hundred Twenty-One Dollars from
23 the Office of Motor Vehicles Customer Service and Technology Fund.

24 (38) Three Hundred Thirty-Nine Thousand Six Hundred Sixteen Dollars from the
25 Department of Public Safety Police Officer Fund.

26 (39) Four Hundred Fifty-Eight Thousand Seven Hundred Seventy-Nine Dollars from
27 the Louisiana Life Safety and Property Protection Trust Fund.

28 (40) One Thousand Nine Hundred Fifty-Four Dollars from the Louisiana Highway
29 Safety Fund.

1 (41) Two Thousand Four Hundred Five Dollars from the Industrialized Building
2 Program Fund.

3 (42) Thirty-Six Thousand Five Hundred Forty-Seven Dollars from the Fraud
4 Detection Fund.

5 (43) One Million Eight Hundred Eighty-Nine Dollars from the Rehabilitation for the
6 Blind and Visually Impaired Fund.

7 (44) Three Million Nine Hundred Fifty Thousand Dollars from the Incentive Fund.

8 (45) Fifty-Two Dollars from the Manufactured Home Tax Fairness Fund.

9 (46) One Thousand Two Hundred Sixty-Five Dollars from the Rural Development
10 Fund.

11 (47) Ten Thousand Four Hundred Thirty-Four Dollars from the Louisiana
12 Environmental Education Fund.

13 (48) Forty-One Million Twenty-Two Thousand Nine Hundred Seventy-Seven
14 Dollars from the FEMA Reimbursement Fund.

15 (49) Twenty-Six Million Six Hundred Thirteen Thousand Two Hundred Thirty-Six
16 Dollars from the Artificial Reef Development Fund.

17 (50) One Thousand Nine Hundred Sixty-Two Dollars from the Scenic Rivers Fund.

18 (51) One Thousand Four Hundred Forty-One Dollars from the Reptile and
19 Amphibian Research Fund.

20 (52) Nine Thousand Fifty-Three Dollars from the Utility and Carrier
21 Inspection/Supervision Fund.

22 (53) One Hundred Fifteen Thousand One Hundred Ninety-Two Dollars from the
23 Telephonic Solicitation Relief Fund.

24 (54) One Million Dollars from the State Lands Fees and Self-Generated Revenues.

25 (55) Sixty Million Dollars from the Self-Insurance Fund.

26 Section 5. Notwithstanding any provision of law to the contrary, the state treasurer
27 is hereby authorized and directed to transfer the current balance and all future interest earned
28 and credited to the following funds to the Overcollections Fund:

29 (1) The Agricultural Products Processing Development Fund.

30 (2) The Formosan Termite Initiative Fund.

1 (3) The School and District Accountability Rewards Fund.

2 (4) The General Aviation and Reliever Airport Grant Program Fund.

3 (5) The Railroad Crossing Safety Fund.

4 (6) The Manufactured Home Tax Fairness Fund.

5 (7) The Rural Development Fund.

6 Section 6. Notwithstanding any provision of law to the contrary, the state treasurer
7 is hereby authorized and directed to transfer the fund balance of not less than Ten Million
8 Five Hundred Ninety Thousand Dollars from the Department of Health and Hospitals'
9 Facility Support Fund to the Overcollections Fund.

10 Section 7. Notwithstanding any provision of law to the contrary, the Louisiana
11 Housing Finance Agency or its successor is hereby authorized and directed to deposit into
12 the state treasury the unrestricted or unencumbered fund assets of not less than Twenty-Five
13 Million One Hundred Thousand Dollars. The state treasurer is hereby authorized and
14 directed to transfer the funds to the Overcollections Fund.

15 Section 8. Notwithstanding any provision of law to the contrary, the state treasurer
16 shall not include unexpended and unencumbered monies in the Rapid Response Fund at the
17 end of the 2010-2011 Fiscal Year in the determination of the unencumbered balance of the
18 fund for purposes of determining the amount to be deposited into the fund at the beginning
19 of the fiscal year pursuant to R.S. 51:2361(A)(2).

