

Regular Session, 2012

SENATE BILL NO. 590

BY SENATOR ALARIO

FUNDS/FUNDING. Provides relative to the elimination of certain special funds in the state treasury. (7/1/12)

AN ACT

To amend and reenact R.S. 17:3045.3 and 3045.8; R.S. 23:3003; R.S. 25:933(9) through (15), and 941(A) and the introductory paragraph of (B)(1); R.S. 32:57(G)(2), 171(F)(1) and (2), 175(C)(4), the introductory paragraph of 412(H) and (H)(1), and 783(G); R.S. 36:209(T); R.S. 37:3390.6; R.S. 38:2216(E); R.S. 39:100.94(B)(1), 2162(B), and 2165.11(B); R.S. 47:463.88(E); R.S. 51:955.4(F); and Sections 2, 3, 4(C), and 5 of Act No. 1212 of the 2001 Regular Session; to enact R.S. 3:3391.12(C); and to repeal R.S. 2:904; R.S. 3:283.2(H), Part II of Chapter 4-A of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:321 through 323, and 3391.13; R.S. 17:10.3, 421.12, 2036, and 3042.11; R.S. 23:1310.12, and Part XIII of Chapter 11 of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:1771 through 1776, and 3003; R.S. 25:933(16), 940 and 942; R.S. 27:270(B); R.S. 29:731.1; R.S. 30:2417(B) and (C); R.S. 32:412(H)(2) and (3) and 783(H); R.S. 33:3006, 4769 and 4770; R.S. 37:3119; Subpart H of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.11 and 100.12, Subpart L of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.36,

1 Subpart P of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised
2 Statutes of 1950, comprised of R.S.39:100.71, 100.93, Subpart P-3 of Part II of
3 Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950,
4 comprised of R.S. 39:100.101, Subpart Q of Part II of Chapter 1 of Subtitle I of Title
5 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.121, Subpart
6 Q-1 of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes
7 of 1950, comprised of R.S. 39:122, Subpart Q-2 of Part II of Chapter 1 of Subtitle
8 I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S.
9 39:100.123, Subpart Q-3 of Part II of Chapter 1 of Subtitle I of Title 39 of the
10 Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.124, Subpart Q-4 of
11 Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of
12 1950, comprised of R.S. 39:100.125, R.S. 39:127.2, 2161, and 2165.10; Part LX of
13 Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S.
14 40:1300.221, and 1300.263; R.S. 46:2609 and 2802, Chapter 65 of Title 46 of the
15 Louisiana Revised Statutes of 1950, comprised of R.S. 46:2901; R.S. 47:120.81,
16 322.44, 332.15, 332.50, 463.88(F) and (G); R.S. 48:393; R.S. 51:955.5, 1262.1, and
17 2315(D), relative to the elimination of certain special treasury funds; to eliminate
18 the General Aviation and Reliever Airport Maintenance Grant Program Fund,
19 Agricultural Products Processing Development Fund, Rural Development Fund,
20 Formosan Termite Initiative Fund, School and District Accountability Rewards
21 Fund, Teacher Educational Aid for Children Fund, Job Reserve Fund, Teachers
22 Education Incentive Program Trust Fund, Louisiana Opportunity Loan Fund,
23 Director Of Workers' Compensation Revolving Fund, Domestic Violence Victims
24 Account, Special Fund for the Vocational Rehabilitation of Individuals with
25 Disabilities, Louisiana Historic Cemetery Trust Fund, Casino Gaming Proceeds
26 Fund, State Disaster or Emergency Relief Fund, Used Oil Recycling Trust Fund,
27 Greater New Orleans Expressway Commission Additional Cost Fund, Office of
28 Motor Vehicles Testing Fund, Louisiana Used Motor Vehicle Commission Fund,
29 Allen Parish Local Government Gaming Mitigation Fund, Louisiana Blighted

