

2018 Regular Session

SENATE BILL NO. 400

BY SENATOR HEWITT AND REPRESENTATIVE EDMONDS

FUNDS/FUNDING. Provides for certain funds in the state treasury and the powers, duties, functions, and responsibilities of the Dedicated Fund Review Subcommittee of the Joint Legislative Committee on the Budget. (See Act)

1 AN ACT

2 To amend and reenact R.S. 3:2(C), 3210(B), the introductory paragraph of (C), (4), and (5),

3 R.S. 9:154.3, R.S. 15:572.8(H)(1) and the introductory paragraph of (2), and 921,

4 R.S. 17:3141.16(A), (B)(1), (2), (3), (7), and (8), (C)(1), (D)(1), (2), (5), (8), (9), and

5 (10), (E)(1)(a) and (2), (F), (G)(1), and 3138.4, R.S. 22:1071(D)(3)(b) and (c), and

6 1476(A)(2), R.S. 23:1514(D)(5), R.S. 24:653(N)(3), R.S. 30:2004(11), 2014(B),

7 (D)(4)(a) and the introductory paragraph of (b), 2015(A), (B), the introductory

8 paragraph of (C), the introductory paragraph of (D), and (E), 2035(B)(1),

9 2054(B)(8), 2109(A) and (C), 2192(B)(4), 2195(B), (C), and (E), 2195.2(A)(4),

10 2195.4(C)(1) and (2), 2195.5, 2205(A)(1), and 2252(A), (B), and (C), R.S. 32:202,

11 402.3(I), and 412(C)(2), R.S. 39:82(A), 91(B), 100.136, and 352, R.S. 40:1135.10,

12 R.S. 46:1301(A)(1), R.S. 47:318(D), 463.48(D), 463.60(F), 463.104(C), 463.148(E),

13 463.167(E), 6351(G), and 7019.2(B)(1), R.S. 49:259(D), 308.3(B)(7) and (D), and

14 308.5(B)(3) and (4), R.S. 51:1927.1(A) and (C), 2315, and 2341(F), the introductory

15 paragraph of R.S. 56:10(B)(1) and (b), 70.3, 70.4(A), 253(C)(2)(a), 278(A), 279(A),

16 (C), (D)(1) and (3), 302.3(B)(5)(c), 494(E)(5) and (F), 644(B), the introductory

17 paragraph of (C), (D), and (E), Code of Criminal Procedure Article 895.1(F)(2), the

1 introductory paragraph of (3), (b), and (e), Section 4(B) of Act No. 421 of the 2013
2 Regular Session of the Legislature, as amended by Section 4(B) of Act No. 822 of
3 the 2014 Regular Session of the Legislature, the introductory paragraph of Section
4 7(A) and (B) of Act 41 of the 2006 First Extraordinary Session of the Legislature,
5 and to repeal R.S. 11:544, R.S. 15:185.5, 572.8(N) and (S), R.S. 17:354, 3129.6,
6 3138.2, and 3138.3, and Subpart A-2 of Part IX-A of Chapter 26 of Title 17 of the
7 Louisiana Revised Statutes of 1950, comprised of R.S. 17:3397.11, R.S.
8 27:392(C)(4), R.S. 30:2000.12 and 2551, R.S. 33:2740.18, R.S. 39:87.5, Subpart H
9 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes
10 of 1950, comprised of R.S. 39:100.11, Subpart N of Part II-A of Chapter 1 of
11 Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S.
12 39:100.51, Subpart Q-1 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the
13 Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.122, Subpart Q-2 of
14 Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of
15 1950, comprised of R.S. 39:100.123, Subpart S of Part II-A of Chapter 1 of Subtitle
16 I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S.
17 39:100.146, R.S. 39:1357, R.S. 40:16.2 and 1402, R.S. 46:290.1, 977.13, and 1816,
18 Chapter 54 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S.
19 46:2691 and 2692, 2731, 2742(D), and 2901, R.S. 47:120.39, 463.104(D), and 841.2,
20 R.S. 49:214.6.7(D) and (E), R.S. 51:2211 through 2216, R.S. 56:14, 305(H) and 633,
21 Section 9 of Act No. 138 of the 2005 Regular Session of the Legislature as amended
22 by Section 7 of Act 642 of the 2006 Regular Session of the Legislature, Sections
23 (3)(D) and (6) of Act No. 41 of the 2006 First Extraordinary Session of the
24 Legislature, Section 7 of Act No. 420 of the 2013 Regular Session of the Legislature,
25 Section (4)(B)(1) of Act No. 421 of the 2013 Regular Session of the Legislature, as
26 amended by Section (4)(B)(1) of Act No. 822 of the 2014 Regular Session of the
27 Legislature, and Section (4)(B)(2) of Act No. 421 of the 2013 Regular Session of the
28 Legislature, relative to certain funds in the state treasury; to provide for meeting
29 dates of the Dedicated Fund Review Subcommittee of the Joint Legislative

1 Committee on the Budget; to provide for the review of certain funds in the state
 2 treasury by the subcommittee; to provide for the powers, duties, functions, and
 3 responsibilities of the subcommittee, including the recommendation for the
 4 reclassification, elimination, and expenditure of certain funds in the treasury; to
 5 provide for the reclassification of funds in the treasury; to provide for the elimination
 6 of certain treasury funds and the creation of certain treasury accounts; to provide
 7 relative to monies deposited and credited into certain agency accounts in the state
 8 treasury; to provide for the classification and consideration of certain monies as fees
 9 and self-generated revenues; to provide that such fees and self-generated revenues
 10 shall be available for appropriation as recognized by the Revenue Estimating
 11 Conference; to provide for the retention of monies in certain agency accounts for
 12 future appropriation; to provide relative to monies deposited and credited to certain
 13 accounts in the state treasury; to provide for an effective date; and to provide for
 14 related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. The conversion of certain dedicated funds to special agency accounts in
 17 the state treasury contained herein, shall cause the dedicated funds to be classified as fees
 18 and self-generated revenues to be used only for the purposes specified in law. All funds
 19 transferred to agency accounts shall not revert to the state general fund at the end of the
 20 fiscal year. The revenues in the accounts shall remain in the account. All monies in the
 21 accounts shall require an appropriation to be withdrawn from the account. No funds shall
 22 be transferred in or out of an account without an annual appropriation or favorable action of
 23 the Joint Legislative Committee on the Budget through a budget adjustment.

24 Section 2. R.S. 3:2(C), 3210(B), the introductory paragraph of (C), (4), and (5) are
 25 hereby amended and reenacted to read as follows:

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

28 * * *

29 C. All funds derived from the sale of timber on state lands under this Section

1 shall be deposited in the state treasury. Monies derived from the sale of timber on
2 state lands in the custody of the Louisiana Department of Health shall be deposited
3 into the ~~Louisiana Department of Health's Facility Support Fund~~ as provided in R.S.
4 ~~40:16.2~~ **state general fund**. The legislature shall annually appropriate to the
5 Department of Agriculture and Forestry the costs incurred by that department under
6 the provisions of this Section.

7 * * *

8 §3210. Pesticide ~~Fund~~ **Account**

9 * * *

10 B. After compliance with the requirements of Article VII, Section 9(B) of the
11 Constitution of Louisiana relative to the Bond Security and Redemption Fund, and
12 prior to monies being placed in the state general fund, an amount equal to that
13 deposited as required by Subsection A hereof shall be credited to a special ~~fund~~
14 **agency account to be retained for future appropriation as provided in this**
15 **Section which account is** hereby created in the state treasury to be known as the
16 "Pesticide ~~Fund~~ **Account**". The monies in this ~~fund~~ **account** shall be used solely as
17 provided in Subsection C hereof and only in the amounts appropriated by the
18 legislature. All unexpended and unencumbered monies in this ~~fund~~ **account** at the
19 end of the fiscal year shall be returned to the state general fund. The monies in this
20 ~~fund~~ **account** shall be invested by the state treasurer in the same manner as monies
21 in the state general fund, and interest earned on the investment of these monies shall
22 be credited to the state general fund. **Funding deposited into the account shall be**
23 **considered fees and self-generated revenues and shall be available for annual**
24 **appropriations by the legislature.**

25 C. The monies in the Pesticide ~~Fund~~ **Account** shall be used solely for the
26 following purposes:

27 * * *

28 (4) The department, or the Louisiana Agricultural Finance Authority on
29 behalf of the department, may fund the anticipated funds appropriated from the

1 Pesticide ~~Fund~~ Account into revenue bonds for the purpose of renovating or
 2 constructing a building on the Baton Rouge campus of Louisiana State University
 3 to provide administrative offices and analytical laboratories to be used in connection
 4 with the programs established in Parts I through VI of this Chapter and for the
 5 purpose of acquiring, constructing, renovating, and equipping buildings and related
 6 facilities for use by the department in connection with promoting and assisting
 7 agriculture and forestry in this state. The department may pledge those funds to
 8 secure the repayment of revenue bonds or to secure a lease or purchase agreement
 9 entered into in connection with the issuance of revenue bonds for those purposes.

10 (5) If the revenues in the Pesticide ~~Fund~~ Account are pledged to secure the
 11 repayment of revenue bonds, or are pledged to secure a lease or purchase agreement
 12 entered into in connection with the issuance of revenue bonds, the fees which
 13 provide the funds shall not be reduced below those levels existent at the time of the
 14 pledge until the bonds have been repaid.

15 * * *

16 Section 3. R.S. 9:154.3 is hereby amended and reenacted to read as follows:

17 §154.3. Crescent City Connection amnesty program; ~~Crescent City Amnesty Refund~~
 18 ~~Fund~~; disposition

19 ~~A. Notwithstanding the provisions of R.S. 9:154 or any other provision of law~~
 20 ~~to the contrary, the provisions of this Section shall apply to monies collected as a~~
 21 ~~result of the amnesty program provided for in R.S. 47:7019.1 for those persons who~~
 22 ~~failed to pay a toll to cross the Crescent City Connection Bridge, prior to January 1,~~
 23 ~~2013 Crescent City Amnesty Refund Fund is hereby abolished and any monies~~
 24 ~~remaining in the fund shall be transferred for the use of the Department of~~
 25 ~~Transportation and Development.~~

26 ~~B. Notwithstanding the provisions of R.S. 48:1161.2(D)(c), and prior to~~
 27 ~~appropriation of any monies to the New Orleans Regional Planning Commission, on~~
 28 ~~July 1, 2014, one hundred twenty-eight thousand six hundred eighty-one dollars of~~
 29 ~~monies on deposit in the Crescent City Transition Fund shall be deemed abandoned~~

1 funds for the purposes of treatment as unclaimed property in accordance with the
2 provisions of this Section.

3 C. Funds that are deemed abandoned funds pursuant to this Section shall be
4 immediately transferred from the Crescent City Transition Fund by the state treasurer
5 in his capacity as administrator of the Uniform Unclaimed Property Act. The state
6 treasurer shall deposit these funds into the Crescent City Amnesty Refund Fund as
7 provided in this Section, and shall provide for the return of such funds to their
8 owners in accordance with the Uniform Unclaimed Property Act during the term set
9 forth in R.S. 47:7019.2. The state treasurer shall further provide for the payment of
10 all unexpended and unencumbered funds remaining in the Crescent City Amnesty
11 Refund Fund as of July 1, 2015, in accordance with the provisions of this Section.

12 D.(1) There is hereby created the Crescent City Amnesty Refund Fund as a
13 special fund in the state treasury, hereinafter referred to as the "fund". The source of
14 monies for the fund shall be the monies transferred from the Crescent City Transition
15 Fund as provided for in this Section.

16 (2) After compliance with the requirements of Article VII, Section 9(B) of
17 the Constitution of Louisiana, relative to the Bond Security and Redemption Fund,
18 an amount equal to that deposited into the state treasury from the foregoing sources
19 shall be deposited in and credited to the fund. The monies in the fund shall be
20 invested by the treasurer in the same manner as the state general fund, and interest
21 earnings shall be deposited into the fund.

22 (3) All unexpended and unencumbered monies remaining in the fund on July
23 1, 2015, shall be appropriated as follows:

24 (a) An amount not to exceed thirty percent of the monies in the fund shall be
25 appropriated to the Department of Transportation and Development for operational
26 and maintenance costs for the New Orleans ferries, formerly operated by its Crescent
27 City Connection Division.

28 (b) The balance of the monies in the fund as of July 1, 2015, shall be
29 appropriated to the New Orleans Regional Planning Commission for lighting of the

1 ~~eastbank and westbank approaches to the Crescent City Connection Bridge,~~
2 ~~including General DeGaulle and the Westbank Expressway approach through ground~~
3 ~~level, improvements to ingress and egress points, lighting, maintenance, grass~~
4 ~~cutting, and landscaping of the Westbank Expressway and its connecting arteries.~~

5 ~~(4) The state treasurer shall be relieved of all liability which may arise with~~
6 ~~respect to such distribution of funds.~~

7 ~~E. All data associated with monies deposited into the Crescent City~~
8 ~~Transition Fund that was collected by the Department of Transportation and~~
9 ~~Development pursuant to R.S. 47:7013.1 shall be transferred by such department to~~
10 ~~the state treasurer pursuant to this Section and shall be provided by such department~~
11 ~~to the Unclaimed Property Division in an electronic format as designated by such~~
12 ~~division.~~

13 ~~F. For the purposes of this Section, holder requirements under R.S. 9:159~~
14 ~~shall be deemed waived.~~

15 ~~G. The state treasurer in his capacity as administrator of the Uniform~~
16 ~~Unclaimed Property Act may establish policies and procedures as necessary to~~
17 ~~implement the provisions of this Section.~~

18 ~~H. All books, papers, and records transferred to the state treasurer pursuant~~
19 ~~to this Section shall be retained for a period of no less than five years following such~~
20 ~~transfer.~~

21 ~~I. The provisions of this Section shall supersede and control to the extent of~~
22 ~~conflict with any other provision of law.~~

23 Section 4. R.S. 15:572.8(H)(1), the introductory paragraph of (2), and 921 are hereby
24 amended and reenacted to read as follows:

25 §572.8. Compensation for wrongful conviction and imprisonment; petition process;
26 compensation; proof; assignment of powers and duties

27 * * *

28 H.(1) After a contradictory hearing with the attorney general, the court shall
29 render a decision as soon as practical. If, from its findings of fact, the court

1 determines that the petitioner is entitled to compensation because he is found to be
 2 factually innocent of the crime of which he was convicted, it shall determine the
 3 compensation due in accordance with the provisions of this Section, and it shall order
 4 payment to the petitioner from the ~~Innocence Compensation Fund~~ which shall be
 5 ~~created specifically for the administration of awards under this Section~~ state general
 6 fund.

