

Regular Session, 2013

HOUSE BILL NO. 452

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 of deposits and monies among state funds

1 AN ACT

2 To amend and reenact R.S. 56:1703(C)(2)(c) and (d) and to enact R.S. 56:1703(C)(2)(e),
3 relative to special treasury funds; to provide for the allowable use of monies in the
4 Louisiana State Parks Improvement and Repair Fund; to provide for the transfer,
5 dedication, use, and appropriations as specified of certain treasury funds; to provide
6 for the deposit of certain funds into the state treasury; to provide for effective dates;
7 and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 56:1703(C)(2)(c) and (d) are hereby amended and reenacted and R.S.
10 56:1703(C)(2)(e) is enacted to read as follows:

11 §1703. The Louisiana State Parks Improvement and Repair Fund

12 * * *

13 C. Except as provided in Paragraph(B)(2) of this Section, the monies in the
14 fund shall be used solely for the purpose of financing improvements and repairs at
15 state parks in the state and shall be allocated, subject to appropriation by the
16 legislature, as follows:

17 * * *

18 (2) Fifty percent of the monies in the fund shall be allocated for use
19 throughout the state park system on the following priority need basis, as
20 recommended by the assistant secretary of the office of state parks:

1 Million Dollars relating to the assignment, transfer, sale, or lease of properties to the
2 Department of Wildlife and Fisheries.

3 (E) Notwithstanding any provision of law to the contrary, the state treasurer is
4 authorized and directed to transfer to the Overcollections Fund the proceeds of at least Ten
5 Million Two Hundred Fifty Thousand Dollars relating to the assignment, transfer, sale, or
6 lease of the Baton Rouge State Office Building property to the Overcollections Fund.

7 (F) Notwithstanding any provision of law to the contrary, the state treasurer is
8 authorized and directed to transfer to the Overcollections Fund the proceeds of at least
9 Seventeen Million Eight Hundred Forty Thousand Dollars relating to the assignment,
10 transfer, sale, or lease of the Southeast Louisiana Hospital property to the Overcollections
11 Fund.

12 (G) Notwithstanding any provision of law to the contrary, the state treasurer is
13 authorized and directed to transfer the proceeds of at least Three Hundred Fifty Thousand
14 Dollars from the assignment, transfer, sale, or lease of the Wooddale Towers to the
15 Overcollections Fund.

16 (H) Notwithstanding any provision of law to the contrary, the state treasurer is
17 authorized and directed to transfer to the Overcollections Fund the proceeds relating to the
18 assignment, transfer, sale, or lease of the Hart Parking Garage property to the
19 Overcollections Fund.

20 (I) Notwithstanding any provision of law to the contrary, the state treasurer is
21 authorized and directed to transfer to the Overcollections Fund the proceeds relating to the
22 assignment, transfer, sale, or lease of the Greenwell Springs Hospital property to the
23 Overcollections Fund.

24 (J) Notwithstanding any provision of law to the contrary, the state treasurer is
25 authorized and directed to transfer to the Overcollections Fund the proceeds relating to the
26 assignment, transfer, sale, or lease of the Pines Campus property to the Overcollections
27 Fund.

28 (K) Notwithstanding any provision of law to the contrary, the state treasurer is
29 authorized and directed to transfer to the Overcollections Fund the proceeds relating to the

1 assignment, transfer, sale, or lease of the Southern Oaks Addiction Recovery property to the
2 Overcollections Fund.

3 (L) Notwithstanding any provision of law to the contrary, the state treasurer is
4 authorized and directed to transfer to the Overcollections Fund the proceeds relating to the
5 assignment, transfer, sale, or lease of the Bayou Region property to the Overcollections
6 Fund.

7 (M) Notwithstanding any provision of law to the contrary, the state treasurer is
8 authorized and directed to transfer to the Overcollections Fund the proceeds relating to the
9 assignment, transfer, sale, or lease of the MDC Apartment property to the Overcollections
10 Fund.

11 (N) Notwithstanding any laws to the contrary, the treasurer is hereby authorized and
12 directed to transfer to the Overcollections Fund the amount of state general fund over Three
13 Million Dollars identified by the Department of Revenue as increased net state tax receipts
14 realized from the implementation of additional fraud initiatives.

