

2017 Regular Session

HOUSE BILL NO. 458

BY REPRESENTATIVE AMEDEE

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

FUNDS/FUNDING: Eliminates certain statutory dedications of funds and eliminates certain dedications into certain funds

1 AN ACT

2 To amend and reenact R.S. 3:2(C), R.S. 15:539.2, R.S. 30:1109(A)(2) and (3) and
3 1110(C)(introductory paragraph), (1)(f) and (g), E(introductory paragraph),
4 F(introductory paragraph), and (H), R.S. 33:2740.18(F)(1)(d), R.S. 37:3295, R.S.
5 39:82(A) and 352, R.S. 49:214.6.7(D), and R.S. 51:2211(A) and 2365.1(B) and
6 (C)(2) and to repeal R.S. 3:284(D), R.S. 15:1110.1(E)(2), (3), and (4), R.S. 17:354,
7 407.46(D)(2) and (3), 3138.2, 3138.3, 3138.4, Subpart A-2 of Part X of Chapter 26
8 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3397.11,
9 Chapter 8-B of Title 18 of the Louisiana Revised Statutes of 1950, comprised of
10 R.S. 18:1400.21, R.S. 30:1110(A) and (B), R.S. 33:2740.18(A)(4) and (F)(b) and (c),
11 R.S. 37:3523, Subparts Q-1 and Q-2 of Part II of Chapter 1 of Subtitle I of Title 39
12 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.122 and
13 100.123, Subpart S of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana
14 Revised Statutes of 1950, comprised of R.S. 39:100.146, R.S. 40:16.2 and 2199(G),
15 R.S. 46:1430(D)(2) and (3), R.S. 49:214.6.7(E), R.S. 51:2212(3) and 2213, Section
16 9 of Act No. 138 of the 2005 Regular Session of the Legislature, Section 7 of Act
17 No. 642 of the 2006 Regular Session of the Legislature, and Section 7 of Act No. 420
18 of the 2013 Regular Session of the Legislature, relative to special treasury funds; to
19 provide for the elimination of certain special treasury funds; to eliminate certain
20 dedications into certain special treasury funds; to eliminate certain required
21 expenditures from special treasury funds; to eliminate the Academic Improvement

1 Fund, the Barrier Island Stabilization and Preservation Fund, the Bogalusa Health
 2 Services Fund, the Carbon Dioxide Geologic Storage Trust Fund, the Center of
 3 Excellence for Autism Spectrum Disorder Fund, the Competitive Core Growth Fund,
 4 the Department of Health and Hospitals' Facility Support Fund, the Early Learning
 5 Center Licensing Trust Fund, the Exploited Children's Special Fund, the Evangeline
 6 Parish Recreational District Support Fund, the FMAP Stabilization Fund, the Higher
 7 Education Financing Fund, the Help Louisiana Vote Fund, the Home Health Agency
 8 Trust Fund, the Juvenile Detention Licensing Trust Fund, the Louisiana Buy Local
 9 Purchase Incentive Fund, the Louisiana State Board of Private Security Examiners
 10 Fund, the Louisiana State Board of Private Investigator Examiners Fund, the Major
 11 Event Incentive Program Subfund, the MediFund, the Sickle Cell Fund, the Science,
 12 Technology, Engineering, and Math (STEM) Upgrade Fund, the Specialized
 13 Provider Licensing Trust Fund, the UNO Slidell Technology Park Fund, the
 14 Workforce and Innovation for a Stronger Economy Fund; to authorize the transfer
 15 of balances between funds; to provide for deposit of monies into the state general
 16 fund; to provide for an effective date; and to provide for related matters.

17 Be it enacted by the Legislature of Louisiana:

18 Section 1. R.S. 3:2(C) is hereby amended and reenacted to read as follows:

19 §2. Creation, powers, and duties of Department of Agriculture and Forestry and the
 20 commissioner of agriculture and forestry

21 * * *

22 C. All funds derived from the sale of timber on state lands under this Section
 23 shall be deposited in the state treasury for deposit into the state general fund. ~~Monies~~
 24 ~~derived from the sale of timber on state lands in the custody of the Department of~~
 25 ~~Health and Hospitals shall be deposited into the Department of Health and Hospitals'~~
 26 ~~Facility Support Fund as provided in R.S. 40:16.2.~~ The legislature shall annually
 27 appropriate to the Department of Agriculture and Forestry the costs incurred by that
 28 department under the provisions of this Section.