7 (2) Compensation shall be calculated at a rate of twenty-five thousand dollars
 8 per year incarcerated not to exceed a maximum total amount of two hundred fifty
 9 thousand dollars for the physical harm and injury suffered by the petitioner to be paid
 10 at a rate of twenty-five thousand dollars annually. As compensation for the loss of
 11 life opportunities resulting from the time spent incarcerated, the court shall also
 12 review requests for payment and order payment, not to exceed eighty thousand
 13 dollars, which the court finds reasonable and appropriate from the ~~Innocence~~
 14 ~~Compensation Fund~~ state general fund to:

15 * * *

16 §921. Youthful Offender Management ~~Fund~~ Account; creation

17 A. All probation and parole supervision fees received by the Department of
 18 Public Safety and Corrections pursuant to Children's Code Articles 781.1 and 901.1
 19 and any amounts appropriated by the legislature to the Youthful Offender
 20 Management ~~Fund~~ Account shall be deposited immediately upon receipt into the
 21 state treasury.

22 B. After compliance with the requirements of Article VII, Section 9(B) of the
 23 Constitution of Louisiana, relative to the Bond Security and Redemption Fund, and
 24 prior to monies being placed in the state general fund, an amount equal to that
 25 deposited as required by Subsection A of this Section shall be credited to the special
 26 ~~fund~~ agency account hereby created in the state treasury to be known as the
 27 "Youthful Offender Management ~~Fund~~ Account". The monies in this ~~fund~~ account
 28 shall be used solely as provided by Subsection C of this Section and only in the
 29 amounts appropriated by the legislature. All unexpended and unencumbered monies

1 in this ~~fund~~ **account** at the end of the fiscal year shall remain in such ~~fund~~ **account**.

2 All monies in this ~~fund~~ **account** shall be invested by the state treasurer in the same
3 manner as monies in the state general fund, with interest earned on the investment
4 of these monies credited to this ~~fund~~ **account** following compliance with the
5 requirements of Article VII, Section 9(B), relative to the Bond Security and
6 Redemption Fund. **Funding deposited into the account shall be considered fees**
7 **and self-generated revenues and shall be available for annual appropriations by**
8 **the legislature.**

9 C. The monies in the Youthful Offender Management ~~Fund~~ **Account** shall
10 be used solely by the department to supplement appropriated funds for salaries and
11 other category expenditures within the office of juvenile justice deemed necessary
12 by the secretary of the department, and to defray cost of collection and disbursement
13 of monetary assessments imposed as a condition of probation and parole, including
14 reasonable attorney fees.

15 Section 5. R.S. 17:3141.16(A), (B)(1), (2), (3), (7), and (8), (C)(1), (D)(1), (2), (5),
16 (8), (9), and (10), (E)(1)(a) and (2), (F), and (G)(1) and 3138.4 are hereby amended and
17 reenacted to read as follows:

18 §3141.16. Proprietary school student protection ~~fund~~ **account** and program

19 A. There shall be established in the state treasury as a special permanent ~~fund~~
20 **agency account** the Proprietary School Students Protection ~~Fund~~ **Account**,
21 hereinafter referred to as the "Student Protection ~~Fund~~ **Account**". Following
22 compliance with the requirements of Article VII, Section 9(B) of the Constitution of
23 Louisiana relative to the Bond Security and Redemption Fund, all monies generated
24 pursuant to the provisions of this Section shall be deposited into the Student
25 Protection ~~Fund~~ **Account**. **Monies** in this ~~fund~~ **account** shall be used
26 solely to make refunds of unearned tuition as provided for by this Chapter. The
27 monies in this ~~fund~~ **account** shall be invested by the state treasurer in the same
28 manner as for the state general fund and interest earned on the investment of these
29 monies shall be credited to the Student Protection ~~Fund~~ **Account**. All unexpended

1 and unencumbered monies in this ~~fund~~ **account** at the end of a fiscal year shall
2 remain in such ~~fund~~ **account** and be available for expenditure in the next fiscal year.

3 The legislature shall make yearly appropriations from the ~~fund~~ **account** to the Board
4 of Regents for the purposes of the proprietary school student protection program.

5 **Funding deposited into the account shall be considered fees and self-generated**
6 **revenues and shall be available for annual appropriations by the legislature.**

7 B.(1) All proprietary schools licensed under the provisions of this Chapter
8 prior to September 3, 1989, shall make payments to the Student Protection ~~Fund~~
9 **Account** according to the following graduated schedule beginning July 1, 1991, and
10 annually thereafter. For the calculation of the first payment, the assessment period
11 shall be July 1, 1990 to June 30, 1991. Subsequent payments shall be calculated upon
12 annual assessment period beginning July first of each year.

13 (2) Except for the initial payment, all proprietary schools licensed subsequent
14 to September 3, 1989, shall make payments to the Student Protection ~~Fund~~ **Account**
15 according to the following graduated schedule beginning one year after licensure by
16 the board and annually thereafter. The first payment to the Student Protection ~~Fund~~
17 **Account** by such schools shall be one thousand dollars and shall accompany
18 application for licensure. Should the gross tuition collected by such a school during
19 the first assessment period after licensure require an adjustment, such adjustment
20 shall be made in accordance with the applicable provisions of this Section.

21 STUDENT PROTECTION ~~FUND~~ **ACCOUNT** SCHEDULE

	Gross Tuition Collected During		Annual Payment
	Assessment Period		
24	\$ 1	- 24,999	\$ 200.00
25	\$ 25,000	- 49,999	\$ 250.00
26	\$ 50,000	- 99,999	\$ 300.00
27	\$ 100,000	- 199,999	\$ 400.00
28	\$ 200,000	- 299,999	\$ 500.00
29	\$ 300,000	- 399,999	\$ 600.00

1	\$	400,000	-	499,999	\$	700.00
2	\$	500,000	-	749,999	\$	1,000.00
3	\$	750,000	-	999,999	\$	1,250.00
4	\$	1,000,000	-	1,499,999	\$	1,500.00
5	\$	1,500,000	-	and above	\$	2,000.00

(3) All payments to the Student Protection ~~Fund~~ Account shall be made to the executive secretary of the Advisory Commission on Proprietary Schools. Except in cases of overpayment, all payments to the Student Protection ~~Fund~~ Account shall be nonrefundable.

* * *

(7) If an audit of tuition revenues conducted by the Board of Regents determines that a school has paid into the Proprietary School Student Protection ~~Fund~~ Account an amount less than was required, the school shall pay said amount required to the executive secretary of the Advisory Commission on Proprietary Schools within thirty days of receipt of written notice from the superintendent or his designee of the amount of the underpayment.

(8) If an audit of tuition revenues conducted by the Board of Regents determines that a school has paid into the Proprietary School Student Protection ~~Fund~~ Account an amount more than was required, subsequent payment or payments by the school shall be appropriately credited by the commissioner of higher education or his designee until such credited payment or payments equal the amount of the overpayment.

C.(1) Forms developed and provided annually by the commissioner of higher education to calculate payments due the Student Protection ~~Fund~~ Account shall be completed by the school and submitted annually to the executive secretary of the Advisory Commission on Proprietary Schools. The school director or persons designated to sign on his behalf shall attest that the information provided is correct and complete.

* * *

1 D.(1) No payment shall be paid from the ~~fund~~ **account** until the avails from
2 the surety bond required by R.S. 17:3141.5(D) have been exhausted.

3 (2) Claims against the ~~fund~~ **account** shall be considered from currently
4 enrolled students only when there is a lack of availability for that student to transfer
5 for the time remaining in his course of study, at no additional cost, to a similar
6 program within the student's local area, as determined by the Advisory Commission
7 on Proprietary Schools. The receiving school shall in no way be liable for any
8 transferring student's tuition refunds.

9 * * *

10 (5) A school shall inform its students in writing of their rights under the
11 provisions governing the Student Protection ~~Fund~~ **Account**. Application for refund
12 shall be made on forms provided by the commissioner of higher education after
13 determination of cessation of operation of the school.

14 * * *

15 (8) If a school's cessation of operation renders eligible a student,
16 governmental agency or other organization, or any person for a refund, reasonable
17 effort must be made to acquire such a refund from such school, surety bond as
18 required by R.S. 17:3141.5(D), or any other school resources, and any refund
19 payments for tuition from any other source made to a student as a result of this
20 cessation of operation shall be deducted from the obligation of the ~~fund~~ **account**.

21 (9) A claim shall be made against the ~~fund~~ **account** only if it arises out of the
22 cessation of operation by an institution on or after September 3, 1989, and after
23 claims are made against the surety bond or other school resources.

24 (10) In the event of the cessation of operation of any authorized school after
25 July 1, 1999, the Board of Regents shall have the authority to authorize the seizure
26 and sale at public auction of all unsecured assets of the school, with all proceeds to
27 be deposited in the Proprietary School Student Protection ~~Fund~~ **Account**. Cessation
28 of operation shall mean the cessation of all instructional and business operations
29 directly related to the offering of education and training as authorized under the

1 provisions of this Chapter, with no reasonable prospect of resuming operations.

2 E.(1)(a) Any student enrolled in a proprietary school licensed under the
3 provisions of R.S. 17:3141.4 through 3141.17, who is unable to complete a course
4 or unit of instruction at such school because of cessation of operation of the school
5 and who has paid tuition for such course or unit of instruction, may make application
6 to the commissioner of higher education for a refund of tuition from the Student
7 Protection ~~Fund~~ Account established pursuant to R.S. 17:3141.16 to the extent that
8 such ~~fund~~ account exists or has reached the level necessary to pay outstanding
9 approved claims.

10 * * *

11 (2) Each recipient of a tuition refund made in accordance with the provisions
12 of this Section shall assign all rights to the state of any action against the school or
13 its owner or owners for tuition amounts reimbursed pursuant to this Section. Upon
14 such assignment, the Board of Regents may take appropriate action against the
15 school or its owner or owners in order to reimburse the Student Protection ~~Fund~~
16 Account for any expenses or claims that are paid from the ~~fund~~ account and to
17 reimburse the state for the reasonable and necessary expenses in undertaking such
18 action.

19 F. The Board of Regents shall adopt necessary rules and regulations based
20 on recommendations from the Advisory commission on Proprietary Schools
21 providing for the cessation of payments into the Student Protection ~~Fund~~ Account
22 by schools licensed under the provisions of this Chapter upon the ~~fund~~ account
23 balance reaching a minimum of eight hundred thousand dollars and for the
24 resumption of payments into the ~~fund~~ account whenever the ~~fund~~ account balance
25 is less than seven hundred fifty thousand dollars.

26 G.(1) Notwithstanding the provisions of Subsection A of this Section, there
27 is hereby established a special account within the Proprietary School Students
28 Protection ~~Fund~~ Account to be known as the Proprietary School Student Records
29 and Administration Account, hereinafter referred to as the "Administration

1 Account". Any balance in the Student Protection ~~Fund~~ **Account** on July 1, 2000, that
 2 exceeds eight hundred thousand dollars, as provided in Subsection F of this Section,
 3 shall be deposited into the Administration Account. All interest earned on the ~~fund~~
 4 **account** after July 1, 2000, shall be deposited in the Administration Account. All
 5 deposits made to the Student Protection ~~Fund~~ **Account** after July 1, 2000, shall be
 6 made in accordance with the provisions of Subsection B of this Section.

7 * * *

8 §3138.4. Workforce and Innovation for a Stronger Economy Fund

9 A. ~~The "Workforce and Innovation for a Stronger Economy Fund",~~
 10 ~~hereinafter referred to in this Section as the "fund", is hereby created within the state~~
 11 ~~treasury as a special fund for the purpose of funding degree and certificate~~
 12 ~~production and research priorities in high demand fields through programs offered~~
 13 ~~by Louisiana's public postsecondary education institutions to meet the state's future~~
 14 ~~workforce and innovation needs.~~

15 B. ~~Monies in the fund shall be invested in the same manner as monies in the~~
 16 ~~general fund. Interest earned on investment of monies in the fund shall be credited~~
 17 ~~to the fund. Unexpended and unencumbered monies in the fund at the end of the~~
 18 ~~fiscal year shall remain in the fund.~~

19 C. ~~Subject to an annual appropriation by the legislature, each fiscal year the~~
 20 ~~sum of forty million dollars shall be deposited into the fund. Monies in the fund~~
 21 ~~shall be appropriated and administered as provided in this Section.~~

22 D.(1) ~~Monies in the fund shall be appropriated to the Board of Regents to be~~
 23 ~~distributed to and used by postsecondary education institutions in accordance with~~
 24 ~~a statewide workforce demand and gap analysis to be developed as provided for in~~
 25 ~~this Section.~~

26 (2) ~~The funds distributed pursuant to this Section shall be used by the~~
 27 ~~institution towards degree and certificate production pursuant to the workforce~~
 28 ~~demand and gap analysis and research priorities according to implementation plans.~~

29 (3) ~~Any funds distributed to any institution that remain unexpended or~~

1 unobligated at the end of the fiscal year shall be available for use in the subsequent
2 fiscal year by an institution pursuant to their implementation plan.

3 ~~(4)(a) Funding shall be distributed by the Board of Regents only upon receipt~~
4 ~~of certification by the postsecondary education management board on behalf of the~~
5 ~~receiving public postsecondary education institution that a match of no less than~~
6 ~~twenty percent of the amount of funding to be distributed has been guaranteed by a~~
7 ~~private entity. Match certification shall be reported to the Joint Legislative~~
8 ~~Committee on the Budget within thirty days of the receipt. The certification shall~~
9 ~~detail the type of private match to be provided, which may include: cash; in-kind~~
10 ~~donations of technology, personnel, construction materials, facility modification, or~~
11 ~~tangible property; internships; scholarships; sponsorship of staff or faculty; or faculty~~
12 ~~endowment. The Workforce and Innovation for a Stronger Economy Fund Strategic~~
13 ~~Planning (WISE) Council may authorize a match for an institution in types other~~
14 ~~than those provided for in this Paragraph, upon request of the system president.~~

15 ~~(b) In any fiscal year that the total appropriated funds from the sum of the~~
16 ~~state general fund and dedicated funds for higher education are below the~~
17 ~~appropriated funding in the prior fiscal year, the WISE Council may at its discretion,~~
18 ~~delay or waive requirements as set forth in Subparagraph (a) of this Paragraph.~~

19 ~~E:(1) A Workforce and Innovation for a Stronger Economy Fund Strategic~~
20 ~~Planning Council, to be referred to as the "WISE Council", shall be established as~~
21 ~~an independent subcommittee of the Board of Regents and shall be comprised of the~~
22 ~~president-chancellor of Louisiana State University, the president of the Southern~~
23 ~~University System, the president of the University of Louisiana System, the president~~
24 ~~of the Louisiana Community and Technical College System, the commissioner of~~
25 ~~higher education, the secretary of the Department of Economic Development, the~~
26 ~~executive director of the Louisiana Workforce Commission, and the chairman of the~~
27 ~~Workforce Investment Council, or their successors.~~

28 ~~(2)(a) The WISE Council shall develop a method for the distribution of~~
29 ~~monies in the fund in alignment with the statewide workforce demand and gap~~

1 analysis and research priorities as provided in this Section. The methodology for the
2 distribution shall be reevaluated no more than once every three years unless a
3 majority of the WISE Council vote to reevaluate the methodology more often.

