

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. 17:3138.4, R.S. 22:1071(D)(3)(b) and (c), and 1476(A)(2), R.S. 23:1514(D)(5),

5 R.S. 24:653(N)(3), R.S. 30:2004(11), 2014(B), (D)(4)(a) and the introductory

6 paragraph of (b), 2015(A), (B), the introductory paragraph of (C), the introductory

7 paragraph of (D), and (E), 2035(B)(1), 2054(B)(8), 2109(A) and (C), 2192(B)(4),

8 2195(B), (C), and (E), 2195.2(A)(4), 2195.4(C)(1) and (2), 2195.5, 2205(A)(1), and

9 2552(A), (B), and (C), R.S. 32:202, 402.3(I), and 412(C)(2), R.S. 39:82(A), 91(B),

10 100.136, and 352, R.S. 40:1135.10, R.S. 46:1301(A)(1), R.S. 47:318(D), 463.48(D),

11 463.60(F), 463.104(C), 463.148(E), 463.167(E), 6351(G), and 7019.2(B)(1), R.S.

12 49:259(D), 308.3(B)(7) and (D), and 308.5(B)(3), R.S. 51:1927.1(A) and (C), 2315,

13 and 2341(F), R.S. 56:10(B)(1)(b), 70.3, 70.4(A), 253(C)(2)(a), 278(A), 279(A), (C),

14 (D)(1) and (3), 494(E)(5) and (F), 644(B), the introductory paragraph of (C), (D),

15 and (E), Code of Criminal Procedure Article 895.1(F)(2), the introductory paragraph

16 of (3), (b), and (e), Section 4(B) of Act No. 421 of the 2013 Regular Session of the

17 Legislature, as amended by Section 4(B) of Act No. 822 of the 2014 Regular Session

1 of the Legislature, the introductory paragraph of Section 7(A) and (B) of Act 41 of
2 the 2006 First Extraordinary Session of the Legislature, and to repeal R.S. 11:544,
3 R.S. 15:185.5, 572.8(N) and (S), R.S. 17:354, 3129.6, 3138.2, and 3138.3, and
4 Subpart A-2 of Part IX-A of Chapter 26 of Title 17 of the Louisiana Revised Statutes
5 of 1950, comprised of R.S. 17:3397.11, R.S. 30:2000.12 and 2551, R.S. 33:2740.18,
6 R.S. 39:87.5, Subpart H of Part II-A of Chapter 1 of Subtitle I of Title 39 of the
7 Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.11, Subpart N of Part
8 II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950,
9 comprised of R.S. 39:100.51, Subpart Q-1 of Part II-A of Chapter 1 of Subtitle I of
10 Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.122,
11 Subpart Q-2 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana
12 Revised Statutes of 1950, comprised of R.S. 39:100.123, Subpart S of Part II-A of
13 Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950,
14 comprised of R.S. 39:100.146, R.S. 39:1357, R.S. 40:16.2 and 1402, R.S. 46:290.1,
15 977.13, and 1816, Chapter 54 of Title 46 of the Louisiana Revised Statutes of 1950,
16 comprised of R.S. 46:2691 and 2692, 2731, 2742(D), and 2901, R.S. 47:120.39,
17 463.104(D), and 841.2, R.S. 49:214.6.7(D) and (E), R.S. 51:2211 through 2216, R.S.
18 56:14, 302.3(B)(5)(c), 305(H) and 633, Section 9 of Act No. 138 of the 2005 Regular
19 Session of the Legislature as amended by Section 7 of Act 642 of the 2006 Regular
20 Session of the Legislature, Sections (3)(D) and (6) of Act No. 41 of the 2006 First
21 Extraordinary Session of the Legislature, Section 7 of Act No. 420 of the 2013
22 Regular Session of the Legislature, Section (4)(B)(1) of Act No. 421 of the 2013
23 Regular Session of the Legislature, as amended by Section (4)(B)(1) of Act No. 822
24 of the 2014 Regular Session of the Legislature, and Section (4)(B)(2) of Act No. 421
25 of the 2013 Regular Session of the Legislature, relative to certain funds in the state
26 treasury; to provide for meeting dates of the Dedicated Fund Review Subcommittee
27 of the Joint Legislative Committee on the Budget; to provide for the review of
28 certain funds in the state treasury by the subcommittee; to provide for the powers,
29 duties, functions, and responsibilities of the subcommittee, including the

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

12 Be it enacted by the Legislature of Louisiana:

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

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

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

25 * * *

26 C. All funds derived from the sale of timber on state lands under this Section
 27 shall be deposited in the state treasury. Monies derived from the sale of timber on
 28 state lands in the custody of the Louisiana Department of Health shall be deposited
 29 into the ~~Louisiana Department of Health's Facility Support Fund as provided in R.S.~~

1 with the programs established in Parts I through VI of this Chapter and for the
 2 purpose of acquiring, constructing, renovating, and equipping buildings and related
 3 facilities for use by the department in connection with promoting and assisting
 4 agriculture and forestry in this state. The department may pledge those funds to
 5 secure the repayment of revenue bonds or to secure a lease or purchase agreement
 6 entered into in connection with the issuance of revenue bonds for those purposes.

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

12 * * *

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

14 §154.3. Crescent City Connection amnesty program; ~~Crescent City Amnesty Refund~~
 15 ~~Fund~~; disposition

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

23 ~~B. Notwithstanding the provisions of R.S. 48:1161.2(D)(c), and prior to~~
 24 ~~appropriation of any monies to the New Orleans Regional Planning Commission, on~~
 25 ~~July 1, 2014, one hundred twenty-eight thousand six hundred eighty-one dollars of~~
 26 ~~monies on deposit in the Crescent City Transition Fund shall be deemed abandoned~~
 27 ~~funds for the purposes of treatment as unclaimed property in accordance with the~~
 28 ~~provisions of this Section.~~

29 ~~C. Funds that are deemed abandoned funds pursuant to this Section shall be~~

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

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

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

19 (3) All unexpended and unencumbered monies remaining in the fund on July
20 1, 2015, shall be appropriated as follows:

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

25 (b) The balance of the monies in the fund as of July 1, 2015, shall be
26 appropriated to the New Orleans Regional Planning Commission for lighting of the
27 eastbank and westbank approaches to the Crescent City Connection Bridge,
28 including General DeGaulle and the Westbank Expressway approach through ground
29 level, improvements to ingress and egress points, lighting, maintenance, grass

1 cutting, and landscaping of the Westbank Expressway and its connecting arteries.