1 Property Reclamation Revolving Loan Fund, Louisiana Auctioneers Licensing Board
2 Fund, Addictive Disorders Professionals Licensing and Certification Fund, Small
3 Contract Bond Fund, Municipalities Energy Expense Fund, Louisiana Economic and
4 Port Development Infrastructure Fund, Manufactured Home Tax Fairness Fund,
5 Grants for Grads Fund, FEMA Mobile Home Reimbursement Fund, Hurricane
6 Recovery Health Insurance Premium Fund, Center of Excellence for Autism
7 Spectrum Disorder Fund, Walking the Walk of Our Kids Fund, Technology
8 Commercialization Fund, Statewide Education Facilities Fund, Capitol Complex
9 Master Plan Fund, Hurricane Relief Programs Fraud Detection Fund, Oil Spill Relief
10 Programs Fraud Detection Fund, Community-based Primary Health Care Initiative
11 Fund, Tobacco Control Program Fund, Louisiana Children, Youth and Families
12 Investment Fund, Child Poverty Prevention Fund, Community Hospital Stabilization
13 Fund, St. Helena Parish Tourist Commission Fund, Claiborne Parish Tourism and
14 Economic Development Fund, Kappa Kamp Fund, Railroad Crossing Safety Fund,
15 Broadband Infrastructure and Information Technology Fund, Louisiana Welcome
16 Center Improvement Fund, Rural Economic Development Account, and the
17 Manufactured and Mobile Homes Settlement Fund; to authorize the transfer of
18 balances between funds; to provide for deposit of monies into the state general fund;
19 and to provide for related matters.

20 Be it enacted by the Legislature of Louisiana:

21 Section 1. R.S. 3:3391.12(C) is hereby enacted to read as follows:

22 §3391.12. Enforcement; civil penalties

23 * * *

24 **(C) All assessments, fees, penalties, and other funds received under the**
25 **provisions of this Part shall be deposited immediately upon receipt into the state**
26 **treasury.**

27 Section 2. R.S. 17:3045.3 and 3045.8 are hereby amended and reenacted to read as
28 follows:

29 §3045.3. Appropriation; procedure

B. The commission may administer and manage all money, including any appropriation to the commission from the state general fund for the purpose of making loans pursuant to this Chapter, all interest made on loans pursuant to this Chapter and all principal repaid on loans that has been appropriated in whatever manner maximizes the amount of money available for LA-OP loans that is consistent with federal reinsurance requirements and state budget practices.

§3045.8. Loan funds; availability

Section 3. R.S. 23:3003 is hereby amended and reenacted to read as follows:

The Louisiana Workforce Commission may receive any donations, either from public or private sources offered unconditionally, or under such conditions related to the vocational rehabilitation of persons disabled in industry or otherwise determined by the department to be proper and consistent with the provisions of this Part. All the monies received as donations shall be deposited in the state treasury and shall constitute a permanent fund to be called the special fund for the vocational rehabilitation of individuals with disabilities. A full report of all donations received and accepted, together with the names of the donor and the respective amounts contributed by each, and all disbursements therefrom shall be submitted annually to the governor by the Louisiana Workforce Commission.

Section 4. R.S. 25:933(9) through (15), and 941(A) and the introductory paragraph of (B)(1) are hereby amended and enacted to read as follows:

1 §933. Definitions

2 The following words and phrases when used in this Chapter shall have the
3 meanings given to them in this Section unless the context clearly indicates otherwise:

4 * * *

5 ~~(9) "Fund" shall mean the Louisiana Historic Cemetery Trust Fund.~~

6 ~~(10)~~ **(10)** "Grave space" shall mean a grave, crypt, vault, niche, tomb, lawn crypt,
7 or any other property used or intended to be used for the interment of human
8 remains. The term shall also include any marker or other means of commemoration
9 associated with the grave space.

10 ~~(11)~~ **(10)** "Historic cemetery" shall mean any abandoned cemetery located in
11 the state that is more than fifty years old and is not subject to the laws, rules, and
12 regulations of the board or Chapter 10-A of Title 8 of the Louisiana Revised Statutes
13 of 1950.

14 ~~(12)~~ **(11)** "Human skeletal remains" shall mean any part of the body of a
15 deceased human being in any stage of decomposition.

16 ~~(13)~~ **(12)** "Isolated grave" shall mean any marked grave site that is not part
17 of a larger cemetery and is not subject to the laws, rules, and regulations of the board
18 or Chapter 10-A of Title 8 of the Louisiana Revised Statutes of 1950. The term shall
19 also include groupings of multiple graves that are not part of a larger cemetery.

