

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)

1 AN ACT  
2 To amend and reenact R.S. 17:3045.3 and 3045.8; R.S. 23:3003; R.S. 25:933(9) through  
3 (15), and 941(A) and the introductory paragraph of (B)(1); R.S. 32:57(G)(2),  
4 171(F)(1) and (2), 175(C)(4), the introductory paragraph of 412(H) and (H)(1), and  
5 783(G); R.S. 36:209(T); R.S. 37:3390.6; R.S. 38:2216(E); R.S. 39:100.94(B)(1),  
6 2162(B), and 2165.11(B); R.S. 47:463.88(E); R.S. 51:955.4(F); and Sections 2, 3,  
7 4(C), and 5 of Act No. 1212 of the 2001 Regular Session; to enact R.S.  
8 3:3391.12(C); and to repeal R.S. 2:904; R.S. 3:283.2(H), Part II of Chapter 4-A of  
9 Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:321 through  
10 323, and 3391.13; R.S. 17:10.3, 421.12, 2036, and 3042.11; R.S. 23:1310.12, and  
11 Part XIII of Chapter 11 of Title 23 of the Louisiana Revised Statutes of 1950,  
12 comprised of R.S. 23:1771 through 1776, and 3003; R.S. 25:933(16), 940 and 942;  
13 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)  
14 and 783(H); R.S. 33:3006, 4769 and 4770; R.S. 37:3119; Subpart H of Part II of  
15 Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950,  
16 comprised of R.S. 39:100.11 and 100.12, Subpart L of Part II of Chapter 1 of Subtitle  
17 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. 39:100.122, Subpart Q-2 of Part II of Chapter 1 of  
8 Subtitle 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; R.S. 47:120.81, 322.44, 332.15,  
15 332.50, 463.88(F) and (G); R.S. 48:393; R.S. 51:955.5, 1262.1, and 2315(D), relative  
16 to the elimination of certain special treasury funds; to eliminate the General Aviation  
17 and Reliever Airport Maintenance Grant Program Fund, Agricultural Products  
18 Processing Development Fund, Rural Development Fund, Formosan Termite  
19 Initiative Fund, School and District Accountability Rewards Fund, Teacher  
20 Educational Aid for Children Fund, Job Reserve Fund, Teachers Education Incentive  
21 Program Trust Fund, Louisiana Opportunity Loan Fund, Director of Workers'  
22 Compensation Revolving Fund, Domestic Violence Victims Account, Special Fund  
23 for the Vocational Rehabilitation of Individuals with Disabilities, Louisiana Historic  
24 Cemetery Trust Fund, Casino Gaming Proceeds Fund, State Disaster or Emergency  
25 Relief Fund, Used Oil Recycling Trust Fund, Greater New Orleans Expressway  
26 Commission Additional Cost Fund, Office of Motor Vehicles Testing Fund,  
27 Louisiana Used Motor Vehicle Commission Fund, Allen Parish Local Government  
28 Gaming Mitigation Fund, Louisiana Blighted Property Reclamation Revolving Loan  
29 Fund, Louisiana Auctioneers Licensing Board Fund, Addictive Disorders

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

18 Be it enacted by the Legislature of Louisiana:

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

20 §3391.12. Enforcement; civil penalties

21 \* \* \*

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

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

27 §3045.3. Appropriation; procedure

28 ~~A. The legislature shall appropriate all funds out of the LA-OP Loan Fund~~  
 29 ~~to the commission for the commission's use in making loans in addition to any~~



1 meanings given to them in this Section unless the context clearly indicates otherwise:

2 \* \* \*

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

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

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

12 (12) "Human skeletal remains" shall mean any part of the body of a  
13 deceased human being in any stage of decomposition.

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

18 (14) "Modification" shall mean the altering of the original substance of  
19 a grave space.

20 (15) "Program" shall mean the Louisiana Historic Cemetery Preservation  
21 Program.

22 (16) "Unmarked burial site" shall have the same meaning as provided  
23 in R.S. 8:673.

24 \* \* \*

25 §941. Louisiana Historic Cemetery Trust ~~Fund~~ Advisory Board; creation;  
26 membership

27 A. There is hereby created the Louisiana Historic Cemetery Trust ~~Fund~~  
28 Advisory Board within the Department of Culture, Recreation and Tourism, office  
29 of cultural development, division of archaeology.

