

HOUSE COMMITTEE AMENDMENTS

2016 Regular Session

Amendments proposed by House Committee on Appropriations to Original House Bill No. 105 by Representative Henry

1 AMENDMENT NO. 1

2 On page 1, line 2, after "expenses of the" delete the remainder of the line and delete line 3
3 in its entirety and on line 4, delete "institutions" and insert "Department of Justice"

4 AMENDMENT NO. 2

5 On page 1, delete lines 7 through 20 in their entirety, delete page 2 in its entirety and on page
6 3, delete lines 1 through 30 in their entirety and insert the following:

7 "Section 1.A. The appropriations in this Act from state revenue shall be payable out of
8 the sources specified and shall be limited by the provisions of Article VII, Section 10(D) of
9 the Louisiana Constitution.

10 B. The Attorney General shall warrant the state treasurer for the allocations herein
11 provided to the Department of Justice and the state treasurer shall pay said warrants by
12 preference over all other warrants, except warrants for the salaries of constitutional officers
13 of the state, which shall be concurrent with the warrants provided by this Act.

14 Section 2. All money from federal, interagency, statutory dedications, or self-generated
15 revenues shall be available for expenditure in the amounts herein appropriated. Any increase
16 in such revenues shall be available for allotment and expenditure by an agency on approval
17 of an increase in the appropriation by the Joint Legislative Committee on the Budget. Any
18 increase in such revenues for an agency without an appropriation from the respective
19 revenue source shall be incorporated into the agency's appropriation on approval of the Joint
20 Legislative Committee on the Budget. In the event that these revenues should be less than
21 the amount appropriated, the appropriation shall be reduced accordingly. To the extent that
22 such funds were included in the budget on a matching basis with state funds, a corresponding
23 decrease in the state matching funds may be made. Any federal funds which are classified
24 as disaster or emergency may be expended prior to approval of a BA-7 by the Joint
25 Legislative Committee on the Budget upon the Attorney General certifying to the governor
26 that any delay would be detrimental to the state. The Joint Legislative Committee on the
27 Budget shall be notified in writing of such declaration and shall meet to consider such action,
28 but if it is found by the committee that such funds were not needed for an emergency
29 expenditure, such approval may be withdrawn and any balance remaining shall not be
30 expended.

31
32 Section 3.A. Notwithstanding any other provision of law to the contrary and before the
33 purchase of any luxury or full-size motor vehicle for personal assignment by the Attorney
34 General, he shall first submit the request to the Joint Legislative Committee on the Budget
35 for approval. "Luxury or full-sized motor vehicle" shall mean or refer to such vehicles as
36 defined or used in rules or guidelines promulgated and implemented by the division of
37 administration.

38
39 B. Notwithstanding any other provision of law to the contrary, the Department of Justice
40 may use a portion of its appropriations contained in this Act for the expenditure of funds for
41 salaries and related benefits for smoking cessation wellness programs, including
42 pharmacotherapy and behavioral counseling for state employees of the agency.

43 Section 4. Each schedule as designated by a five-digit number code for which an
44 appropriation is made in this Act is hereby declared to be a budget unit of the state.

1 Section 5.A. The program descriptions, account descriptions, and the role, scope, and
 2 mission statements of departments, agencies, programs, and budget units contained in this
 3 Act are not part of the law and are not enacted into law by virtue of their inclusion in this
 4 Act.

5 B. All key and supporting performance objectives and indicators for the Department of
 6 Justice as contained in the Governor's Executive Budget Supporting Document shall be
 7 adjusted by the Attorney General, or his designee, to reflect the funds appropriated. The
 8 Attorney General shall report on these adjustments to the Commissioner of Administration
 9 and the Joint Legislative Committee on the Budget by August 12, 2016.

10 Section 6. Unless otherwise prohibited by this Act, funds may be transferred between
 11 departments or schedules receiving appropriations in this Act and in the General
 12 Appropriation Act. Such transfers that affect the Department of Justice shall be subject to
 13 the approval of the Joint Legislative Committee on the Budget.

14 Section 7. The state treasurer is hereby authorized and directed to use any available
 15 funds on deposit in the state treasury to complete the payment of General Fund
 16 appropriations for the Department of Justice for the Fiscal Year 2015-2016, as contained in
 17 Act 16 of the 2015 Regular Session of the Legislature. In order to conform to the provisions
 18 of P.L. 101-453, the Cash Management Improvement Act of 1990, and in accordance with
 19 the agreement executed between the state and Financial Management Services, a division
 20 of the U.S. Treasury, the state treasurer is hereby authorized to release checks drawn on
 21 federally funded appropriations prior to the receipt of funds from the U.S. Treasury.