20 ~~(14)~~ **(13)** "Modification" shall mean the altering of the original substance of
21 a grave space.

22 ~~(15)~~ **(14)** "Program" shall mean the Louisiana Historic Cemetery Preservation
23 Program.

24 ~~(16)~~ **(15)** "Unmarked burial site" shall have the same meaning as provided
25 in R.S. 8:673.

26 * * *

27 §941. Louisiana Historic Cemetery Trust ~~Fund~~ Advisory Board; creation;
28 membership

29 A. There is hereby created the Louisiana Historic Cemetery Trust ~~Fund~~

1 Advisory Board within the Department of Culture, Recreation and Tourism, office
2 of cultural development, division of archaeology.

3 B.(1) The Louisiana Historic Cemetery Trust Fund Advisory Board shall be
4 comprised of nine members as follows:

5 * * *

6 Section 5. R.S. 32:57(G)(2), 171(F)(1) and (2), 175(C)(4), the introductory
7 paragraph of 412(H)and (H)(1), and 783(G) are hereby amended and reenacted to read as
8 follows:

9 §57. Penalties; alternatives to citation

10 * * *

11 G.

12 * * *

13 (2) All proceeds generated by this additional cost shall be deposited into the
14 state treasury. ~~After compliance with the requirements of Article VII, Section 9(B)~~
15 ~~of the Constitution of Louisiana relative to the Bond Security and Redemption Fund,~~
16 ~~and prior to monies being placed in the state general fund, an amount equal to that~~
17 ~~deposited as required in this Subsection shall be credited to a special fund hereby~~
18 ~~created in the state treasury to be known as the Greater New Orleans Expressway~~
19 ~~Commission Additional Cost Fund. The monies in this fund shall be appropriated by~~
20 ~~the legislature to the Greater New Orleans Expressway Commission and shall be~~
21 ~~used by the commission to supplement the salaries of P.O.S.T. certified officers and~~
22 ~~for the acquisition or upkeep of police equipment. All unexpended and~~
23 ~~unencumbered monies in this fund at the end of the fiscal year shall remain in such~~
24 ~~fund. The monies in this fund shall be invested by the state treasurer in the same~~
25 ~~manner as monies in the state general fund and interest earned on the investment of~~
26 ~~monies shall be credited to this fund, again, following compliance with the~~
27 ~~requirements of Article VII, Section 9(B) of the Constitution, relative to the Bond~~
28 ~~Security and Redemption Fund. The monies appropriated by the legislature pursuant~~
29 ~~to this Paragraph shall not displace, replace, or supplant appropriations otherwise~~

made from the general fund for the Greater New Orleans Expressway Commission.

* * *

§171. Obedience to signal indicating approach to train; reporting violations;
penalties

* * *

F. Any person who violates any provision of this Section shall be fined as follows:

(1) On first offense the fine shall be not more than two hundred dollars or imprisonment for not more than thirty days, or both. In addition, the person in violation shall be required to attend an Operation Lifesaver Course to be given by a certified Operation Lifesaver presenter within one hundred eighty days after adjudication of the citation. It shall be the responsibility of the violator to notify the appropriate court of the successful completion of the Operation Lifesaver Course. Twenty-five dollars of each fine imposed pursuant to the provisions of this Paragraph shall be collected by the court and shall immediately be forwarded to the state treasurer **for deposit in the state treasury.** ~~After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, an amount equal to that deposited into the state treasury shall be deposited and credited to the Railroad Crossing Safety Fund as created pursuant to the provisions of R.S. 48:393.~~

(2) On second and each subsequent offense, the fine shall not be more than five hundred dollars or imprisonment for not more than ninety days, or both. In addition, the person in violation shall be required to attend a one-day safe driver's course designed by Operation Lifesaver within one hundred eighty days after adjudication of the citation. It shall be the responsibility of the violator to notify the appropriate court of the successful completion of the Operation Lifesaver Course. Twenty-five dollars of each fine imposed pursuant to the provisions of this Paragraph shall be collected by the court and shall immediately be forwarded to the state treasurer for deposit in the state treasury. ~~After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, an amount equal to that~~

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* * *

Coding: Words which are ~~struck through~~ are deletions from existing law; words in **boldface type and underscored** are additions.

