

SENATE BILL NO. 590

BY SENATOR ALARIO

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 of the Legislature; 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; 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-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; 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), relative to the elimination of certain special treasury funds; to eliminate 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, Teacher Educational Aid for Children Fund, Job Reserve Fund, Teachers Education Incentive Program Trust Fund, Louisiana Opportunity Loan 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, Greater New Orleans Expressway Commission Additional Cost Fund, Office of Motor Vehicles Testing 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, 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, St. Helena Parish Tourist Commission Fund, Claiborne

Parish Tourism and Economic Development 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; to authorize the transfer of balances between funds; to provide for deposit of monies into the state general fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§3391.12. Enforcement; civil penalties

* * *

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

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

§3045.3. Appropriation; procedure

~~A. The legislature shall appropriate all funds out of the LA-OP Loan Fund to the commission for the commission's use in making loans in addition to any appropriation to the commission from the state general fund for the purpose of making loans pursuant to this Chapter.~~

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

The receipt of a LA-OP loan by an eligible borrower is subject to the availability of lending capital provided by appropriation ~~and LA-OP Loan Fund~~

1 balances.

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

3 §3003. Donations; department's authority to receive

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

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

16 §933. Definitions

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

19 * * *

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

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

25 ~~(11)~~ **(10)** "Historic cemetery" shall mean any abandoned cemetery located in
26 the state that is more than fifty years old and is not subject to the laws, rules, and
27 regulations of the board or Chapter 10-A of Title 8 of the Louisiana Revised Statutes
28 of 1950.

29 ~~(12)~~ **(11)** "Human skeletal remains" shall mean any part of the body of a
30 deceased human being in any stage of decomposition.

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

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

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

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

* * *

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

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

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

* * *

Section 5. 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) are hereby amended and reenacted to read as follows:

§57. Penalties; alternatives to citation

* * *

G.

* * *

(2) All proceeds generated by this additional cost shall be deposited into the state treasury. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, an amount equal to that

~~deposited as required in this Subsection shall be credited to a special fund hereby created in the state treasury to be known as the Greater New Orleans Expressway Commission Additional Cost Fund. The monies in this fund shall be appropriated by the legislature to the Greater New Orleans Expressway Commission and shall be used by the commission to supplement the salaries of P.O.S.T. certified officers and for the acquisition or upkeep of police equipment. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in such fund. The monies in this fund shall be invested by the state treasurer in the same manner as monies in the state general fund and interest earned on the investment of monies shall be credited to this fund, again, following compliance with the requirements of Article VII, Section 9(B) of the Constitution, relative to the Bond Security and Redemption Fund. The monies appropriated by the legislature pursuant 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 deposited into the state treasury shall be deposited in and credited to the Railroad 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 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.

* * *

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:

1 §3390.6. Addictive Disorders Professionals Licensing and Certification Fund

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

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

11 C. ~~The monies in this fund shall be used solely as provided in Subsection D~~
12 ~~hereof and only in the amounts appropriated by the legislature. All unexpended and~~
13 ~~unencumbered monies in the fund at the end of the fiscal year shall remain in the~~
14 ~~fund and be available for appropriation in the next fiscal year in the same manner as~~
15 ~~provided herein. Monies in the fund shall be invested by the state treasurer with the~~
16 ~~same authority and subject to the same restrictions as for investment of the state~~
17 ~~general fund. Interest earned on the investment of these monies shall be credited to~~
18 ~~the state general fund.~~

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

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

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

26 (1) Each application for a licensed addiction counselor, certified addiction
27 counselor, or registered addiction counselor shall be accompanied by a fee prescribed
28 by the department. The fee for processing the application shall be in an amount at
29 least sufficient to cover the cost of processing the application, but shall not be less
30 than one hundred dollars nor more than three hundred dollars. The fee for

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

8 (2) Each application for a certified prevention specialist or registered
9 preventionist shall be accompanied by a fee prescribed by the department. The fee
10 for processing the application shall be in an amount at least sufficient to cover the
11 cost of processing the application, but shall not be less than one hundred dollars nor
12 more than three hundred dollars. The fee for administering the written examination
13 shall be in an amount at least sufficient to cover the cost of administering the written
14 examination, but shall not be less than one hundred dollars nor more than three
15 hundred dollars. The renewal fee for a certified prevention specialist or registered
16 preventionist shall not be less than one hundred dollars nor more than three hundred
17 dollars.