15 Section 3. 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 2012-2013 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 4.(A) Notwithstanding any provision of law to the contrary, the Ernest N.
21 Morial New Orleans Exhibition Hall Authority or its successor is hereby authorized and
22 directed to deposit into the state treasury the unrestricted or unencumbered fund balances of
23 One Hundred Million Dollars. The state treasurer is hereby authorized and directed to
24 transfer the funds to the Overcollections Fund.

25 (B) Notwithstanding any provision of the law to the contrary, the state treasurer is
26 hereby authorized and directed to transfer Twenty-Six Million Seven Hundred Fifty
27 Thousand Nine Hundred Fifty-Nine Dollars of fees and self-generated revenues collected
28 by the Department of Revenue to the Overcollections Fund.

1 (C) After satisfying the requirements of the Bond Security and Redemption Fund
2 as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the state treasurer
3 is hereby authorized and directed to transfer all loan payments received from political
4 subdivisions, under Section 7 of Act 41 of the 2006 First Extraordinary Session, of at least
5 Twenty-Eight Million Two Hundred Eighty-Four Thousand Five Hundred Dollars to the
6 Overcollections Fund.

7 (D) Notwithstanding any provision of the law to the contrary, the state treasurer is
8 hereby authorized and directed to transfer excess collections from Interagency Transfers and
9 Fees and Self-Generated Revenues of at least Ten Million Dollars into the Overcollections
10 Fund.

11 (E) Notwithstanding any provision of law to the contrary, the Louisiana Housing
12 Finance Agency or its successor is hereby authorized and directed to deposit into the state
13 treasury the unrestricted or unencumbered fund assets of Two Million Dollars. The state
14 treasurer is hereby authorized and directed to transfer the funds to the Overcollections Fund.

15 (F) Notwithstanding any provision of the law to the contrary, the state treasurer is
16 hereby authorized and directed to transfer Sixteen Million Dollars from the Self-Insurance
17 Fund to the Overcollections Fund.

18 (G) Notwithstanding any provision of law to the contrary, the Louisiana Property
19 Assistance Agency or its successor is hereby authorized and directed to deposit into the state
20 treasury the unrestricted or encumbered balance of Five Million Dollars. The state treasurer
21 is hereby authorized and directed to transfer the funds to the Overcollections Fund.

22 (H) Notwithstanding any provision of the law to the contrary, the state treasurer is
23 hereby authorized and directed to transfer the following amounts into the Overcollections
24 Fund from the funds specified below. The treasurer shall make such transfers from each
25 fund after fully funding the appropriation from the fund:

26 (1) Two Million Dollars from the Adult Probation and Parole Officer Retirement
27 Fund.

28 (2) Twenty Million Six Hundred Thousand Dollars from the Artificial Reef
29 Development Fund.

1 (3) Forty-Eight Thousand Two Hundred Ninety-Eight Dollars from the
2 Beautification and Improvement of the New Orleans City Park Fund.

3 (4) Seven Thousand Nine Hundred Sixty-Three Dollars from the Bossier Parish
4 Truancy Program Fund.

5 (5) Forty-Nine Thousand Eight Hundred Thirty-Eight Dollars from the Calcasieu
6 Parish Fund.

7 (6) Twenty-Two Thousand Two Hundred Twenty-Seven Dollars from the
8 Community and Family Support System Fund.

9 (7) Fifty-Seven Thousand Seventy-One Dollars from the Compulsive and Problem
10 Gaming Fund.

11 (8) One Million One Hundred Fifty-Four Thousand Five Hundred Seventy-Three
12 Dollars from the Concealed Handgun Permit Fund.

13 (9) Two Hundred Twelve Thousand Eight Hundred Thirty-Eight Dollars from the
14 Department of Justice Debt Collection Fund.

15 (10) Five Hundred Eighty-Five Thousand Five Hundred Ninety-Eight Dollars from
16 the Department of Justice Legal Support Fund.

17 (11) Six Million Nine Hundred Five Thousand Seven Hundred Twenty-Seven
18 Dollars from the Employment Security Administration Account.

19 (12) Four Hundred Seventy-One Thousand Five Hundred Sixty-Four Dollars from
20 the Energy Performance Contract Fund.