4 (b) The methodology of distribution shall be as follows:

5 (i) Eighty percent of funds distributed shall be based on degree and certificate
6 production in fields required for four- or five-star jobs, as defined by the Louisiana
7 Workforce Commission's Louisiana Star Jobs program or its successors and
8 weighted by cost and a prioritization of high demand degree and certificate
9 production based on data provided by the Department of Economic Development
10 and the Louisiana Workforce Commission.

11 (ii) Twenty percent of funds distributed shall be based on federally funded
12 research expenditures as defined by the National Science Foundation.

13 (iii) The WISE Council shall have the authority to adjust the percentage of
14 the distributions by no more than ten percent relative to the distribution of funds
15 between degree certification production in Item (i) of this Subparagraph and
16 federally funded research expenditures in Item (ii) of this Subparagraph. However,
17 in no event shall the distribution based on federally funded research expenditures be
18 reduced below twenty percent.

19 (3) The WISE Council shall prepare a statewide workforce demand and gap
20 analysis which shall include:

21 (a) Statewide and regional degree and certificate production and research
22 priorities based on an analysis of credential completion at all Louisiana
23 postsecondary education institutions and workforce demand.

24 (b) A prioritization of high-demand degree and certificate production based
25 on data provided by the Department of Economic Development and the Louisiana
26 Workforce Commission.

27 (4)(3) The WISE Council and the Board of Regents shall review and approve
28 the statewide workforce demand and gap analysis and research priorities.

29 (5)(4) The WISE Council shall review and approve implementation plans

1 submitted by institutions. The implementation plans shall include at a minimum a
2 plan for expenditure of monies and outcomes expected.

3 ~~(6)~~**(5)** The system presidents shall report annually to the WISE Council on
4 progress towards degree and certificate and research priorities in accordance with the
5 implementation plans.

6 **F.B.** The statewide workforce demand and gap analysis, including any
7 revisions to the analysis, ~~distribution of funds~~, and implementation plans shall be
8 posted on the Board of Regents' website.

9 **G.C.** The WISE Council may create policies and procedures for its own
10 management but shall meet no less than two times per year.

11 **H.D.** The Board of Regents, on behalf of postsecondary education, shall
12 provide annual reporting to the Senate Committee on Education, Senate Committee
13 on Finance, the House Committee on Education, and the House Committee on
14 Appropriations. Such reports shall include the statewide workforce demand and gap
15 analysis, including any revisions to the analysis, ~~distribution of funds~~, and
16 implementation plans.

17 ~~I. The Board of Regents shall promulgate rules developed jointly and~~
18 ~~collaboratively by the commissioner of higher education and the system presidents~~
19 ~~for the administration of the fund. Prior to final adoption, the rules shall be approved~~
20 ~~by the WISE Council.~~

21 ~~J. The fund is in addition to, and separate from, any monies appropriated or~~
22 ~~allocated to any postsecondary education management board. Allocations from this~~
23 ~~fund shall not be included in the Board of Regents' funding formula calculation, nor~~
24 ~~shall it supplant any state general fund allocations provided to institutions. The~~
25 ~~availability of the fund shall not in any way substitute, limit, or otherwise affect the~~
26 ~~allocation of any funds otherwise available to those institutions under state or federal~~
27 ~~laws.~~

28 **K.E.** All actions of the WISE Council and the implementation of this Section
29 shall be subject to the approval of the Board of Regents.

1 Section 6. R.S. 22:1071(D)(3)(b) and (c) and 1476(A)(2) are hereby amended and
2 reenacted to read as follows:

3 §1071. Enforcement provisions

4 * * *

5 D.

6 * * *

7 (3)

8 * * *

9 (b) After compliance with the requirements of Article VII, Section 9(B) of
10 the Constitution of Louisiana relative to the Bond Security and Redemption Fund,
11 and prior to monies being placed in the state general fund, an amount equal to that
12 deposited as required by Subparagraph (a) of this Paragraph shall be credited to a
13 special ~~fund~~ **agency account to be retained for future appropriation as provided**
14 **in this Section** hereby created in the state treasury to be known as the Administrative
15 ~~Fund~~ **Account** of the Department of Insurance. The monies in this ~~fund~~ **account**
16 shall be used solely as provided by Subparagraph (c) of this Paragraph and only in
17 the amounts appropriated by the legislature. All unexpended and unencumbered
18 monies in this ~~fund~~ **account** at the end of the fiscal year shall remain in such ~~fund~~
19 **account**. The monies in this ~~fund~~ **account** shall be invested by the state treasurer in
20 the same manner as monies in the state general fund and interest earned on the
21 investment of these monies shall be credited to this ~~fund~~ **account**. **Funding**
22 **deposited into the account shall be considered fees and self-generated revenues**
23 **and shall be available for annual appropriations by the legislature.**

24 (c) The monies in the Administrative ~~Fund~~ **Account** of the Department of
25 Insurance shall be used solely for the expenses in connection with the administration
26 and enforcement of the provisions of this Subpart.

27 * * *

28 §1476. Assessments against insurers; dedications

29 A.

* * *

(2) An amount equal to two and one-fourth hundredths of one percent of the gross direct premiums received in this state, in the preceding year; two and thirty-seven hundredths of one percent of the direct gross premiums received in this state, in the year 2001; and two and one-half hundredths of one percent of the direct gross premiums received in the state, in the year 2003 and every year thereafter by insurers doing business in this state and subject to this Subpart, less returned premiums shall be deposited by the commissioner of insurance with the state treasurer to be credited to a special ~~fund~~ **agency account**, created in the state treasury entitled the Municipal Fire and Police Civil Service Operating ~~Fund~~ **Account**, hereinafter known as the "~~fund~~ **account**". Subject to an annual appropriation by the legislature pursuant to the provisions of R.S. 33:2480 and 2540, monies in the ~~fund~~ **account** shall be used solely to support the operations of the office of state examiner, Municipal Fire and Police Civil Service. Monies in the ~~fund~~ **account** shall be invested by the treasurer in the same manner as monies in the state general fund and interest earned on investment of these monies shall be credited to the state general fund. All unexpended and unencumbered monies in the ~~fund~~ **account** at the end of the fiscal year shall revert to the state general fund. **Funding deposited into the account shall be considered fees and self-generated revenues and shall be available for annual appropriations by the legislature.**

* * *

Section 7. R.S. 23:1514(D)(5) is hereby amended and reenacted to read as follows:
 §1514. Worker training fund; purpose; training programs; eligibility criteria;
 program administration

* * *

D.

* * *

(5) The administrator may annually set aside an amount up to ten percent of the amount appropriated to the fund by the state legislature for preemployment

1 training in any year in which the legislature appropriates funds for training equal to
 2 or exceeding those funds appropriated in the previous year to the Rapid Response
 3 Fund created by R.S. 51:2361 or to the Louisiana Economic Development Fund
 4 created by R.S. 51:2315 **to be used exclusively for the Louisiana FastStart**
 5 **Program**. All preemployment training shall require an employer matching
 6 contribution of not more than fifty percent, and job placement outcomes at wage
 7 rates commensurate with training, as determined by the administrator pursuant to
 8 duly promulgated rules and regulations.

* * *

10 Section 8. R.S. 24:653(N)(3) is hereby amended and reenacted to read as follows:

11 §653. Duties and functions

* * *

13 N.

* * *

15 (3) No later than September 1, 2017, and every ~~two years~~ **year** thereafter, the
 16 committee shall provide for the dedicated fund review subcommittee.

* * *

18 Section 9. R.S. 30:2004(11), 2014(B), (D)(4)(a) and the introductory paragraph of
 19 (b), 2015(A), (B), the introductory paragraph of (C), the introductory paragraph of (D), and
 20 (E), 2035(B)(1), 2054(B)(8), 2109(A) and (C), 2192(B)(4), 2195(B), (C), and (E), the
 21 introductory paragraph of 2195.2(A)(4), 2195.4(C)(1) and (2), 2195.5, 2205(A)(1), and
 22 2252(A), (B), and (C) are hereby amended and reenacted to read as follows:

23 §2004. Definitions

24 The following terms as used in this Subtitle, unless the context otherwise
 25 requires or unless redefined by a particular Chapter hereof, shall have the following
 26 meanings:

* * *

28 (11) "Response ~~fund~~ **account**" means the Environmental Trust ~~Fund~~ **Account**
 29 created in R.S. 30:2015.

* * *

§2014. Permits, licenses, registrations, variances, and fees

* * *

B. In order to provide for adequate permitting, monitoring, investigation, administration, and other activities required for the maintenance of a healthful and safe environment, an initial fee and an annual monitoring and maintenance fee shall be charged for all permits, licenses, registrations, or variances authorized by this Subtitle. These fees shall be determined, except as otherwise provided in this Subtitle relative to maximum amounts of fees, using a formula developed by rules to be based upon a cost equal to the cost of the annual maintenance, permitting, monitoring, investigation, administration, and other activities required therewith, including any effects the volume of emissions or effluents may have on such activities. Any such formula or fees shall be adopted by the department by rule in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. Funds generated from these fees shall be deposited in the Environmental Trust ~~Fund~~ **Account** as provided in R.S. 30:2015.

* * *

D.

* * *

(4)(a) In accordance with the provisions of Article VII, Section 2.1 of the Constitution of Louisiana, and notwithstanding any other provision of law, the Department of Environmental Quality may modify any fee that is in effect on June 30, 2002, is authorized by this Title, and is required to be deposited into the Environmental Trust ~~Fund~~ **Account**. Such a modification may increase the rate in effect on June 30, 2002, over the two-year fiscal period beginning July 1, 2002, as follows: the department may increase any such fee by a maximum of twenty percent, effective on or after July 1, 2002, and by a maximum of ten percent above the rate in effect on June 30, 2003, effective on or after July 1, 2003. Within ninety days of the promulgation and adoption of any regulation necessary to implement the fees

1 revenue generated from collection from those sources provided for by Subsection C
 2 of this Section and other sources as provided for by law. No expenditures shall be
 3 made from the trust ~~fund~~ **account** unless first appropriated by the legislature. The
 4 monies in the trust ~~fund~~ **account** shall be invested by the state treasurer in the same
 5 manner as monies in the state general fund. All interest earned on money from the
 6 ~~fund~~ **account** and invested by the state treasurer shall be credited to the
 7 Environmental Trust ~~Fund~~ **Account**. **Funding deposited into the account shall be**
 8 **considered fees and self-generated revenues and shall be available for annual**
 9 **appropriations by the legislature.**

10 C. The Environmental Trust ~~Fund~~ **Account** shall consist of all revenues
 11 generated from the following sources:

12 * * *

13 D. The monies in the Environmental Trust ~~Fund~~ **Account** shall be used for
 14 the following purposes:

15 * * *

16 E. In any cases where monies from the trust ~~fund~~ **account** are expended, the
 17 attorney general shall institute a civil action to recover from the responsible persons
 18 all such monies expended from the trust ~~fund~~ **account**. If the secretary requests that
 19 the attorney general institute a civil action to recover monies expended from the trust
 20 ~~fund~~ **account** and the attorney general declines to institute such action or does not
 21 respond within sixty days of such request and agree to institute a civil action, an
 22 attorney from the department may, with the concurrence of the attorney general,
 23 institute a civil action to recover monies expended from the trust ~~fund~~ **account**. Any
 24 monies so recovered shall be paid into the trust ~~fund~~ **account**.

25 * * *

26 §2035. Environmental Emergency Response Training Program

27 * * *

28 B.(1) The chief of each eligible agency including any municipality or parish
 29 may apply to the department for allocation of funds from the Environmental Trust

1 **Fund Account** to provide or secure the training authorized by this Section.

2 * * *

3 §2054. Air quality control; secretary of environmental quality; powers and duties

4 * * *

5 B. The secretary shall have the following powers and duties:

6 * * *

7 (8) To establish and implement a program for the control and abatement of
8 motor vehicle emissions in accordance with R.S. 30:2060 and other applicable state
9 and federal laws, particularly the Clean Air Act as amended, but not to exceed the
10 requirements provided in such act unless specifically authorized. Such program shall
11 be applicable only in parishes and municipalities as necessary to comply with the
12 requirements of the federal Clean Air Act or regulations promulgated by the United
13 States Environmental Protection Agency. If such program includes the periodic
14 inspection of motor vehicles, the frequency of performing such inspections shall be
15 as allowed by federal law or regulations or by agreements with federal agencies.
16 During each calendar year, the secretary may exempt vehicles of that model year and
17 vehicles from prior model years from on-board diagnostic (OBD II) testing. The fees
18 due the department for this program pursuant to R.S. 32:1306(C)(3) shall be
19 deposited into the Environmental Trust **Fund Account**. The inspection and
20 maintenance of motor vehicles as required by this Paragraph shall begin on January
21 1, 2000.

22 * * *

23 §2109. Nuclear power facilities; emergency planning; findings

24 A. The legislature finds and declares that it is necessary that the secretary of
25 environmental quality be empowered upon a declaration of a state of disaster
26 emergency, as provided for in Subsection C of this Section, and which is related to
27 a source of radiation, to enter into contracts and agreements necessary to perform
28 duties assigned under any radiological response plan and to expend funds from the
29 Environmental Trust **Fund Account** for such purposes, according to the provisions

1 of R.S. 30:2015.

2 * * *

3 C. Upon a declaration of a state of disaster emergency pursuant to and in
4 accordance with R.S. 29:705 or R.S. 29:706 related to a source of radiation, the
5 secretary of the Department of Environmental Quality is authorized to enter into any
6 contracts or agreements necessary to perform any duty or function required of the
7 secretary in any radiological response plan. The secretary is authorized to expend
8 funds from the Environmental Trust ~~Fund~~ **Account** in the performance of such duties
9 in accordance with the provisions of R.S. 30:2015.

10 * * *

11 §2192. Treatment, storage, and disposal facilities

12 * * *

13 B. The regulations at a minimum shall require:

14 * * *

15 (4) A surety bond in favor of the state, a certificate of public liability
16 insurance, payments into the Environmental Trust ~~Fund~~ **Account**, other financial
17 assurance, or any combination thereof, sufficient to assure financial responsibility
18 for damages resulting from accidents or negligence, when corrective action is
19 required or as specified in the permit, and to assure closure and post-closure care,
20 said assurance to be consistent with the degree and duration of risks associated with
21 the treatment, storage, or disposal of the type of hazardous waste handled.