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

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

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

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

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

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

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

22 §572.8. Compensation for wrongful conviction and imprisonment; petition process;
23 compensation; proof; assignment of powers and duties

24 * * *

25 H.(1) After a contradictory hearing with the attorney general, the court shall
26 render a decision as soon as practical. If, from its findings of fact, the court
27 determines that the petitioner is entitled to compensation because he is found to be
28 factually innocent of the crime of which he was convicted, it shall determine the
29 compensation due in accordance with the provisions of this Section, and it shall order

1 payment to the petitioner from the ~~Innocence Compensation Fund~~ which shall be
 2 created specifically for the administration of awards under this Section state general
 3 fund.

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

12 * * *

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

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

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

1 of these monies credited to this ~~fund~~ **account** following compliance with the
 2 requirements of Article VII, Section 9(B), relative to the Bond Security and
 3 Redemption Fund. **Funding deposited into the account shall be considered fees**
 4 **and self-generated revenues and shall be available for annual appropriations by**
 5 **the legislature.**

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

12 Section 5. R.S. 17:3138.4 is hereby amended and reenacted to read as follows:

13 §3138.4. Workforce and Innovation for a Stronger Economy Fund **Strategic**
 14 **Planning Council**

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

21 B. ~~Monies in the fund shall be invested in the same manner as monies in the~~
 22 ~~general fund. Interest earned on investment of monies in the fund shall be credited~~
 23 ~~to the fund. Unexpended and unencumbered monies in the fund at the end of the~~
 24 ~~fiscal year shall remain in the fund.~~

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

28 D.(1) ~~Monies in the fund shall be appropriated to the Board of Regents to be~~
 29 ~~distributed to and used by postsecondary education institutions in accordance with~~

1 a statewide workforce demand and gap analysis to be developed as provided for in
2 this Section.

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

6 (3) ~~Any funds distributed to any institution that remain unexpended or~~
7 ~~unobligated at the end of the fiscal year shall be available for use in the subsequent~~
8 ~~fiscal year by an institution pursuant to their implementation plan.~~

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

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

25 E.(1) A Workforce and Innovation for a Stronger Economy Fund Strategic
26 Planning Council, to be referred to as the "WISE Council", shall be established as
27 an independent subcommittee of the Board of Regents and shall be comprised of the
28 president-chancellor of Louisiana State University, the president of the Southern
29 University System, the president of the University of Louisiana System, the president

1 of the Louisiana Community and Technical College System, the commissioner of
2 higher education, the secretary of the Department of Economic Development, the
3 executive director of the Louisiana Workforce Commission, and the chairman of the
4 Workforce Investment Council, or their successors.

5 ~~(2)(a) The WISE Council shall develop a method for the distribution of~~
6 ~~monies in the fund in alignment with the statewide workforce demand and gap~~
7 ~~analysis and research priorities as provided in this Section. The methodology for the~~
8 ~~distribution shall be reevaluated no more than once every three years unless a~~
9 ~~majority of the WISE Council vote to reevaluate the methodology more often.~~

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

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

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

19 ~~(iii) The WISE Council shall have the authority to adjust the percentage of~~
20 ~~the distributions by no more than ten percent relative to the distribution of funds~~
21 ~~between degree certification production in Item (i) of this Subparagraph and~~
22 ~~federally funded research expenditures in Item (ii) of this Subparagraph. However,~~
23 ~~in no event shall the distribution based on federally funded research expenditures be~~
24 ~~reduced below twenty percent.~~

25 ~~(3) The WISE Council shall prepare a statewide workforce demand and gap~~
26 ~~analysis which shall include:~~

27 ~~(a) Statewide and regional degree and certificate production and research~~
28 ~~priorities based on an analysis of credential completion at all Louisiana~~
29 ~~postsecondary education institutions and workforce demand.~~

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

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

6 ~~(5)~~**(4)** The WISE Council shall review and approve implementation plans
7 submitted by institutions. The implementation plans shall include at a minimum a
8 plan for expenditure of monies and outcomes expected.

9 ~~(6)~~**(5)** The system presidents shall report annually to the WISE Council on
10 progress towards degree and certificate and research priorities in accordance with the
11 implementation plans.

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

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

17 ~~H.~~**D.** The Board of Regents, on behalf of postsecondary education, shall
18 provide annual reporting to the Senate Committee on Education, **the** Senate
19 Committee on Finance, the House Committee on Education, and the House
20 Committee on Appropriations. Such reports shall include the statewide workforce
21 demand and gap analysis, including any revisions to the analysis, ~~distribution of~~
22 ~~funds~~, and implementation plans.

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

27 ~~J. The fund is in addition to, and separate from, any monies appropriated or~~
28 ~~allocated to any postsecondary education management board. Allocations from this~~
29 ~~fund shall not be included in the Board of Regents' funding formula calculation, nor~~

1 (c) The monies in the Administrative Fund Account of the Department of
2 Insurance shall be used solely for the expenses in connection with the administration
3 and enforcement of the provisions of this Subpart.

4 * * *

5 §1476. Assessments against insurers; dedications

6 A.

7 * * *

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

27 * * *

28 Section 7. R.S. 23:1514(D)(5) is hereby amended and reenacted to read as follows:

29 §1514. Worker training fund; purpose; training programs; eligibility criteria;

1 program administration

2 * * *

3 D.

4 * * *

5 (5) The administrator may annually set aside an amount up to ten percent of
6 the amount appropriated to the fund by the state legislature for preemployment
7 training in any year in which the legislature appropriates funds for training equal to
8 or exceeding those funds appropriated in the previous year to the Rapid Response
9 Fund created by R.S. 51:2361 or to the Louisiana Economic Development Fund
10 created by R.S. 51:2315 **to be used exclusively for the Louisiana FastStart**
11 **Program**. All preemployment training shall require an employer matching
12 contribution of not more than fifty percent, and job placement outcomes at wage
13 rates commensurate with training, as determined by the administrator pursuant to
14 duly promulgated rules and regulations.

