

2016 Regular Session

HOUSE BILL NO. 105

BY REPRESENTATIVE HENRY

APPROPRIATIONS: Provides for the ordinary operating expenses of the Department of Justice, Office of the Attorney General, for Fiscal Year 2016-2017

1 AN ACT

2 To make appropriations for the ordinary expenses of the Department of Justice and  
3 providing with respect to the expenditure of said appropriations; to provide for an  
4 effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

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

13 Section 2. All money from federal, interagency, statutory dedications, or self-  
14 generated revenues shall be available for expenditure in the amounts herein appropriated.  
15 Any increase in such revenues shall be available for allotment and expenditure by an agency  
16 on approval of an increase in the appropriation by the Joint Legislative Committee on the  
17 Budget. Any increase in such revenues for an agency without an appropriation from the  
18 respective revenue source shall be incorporated into the agency's appropriation on approval  
19 of the Joint Legislative Committee on the Budget. In the event that these revenues should  
20 be less than the amount appropriated, the appropriation shall be reduced accordingly. To the  
21 extent that such funds were included in the budget on a matching basis with state funds, a

1 corresponding decrease in the state matching funds may be made. Any federal funds which  
2 are classified as disaster or emergency may be expended prior to approval of a BA-7 by the  
3 Joint Legislative Committee on the Budget upon the Attorney General certifying to the  
4 governor that any delay would be detrimental to the state. The Joint Legislative Committee  
5 on the Budget shall be notified in writing of such declaration and shall meet to consider such  
6 action, but if it is found by the committee that such funds were not needed for an emergency  
7 expenditure, such approval may be withdrawn and any balance remaining shall not be  
8 expended.

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

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

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

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

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

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

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

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

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

20           B. The budget requests of the Department of Justice shall include, within their  
21 existing table of organization, positions which perform the function of internal auditing,  
22 including the position of a chief audit executive. The chief audit executive shall be  
23 responsible for ensuring that the internal audit function adheres to the Institute of Internal  
24 Auditors, International Standards for the Professional Practice of Internal Auditing. The  
25 chief audit executive shall maintain organizational independence in accordance with these  
26 standards and shall have direct and unrestricted access to the commission, board, secretary,  
27 or equivalent head of the agency. The chief audit executive shall certify to the commission,  
28 board, secretary, or equivalent head of the agency that the internal audit function conforms  
29 to the Institute of Internal Auditors, International Standards for the Professional Practice of  
30 Internal Auditing.

1 C. In the event that any cost assessment allocation proposed by the Office of Group  
2 Benefits becomes effective during Fiscal Year 2016-2017, the Department of Justice shall  
3 pay out of its respective appropriation an amount no less than seventy-five percent of total  
4 premiums for all active employees and those retirees with Medicare in accordance with R.S.  
5 42:851(D)(1) for the state basic health insurance indemnity program.

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

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

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

21 Section 10. For the purpose of paying appropriations made herein, all revenues due  
22 the state in Fiscal Year 2016-2017 shall be credited by the collecting agency to Fiscal Year  
23 2016-2017 provided such revenues are received in time to liquidate obligations incurred  
24 during Fiscal Year 2016-2017.

25 Section 11. In the event that more than one appropriation is made in this Act or the  
26 General Appropriation Act which is payable from any specific statutory dedication, such  
27 appropriations shall be allocated and distributed by the state treasurer in accordance with the  
28 order of priority specified or provided in the law establishing such statutory dedication and  
29 if there is no such order of priority such appropriations shall be allocated and distributed as

1 otherwise provided by any provision of law including this or any other act of the legislature  
2 appropriating funds from the state treasury.

