

Regular Session, 2001

ACT No. 1182

HOUSE BILL NO. 1565

BY REPRESENTATIVES LEBLANC, DEWITT, WINSTON, AND THOMPSON AND SENATOR SCHEDLER

AN ACT

To amend and reenact R.S. 9:3555(D), R.S. 17:354(A) and (B), 3129.6(A), and 4001(B), R.S. 30:136.3, R.S. 46:114.4(D), R.S. 47:299.20, 1061(B), 1838(4), and 2609(A), and R.S. 56:16(C) and to repeal R.S. 17:354(C) and (D), 3129.6(C), and 3921.2, R.S. 30:136.2, R.S. 47:2609(B) and (C), R.S. 56:16 and to enact R.S. 39:137, relative to special treasury funds; to provide for the deposit and use of monies in certain special treasury funds; to provide for the use of monies in the Charter School Start-Up Loan Fund, the Mineral Resources Audit and Collection Fund, the Section 201 Fund, the Fraud Detection Fund, the Higher Education Initiatives Fund, and the Telecommunications for the Deaf Fund; to establish the Academic Improvement Fund as a special fund in the state treasury; to establish the Deficit Elimination/Capital Outlay Escrow Replenishment Fund as a special fund in the state treasury; to repeal certain special treasury funds; to provide for the transfer of certain balances and amounts by the state treasurer; to provide for effective dates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:3555(D) is hereby amended and reenacted to read as follows:

§3555. Injunctions; investigations; enforcement actions; civil penalties; costs

* * *

D. Civil penalties paid to the commissioner, and overcharge violations of five dollars or less per consumer ordered by the commissioner to be refunded, and paid to the commissioner, shall be ~~credited to a special fund hereby created in the state treasury to be known as the Louisiana Consumer Credit Education Fund. Such monies shall be~~ deposited in the fund state treasury and, after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund shall be designated as self-generated revenues of the agency. ~~and prior to such monies being placed in the state general fund. The monies in this fund shall be invested by the state treasury in the same manner as monies in the state general fund, and interest earned on the investment of such monies shall be credited to the fund. The monies in the fund, and any interest or dividend which may be earned, shall be used solely to finance education programs for consumers and lenders concerning the provisions of the consumer credit laws, and for reimbursement of the office of financial institutions' costs in enforcing the provisions of this Chapter, as provided in R.S. 9:3554(A)(3).~~

Section 2. R.S. 17:354(A) and (B) and 4001(B) are hereby amended and reenacted to read as follows:

§354. ~~Teacher Supplies~~ Academic Improvement Fund; creation; purpose; uses

A. The "~~Teacher Supplies~~ Academic Improvement Fund", hereinafter referred to as the "fund", is hereby created within the state

~~treasury. for the purpose of the enhancement of teaching materials, equipment, and supplies for the benefit of children enrolled in city or parish school systems and other approved schools as provided in Subsections C and D of this Section.~~

~~B. The source of monies deposited into the fund shall be legislative appropriation. Monies in the fund shall be subject to appropriation by the legislature and shall be available exclusively for programs which provide opportunities to students to acquire the skills to achieve academic success and become employable, productive, and responsible citizens. use by the Department of Education, hereinafter referred to as the "department", as provided in Subsections C and D of this Section and in accordance with regulations adopted by the State Board of Elementary and Secondary Education, hereinafter referred to as the "board".~~

B. All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund. Such monies 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 these monies shall be credited to the fund, after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund.

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§4001. Louisiana Charter School Start-Up Loan Fund; creation; purpose; distribution

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B. All monies appropriated to the fund and any grants, other donations, or other sources of financial assistance directed to the fund

shall be deposited into the fund. Monies in the fund shall be subject to appropriation by the legislature and shall be appropriated to the State Board of Elementary and Secondary Education for allocation by the board as no-interest loans for the purposes provided in this Section or for other educational purposes as determined by the legislature. All unexpended and unencumbered monies remaining in such fund at the end of each fiscal year shall remain in the fund. The monies in such fund shall be invested by the state treasurer in accordance with state law, and interest earned on the investment of these monies shall be credited to the fund, after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund.

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Section 3. R.S. 17:3129.6(A) is hereby amended and reenacted to read as follows:

§3129.6. Higher Education Initiatives Fund

A. The "Higher Education Initiatives Fund", hereinafter referred to in this Section as the "fund", is hereby created within the state treasury for the purpose of improvement of Louisiana's higher education institutions, including but not limited to improvement of university-based teaching training programs and development of innovative teaching strategies, development of additional distance learning university classrooms, including infrastructure connections and purchase of equipment, and enhancement of library and scientific equipment.