29 * * *

1 Section 2. R.S. 15:539.2 is hereby amended and reenacted to read as follows:

2 §539.2. Exploited Children's Special Fund

3 A. Any person who is convicted or pleads guilty or nolo contendere to an
4 offense involving trafficking of children for sexual purposes under R.S. 14:46.3,
5 prostitution with persons under seventeen under R.S. 14:82.1, or enticing persons
6 into prostitution under R.S. 14:86 shall be ordered to pay a mandatory monetary
7 assessment of two thousand dollars. Notwithstanding any law to the contrary, the
8 assessments provided by this Section shall be in addition to and not in lieu of, and
9 shall not be used to offset or reduce, any fine authorized or required by law. If the
10 court finds that the offender is indigent and therefore unable to pay the mandatory
11 assessment at the time of conviction, the court shall order a periodic payment plan
12 consistent with the person's financial ability.

13 ~~B.(1) There is established in the state treasury the Exploited Children's~~
14 ~~Special Fund, hereinafter referred to as the "fund".~~ Appropriations by the legislature
15 and all monetary assessments paid and interest accrued on funds collected pursuant
16 to Subsection A of this Section shall be deposited into the Bond Security and
17 Redemption Fund, and after a sufficient amount is allocated from the Bond Security
18 and Redemption Fund to pay all the obligations secured by the full faith and credit
19 of the state which become due and payable within any fiscal year, the treasurer shall
20 pay the remainder of such monies into the state general fund.

21 ~~(2)(a) Subject to appropriation by the legislature and except as provided in~~
22 ~~Subparagraph (b) of this Paragraph, monies in the fund shall be used for the~~
23 ~~provision of services and treatment administered by the Department of Children and~~
24 ~~Family Services, such as securing residential housing, health services, and social~~
25 ~~services, to sexually exploited children and adults. The department may also use the~~
26 ~~funds for grants or to provide services for sexually exploited children and adults.~~

27 ~~(b) Subject to appropriation by the legislature and notwithstanding the~~
28 ~~provisions of Subparagraph (a) of this Paragraph, a portion of the monies in the fund,~~
29 ~~not to exceed fifty percent, may be used for the development of training programs~~

1 ~~relative to human trafficking and trafficking of children for sexual purposes and for~~
2 ~~the providing of law enforcement training programs administered by the Council of~~
3 ~~Peace Officer Standards and Training within the Louisiana Commission on Law~~
4 ~~Enforcement and the Administration of Criminal Justice.~~

5 Section 3. R.S. 30:1109(A)(2) and (3) and 1110(C)(introductory paragraph), (1)(f)
6 and (g), E(introductory paragraph), F(introductory paragraph), and (H) are hereby amended
7 and reenacted to read as follows:

8 §1109. Cessation of storage operations; liability release

9 A.

10 * * *

11 (2) Provided the provisions pertaining to site-specific trust accounts are not
12 applicable, such release from liability will not apply to the owner or last operator of
13 record of a storage facility if ~~the Carbon Dioxide Geologic Storage Trust Fund has~~
14 ~~been depleted of funds such that it contains inadequate~~ there are not sufficient funds
15 to address or remediate any duty, obligation, or liability that may arise after issuance
16 of the certificate of completion of injection operations.

17 (3) Such release from liability will not apply to the owner or operator of a
18 storage facility, carbon dioxide transmission pipeline, or the generator of the carbon
19 dioxide being handled by either the facility or pipeline if it is demonstrated that any
20 such owner, operator, or generator intentionally and knowingly concealed or
21 intentionally and knowingly misrepresented material facts related to the mechanical
22 integrity of the storage facility or the chemical composition of any injected carbon
23 dioxide. In addition, upon the issuance of the certificate of completion of injection
24 operations, any performance bonds posted by the operator shall be released and
25 continued monitoring of the site, including remediation of any well leakage, shall
26 ~~become the principal responsibility of the Carbon Dioxide Geologic Storage Trust~~
27 Fund be paid from collections pursuant to this Chapter.