22 Section 8.A.(1) The figures in parentheses following the designation of a department are
 23 the total authorized positions and authorized other charges positions for that department.

24 (2) The number of authorized positions and authorized other charges positions approved
 25 for each department as a result of the passage of this Act may be increased by the Attorney
 26 General in conjunction with the transfer of functions or funds to the Department of Justice
 27 when sufficient documentation is presented to and approved by the Joint Legislative
 28 Committee on the Budget.

29 B. The budget requests of the Department of Justice shall include, within their existing
 30 table of organization, positions which perform the function of internal auditing, including
 31 the position of a chief audit executive. The chief audit executive shall be responsible for
 32 ensuring that the internal audit function adheres to the Institute of Internal Auditors,
 33 International Standards for the Professional Practice of Internal Auditing. The chief audit
 34 executive shall maintain organizational independence in accordance with these standards and
 35 shall have direct and unrestricted access to the commission, board, secretary, or equivalent
 36 head of the agency. The chief audit executive shall certify to the commission, board,
 37 secretary, or equivalent head of the agency that the internal audit function conforms to the
 38 Institute of Internal Auditors, International Standards for the Professional Practice of Internal
 39 Auditing.

40 C. In the event that any cost assessment allocation proposed by the Office of Group
 41 Benefits becomes effective during Fiscal Year 2016-2017, the Department of Justice shall
 42 pay out of its respective appropriation an amount no less than seventy-five percent of total
 43 premiums for all active employees and those retirees with Medicare in accordance with R.S.
 44 42:851(D)(1) for the state basic health insurance indemnity program.

45 D. In the event that any cost allocation or increase recommended by the Public
 46 Retirement Systems' Actuarial Committee through adoption of a valuation submitted to the
 47 Joint Legislative Committee on the Budget and the House and Senate committees on
 48 retirement becomes effective before or during Fiscal Year 2016-2017, the Department of
 49 Justice shall pay out of its appropriation funds necessary to satisfy the requirements of such
 50 increase.

1 Section 9.A. Pursuant to Article IV, Section 5(G)(2) and Article VII, Section 10(F) of
 2 the Louisiana constitution, if at any time during Fiscal Year 2016-2017 the official budget
 3 status report indicates that appropriations will exceed the official revenue forecast, the
 4 governor shall have full power to reduce appropriations in accordance with R.S. 39:75. The
 5 Attorney General shall have the authority to make adjustments to other means of financing
 6 and positions in his department necessary to balance the budget based on the adjustments
 7 made as authorized by R.S. 39:75(C).

8 B. The governor may also issue executive orders in a combination of any of the
 9 foregoing means for the purpose of preventing the occurrence of a deficit.

10 Section 10. For the purpose of paying appropriations made herein, all revenues due the
 11 state in Fiscal Year 2016-2017 shall be credited by the collecting agency to Fiscal Year
 12 2016-2017 provided such revenues are received in time to liquidate obligations incurred
 13 during Fiscal Year 2016-2017.

14 Section 11. In the event that more than one appropriation is made in this Act or the
 15 General Appropriation Act which is payable from any specific statutory dedication, such
 16 appropriations shall be allocated and distributed by the state treasurer in accordance with the
 17 order of priority specified or provided in the law establishing such statutory dedication and
 18 if there is no such order of priority such appropriations shall be allocated and distributed as
 19 otherwise provided by any provision of law including this or any other act of the legislature
 20 appropriating funds from the state treasury.

21 Section 12. Pay raises or supplements provided for by this Act shall in no way supplant
 22 any local or parish salaries or salary supplements to which the personnel affected would be
 23 ordinarily entitled.

24 Section 13. Any unexpended or unencumbered reward monies received by any state
 25 agency during prior fiscal years pursuant to the Exceptional Performance and Efficiency
 26 Incentive Program may be carried forward for expenditure in Fiscal Year 2016-2017, in
 27 accordance with the respective resolution granting the reward. The Attorney General shall
 28 implement any internal budgetary adjustments necessary to effectuate incorporation of these
 29 monies into his agencies' budgets for Fiscal Year 2016-2017, and shall provide a summary
 30 list of all such adjustments to the commissioner of administration and the Joint Legislative
 31 Committee on the Budget by August thirty-first.