18 (3) Each application for a certified clinical supervisor or certified compulsive
19 gambling counselor shall be accompanied by a fee prescribed by the department. The
20 fee for processing the application shall be in an amount at least sufficient to cover
21 the cost of processing the application, but shall not be less than fifty dollars nor more
22 than two hundred dollars. The fee for administering the written examination shall be
23 in an amount at least sufficient to cover the cost of administering the written
24 examination, but shall not be less than fifty dollars nor more than two hundred
25 dollars. The renewal fee for a certified clinical supervisor or certified compulsive
26 gambling counselor shall not be less than one hundred dollars nor more than three
27 hundred dollars.

28 (4) Each application for a counselor-in-training or prevention specialist-in-
29 training shall be accompanied by a fee prescribed by the department. The fee shall
30 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
2 renewal fee for a certified clinical supervisor or certified compulsive gambling
3 counselor shall not be less than twenty-five dollars nor more than one hundred
4 dollars.

5 (5) Each application for an addiction treatment assistant shall be accompanied
6 by a fee prescribed by the department. The fee for processing the application shall
7 be in an amount at least sufficient to cover the cost of processing the application, but
8 shall not be less than twenty-five dollars nor more than one hundred dollars. The fee
9 for administering the written examination shall be in an amount at least sufficient to
10 cover the cost of administering the written examination, but shall not be less than
11 twenty-five dollars nor more than one hundred dollars. The renewal fee for an
12 addiction treatment assistant shall not be less than twenty-five nor more than one
13 hundred dollars.

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

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

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

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

§2216. Written contract and bond

* * *

E. In the event the responsible bidder, though meeting the requirements of Subsection D of this Section, is unable to secure the performance bond required under ~~Subsection~~ **Paragraph** (C)(1) of this Section, the responsible bidder shall pay a fee equal to the cost of a Small Business Administration guaranteed bond, as provided for under the provisions of ~~Subsection~~ **Paragraph** (C)(1) of this Section. All such fees shall be paid into the state treasury by the commissioner of administration and shall be credited to the Bond Security and Redemption Fund. ~~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 which become due and payable within any fiscal year, the treasurer shall, prior to placing such remaining funds in the state general fund, pay into a special fund, which is hereby created in the state treasury and designated as the "Small Contract Bond Fund", an amount equal to the total amount of the fees paid to the commissioner under this Subsection. The monies in the Small Contract Bond Fund shall be used solely to offset future defaults which may arise under the program established by this Subsection, subject to legislative appropriation.~~

* * *

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

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

* * *

B. Grant award. (1) Grant awards shall be provided from monies appropriated ~~from the Grants for Grads Fund~~ **by the legislature**. A grant award shall be given to a graduate whose application has been deemed by the agency to be timely, authentic, and complete and who has been selected as one of one hundred grantees in a random lottery conducted by the agency by January thirty-first of each year. The lottery pool shall include all graduate applicants who have filed applications within the last

1 calendar year. If there are less than one hundred applicants for grant awards in a
2 given calendar year, then the requirement of a lottery shall be dispensed with and all
3 applicants shall be awarded grants. At the time of the awarding of a grant to a
4 married person, if his spouse has registered for the program, then the spouse's
5 participation in the program shall be combined with the grantee spouse's application
6 for purposes of this Subpart. The awarding of a grant shall be evidenced by written
7 notification to the grantee, which notification shall clearly state the amount of the
8 grant and the start and end dates of the award period. The agency shall provide such
9 notification within sixty days after completion of the lottery. The award period shall
10 be from the start date through the last day of the thirty-sixth month thereafter. Once
11 a grant has been awarded to a married person, then there shall be no eligibility for
12 any additional award or increment of an award to his spouse.

13 * * *

14 §2162. Rewards for fraud and abuse information

15 * * *

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

22 * * *

23 §2165.11. Rewards for fraud and abuse information

24 * * *

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

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

2 §463.88. Special prestige license plates; Kappa Alpha Psi Fraternity, Inc.

3 * * *

4 ~~GE~~. The secretary shall establish rules and regulations as are necessary to
5 implement the provisions of this Section, including but not limited to rules and
6 regulations governing the collection and disbursement of fees, the transfer and
7 disposition of such license plates, the colors available, and the design criteria.