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

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

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

21       Section 15.A. All BA-7 budget transactions, including relevant changes to  
22 performance information, submitted in accordance with this Act or any other provisions of  
23 law which require approval by the Joint Legislative Committee on the Budget shall be  
24 submitted to the Joint Legislative Committee on the Budget and Legislative Fiscal Office  
25 a minimum of sixteen working days prior to consideration by the Joint Legislative  
26 Committee on the Budget. Each submission must include full justification of the transaction  
27 requested, but submission in accordance with this deadline shall not be the sole determinant  
28 of whether the item is actually placed on the agenda for a hearing by the Joint Legislative  
29 Committee on the Budget. Transactions not submitted in accordance with the provisions of

1 this Section shall be considered by the Joint Legislative Committee on the Budget only when  
2 extreme circumstances requiring immediate action exist.

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

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

27 B.(1) No funds appropriated in this Act shall be transferred to a public or quasi  
28 public agency or entity which is not a budget unit of the state unless the intended recipient  
29 of those funds submits, for approval, a comprehensive budget to the legislative auditor and  
30 the transferring agency showing all anticipated uses of the appropriation, an estimate of the

1 duration of the project, and a plan showing specific goals and objectives for the use of such  
2 funds, including measures of performance. In addition, and prior to making such  
3 expenditure, the transferring agency shall require each recipient to agree in writing to  
4 provide written reports to the transferring agency at least every six months concerning the  
5 use of the funds and the specific goals and objectives for the use of the funds. In the event  
6 the transferring agency determines that the recipient failed to use the funds set forth in its  
7 budget within the estimated duration of the project or failed to reasonably achieve its  
8 specific goals and objectives for the use of the funds, the transferring agency shall demand  
9 that any unexpended funds be returned to the state treasury unless approval to retain the  
10 funds is obtained from the Joint Legislative Committee on the Budget. Each recipient shall  
11 be audited in accordance with R.S. 24:513. If the amount of the public funds received by  
12 the provider is below the amount for which an audit is required under R.S. 24:513, the  
13 transferring agency shall monitor and evaluate the use of the funds to ensure effective  
14 achievement of the goals and objectives. The transferring agency shall forward to the  
15 legislative auditor and the Joint Legislative Committee on the Budget a report showing  
16 specific data regarding compliance with this Section and collection of any unexpended  
17 funds. This report shall be submitted no later than May 1, 2017.

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

24 (3) Notwithstanding any other provision of law or this Act to the contrary, if the  
25 name of an entity subject to this Subsection is misspelled or misstated in this Act or any  
26 other Act, the state treasurer may pay the funds appropriated to the entity without obtaining  
27 the approval of the Joint Legislative Committee on the Budget, but only after the entity has  
28 provided proof of its correct legal name to the state treasurer and transmitted a copy to the  
29 staffs of the House Committee on Appropriations and the Senate Committee on Finance.

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1	Statutory Dedications:	
2	Department of Justice Debt Collection Fund	\$ 2,391,328
3	Department of Justice Legal Support Fund	\$ 8,466,897
4	Riverboat Gaming Enforcement Fund	\$ 1,869,475
5	Video Draw Poker Device Fund	\$ 2,823,091
6	Insurance Fraud Investigation Fund	\$ 712,664
7	Louisiana Fund	\$ 2,148,200
8	Medical Assistance Program Fraud Detection Fund	\$ 1,426,608
9	Pari-mutuel Live Racing Facility Gaming Control Fund	\$ 834,658
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11	Sex Offender Registry Technology Fund	\$ 826,057
12	Tobacco Control Special Fund	\$ 200,000
13	Tobacco Settlement Enforcement Fund	\$ 400,000
14	Federal Funds	\$ 7,546,816
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16	TOTAL MEANS OF FINANCING	\$ 63,836,339
17	Section 5. This Act shall become effective on July 1, 2016.	

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 105 Reengrossed                      2016 Regular Session                      Henry

Makes appropriations for the Department of Justice, Office of the Attorney General for FY 2016-2017.

Effective July 1, 2016.

Summary of Amendments Adopted by House

- The Committee Amendments Proposed by House Committee on Appropriations to the original bill:
1. Provide for the appropriations for the Department of Justice, Office of the Attorney General for Fiscal Year 2016-2017.

The House Floor Amendments to the engrossed bill:

1. Reduce the appropriation out of the State General Fund (Direct) by \$6,000,000.