28 * * *

1 §1110. Carbon Dioxide Geologic Storage Trust Fund

2 * * *

3 C. The commissioner is hereby authorized to levy on storage operators the
4 following fees or costs ~~for the purpose of funding the fund~~:

5 (1)

6 * * *

7 (f) Once a storage operator has contributed five million dollars ~~to the trust~~
8 ~~fund~~, the fee assessments to that storage operator under this Section shall cease until
9 such time as funds begin to be expended for monitoring and caretaking of any
10 completed storage facility. The treasurer of the state of Louisiana shall certify, to the
11 commissioner, the date on which the balance ~~in the fund~~ of contributions for a
12 storage operator equals or exceeds five million dollars. The ~~fund~~ fees shall not be
13 collected or required to be paid on or after the first day of the second month
14 following the certification, except that the commissioner shall resume collecting the
15 fees on receipt of a certification from the treasurer that, based on the expenditures
16 or commitments to expend monies, the ~~fund~~ balance of contributions has fallen
17 below four million dollars for the storage operator. If at any time the balance ~~in the~~
18 ~~trust fund~~ exceeds an authorized amount determined by multiplying five million
19 dollars by the number of active and completed storage facilities within the state, the
20 collection of fees from the operators of storage facilities that have already
21 contributed five million dollars ~~to the trust fund~~ will be suspended until such time
22 as the balance ~~in the trust fund~~ of the contributions falls below such authorized
23 amount, at which time they will be reinstated.

24 (g) At the end of each fiscal year, the fee may be redetermined by the
25 commissioner based upon the estimated cost of administering and enforcing this
26 Chapter for the upcoming year divided by the tonnage of carbon dioxide expected
27 to be injected during the upcoming year. The total fee assessed shall be sufficient
28 to assure a balance ~~in the fund~~ not to exceed five million dollars for any active
29 storage facility within the state at the beginning of each fiscal year. Any amount

1 received that exceeds the annual balance required shall be deposited ~~in the fund in~~
2 the state treasury, but appropriate credits shall be given against future fees or fees
3 associated with other storage facilities operated by the same storage operator.

4 * * *

5 E. The ~~fund~~ collections pursuant to this Chapter shall be used solely for the
6 following purposes:

7 * * *

8 F. The commissioner is authorized to enter into agreements and contracts
9 and to expend money ~~in the fund~~ collected pursuant to this Chapter for the following
10 purposes:

11 * * *

12 H. Every five years the commissioner shall submit a report to the Senate
13 Committee on Natural Resources, the House Committee on Natural Resources and
14 Environment, and the Senate Committee on Environmental Quality before March
15 first, that assesses the effectiveness of ~~the fund~~ this Section and other related
16 provisions in this Part and provides such other information as may be requested by
17 the legislature to allow the legislature to assess the effectiveness of this Chapter.

18 Section 4. R.S. 33:2740.18(F)(1)(d) is hereby amended and reenacted to read as
19 follows:

20 §2740.18. City of Bogalusa provider fee; ~~fund~~

21 * * *

22 F.(1)

23 * * *

24 (d) The money ~~in the Bogalusa Health Services Fund~~ from the fee shall be
25 appropriated by the legislature only to the Louisiana Department of Health to be used
26 solely for state expenses for the Medicaid program within the city of Bogalusa as
27 provided for in the cooperative endeavor agreement between the department and the

1 city, limited to those programs and expenses for which federal financial participation
2 under Title XIX of the Social Security Act is available.

3 * * *

4 Section 5. R.S. 37:3295 is hereby amended and reenacted to read as follows:

5 §3295. Fund of the board of private security examiners

6 All fees, administrative fines and cost collected under the provisions of this
7 Chapter shall be paid into the state treasury on or before the twenty-fifth day of the
8 month following their collection and, in accordance with Article VII, Section 9 of
9 the Constitution of Louisiana, shall be credited to the Bond Security and Redemption
10 Fund. Out of the funds remaining in the Bond Security and Redemption Fund, after
11 a sufficient amount is allocated therefrom to pay all obligations secured by the full
12 faith and credit of the state which become due and payable within each fiscal year,
13 the treasurer shall pay an amount equal to the total amount of funds paid into the
14 treasury into ~~a special fund, which is hereby created in the state treasury and~~
15 ~~designated as the Louisiana State Board of Private Security Examiners Fund~~ the state
16 general fund. In addition, all other money made available for use as provided in this
17 Chapter shall be credited to ~~this~~ the state general fund.

