HLS 22RS-316 ENGROSSED

2022 Regular Session

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HOUSE BILL NO. 465

BY REPRESENTATIVE ZERINGUE

APPROPRIATIONS/ANCILLARY: Provides for the ancillary expenses of state government

AN ACT

2 To provide for the establishment and reestablishment of agency ancillary funds, to be 3 specifically known as internal service funds, auxiliary accounts, or enterprise funds 4 for certain state institutions, officials, and agencies; to provide for appropriation of funds for Fiscal Year 2022-2023; to provide for an effective date; and to regulate the 5 6 administration of said funds. 7 Be it enacted by the Legislature of Louisiana: 8 Section 1. There are hereby appropriated the amounts shown below, which shall be 9 payable out of the state general fund, to the extent of funds deposited, unless otherwise 10 specified, for the establishment and reestablishment of agency ancillary funds which shall 11 be specifically known as internal service funds, auxiliary accounts, or enterprise funds. The 12 monies in each fund shall be used for working capital in the conduct of business enterprises 13 rendering public service, auxiliary service, and interagency service. 14 In the conduct of each such business, receipts shall be deposited in the state treasury 15 and disbursements made by the state treasurer to the extent of the amount deposited to the 16 credit of each ancillary fund, for the current fiscal year. All funds appropriated herein shall 17 be expended in compliance with the public bid laws of the state. 18 Section 2.A. Except as otherwise provided by law or as herein otherwise provided, 19 any fund equity resulting from prior year operations shall be included as a resource of the

fund from which the ancillary fund is directly or indirectly derived.

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1 B. Funds on deposit with the state treasury at the close of the fiscal year are 2 authorized to be transferred to each fund respectively, as equity for the next fiscal year. 3 All unexpended cash balances as of June 30, 2023, shall be remitted to the state 4 treasurer on or before August 14, 2023. If not reestablished in the subsequent year's Act, the 5 agency must liquidate all assets and return all advances no later than August 14, 2023. 6 C. The program descriptions contained in this Act are not part of the law and are not 7 enacted into law by virtue of their inclusion into this Act. 8 Section 3. All money from federal, interagency transfers, statutory dedications, or 9 fees and self generated revenues shall be available for expenditure in the amounts herein 10 appropriated. 11 Any increase in such revenues shall be available for allotment and expenditure by 12 an agency on approval of an increase in the appropriation by the commissioner of 13 administration and the Joint Legislative Committee on the Budget. Any increase in such 14 revenues for an agency without an appropriation from the respective revenue source shall 15 be incorporated into the agency's appropriation on approval of the commissioner of 16 administration and the Joint Legislative Committee on the Budget. 17 Section 4.A. The figures in parentheses following the designation of a budget entity 18 are the total authorized positions and authorized other charges positions for that entity. The 19 number of employees approved for each agency, as a result of the passage of this Act, may 20 be increased by the commissioner of administration when sufficient documentation is 21 presented and the request is deemed valid. However, any request which exceeds five 22 positions shall be approved by the commissioner of administration and the Joint Legislative 23 Committee on the Budget. 24 B. The budget request of any agency with an appropriation level of thirty million 25 dollars or more shall include within its existing table of organization positions which 26 perform the function of internal auditing, including the position of a chief audit executive. 27 The chief audit executive shall be responsible for ensuring that the internal audit function 28 adheres to the Institute of Internal Auditors, International Standards for the Professional 29 Practice of Internal Auditing. The chief audit executive shall maintain organizational

independence in accordance with these standards and shall have direct and unrestricted

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access to the commission, board, secretary, or equivalent head of the agency. The chief audit executive shall certify to the commission, board, secretary, or equivalent head of the agency that the internal audit function conforms to the Institute of Internal Auditors, International Standards for the Professional Practice of Internal Auditing. Section 5. All key and supporting performance objectives and indicators for the departments, agencies, programs, and budget units contained in the Governor's Executive Budget Supporting Document shall be adjusted by the commissioner of administration to reflect the funds appropriated therein. The commissioner of administration shall report on these adjustments to the Joint Legislative Committee on the Budget each year by August fifteenth. Section 6. The following definition is provided for the terms of this Act: "Working capital" shall be considered the excess of current assets over current liabilities on an accrual basis. Section 7. Should any section, subsection, clause, sentence, phrase, or part of the Act for any reason be held, deemed, or construed to be unconstitutional or invalid, such decisions shall not affect the remaining provisions of the Act, and the legislature hereby declares that it would have passed the Act, and each section, subsection, clause, sentence, phrase, or part thereof, irrespective of the fact that one or more of the sections, subsections, clauses, sentences, phrases, or parts thereof, is declared unconstitutional or invalid. To this end, the provisions of this Act are hereby declared severable. Section 8. Internal Service Funds. These funds account for the financing of goods or services provided by one department or agency to other departments or agencies of the governmental unit, or to other governmental units, on a cost-reimbursement basis. Excess cash funds, excluding cash funds arising from working capital advances, shall be invested by the state treasurer with the interest proceeds therefrom credited to each account and shall not be transferred to the state general fund. Section 9. In conjunction with the continuing assessment of the existing staff, assets, contracts, and facilities of each department, agency, program or budget unit's information technology resources and procurement resources, upon completion of this assessment and to the extent optimization of these resources will result in the projected cost savings through