* * *

Section 4. R.S. 30:136.3 is hereby amended and reenacted to read as follows:

§136.3. Mineral Resources Audit and Collection Fund

A. There is hereby established in the state treasury a special fund to be known as the "Mineral Resources Audit and Collection 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 which become due and payable within any fiscal year as required by Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer in each fiscal year shall pay into the fund an amount equal to one million six hundred thousand dollars ~~annually~~ received by the state through the office of mineral resources from court ~~award~~ awarded judgments and settlements by the office of mineral resources settlements, and from income received under the provisions of R.S. 30:212(D). The annual deposit of monies associated with judgments or settlements shall cease when the fund reaches a total of four million dollars, and such deposit shall resume when the fund balance falls below two million dollars.

C. The monies in the fund shall be appropriated by the legislature to the Department of Natural Resources, office of mineral resources, to be used solely for the ~~purpose of~~ following purposes:

(1) Payment of legal costs, including expert witness fees, consultant fees, and contract legal counsel.

(2) Payment of auditing and collections expenses of the office; ~~for paying auditing costs,~~ and defraying the costs of any consultants and contract auditing personnel. ~~and~~

(3) ~~administration~~ Administration of leases on state-owned lands, including water bottoms, for the production and development of minerals.

D. In every year in which the department expends monies appropriated from this fund for the purposes of legal costs and expenses, the secretary of the department shall provide the legislature with an itemized report detailing such expenditures, which shall include the name of any person or corporation receiving any such monies. The report shall be provided to the House Committee on Appropriations and the Senate Committee on Finance no later than May first of each year.

Section 5. R.S. 39:137 is hereby enacted to read as follows:

§137. Deficit Elimination/Capital Outlay Escrow Replenishment Fund

A. The Deficit Elimination/Capital Outlay Escrow Replenishment Fund, hereafter referred to as the fund, is hereby created in the state treasury. After complying with the provisions of Article VII, Section 9(B) of the Constitution of Louisiana relative to the allocation of monies to the Bond Security and Redemption Fund, the treasurer shall make the deposits required by this Subsection. The treasurer shall deposit into the fund the difference between the official forecast of revenue available for general purpose expenditures for Fiscal Year 2000-2001 adopted by the Revenue Estimating Conference on May 14, 2001, and actual collections of revenue available for general purpose expenditures in Fiscal Year 2000-2001 as promulgated by the Revenue Estimating Conference. For subsequent fiscal years, the treasurer shall

deposit into the fund the difference between the official forecast of revenue available for general purpose expenditures for the fiscal year adopted by the Revenue Estimating Conference at its last meeting before the end of the fiscal year and actual collections of revenue available for general purpose expenditures for that fiscal year as promulgated by the Revenue Estimating Conference. Monies in the fund shall only be appropriated or transferred for the purposes provided in this Section. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on investment of monies in the fund shall be deposited in and credited to the fund. Except as otherwise provided in this Section, unexpended and unencumbered monies in the fund at the end of a fiscal year shall remain in the fund.

B. The treasurer shall first reserve Sixty-two Million and No/100 Dollars (\$62,000,000.00) of the revenue deposited into the fund for Fiscal Year 2000-2001 for the purpose of paying any deficit incurred by current and prior year operations of the State Group Benefits Program.

C. If a positive balance remains in the fund after satisfying the requirements of Subsection B of this Section, the treasurer shall reserve Ten Million and No/100 (\$10,000,000.00) Dollars as partial satisfaction of the debt owed to the State General Fund by the Health Care Service Division of the Louisiana State University Health Sciences Center.

D. If a positive balance remains in the fund after satisfying the requirements of Subsections B and C of this Section, such balance shall be available to finance projects for which an appropriation is made in

Priority 1 of the Act that originated as House Bill 2 of the 2001 Regular Session as follows:

