

## RÉSUMÉ DIGEST

ACT 404 (SB 181)

2019 Regular Session

Hewitt

New law, effective July 1, 2019, abolishes certain funds in the state treasury, as follows:

### DEDICATED FUNDS ELIMINATED BY NEW LAW

FEMA Reimbursement Fund	R.S. 39:100.26
Louisiana Interoperability Communications Fund	R.S. 39:100.41

New law amends certain funds from being dedicated funds in the state treasury to statutorily dedicated fund accounts in the state treasury, which contain fees and self-generated revenues and which shall be categorized as fees and self-generated revenue for reporting purposes only, as follows:

### DEDICATED FUNDS AMENDED FROM FUNDS TO DEDICATED FUND ACCOUNTS

Battered Women's Shelter Fund	R.S. 13:998(B) and (C), 1141(B), and 1414(B)
Drug Abuse Education and Treatment Fund	R.S. 15:1224(A), (B), and (C); CCRP 895.1 as amended by Act 260 of 2017 R.S. and Act 137 of 2018 R.S.

New law amends prior law to clarify that unless specifically provided otherwise in the statute establishing the special statutorily dedicated fund account, hereinafter referred to as the "account", the monies in the accounts shall be invested by the treasurer in the same manner as the state general fund, and interest earnings shall be deposited into the account following compliance with the requirements the Bond Security and Redemption Fund, and shall not be deposited into the general fund.

New law changes the Louisiana Animal Welfare Fund to an escrow fund.

New law also corrects cross-references to funds and accounts revised in new law and makes technical corrections, which funds are listed below:

### DEDICATED FUNDS OR ACCOUNTS OTHERWISE AMENDED BY NEW LAW

Louisiana Alligator Resource Account	R.S. 56:279(C)(1) as amended by Act 612 of the 2018 R.S.
Louisiana Animal Welfare Fund	R.S. 47:120.71
State Emergency Response Fund	R.S. 39:100.3(B)
Sex Offender Registry Technology Account	CCRP 895.1(E) as amended by Act 612 of the 2018 R.S.
Louisiana Economic Development Fund	R.S. 23:1514(D)(5), R.S. 47:318(D), R.S. 51:2315(A)

### DEDICATED FUNDS RECREATED BY NEW LAW

Fiscal Administrator Revolving Loan Fund	R.S. 39:1357
--	--------------

New law corrects the names of eleven funds which were amended in Act 612 of the 2018 RS which converted the funds to an account, by considering those accounts as special statutorily dedicated fund accounts containing fees and self-generated revenues to be categorized as fees and self-generated revenue for reporting purposes only, as follows:

- (1) Administrative Dedicated Fund Account of the Department of Insurance.
- (2) Emergency Medical Technician Dedicated Fund Account.
- (3) Environmental Trust Dedicated Fund Account.
- (4) Louisiana Alligator Resource Dedicated Fund Account.
- (5) Louisiana Bicycle and Pedestrian Safety Dedicated Fund Account.
- (6) Motorcycle Safety, Awareness, and Operator Training Program Dedicated Fund Account.
- (7) Municipal Fire and Police Civil Service Operating Dedicated Fund Account.
- (8) Proprietary School Student Protection Dedicated Fund Account.
- (9) Sex Offender Registry Technology Dedicated Fund Account.
- (10) Youthful Offender Management Dedicated Fund Account.

New law directs the La. State Law Institute to correct references in any Code or the Louisiana Revised Statutes to reflect the changes made to the funds and accounts listed in this section of new law.

Prior law provided relative to the plan of review of certain treasury funds by the Dedicated Fund Review Subcommittee (subcommittee) of the Joint Legislative Committee on the Budget (JLCB). Prior law provided that no later than Oct. 1, 2017, and every two years thereafter, the division of administration shall submit a plan of special funds and dedications to the subcommittee. Further provided that no later than Sept. 1, 2017, and every two years thereafter, the JLCB shall provide for the subcommittee.

New law, effective July 1, 2019, changes prior law to require that no later than August 1, 2019, the division of administration shall submit a plan of special funds and dedications that contain fees and self-generated revenues to the JLCB. The subcommittee shall meet and review each dedicated fund that contains fees and self-generated revenues prior to Jan. 15, 2019.

New law, effective July 1, 2019, provides that on or before Feb. 1, 2020, and every four years thereafter, the state treasurer's office shall submit a list of special funds, dedications, and statutorily dedicated fund accounts to the JLCB. The JLCB shall devise a plan for the Dedicated Fund Review Subcommittee to review. New law removes references to Sept. 1, 2017, and Oct. 1, 2017.

Prior law required that the JLCB to ensure that 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.

New law, effective July 1, 2019, provides that the JLCB shall ensure that all special funds, dedications, and statutorily dedicated fund accounts shall be reviewed by the subcommittee at least once every four years.

New law, effective July 1, 2019, provides that the subcommittee shall meet at least once every two years and may hold other meetings upon the call of the chairperson or majority of the members and shall only meet between Aug. 15th and Jan. 15th each fiscal year.

New law clarifies that funds converted to a statutorily dedicated fund account or escrow account shall not be considered as revoked or repealed.

Effective July 1, 2020, except as otherwise noted.

(Amends R.S. 13:998(B) and (C), 1141(B), and 1414(B); R.S. 15:1224(A), (B), and (C); R.S. 17:1519.6(A), R.S. 23:1514(D)(5) as amended by Acts 2018, No.612, §7; R.S. 39:100.31(B) and 1357; R.S. 47:120.71(B); R.S. 47:318(D) as amended by Acts 2018, No. 612, §15; R.S. 49:308.5(B)(3) and (4), (C)(1), (C)(3)(a)(intro para), and (E); R.S. 51:2315(A) as amended by Acts 2018, No. 612, §17; R.S. 56:279(C)(1) and (2) both as

amended by Acts 2018, No. 612, §18; C.Cr.P. Art. 895.1(E) as amended by Acts 2017, No. 260, §1 and Acts 2018, No. 137; C.Cr.P. Art. 895.1(F)(2) as amended by Acts 2018, No. 612, §19; Sections 1 and 24 of Acts 2018, No. 612, §8; repeals R.S. 24:653(N)(3) as amended by Acts 2018, No. 612, §8; R.S. 39:100.26 and 100.41, R.S. 49:308.5(B) as amended by Acts 2018, No. 612, §16)