22 * * *

23 §2195. Motor Fuels Underground Storage Tank Trust Fund

24 * * *

25 B. There is hereby established a special custodial trust fund in the state
26 treasury to be known as the Motor Fuel Underground Storage Tank Trust Fund,
27 hereafter referred to as the "Tank Trust Fund", into which the state treasurer shall,
28 each fiscal year, deposit the revenues received from the collection of the fees as
29 established in R.S. 30:2195.3(A)(1)(a) and (B). The secretary is authorized pursuant

1 to Article VII, Section 9(A) of the Constitution of Louisiana and R.S. 30:2031 to
2 enter into an agreement with a private legal entity to receive and administer the Tank
3 Trust Fund for the purpose of providing financial responsibility for underground
4 motor fuel storage tanks. On an annual basis, all owners of registered tanks shall
5 remit to the department a tank registration fee of sixty dollars for each tank. The
6 revenue from the tank registration fees shall be deposited directly into the
7 Environmental Trust ~~Fund~~ **Account** as provided by R.S. 30:2015 and utilized for
8 underground storage tank activities only, and any deviation from the aforesaid shall
9 be documented and reported to the House Committee on Natural Resources and
10 Environment and the Senate Committee on Environmental Quality. Revenues
11 received from annual maintenance and monitoring fees, other than those established
12 in R.S. 30:2195.3(B), shall be deposited into the Environmental Trust ~~Fund~~ **Account**.
13 The department shall promulgate rules and regulations for the implementation of this
14 Section in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

15 C. Monies so deposited in the Environmental Trust ~~Fund~~ **Account** shall be
16 used to defray the cost to the state of administering the underground storage tank
17 program and the cost of investigation, testing, containment, control, and cleanup of
18 releases from underground storage tanks containing regulated substances. Only
19 monies recovered pursuant to R.S. 30:2195.2(A)(2) and deposited in the Tank Trust
20 Fund may be used for the loans authorized by R.S. 30:2195.12(E). These monies
21 shall also be used to provide money or services as the state share of matching funds
22 for federal grants involving underground storage tanks. At the end of each fiscal
23 year, all monies that were deposited into the Environmental Trust ~~Fund~~ **Account**
24 from the fees established in R.S. 30:2195.3(A)(1)(a) and (B) which remain unspent,
25 including all accrued interest, shall be transferred to the Tank Trust Fund.

26 * * *

27 E. Annually, the department shall prepare a report for the House Committee
28 on Natural Resources and Environment and the Senate Committee on Environmental
29 Quality of all disbursements of monies from the Tank Trust Fund and the

1 Environmental Trust ~~Fund~~ **Account**. The report shall include all loans made from the
 2 Tank Trust Fund, the number of sites actively seeking reimbursement from the Tank
 3 Trust Fund as of June thirtieth of each year, the number of sites deemed eligible for
 4 the Tank Trust Fund during the previous fiscal year, and the number of sites that
 5 have been granted "No Further Action", and the department has received the last
 6 application for reimbursement during the previous fiscal year. Regarding
 7 disbursements from the Tank Trust Fund as provided by R.S. 30:2195.2, the report
 8 shall include a list of all reimbursements, all pending reimbursements, the date the
 9 application was made for reimbursement, and the date reimbursement was made by
 10 the department. The report shall be delivered to the respective legislative committees
 11 no later than March first of each year.

* * *

12 §2195.2. Uses of the Tank Trust Fund

13 A. The department shall administer the Tank Trust Fund and shall make
 14 disbursements from the fund for all necessary and appropriate expenditures. Pursuant
 15 to the authorization in R.S. 30:2195, the secretary of the Department of
 16 Environmental Quality shall use the Tank Trust Fund as follows:

* * *

17 (4) The Environmental Trust ~~Fund~~ **Account** may be used to reimburse or pay
 18 for any costs associated with the review of applications for reimbursement from the
 19 trust, legal fees associated with the collection of costs from parties who are not
 20 eligible participants, audits of the Tank Trust Fund and bulk operators, and
 21 accounting and reporting of the uses of the trust. The Environmental Trust ~~Fund~~
 22 **Account** will also reimburse the Department of Environmental Quality for costs
 23 associated with administering the underground storage tank program in accordance
 24 with R.S. 30:2195(C) up to the amount appropriated pursuant to R.S. 30:2195(B).

* * *

25 §2195.4. Procedures for disbursements from the Tank Trust Fund

* * *

1 C.(1) For any month during which the collection of fees assessed pursuant
2 to R.S. 30:2195.3 is suspended, the treasurer shall transfer an amount equal to twenty
3 percent of the average monthly fee amount collected according to the schedule
4 specified in R.S. 30:2195.3(A)(1) from the trust into the Environmental Trust Fund
5 Account for use as provided by R.S. 30:2195.3(A)(9).

6 (2) If the secretary determines that the funds deposited on a monthly basis
7 into the Environmental Trust Fund Account pursuant to R.S. 30:2195(B) are
8 insufficient relative to the legislatively approved fiscal appropriation for the
9 department during a given year, the secretary may order the treasurer to transfer from
10 the Tank Trust Fund to the Environmental Trust Fund Account only that amount
11 necessary to reach the authorized ceiling.

12 * * *

13 §2195.5. Audits

14 An annual independent audit of the Tank Trust Fund shall be conducted. Such
15 funds as are necessary to perform the audit shall be authorized from the Tank Trust
16 Fund. The secretary shall authorize funding from the Environmental Trust Fund
17 Account, R.S. 30:2015, for the purpose of auditing bulk operators regarding the
18 remittance of motor fuel delivery fees.

19 * * *

20 §2205. Hazardous Waste Site Cleanup Fund

21 A.(1) All sums recovered through judgments, settlements, assessments of
22 civil or criminal penalties, funds recovered by suit or settlement from potentially
23 responsible parties for active or abandoned site remediation or cleanup, or otherwise
24 under this Subtitle, or other applicable law, each fiscal year for violation of this
25 Subtitle, shall be paid into the state treasury and shall be credited to the Bond
26 Security and Redemption Fund. After a sufficient amount is allocated from that fund
27 to pay all obligations secured by the full faith and credit of the state which become
28 due and payable within any fiscal year, the treasurer, prior to placing such remaining
29 funds in the state general fund, shall pay into a special fund, which is hereby created

1 in the state treasury and designated as the "Hazardous Waste Site Cleanup Fund", all
 2 of those funds generated by the hazardous waste tax under the provisions of Chapter
 3 7-A of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 and the sums
 4 recovered through all judgments, settlements, assessments of civil or criminal
 5 penalties, fees and oversight costs received from potentially responsible parties for
 6 the department's work in overseeing of assessment and remediation at inactive or
 7 abandoned sites, funds recovered by suit or settlement from potentially responsible
 8 parties for active or abandoned site remediation or cleanup, or otherwise, for
 9 violation of this Subtitle, except as provided in R.S. 30:2025 and 2198; however, the
 10 balance in the fund shall not exceed six million dollars at any time and upon the
 11 accumulation of six million dollars in the fund, the treasurer shall pay all remaining
 12 sums provided for in this Subsection into the Environmental Trust ~~Fund~~ **Account**,
 13 R.S. 30:2015.

14 * * *

15 §2552. ~~Brownfields Cleanup Revolving Loan Fund Program~~, authority **Authority**
 16 to make loans and grants; incur debt; tax exemption

17 A. Any political subdivision, public trust, quasi governmental organization,
 18 or eligible nonprofit or private entity, except as provided in R.S. 30:2551(C), is
 19 hereby authorized to make loans from and incur debt payable to the department in
 20 accordance with the provisions of this Section. The making of a loan ~~from the~~
 21 ~~Brownfields Cleanup Revolving Loan Fund~~ and the issuance of debt evidencing such
 22 loan by any political subdivision, eligible nonprofit organization, or eligible private
 23 entity shall be approved by the State Bond Commission. This Section shall not be
 24 deemed to be the exclusive authority under which a political subdivision, eligible
 25 nonprofit organization, or eligible private entity may borrow money from or incur
 26 indebtedness to the department. ~~The department shall aggressively pursue leveraging~~
 27 ~~of all funds to the maximum amount allowable by law.~~

28 B. All bonds, notes, or other evidence of indebtedness of any political
 29 subdivision, public trust, quasi governmental organization, or eligible nonprofit or

1 private entity issued to represent a loan from the department ~~or the fund~~ shall be
 2 authorized and issued pursuant to a resolution of the governing authority of such
 3 entity, which resolution shall prescribe the form and details thereof, including the
 4 terms, security for, manner of execution, repayment schedule, and redemption
 5 features thereof, and such resolution may provide that an officer of such entity may
 6 execute in connection with such obligation any related contract, including but not
 7 limited to a credit enhancement device, indenture of trust, loan agreement, pledge
 8 agreement, or other agreement or contract needed to accomplish the purposes for
 9 which said evidence of indebtedness is given, in substantially the form attached to
 10 said resolution, but which final executed credit enhancement device, indenture of
 11 trust, loan agreement, pledge, or other contract or agreement may contain such
 12 changes, additions, and deletions as shall in the sole opinion of the executing officer
 13 be appropriate under the circumstances. Any such resolution shall include a
 14 statement as to the maximum principal amount of any such obligation, the maximum
 15 interest rate to be incurred or borne by said obligation or guaranteed by said
 16 obligation, the maximum redemption premium, if any, and the maximum term in
 17 years for such obligation, guarantee, or pledge.

18 C. Notwithstanding any other provision of law to the contrary, a political
 19 subdivision, public trust, quasi governmental organization, or eligible nonprofit
 20 entity, upon entering into a loan ~~in accordance with the fund as provided in R.S.~~
 21 ~~30:255+~~, may dedicate and pledge a portion of any revenues it has available to it,
 22 including but not limited to revenues from the general revenue fund, sales taxes,
 23 assessments, or property taxes of the political subdivision, for a term not exceeding
 24 twenty years from the date of project completion for repayment of the principal of,
 25 interest on, and any premium, administrative fee, or other fee, or cost imposed by the
 26 department in connection with such loan.

27 * * *

28 Section 10. R.S. 32:202, 402.3(I), and 412(C)(2) are hereby amended and reenacted
 29 to read as follows:

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§202. Louisiana Bicycle and Pedestrian Safety ~~Fund~~ **Account**

A. There is hereby created, as a special ~~fund~~ **account** in the state treasury, the Louisiana Bicycle and Pedestrian Safety ~~Fund~~ **Account**, hereinafter referred to as the "~~fund~~" **account**. The source of monies for the ~~fund~~ **account** shall be that portion of the monies derived from fees imposed and dedicated to the ~~fund~~ **account** pursuant to the provisions of R.S. 47:463.148, and grants, gifts, and donations and any other monies received by the state for the purposes of bicycle and pedestrian safety and which are appropriated to the ~~fund~~ **account**.

B. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund, an amount equal to that deposited into the state treasury from the foregoing sources shall be deposited in and credited to ~~the fund~~ **a special agency account**. The monies in the ~~fund~~ **account** shall be invested by the treasurer in the same manner as the state general fund, and interest earnings shall be deposited into the ~~fund~~ **account**. All unexpended and unencumbered monies remaining in the ~~fund~~ **account** at the end of each fiscal year shall remain in the ~~fund~~ **account**. **Funding deposited into the account shall be considered fees and self-generated revenues and shall be available for annual appropriations by the legislature.**

C. Monies in the ~~fund~~ **account** shall be subject to annual appropriation by the legislature for use by the Department of Transportation and Development. The monies in the ~~fund~~ **account** shall be allocated and disbursed by the secretary of the Department of Transportation and Development and used solely for bicycle and pedestrian safety.

* * *

§402.3. Motorcycle Safety, Awareness, and Operator Training Program; ~~fund~~ **account**

* * *

I. The Motorcycle Safety, Awareness, and Operator Training Program ~~Fund~~ **Account**, provided for in R.S. 32:412(C)(2) shall continue to fund the operator

1 training, instructor training, and motorcycle safety and awareness programs under
2 the operation of the Department of Public Safety and Corrections.

3 * * *

4 §412. Amount of fees; credit or refund; duration of license; veteran designation;
5 disabled veteran designation; university logo; "I'm a Cajun"
6 designation; needs accommodation designation; disbursement of
7 funds; renewal by mail or electronic commerce of Class "D" or "E"
8 drivers' licenses; disposition of certain fees; exception

9 * * *

10 C.

11 * * *

12 (2) Notwithstanding any provisions of law to the contrary and subject to the
13 exceptions contained in Article VII, Section 9(A) of the Constitution of Louisiana,
14 the amount of seven dollars and fifty cents from the fee for a motorcycle or motor
15 scooter endorsement to a basic license, or the amount of three dollars from the fee
16 if the motorcycle endorsement for any person is to a license that is valid for only less
17 than six years shall be credited to the Bond Security and Redemption Fund. After a
18 sufficient amount is allocated from that fund to pay all obligations secured by the full
19 faith and credit of the state which become due and payable within any fiscal years,
20 the treasurer shall pay an amount equal to the fees paid into the Bond Security and
21 Redemption Fund pursuant to this Paragraph into a special ~~fund~~ **agency account**
22 which is hereby created in the state treasury and designated as the "Motorcycle
23 Safety, Awareness, and Operator Training Program ~~Fund~~ **Account**", hereinafter
24 referred to as the "~~fund~~ **account**". The monies credited to the ~~fund~~ **account** shall be
25 used solely for operator training, instructor training, and motorcycle safety and
26 awareness programs. Any unexpended and unencumbered monies remaining to the
27 credit of the ~~fund~~ **account** on June thirtieth of each year, after all appropriations of
28 the preceding fiscal year have been made, shall revert to the state general fund. The
29 monies in the ~~fund~~ **account** shall be expended solely from year to year as

1 appropriated by the legislature for the purposes of motorcycle safety and awareness
 2 and operator training. Any amounts earned through investment of the monies in the
 3 ~~fund account~~ shall revert to the state general fund. **Funding deposited into the**
 4 **account shall be considered fees and self-generated revenues and shall be**
 5 **available for annual appropriations by the legislature.**

6 * * *

7 Section 11. R.S. 39:82(A) and 352 are hereby amended and reenacted to read as
 8 follows:

9 §82. Remission of cash balances to the state treasurer; authorized withdrawals of
 10 state monies after the close of the fiscal year; reports