Schedule 06-262, Office of the State Library for State Library Expansion, Construction, and Equipment in East Baton Rouge Parish \$140,000; Schedule 07-274, Public Improvements for Morganza to the Gulf of Mexico Flood Control Feasibility Study Planning, Design, Right of Way, and Construction of Levees, Floodgates and Other Flood Control Systems (\$61,870,000 Federal Match) in the parishes of Ascension, Assumption, St. Mary, Terrebonne, West Baton Rouge, Iberia, Iberville, Lafourche, Pointe Coupee and St. Martin \$40,000; Schedule 07-276, Office of Engineering, District 2 Headquarters and Sub-District Headquarters Relocation, Acquisition of Sites and Buildings, Planning, Renovation, and Construction in Lafourche and Terrebonne parishes \$500,000; Schedule 08-401, Phelps Correctional Center for Waste Water Systems and Lift Station Construction in Beauregard Parish \$625,000; Schedule 08-402, Louisiana State Penitentiary for Electrical Distribution System Upgrade Construction in West Feliciana Parish \$960,000; Schedule 50-N05 Ernest N. Morial Convention Center, Phase 3 Expansion, Engineering, Design, Site Development, and Construction (\$12,000,000 Local Match) Provided, however, that no resolution or ordinance adopted by the New Orleans City Council is in effect nor is any resolution or ordinance or other action taken by the said Council which would prevent the completion and/or utilization of this project and the property upon which it is located for and in accordance with the intended use of this project as set forth in the capital outlay request and feasibility study for this project; the property expropriated for this project is used (a) for the

purposes for which it was expropriated, including truck marshaling, and/or future development, or (b) as all or part of the consideration granted by the Ernest N. Morial – New Orleans Exhibition Hall Authority acquires other property in that part of the City of New Orleans bounded by Thalia Street, Tchoupitoulas Street, Race Street, and the Mississippi River to be used for the same purposes as described above; and the cooperative endeavor agreement for this project between the state and the Ernest N. Morial – New Orleans Exhibition Hall Authority will require that any contract for this project executed by the authority pursuant to a non-cash line of credit shall be in accordance with the terms hereof \$18,400,000; Schedule 08-403C, Office of Youth Development-Bridge City for Plumbing/Mechanical/Electrical Renovations, Construction in Jefferson Parish \$515,000; Schedule 08-414, Wade Correctional Center for Caddo Detention Center Renovation, Construction in Caddo Parish \$190,000; Schedule 19-616 Southern University Baton Rouge for Site Improvement, Implementation of Master Plan, Planning and Construction in East Baton Rouge Parish \$35,000; Schedule 19-623, Grambling State University for Stadium Support Facility Construction in Lincoln Parish \$1,015,000; Schedule 19-629, University of Louisiana at Monroe for New Library Building, Construction, Equipment in Ouachita Parish \$30,000; Schedule 19-662, La. Educational T.V. Authority for KLTM Monroe, Transmitter, Transmission Line and Antenna Replacement, Planning and Construction in Ouachita Parish \$230,000; Schedule 19-698 Education Support Services for Bunkie Youth Center Acquisitions, Renovations and Major Repairs, Planning and Construction in Avoyelles Parish

\$25,000; Schedule 36-L08, Lake Borgne Basin Levee District for Tidal Flood Protection for Reggio/Florisant Area in St. Bernard Parish \$15,000; Schedule 36-P06, Twin Parish Port Commission for Bulkheading and Site Improvements in Iberia Parish \$500,000; Schedule 36-P38, Natchitoches Parish Port for Relocation of La. Highway 486 at the Natchitoches Parish Port near its Intersection with La. Highway 6 (0.8 Miles) in Natchitoches Parish \$135,000; Schedule 50-J02, Allen Parish for Parish Health Units, Planning, Acquisition and Construction in Allen Parish \$590,000; Schedule 50-J09, Caddo Parish for Caddo Pine Island Oil and Historical Society Museum Construction in Caddo Parish \$100,000; Schedule 50-J16, Desoto Parish for Keatchie Four Forks Road Improvements in Desoto Parish \$160,000; Schedule 50-J26, Jefferson Parish for Bayou Segnette Pump Station and Floodwall, Planning and Construction (\$325,000 Local Match) in Jefferson Parish \$535,000; Schedule 50-J26, Jefferson Parish for Jefferson Highway Drainage Improvements in Jefferson Parish \$5,000; Schedule 50-J26, Jefferson Parish for Sports Complex/Airline Highway Improvements (Lasalle Tract) in Jefferson Parish \$200,000; Schedule 50-J27, Jefferson Davis Parish for Police Jury Annex, Planning and Construction in Jefferson Davis Parish \$395,000; Schedule 50-J28, Lafayette Parish for Acadiana Recovery Center, Planning and Construction in Lafayette Parish \$1,000,000; Schedule 50-J54, Tensas Parish for Fertilizer Plant Road Construction in Tensas Parish \$60,000; Schedule 50-M54, Cotton Valley for Water System Improvements in Webster Parish \$50,000; Schedule 50-MG3, Leesville for Northside Industrial Park Building in Vernon Parish \$385,000; Schedule 50-ML4, New Roads for Morrison Parkway, Retaining Wall Rehabilitation