21 (13) One Hundred Fifty-Two Thousand Nine Hundred Fifty-One Dollars from the
22 Entertainment Promotion and Marketing Fund.

23 (14) Two Million Four Hundred Eighty-Seven Thousand One Hundred Forty-Six
24 Dollars from the Environmental Trust Fund.

25 (15) Eight Hundred Forty-Seven Thousand Six Hundred Forty-One Dollars from the
26 Health Care Facility Fund.

27 (16) Four Million Dollars from the Incentive Fund.

28 (17) Four Hundred Thirty-Six Thousand Nine Hundred Five Dollars from the
29 Louisiana Charter School Startup Fund.

1 (18) Sixty Thousand Three Hundred Sixty-One Dollars from the Louisiana Animal
2 Welfare Fund.

3 (19) Two Hundred Twenty-Five Thousand Six Hundred Thirty-Eight Dollars from
4 the Louisiana Filmmakers Grant Fund.

5 (20) Nine Hundred Eighty-Eight Thousand Six Hundred Thirty-Two Dollars from
6 the Louisiana Fire Marshal Fund.

7 (21) One Hundred Forty-Four Thousand Four Hundred Thirty-Five Dollars from the
8 Louisiana Life Safety and Property Protection Trust Fund.

9 (22) One Million Dollars from the Marketing Fund.

10 (23) One Hundred Six Thousand Nine Hundred Twenty Dollars from the Medical
11 and Allied Health Professional Education Scholarship and Loan Fund.

12 (24) Eleven Million Three Hundred Thousand Dollars from of the Louisiana Mega-
13 Project Development Fund.

14 (25) Eighty-Six Thousand Five Hundred Fifty-Nine Dollars from the Mineral
15 Resources Audit and Settlement Fund.

16 (26) Two Hundred Fifteen Thousand Five Hundred Sixty Dollars from the Motor
17 Carrier Registration Fund.

18 (27) Twenty-Five Thousand Nineteen Dollars from the New Orleans Urban Tourism
19 and Hospitality Training in Economic Development Foundation Fund.

20 (28) Five Million Seven Hundred Thousand Dollars from the Penalty and Interest
21 Account.

22 (29) Eleven Thousand One Hundred Eight Dollars from the Pet Overpopulation
23 Fund.

24 (30) Four Hundred Seventy-Five Thousand Five Hundred Dollars from the Right to
25 Know Fund.

26 (31) Thirty-Six Million Seven Hundred Five Thousand Three Hundred Ninety-Two
27 Dollars from the Riverboat Gaming Enforcement Fund.

28 (32) One Million Nine Hundred Thousand Dollars from the Small Business Surety
29 Bonding Fund.

1 (33) Forty-Eight Thousand Nine Hundred Seventy-Eight Dollars from the Tax
2 Commission Expense Fund.

3 (34) Eighty-One Thousand One Hundred Thirteen Dollars from the Telephone
4 Solicitation Fund.

5 (35) One Million Eight Hundred Ninety-One Thousand Nine Hundred Fifty-One
6 Dollars from the Traumatic Head and Spinal Cord Injury Trust Fund.

7 (36) Seven Hundred Thousand Dollars from the 2% Fire Insurance Fund.

8 (37) One Hundred Eleven Dollars from the UNO Slidell Technology Park Fund.

9 (38) Eighteen Thousand Four Hundred Five Dollars from the Variable Earnings
10 Transaction Fund.

11 (39) Four Hundred Thirty-One Thousand One Hundred Ninety-Four Dollars from
12 the Video Draw Poker Device Purse Supplement Fund.

13 (40) Four Thousand Two Hundred Forty-Three Dollars from the Vital Records
14 Conversion Fund.

15 (I) Notwithstanding any provision of the law to the contrary, the state treasurer is
16 hereby authorized and directed to transfer Two Hundred Sixty-Seven Dollars from the
17 Higher Education Initiatives Fund into the Overcollections Fund. The state treasurer is
18 further authorized and directed to transfer all additional interest and proceeds to the
19 Overcollections Fund.