18 Section 6. R.S. 39:82(A) and 352 are hereby amended and reenacted to read as
19 follows:

20 §82. Remission of cash balances to the state treasurer; authorized withdrawals of
21 state monies after the close of the fiscal year

22 A. All cash balances occurring from appropriations made by legislative act
23 or by the Interim Emergency Board regardless of date of passage to any state agency
24 for which no bona fide liability exists on the last day of each fiscal year shall be
25 remitted to the state treasurer by the fifteenth day following the last day of the fiscal
26 year. Any appropriations including those made by the Interim Emergency Board of
27 the preceding fiscal year remaining at the end of the fiscal year against which bona
28 fide liabilities existed as of the last day of the fiscal year may be withdrawn from the
29 state treasury during the forty-five day period after the last day of the fiscal year only

1 as such liabilities come due for payment. Prior to placing monies associated with
 2 such unexpended appropriations into the state general fund, the state treasurer shall
 3 ~~transfer all cash balances identified and reported by the commissioner of~~
 4 ~~administration as being from unexpended and unencumbered state general fund~~
 5 ~~(direct) and Overcollections Fund appropriations for professional, personal, and~~
 6 ~~consulting service contracts not approved by the Joint Legislative Committee on the~~
 7 ~~Budget as provided in R.S. 39:1590 and remaining at the end of each fiscal year for~~
 8 ~~deposit in and credit to the Higher Education Financing Fund as are necessary to~~
 9 ~~satisfy the requirements of R.S. 39:100.146, and then shall make deposits to the~~
 10 Payments Towards the UAL Fund as are necessary to satisfy the requirements of
 11 R.S. 39:100.11.

* * *

13 §352. Cancellation of unexpended portions of appropriations; exceptions

14 Whenever any specific appropriation is made to meet any item of expenditure
 15 which occurs annually by provision of law or for contingent expense, and any
 16 portion of it remains unexpended at the end of the year for which the specific
 17 appropriation was made, after all legal claims against it for the year have been paid,
 18 the commissioner of administration shall cancel any balance of the appropriation,
 19 and each succeeding year he shall open a new account for the appropriation which
 20 may be made for that particular year, without carrying forward any unexpended
 21 balance of appropriation made for any previous year. This provision shall not apply
 22 to appropriations made to pay the debt of the state, principal and interest. Prior to
 23 placing monies associated with such unexpended appropriations into the state general
 24 fund, the state treasurer shall ~~transfer all cash balances identified and reported by the~~
 25 ~~commissioner of administration as being from unexpended and unencumbered state~~
 26 ~~general fund (direct) and Overcollections Fund appropriations for professional,~~
 27 ~~personal, and consulting service contracts not approved by the Joint Legislative~~
 28 ~~Committee on the Budget as provided in R.S. 39:1590 remaining at the end of each~~
 29 ~~fiscal year for deposit in and credit to the Higher Education Financing Fund as is~~

1 state hotel and motel occupancy taxes. The amount of the incremental increase shall
2 not include local tax receipts.

3 * * *

4 Section 9. R.S. 3:284(D), R.S. 15:1110.1(E)(2), (3), and (4), R.S. 17:354,
5 407.46(D)(2) and (3), 3138.2, 3138.3, 3138.4, Subpart A-2 of Part X of Chapter 26 of Title
6 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3397.11, Chapter 8-B
7 of Title 18 of the Louisiana Revised Statutes of 1950, comprised of R.S. 18:1400.21, R.S.
8 30:1110(A) and (B), R.S. 33:2740.18(A)(4) and (F)(b) and (c), R.S. 37:3523, Subparts Q-1
9 and Q-2 of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of
10 1950, comprised of R.S. 39:100.122 and 100.123, Subpart S of Part II of Chapter 1 of
11 Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S.
12 39:100.146, R.S. 40:16.2 and 2199(G), R.S. 46:1430(D)(2) and (3), R.S. 49:214.6.7(E), R.S.
13 51:2212(3) and 2213, Section 9 of Act No. 138 of the 2005 Regular Session of the
14 Legislature, Section 7 of Act No. 642 of the 2006 Regular Session of the Legislature, and
15 Section 7 of Act No. 420 of the 2013 Regular Session of the Legislature are hereby repealed
16 in their entirety.