11 A. All cash balances occurring from appropriations made by legislative act
 12 or by the Interim Emergency Board regardless of date of passage to any state agency
 13 for which no bona fide liability exists on the last day of each fiscal year shall be
 14 remitted to the state treasurer by the fifteenth day following the last day of the fiscal
 15 year. Any appropriations including those made by the Interim Emergency Board of
 16 the preceding fiscal year remaining at the end of the fiscal year against which bona
 17 fide liabilities existed as of the last day of the fiscal year may be withdrawn from the
 18 state treasury during the forty-five day period after the last day of the fiscal year only
 19 as such liabilities come due for payment. ~~Prior to placing monies associated with~~
 20 ~~such unexpended appropriations into the state general fund, the state treasurer shall~~
 21 ~~transfer all cash balances identified and reported by the commissioner of~~
 22 ~~administration as being from unexpended and unencumbered state general fund~~
 23 ~~(direct) and Overcollections Fund appropriations for professional, personal, and~~
 24 ~~consulting service contracts not approved by the Joint Legislative Committee on the~~
 25 ~~Budget as provided in R.S. 39:1590 and remaining at the end of each fiscal year for~~
 26 ~~deposit in and credit to the Higher Education Financing Fund as are necessary to~~
 27 ~~satisfy the requirements of R.S. 39:100.146, and then shall make deposits to the~~
 28 ~~Payments Towards the UAL Fund as are necessary to satisfy the requirements of~~
 29 ~~R.S. 39:100.11.~~

* * *

§352. Cancellation of unexpended portions of appropriations; exceptions

Whenever any specific appropriation is made to meet any item of expenditure which occurs annually by provision of law or for contingent expense, and any portion of it remains unexpended at the end of the year for which the specific appropriation was made, after all legal claims against it for the year have been paid, the commissioner of administration shall cancel any balance of the appropriation, and each succeeding year he shall open a new account for the appropriation which may be made for that particular year, without carrying forward any unexpended balance of appropriation made for any previous year. This provision shall not apply to appropriations made to pay the debt of the state, principal and interest. ~~Prior to placing monies associated with such unexpended appropriations into the state general fund, the state treasurer shall transfer all cash balances identified and reported by the commissioner of administration as being from unexpended and unencumbered state general fund (direct) and Overcollections Fund appropriations for professional, personal, and consulting service contracts not approved by the Joint Legislative Committee on the Budget as provided in R.S. 39:1590 remaining at the end of each fiscal year for deposit in and credit to the Higher Education Financing Fund as is necessary to satisfy the requirements of R.S. 39:100.146 and then shall make deposits to the Payments Towards the UAL Fund as are necessary to satisfy the requirements of R.S. 39:100.11.~~

* * *

Section 12. R.S. 39:91(B) and 100.136 are hereby amended and reenacted to read as follows:

§91. Deepwater Horizon Economic Damages Collection Fund

* * *

B. All economic damages proceeds from the DWH litigation in excess of the first two hundred million dollars deposited in the Fiscal Year 2015-2016 Deficit

1 Elimination Fund shall be deposited by the treasurer as follows:

2 (1) Forty-five percent of each such receipt of economic damages proceeds to
3 the Budget Stabilization Fund until that fund reaches the amount statutorily
4 mandated by R.S. 39:94.

5 (2) ~~Forty-five percent~~ **The balance** of each such receipt of economic
6 damages proceeds to the ~~Medicaid Trust Fund for the Elderly provided for in R.S.~~
7 ~~46:2691 until an amount not to exceed seven hundred million dollars has been~~
8 ~~deposited into such fund~~ **state general fund.**

9 (3) ~~Ten percent of each such receipt of economic damages proceeds to the~~
10 ~~Health Trust Fund provided for in R.S. 46:2731 until an amount not to exceed thirty~~
11 ~~million dollars has been deposited into such fund.~~

12 * * *

13 §100.136. Specialized Educational Institutions Support Fund

14 A. There is hereby established in the state treasury a special fund to be known
15 as the "Unfunded Accrued Liability ~~and Specialized Educational Institutions Support~~
16 ~~Fund~~", hereinafter referred to as "fund". ~~The fund shall be composed of two~~
17 ~~accounts: the UAL Account and the Specialized Educational Institutions Account.~~
18 The source of monies for the fund shall be those state revenues deposited into the
19 fund pursuant to the requirements of R.S. 47:6351. Monies in the fund shall be
20 invested in the same manner as those in the state general fund. Monies remaining in
21 the fund at the end of the fiscal year shall ~~be deposited into the UAL Account~~
22 **remain in the fund.**

23 B. Monies in the fund shall be available for appropriation exclusively for ~~(1)~~
24 payments against the unfunded accrued liability of the public retirement systems
25 which are in addition to any payments required for the annual amortization of the
26 unfunded accrued liability of the public retirement systems, as required by Article
27 X, Section 29(E)(2)(c) of the Constitution of Louisiana; however, any such payments
28 to the public retirement systems shall not be used, directly or indirectly, to fund
29 cost-of-living increases for such systems ~~and (2) the support of operations of the~~

1 ~~Louisiana Cancer Research Center of L.S.U. Health Sciences Center in New~~
 2 ~~Orleans/Tulane Health Sciences Center, the Feist-Weiller Cancer Center of LSU~~
 3 ~~Health Sciences Center - Shreveport, the Pennington Biomedical Research Center,~~
 4 ~~the Louisiana State University Agricultural Center, and the Southern University~~
 5 ~~Agricultural Research and Extension Center. Monies appropriated from the fund~~
 6 ~~shall not be used in any fiscal year to displace, replace, or supplant state general fund~~
 7 ~~support for these agencies.~~

8 C.(1) Appropriations from the Specialized Educational Institutions Account
 9 in any fiscal year shall be allocated as provided in this Paragraph; however, in the
 10 event that the amount available for appropriation in any fiscal year is insufficient to
 11 provide for such allocations, the amounts allocated shall be reduced proportionately.

12 (a) ~~Five Million Dollars for the Louisiana Cancer Research Center of L.S.U.~~
 13 ~~Health Sciences Center in New Orleans/Tulane Health Sciences Center.~~

14 (b) ~~Five Million Dollars for the Feist-Weiller Cancer Center of LSU Health~~
 15 ~~Sciences Center - Shreveport.~~

16 (c) ~~Ten Million Dollars for the Louisiana State University Agricultural~~
 17 ~~Center.~~

18 (d) ~~Five Million Dollars for the Pennington Biomedical Research Center.~~

19 (e) ~~Five Million Dollars for the Southern University Agricultural Research~~
 20 ~~and Extension Center.~~

21 (2) Appropriations from the UAL Account shall be exclusively for additional
 22 payments against the unfunded accrued liability of the public retirement systems as
 23 provided in Subsection B of this Section.

24 Section 13. R.S. 40:1135.10 is hereby amended to read as follows:

25 §1135.10. Emergency medical technician ~~fund~~ **account**

26 A. There is hereby established a special ~~fund~~ **account** in the state treasury to
 27 be known as the Emergency Medical Technician ~~Fund~~ **Account**, hereafter referred
 28 to as "~~fund~~ **account**", which shall consist of monies generated by the fees collected
 29 from the purchase of prestige license plates for certified emergency medical

1 technicians as provided in R.S. 47:463.47. In addition, the legislature may make
2 annual appropriations to the ~~fund~~ account for the purposes set forth in this Section.

3 B. All monies collected pursuant to R.S. 47:463.47 shall be deposited in the
4 Bond Security and Redemption Fund as required by Article VII, Section 9(B) of the
5 Constitution of Louisiana and thereafter shall be credited to ~~the fund~~ a special
6 agency account. Funding deposited into the account shall be considered fees
7 and self-generated revenues and shall be available for annual appropriations by
8 the legislature.

9 C. The monies in the ~~fund~~ account shall be appropriated to the Louisiana
10 Department of Health solely for purchasing equipment for the testing of applicants
11 for certification as an emergency medical technician and to cover other testing-
12 related costs. All unexpended and unencumbered monies remaining in the ~~fund~~
13 account at the close of each fiscal year shall remain in the ~~fund~~ account. Monies in
14 the ~~fund~~ account shall be invested by the state treasurer in the same manner as
15 monies in the state general fund. All interest earned from the investment of monies
16 in the ~~fund~~ account shall be deposited and remain to the credit of the ~~fund~~ account.

17 Section 14. R.S. 46:1301(A)(1) is hereby amended and reenacted to read as
18 follows:

19 §1301. Services to autistic persons; center of excellence for autism spectrum
20 disorder; responsibility

21 A. The Louisiana Department of Health shall be responsible for providing
22 services to autistic persons, with the exception of those delineated by Part I of
23 Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950 and provided for by
24 the Department of Education or the local school board or otherwise mandated by law
25 to be provided by the Department of Education or the local school board. The
26 Louisiana Department of Health shall be responsible for:

27 (1) The establishment of a center of excellence for autism spectrum disorder
28 within the office for citizens with developmental disabilities. This center may be
29 operated by the office through formal agreements with the Department of Education

1 and other appropriate public and private agencies including but not limited to
 2 Louisiana State University Health Sciences Center-New Orleans, Louisiana State
 3 University Health Sciences Center-Shreveport, and St. Mary's Residential Training
 4 School in Alexandria, or others. ~~Upon the creation of a special fund by the~~
 5 ~~legislature, the center is empowered to receive by gift, grant, donation, or otherwise~~
 6 ~~any sum of money, property, aid, or assistance from any person, firm, or corporation.~~
 7 This center should be the core of activities providing services to autistic citizens
 8 including but not limited to early diagnosis and intervention and individualized
 9 programs involving school, home, and community throughout the life span of autistic
 10 citizens. The center shall give assistance to private and public agencies providing
 11 services to autistic citizens and their families. The center shall become a resource
 12 and training facility for educators and others charged with educating autistic citizens.
 13 The center, as well as any facilities constructed as a part of the center upon the
 14 appropriation of funds, shall be located in Caddo Parish.

* * *

15
 16 Section 15. R.S. 47:318(D), 463.48(D), 463.60(F), 463.104(C), 463.148(E),
 17 463.167(E), 6351(G), and 7019.2(B)(1) are hereby amended and reenacted to read as
 18 follows:

19 §318. Disposition of collections

20 * * *

21 D. ~~After satisfying the requirements of Subsection B of this Section, the~~ **The**
 22 remaining portion of the amount determined pursuant to Subsection A of this Section
 23 shall be deposited in the Louisiana Economic Development Fund created by R.S.
 24 51:2315 **dedicated exclusively to the Louisiana FastStart Program.**

25 * * *

26 §463.48. Special prestige license plates; emergency medical technicians

27 * * *

28 D. The department shall collect the fee for the special license plates and
 29 forward twenty-four dollars to the state treasurer for deposit into the Emergency

1 Medical Technician Fund **Account** created by the provisions of R.S. 40:1236.5. The
2 remaining portion of the fee shall be retained by the department to offset
3 administrative costs.

4 * * *

5 §463.60. Special prestige license plates; "Animal Friendly" prestige license plate;
6 animal population control; ~~Pet Overpopulation Fund~~

7 * * *

8 F. Any veterinarian licensed in this state, veterinary hospital, or organization
9 qualified as a tax-exempt organization under Section 501(c)(3) of the Internal
10 Revenue Code of 1954, as amended, may apply for grants from the **state general**
11 fund, on an application approved by the Pet Overpopulation Advisory Council.
12 Grants shall be distributed solely for purposes of providing low-cost pet sterilizations
13 by licensed veterinarians.

14 * * *

15 §463.104. Special prestige license plates; Seniors-Our Heritage

16 * * *

17 C. An annual fee of fifty dollars shall be collected from the applicant and
18 forwarded to the ~~Medicaid Trust Fund for the Elderly, created by R.S. 46:2691,~~ **state**
19 **general fund** for each license plate issued as provided in this Section. The
20 department shall also collect the standard registration license fee provided for in R.S.
21 47:463 and a handling fee of three dollars and fifty cents. The handling fee shall be
22 retained by the department to offset a portion of administrative costs.

23 * * *

24 §463.148. Special prestige license plate; "Share the Road"

25 * * *

26 E. The monies received from the additional twenty-five-dollar fee shall be
27 deposited into the Louisiana Bicycle and Pedestrian Safety Fund **Account**, R.S.
28 32:202, for use by the Department of Transportation and Development for the sole
29 purpose of promoting bicycle and pedestrian safety.

1 * * *

2 §463.167. Special prestige license plates; "Hunters for the Hungry Louisiana"

3 * * *

4 E. The annual royalty fee collected by the department shall be forwarded to
5 the Wildlife and Fisheries Conservation Fund special account known as the "Hunters
6 for the Hungry **Escrow** Account". No more than ten percent of the monies in the
7 **escrow** account shall be used for administrative costs. The balance shall be used
8 solely by Hunters for the Hungry Louisiana to pay for the processing and distribution
9 of meats, when such meats shall be used by a nonprofit entity or charitable
10 organization in food or meal distribution at no cost to an individual pursuant to R.S.
11 56:644.

12 * * *

13 §6351. Rebates; contracts for certain state sales and use tax rebates

14 * * *

15 G. Disposition of collections resulting from new taxable sales.

16 The state sales tax revenues generated as a result of the activities of
17 purchasing companies pursuant to this Section which are deposited into the state
18 general fund shall thereafter be disbursed during each fiscal year in the following
19 order of priority:

20 (1) The payment of rebates to procurement processing companies by the
21 secretary of the Department of Revenue in accordance with the provisions of a
22 contract, which payments shall be made from current sales tax collections pursuant
23 to Paragraph (D)(1) of this Section.

24 (2) Retention by the department of amounts necessary to provide for the
25 expenses of the department pursuant to the provisions of Subsection F of this
26 Section.

27 ~~(3) Of the monies remaining after satisfaction of the requirements of~~
28 ~~Paragraphs (1) and (2) of this Subsection as determined by the secretary pursuant to~~
29 ~~Subsection H of this Section, the state treasurer is hereby authorized and directed to~~

1 ~~transfer the amount of thirty million dollars, or as much thereof as is available, from~~
 2 ~~the state general fund to the Unfunded Accrued Liability and Specialized~~
 3 ~~Educational Institutions Support Fund-Specialized Educational Institutions Account,~~
 4 ~~which is established pursuant to R.S. 39:100.136. Each fiscal year, the transfer shall~~
 5 ~~occur as soon as is practicable, upon notification by the secretary of the Department~~
 6 ~~of Revenue that revenues sufficient to provide for this distribution have been~~
 7 ~~deposited into the treasury.~~

8 (4) Of the monies remaining after satisfaction of the requirements of
 9 Paragraphs (1) ~~through (3)~~ **and (2)** of this Subsection as determined by the secretary
 10 pursuant to Subsection H of this Section, the state treasurer is hereby authorized and
 11 directed to transfer from the state general fund to the Unfunded Accrued Liability
 12 and Specialized Educational Institutions Support Fund-UAL Account an amount
 13 equal to ten percent of the total remaining state sales tax revenues collected in and
 14 attributable to that fiscal year as a result of the activities of purchasing companies.
 15 The transfer shall occur no later than August tenth of each year.