15 * * *

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

17 §653. Duties and functions

18 * * *

19 N.

20 * * *

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

23 * * *

24 Section 9. R.S. 30:2004(11), 2014(B), (D)(4)(a) and the introductory paragraph of
25 (b), 2015(A), (B), the introductory paragraph of (C), the introductory paragraph of (D), and
26 (E), 2035(B)(1), 2054(B)(8), 2109(A) and (C), 2192(B)(4), 2195(B), (C), and (E),
27 2195.2(A)(4), 2195.4(C)(1) and (2), 2195.5, 2205(A)(1), and 2552(A), (B), and (C) are
28 hereby amended and reenacted to read as follows:

29 §2004. Definitions

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

4 * * *

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

7 * * *

8 §2014. Permits, licenses, registrations, variances, and fees

9 * * *

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

23 * * *

24 D.

25 * * *

26 (4)(a) In accordance with the provisions of Article VII, Section 2.1 of the
27 Constitution of Louisiana, and notwithstanding any other provision of law, the
28 Department of Environmental Quality may modify any fee that is in effect on June
29 30, 2002, is authorized by this Title, and is required to be deposited into the

1 Environmental Trust ~~Fund~~ Account. Such a modification may increase the rate in
 2 effect on June 30, 2002, over the two-year fiscal period beginning July 1, 2002, as
 3 follows: the department may increase any such fee by a maximum of twenty percent,
 4 effective on or after July 1, 2002, and by a maximum of ten percent above the rate
 5 in effect on June 30, 2003, effective on or after July 1, 2003. Within ninety days of
 6 the promulgation and adoption of any regulation necessary to implement the fees
 7 herein, the Department of Environmental Quality shall submit a written report to the
 8 Joint Legislative Committee on the Budget for its approval which details the
 9 proposed use for the fee increase, efforts to decrease the processing time for permits,
 10 efforts to increase the number of inspections conducted at regulated facilities,
 11 enforcement activities, and efforts to increase the collection of fines imposed by the
 12 Department of Environmental Quality.

13 (b) Notwithstanding any other provision of law to the contrary, the
 14 Department of Environmental Quality may increase the following fees from the
 15 amounts in effect on March 14, 2015, as authorized by this Title or any rule or
 16 regulation promulgated pursuant thereto, and is required to be deposited into the
 17 Environmental Trust ~~Fund~~ Account as follows:

18 * * *

19 §2015. Environmental Trust ~~Fund~~ Account

20 A. In order to fulfill the constitutional mandate of Article IX of the Louisiana
 21 Constitution to protect, conserve and replenish the natural resources of the state, the
 22 legislature hereby declares that sufficient funds shall be available to the Department
 23 of Environmental Quality to fulfill that mandate. It is the intent of this Section to
 24 insure that all funds generated by the department are used to fulfill and carry out its
 25 powers, duties, and functions as provided by law.

26 B. There is hereby established a ~~fund~~ an agency account in the state treasury
 27 to be known as the "Environmental Trust ~~Fund~~ Account", hereafter referred to as the
 28 "trust ~~fund~~ account", into which the state treasurer shall each fiscal year deposit the
 29 revenues received from those sources provided for by Subsection C of this Section

1 and other sources as provided for by law after those revenues have been deposited
 2 in the Bond Security and Redemption Fund. Out of the funds remaining in the Bond
 3 Security and Redemption Fund after a sufficient amount is allocated from that fund
 4 to pay all obligations secured by the full faith and credit of the state that become due
 5 and payable within each fiscal year, the treasurer, prior to placing such funds in the
 6 state general fund, shall pay into the trust ~~fund~~ **account** an amount equal to the
 7 revenue generated from collection from those sources provided for by Subsection C
 8 of this Section and other sources as provided for by law. No expenditures shall be
 9 made from the trust ~~fund~~ **account** unless first appropriated by the legislature. The
 10 monies in the trust ~~fund~~ **account** shall be invested by the state treasurer in the same
 11 manner as monies in the state general fund. All interest earned on money from the
 12 ~~fund~~ **account** and invested by the state treasurer shall be credited to the
 13 Environmental Trust ~~Fund~~ **Account**. **Funding deposited into the account shall be**
 14 **considered fees and self-generated revenues and shall be available for annual**
 15 **appropriations by the legislature.**

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

18 * * *

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

21 * * *

22 E. In any cases where monies from the trust ~~fund~~ **account** are expended, the
 23 attorney general shall institute a civil action to recover from the responsible persons
 24 all such monies expended from the trust ~~fund~~ **account**. If the secretary requests that
 25 the attorney general institute a civil action to recover monies expended from the trust
 26 ~~fund~~ **account** and the attorney general declines to institute such action or does not
 27 respond within sixty days of such request and agree to institute a civil action, an
 28 attorney from the department may, with the concurrence of the attorney general,
 29 institute a civil action to recover monies expended from the trust ~~fund~~ **account**. Any

1 monies so recovered shall be paid into the trust ~~fund~~ **account**.

2 * * *

3 §2035. Environmental Emergency Response Training Program

4 * * *

5 B.(1) The chief of each eligible agency including any municipality or parish
6 may apply to the department for allocation of funds from the Environmental Trust
7 ~~Fund~~ **Account** to provide or secure the training authorized by this Section.