* * *

§783. Used Motor Vehicle Commission; appointment and qualification; terms of office; powers and duties

* * *

G. All fees and charges under the provisions of this Chapter shall be collected and received by the executive director of the commission and deposited by him in a special fund to be known as the Louisiana Used Motor Vehicle Commission Fund. ~~The proceeds of the fund shall be disbursed by him at the direction of the commission in administering and enforcing the provisions of this Chapter.~~ **the state treasury.**

* * *

Section 6. R.S. 36:209(T) is hereby amended and reenacted to read as follows:

§209. Transfer of boards, commissions, departments, and agencies to Department of Culture, Recreation and Tourism

* * *

T. The Louisiana Historic Cemetery Trust ~~Fund~~ Advisory Board (R.S. 25:940-943) shall be placed within the Department of Culture, Recreation and Tourism as provided for agencies transferred in accordance with R.S. 36:802.

* * *

Section 7. R.S. 37:3390.6 is hereby amended and reenacted to read as follows:

§3390.6. Addictive Disorders Professionals Licensing and Certification Fund

~~A. There is hereby established in the state treasury a special fund to be known as the "Addictive Disorders Professionals Licensing and Certification Fund," hereinafter referred to as the "fund."~~

~~B. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state that become due and payable within a fiscal year, the treasurer in each fiscal year shall pay into the fund an amount equal to the total amount of all donations, penalties, and licensing and certification fees collected~~

1 pursuant to the provisions of this Chapter.

2 ~~C. The monies in this fund shall be used solely as provided in Subsection D~~
3 ~~hereof and only in the amounts appropriated by the legislature. All unexpended and~~
4 ~~unencumbered monies in the fund at the end of the fiscal year shall remain in the~~
5 ~~fund and be available for appropriation in the next fiscal year in the same manner as~~
6 ~~provided herein. Monies in the fund shall be invested by the state treasurer with the~~
7 ~~same authority and subject to the same restrictions as for investment of the state~~
8 ~~general fund. Interest earned on the investment of these monies shall be credited to~~
9 ~~the state general fund.~~

10 ~~D. The monies in the fund shall be used by the Department of Health and~~
11 ~~Hospitals solely for the administration, monitoring, and enforcement of the licensing~~
12 ~~and certification provisions of this Chapter.~~

13 E A. The department shall, by rule, adopt a schedule of fees and penalties to
14 be charged relative to the issuance of licenses and certifications, as provided in this
15 Chapter.

16 F B. The department is authorized to impose and collect the following fees:

17 (1) Each application for a licensed addiction counselor, certified addiction
18 counselor, or registered addiction counselor shall be accompanied by a fee prescribed
19 by the department. The fee for processing the application shall be in an amount at
20 least sufficient to cover the cost of processing the application, but shall not be less
21 than one hundred dollars nor more than three hundred dollars. The fee for
22 administering the written examination shall be in an amount at least sufficient to
23 cover the cost of administering the written examination, but shall not be less than one
24 hundred dollars nor more than three hundred dollars. The fee for the oral
25 examination or case presentation shall not be less than one hundred dollars nor more
26 than three hundred dollars. The renewal fee for a licensed addiction counselor,
27 certified addiction counselor, or registered addiction counselor shall not be less than
28 one hundred dollars nor more than three hundred dollars.

29 (2) Each application for a certified prevention specialist or registered

1 preventionist shall be accompanied by a fee prescribed by the department. The fee
2 for processing the application shall be in an amount at least sufficient to cover the
3 cost of processing the application, but shall not be less than one hundred dollars nor
4 more than three hundred dollars. The fee for administering the written examination
5 shall be in an amount at least sufficient to cover the cost of administering the written
6 examination, but shall not be less than one hundred dollars nor more than three
7 hundred dollars. The renewal fee for a certified prevention specialist or registered
8 preventionist shall not be less than one hundred dollars nor more than three hundred
9 dollars.