* * *

17 §7019.2. Collection of tolls, fees, and charges on Crescent City Connection Bridge;
 18 amnesty program; refunds

* * *

20 B.(1) The state treasurer, as administrator of the Uniform Unclaimed Property
 21 Act, shall establish a program to refund monies collected during the amnesty period
 22 for a toll violation from any person who satisfies one of the circumstances provided
 23 in Subsection A of this Section and who contacts the state treasurer for a refund and
 24 provides the state treasurer with sufficient proof of the payment made that satisfied
 25 the circumstances of Subsection A of this Section. ~~Any refund payment shall be~~
 26 ~~made by the treasurer from the Crescent City Amnesty Refund Fund as provided in~~
 27 ~~R.S. 9:154.3.~~

* * *

29 Section 16. R.S. 49:259(D), 308.3(B)(7) and (D), and 308.5(B)(3) and (4) are hereby

1 amended and reenacted to read as follows:

2 §259. Department of Justice Legal Support Fund

3 * * *

4 D. Notwithstanding the provisions of Subsection A of this Section, no
5 proceeds shall be deposited into the fund from court-awarded judgments and
6 settlements involving the Department of Natural Resources as specified in R.S.
7 30:136.3(B)(1), nor any judgments, settlements, or recoveries which are designated
8 for credit to the Hazardous Waste Site Cleanup Fund, the Environmental Trust Fund
9 **Account**, or any other funds administered by the Department of Environmental
10 Quality under the Environmental Quality Act. Notwithstanding the provisions of
11 Subsection A of this Section, no proceeds shall be deposited into the fund from
12 court-awarded judgments and settlements involving the Department of
13 Transportation and Development. Notwithstanding the provisions of Subsection A
14 of this Section, no proceeds shall be deposited into the fund from judgments,
15 settlements, or recoveries arising from the DWH litigation, including but not limited
16 to litigation expenses, assessment costs, court costs or attorney fees.

17 * * *

18 §308.3. Special funds and dedication of money

19 * * *

20 B. This Section shall not apply to or affect the laws which dedicate or
21 otherwise provide for the use of the following money or the laws which provide for
22 the following special funds in the state treasury:

23 * * *

24 (7) The Hazardous Waste Site Cleanup Fund created and maintained pursuant
25 to R.S. 30:2205 and the Environmental Trust Fund **Account** created and maintained
26 pursuant to R.S. 30:2015.

27 * * *

28 D. This Section shall not apply to the Motorcycle Safety, Awareness, and
29 Operator Training Program Fund **Account** as provided in R.S. 32:412(C)(2), the

1 Proprietary School Student Protection Fund as provided for in R.S. 17:3141.16.

2 * * *

3 §308.5. Legislative review and recommendation on special funds and dedication of
4 money

5 * * *

6 B.

7 * * *

8 (3)(a) No later than October 1, 2017, and every ~~two years~~ **year** thereafter, the
9 division of administration shall submit a plan of special funds and dedications to the
10 Joint Legislative Committee on the Budget that specifies at least fifty percent of the
11 special dedicated funds in law as of the date of the submission of the plan. The Joint
12 Legislative Committee on the Budget shall review the plan and may add special
13 funds to the plan submitted by the division of administration prior to approval by the
14 committee.

15 (b) The Joint Legislative Committee on the Budget shall ensure that after two
16 consecutive plans have been approved, all special funds established by law on the
17 date of the submission of the second consecutive plan will have been approved in a
18 plan at least once in the previous ~~four~~ **two** years.

19 (4) Once the plan for review of special funds is approved by the Joint
20 Legislative Committee on the Budget, the Dedicated Fund Review Subcommittee of
21 the Joint Legislative Committee on the Budget, hereinafter referred to as "the
22 subcommittee", shall conduct a review of the special funds and dedications specified
23 in each such plan, resulting in a recommendation for each specified fund in the plan.
24 ~~The subcommittee shall meet only on a day in which the Joint Legislative Committee~~
25 ~~on the Budget is scheduled to convene.~~

26 * * *

27 Section 17. R.S. 51:1927.1(A) and (C), 2315, and 2341(F) are hereby amended and
28 reenacted to read as follows:

29 §1927.1. Annual audit; annual rate of return; appreciation excess; remittance to

1 Louisiana Economic Development Fund

2 A. Following a decertification of a pool that was certified on or after January
3 1, 1999, and for which insurance premium tax credits were granted, an independent
4 certified public accountant shall perform a review of all distributions other than tax
5 distributions and management fees from such pool to the equity holders of the pool
6 to determine if such distributions produce an annual internal rate of return to the
7 equity holders of the pool of at least fifteen percent calculated on the original amount
8 of certified capital contributed to such pool as well as any additional capital
9 contributed to such pool. Within thirty days following the issuance of the
10 accountant's report, the certified capital company shall remit to the Louisiana
11 Economic Development Fund **to be used exclusively for the Louisiana FastStart**
12 **Program** twenty-five percent of all distributions in excess of the amount required
13 to produce an annual internal rate of return of fifteen percent until the Louisiana
14 Economic Development Fund shall have received an amount equal to the amount of
15 tax credits granted for the pool. Thereafter, the certified capital company shall remit
16 to the Louisiana Economic Development Fund five percent of such excess
17 distributions **to be used exclusively for the Louisiana FastStart Program.**

18 * * *

19 C. The calculation of internal rate of return shall include all cash distributions
20 to equity investors out of the certified capital company's investment pool, except for
21 tax distributions and management fees. Management fees shall not exceed two and
22 one-half percent per annum of the total certified capital of the pool without the prior
23 approval of the secretary. Notwithstanding any other provisions in this Chapter to the
24 contrary, for all certified capital pools formed after December 31, 2001, if a certified
25 Louisiana capital company does not place (1) forty percent of the investment pool
26 in qualified investments within three years after the investment date, (2) sixty percent
27 of the investment pool in qualified investments within five years of the investment
28 date, and (3) upon the certified Louisiana capital company's option either (a) one
29 hundred percent of the investment pool in qualified investments within seven years

1 of the investment date or (b) one hundred and ten percent of the investment pool in
 2 qualified investments within eight years of the investment date, then following a
 3 decertification pursuant to R.S. 51:1928(B)(3), such company shall remit to the
 4 Louisiana Economic Development Fund twenty-five percent of all distributions,
 5 other than tax distributions and management fees, until the Louisiana Economic
 6 Development Fund shall have received one hundred percent of the tax credits granted
 7 for such pool and thereafter the company shall remit ten percent of all distributions,
 8 other than tax distributions and management fees to the Louisiana Economic
 9 Development Fund **to be used exclusively for the Louisiana FastStart Program.**

10 If a certified Louisiana capital company has not decertified an investment pool
 11 formed after December 31, 2001, pursuant to R.S. 51:1928(B)(3) within ten years
 12 from the investment date, such company shall remit to the Louisiana Economic
 13 Development Fund fifty percent of all distributions until the Louisiana Economic
 14 Development Fund shall have received one hundred percent of the tax credits granted
 15 for such pool, and thereafter the company shall remit twenty percent of all
 16 distributions to the Louisiana Economic Development Fund **to be used exclusively**
 17 **for the Louisiana FastStart Program.**

18 * * *

19 §2315. Louisiana Economic Development Fund

20 A. There is hereby established within the state treasury a fund to be known
 21 as the "Louisiana Economic Development Fund". All monies received by the
 22 corporation shall be deposited to the account of the Louisiana Economic
 23 Development Fund **to be used solely for the Louisiana FastStart Program.**

24 ~~B.(1) The legislature may appropriate monies for the benefit of the programs~~
 25 ~~administered by the corporation to the Louisiana Economic Development Fund. The~~
 26 ~~monies in such fund shall be used to accomplish the purposes of this Chapter.~~

27 (2) All monies received or appropriated to such fund shall remain in the fund
 28 and shall not be returned to the state general fund at the end of any fiscal year.

29 C.(1) The monies in the Louisiana Economic Development Fund shall be

1 invested by the treasurer in the same manner as monies in the state general fund.

2 (2) All interest earned on monies from such fund so invested by the state
3 treasurer shall be deposited in the Louisiana Economic Development Fund.

4 * * *

5 §2341. Economic Development Award Program

6 * * *

7 F. The legislature shall make an annual appropriation to ~~EDAP for deposit~~
8 ~~in the Louisiana Economic Development Fund under the terms and conditions as~~
9 ~~provided for in R.S. 51:2315. Project awards shall be disbursed by the corporation's~~
10 ~~board~~ **to be used solely for the Louisiana FastStart Program.**

11 * * *

12 Section 18. The introductory paragraph of R.S. 56:10(B)(1) and (b), 70.3, 70.4(A),
13 253(C)(2)(a), 278(A), 279(A), (C), (D)(1) and (3), 302.3(B)(5)(c), 494(E)(5) and (F),
14 644(B), the introductory paragraph of (C), (D), and (E) are hereby amended and reenacted
15 to read as follows:

16 * * *

17 §10. Annual report to governor; estimate of proposed expenditures; particular funds;
18 limitations on purposes for use of monies in particular funds;
19 warrants; vouchers; surplus funds

20 * * *

21 B.(1) Subject to the exception contained in Article VII, Section 9(A) of the
22 Constitution of Louisiana, all funds collected by the commission from every source
23 shall be paid into the state treasury and shall be credited to the Bond Security and
24 Redemption Fund. Out of the funds remaining in the Bond Security and Redemption
25 Fund after a sufficient amount is allocated from that fund to pay all obligations
26 secured by the full faith and credit of the state which become due and payable within
27 any fiscal year, the treasurer shall, prior to placing such remaining funds in the state
28 general fund, conform to the following:

29 * * *

1 (b)(i) Pay annually into a special fund created in the state treasury and
 2 designated as the "Shrimp Marketing and Promotion Fund", an amount equal to the
 3 fees collected pursuant to R.S. 56:305(G) and paid into the treasury by the
 4 commission. All expenditures and allocation of monies from this fund shall be
 5 administered by the Louisiana Shrimp Task Force to be used for the development of
 6 markets for shrimp and creation of marketing strategies for the development and
 7 market expansion for shrimp harvested from Louisiana waters. The task force may
 8 contract with the Louisiana Seafood Promotion and Marketing Board to promote the
 9 Louisiana shrimp industry.

10 ~~(ii) Pay annually into the Conservation Fund, into a special account entitled~~
 11 ~~the "Shrimp Trade Petition Account", an amount equal to the fees collected pursuant~~
 12 ~~to R.S. 56:305(H). Subject to annual appropriation by the legislature, the monies in~~
 13 ~~the fund shall be used exclusively for the purposes of promotion and protection of~~
 14 ~~domestic wild-caught shrimp. For purposes of this Item, promotion and protection~~
 15 ~~of domestic wild-caught shrimp shall include expenses related to the petition filed~~
 16 ~~by the Southern Shrimp Alliance in December 2003 for the imposition of~~
 17 ~~antidumping duties pursuant to Section 731 of the Tariff Act of 1930, as amended.~~
 18 ~~All expenditures and allocation of funds from this account shall be administered by~~
 19 ~~the Louisiana Shrimp Task Force. The monies in this account shall be invested by~~
 20 ~~the state treasurer in the same manner as monies in the state general fund and all~~
 21 ~~returns on such investment shall be deposited to the account. All unexpended and~~
 22 ~~unencumbered monies remaining in this account at the end of the fiscal year shall~~
 23 ~~remain in the account.~~

24 * * *

25 §70.3. Louisiana Help Our Wildlife Fund; ~~creation, composition of fund;~~ uses of
 26 fund

27 ~~A. The Louisiana Help Our Wildlife Fund, hereinafter referred to as "the~~
 28 ~~fund", is hereby created within the Louisiana Wildlife and Fisheries Conservation~~
 29 ~~Fund is hereby abolished~~ in the state treasury. **Any monies in the fund shall be**

1 **transferred to the Conservation Fund.**

2 ~~B. The fund shall be composed of:~~

3 ~~(1) Monies from appropriations by the legislature.~~

4 ~~(2) All monies paid as a cost levied on class violations as provided in~~
5 ~~Subsection C of this Section.~~

6 ~~(3) Any federal monies made available to the state for enforcement of anti-~~
7 ~~poaching laws.~~

8 ~~C.(1) In addition to any other costs otherwise imposed by law, and not~~
9 ~~withstanding any provision of law to the contrary, a cost of five dollars for any class~~
10 ~~violation as provided in R.S. 56:31 through 37.1 is hereby levied in each criminal~~
11 ~~action which results in conviction or guilty plea. The recipient of such costs shall~~
12 ~~remit them upon collection to the state treasurer.~~

13 ~~(2) Notwithstanding any other provision of law to the contrary, in addition~~
14 ~~to any fine imposed under R.S. 30:2531 and 2531.1 or fine imposed pursuant to any~~
15 ~~parish or municipal ordinance prohibiting littering, an additional fine of five dollars~~
16 ~~is hereby imposed for each violation of said statutes or ordinances which results in~~
17 ~~a conviction, guilty plea, or plea of nolo contendere. The recipient of such fines shall,~~
18 ~~notwithstanding any other law to the contrary, remit them to the state treasurer upon~~
19 ~~collection.~~

20 ~~D.(1) After complying with the requirements of Article VII, Section 9 (B)~~
21 ~~of the Constitution of Louisiana relative to the Bond Security and Redemption Fund,~~
22 ~~the treasurer each fiscal year, prior to placing the remaining funds in the state general~~
23 ~~fund, shall pay the same amount of funds as was paid into the state treasury pursuant~~
24 ~~to Subsections B and C of this Section into a special fund hereby created within the~~
25 ~~Louisiana Wildlife and Fisheries Conservation Fund in the state treasury and known~~
26 ~~as the Louisiana Help Our Wildlife Fund.~~

27 ~~(2) The monies in the Louisiana Help Our Wildlife Fund shall be used solely~~
28 ~~for the purposes set forth in this Subpart and only in the amounts appropriated each~~
29 ~~year by the legislature.~~

1 C.

2 * * *

3 (2)(a) Every resident fur dealer, alligator hunter, alligator farmer, taxidermist,
 4 nonresident fur dealer, or nonresident alligator hunter, before shipping alligators or
 5 raw alligator skins out of state, or before tanning or using for taxidermy of raw
 6 alligator skins within the state, shall pay to the department an alligator shipping label
 7 fee for each alligator so shipped and shall pay an alligator hide tag fee for each raw
 8 alligator skin to be so shipped, used for taxidermy, or tanned. The alligator shipping
 9 label fee and the alligator hide tag fee shall be collected by the department from the
 10 fur dealer, taxidermist, alligator hunter, alligator farmer, nonresident fur dealer, or
 11 nonresident alligator hunter who is shipping alligators or raw alligator skins, or who
 12 intends to tan, or use for taxidermy, the raw alligator skins. The department shall
 13 collect such fees at the time of shipment, using for taxidermy, or tanning, and no
 14 alligator shipping label or out-of-state shipping tag shall be issued by the department
 15 for a shipment before payment of the appropriate fee is received by the department.
 16 The alligator shipping label fee for each alligator to be shipped and the alligator hide
 17 tag fee for each raw alligator skin to be shipped, used for taxidermy, or tanned shall
 18 be no more than four dollars per alligator or raw alligator skin; however, the alligator
 19 shipping label fee and the alligator hide tag fee shall each be reduced in any fiscal
 20 year by rule or regulation of the commission in an equal amount equivalent to any
 21 amount of additional revenues received into the Louisiana Alligator Resource ~~Fund~~
 22 **Account** from the state general fund or sources other than alligator-related fees
 23 established pursuant to this Title. Revenues received by the state pursuant to this
 24 Paragraph shall be distributed as provided in R.S. 56:266 and 279.