8 * * *

9 §2054. Air quality control; secretary of environmental quality; powers and duties

10 * * *

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

12 * * *

13 (8) To establish and implement a program for the control and abatement of
14 motor vehicle emissions in accordance with R.S. 30:2060 and other applicable state
15 and federal laws, particularly the Clean Air Act as amended, but not to exceed the
16 requirements provided in such act unless specifically authorized. Such program shall
17 be applicable only in parishes and municipalities as necessary to comply with the
18 requirements of the federal Clean Air Act or regulations promulgated by the United
19 States Environmental Protection Agency. If such program includes the periodic
20 inspection of motor vehicles, the frequency of performing such inspections shall be
21 as allowed by federal law or regulations or by agreements with federal agencies.
22 During each calendar year, the secretary may exempt vehicles of that model year and
23 vehicles from prior model years from on-board diagnostic (OBD II) testing. The fees
24 due the department for this program pursuant to R.S. 32:1306(C)(3) shall be
25 deposited into the Environmental Trust ~~Fund~~ **Account**. ~~The inspection and~~
26 ~~maintenance of motor vehicles as required by this Paragraph shall begin on January~~
27 ~~1, 2000.~~

28 * * *

29 §2109. Nuclear power facilities; emergency planning; findings

1 §2195. Motor Fuels Underground Storage Tank Trust Fund

2 * * *

3 B. There is hereby established a special custodial trust fund in the state
4 treasury to be known as the Motor Fuel Underground Storage Tank Trust Fund,
5 hereafter referred to as the "Tank Trust Fund", into which the state treasurer shall,
6 each fiscal year, deposit the revenues received from the collection of the fees as
7 established in R.S. 30:2195.3(A)(1)(a) and (B). The secretary is authorized pursuant
8 to Article VII, Section 9(A) of the Constitution of Louisiana and R.S. 30:2031 to
9 enter into an agreement with a private legal entity to receive and administer the Tank
10 Trust Fund for the purpose of providing financial responsibility for underground
11 motor fuel storage tanks. On an annual basis, all owners of registered tanks shall
12 remit to the department a tank registration fee of sixty dollars for each tank. The
13 revenue from the tank registration fees shall be deposited directly into the
14 Environmental Trust Fund **Account** as provided by R.S. 30:2015 and utilized for
15 underground storage tank activities only, and any deviation from the aforesaid shall
16 be documented and reported to the House Committee on Natural Resources and
17 Environment and the Senate Committee on Environmental Quality. Revenues
18 received from annual maintenance and monitoring fees, other than those established
19 in R.S. 30:2195.3(B), shall be deposited into the Environmental Trust Fund **Account**.
20 The department shall promulgate rules and regulations for the implementation of this
21 Section in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

22 C. Monies so deposited in the Environmental Trust Fund **Account** shall be
23 used to defray the cost to the state of administering the underground storage tank
24 program and the cost of investigation, testing, containment, control, and cleanup of
25 releases from underground storage tanks containing regulated substances. Only
26 monies recovered pursuant to R.S. 30:2195.2(A)(2) and deposited in the Tank Trust
27 Fund may be used for the loans authorized by R.S. 30:2195.12(E). These monies
28 shall also be used to provide money or services as the state share of matching funds
29 for federal grants involving underground storage tanks. At the end of each fiscal

1 year, all monies that were deposited into the Environmental Trust ~~Fund~~ **Account**
 2 from the fees established in R.S. 30:2195.3(A)(1)(a) and (B) which remain unspent,
 3 including all accrued interest, shall be transferred to the Tank Trust Fund.

4 * * *

5 E. Annually, the department shall prepare a report for the House Committee
 6 on Natural Resources and Environment and the Senate Committee on Environmental
 7 Quality of all disbursements of monies from the Tank Trust Fund and the
 8 Environmental Trust ~~Fund~~ **Account**. The report shall include all loans made from the
 9 Tank Trust Fund, the number of sites actively seeking reimbursement from the Tank
 10 Trust Fund as of June thirtieth of each year, the number of sites deemed eligible for
 11 the Tank Trust Fund during the previous fiscal year, and the number of sites that
 12 have been granted "No Further Action", and the department has received the last
 13 application for reimbursement during the previous fiscal year. Regarding
 14 disbursements from the Tank Trust Fund as provided by R.S. 30:2195.2, the report
 15 shall include a list of all reimbursements, all pending reimbursements, the date the
 16 application was made for reimbursement, and the date reimbursement was made by
 17 the department. The report shall be delivered to the respective legislative committees
 18 no later than March first of each year.

19 * * *

20 §2195.2. Uses of the Tank Trust Fund

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

25 * * *

26 (4) The Environmental Trust ~~Fund~~ **Account** may be used to reimburse or pay
 27 for any costs associated with the review of applications for reimbursement from the
 28 trust, legal fees associated with the collection of costs from parties who are not
 29 eligible participants, audits of the Tank Trust Fund and bulk operators, and

1 accounting and reporting of the uses of the trust. The Environmental Trust ~~Fund~~
 2 Account will also reimburse the Department of Environmental Quality for costs
 3 associated with administering the underground storage tank program in accordance
 4 with R.S. 30:2195(C) up to the amount appropriated pursuant to R.S. 30:2195(B).

5 * * *

6 §2195.4. Procedures for disbursements from the Tank Trust Fund

7 * * *

8 C.(1) For any month during which the collection of fees assessed pursuant
 9 to R.S. 30:2195.3 is suspended, the treasurer shall transfer an amount equal to twenty
 10 percent of the average monthly fee amount collected according to the schedule
 11 specified in R.S. 30:2195.3(A)(1) from the trust into the Environmental Trust ~~Fund~~
 12 Account for use as provided by R.S. ~~30:2195.3(A)(9)~~ **30:2015**.

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

19 §2195.5. Audits

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

25 * * *

26 §2205. Hazardous Waste Site Cleanup Fund

27 A.(1) All sums recovered through judgments, settlements, assessments of
 28 civil or criminal penalties, funds recovered by suit or settlement from potentially
 29 responsible parties for active or abandoned site remediation or cleanup, or otherwise

1 under this Subtitle, or other applicable law, each fiscal year for violation of this
 2 Subtitle, shall be paid into the state treasury and shall be credited to the Bond
 3 Security and Redemption Fund. After a sufficient amount is allocated from that fund
 4 to pay all obligations secured by the full faith and credit of the state which become
 5 due and payable within any fiscal year, the treasurer, prior to placing such remaining
 6 funds in the state general fund, shall pay into a special fund, which is hereby created
 7 in the state treasury and designated as the "Hazardous Waste Site Cleanup Fund", all
 8 of those funds generated by the hazardous waste tax under the provisions of Chapter
 9 7-A of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 and the sums
 10 recovered through all judgments, settlements, assessments of civil or criminal
 11 penalties, fees and oversight costs received from potentially responsible parties for
 12 the department's work in overseeing of assessment and remediation at inactive or
 13 abandoned sites, funds recovered by suit or settlement from potentially responsible
 14 parties for active or abandoned site remediation or cleanup, or otherwise, for
 15 violation of this Subtitle, except as provided in R.S. 30:2025 and 2198; however, the
 16 balance in the fund shall not exceed six million dollars at any time and upon the
 17 accumulation of six million dollars in the fund, the treasurer shall pay all remaining
 18 sums provided for in this Subsection into the Environmental Trust ~~Fund~~ **Account**,
 19 R.S. 30:2015.