10 (3) Each application for a certified clinical supervisor or certified compulsive
11 gambling counselor shall be accompanied by a fee prescribed by the department. The
12 fee for processing the application shall be in an amount at least sufficient to cover
13 the cost of processing the application, but shall not be less than fifty dollars nor more
14 than two hundred dollars. The fee for administering the written examination shall be
15 in an amount at least sufficient to cover the cost of administering the written
16 examination, but shall not be less than fifty dollars nor more than two hundred
17 dollars. The renewal fee for a certified clinical supervisor or certified compulsive
18 gambling counselor shall not be less than one hundred dollars nor more than three
19 hundred dollars.

20 (4) Each application for a counselor-in-training or prevention specialist-in-
21 training shall be accompanied by a fee prescribed by the department. The fee shall
22 be in an amount at least sufficient to cover the cost of processing the application, but
23 shall not be less than twenty-five dollars nor more than one hundred dollars. The
24 renewal fee for a certified clinical supervisor or certified compulsive gambling
25 counselor shall not be less than twenty-five dollars nor more than one hundred
26 dollars.

27 (5) Each application for an addiction treatment assistant shall be accompanied
28 by a fee prescribed by the department. The fee for processing the application shall
29 be in an amount at least sufficient to cover the cost of processing the application, but

1 shall not be less than twenty-five dollars nor more than one hundred dollars. The fee
2 for administering the written examination shall be in an amount at least sufficient to
3 cover the cost of administering the written examination, but shall not be less than
4 twenty-five dollars nor more than one hundred dollars. The renewal fee for an
5 addiction treatment assistant shall not be less than twenty-five nor more than one
6 hundred dollars.

7 (6) The department may require that each application or request for a copy
8 of any roster maintained pursuant to R.S. 37:3388.4(9) be accompanied by a fee of
9 not less than one hundred dollars nor more than three hundred dollars.

10 (7) Each training or educational institute, provider, or institution shall pay a
11 fee of not less than two hundred nor more than two hundred fifty dollars to the
12 department in order to be authorized to provide approved education, training, and
13 courses. Such authorization shall be valid for a period of one year. For those
14 education providers who elect not to seek annual approval, the department is
15 authorized to impose and collect a fee of not less than one hundred nor more than
16 one hundred fifty dollars for each course approved. In addition, all providers
17 submitting course reports shall pay a fee of not less than one nor more than five
18 dollars per participant.

19 (8) Any person seeking approval of continuing education credit when those
20 credits were not approved pursuant to Paragraph (7) of this Subsection, shall pay a
21 fee of not less than twenty-five dollars nor more than fifty dollars for each fifteen
22 hours of continuing education credit.

23 Section 8. R.S. 38:2216(E) is hereby amended and reenacted to read as follows:

24 §2216. Written contract and bond

25 * * *

26 E. In the event the responsible bidder, though meeting the requirements of
27 Subsection D of this Section, is unable to secure the performance bond required
28 under Subsection C(1) of this Section, the responsible bidder shall pay a fee equal
29 to the cost of a Small Business Administration guaranteed bond, as provided for

1 under the provisions of Subsection C(1) of this Section. All such fees shall be paid
2 into the state treasury by the commissioner of administration and shall be credited
3 to the Bond Security and Redemption Fund. ~~Out of the funds remaining in the Bond~~
4 ~~Security and Redemption Fund, after a sufficient amount is allocated from that fund~~
5 ~~to pay all obligations secured by the full faith and credit of the state which become~~
6 ~~due and payable within any fiscal year, the treasurer shall, prior to placing such~~
7 ~~remaining funds in the state general fund, pay into a special fund, which is hereby~~
8 ~~created in the state treasury and designated as the "Small Contract Bond Fund", an~~
9 ~~amount equal to the total amount of the fees paid to the commissioner under this~~
10 ~~Subsection. The monies in the Small Contract Bond Fund shall be used solely to~~
11 ~~offset future defaults which may arise under the program established by this~~
12 ~~Subsection, subject to legislative appropriation.~~

13 * * *

14 Section 9. R.S. 39:100.94(B)(1), 2162(B), and 2165.11(B) are hereby amended and
15 reenacted to read as follows:

16 §100.94. Grants for Grads Program; grants; recapture of grant funds under certain
17 circumstances