20 Section 9. R.S. 39:94(C)(4)(b) is hereby repealed in its entirety.

21 Section 10. Sections 1 and 4 through 8 of this Act shall become effective on July 1,
22 2011.

23 Section 11. Section 9 of this Act shall become effective on July 1, 2012.

24 Section 12. Sections 2, 3, 10, 11, and 12 of this Act shall become effective upon
25 signature of this Act by the governor, or, if not signed by the governor, upon expiration of
26 the time for bills to become law without signature by the governor, as provided by Article
27 III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and
28 subsequently approved by the legislature, Sections 2, 3, 10, 11, and 12 of this Act shall
29 become effective on the day following such approval.

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)]

Fannin

HB No. 477

Abstract: Provides for the transfer and deposit of monies among state funds.

Effective July 1, 2011, proposed law creates the One Time Money Fund as a special treasury fund. Requires the treasurer to deposit "one time money" into the fund. "One time money" means money in the state general fund from one time transactions, but not recognized as nonrecurring revenue by the Revenue Estimating Conference, including but not limited to court settlements, the sale of state facilities, and the privatization of state operations.

Proposed law provides that the monies in the One Time Money Fund shall be appropriated and used solely for the following purposes:

- (1) Retiring or for the defeasance of bonds in advance or in addition to the existing amortization requirements of the state.
- (2) Providing for payments against the unfunded accrued liability of the public retirement systems which are in addition to any payments required for the annual amortization of the unfunded accrued liability of the public retirement systems, as required by Article X, §29(E)(2)(c) of the Constitution of La.; however, any such payments to the public retirement systems shall not be used, directly or indirectly, to fund cost-of-living increases for such systems.
- (3) Providing funding for capital outlay projects in the comprehensive state capital budget.
- (4) Providing for allocation or appropriation for deposit into the Budget Stabilization Fund established in Article VII, §10.3 of the Constitution of La.
- (5) Providing for allocation or appropriation for deposit into the Coastal Protection and Restoration Fund established in Article VII, §10.2 of the Constitution of La.
- (6) Providing for new highway construction for which federal matching funds are available, without excluding highway projects otherwise eligible as capital projects under provisions of the Constitution of La.

Effective upon signature of the governor, authorizes the state treasurer to transfer the following amounts into the Overcollections Fund from the following funds:

Amount	Fund
\$ 5,593,978	Louisiana Fire Marshal Fund
\$ 50,000	Incentive Fund
\$118,000,000	State General Fund (Direct)

Effective upon signature of governor, authorizes the state treasurer to transfer \$97,246,512 from fees and self-generated revenues from higher education institutions to the Higher Education Initiatives Fund based on a plan adopted by the Board of Regents.

Effective July 1, 2011, authorizes the state treasurer to transfer the following amounts into the Overcollections Fund from the following funds. Provides that the fund balance transfers occur after fully funding the FY 2011-2012 appropriation.

Amount	Fund
\$ 480	Agricultural Products Processing Development Fund
\$ 37,393	Formosan Termite Initiative Fund
\$ 28,500	DNA Testing Post-Conviction Relief for Indigents Fund
\$ 4,160,175	Adult Probation and Parole Officer Retirement Fund
\$ 29,767	Archaeological Curation Fund
\$ 3	School and District Accountability Rewards Fund
\$ 401,852	Calcasieu Parish Fund
\$ 505,780	Tobacco Tax Health Care Fund
\$ 19,000	Bossier Parish Truancy Fund
\$ 216	Teacher Educational Aid for Children Fund
\$ 27,266	Variable Earnings Transaction Fund
\$37,673,208	La. Economic Development Fund
\$ 362,478	UNO Slidell Technology Park Fund
\$ 3,060	Casino Gaming Proceeds Fund
\$ 8,900	Greater New Orleans Sports Foundation Fund
\$ 4,007	Algiers Economic Development Foundation Fund
\$ 306,251	New Orleans Urban Tourism and Hospitality Training in Economic Development Foundation Fund
\$ 304,822	Beautification Project for New Orleans Neighborhoods Fund
\$ 304,822	Friends of NORD Fund
\$ 3	General Aviation and Reliever Airport Grant Program Fund
\$ 3,069	Railroad Crossing Safety Fund
\$ 183,654	Municipal Fire and Police Civil Service Operation Fund
\$ 187,393	Administrative Fund of the Dept. of Insurance
\$ 76,931	Insurance Fraud Investigation Fund
\$ 14,639	Automobile Theft and Insurance Fraud Prevention Authority Fund
\$ 339,545	Dept. of Justice Debt Collection Fund
\$ 1,326,792	Mineral and Energy Operation Fund
\$ 3,456,632	La. Fire Marshal Fund
\$ 62,135	The Motorcycle Safety, Awareness, and Operator Training Program Fund
\$ 69,602	La. Towing and Storage Fund
\$ 870,147	Concealed Handgun Permit Fund
\$ 136,855	Right-to-Know Fund
\$ 256,803	Underground Damages Prevention Fund
\$ 210,170	Hazardous Materials Emergency Response Fund.
\$ 4,444	Pet Overpopulation Fund
\$ 995, 621	Explosives Trust Fund
\$ 351,721	Office of Motor Vehicles Customer Service and Technology Fund
\$ 339,616	Dept. of Public Safety Police Officer Fund
\$ 458,779	La. Life Safety and Property Protection Trust Fund
\$ 1,954	La. Highway Safety Fund
\$ 2,405	Industrialized Building Program Fund
\$ 36,547	Fraud Detection Fund
\$ 1,000,889	Rehabilitation for the Blind and Visually Impaired Fund
\$ 3,950,000	Incentive Fund
\$ 52	Manufactured Home Tax Fairness Fund
\$ 1,265	Rural Development Fund
\$ 10,434	La. Environmental Education Fund
\$41,022,977	FEMA Reimbursement Fund
\$26,613,236	Artificial Reef Development Fund
\$ 1,962	Scenic Rivers Fund
\$ 1,441	Reptile and Amphibian Research Fund
\$ 9,053	Utility and Carrier Inspection/Supervision Fund
\$ 115,192	Telephonic Solicitation Relief Fund
\$ 1,000,000	State Lands Fees and Self-Generated Revenues
\$60,000,000	Self-Insurance Fund