20 * * *

21 §2552. ~~Brownfields Cleanup Revolving Loan Fund Program~~; authority **Authority**

22 to make loans and grants; incur debt; tax exemption

23 A. Any political subdivision, public trust, quasi governmental organization,
 24 or eligible nonprofit or private entity, ~~except as provided in R.S. 30:2551(C)~~ **other**
 25 **than a responsible person**, is hereby authorized to make loans from and incur debt
 26 payable to the department in accordance with the provisions of this Section. The
 27 making of a loan ~~from the Brownfields Cleanup Revolving Loan Fund~~ and the
 28 issuance of debt evidencing such loan by any political subdivision, eligible nonprofit
 29 organization, or eligible private entity shall be approved by the State Bond

1 Commission. This Section shall not be deemed to be the exclusive authority under
2 which a political subdivision, eligible nonprofit organization, or eligible private
3 entity may borrow money from or incur indebtedness to the department. ~~The~~
4 ~~department shall aggressively pursue leveraging of all funds to the maximum amount~~
5 ~~allowable by law.~~

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

25 C. Notwithstanding any other provision of law to the contrary, a political
26 subdivision, public trust, quasi governmental organization, or eligible nonprofit
27 entity, upon entering into a loan ~~in accordance with the fund as provided in R.S.~~
28 ~~30:2551~~, may dedicate and pledge a portion of any revenues it has available to it,
29 including but not limited to revenues from the general revenue fund, sales taxes,

1 assessments, or property taxes of the political subdivision, for a term not exceeding
 2 twenty years from the date of project completion for repayment of the principal of,
 3 interest on, and any premium, administrative fee, or other fee, or cost imposed by the
 4 department in connection with such loan.

5 * * *

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

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

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

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

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

1 pedestrian safety.

2 * * *

3 §402.3. Motorcycle Safety, Awareness, and Operator Training Program; ~~fund~~

4 **account**

5 * * *

6 I. The Motorcycle Safety, Awareness, and Operator Training Program ~~Fund~~

7 **Account**, provided for in R.S. 32:412(C)(2) shall continue to fund the operator

8 training, instructor training, and motorcycle safety and awareness programs under

9 the operation of the Department of Public Safety and Corrections.

10 * * *

11 §412. Amount of fees; credit or refund; duration of license; veteran designation;

12 disabled veteran designation; university logo; "I'm a Cajun"

13 designation; needs accommodation designation; disbursement of

14 funds; renewal by mail or electronic commerce of Class "D" or "E"

15 drivers' licenses; disposition of certain fees; exception

16 * * *

17 C.

18 * * *

19 (2) Notwithstanding any provisions of law to the contrary and subject to the

20 exceptions contained in Article VII, Section 9(A) of the Constitution of Louisiana,

21 the amount of seven dollars and fifty cents from the fee for a motorcycle or motor

22 scooter endorsement to a basic license, or the amount of three dollars from the fee

23 if the motorcycle endorsement for any person is to a license that is valid for only less

24 than six years shall be credited to the Bond Security and Redemption Fund. After a

25 sufficient amount is allocated from that fund to pay all obligations secured by the full

26 faith and credit of the state which become due and payable within any fiscal years,

27 the treasurer shall pay an amount equal to the fees paid into the Bond Security and

28 Redemption Fund pursuant to this Paragraph into a special ~~fund~~ **agency account**

29 which is hereby created in the state treasury and designated as the "Motorcycle

1 Safety, Awareness, and Operator Training Program ~~Fund~~ Account", hereinafter to
 2 be referred to as the "~~fund~~ account". The monies credited to the ~~fund~~ account shall
 3 be used solely for operator training, instructor training, and motorcycle safety and
 4 awareness programs. Any unexpended and unencumbered monies remaining to the
 5 credit of the ~~fund~~ account on June thirtieth of each year, after all appropriations of
 6 the preceding fiscal year have been made, shall revert to the state general fund. The
 7 monies in the ~~fund~~ account shall be expended solely from year to year as
 8 appropriated by the legislature for the purposes of motorcycle safety and awareness
 9 and operator training. Any amounts earned through investment of the monies in the
 10 ~~fund~~ account shall revert to the state general fund. Funding deposited into the
 11 account shall be considered fees and self-generated revenues and shall be
 12 available for annual appropriations by the legislature.

13 * * *

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

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

18 A. All cash balances occurring from appropriations made by legislative act
 19 or by the Interim Emergency Board regardless of date of passage to any state agency
 20 for which no bona fide liability exists on the last day of each fiscal year shall be
 21 remitted to the state treasurer by the fifteenth day following the last day of the fiscal
 22 year. Any appropriations including those made by the Interim Emergency Board of
 23 the preceding fiscal year remaining at the end of the fiscal year against which bona
 24 fide liabilities existed as of the last day of the fiscal year may be withdrawn from the
 25 state treasury during the forty-five day period after the last day of the fiscal year only
 26 as such liabilities come due for payment. ~~Prior to placing monies associated with~~
 27 ~~such unexpended appropriations into the state general fund, the state treasurer shall~~
 28 ~~transfer all cash balances identified and reported by the commissioner of~~
 29 ~~administration as being from unexpended and unencumbered state general fund~~

1 ~~(direct) and Overcollections Fund appropriations for professional, personal, and~~
 2 ~~consulting service contracts not approved by the Joint Legislative Committee on the~~
 3 ~~Budget as provided in R.S. 39:1590 and remaining at the end of each fiscal year for~~
 4 ~~deposit in and credit to the Higher Education Financing Fund as are necessary to~~
 5 ~~satisfy the requirements of R.S. 39:100.146, and then shall make deposits to the~~
 6 ~~Payments Towards the UAL Fund as are necessary to satisfy the requirements of~~
 7 ~~R.S. 39:100.11.~~