17 Section 10. The state treasurer is hereby authorized and directed to transfer any
18 unencumbered balances remaining in the funds repealed and abolished in Sections 1 through
19 9 of this Act to the state general fund after satisfying the appropriations for Fiscal Year
20 2016-2017.

21 Section 11. This Act shall become effective on July 1, 2017.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 458 Original 2017 Regular Session Amedee

Abstract: Eliminates certain dedicated funds and transfers remaining fund balances into the state general fund and eliminates certain dedications of certain funds.

Proposed law eliminates the following funds:

Academic Improvement Fund R.S. 17:354

Barrier Island Stabilization and Preservation Fund	R.S. 49:214.6.7
Bogalusa Health Services Fund	R.S. 33:2740.18
Carbon Dioxide Geologic Storage Trust Fund	R.S. 30:1110
Center for Excellence for Autism Spectrum Disorder	R.S. 39:100:122
Competitive Core Growth Fund	R.S. 17:3138.2
Dept. of Health and Hospitals' Facility Support Fund	R.S. 40:16.2
Early Learning Center Licensing Trust Fund	R.S. 17:407.46
Exploited Children's Special Fund	R.S. 15:539.2
Evangeline Parish Recreational District Support Fund	§9 of Act No. 138 of the 2005 R.S. of the Legislature; §7 of Act No. 642 of the 2006 R.S. of the Legislature
FMAP Stabilization Fund	§7 of Act No. 420 of the 2013 R.S. of the Legislature
Help Louisiana Vote Fund	R.S. 18:1400.21
Higher Education Financing Fund	R.S. 39:100.146
Home Health Agency Trust Fund	R.S. 40:2199
Juvenile Detention Licensing Trust Fund	R.S. 15:1110.1
La. Buy Local Purchase Incentive Program Fund	R.S. 3:284
La. State Board of Private Security Examiners Fund	R.S. 37:3295
La. State Board of Private Investigator Examiners Fund	R.S. 37:3523
Major Events Incentive Program Subfund	R.S. 51:2365.1
MediFund	R.S. 51:2211-13
Sickle Cell Fund	R.S. 100.123
Science, Technology, Engineering, and Math (STEM) Upgrade Fund	R.S. 17:3138.3
Specialized Provider Licensing Trust Fund	R.S. 46:1430
UNO Slidell Technology Park Fund	R.S. 17:3397.11
Workforce and Innovation for a Strong Economy	R.S. 17:3138.4

Proposed law further requires the deposit of any unexpended or unencumbered money at the end of the fiscal year into the state general fund.

Effective July 1, 2017.

(Amends R.S. 3:2(C), R.S. 15:539.2, R.S. 30:1109(A)(2) and (3) and 1110(C)(introductory paragraph), (1)(f) and (g), E(introductory paragraph), F(introductory paragraph), and (H), R.S. 33:2740.18(F)(1)(d), R.S. 37:3295, R.S. 39:82(A) and 352, R.S. 49:214.6.7(D), and R.S. 51:2211(A) and 2365.1(B) and (C)(2); Repeals R.S. 3:284(D), R.S. 15:1110.1(E)(2), (3), and (4), R.S. 17:354, 407.46(D)(2) and (3), 3138.2, 3138.3, 3138.4, 3397.11, R.S. 18:1400.21, R.S. 30:1110(A) and (B), R.S. 33:2740.18(A)(4) and F(b) and (c), R.S. 37:3523, R.S. 39:100.122 and 100.123, R.S. 39:100.146, R.S. 40:16.2 and 2199(G), R.S. 46:1430(D)(2) and (3), R.S. 49:214.6.7(E), R.S. 51:2212(3) and 2213, Section 9 of Act No. 138 of the 2005 R.S. of the Legislature, Section 7 of Act No. 642 of the 2006 R.S. of the Legislature, and Section 7 of Act No. 420 of the 2013 R.S. of the Legislature)