

ACT No. 642

2018 Regular Session

HOUSE BILL NO. 379

BY REPRESENTATIVE HENRY

1 AN ACT

2 To amend and reenact R.S. 39:82(A) and 352 and to repeal R.S. 39:100.21(B), relative to
3 special treasury funds, to repeal certain requirements of deposits and uses of the
4 Overcollections Fund; to provide for the transfer, deposits, and use, as specified, of
5 certain treasury funds; to delete references to the Overcollections Fund, Higher
6 Education Financing Fund, and the Payments Towards the UAL Fund; to provide for
7 effectiveness; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Notwithstanding any provision of law to the contrary, the state treasurer
10 is hereby authorized and directed to transfer \$30,654,990, to be comprised wholly of
11 nonrecurring revenues out of the state general fund from the Fiscal Year 2016-2017 surplus,
12 as recognized by the Revenue Estimating Conference, to the Budget Stabilization Fund.

13 Section 2. Notwithstanding any provision of law to the contrary, the state treasurer
14 is hereby authorized and directed to transfer Eight Hundred Forty-one Thousand One
15 Hundred Sixteen Dollars (\$841,116) from the Capital Outlay Escrow Fund to the Louisiana
16 Fire Marshal Fund, to be appropriated by the legislature to the Office of State Fire Marshal
17 within the Department of Public Safety and Corrections - Public Safety Services to be used
18 for one-time expenses as recognized by the Revenue Estimating Conference.

1 Section 3. R.S. 39:82(A) and 352 are hereby amended and reenacted to read as
2 follows:

3 §82. Remission of cash balances to the state treasurer; authorized withdrawals of
4 state monies after the close of the fiscal year; reports

5 A. All cash balances occurring from appropriations made by legislative act
6 or by the Interim Emergency Board regardless of date of passage to any state agency
7 for which no bona fide liability exists on the last day of each fiscal year shall be
8 remitted to the state treasurer by the fifteenth day following the last day of the fiscal
9 year. Any appropriations including those made by the Interim Emergency Board of
10 the preceding fiscal year remaining at the end of the fiscal year against which bona
11 fide liabilities existed as of the last day of the fiscal year may be withdrawn from the
12 state treasury during the forty-five day period after the last day of the fiscal year only
13 as such liabilities come due for payment. ~~Prior to placing monies associated with~~
14 ~~such unexpended appropriations into the state general fund, the state treasurer shall~~
15 ~~transfer all cash balances identified and reported by the commissioner of~~
16 ~~administration as being from unexpended and unencumbered state general fund~~
17 ~~(direct) and Overcollections Fund appropriations for professional, personal, and~~
18 ~~consulting service contracts not approved by the Joint Legislative Committee on the~~
19 ~~Budget as provided in R.S. 39:1590 and remaining at the end of each fiscal year for~~
20 ~~deposit in and credit to the Higher Education Financing Fund as are necessary to~~
21 ~~satisfy the requirements of R.S. 39:100.146, and then shall make deposits to the~~
22 ~~Payments Towards the UAL Fund as are necessary to satisfy the requirements of~~
23 ~~R.S. 39:100.11.~~

24 * * *

25 §352. Cancellation of unexpended portions of appropriations; exceptions

26 Whenever any specific appropriation is made to meet any item of expenditure
27 which occurs annually by provision of law or for contingent expense, and any
28 portion of it remains unexpended at the end of the year for which the specific
29 appropriation was made, after all legal claims against it for the year have been paid,

1 the commissioner of administration shall cancel any balance of the appropriation,
 2 and each succeeding year he shall open a new account for the appropriation which
 3 may be made for that particular year, without carrying forward any unexpended
 4 balance of appropriation made for any previous year. This provision shall not apply
 5 to appropriations made to pay the debt of the state, principal and interest. ~~Prior to~~
 6 ~~placing monies associated with such unexpended appropriations into the state general~~
 7 ~~fund, the state treasurer shall transfer all cash balances identified and reported by the~~
 8 ~~commissioner of administration as being from unexpended and unencumbered state~~
 9 ~~general fund (direct) and Overcollections Fund appropriations for professional,~~
 10 ~~personal, and consulting service contracts not approved by the Joint Legislative~~
 11 ~~Committee on the Budget as provided in R.S. 39:1590 remaining at the end of each~~
 12 ~~fiscal year for deposit in and credit to the Higher Education Financing Fund as is~~
 13 ~~necessary to satisfy the requirements of R.S. 39:100.146 and then shall make~~
 14 ~~deposits to the Payments Towards the UAL Fund as are necessary to satisfy the~~
 15 ~~requirements of R.S. 39:100.11.~~

* * *

17 Section 4. R.S. 39:100.21(B) is hereby repealed in its entirety.

18 Section 5. This Act shall become effective upon signature by the governor or, if not
 19 signed by the governor, upon expiration of the time for bills to become law without signature
 20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 22 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____