

Regular Session, 2012
HOUSE BILL NO. 822
BY REPRESENTATIVE FANNIN

ACT No. 597

1 AN ACT

2 To amend and reenact R.S. 22:842, R.S. 24:39(D), and R.S. 47:302.2(B), 332.4(B),
3 332.6(B), 332.18(B), and 332.19(B) and to enact R.S. 47:302.2(D), relative to special
4 treasury funds; to provide for deposits into the Louisiana Medical Assistance Trust
5 Fund; to provide for the allowable use of monies in the Legislative Capitol
6 Technology Enhancement Fund; to provide for the use of monies in the Shreveport
7 Riverfront and Convention Center and Independence Stadium Fund, the St. John the
8 Baptist Convention Facility Fund, the Iberville Parish Visitor Enterprise Fund, and
9 the West Baton Rouge Parish Visitor Enterprise Fund; to provide for the transfer,
10 dedication, use, and appropriations as specified of certain treasury funds; to provide
11 for the deposit of certain funds into the state treasury; to provide for effective dates;
12 and to provide for related matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. R.S. 22:842 is hereby amended and enacted to read as follows:

15 §842. Life, accident, health, or service insurance

16 A. Upon the business of issuing life, accident, health, or service insurance
17 policies, or other forms of contracts or obligations covering such risks, or issuing
18 endowment policies on contracts, or other similar forms of contract obligations, the
19 minimum annual tax shall be one hundred forty dollars when the gross annual
20 premiums are seven thousand dollars or less. When the gross annual premiums are
21 more than seven thousand dollars, the amount of tax payable shall be increased to
22 two hundred twenty-five dollars for each additional ten thousand dollars, or fraction
23 thereof, of gross annual premiums. The business of issuing each of the kinds of
24 insurance or contracts mentioned in this Section may be combined under one tax, and
25 the amount of the tax shall be based on the combined gross annual premiums of all
26 such businesses.

1 remain in the fund. The monies in the fund shall be invested by the treasurer in the
2 same manner as the monies in the state general fund, and all interest earned shall be
3 deposited in the state general fund.

4 * * *

5 §332.18. Disposition of certain collections in Iberville Parish

6 * * *

7 B. The monies in the Iberville Parish Visitor Enterprise Fund shall be subject
8 to an annual appropriation by the legislature to the parish governing authority of
9 Iberville Parish. The monies in the fund shall be made available exclusively for
10 economic development and tourism purposes, planning, development, or capital
11 improvements of tourism sites in the parish of Iberville. All unexpended and
12 unencumbered monies in the fund shall remain in the fund. The monies in the fund
13 shall be invested by the treasurer in the same manner as the monies in the state
14 general fund, and all interest earned shall be deposited in the state general fund.

15 * * *

16 §332.19. Disposition of certain collections in West Baton Rouge Parish

17 * * *

18 B. The monies in the West Baton Rouge Parish Visitor Enterprise Fund shall
19 be subject to an annual appropriation by the legislature to the parish governing
20 authority of West Baton Rouge Parish. The monies in the fund shall be made
21 available exclusively for economic development and tourism purposes, planning,
22 development, or capital improvements of tourism sites in the parish of West Baton
23 Rouge. All unexpended and unencumbered monies in the fund shall remain in the
24 fund. The monies in the fund shall be invested by the treasurer in the same manner
25 as the monies in the state general fund, and all interest earned shall be deposited in
26 the state general fund.

27 * * *

28 Section 4. The Budget Stabilization Replenishment Fund, hereafter referred to as the
29 fund, is hereby created in the state treasury. After complying with the provisions of Article
30 VII, Section 9(B) of the Constitution of Louisiana relative to the allocation of monies to the

1 Bond Security and Redemption Fund, the treasurer shall make the deposits required by this
2 Subsection. The treasurer shall deposit into the fund the difference between the official
3 forecast of revenue available for expenditures for Fiscal Year 2011-2012 adopted by the
4 Revenue Estimating Conference on April 24, 2012, and actual collections of revenue
5 available for expenditures in Fiscal Year 2011-2012 as promulgated by the Revenue
6 Estimating Conference, not to exceed the amount of Two Hundred Four Million Seven
7 Hundred Thousand Dollars. Monies in the fund shall be invested in the same manner as
8 monies in the state general fund. Interest earned on investment of monies in the fund shall
9 be deposited in and credited to the fund. Except as otherwise provided in this Section,
10 unexpended and unencumbered monies in the fund at the end of a fiscal year shall remain
11 in the fund. Monies in the fund shall be transferred by the treasurer to the Budget
12 Stabilization Fund in the state treasury.