20 (J) Notwithstanding any provision of the law to the contrary, the state treasurer is
21 hereby authorized and directed to transfer Seventy-Six Dollars from the Louisiana State
22 Board of Private Investigator Examiners Fund into the Overcollections Fund. The state
23 treasurer is further authorized and directed to transfer all additional interest and proceeds to
24 the Overcollections Fund.

25 Section 5. The state treasurer is hereby authorized and directed to transfer One
26 Million One Hundred Eighty-One Thousand One Hundred Forty-Seven Dollars from State
27 General Fund (Direct) to the Coastal Protection and Restoration Fund to be comprised
28 wholly of nonrecurring revenue returned from the Department of Economic Development
29 capital outlay project Port of Terrebonne commitment from Act No. 7 of 2008 Second
30 Extraordinary Session of the Legislature.

1 Section 6. Notwithstanding any provision of the law to the contrary, the state
2 treasurer is hereby authorized and directed to transfer One Million One Hundred Eighty-One
3 Thousand One Hundred Forty-Seven Dollars from recurring revenues in the Coastal
4 Protection and Restoration Fund into the Overcollections Fund.

5 Section 7. Sections 1, 2, and 5 through 8 of this Act shall become effective upon
6 signature of this Act by the governor or, if not signed by the governor, upon expiration of
7 the time for bills to become law without signature by the governor, as provided by Article
8 III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and
9 subsequently approved by the legislature, Sections 1, 2, and 5 through 8 of this Act shall
10 become effective on the day following such approval.

11 Section 8. Sections 3 and 4 of this Act shall become effective on July 1, 2013; if
12 vetoed by the governor and subsequently approved by the legislature, Sections 3 and 4 of
13 this Act shall become effective on July 1, 2013, or on the day following such approval by
14 the legislature, whichever is later.

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. 452

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

Present law provides that 50% of the money in the Louisiana State Parks Improvement and Repair Fund be allocated among the state parks according to the following priority basis:

- (1) For protection of life or property on existing park areas.
- (2) General repairs and improvements to existing facilities on existing park areas.
- (3) Addition of new facilities on existing park areas.
- (4) Acquisition of property to expand existing park areas

Effective upon signature of the governor, proposed law adds (5) For maintenance and operations of existing park areas.

Effective upon signature of the governor, authorizes the following to be deposited into the Overcollections Fund:

- (1) All receipts of lease payments for the lease of state hospital buildings.

- (2) An amount equal to the settlement or judgment funds or proceeds recovered by the attorney general on behalf of the state related to any cause of action mentioned or raised in any suit against pharmaceutical companies, less any amount paid to the Medical Assistance Programs Fraud Detection Fund.
- (3) Proceeds relating to the assignment, transfer, sale or lease of the following:
 - (a) Pointe Clair Farms (at least \$12 million).
 - (b) Properties to the Dept. of Wildlife and Fisheries (at least \$2 million).
 - (c) Baton Rouge State Office Building (at least \$10,250,000)
 - (d) Southeast La. Hospital property (at least \$17,840,000)
 - (e) Wooddale Towers (at least \$350,000)
 - (f) Hart Parking Garage
 - (g) Greenwell Springs Hospital property
 - (h) Pines Campus property
 - (i) Southern Oaks Addiction Recovery property
 - (j) Bayou Region property
 - (k) MDC Apartment property
- (4) Over \$3,000,000 identified by the Dept. of Revenue as increased net state tax receipts realized from the implementation of additional fraud initiatives.

Effective July 1, 2013, provides that the state treasurer shall not include unexpended and unencumbered monies in the Rapid Response Fund at the end of FY 2012-2013 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).

Effective July 1, 2013, authorizes the state treasurer to transfer the following amounts into the Overcollections Fund from the following:

| Amount | Source |
|---------------|-------------------------------------------------------------------------------------------------------------------|
| \$100,000,000 | Ernest N. Morial - New Orleans Exhibition Hall Authority from unrestricted or unencumbered fund balances |
| \$26,750,959 | Department of Revenue from fees and self-generated Revenues |
| \$28,284,500 | GO Zone Bond Payments. All loan payments received from political subdivisions of at least the amount specified |
| \$10,000,000 | Excess collections from Fees & Self-Generated Revenues and Interagency Transfers of at least the amount specified |
| \$ 2,000,000 | Louisiana Housing Finance Agency or its successor from unrestricted or unencumbered fund assets |
| \$16,000,000 | From the Self-Insurance Fund |
| \$ 5,000,000 | Louisiana Property Assistance Agency or its successor from the unrestricted or unencumbered fund balance |