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

9 §955.4. Duties of the council; strategic plan; subcommittees; staff; grants,
10 contributions, and appropriations

11 * * *

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

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

18 * * *

19 Section 2. ~~There is hereby established a special custodial fund in the state~~
20 ~~treasury to be known as the "Manufactured and Mobile Homes Settlement Fund",~~
21 ~~hereinafter "the fund". The source of monies in the fund shall be all All state monies~~
22 ~~which are associated with the payment of the state sales and use taxes on~~
23 ~~manufactured and mobile homes which are presently held in escrow by the office of~~
24 ~~motor vehicles, Department of Public Safety and Corrections, pursuant to the Order~~
25 ~~dated October 22, 1999, in "Shirley M. Avants and Jim W. Miley v. John Neely~~
26 ~~Kennedy, Secretary, Department of Revenue and Taxation, State of Louisiana; and~~
27 ~~Elmer Litchfield, Sheriff of East Baton Rouge Parish:", shall be deposited into the~~
28 ~~state treasury. The secretary of the Department of Revenue shall pay the judgment~~
29 ~~rendered on February 5, 2001, in the matter of "Shirley M. Avants and Jim W. Miley~~
30 ~~v. John Neely Kennedy, Secretary, Department of Revenue and Taxation, State of~~

1 Louisiana; and Elmer Litchfield, Sheriff of East Baton Rouge Parish", bearing No.
2 434,575 on the docket of the Nineteenth Judicial District Court, in the amount of
3 \$5,167,194.00, plus interest from the date of the judgment out of the funds in escrow.
4 Once this payment is made and an order is issued releasing the funds from escrow,
5 the state treasurer shall transfer all remaining state tax monies held in escrow to the
6 ~~fund~~ **state general fund**. ~~Monies in the fund shall only be used for the purpose of~~
7 ~~satisfying the settlement of the litigation. Except as provided in this Act, such~~
8 ~~monies shall not be placed in the state general fund nor be subject to appropriation.~~
9 ~~The fund shall be administered by the Department of Revenue.~~

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

21 * * *

22 Section 4.

23 * * *

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

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

5 * * *

6 Section 13. R.S. 2:904; R.S. 3:283.2(H), Part II of Chapter 4-A of Title 3 of the
7 Louisiana Revised Statutes of 1950, comprised of R.S. 3:321 through 323, and 3391.13; R.S.
8 17:10.3, 421.12, 2036, and 3042.11; R.S. 23:1310.12, Part XIII of Chapter 11 of Title 23 of
9 the Louisiana Revised Statutes of 1950, comprised of R.S. 23:1771 through 1776; R.S.
10 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.
11 32:412(H)(2) and (3), and 783(H); R.S. 33:3006, 4769 and 4770; R.S. 37:3119; Subpart H
12 of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950,
13 comprised of R.S. 39:100.11 and 100.12, Subpart L of Part II of Chapter 1 of Subtitle I of
14 Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.36, Subpart
15 P of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950,
16 comprised of R.S. 39:100.71, 100.93, Subpart P-3 of Part II of Chapter 1 of Subtitle I of
17 Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.101, Subpart
18 Q of Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950,
19 comprised of R.S. 39:100.121, Subpart Q-2 of Part II of Chapter 1 of Subtitle I of Title 39
20 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.123, Subpart Q-3 of
21 Part II of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950,
22 comprised of R.S. 39:100.124, Subpart Q-4 of Part II of Chapter 1 of Subtitle I of Title 39
23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.125, R.S. 39:127.2,
24 2161, and 2165.10; Part LX of Chapter 5 of Title 40 of the Louisiana Revised Statutes of
25 1950, comprised of R.S. 40:1300.221, and 1300.263; R.S. 46:2609 and 2802; R.S.
26 47:120.81, 322.44, 332.15, 332.50, 463.88(F) and (G); R.S. 48:393; and R.S. 51:955.5,
27 1262.1, and 2315(D) are hereby repealed in their entirety.

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

1 Section 15. This Act shall become effective on July 1, 2012; if vetoed by the
2 governor and subsequently approved by the legislature, this Act shall become effective on
3 July 1, 2012, or on the day following such approval by the legislature, whichever is later.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____