13 Section 5.(A) After satisfying the requirements of the Bond Security and
14 Redemption Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana,
15 the state treasurer is hereby authorized and directed to transfer loan payments received from
16 political subdivisions under Section 7 of Act No. 41 of the 2006 First Extraordinary Session
17 of the Legislature, of at least Seventy-Eight Million Three Hundred Forty-Eight Thousand
18 Three Hundred Three Dollars, to the state general fund.

19 (B) Notwithstanding any provision of the law to the contrary, the state treasurer is
20 hereby authorized and directed to transfer the following amounts into the state general fund:

21 (1) Two Hundred Forty Dollars from the Algiers Economic Development
22 Foundation Fund.

23 (2) Forty-One Thousand Three Hundred Sixty-Six Dollars from the Automobile
24 Theft and Insurance Fraud Prevention Authority Fund.

25 (3) One Thousand One Hundred Ninety-Eight Dollars from the Beautification
26 Project For New Orleans Neighborhoods Fund.

27 (4) Seven Thousand Six Hundred Eighty-Nine Dollars from the Bossier Parish
28 Truancy Program Fund.

29 (5) One Thousand Seven Hundred Sixty Dollars from the Casino Gaming Proceeds
30 Fund.

1 (6) Two Hundred Forty-Three Thousand Three Hundred Twenty-Six Dollars from
2 the Concealed Handgun Permit Fund.

3 (7) Two Hundred Two Thousand Three Hundred Seventy-Three Dollars from the
4 Department of Justice Debt Collection Fund.

5 (8) Four Hundred Thirty-Six Thousand Eight Hundred Twelve Dollars from the
6 Department of Justice Legal Support Fund.

7 (9) Fifty-Eight Thousand Two Hundred Forty Dollars from the Entertainment
8 Promotion and Marketing Fund.

9 (10) Two Million One Hundred Sixty-Four Thousand One Hundred Thirty-One
10 Dollars from the Environmental Trust Fund.

11 (11) Ninety-Five Thousand Three Hundred Twenty-Six Dollars from the FEMA
12 Reimbursement Fund.

13 (12) One Thousand Two Hundred Forty Dollars from the Friends of NORD Fund.

14 (13) Three Hundred Thirty Dollars from the Greater New Orleans Sports Foundation
15 Fund.

16 (14) Three Hundred Twelve Dollars from the Higher Education Initiatives Fund.

17 (15) Fifty Thousand Dollars from the Incentive Fund.

18 (16) Ten Million Dollars from the Legislative Capitol Technology Enhancement
19 Fund.

20 (17) One Thousand Four Hundred Fifteen Dollars from the Litter Abatement and
21 Education Account.

22 (18) Three Thousand Seven Hundred Fifty-Two Dollars from the Louisiana
23 Agricultural Finance Authority Fund.

24 (19) Eight Million One Hundred Fifty-Eight Thousand Two Hundred Fifty Dollars
25 from the Louisiana Economic Development Fund.

26 (20) One Hundred Eighty-Three Thousand Nine Hundred Forty-Nine Dollars from
27 the Louisiana Filmmakers Grant Fund.

28 (21) Four Thousand One Hundred Thirty-Two Dollars from the Louisiana Highway
29 Safety Fund.

1 (22) Three Million Four Hundred Thousand Dollars out of the Louisiana Mega-
2 Project Development Fund.

3 (23) Seventeen Thousand Six Hundred Thirty-Four Dollars from the Mineral and
4 Energy Operation Fund.

5 (24) One Thousand Two Hundred Ninety-Five Dollars from the New Orleans Urban
6 Tourism and Hospitality Training In Economic Development Foundation Fund.

7 (25) Five Hundred Sixty-Three Thousand Three Hundred Thirty Dollars from the
8 Oil and Gas Regulatory Fund.

9 (26) One Million Dollars from the Penalty and Interest Account.

10 (27) Four Thousand Twenty-Five Dollars from the Right-to-Know Fund.

11 (28) One Hundred Forty-Five Thousand Six Hundred Sixty Dollars from the Small
12 Business Surety Bonding Fund.

13 (29) Thirteen Dollars from the Teacher Educational Aid For Children Fund.

14 (30) Three Thousand Six Hundred Four Dollars from the Tobacco Control Special
15 Fund.

16 (31) Six Hundred Ninety Thousand Dollars from the Two-Percent Fire Insurance
17 Fund.

18 (32) Twenty-Two Thousand Nine Hundred Twenty Dollars from the Underground
19 Damages Prevention Fund.

20 (33) One Thousand Two Hundred Forty-Five Dollars from the UNO Slidell
21 Technology Park Fund.

22 (34) Twenty-Three Thousand One Hundred Forty-Two Dollars from the Variable
23 Earnings Transaction Fund.