and Other Improvements (\$100,000 non-state match) in Pointe Coupee Parish \$160,000; Schedule 50-MN9, Pollock for Access Road for US Federal Correctional Complex, Land Acquisition, Planning and Construction in Grant Parish \$575,000; Schedule 50-MQ5, St. Martinville for The Acadian Memorial Renovations in St. Martin Parish \$45,000; Schedule 50-MR1, Shreveport for Sci-Port Discovery Center/Theater, Construction and Exhibit Acquisition (\$3,200,000 Local Match) in Caddo Parish \$3,965,000; Schedule 50-N17, South Terrebonne Tidewater and Conservation District for Hurricane Protection System, Construction, Equipment and Acquisition of Flood Gates in Terrebonne Parish \$95,000; Schedule 50-N18, Iberia Parish Airport Authority for Aircraft Maintenance and Paint Hangar to Serve 747 Aircraft, Planning and Construction in Iberia Parish \$320,000; Schedule 50-N22 North-west La. Juvenile Detention Center Authority for Northwest Louisiana Detention Center and Ware Youth Center Vocational Training Center and Support Buildings, Construction in Red River Parish \$910,000; Schedule 50-N83, Rapides Parish Airport Authority for Roof and Wall Panel Replacement, Planning and Construction in Rapides Parish \$5,000; Schedule 50-N98 Kingsley House for Kingsley House Renovation and Expansion Planning and Construction in Orleans Parish \$10,000; Schedule 50-NA2, Lafayette Airport Commission for Major Infrastructure Improvements Planning and Construction (\$265,000 Local Match) in Lafayette Parish \$545,000.

E. If a positive balance remains in the fund after satisfying the requirements of Subsections (B), (C), and (D) of this Section, the treasurer shall reserve an amount sufficient to eliminate any deficit that

occurs in the State Group Benefits Program from operations in Fiscal Year 2001-2002.

F. Any monies remaining in the Deficit Elimination/Capital Outlay Escrow Replenishment Fund after satisfying the requirements of Subsections B, C, D, and E of this Section shall be transferred to the State General Fund for satisfaction of any remaining debt owed to the State General Fund by the Health Care Service Division of the Louisiana State University Health Sciences Center.

G. This Section shall be null and void and of no effect on and after July 1, 2003.

Section 6. R.S. 46:114.4(D) is hereby amended and reenacted to read as follows:

§114.4. Fraud Detection Fund

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D. The monies in the fund may be appropriated by the legislature to the office of family support of the Department of Social Services for the enhancement of fraud detection and recovery activities in an amount not to exceed the balance on hand in the fund at the end of the previous calendar year. These funds shall not be used to replace, displace, or supplant state general funds appropriated for daily operation of any regional fraud detection activities of the office of family support.

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Section 7. R.S. 47:299.20, 1061(B), 1838(4), and 2609(A) are hereby amended and reenacted to read as follows:

§299.20. ~~Refund Fees from Offset Fund Claims~~

Money received by the secretary from the fees imposed pursuant to R.S. 47:299.5 shall be deposited immediately upon receipt into the state treasury and, after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, ~~notwithstanding any other law to the contrary, prior to moneys being placed in the state general fund, an amount equal to the fees deposited shall be credited to a special fund hereby created in the state treasury to be known as the Refund Offset Fund. The money in the fund shall be used solely for funding expenditures of the secretary in carrying out the provisions of this Part in the amounts appropriated each year by the legislature shall be~~ designated as self-generated revenues of the agency.

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§1061. Telecommunication tax for the deaf

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B. The monies in the Telecommunications for the Deaf Fund shall be used solely to establish, administer, and promote a statewide program to provide access to all public telecommunications services as provided in R.S. 46:2352(10) and to purchase and distribute assistive hearing devices, including hearing aids, for persons who are deaf, deaf/blind, or ~~other~~ others who are similarly handicapped, in the amounts appropriated each year by the legislature to the Louisiana Commission for the Deaf. Any surplus monies remaining to the credit of the fund on June 30 of each year and any funds earned through the

investment of the monies in the fund shall remain to the credit of the fund.

* * *

§1838. Fees

The tax commission is hereby authorized on an interim basis for the period beginning on July 1, 1999 and ending on June 30, 2001, to levy and collect the following fees in connection with services performed by the commission:

* * *

(4) All fees collected pursuant to this Section shall be ~~deposited in the "Tax Commission Expense Fund" as created by R.S. 47:1835. Notwithstanding the provisions of R.S. 47:1835(B), monies remaining in the fund at the end of any fiscal year shall remain in the fund~~ deposited in the treasury and, after compliance with Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund, shall be designated as self-generated revenues of the agency.