32 Section 14. Should any section, subsection, clause, sentence, phrase, or part of the Act
 33 for any reason be held, deemed or construed to be unconstitutional or invalid, such decisions
 34 shall not affect the remaining provisions of the Act, and the legislature hereby declares that
 35 it would have passed the Act, and each section, subsection, clause, sentence, phrase, or part
 36 thereof, irrespective of the fact that one or more of the sections, subsections, clauses,
 37 sentences, phrases, or parts thereof, is declared unconstitutional or invalid. To this end, the
 38 provisions of this Act are hereby declared severable.
 39

40 Section 15.A. All BA-7 budget transactions, including relevant changes to performance
 41 information, submitted in accordance with this Act or any other provisions of law which
 42 require approval by the Joint Legislative Committee on the Budget shall be submitted to the
 43 Joint Legislative Committee on the Budget and Legislative Fiscal Office a minimum of
 44 sixteen working days prior to consideration by the Joint Legislative Committee on the
 45 Budget. Each submission must include full justification of the transaction requested, but
 46 submission in accordance with this deadline shall not be the sole determinant of whether the
 47 item is actually placed on the agenda for a hearing by the Joint Legislative Committee on
 48 the Budget. Transactions not submitted in accordance with the provisions of this Section
 49 shall be considered by the Joint Legislative Committee on the Budget only when extreme
 50 circumstances requiring immediate action exist.
 51
 52

1 B. Notwithstanding any contrary provision of this Act or any contrary provision of law,
 2 no funds appropriated by this Act shall be released or provided to any recipient of an
 3 appropriation made in this Act if, when, and for as long as, the recipient fails or refuses to
 4 comply with the provisions of R.S. 24:513. No recipient shall be considered to fail or refuse
 5 to comply with the provisions of R.S. 24:513 pursuant to this Section during any extension
 6 of time granted by the legislative auditor or the Legislative Audit Advisory Council. The
 7 legislative auditor may grant a recipient, for good cause shown, an extension of time to
 8 comply with the provisions of R.S. 24:513. The Legislative Audit Advisory Council may
 9 grant additional extensions of time to comply with the provisions of R.S. 24:513 for recipient
 10 entities of an appropriation contained in this Act with recommendation by the legislative
 11 auditor pursuant to R.S. 39:72.1.

12 Section 16.A. Except for the conditions set forth in Subsection B of this Section, the
 13 following sums or so much thereof as may be necessary are hereby appropriated out of any
 14 monies in the state treasury from the sources specified; from federal funds payable to the
 15 state by the United States Treasury; or from funds belonging to the State of Louisiana and/or
 16 collected by boards, commissions, departments, and agencies thereof, for purposes specified
 17 herein for the year commencing July 1, 2016, and ending June 30, 2017. Funds appropriated
 18 to auxiliary accounts herein shall be from prior and current year collections, with the
 19 exception of State General Fund direct. Further provided with regard to auxiliary funds, that
 20 excess cash funds, excluding cash funds arising from working capital advances, shall be
 21 invested by the state treasurer with the interest proceeds therefrom credited to each account
 22 and not transferred to the State General Fund. Except as otherwise provided in this Act, the
 23 Department of Justice shall be subject to all conditions set forth in Title 39 of the Louisiana
 24 Revised Statutes of 1950 as amended.

25 B.(1) No funds appropriated in this Act shall be transferred to a public or quasi public
 26 agency or entity which is not a budget unit of the state unless the intended recipient of those
 27 funds submits, for approval, a comprehensive budget to the legislative auditor and the
 28 transferring agency showing all anticipated uses of the appropriation, an estimate of the
 29 duration of the project, and a plan showing specific goals and objectives for the use of such
 30 funds, including measures of performance. In addition, and prior to making such
 31 expenditure, the transferring agency shall require each recipient to agree in writing to
 32 provide written reports to the transferring agency at least every six months concerning the
 33 use of the funds and the specific goals and objectives for the use of the funds. In the event
 34 the transferring agency determines that the recipient failed to use the funds set forth in its
 35 budget within the estimated duration of the project or failed to reasonably achieve its
 36 specific goals and objectives for the use of the funds, the transferring agency shall demand
 37 that any unexpended funds be returned to the state treasury unless approval to retain the
 38 funds is obtained from the Joint Legislative Committee on the Budget. Each recipient shall
 39 be audited in accordance with R.S. 24:513. If the amount of the public funds received by
 40 the provider is below the amount for which an audit is required under R.S. 24:513, the
 41 transferring agency shall monitor and evaluate the use of the funds to ensure effective
 42 achievement of the goals and objectives. The transferring agency shall forward to the
 43 legislative auditor and the Joint Legislative Committee on the Budget a report showing
 44 specific data regarding compliance with this Section and collection of any unexpended
 45 funds. This report shall be submitted no later than May 1, 2017.