Effective July 1, 2013, authorizes the state treasurer to transfer the following amounts into the Overcollections Fund from the following, after funding appropriations out of such funds:

| Amount | Fund |
|---------------|------------------------------------------------------------------|
| \$ 2,000,000 | Adult Probation and Parole Officer Retirement Fund |
| \$20,600,000 | Artificial Reef Development Fund |
| \$ 48,298 | Beautification and Improvement of the New Orleans City Park Fund |
| \$ 7,963 | Bossier Parish Truancy Program Fund |
| \$ 49,838 | Calcasieu Parish Fund |
| \$ 22,227 | Community and Family Support System Fund |
| \$ 57,071 | Compulsive and Problem Gaming Fund |
| \$ 1,154,573 | Concealed Handgun Permit Fund |
| \$ 212,838 | Department of Justice Debt Collection Fund |
| \$ 585,598 | Department of Justice Legal Support Fund |

| | |
|--------------|--------------------------------------------------------------------------------------------|
| \$ 6,905,727 | Employment Security Administration Account |
| \$ 471,564 | Energy Performance Contract Fund |
| \$ 152,951 | Entertainment Promotion and Marketing Fund |
| \$ 2,487,146 | Environmental Trust Fund |
| \$ 847,641 | Health Care Facility Fund |
| \$ 4,000,000 | Incentive Fund |
| \$ 436,905 | Louisiana Charter School Startup Fund |
| \$ 60,361 | Louisiana Animal Welfare Fund |
| \$ 225,638 | Louisiana Filmmakers Grant Fund |
| \$ 988,632 | Louisiana Fire Marshal Fund |
| \$ 144,435 | Louisiana Life Safety and Property Protection Trust Fund |
| \$ 1,000,000 | Marketing Fund |
| \$ 106,920 | Medical and Allied Health Professional Education Scholarship and Loan Fund |
| \$11,300,000 | Louisiana Mega-Project Development Fund |
| \$ 86,559 | Mineral Resources Audit and Financial Settlement Fund |
| \$ 215,560 | Motor Carrier Registration Fund |
| \$ 25,019 | New Orleans Urban Tourism and Hospitality Training in Economic Development Foundation Fund |
| \$ 5,700,000 | Penalty and Interest Account |
| \$ 11,108 | Pet Overpopulation Fund |
| \$ 475,500 | Right to Know Fund |
| \$36,705,392 | Riverboat Gaming Enforcement Fund |
| \$ 1,900,000 | Small Business Surety Bonding Fund |
| \$ 48,978 | Tax Commission Expense Fund |
| \$ 81,113 | Telephone Solicitation Fund |
| \$ 1,891,951 | Traumatic Head and Spinal Cord Injury Trust Fund |
| \$ 700,000 | 2% Fire Insurance Fund |
| \$ 111 | UNO Slidell Technology Park Fund |
| \$ 18,405 | Variable Earnings Transaction Fund |
| \$ 431,194 | Video Draw Poker Device Purse Supplemental Fund |
| \$ 4,243 | Vital Record Conversion Fund |

Effective July 1, 2013, authorizes the state treasurer to transfer the following amounts into the Overcollections Fund from the following, plus all additional interest and proceeds out of such funds:

| Amount | Fund |
|---------------|--------------------------------------------------------------|
| \$ 276 | Higher Education Initiatives Fund |
| \$ 76 | Louisiana State Board of Private Investigator Examiners Fund |

Effective upon signature of the governor, directs the state treasurer is to transfer \$1,181,147 from State General Fund (Direct) to the Coastal Protection and Restoration Fund to be comprised wholly of nonrecurring revenue returned from the Department of Economic Development capital outlay project Port of Terrebonne commitment from Act No. 7 of the 2008 2nd ES. Directs the state treasurer to transfer \$1,181,147 of recurring revenues out of the Coastal Protection and Restoration Fund into the Overcollections Fund.

(Amends R.S. 56:1703(C)(2)(c) and (d); Adds R.S. 56:1703(C)(2)(e))