25 * * *

26 §278. Louisiana Alligator Advisory Council

27 A. The Louisiana Alligator Advisory Council is hereby created in the
 28 Department of Wildlife and Fisheries. The Louisiana Alligator Advisory Council
 29 shall be responsible for reviewing and approving recommended marketing, research,

1 and educational programs to be funded from the Louisiana Alligator Resource ~~Fund~~
2 **Account** to ensure that any monies from the ~~funds~~ **account** are expended for the
3 specific goals of the council.

4 * * *

5 §279. Louisiana Alligator Resource ~~Fund~~ **Account**

6 A. Recognizing that the Louisiana alligator industry is a vital aspect of
7 Louisiana's economic base and that in recent years worldwide markets and prices
8 have expanded at a tremendous rate; and recognizing the rapid expansion of
9 Louisiana alligator farming industry statewide; and recognizing the uniqueness of
10 the state's alligator farming industry, one state agency, the Department of Wildlife
11 and Fisheries, has provided the impetus for inception and development of the total
12 alligator conservation program; and recognizing the many beneficial influences that
13 Louisiana's alligator program has had on crocodylian conservation worldwide; and
14 recognizing world trends questioning the consumptive utilization of wildlife species,
15 and recognizing that those trends, by adversely affecting economic conditions, could
16 have a severe impact on the alligator industry; and recognizing that raw and finished
17 alligator skins and products are largely consumed outside the United States; and
18 recognizing the need to educate the public concerning alligator hunting as a sound
19 wildlife management practice; and recognizing the urgent need to support the
20 alligator industry with a comprehensive research and development program; and
21 recognizing the need to staff and fund the Department of Wildlife and Fisheries with
22 adequate personnel in order to service this industry's needs, the Legislature of
23 Louisiana does hereby establish the Louisiana Alligator Resource ~~Fund~~ **Account**
24 within the Louisiana Wildlife and Fisheries Conservation Fund. The Alligator
25 Resource ~~Fund~~ **Account** is intended to help defray the cost of alligator programs
26 within the office of wildlife of the Department of Wildlife and Fisheries.

27 * * *

28 C.(1) Except as otherwise provided by law, all revenues received by the state
29 from the sale of licenses as provided in R.S. 56:251(A)(2), from tag fees imposed on

1 alligator hunters, alligator farmers, alligator shipping label fees on the sale of
2 alligators, all revenues derived from the sale of alligators, alligator skins, or alligator
3 eggs harvested from department-administered lands, all fees derived from alligator
4 lottery harvest programs on department-administered lands and public waters, and
5 all revenues derived from any other alligator-related fees and from the severance tax
6 on alligator skins provided for in R.S. 56:256 shall be credited by the state treasurer
7 to a special ~~fund~~ account designated as the "Louisiana Alligator Resource ~~Fund~~
8 Account" after those revenues have been deposited in the Bond Security and
9 Redemption Fund. Out of the funds remaining in the Bond Security and Redemption
10 Fund after a sufficient amount is allocated from that fund to pay all obligations
11 secured by the full faith and credit of the state that become due and payable within
12 each fiscal year, the treasurer **shall classify and consider as fees and self-generated**
13 **revenues available for appropriation as recognized by the Revenue Estimating**
14 **Conference, and**, prior to placing such funds in the state general fund, shall pay into
15 the Louisiana Alligator Resource ~~Fund~~ Account, a special agency account to be
16 **retained for future appropriation as provided in this Subpart**, an amount equal
17 to the revenues generated from collection from those sources provided for in this
18 Section and other sources as provided by law.

19 (2) The state treasurer shall invest the monies in this ~~fund~~ account in the
20 same manner as monies in the state general fund. Any surplus monies remaining to
21 the credit of the ~~fund~~ account, after all appropriations of the preceding fiscal year
22 have been made, shall remain to the credit of the ~~fund~~ account. The state treasurer
23 shall prepare and submit to the department on a quarterly basis a printed report
24 showing the amount of money contained in the ~~fund~~ account from all sources.

25 (3) Any amounts earned through investment of the monies in the ~~fund~~
26 account shall remain to the credit of the ~~fund~~ account and shall not revert to the
27 state general fund.

28 D.(1) The monies made available by the legislature from the ~~fund~~ account
29 as provided in this Section or from any other source shall be used solely for the

1 programs, purposes, and specific goals enumerated in this Section.

2 * * *

3 (3) The Department of Wildlife and Fisheries in utilizing monies from the
4 ~~fund~~ **account** shall contract, only with the approval of the Louisiana Alligator
5 Advisory Council, for any services relating to specific goals enumerated in this
6 Section. The secretary is hereby authorized and empowered to carry out any and all
7 contracts entered into in order to achieve these goals.

8 * * *

9 §302.3. Recreational gear license

10 * * *

11 B. Residents sixteen years of age or older shall pay a gear fee as follows:

12 * * *

13 (5) Trawls:

14 * * *

15 (c) From July 1, 2005 through June 30, 2006, in addition to any other fees
16 provided for in this Paragraph, any recreational fisherman who purchases a trawl
17 gear license shall be required to pay an annual fee of ten dollars for residents and
18 fifteen dollars for nonresidents for deposit into the ~~Shrimp Trade Petition Account~~
19 ~~as provided for in R.S. 56:10(B)(1)(b)(ii)~~ **state general fund**. The licensee shall pay
20 the fee required by this Subparagraph only once in any single license year.

21 * * *

22 §494. Louisiana Shrimp Task Force

23 * * *

24 E. The task force is hereby charged with responsibility to do the following:

25 * * *

26 (5) Administer the funds in the Shrimp Marketing and Promotion Fund ~~and~~
27 ~~the "Shrimp Trade Petition Account"~~, which ~~funds~~ **fund** shall be used to create new
28 markets for shrimp and promote the sale of shrimp harvested from Louisiana waters.

29 * * *

1 F. The activities of the Shrimp Task Force shall be funded through the
2 Shrimp Marketing and Promotion Fund (R.S. 56:10(B)(1)(b)(i)) ~~and the "Shrimp~~
3 ~~Trade Petition Account" (R.S. 56:10(B)(1)(b)(ii)).~~

4 * * *
5 §644. Fishing and hunting license checkoff; donation for Hunters for the Hungry

6 * * *

7 B. There is hereby created within the Conservation Fund a special account
8 known as the "Hunters for the Hungry **Escrow** Account". The **escrow** account is
9 created to receive deposits of donations for the benefit of Hunters for the Hungry
10 made when an individual purchases a fishing and hunting license. Subject to the
11 exception contained in Article VII, Section 9(A) of the Constitution of Louisiana, all
12 funds collected from the donations made under the provisions of this Section shall
13 be paid into the state treasury and shall be credited to the Bond Security and
14 Redemption Fund. Out of the funds remaining in the Bond Security and Redemption
15 Fund after a sufficient amount is allocated from that fund to pay all obligations
16 secured by the full faith and credit of the state which become due and payable within
17 any fiscal year, the treasurer shall, prior to placing such remaining funds in the state
18 general fund, pay into the Hunters for the Hungry **Escrow** Account an amount equal
19 to the amount of funds collected under the provisions of this Section. The account
20 shall be administered by the treasurer who shall every three months remit the balance
21 of the monies in the **escrow** account to Hunters for the Hungry. The monies in the
22 **escrow** account shall be used solely as provided by Subsection C of this Section. All
23 unexpended and unencumbered monies in this **escrow** account at the end of the fiscal
24 year shall remain in the ~~fund~~ **escrow account**. The monies in the ~~fund~~ **escrow**
25 **account** shall be invested by the state treasurer in the same manner as monies in the
26 state general fund.

27 C. No more than twenty-five percent of the monies in the **escrow** account
28 shall be used for administrative costs. The balance shall be used solely by Hunters
29 for the Hungry to pay for the following:

* * *

D. All monies used pursuant to the Hunters for the Hungry **Escrow** Account shall be subject to audit by the legislative auditor.

E. At the end of each calendar year, Hunters for the Hungry shall submit to the House Natural Resources and Environment Committee and the Senate Committee on Natural Resources a report that at a minimum contains a detailed explanation of the revenues and expenditures of the **escrow** account, as well as a description of the organization's activities related to the **escrow** account. The committee may summon any person employed by or associated with Hunters for the Hungry to provide testimony with respect to the report.

* * *

Section 19. The introductory paragraph of Code of Criminal Procedure Article 895.1(F)(2), the introductory paragraph of (3), (b), and (e), are hereby amended and reenacted to read as follows:

Art. 895.1. Probation; restitution; judgment for restitution; fees

* * *

F. When the court places the defendant on supervised probation, it shall order as a condition of probation the payment of a monthly fee of eleven dollars. The monthly fee established in this Paragraph shall be in addition to the fee established in Paragraph C of this Article and shall be collected by the Department of Public Safety and Corrections and shall be transmitted, deposited, appropriated, and used in accordance with the following provisions:

* * *

(2) After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, **the treasurer shall classify and consider as fees and self-generated revenues available for appropriation as recognized by the Revenue Estimating Conference**, an amount equal to that deposited as required by Subparagraph (1) of this Paragraph shall be

1 credited to a special fund **agency account to be retained for future appropriation**
 2 **as provided in this Article** which is hereby created in the state treasury to be known
 3 as the "Sex Offender Registry Technology Fund **Account**". The monies in this fund
 4 **account** shall be used solely as provided in Subparagraph (3) of this Paragraph and
 5 only in the amounts appropriated by the legislature.

6 (3) The monies in the Sex Offender Registry Technology Fund **Account** shall
 7 be appropriated as follows:

8 * * *

9 (b) For Fiscal Year 2010-2011 and each year thereafter, an amount equal to
 10 fifteen percent of the total residual monies available for appropriation from the fund
 11 **account** shall be appropriated to the Department of Public Safety and Corrections,
 12 office of adult services, division of probation and parole.

13 * * *

14 (e) After providing for the allocations in Subsubparagraphs (a), (b), (c), and
 15 (d) of this Subparagraph, the remainder of the residual monies in the Sex Offender
 16 Registry Technology Fund **Account** shall, pursuant to an appropriation to the office
 17 of the attorney general, be distributed to the sheriff of each parish, based on the
 18 population of convicted sex offenders, sexually violent predators, and child predators
 19 who are residing in the parish and who are active sex offender registrants or active
 20 child predator registrants in the respective parishes according to the State Sex
 21 Offender and Child Predator Registry. These funds shall be used to cover the costs
 22 associated with sex offender registration and compliance. Population data necessary
 23 to implement the provisions of this Subparagraph shall be as compiled and certified
 24 by the undersecretary of the Department of Public Safety and Corrections on the first
 25 day of June of each year. No later than thirty days after the Revenue Estimating
 26 Conference recognizes the prior year fund **account** balance, the office of the attorney
 27 general shall make these distributions, which are based on the data certified by the
 28 undersecretary of the Department of Public Safety and Corrections, to the recipient
 29 sheriffs who are actively registering offenders pursuant to this Paragraph.

1 Section 20. Section 4(B) of Act No. 421 of the 2013 Regular Session of the
2 Legislature, as amended by Section 4(B) of Act No. 822 of the 2014 Regular Session of the
3 Legislature is hereby amended and reenacted to read as follows:

4 Section 4.(A)

5 * * *

6 (B)(1) After satisfaction of the requirements of Subsection A of this Section,
7 all remaining monies collected pursuant to this Act shall be paid into the state
8 treasury. After compliance with the requirements of Article VII, Section 9(B) of the
9 Constitution of Louisiana relative to the Bond Security and Redemption Fund ~~and~~
10 ~~prior to any monies being placed into the state general fund or any other fund,~~ an
11 amount equal to the remaining collections shall be credited by the state treasurer ~~as~~
12 ~~follows:~~ **to the state general fund.**

13 (a) ~~For Fiscal Year 2013-2014, the monies shall be credited to a special fund~~
14 ~~hereby created in the state treasury to be known as the 2013 Amnesty Collections~~
15 ~~Fund, hereinafter referred to as "fund". The monies in the fund shall be available for~~
16 ~~appropriation for any public purpose.~~

17 (b) ~~For Fiscal Year 2014-2015:~~

18 (i) ~~One hundred million dollars of such monies shall be credited to the fund~~
19 ~~and shall be available for appropriation for any public purpose.~~

20 (ii) ~~Of the monies in excess of one hundred million dollars, four million~~
21 ~~dollars shall be appropriated to the Department of Economic Development to be~~
22 ~~allocated to the Louisiana Regional Leadership Council to be used for purposes of~~
23 ~~regional economic development and workforce development.~~

24 (iii) ~~Any remaining monies after the allocations in Items (i) and (ii) of this~~
25 ~~Subparagraph shall be credited to the fund and shall be available for appropriation~~
26 ~~for any public purpose.~~

27 Section 21. The introductory paragraph of Section 7(A) and (B) of Act 41 of the
28 2006 First Extraordinary Session of the Legislature is hereby amended and reenacted to read
29 as follows:

* * *

Section 7. Local Debt Service Assistance Program

(A) Monies ~~in the fund~~ shall be distributed through a loan program to or on behalf of those affected political subdivisions designated by and in such amounts as determined by OCD and approved by the commissioner of administration using criteria to be developed by OCD, without the necessity for compliance with the Administrative Procedure Act. Such criteria shall be submitted to the Joint Legislative Committee on the Budget for its review and approval prior to implementation of the program. Such criteria may include:

* * *

(B) The distribution of monies ~~in the fund~~ for the payment of debt service due and payable on qualified bonds, notes, certificates of indebtedness, or other written obligations for the repayment of borrowed money of an affected political subdivision shall be approved by the State Bond Commission and the Joint Legislative Committee on the Budget and shall be made with the expectation of payment thereof to the state pursuant to (1) loans evidenced by notes issued by the affected public entities pursuant to R.S. 39:1430; (2) any other evidence of indebtedness pursuant to statutory authority; or (3) cooperative endeavor agreements.