* * *

§2609. Distribution of proceeds; formula

A. Subject to the exceptions contained in Article VII, Section 9(A) of the Constitution of Louisiana, all proceeds, penalties, and interest received from the tax imposed under the provisions of this Part shall be paid into the state treasury and, after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund, shall be credited to the state general fund. ~~and, 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 pay into a special fund, hereby created in the state treasury and designated as the Drug Treatment Fund, an amount equal to the total amount of all such proceeds, penalties, and interest from the excise tax imposed herein. The money in the fund shall be appropriated by the legislature to the state treasurer to be used solely as provided by Subsection B of this Section. All unexpended and unencumbered money in the fund at the end of the fiscal year shall remain in the fund. The money in the fund shall be invested by the state treasurer in the same manner as money in the state general fund and interest earned on the investment of the money shall be credited to the fund, again, following compliance with the requirement of Art. VII, Section 9(B) relative to the Bond Security and Redemption Fund.~~

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Section 8. R.S. 56:16(C) is hereby amended and reenacted to read as follows:

§16. Section 201 Petition Fund; creation; use of monies in the fund

* * *

C. The monies in the fund shall be used by the Department of Wildlife and Fisheries solely to assist efforts by the department, the Blue Crab Coalition, or attempts by other entities, including payment of legal fees incurred, to secure federally imposed tariffs, quotas, ~~or~~ both and duties on imported crabmeat.

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Section 9. R.S. 17:354(C) and (D) and 3921.2 are hereby repealed in their entirety.

Section 10. R.S. 17:3129.6(C) is hereby repealed in its entirety.

Section 11. R.S. 30:136.2 is hereby repealed in its entirety.

Section 12. R.S. 47:2609(B) and (C) are hereby repealed in their entirety.

Section 13. R.S. 56:16 is hereby repealed in its entirety.

Section 14. The Louisiana Consumer Credit Education Fund, the Refund Offset Fund, the Drug Treatment Fund, and the Tax Commission Expense Fund are hereby abolished on the effective date of this Section. At such time, the treasurer is authorized and directed to transfer any unexpended, unencumbered monies remaining in such funds for deposit and credit to the state general fund.

Section 15. Upon the effective date of this Section, the treasurer is authorized and directed to transfer any unexpended, unencumbered monies remaining in the Teacher Supplies Fund and the Classroom-based Technology Fund, which are repealed under the provisions of Section 9 of this Act, for deposit and credit to the Academic Improvement Fund which is established under the provisions of Section 2 of this Act.

Section 16. Upon the effective date of this Section, the treasurer is authorized and directed to transfer any unexpended, unencumbered monies remaining in the Legal Support Fund, which is repealed under the provisions of Section 11 of this Act, for deposit and credit to the Mineral Resources Audit and Collection Fund established under the provisions of Section 4 of this Act.

Section 17. Effective July 1, 2002, the treasurer is authorized and directed to transfer any unexpended, unencumbered monies remaining in the Section 201 Petition Fund, which is repealed under the provisions of Section 13 of this Act, for deposit in and credit to the Conservation Fund.

Section 18. Effective July 1, 2001, the treasurer is authorized and directed to retain any unexpended, unencumbered monies remaining in the Center for Innovative Teaching and Learning Account, the Higher Education Distance Learning Account, and the Higher Education Library and Scientific Acquisitions Account within the Higher Education Initiatives Fund.

Section 19. Notwithstanding any other provision of law to the contrary, for the fiscal year beginning on July 1, 2001, the state treasurer is authorized and directed to transfer the amount of one million dollars from the Louisiana Technology Innovations Fund for deposit in and credit to the State General Fund.

Section 20. Effective July 1, 2001, any appropriation from the Center for Innovative Teaching and Learning Account, the Higher Education Distance Learning Account, and the Higher Education Library and Scientific Acquisitions Account within the Higher Education Initiatives Fund shall be deemed to be appropriated from the Higher Education Initiatives Fund.

Section 21. Sections 5 and 21 of this Act shall become effective upon signature by the governor or if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor as provided in Article III, Section 18 of the Constitution of Louisiana.

Section 22. Sections 13, 17, and 22 of this Act shall become effective July 1, 2002.

Section 23. Sections 1 through 4 and 6 through 10, 11, 12, 14, 15, 16, 18, 19, 20, and 23 shall become effective on July 1, 2001; if vetoed by the governor and subsequently approved by the legislature, Sections 1 through 4

and 6 through 10, 11, 12, 14, 15, 16, 18, 19, 20, and 23 of this Act shall become effective on July 1, 2001, or on 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: _____