Effective July 1, 2011, authorizes and directs the state treasurer to transfer the current balance and all future interest earned and credited to the following funds to the Overcollections Fund:

- (1) The Agricultural Products Processing Development Fund.
- (2) The Formosan Termite Initiative Fund.
- (3) The School and District Accountability Rewards Fund.
- (4) The General Aviation and Reliever Airport Grant Program Fund.
- (5) The Railroad Crossing Safety Fund.
- (6) The Manufactured Home Tax Fairness Fund.
- (7) The Rural Development Fund.

Effective July 1, 2011, authorizes and directs the state treasurer to transfer the fund balance of not less than \$10,590,000 into the Overcollections Fund from the Dept. of Health and Hospitals' Facilities Fund.

Effective July 1, 2011, the La. Housing Finance Agency or its successor is authorized and directed to deposit into the state treasury the unrestricted or unencumbered fund assets of not less than \$25,100,000. Authorizes and directs the state treasurer to transfer the funds to the Overcollections Fund.

Effective July 1, 2011, provides that the state treasurer shall not include unexpended and unencumbered monies in the Rapid Response Fund at the end of FY 2010-2011 in the determination of the unencumbered balance of the fund for purposes of determining the amount to be deposited into the fund at the beginning of the fiscal year pursuant to R.S. 51:2361(A)(2).

Present law (R.S. 39:94(C)(4)(b)) provides that, except pursuant to a specific appropriation by the legislature, no appropriation or deposit to the Budget Stabilization Fund shall be made in the same fiscal year as an appropriation, use or withdrawal is made from the fund or until such time as the official forecast exceeds the actual collections of state general fund (direct) revenue for FY 2008-2009.

Effective July 1, 2012, proposed law repeals present law.

(Adds R.S. 39:100.131; Repeals R.S. 39:94(C)(4)(b))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Appropriations to the original bill.

1. Created the One Time Money Fund as a special treasury fund.
2. Effective July 1, 2012, repealed R.S. 39:94(C)(4)(b) relative to prohibitions on appropriations or deposits into the Budget Stabilization Fund.
3. Provided that the transfer of fees and self-generated revenue into the Higher Education Initiatives Fund be based on a plan approved by the Board of Regents.
4. Provided that certain fund balance transfers effective July 1, 2011, contained in the bill occur after fully funding the FY 2011-2012 appropriation.

4. Increased amount transferred from the La. Housing Finance Agency by \$5,100,000.
5. Changed reference from Community and Family Support System Fund to Dept. of Health and Hospitals' Facility Support System Fund.
6. Deleted language providing that the proceeds from the sale of correctional facilities be deposited into the Overcollections Fund.