8 * * *

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

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

29 * * *

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

3 §91. Deepwater Horizon Economic Damages Collection Fund

4 * * *

5 B. All economic damages proceeds from the DWH litigation in excess of the
6 first two hundred million dollars deposited in the Fiscal Year 2015-2016 Deficit
7 Elimination Fund shall be deposited by the treasurer as follows:

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

11 (2) ~~Forty-five percent~~ **The balance** of each such receipt of economic
12 damages proceeds to the ~~Medicaid Trust Fund for the Elderly provided for in R.S.~~
13 ~~46:2691 until an amount not to exceed seven hundred million dollars has been~~
14 ~~deposited into such fund~~ **state general fund.**

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

18 * * *

19 §100.136. Specialized Educational Institutions Support Fund

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

29 B. Monies in the fund shall be available for appropriation exclusively for ~~(†)~~

1 payments against the unfunded accrued liability of the public retirement systems
 2 which are in addition to any payments required for the annual amortization of the
 3 unfunded accrued liability of the public retirement systems, as required by Article
 4 X, Section 29(E)(2)(c) of the Constitution of Louisiana; however, any such payments
 5 to the public retirement systems shall not be used, directly or indirectly, to fund
 6 cost-of-living increases for such systems and (2) the support of operations of the
 7 Louisiana Cancer Research Center of L.S.U. Health Sciences Center in New
 8 Orleans/Tulane Health Sciences Center, the Feist-Weiller Cancer Center of LSU
 9 Health Sciences Center - Shreveport, the Pennington Biomedical Research Center,
 10 the Louisiana State University Agricultural Center, and the Southern University
 11 Agricultural Research and Extension Center. Monies appropriated from the fund
 12 shall not be used in any fiscal year to displace, replace, or supplant state general fund
 13 support for these agencies.

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

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

20 (b) Five Million Dollars for the Feist-Weiller Cancer Center of LSU Health
 21 Sciences Center - Shreveport.

22 (c) Ten Million Dollars for the Louisiana State University Agricultural
 23 Center.

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

25 (e) Five Million Dollars for the Southern University Agricultural Research
 26 and Extension Center.

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

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

2 §1135.10. Emergency medical technician ~~fund~~ account

3 A. There is hereby established a special ~~fund~~ account in the state treasury to
4 be known as the Emergency Medical Technician ~~Fund~~ Account, hereafter referred
5 to as "~~fund~~ account", which shall consist of monies generated by the fees collected
6 from the purchase of prestige license plates for certified emergency medical
7 technicians as provided in R.S. 47:463.47. In addition, the legislature may make
8 annual appropriations to the ~~fund~~ account for the purposes set forth in this Section.

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

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

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

25 §1301. Services to autistic persons; center of excellence for autism spectrum
26 disorder; responsibility

27 A. The Louisiana Department of Health shall be responsible for providing
28 services to autistic persons, with the exception of those delineated by Part I of
29 Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950 and provided for by

1 the Department of Education or the local school board or otherwise mandated by law
 2 to be provided by the Department of Education or the local school board. The
 3 Louisiana Department of Health shall be responsible for:

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

21 * * *

22 Section 15. R.S. 47:318(D), 463.48(D), 463.60(F), 463.104(C), 463.148(E),
 23 463.167(E), 6351(G), and 7019.2(B)(1) are hereby amended and reenacted to read as
 24 follows:

25 §318. Disposition of collections

26 * * *

27 ~~D. After satisfying the requirements of Subsection B of this Section, the~~ The
 28 remaining portion of the amount determined pursuant to Subsection A of this Section
 29 shall be deposited in the Louisiana Economic Development Fund created by R.S.

1 51:2315 dedicated exclusively to the Louisiana FastStart Program.

2 * * *

3 §463.48. Special prestige license plates; emergency medical technicians

4 * * *

5 D. The department shall collect the fee for the special license plates and
6 forward twenty-four dollars to the state treasurer for deposit into the Emergency
7 Medical Technician Fund Account created by the provisions of R.S. ~~40:1236.5~~
8 **40:1135.10**. The remaining portion of the fee shall be retained by the department to
9 offset administrative costs.

10 * * *

11 §463.60. Special prestige license plates; "Animal Friendly" prestige license plate;
12 animal population control; ~~Pet Overpopulation Fund~~

13 * * *

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

20 * * *

21 §463.104. Special prestige license plates; Seniors-Our Heritage

22 * * *

23 C. An annual fee of fifty dollars shall be collected from the applicant and
24 forwarded to the ~~Medicaid Trust Fund for the Elderly, created by R.S. 46:2691,~~ state
25 general fund for each license plate issued as provided in this Section. The
26 department shall also collect the standard registration license fee provided for in R.S.
27 47:463 and a handling fee of three dollars and fifty cents. The handling fee shall be
28 retained by the department to offset a portion of administrative costs.

29 * * *

1 §463.148. Special prestige license plate; "Share the Road"

2 * * *

3 E. The monies received from the additional twenty-five-dollar fee shall be
4 deposited into the Louisiana Bicycle and Pedestrian Safety Fund Account, R.S.
5 32:202, for use by the Department of Transportation and Development for the sole
6 purpose of promoting bicycle and pedestrian safety.

7 * * *

8 §463.167. Special prestige license plates; "Hunters for the Hungry Louisiana"

9 * * *

10 E. The annual royalty fee collected by the department shall be forwarded to
11 the Wildlife and Fisheries Conservation Fund special account known as the "Hunters
12 for the Hungry Escrow Account". No more than ten percent of the monies in the
13 escrow account shall be used for administrative costs. The balance shall be used
14 solely by Hunters for the Hungry Louisiana to pay for the processing and distribution
15 of meats, when such meats shall be used by a nonprofit entity or charitable
16 organization in food or meal distribution at no cost to an individual pursuant to R.S.
17 56:644.