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1 staff reductions, realization of operational efficiencies, cost avoidance, and elimination of

- 2 asset duplication, the commissioner of administration is authorized to transfer the functions,
- 3 positions, assets, and funds from any other department, agency, program, or budget units
- 4 related to these optimizations to a different department. The provisions of this Section shall
- not apply to the Department of Culture, Recreation and Tourism, or any agency contained 5
- 6 in Schedule 04, Elected Officials, of the General Appropriation Act.

### 7 **SCHEDULE 21**

### 8 **ANCILLARY APPROPRIATIONS**

## 9 21-800 OFFICE OF GROUP BENEFITS

10	<b>EXPENDITURES:</b>	<b>FY 22 EOB</b>	<b>FY 23 REC</b>
11	State Group Benefits -		
12	Authorized Positions	(42)	(56)
13	Expenditures	\$ 1,809,133,191	\$ 1,809,705,404
14	<b>Program Description:</b>	Provides for the administration of group hea	alth and accidental

insurance and group life insurance for current and former state employees and other 15

16 participating groups.

17	TOTAL EXPENDITURES	<u>\$1,809,133,191</u>	<u>\$1,809,705,404</u>
18	MEANS OF FINANCE:		
19	State General Fund by:		
20	Interagency Transfers	\$ 598,733	\$ 598,733
21	Fees & Self-generated Revenues	\$ 1,808,534,458	\$ 1,809,106,671
22	TOTAL MEANS OF FINANCING	\$ 1,809,133,191	\$ 1,809,705,404

# 23 21-804 OFFICE OF RISK MANAGEMENT

24	EXPENDITURES:	<u>FY 22 EOB</u>	<b>FY 23 REC</b>
25	Risk Management -		
26	Authorized Positions	(41)	(41)
27	Expenditures	\$ 358,342,481	\$ 324,218,483

**Program Description:** Provides for the overall executive leadership and management of 28 29 the office, support services, policy analysis, management direction of the state's self-

- 30 insurance program; provides funding for the payment of losses on medical, malpractice,
- 31 property, comprehensive general liability, personal injury, automobile liability, automobile
- 32 physical damage, bonds, crime, aviation, wet marine boiler and machinery and
- 33 miscellaneous tort claims; provides funding for the payment of contracts issued for
- 34 professional legal defense of claims made against the state; provides funding for the
- 35 reimbursement of the Division of Risk Litigation in the Office of the Attorney General for
- 36 costs incurred for professional legal defense of claims made against the state.

37	TOTAL EXPENDITURES	\$ 358,342,481	\$ 324,218,483
38	MEANS OF FINANCE:	 	
39	State General Fund by:		
40	Interagency Transfers	\$ 265,682,662	\$ 275,551,395
41	Fees & Self-generated Revenues	\$ 90,659,819	\$ 46,667,088