18 * * *

19 B. Grant award. (1) Grant awards shall be provided from monies appropriated
20 ~~from the Grants for Grads Fund.~~ **by the legislature.** A grant award shall be given
21 to a graduate whose application has been deemed by the agency to be timely,
22 authentic, and complete and who has been selected as one of one hundred grantees
23 in a random lottery conducted by the agency by January thirty-first of each year. The
24 lottery pool shall include all graduate applicants who have filed applications within
25 the last calendar year. If there are less than one hundred applicants for grant awards
26 in a given calendar year, then the requirement of a lottery shall be dispensed with and
27 all applicants shall be awarded grants. At the time of the awarding of a grant to a
28 married person, if his spouse has registered for the program, then the spouse's
29 participation in the program shall be combined with the grantee spouse's application

for purposes of this Subpart. The awarding of a grant shall be evidenced by written notification to the grantee, which notification shall clearly state the amount of the grant and the start and end dates of the award period. The agency shall provide such notification within sixty days after completion of the lottery. The award period shall be from the start date through the last day of the thirty-sixth month thereafter. Once a grant has been awarded to a married person, then there shall be no eligibility for any additional award or increment of an award to his spouse.

* * *

§2162. Rewards for fraud and abuse information

* * *

B. The attorney general shall grant rewards only to the extent monies are appropriated for this purpose ~~from the Hurricane Relief Programs Fraud Detection Fund~~ **by the legislature**. The attorney general shall determine the amount of a reward, not to exceed two thousand dollars per individual per action, and establish a process to grant the reward in accordance with rules and regulations promulgated in accordance with the Administrative Procedure Act.

* * *

§2165.11. Rewards for fraud and abuse information

* * *

B. The attorney general shall grant rewards only to the extent monies are appropriated for this purpose ~~from the Oil Spill Relief Programs Fraud Detection Fund~~ **by the legislature**. The attorney general shall determine the amount of a reward, not to exceed two thousand dollars per individual per action, and establish a process to grant the reward in accordance with rules and regulations promulgated in accordance with the Administrative Procedure Act.

Section 10. R.S. 47:463.88(E) is hereby amended and reenacted to read as follows:

§463.88. Special prestige license plates; Kappa Alpha Psi Fraternity, Inc.

* * *

~~GE~~. The secretary shall establish rules and regulations as are necessary to

1 implement the provisions of this Section, including but not limited to rules and
2 regulations governing the collection and disbursement of fees, the transfer and
3 disposition of such license plates, the colors available, and the design criteria.

4 Section 11. R.S. 51:955.4(F) is hereby amended and reenacted to read as follows:

5 §955.4. Duties of the council; strategic plan; subcommittees; staff; grants,
6 contributions, and appropriations

7 * * *

8 F. The executive director may apply for, accept, and utilize grants,
9 contributions, and other funding ~~through the Broadband Infrastructure and~~
10 ~~Information Technology Fund~~ in order to carry out the duties and goals set forth by
11 the council.

12 Section 12. Sections 2, 3, 4(C), and 5 of Act No. 1212 of the 2001 Regular Session
13 are hereby amended and reenacted to read as follows:

14 * * *

15 Section 2. ~~There is hereby established a special custodial fund in the state~~
16 ~~treasury to be known as the "Manufactured and Mobile Homes Settlement Fund",~~
17 ~~hereinafter "the fund". The source of monies in the fund shall be all All state monies~~
18 which are associated with the payment of the state sales and use taxes on
19 manufactured and mobile homes which are presently held in escrow by the office of
20 motor vehicles, Department of Public Safety, pursuant to the Order dated October
21 22, 1999, in "Shirley M. Avants and Jim W. Miley v. John Neely Kennedy,
22 Secretary, Department of Revenue and Taxation, State of Louisiana; and Elmer
23 Litchfield, Sheriff of East Baton Rouge Parish:", **shall be deposited into the state**
24 **treasury.** The secretary of the Department of Revenue shall pay the judgment
25 rendered on February 5, 2001, in the matter of "Shirley M. Avants and Jim W. Miley
26 v. John Neely Kennedy, Secretary, Department of Revenue and Taxation, State of
27 Louisiana; and Elmer Litchfield, Sheriff of East Baton Rouge Parish", bearing No.
28 434,575 on the docket of the Nineteenth Judicial District Court, in the amount of
29 \$5,167,194.00, plus interest from the date of the judgment out of the funds in escrow.