24 (C) After satisfying the requirements of the Bond Security and Redemption Fund
25 as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the requirements
26 of R.S. 46:440.1, the Medical Assistance Programs Fraud Detection Fund, and the
27 requirements of R.S. 49:259, the Department of Justice Legal Support Fund, and after
28 deposit into the state general fund, then the treasurer shall transfer into the state general fund
29 an amount equal to the settlement funds or proceeds recovered by the attorney general on
30 behalf of the state related to any cause of action mentioned or raised in any suit involving

1 Average Wholesale Price (AWP) filed by, or on behalf of, the State of Louisiana against Dey
2 Pharma, a subsidiary of Mylan, Inc.; Schering-Plough or Merck & Co.; Boehringer
3 Ingelheim GmbH; Purdue; GlaxoSmithKline or Abbot Lab; and/or Actavis Group, including
4 any affiliated, precursor, "formerly known as", and/or successor entities. To the extent that
5 in satisfying the requirements of R.S. 49:259, the Department of Justice Legal Support Fund,
6 any monies from these settlement funds or proceeds are paid into the Department of Justice
7 Legal Support Fund, a like amount shall be transferred from the Department of Justice Legal
8 Support Fund into the state general fund. In addition, the state treasurer is hereby authorized
9 and directed to transfer the proceeds from any settlements in any other suit involving
10 Average Wholesale Price (AWP) other than the ones provided for by name in this
11 Subsection to the Louisiana Medical Assistance Trust Fund.

12 (D) Notwithstanding any provision of law to the contrary, the state treasurer is
13 hereby authorized and directed to transfer Three Million Eight Hundred Thirty-One
14 Thousand One Hundred Sixty-Eight Dollars of fees and self-generated revenues collected
15 by the Department of Revenue to the state general fund.

16 Section 6.(A) Notwithstanding any provision of law to the contrary, the Ernest N.
17 Morial New Orleans Exhibition Hall Authority or its successor is hereby authorized and
18 directed to deposit into the state treasury the unrestricted or unencumbered fund balances of
19 Twenty Million Dollars. The state treasurer is hereby authorized and directed to transfer the
20 funds to the Louisiana Medical Assistance Trust Fund.

21 (B) After satisfying the requirements of the Bond Security and Redemption Fund
22 as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the state treasurer
23 is hereby authorized and directed to transfer all loan payments received from political
24 subdivisions, except from the city of New Orleans, under Section 7 of Act No. 41 of the
25 2006 First Extraordinary Session of the Legislature, of at least Twenty-Five Million Nine
26 Hundred Seventy-Eight Thousand Eight Hundred Eighty-One Dollars, to the Louisiana
27 Medical Assistance Trust Fund.

28 (C) Notwithstanding any provision of the law to the contrary, the state treasurer is
29 hereby authorized and directed to transfer the following amounts into the Louisiana Medical

1 Assistance Trust Fund from the funds specified below. The treasurer shall make such
 2 transfers from each fund after fully funding the appropriation from the fund:

3 (1) Ninety-Six Thousand Seven Hundred Forty-Three Dollars from the
 4 Administrative Fund of the Department of Insurance.

5 (2) Three Million Nine Hundred Fifty Thousand Dollars from the Incentive Fund.

6 (3) Seven Hundred Fifty-Nine Thousand One Hundred Seven Dollars from the
 7 Louisiana Fire Marshal Fund.

8 (4) Twenty-One Thousand Four Hundred Eighty-Five Dollars from the Louisiana
 9 Help Our Wildlife Fund.

10 (5) Thirty-Four Thousand Two Hundred Eighty-Eight Dollars from the Motor
 11 Carrier Regulation Fund.

12 (6) Two Million Two Hundred Ninety-One Thousand One Hundred Twelve Dollars
 13 from the Office of Motor Vehicles Customer Service and Technology Fund.

14 (7) One Million Eight Hundred Eight Thousand Four Hundred Sixty-Two Dollars
 15 from the Riverboat Gaming Enforcement Fund.

16 (8) One Hundred Nineteen Thousand Nine Hundred Dollars from the Telephonic
 17 Solicitation Relief Fund.

18 (9) One Million Seven Hundred Twenty-Four Thousand Two Hundred Eighty-Five
 19 Dollars from the Traumatic Head and Spinal Cord Injury Trust Fund.

20 (10) Seven Hundred Sixty Thousand Fifty Dollars from the Utility and Carrier
 21 Inspection and Supervision Fund.

22 Section 7. Notwithstanding any provision of law to the contrary, the state treasurer
 23 is authorized and directed to transfer Thirty-Five Million Dollars of the proceeds from the
 24 sale or lease of New Orleans Adolescent Hospital to the Overcollections Fund. The state
 25 treasurer is further authorized and directed to transfer all proceeds exceeding Thirty-Five
 26 Million Dollars to the state general fund.