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1 2	Statutory Dedications: Future Medical Care Fund	\$	2,000,000	\$	2,000,000
3	TOTAL MEANS OF FINANCING	\$	358,342,481	<u>\$</u>	324,218,483
4	21-806 LOUISIANA PROPERTY ASSISTANC	C <b>E</b>			
5 6	EXPENDITURES:		<u>FY 22 EOB</u>		<b>FY 23 REC</b>
7	Louisiana Property Assistance - Authorized Positions		(37)		(27)
8	Expenditures	\$	7,747,236	\$	(37) 8,692,368
9 10	<b>Program Description:</b> Provides for the account through the development and implementation of so		• •		
11	TOTAL EXPENDITURES	<u>\$</u>	7,747,236	<u>\$</u>	8,692,368
12	MEANS OF FINANCE:				
13	State General Fund by:	ø	1 (15 046	¢	1 (15 046
14 15	Interagency Transfers	\$ \$	1,615,846	\$ \$	1,615,846
	Fees & Self-generated Revenues	<u>ф</u>	6,131,390		7,076,522
16	TOTAL MEANS OF FINANCING	<u>\$</u>	7,747,236	<u>\$</u>	8,692,368
17	21-807 LOUISIANA FEDERAL PROPERTY A	ASS	ISTANCE AGI	ENCY	Y
18 19	EXPENDITURES: Federal Property Assistance -		<b>FY 22 EOB</b>		FY 23 REC
20	Authorized Positions		(9)		(9)
21	Expenditures	\$	3,415,050	\$	3,441,308
22 23 24	<b>Program Description:</b> Seeks to assure the fair property allocated to Louisiana by the General Serv donees.		-		
25	TOTAL EXPENDITURES	<u>\$</u>	3,415,050	<u>\$</u>	3,441,308
26	MEANS OF FINANCE:				
27	State General Fund by:				
28	Interagency Transfers	\$	484,342	\$	1,084,342
29	Fees & Self-generated Revenues	\$	2,930,708	\$	2,356,966
30	TOTAL MEANS OF FINANCING	\$	3,415,050	\$	3,441,308
31	21-811 PRISON ENTERPRISES				
32	EXPENDITURES:		<b>FY 22 EOB</b>		<b>FY 23 REC</b>
33	Prison Enterprises -				
34	Authorized Positions		(72)		(72)
35	Expenditures	\$	33,763,220	\$	34,484,007
36 37 38 39 40 41	Program Description: Utilizes the resources of Corrections in the production of food, fiber, and other order to lower the cost of incarceration; provides and agencies of parishes, municipalities, and other proportunities for offenders. Prison Enterprises agriculture operations.	her n prod oliti	ecessary items i lucts and servic cal subdivisions	used b es to s ; and	y offenders in state agencies provides work
42	TOTAL EXPENDITURES	<u>\$</u>	33,763,220	<u>\$</u>	34,484,007

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1	MEANS OF FINANCE:				
2	State General Fund by:				
3	Interagency Transfers	\$	24,933,479	\$	25,447,628
4	Fees & Self-generated Revenues	\$	8,829,741	\$	9,036,379
5	TOTAL MEANS OF FINANCING	<u>\$</u>	33,763,220	\$	34,484,007
6	21-815 OFFICE OF TECHNOLOGY SERVICE	CES			
7	EXPENDITURES:		<u>FY 22 EOB</u>		<b>FY 23 REC</b>
8	Technology Services -		(0.5.0)		(0.5.0)
9	Authorized Positions		(828)		(828)
10	Authorized Other Charges Positions		(9)		(9)
11	Expenditures	\$	525,667,324	\$	670,082,509
12 13 14 15 16 17	<b>Program Description:</b> The mission of the Office establish competitive, cost-effective technology system centralized customer for the acquisition, billing a services. OTS shall charge respective user agency services provided including the cost of the operation consistent manner, in full compliance with State of	tems of the contract of the co	and services whi ecord keeping of for the cost of t f the office in a j	le ac of the he te	ting as the sole ose technology and
18	TOTAL EXPENDITURES	\$	525,667,324	\$	670,082,509
19	MEANS OF FINANCE:				
20	State General Fund by:				
21	Interagency Transfers	\$	524,148,851	\$	668,564,036
22 23 24	The allocations listed below are provided for infor construed to limit the expenditures or means of Services.			-	
25	Executive Department			\$	50,528,314
26	Department of Transportation and Development			\$	32,108,983
27	Department of Public Safety and Corrections- Cor	rectio	ons Services	\$	11,477,406
28	Department of Public Safety and Corrections- Pub			\$	53,964,933
29	Department of Public Safety and Corrections- You			\$	9,237,870
30	Louisiana Department of Health			\$	263,663,085
31	Department of Children and Family Services			\$	94,155,277
32	Department of Revenue			\$	29,770,915
33	Louisiana Workforce Commission			\$	27,830,125
34	Department of Education			\$	34,973,882
35	Remaining State Agencies			\$	60,853,246
36	Total Interagency Transfers			\$	668,564,036
37	Fees & Self-generated Revenues	\$	1,518,473	\$	1,518,473
38	Production Support Services to local and other		_		_
39	governmental entities			\$	255,878
40	Telecommunications Services to local and other				
41	governmental entities			\$	403,408
42	IT Support Services to local and other				
43	governmental entities			\$	859,187
44	Total Fees & Self-generated Revenues			\$	1,518,473
45	TOTAL MEANS OF FINANCING	<u>\$</u>	525,667,324	<u>\$</u>	670,082,509
46	BY EXPENDITURE CATEGORY:				
47	Personal Services			\$	101,336,565
48	Operating Expenses			\$	204,966,990
49	Professional Services			\$	302,124,033