18 * * *

19 §6351. Rebates; contracts for certain state sales and use tax rebates

20 * * *

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

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

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

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

4 ~~(3) Of the monies remaining after satisfaction of the requirements of~~
5 ~~Paragraphs (1) and (2) of this Subsection as determined by the secretary pursuant to~~
6 ~~Subsection H of this Section, the state treasurer is hereby authorized and directed to~~
7 ~~transfer the amount of thirty million dollars, or as much thereof as is available, from~~
8 ~~the state general fund to the Unfunded Accrued Liability and Specialized~~
9 ~~Educational Institutions Support Fund-Specialized Educational Institutions Account,~~
10 ~~which is established pursuant to R.S. 39:100.136. Each fiscal year, the transfer shall~~
11 ~~occur as soon as is practicable, upon notification by the secretary of the Department~~
12 ~~of Revenue that revenues sufficient to provide for this distribution have been~~
13 ~~deposited into the treasury.~~

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

22 * * *

23 §7019.2. Collection of tolls, fees, and charges on Crescent City Connection Bridge;
24 amnesty program; refunds

25 * * *

26 B.(1) The state treasurer, as administrator of the Uniform Unclaimed Property
27 Act, shall establish a program to refund monies collected during the amnesty period
28 for a toll violation from any person who satisfies one of the circumstances provided
29 in Subsection A of this Section and who contacts the state treasurer for a refund and

1 provides the state treasurer with sufficient proof of the payment made that satisfied
 2 the circumstances of Subsection A of this Section. ~~Any refund payment shall be~~
 3 ~~made by the treasurer from the Crescent City Amnesty Refund Fund as provided in~~
 4 ~~R.S. 9:154.3.~~

* * *

6 Section 16. R.S. 49:259(D), 308.3(B)(7) and (D), and 308.5(B)(3) and (4) are hereby
 7 amended and reenacted to read as follows:

8 §259. Department of Justice Legal Support Fund

* * *

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

* * *

24 §308.3. Special funds and dedication of money

* * *

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

* * *

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

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

17 * * *

18 §2315. Louisiana Economic Development Fund

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

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

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

28 C.(1) The monies in the Louisiana Economic Development Fund shall be
 29 invested by the treasurer in the same manner as monies in the state general fund.

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

3 * * *

4 §2341. Economic Development Award Program

5 * * *

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

10 * * *

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

14 * * *

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

18 * * *

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

27 * * *

28 (b)(~~i~~) Pay annually into a special fund created in the state treasury and
29 designated as the "Shrimp Marketing and Promotion Fund", an amount equal to the

1 fees collected pursuant to R.S. 56:305(G) and paid into the treasury by the
 2 commission. All expenditures and allocation of monies from this fund shall be
 3 administered by the Louisiana Shrimp Task Force to be used for the development of
 4 markets for shrimp and creation of marketing strategies for the development and
 5 market expansion for shrimp harvested from Louisiana waters. The task force may
 6 contract with the Louisiana Seafood Promotion and Marketing Board to promote the
 7 Louisiana shrimp industry.

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

22 * * *

23 §70.3. Louisiana Help Our Wildlife Fund; ~~creation; composition of fund;~~ uses of
 24 fund

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

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

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

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

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

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

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

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

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

28 (3) ~~All unexpended and unencumbered monies in the fund at the end of the~~
29 ~~fiscal year shall remain in the fund.~~

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

23 * * *

24 §278. Louisiana Alligator Advisory Council

25 A. The Louisiana Alligator Advisory Council is hereby created in the
26 Department of Wildlife and Fisheries. The Louisiana Alligator Advisory Council
27 shall be responsible for reviewing and approving recommended marketing, research,
28 and educational programs to be funded from the Louisiana Alligator Resource ~~Fund~~
29 Account to ensure that any monies from the ~~funds~~ account are expended for the

1 specific goals of the council.

2 * * *

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

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

25 * * *

26 C.(1) Except as otherwise provided by law, all revenues received by the state
27 from the sale of licenses as provided in R.S. 56:251(A)(2), from tag fees imposed on
28 alligator hunters, alligator farmers, alligator shipping label fees on the sale of
29 alligators, all revenues derived from the sale of alligators, alligator skins, or alligator

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

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

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

26 D.(1) The monies made available by the legislature from the ~~fund~~ account
 27 as provided in this Section or from any other source shall be used solely for the
 28 programs, purposes, and specific goals enumerated in this Section.

29 * * *

* * *

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

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

* * *

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

* * *

(e) After providing for the allocations in Subsubparagraphs (a), (b), (c), and (d) of this Subparagraph, the remainder of the residual monies in the Sex Offender

1 Registry Technology ~~Fund~~ **Account** shall, pursuant to an appropriation to the office
 2 of the attorney general, be distributed to the sheriff of each parish, based on the
 3 population of convicted sex offenders, sexually violent predators, and child predators
 4 who are residing in the parish and who are active sex offender registrants or active
 5 child predator registrants in the respective parishes according to the State Sex
 6 Offender and Child Predator Registry. These funds shall be used to cover the costs
 7 associated with sex offender registration and compliance. Population data necessary
 8 to implement the provisions of this Subparagraph shall be as compiled and certified
 9 by the undersecretary of the Department of Public Safety and Corrections on the first
 10 day of June of each year. No later than thirty days after the Revenue Estimating
 11 Conference recognizes the prior year ~~fund~~ **account** balance, the office of the attorney
 12 general shall make these distributions, which are based on the data certified by the
 13 undersecretary of the Department of Public Safety and Corrections, to the recipient
 14 sheriffs who are actively registering offenders pursuant to this Paragraph.