27 Section 7.1. Notwithstanding any provision of law to the contrary, the state treasurer
 28 is hereby authorized and directed to transfer all proceeds from the sale of the former
 29 Insurance Building site, including existing parking structure, to the Overcollections Fund.

1 Section 8.(A) Notwithstanding any provision of law to the contrary, the state
2 treasurer is hereby authorized and directed to transfer FEMA reimbursements of Ten Million
3 Dollars to the state general fund. The state treasurer is further authorized and directed to
4 transfer all FEMA reimbursements exceeding Ten Million Dollars to the Overcollections
5 Fund.

6 (B) The state treasurer is hereby authorized and directed to transfer Fifty-Six Million
7 Dollars from excess property insurance recovery in the Self-Insurance Fund into the state
8 general fund. The state treasurer is further authorized and directed to transfer all proceeds
9 from excess property insurance recovery in the Self-Insurance Fund exceeding Fifty-Six
10 Million Dollars to the Overcollections Fund.

11 (C) Notwithstanding any provision of law to the contrary, the Louisiana Housing
12 Finance Agency or its successor is hereby authorized and directed to deposit into the state
13 treasury the unrestricted or unencumbered fund assets of Eleven Million Dollars. The state
14 treasurer is hereby authorized and directed to transfer the funds to the state general fund.

15 (D) Notwithstanding any provision of the law to the contrary, the state treasurer is
16 hereby authorized and directed to transfer Two Million Eight Hundred Thousand Dollars
17 from the Louisiana Tourism Promotion District Fund into the state general fund.

18 (E) Notwithstanding any provision of law to the contrary, the state treasurer is
19 hereby authorized and directed to transfer Twenty Million One Hundred Four Thousand
20 Three Hundred Ten Dollars from the Coastal Protection and Restoration Fund into the state
21 general fund.

22 (F) After satisfying the requirements of the Bond Security and Redemption Fund as
23 provided in Article VII, Section 9(B) of the Constitution of Louisiana and after deposit into
24 the Louisiana Department of Justice Consumer Enforcement Escrow Account/Fund, the
25 treasurer shall transfer into the Department of Justice Legal Support Fund seven million
26 dollars on behalf of the State from the Mortgage Settlement Agreement. A like amount shall
27 be transferred by the treasurer from the Department of Justice Legal Support Fund into the
28 state general fund.

29 Section 9. The state treasurer is hereby authorized and directed to transfer Twenty
30 Million One Hundred Four Thousand Three Hundred Ten Dollars from the State General

1 Fund (Direct) from non-recurring revenue to the Coastal Protection and Restoration Fund
2 to be comprised wholly of cash recognized from prior year end surplus.

3 Section 10. Notwithstanding any provision of law to the contrary, the state treasurer
4 is hereby authorized and directed to transfer the following amounts into the state general
5 fund:

6 (1) Eight Hundred Sixty-Four Thousand One Hundred Seventy-Six Dollars from the
7 Academic Improvement Fund.

8 (2) Three Million Seven Hundred Twenty-Two Thousand Three Hundred Fifteen
9 Dollars from the Adult Probation and Parole Officer Retirement Fund.

10 Section 11. After satisfying the requirements of the Bond Security and Redemption
11 Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the state
12 treasurer is hereby authorized and directed to transfer Six Million Fifty-Eight Thousand
13 Three Hundred Ninety-Four Dollars from the Orleans Parish School Board debt payoff under
14 Section 7 of Act No. 41 of the 2006 First Extraordinary Session of the Legislature to the
15 Overcollections Fund.

16 Section 12. Notwithstanding any provision of law to the contrary, the state treasurer
17 shall not include unexpended and unencumbered monies in the Rapid Response Fund at the
18 end of the 2011-2012 Fiscal Year in the determination of the unencumbered balance of the
19 fund for purposes of determining the amount to be deposited into the fund at the beginning
20 of the fiscal year pursuant to R.S. 51:2361(A)(2).

21 Section 13. Sections 1, 2, 4, 5, 10, 11, 13, and 14 of this Act shall become effective
22 upon signature of this Act by the governor or, if not signed by the governor, upon expiration
23 of the time for bills to become law without signature by the governor, as provided by Article
24 III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and
25 subsequently approved by the legislature, Sections 1, 2, 4, 5, 10, 11, 13, and 14 of this Act
26 shall become effective on the day following such approval.

27 Section 14. Sections 3, 6, 7, 7.1, 8, 9, and 12 of this Act shall become effective on
28 July 1, 2012; if vetoed by the governor and subsequently approved by the legislature,

1 Sections 3, 6, 7, 7.1, 8, 9, and 12 of this Act shall become effective on July 1, 2012, or on
2 the day following such approval by the legislature, whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____