1 Once this payment is made and an order is issued releasing the funds from escrow,
2 the state treasurer shall transfer all remaining state tax monies held in escrow to the
3 fund **state general fund**. ~~Monies in the fund shall only be used for the purpose of~~
4 ~~satisfying the settlement of the litigation. Except as provided in this Act, such~~
5 ~~monies shall not be placed in the state general fund nor be subject to appropriation.~~
6 ~~The fund shall be administered by the Department of Revenue.~~

7 Section 3. The secretary of the Department of Revenue shall pay, ~~from~~
8 ~~monies in the fund~~, the amount of state sales or use taxes paid by those persons who
9 are plaintiffs on or before the effective date of this Act in "Nancy C. Stevens and
10 Edward J. Istre, Jr. v. Brett Crawford, Secretary, Department of Revenue, State of
11 Louisiana", bearing No. 466,122 on the docket of the Nineteenth Judicial District
12 Court, "Darla M. Rossi, et al v. Cynthia Bridges, Secretary, Department of Revenue,
13 State of Louisiana", bearing No. 478,526 on the docket of the Nineteenth Judicial
14 District Court, and "Jim W. Miley, Individually, and on behalf of all others similarly
15 situated v. John Neely Kennedy, Secretary, Department of Revenue and Taxation,
16 State of Louisiana", bearing No. 4695 on the docket of the Board of Tax Appeals for
17 the state of Louisiana.

18 * * *

19 Section 4.

20 * * *

21 C. Notwithstanding the formula specified in this Section, no individual's
22 settlement amount shall exceed the amount of state sales or use tax he actually paid.
23 ~~The settlement payments with regard to these claims shall be made out of the fund~~
24 ~~by the Department of Revenue.~~ Such settlement payments will only be made after
25 the Department of Revenue receives notification from the Board of Tax Appeals that
26 all claims filed in accordance with this Section have been considered and notice of
27 the board's disposition of each such claim.

28 Section 5. Notwithstanding any provision of this Act to the contrary, after
29 the payments set forth in Sections 3 and 4 of this Act are made, any money that

remains in the ~~Manufactured and Mobile Homes Settlement Fund~~ shall be deposited
in and credited to the state general fund.

* * *

Section 12. R.S. 2:904; R.S. 3:283.2(H), Part II of Chapter 4-A of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:321 through 323, and 3391.13; R.S. 17:10.3, 421.12, 2036, and 3042.11; R.S. 23:1310.12, Part XIII of Chapter 11 of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:1771 through 1776, and 3003; R.S. 25:933(16), 940 and 942; R.S. 27:270(B); R.S. 29:731.1; R.S. 30:2417(B) and (C); R.S. 32:412(H)(2) and (3), and 783(H); R.S. 33:3006, 4769 and 4770; R.S. 37:3119; Subpart H of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.11 and 100.12, Subpart L of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.36, Subpart P of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.71, 100.93, Subpart P-3 of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.101, Subpart Q of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.121, Subpart Q-1 of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:122, Subpart Q-2 of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.123, Subpart Q-3 of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.124, Subpart Q-4 of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.125, R.S. 39:127.2, 2161, and 2165.10; Part LX of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1300.221, and 1300.263; R.S. 46: 2609 and 2802, Chapter 65 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2901; R.S. 47:120.81, 322.44, 332.15, 332.50, 463.88(F) and (G); R.S. 48:393; and R.S. 51:955.5, 1262.1, and 2315(D), are hereby repealed in their entirety.

Section 13. The state treasurer is authorized and directed to transfer any balances

1 remaining in the funds repealed and abolished in Sections 1 through 12 of this Act to the
2 state general fund.

3 Section 14. This Act shall become effective on July 1, 2012; if vetoed by the
4 governor and subsequently approved by the legislature, this Act shall become effective on
5 July 1, 2012, or on the day following such approval by the legislature, whichever is later.

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

DIGEST

Present law establishes various special treasury funds to provide for a dedicated source of monies for certain activities of the state and to account for and to provide for disposition of certain monies collected by state agencies.

Proposed law repeals prior law establishing certain special treasury funds and provides for the deposit of monies formerly associated with certain funds into the state general fund.