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

18 Section 4.(A)

19 * * *

20 (B)(1) After satisfaction of the requirements of Subsection A of this Section,
 21 all remaining monies collected pursuant to this Act shall be paid into the state
 22 treasury. 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 any monies being placed into the state general fund or any other fund,~~ an
 25 amount equal to the remaining collections shall be credited by the state treasurer as
 26 follows: **to the state general fund.**

27 (a) ~~For Fiscal Year 2013-2014, the monies shall be credited to a special fund~~
 28 ~~hereby created in the state treasury to be known as the 2013 Amnesty Collections~~
 29 ~~Fund, hereinafter referred to as "fund". The monies in the fund shall be available for~~

1 ~~appropriation for any public purpose.~~

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

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

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

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

12 Section 21. The introductory paragraph of Section 7(A) and (B) of Act 41 of the
13 2006 First Extraordinary Session of the Legislature is hereby amended and reenacted to read
14 as follows:

15 * * *

16 Section 7. Local Debt Service Assistance Program

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

24 * * *

25 (B) The distribution of monies ~~in the fund~~ for the payment of debt service
26 due and payable on qualified bonds, notes, certificates of indebtedness, or other
27 written obligations for the repayment of borrowed money of an affected political
28 subdivision shall be approved by the State Bond Commission and the Joint
29 Legislative Committee on the Budget and shall be made with the expectation of

1 payment thereof to the state pursuant to (1) loans evidenced by notes issued by the
2 affected public entities pursuant to R.S. 39:1430; (2) any other evidence of
3 indebtedness pursuant to statutory authority; or (3) cooperative endeavor agreements.

4 * * *

5 Section 22. R.S. 11:544, R.S. 15:185.5, 572.8(N) and (S), R.S. 17:354, 3138.2, and
6 3138.3, and Subpart A-2 of Part IX-A of Chapter 26 of Title 17 of the Louisiana Revised
7 Statutes of 1950, comprised of R.S. 17:3397.11, R.S. 30:2000.12 and 2551, R.S. 33:2740.18,
8 R.S. 39:87.5, Subpart H of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana
9 Revised Statutes of 1950, comprised of R.S. 39:100.11, Subpart N of Part II-A of Chapter
10 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S.
11 39:100.51, Subpart Q-1 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana
12 Revised Statutes of 1950, comprised of R.S. 39:100.122, Subpart Q-2 of Part II-A of Chapter
13 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S.
14 39:100.123, Subpart S of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana
15 Revised Statutes of 1950, comprised of R.S. 39:100.146, R.S. 39:1357, R.S. 40:16.2 and
16 1402, R.S. 46:290.1, 977.13, and 1816, Chapter 54 of Title 46 of the Louisiana Revised
17 Statutes of 1950, comprised of R.S. 46:2691 and 2692, 2731, 2742(D), and 2901, R.S.
18 47:120.39, 463.104(D), and 841.2, R.S. 49:214.6.7(D) and (E), R.S. 56:14, 302.3(B)(5)(c),
19 305(H) and 633, Section 9 of Act No. 138 of the 2005 Regular Session of the Legislature as
20 amended by Section 7 of Act No. 642 of the 2006 Regular Session of the Legislature,
21 Sections (3)(D) and (6) of Act No. 41 of the 2006 First Extraordinary Session of the
22 Legislature, Section 7 of Act No. 420 of the 2013 Regular Session of the Legislature, Section
23 (4)(B)(1) of Act No. 421 of the 2013 Regular Session of the Legislature, as amended by
24 Section (4)(B)(1) of Act No. 822 of the 2014 Regular Session of the Legislature, and Section
25 (4)(B)(2) of Act No. 421 of the 2013 Regular Session of the Legislature are hereby repealed
26 in their entirety.

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

28 Section 24. The state treasurer is hereby authorized and directed to transfer any
29 unencumbered balances remaining in the funds repealed and abolished in Sections 1 through

1 14 of this Act to the state general fund after satisfying the appropriations for Fiscal Year
2 2019-2020.

3 Section 25. The provisions of this Section and Section 11 of this Act shall become
4 effective on July 1, 2018; if vetoed by the governor and subsequently approved by the
5 legislature, this Section and Section 11 of this Act shall become effective on July 1, 2018.
6 The provisions of Section 23 of this Act shall become effective on January 1, 2019; if vetoed
7 by the governor and subsequently approved by the legislature, Section 23 of this Act shall
8 become effective on July 1, 2018. Sections 1 through 10, 12 through 22, and 24 of this Act
9 shall become effective on July 1, 2020.

The original instrument was prepared by Martha Hess. The following digest,
which does not constitute a part of the legislative instrument, was prepared
by Laura Gail Sullivan.

	DIGEST	
SB 400 Reengrossed	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 dedicated funds in the state treasury to being dedicated accounts 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 RS, §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
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
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)(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 Operator Training Program Fund	R.S. 32:402.3(I), 412(C)(2), R.S. 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), (C)(4) & (5)
Sex Offender Registry Technology Fund	C.Cr.P Art. 895.1(F)(2), (3)(intro para), (3)(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)

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

(Amends R.S. 3:2(C), 3210(B) and (C)(intro para), (4), and (5), R.S. 9:154.3, R.S. 15:572.8(H)(1) and (2)(intro para), and 921, R.S. 17:3138.4, 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) and (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 2552(A), (B), and (C), R.S. 32:202, 402.3(I), and 412(C)(2), R.S. 39:82(A), 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), R.S. 51:1927.1(A) and (C), 2315, and 2341(F), R.S. 56:10(B)(1)(b), 70.3, 70.4(A), 253(C)(2)(a), 278(A), 279(A), (C), and (D)(1) and (3), 494(E)(5) and (F), 644(B), (C)(intro para), (D) and (E), C.Cr.P. Art. 895.1(F)(2) and (3)(intro para), (b), and (e), §4(B) of Act No. 421 of the 2013 RS, as amended by §4(B) of Act No. 822 of the 2014 RS, and §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, 3138.2, 3138.3, and 3397.11, R.S. 30:2000.12 and 2551, R.S. 33:2740.18, R.S. 39:87.5, 100.11, 100.51, 100.122, 100.123, 100.146, and 1357, R.S. 40:16.2 and 1402, R.S. 46:290.1, 977.13, 1816, 2691, 2692, 2731, 2742(D), and 2901, R.S. 47:120.39, 463.104(D), and 841.2, R.S. 49:214.6.7(D) and (E), R.S. 51:2211 through 2216, R.S. 56:14, 302.3(B)(5)(c), 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.

Senate Floor Amendments to engrossed bill

1. Restores Proprietary School Student Protection Fund.
2. Restores New Orleans Urban Tourism and Hospitality Training in Economic Development.
3. Restores requirement that the subcommittee on statutory dedications meet only on the day that JLCB meets.
4. Restores the Higher Education Initiatives Fund.
5. Makes Legislative Bureau technical amendments.