* * *

Section 22. R.S. 11:544, R.S. 15:185.5, 572.8(N) and (S), R.S. 17:354, 3129.6, 3138.2, and 3138.3, and Subpart A-2 of Part IX-A of Chapter 26 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3397.11, R.S. 27:392(C)(4), R.S. 30:2000.12 and 2551, R.S. 33:2740.18, R.S. 39:87.5, Subpart H of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.11, Subpart N of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.51, Subpart Q-1 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.122, Subpart Q-2 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.123, Subpart S of Part II-A of Chapter 1 of Subtitle I of Title

1 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.146, R.S. 39:1357,
2 R.S. 40:16.2 and 1402, R.S. 46:290.1, 977.13, and 1816, Chapter 54 of Title 46 of the
3 Louisiana Revised Statutes of 1950, comprised of R.S. 46:2691 and 2692, 2731, 2742(D),
4 and 2901, R.S. 47:120.39, 463.104(D), and 841.2, R.S. 49:214.6.7(D) and (E), R.S. 56:14,
5 305(H) and 633, Section 9 of Act No. 138 of the 2005 Regular Session of the Legislature as
6 amended by Section 7 of Act No. 642 of the 2006 Regular Session of the Legislature,
7 Sections (3)(D) and (6) of Act No. 41 of the 2006 First Extraordinary Session of the
8 Legislature, Section 7 of Act No. 420 of the 2013 Regular Session of the Legislature, Section
9 (4)(B)(1) of Act No. 421 of the 2013 Regular Session of the Legislature, as amended by
10 Section (4)(B)(1) of Act No. 822 of the 2014 Regular Session of the Legislature, and Section
11 (4)(B)(2) of Act No. 421 of the 2013 Regular Session of the Legislature are hereby repealed
12 in their entirety.

13 Section 23. R.S. 51:2211 through R.S. 51:2216 are hereby repealed in their entirety.

14 Section 24. The state treasurer is hereby authorized and directed to transfer any
15 unencumbered balances remaining in the funds repealed and abolished in Sections 1 through
16 14 of this Act to the state general fund after satisfying the appropriations for Fiscal Year
17 2019-2020.

18 Section 25. The provisions of Section 11 of this Act shall become effective on July
19 1, 2018; if vetoed by the governor and subsequently approved by the legislature, Section 11
20 of this Act shall become effective on July 1, 2018. The provisions of Section 23 of this Act
21 shall become effective on January 1, 2019; if vetoed by the governor and subsequently
22 approved by the legislature, Section 23 of this Act shall become effective on July 1, 2018.
23 Sections 1 through 10, 12 through 22, 24, and 25 of this Act shall become effective on July
24 1, 2020; if vetoed by the governor and subsequently approved by the legislature, Sections
25 1 through 10, 12 through 22, 24, and 25 of this Act shall become effective on July 1, 2020,
26 or on the day following such approval by the legislature, whichever is later.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Martha S. Hess.

DIGEST

SB 400 Engrossed

2018 Regular Session

Hewitt

Present law provides for the creation of the Dedicated Fund Review Subcommittee of the Joint Legislative Committee on the Budget (JLCB) to review special funds and dedications in the state treasury. Present law provides that no later than September 1, 2017, and every two years thereafter the committee shall provide for the dedicated fund review subcommittee.

Proposed law retains present law except that proposed law changes the requirement that the subcommittee meet from every two years to every year.

Present law provides that the division of administration shall establish a procedure to ensure that the activities supported by a special fund are subject to the same level of transparency and accountability as activities supported by the state general fund.

Present law provides that no later than October 1, 2017, and every two years thereafter, the division of administration shall submit a plan of special funds and dedications to the JLCB that specifies at least 50% of the special dedicated funds in law as of the date of the submission of the plan. The JLCB shall ensure that after two consecutive plans have been approved, all special funds established by law on the date of the submission of the second consecutive plan will have been approved in a plan at least once in the previous four years.

Proposed law retains present law except proposed law changes the time period that all special funds will have been approved in a plan from at least once in the previous four years to once in the previous two years.

Present law provides that the subcommittee shall meet only on a day in which the JLCB is scheduled to convene. Proposed law removes this provision of present law.

Proposed law abolishes certain funds in the state treasury, which funds are listed below.

Proposed law amends certain funds from being a dedicated fund in the state treasury to being a dedicated account in the state treasury, which funds are listed below.

Proposed law changes the Hunters for the Hungry Account to an escrow fund and changes the Louisiana Economic Development Fund to provide that the monies can be used only for the FastStart Program.

VARIOUS FUNDS ELIMINATED

Proposed law eliminates the following funds:

2013 Amnesty Collections Fund	§4(B)(1) of Act No. 421 of 2013 RS, as amended by §4(B)(1) of Act No. 822 of 2014 R.S., §4(B)(2) of Act 421 of 2013 RS
Academic Improvement Fund	R.S. 17:354
Atchafalaya Basin Conservation Fund	R.S. 30:2000.12
Barrier Island Stabilization and Preservation Fund	R.S. 49:214.6.7(D) & (E)

Bogalusa Health Services Fund	R.S. 33:2740.18
Brownsfield Cleanup Revolving Loan Fund	R.S. 30:2551, 2552(A), (B), & (C)
Center for Excellence for Autism Spectrum Disorder	R.S. 39:100.122, R.S. 46:1301(A)(1)
Community Hospital Stabilization Fund	R.S. 46:2901
Competitive Core Growth Fund	R.S. 17:3138.2
Crescent City Amnesty Refund Fund	R.S. 9:154.3, R.S. 47:7019.2(B)(1)
Debt Service Assistance Fund	§(3)(D), (6), (7)(A) & (B) of Act No. 41 of the 2006 1ES
Louisiana Department of Health's Facility Support Fund	R.S. 3.2(C), R.S. 40:16.2
Department of Revenue Alcohol and Tobacco Control Officers Fund	R.S. 11:544
Evangeline Parish Recreation District Support Fund	§9 of Act No. 138 of 2005 RS, as amended by §7 of Act 420 of 2013 RS
Fiscal Administrator Revolving Loan Fund	R.S. 39:1357
FMAP Stabilization Fund	§7 of Act No. 420 of 2013 RS
Health Care Redesign Fund	R.S. 39:100.51, R.S. 46:977.13
Health Trust Fund	R.S. 39:91(B)(2), R.S. 46:2731
Higher Education Financing Fund	R.S. 39:82(A), 100.146, 352
Higher Education Initiatives Fund	R.S. 17:3129.6
Incentive Fund	R.S. 39:87.5
Indigent Parent Representation Program Fund	R.S. 15:185.5
Innocence Compensation Fund	R.S. 15:572.8(H)(1),(2)(intro para), (N) & (S)
Louisiana Help Our Wildlife Fund	R.S. 56:70.3, 70.4(A)(1) & (2)
Marketing Fund	R.S. 47:318
Medicaid Trust Fund for the Elderly	R.S. 39:91(B)(3), R.S. 46:2691, 2692, 2731(C)(1), 2742(D), R.S. 47:463.104(C) & (D)
MediFund	R.S. 51:2211-2215
New Orleans Public Safety Fund	R.S. 40:1402
New Orleans Urban Tourism and Hospitality Training in Economic Development	R.S. 27:392(C)(4)

Foundation Fund	
Payments Towards the UAL Fund	R.S. 39:82(A), 100.11, 352
Pet Overpopulation Fund	R.S. 47:463.60(F)
Reptile and Amphibian Research Fund	R.S. 56:633
Saltwater Fishery Enforcement Fund	R.S. 56:14
Science, Technology, Engineering, and Math (STEM) Upgrade Fund	R.S. 17:3138.3
Shrimp Trade Petition Account	R.S. 56:10(B)(1)(b), 302.3(B)(5) & (c) 305(H), 494(E)(5) & (F)
Sickle Cell Fund	R.S. 39:100.123
SNAP Fraud and Abuse Detection and Prevention Fund	R.S. 46:290.1, R.S. 47:120.39
Tobacco Tax Medicaid Match Fund	R.S. 47:841.2
Unfunded Accrued Liability Account of the Unfunded Accrued Liability and Specialized Educational Institutions Support Fund	R.S. 39:100.136, R.S. 47:6351(G)
UNO Slidell Technology Park Fund	R.S. 17:3397.11
Workforce and Innovation for a Strong Economy Fund	R.S. 17:3138.2(A), 3138.3(A), & 3138.4

VARIOUS FUNDS AMENDED FROM FUNDS TO ACCOUNTS

Proposed law changes the following from funds to accounts:

Administrative Fund of the Department of Insurance	R.S. 22:1071(D)(3)(b) & (c)
Emergency Medical Technician Fund	R.S. 40:1135.10, R.S. 47:463.48(D)
Environmental Trust Fund	R.S. 30:2004(11), 2014(B), (D)(4)(a) & (b)(intro para), 2015(A), (B), (C)(intro para), (D)(intro para), (E), 2035(B)(1), 2054(B)(8), 2109(A) & (C), 2192(B)(4), 2195(B), (C) & (E), 2195.2(A)(intro para) & (4), 2195.4(C)(1) & (2), 2195.5, 2205(A)(1), R.S. 49:259(D), 308.3(B)(7) & (D)
Louisiana Alligator Resource Fund	R.S. 56:253(C)(2)(a), 278(A), 279(A), (C)(1), (2), (3), (D)(1) & (3)
Louisiana Bicycle and Pedestrian Safety Fund	R.S. 32:202, R.S. 47:463.148(E)
Motorcycle Safety, Awareness, and	R.S. 32:402.3(I), 412(C)(2), R.S.

Operator Training Program Fund	49:308.3(D)
Municipal Fire and Police Civil Service Operating Account	R.S. 22:1476(A)(2)
Pesticide Fund	R.S. 3:3210(B), (C)(intro para), (4) & (5)
Proprietary School Student Protection Fund	R.S. 17:3141.16(A), (B)(1), (2), (3), (7) & (8), (C)(1), (D)(1), (2), (5), (8), (9) & (10), (E)(1)(a) & (2), (F), (G)(1)
Sex Offender Registry Technology Fund	C.Cr.P Art. 895.1(F)(intro para), (2), (3)(intro para), (b) & (e)
Youthful Offender Management Account	R.S. 15:921

OTHER ACTIONS

Hunters for the Hungry Account	R.S. 47:463.167(E), R.S. 56:644(B), (C)(intro para), (D) & (E)
Louisiana Economic Development Fund	R.S. 23:1514(D)(5), R.S. 47:318(D), R.S. 51:1927.1(A), (B) & (C), 2315, & 2341(F)

Section 11 effective July 1, 2018; Section 23 effective January 1, 2019; Sections 1-10, 12-22, 24, and 25 effective July 1, 2020.

(Amends R.S. 3:2(C), 3210(B), (C)(intro para), (4) and (5), R.S. 9:154.3, R.S. 15:572.8(H)(1), (2)(intro para), and 921, R.S. 17:3141.16(A), (B)(1), (2), (3), (7) and (8), (C)(1), (D)(1), (2), (5), (8), (9) and (10), (E)(1)(a) and (2), (F), (G)(1), and 3138.4, R.S. 22:1071(D)(3)(b) and (c), and 1476(A)(2), R.S. 23:1514(D)(5), R.S. 24:653(N)(3), R.S. 30:2004(11), 2014(B), (D)(4)(a) and (b)(intro para), 2015(A), (B), (C)(intro para), (D)(intro para) and (E), 2035(B)(1), 2054(B)(8), 2109(A) and (C), 2192(B)(4), 2195 (B), (C) and (E), 2195.2(A)(4), 2195.4(C)(1) and (2), 2195.5, 2205(A)(1), and 2252(A), (B) and (C), R.S. 32:202, 402.3(I), and 412(C)(2), R.S. 39:82, 91(B), 100.136, and 352, R.S. 40:1135.10, R.S. 46:1301(A)(1), R.S. 47:318(D), 463.48(D), 463.60(F), 463.104(C), 463.148(E), 463.167(E), 6351(G), and 7019.2(B)(1), R.S. 49:259(D), 308.3(B)(7) and (D), and 308.5(B)(3) and (4), R.S. 51:1927.1(A), (B) and (C), 2315, and 2341(F), R.S. 56:10(B)(1)(intro para) and (b), 70.3, 70.4(A), 253(C)(2)(a), 278(A), 279(A), (C), (D)(1) and (3), 302.3(B)(5)(c), 494(E)(5) and (F), 644(B), (C)(intro para), (D) and (E), C.Cr.P. Art. 895.1(F)(2), (3)(intro para), (b), and (e), §4(B) of Act No. 421 of the 2013 R.S., as amended by §4(B) of Act No. 822 of the 2014 R.S., §7(A)(intro para) and (B) of Act 41 of the 2006 1ES; repeals R.S. 11:544, R.S. 15:185.5, 572.8(N) and (S), R.S. 17:354, 3129.6, 3138.2, 3138.3, 3397.11, R.S. 27:392(C)(4), R.S. 30:2000.12, 2551, R.S. 33:2740.18, R.S. 39:87.5, 100.11, 100.51, 100.122, 100.123, 100.146, 1357, R.S. 40:16.2, 1402, R.S. 46:290.1, 977.13, 1816, 2691, 2692, 2731, 2742(D), and 2901, R.S. 47:120.39, 463.104(D), 841.2, R.S. 49:214.6.7(D) and (E), R.S. 51:2211 through 2216, R.S. 56:14, 305(H), and 633, §9 of Act No. 138 of the 2005 RS, as amended by §7 of Act 642 of the 2006 RS, §(3)(D) and §(6) of Act No. 41 of the 2006 1ES, §7 of Act No. 420 of the 2013 RS, §(4)(B)(1) of Act No. 421 of the 2013 RS, as amended by §(4)(B)(1) of Act No. 822 of the 2014 RS, and §(4)(B)(2) of Act No. 421 of the 2013 RS)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the original bill

1. Amends certain funds to change from being a dedicated fund in the state treasury to being a dedicated account in the state treasury.
2. Abolishes certain funds.
3. Changes the effective dates of sections of proposed law.