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

3                                           \*       \*       \*

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

7                   §57. Penalties; alternatives to citation

8                                           \*       \*       \*

9                   G.

10                                          \*       \*       \*

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

29                                          \*       \*       \*

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

3 \* \* \*

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

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

18 (2) On second and each subsequent offense, the fine shall not be more than  
19 five hundred dollars or imprisonment for not more than ninety days, or both. In  
20 addition, the person in violation shall be required to attend a one-day safe driver's  
21 course designed by Operation Lifesaver within one hundred eighty days after  
22 adjudication of the citation. It shall be the responsibility of the violator to notify the  
23 appropriate court of the successful completion of the Operation Lifesaver Course.  
24 Twenty-five dollars of each fine imposed pursuant to the provisions of this Paragraph  
25 shall be collected by the court and shall immediately be forwarded to the state  
26 treasurer for deposit in the state treasury. ~~After compliance with the requirements of~~  
27 ~~Article VII, Section 9(B) of the Constitution of Louisiana, an amount equal to that~~  
28 ~~deposited into the state treasury shall be deposited in and credited to the Railroad~~  
29 ~~Crossing Safety Fund pursuant to R.S. 48:393.~~

\* \* \*

§175. Vehicles must yield at railroad grade crossings; exceptions; penalties for violations

\* \* \*

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

\* \* \*

(4) No less than twenty-five dollars of each fine imposed pursuant to the provisions of this Section 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 in and credited to the Railroad Crossing Safety Fund pursuant to R.S. 48:393.~~

\* \* \*

§412. Amount of fees; credit or refund; duration of license; disbursement of funds; renewal by mail or electronic commerce of Class "D" or "E" drivers' licenses; disposition of certain fees; exception

\* \* \*

H. Each person who takes a test a second or subsequent time, whether written or driving, which is administered by the office of motor vehicles in connection with an application for the issuance or renewal of a driver's license shall pay a testing fee. The fee shall not be refundable. The office of motor vehicles shall establish the fee by rule adopted in accordance with the Administrative Procedure Act. The amount of the fee shall not exceed ten dollars. The fees collected under the provisions of this Subsection shall be ~~subject to the following provisions:~~

~~(1) The fees shall be~~ deposited immediately upon receipt into the state treasury.

\* \* \*

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

1 office; powers and duties

2 \* \* \*

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

8 \* \* \*

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

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

12 \* \* \*

13 T. The Louisiana Historic Cemetery Trust ~~Fund~~ Advisory Board (R.S.  
14 25:940-943) shall be placed within the Department of Culture, Recreation and  
15 Tourism as provided for agencies transferred in accordance with R.S. 36:802.

16 \* \* \*

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

18 §3390.6. Addictive Disorders Professionals Licensing and Certification Fund

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

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

28 C. ~~The monies in this fund shall be used solely as provided in Subsection D~~  
29 ~~hereof and only in the amounts appropriated by the legislature. All unexpended and~~

1           ~~unencumbered monies in the fund at the end of the fiscal year shall remain in the~~  
2           ~~fund and be available for appropriation in the next fiscal year in the same manner as~~  
3           ~~provided herein. Monies in the fund shall be invested by the state treasurer with the~~  
4           ~~same authority and subject to the same restrictions as for investment of the state~~  
5           ~~general fund. Interest earned on the investment of these monies shall be credited to~~  
6           ~~the state general fund.~~

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

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

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

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

26               (2) Each application for a certified prevention specialist or registered  
27               preventionist shall be accompanied by a fee prescribed by the department. The fee  
28               for processing the application shall be in an amount at least sufficient to cover the  
29               cost of processing the application, but shall not be less than one hundred dollars nor

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

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

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

24 (5) Each application for an addiction treatment assistant shall be accompanied  
25 by a fee prescribed by the department. The fee for processing the application shall  
26 be in an amount at least sufficient to cover the cost of processing the application, but  
27 shall not be less than twenty-five dollars nor more than one hundred dollars. The fee  
28 for administering the written examination shall be in an amount at least sufficient to  
29 cover the cost of administering the written examination, but shall not be less than

1 twenty-five dollars nor more than one hundred dollars. The renewal fee for an  
2 addiction treatment assistant shall not be less than twenty-five nor more than one  
3 hundred dollars.

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

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

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

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

21 §2216. Written contract and bond

22 \* \* \*

23 E. In the event the responsible bidder, though meeting the requirements of  
24 Subsection D of this Section, is unable to secure the performance bond required  
25 under Subsection C(1) of this Section, the responsible bidder shall pay a fee equal  
26 to the cost of a Small Business Administration guaranteed bond, as provided for  
27 under the provisions of Subsection C(1) of this Section. All such fees shall be paid  
28 into the state treasury by the commissioner of administration and shall be credited  
29 to the Bond Security and Redemption Fund. ~~Out of the funds remaining in the Bond~~



1 notification within sixty days after completion of the lottery. The award period shall  
 2 be from the start date through the last day of the thirty-sixth month thereafter. Once  
 3 a grant has been awarded to a married person, then there shall be no eligibility for  
 4 any additional award or increment of an award to his spouse.