Proposed law affects the following funds:

The General Aviation and Reliever Airport Maintenance Grant Program Fund, Agricultural Products Processing Development Fund, Rural Development Fund, Formosan Termite Initiative Fund, School and District Accountability Rewards Fund, Job Reserve Fund, Teacher Education Incentive Program Trust Fund, Louisiana Opportunity Loan Fund, Teacher Educational Aid for Children Fund, Director Of Workers' Compensation Revolving Fund, Domestic Violence Victims Account, Special Fund for the Vocational Rehabilitation of Individuals with Disabilities, Louisiana Historic Cemetery Trust Fund, Casino Gaming Proceeds Fund, State Disaster or Emergency Relief Fund, Used Oil Recycling Trust Fund, Office of Motor Vehicle Testing Fund, Greater New Orleans Expressway Commission Additional Cost Fund, Louisiana Used Motor Vehicle Commission Fund, Allen Parish Local Government Gaming Mitigation Fund, Louisiana Blighted Property Reclamation Revolving Loan Fund, Louisiana Auctioneers Licensing Board Fund, Addictive Disorders Professionals Licensing and Certification Fund, Small Contract Bond Fund, Municipalities Energy Expense Fund, Louisiana Economic and Port Development Infrastructure Fund, Manufactured Home Tax Fairness Fund, Grants for Grads Fund, FEMA Mobile Home Reimbursement Fund, Hurricane Recovery Health Insurance Premium Fund, Center of Excellence for Autism Spectrum Disorder Fund, Walking the Walk of Our Kids Fund, Technology Commercialization Fund, Statewide Education Facilities Fund, Capitol Complex Master Plan Fund, Hurricane Relief Programs Fraud Detection Fund, Oil Spill Relief Programs Fraud Detection Fund, Community-based Primary Health Care Initiative Fund, Tobacco Control Program Fund, Louisiana Children Youth and Families Investment Fund, Child Poverty Prevention Fund, Community Hospital Stabilization Fund, Claiborne Parish Tourism and Economic Development Fund, St. Helena Parish Tourist Commission Fund, Kappa Kamp Fund, Railroad Crossing Safety Fund, Broadband Infrastructure and Information Technology Fund, Louisiana Welcome Center Improvement Fund, Rural Economic Development Account, and the Manufactured and Mobile Homes Settlement Fund.

Proposed law directs the treasurer to transfer any balances remaining in certain funds repealed by proposed law to the state general fund on the effective date of the Act.

Effective July 1, 2012.

(Amends R.S. 17:3045.3 and 3045.8; R.S. 23:3003; R.S. 25:933(9) through (15), and 941(A) and (B)(1)(intro. para.); R.S. 32:57(G)(2), 171(F)(1) and (2), 175(C)(4), the introduction paragraph of 412(H)(intro. para.) and (H)(1), and 783(G); R.S. 36:209(T); R.S. 37:3390.6; R.S. 38:2216(E); R.S. 39:100.94(B)(1), 2162(B), and 2165.11(B); R.S. 47:463.88(E); R.S. 51:955.4(F); and Sections 2, 3, 4(C), and 5 of Act No. 1212 of the 2001 Regular Session; adds R.S. 3:3391.12(C); repeals R.S. 2:904; R.S. 3:283.2(H), R.S. 3:321 through 323, and 3391.13; R.S. 17:10.3, 421.12, 2036, and 3042.11; R.S. 23:1310.12, and R.S. 23:1771 through 1776, and 3003; R.S. 25:933(16), 940 and 942; R.S. 27:270(B); R.S. 29:731.1; R.S. 30:2417(B) and (C); R.S. 32:412(H)(2) and (3) and 783(H); R.S. 33:3006, 4769 and 4770; R.S. 37:3119; R.S. 39:100.11, 100.12, 100.36, 100.71, 100.93, 100.101, 100.121, 122, 100.123, 100.124, 100.125, 127.2, 2161, and 2165.10; R.S. 40:1300.221 and 1300.263; R.S. 46: 2609 and 2802, R.S. 46:2901; R.S. 47:120.81, 322.44, 332.15, 332.50, 463.88(F) and (G); R.S. 48:393; R.S. 51:955.5, 1262.1, and 2315(D))