46 (2) Transfers to public or quasi public agencies or entities that have submitted a budget
 47 request to the division of administration in accordance with Part II of Chapter 1 of Subtitle
 48 1 of Title 39 of the Louisiana Revised Statutes of 1950 and transfers authorized by specific
 49 provisions of the Louisiana Revised Statutes of 1950 and the Constitution of Louisiana to
 50 local governing authorities shall be exempt from the provisions of this Subsection.

51 (3) Notwithstanding any other provision of law or this Act to the contrary, if the name
 52 of an entity subject to this Subsection is misspelled or misstated in this Act or any other Act,
 53 the state treasurer may pay the funds appropriated to the entity without obtaining the
 54 approval of the Joint Legislative Committee on the Budget, but only after the entity has

provided proof of its correct legal name to the state treasurer and transmitted a copy to the
staffs of the House Committee on Appropriations and the Senate Committee on Finance.

DEPARTMENT OF JUSTICE

04-141 OFFICE OF THE ATTORNEY GENERAL

EXPENDITURES:

Administrative

Program Description: *Includes the Executive Office of the Attorney General and the first assistant attorney general; provides leadership, policy development, and administrative services including management and finance functions, coordination of departmental planning, professional services contracts, mail distribution, human resource management and payroll, employee training and development, property control and telecommunications, information technology, and internal/ external communications.*

Civil Law

Program Description: *Provides legal services (opinions, counsel, and representation) in the areas of public finance and contract law, education law, land and natural resource law, collection law, consumer protection/environmental law, auto fraud law, and insurance receivership law.*

Criminal Law and Medicaid Fraud

Program Description: *Conducts or assists in criminal prosecutions; acts as advisor for district attorneys, legislature and law enforcement entities; provides legal services in the areas of extradition, appeals and habeas corpus proceedings; prepares attorney general opinions concerning criminal law; operates White Collar Crimes Section, Violent Crime and Drug Unit, and Insurance Fraud Unit; investigates and prosecutes individuals and entities defrauding the Medicaid Program or abusing residents in health care facilities and initiates recovery of identified overpayments; and provides investigation services for the department.*

Risk Litigation

Program Description: *Provides legal representation for the Office of Risk Management, the Self-Insurance Fund, the State of Louisiana and its departments, agencies, boards and commissions and their officers, officials, employees and agents in all claims covered by the State Self-Insurance Fund, and all tort claims whether or not covered by the Self-Insurance Fund. The Division has six regional offices (in Alexandria, Lafayette, New Orleans, Shreveport, Monroe, and Lake Charles) that handle litigation filed in the geographical areas covered by the regional offices.*

Gaming

Program Description: *Serves as legal advisor to gaming regulatory agencies (Louisiana Gaming Control Board, Office of State Police, Department of Revenue and Taxation, Louisiana State Racing Commission, and Louisiana Lottery Corporation) and represents them in legal proceedings.*

Authorized Positions (479)

Authorized Other Charges Positions (1)

TOTAL EXPENDITURES \$ 69,836,339

MEANS OF FINANCE:

State General Fund (Direct)	\$ 10,808,077
State General Fund by:	
Interagency Transfers	\$ 22,565,754
Fees & Self-generated Revenues	\$ 6,816,714
Statutory Dedications:	
Department of Justice Debt Collection Fund	\$ 2,391,328
Department of Justice Legal Support Fund	\$ 8,466,897
Riverboat Gaming Enforcement Fund	\$ 1,869,475
Video Draw Poker Device Fund	\$ 2,823,091

1	Insurance Fraud Investigation Fund	\$ 712,664
2	Louisiana Fund	\$ 2,148,200
3	Medical Assistance Program Fraud Detection Fund	\$ 1,426,608
4	Pari-mutuel Live Racing Facility Gaming Control Fund	\$ 834,658
5		
6	Sex Offender Registry Technology Fund	\$ 826,057
7	Tobacco Control Special Fund	\$ 200,000
8	Tobacco Settlement Enforcement Fund	\$ 400,000
9	Federal Funds	<u>\$ 7,546,816</u>
10		
11	TOTAL MEANS OF FINANCING	<u>\$ 69,836,339"</u>