\* \* \*

6 §2162. Rewards for fraud and abuse information

7 \* \* \*

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

14 \* \* \*

15 §2165.11. Rewards for fraud and abuse information

16 \* \* \*

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

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

24 §463.88. Special prestige license plates; Kappa Alpha Psi Fraternity, Inc.

25 \* \* \*

26 ~~G~~**E**. The secretary shall establish rules and regulations as are necessary to  
 27 implement the provisions of this Section, including but not limited to rules and  
 28 regulations governing the collection and disbursement of fees, the transfer and  
 29 disposition of such license plates, the colors available, and the design criteria.

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

2 §955.4. Duties of the council; strategic plan; subcommittees; staff; grants,  
3 contributions, and appropriations

4 \* \* \*

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

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

11 \* \* \*

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

1 ~~satisfying the settlement of the litigation. Except as provided in this Act, such~~  
2 ~~monies shall not be placed in the state general fund nor be subject to appropriation.~~  
3 ~~The fund shall be administered by the Department of Revenue.~~

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

15 \* \* \*

16 Section 4.

17 \* \* \*

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

25 Section 5. Notwithstanding any provision of this Act to the contrary, after  
26 the payments set forth in Sections 3 and 4 of this Act are made, any money that  
27 remains ~~in the Manufactured and Mobile Homes Settlement Fund~~ shall be deposited  
28 in and credited to the state general fund.

29 \* \* \*

1           Section 13. R.S. 2:904; R.S. 3:283.2(H), Part II of Chapter 4-A of Title 3 of the  
2 Louisiana Revised Statutes of 1950, comprised of R.S. 3:321 through 323, and 3391.13; R.S.  
3 17:10.3, 421.12, 2036, and 3042.11; R.S. 23:1310.12, Part XIII of Chapter 11 of Title 23 of  
4 the Louisiana Revised Statutes of 1950, comprised of R.S. 23:1771 through 1776, and 3003;  
5 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.  
6 32:412(H)(2) and (3), and 783(H); R.S. 33:3006, 4769 and 4770; R.S. 37:3119; Subpart H  
7 of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950,  
8 comprised of R.S. 39:100.11 and 100.12, Subpart L of Part II of Chapter 1 of Subtitle I of  
9 Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.36, Subpart  
10 P of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950,  
11 comprised of R.S. 39:100.71, 100.93, Subpart P-3 of Part II of Chapter 1 of Subtitle I of  
12 Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.101, Subpart  
13 Q of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950,  
14 comprised of R.S. 39:100.121, Subpart Q-1 of Part II of Chapter 1 of Subtitle I of Title 39  
15 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.122, Subpart Q-2 of  
16 Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950,  
17 comprised of R.S. 39:100.123, Subpart Q-3 of Part II of Chapter 1 of Subtitle I of Title 39  
18 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.124, Subpart Q-4 of  
19 Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950,  
20 comprised of R.S. 39:100.125, R.S. 39:127.2, 2161, and 2165.10; Part LX of Chapter 5 of  
21 Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1300.221, and  
22 1300.263; R.S. 46:2609 and 2802; R.S. 47:120.81, 322.44, 332.15, 332.50, 463.88(F) and  
23 (G); R.S. 48:393; and R.S. 51:955.5, 1262.1, and 2315(D) are hereby repealed in their  
24 entirety.

25           Section 14. The state treasurer is authorized and directed to transfer any balances  
26 remaining in the funds repealed and abolished in Sections 1 through 13 of this Act to the  
27 state general fund.

28           Section 15. This Act shall become effective on July 1, 2012; if vetoed by the  
29 governor and subsequently approved by the legislature, this Act shall become effective on

1 July 1, 2012, or on the day following such approval by the legislature, whichever is later.

---

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

---

#### DIGEST

Alario (SB 590)

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, 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)-(15), and 941(A) and (B)(1)(intro para); R.S. 32:57(G)(2), 171(F)(1) and (2), 175(C)(4), 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 RS; adds R.S. 3:3391.12(C); repeals R.S. 2:904; R.S. 3:283.2(H), 321-323, and 3391.13; R.S. 17:10.3, 421.12, 2036, and 3042.11; R.S. 23:1310.12, 1771-1776, 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, 100.122, 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. 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))

#### Summary of Amendments Adopted by Senate

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

1. Removes the Community Hospital Stabilization Fund from the bill, thereby continuing the existence of the Community Hospital Stabilization Fund.
2. Technical Amendments.

##### Senate Floor Amendments to engrossed bill

1. Retains provision relative to the La. Used Motor Vehicle Commission so that while its fund is eliminated, the funds remain with the commission to be disbursed by the executive director at the direction of the commission for the purpose of administering and enforcing the provisions of present law.
2. Makes technical changes.