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1	Other Charges			\$	52,083,104
2	Acquisitions and Major Repairs			\$	9,571,817
3	TOTAL BY EXPENDITURE CATEGOR	RY		\$	670,082,509
4	21-816 DIVISION OF ADMINISTRATIVE I	AW			
5	EXPENDITURES:		<b>FY 22 EOB</b>		FY 23 REC
6	Administration -				
7	Authorized Positions	Φ	(58)	Φ	(58)
8	Expenditures	\$	8,643,902	\$	9,829,286
9	Program Description: Provides a neutral forum	for ha	ndling adminisi	trativ	e hearings for
10	certain state agencies, with respect for the dign		_		
11	rights.	, ,			1
12	TOTAL EXPENDITURES	<u>\$</u>	8,643,902	<u>\$</u>	9,829,286
13	MEANS OF FINANCE:				
14	State General Fund by:				
15	Interagency Transfers	\$	8,615,005	\$	9,800,389
16	Fees & Self-generated Revenues	\$	28,897	\$	28,897
17	TOTAL MEANS OF FINANCING	<u>\$</u>	8,643,902	<u>\$</u>	9,829,286
18	21-820 OFFICE OF STATE PROCUREMEN	T			
19	EXPENDITURES:		<b>FY 22 EOB</b>		FY 23 REC
20	Office of State Procurement -				
21	Authorized Positions	•	(99)		(99)
22	Expenditures	\$	12,255,821	\$	12,873,418
23 24 25	<b>Program Description</b> : The mission of the Office effective services that satisfy the needs of apprairies that the management of products of the office of th	oved g	overnmental ui		•
26	TOTAL EXPENDITURES	<u>\$</u>	12,255,821	<u>\$</u>	12,873,418
27	MEANS OF FINANCE:				
28	State General Fund by:				
29	Interagency Transfers	\$	5,675,334	\$	4,920,576
30	Fees & Self-generated Revenues	\$	6,580,487	\$	7,952,842
31	TOTAL MEANS OF FINANCING	<u>\$</u>	12,255,821	\$	12,873,418
32	21-829 OFFICE OF AIRCRAFT SERVICES				
33	EXPENDITURES:		<b>FY 22 EOB</b>		FY 23 REC
34	Flight Maintenance -				
35	Authorized Positions		(3)		(4)
36	Expenditures	\$	2,303,789	<u>\$</u>	2,324,065
37 38 39 40 41	<b>Program Description:</b> The mission of the Office overall maintenance and provide all needed and economic operation of the State's various aircraft flight safety, maintains high safety standards while and provides high quality, efficient, and economic operated given the state of the state of the safety standards while and provides high quality, efficient, and economic operated gives the safety standards while the safety sta	d requi . Fligh e minim	red support for t Maintenance ( izing aircraft do	r safe Opero wntir	r, proper, and ations ensures ne for repairs,
42	operated aircraft.				

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1	TOTAL EXPENDITURES	<u>\$</u>	2,303,789	<u>\$</u>	2,324,065
2 3 4 5	MEANS OF FINANCE: State General Fund by: Interagency Transfers Fees & Self-generated Revenues	\$ \$	2,124,574 179,215	\$ \$	2,144,850 179,215
6	TOTAL MEANS OF FINANCING	<u>\$</u>	2,303,789	<u>\$</u>	2,324,065
7	21-860 ENVIRONMENTAL STATE REVOLV	ING	LOAN FUNDS	S	
8 9	EXPENDITURES: Environmental State Revolving Loan Funds	\$	FY 22 EOB 125,350,000	\$	FY 23 REC 125,350,000
10 11 12 13 14 15 16 17 18 19 20 21 22	Program Description: Helps individual citizens environmental programs by assisting municipalitic treatment works. The Clean Water State Revolvic Environmental Quality to assist recipients of Econstruction grants in providing project inspection program management services, required for the company program, as outlined in the management grants is eight planning districts with one-on-one followers eight planning districts with one-on-one followers aware of the program's benefits and required Revolving Loan Fund strives to uphold Componentation, and Liability Act (CERCLA) Section of the citizens of the state, as well as to enhance administering the Brownfields Cleanup Revolving	es to ng F Envir , con ipleti rant. low-i low-i iren i 104 ance	finance and confund is used by onmental Prote struction managion of the Enviro Regional meetings to meetings to ments. The Broensive Environ(k) to protect the the environments.	nstru the I ction gemei nmer ings o nake ownfi men heal	Department of Agency and Int, and overall Intellection are held in the Intellection are Response, Ith and welfare
23	TOTAL EXPENDITURES	\$	125,350,000	\$	125,350,000
24 25 26 27 28 29	MEANS OF FINANCE: State General Fund by: Statutory Dedications: Clean Water State Revolving Fund Brownfields Cleanup Revolving Loan Fund	\$ \$	125,000,000 350,000	\$ \$	125,000,000 350,000
30	TOTAL MEANS OF FINANCING	<u>\$</u>	125,350,000	<u>\$</u>	125,350,000
31 32 33 34 35 36 37 38	Payable out of the State General Fund by Statutory Dedications out of the Matching Funds Fund to the Environmental State Revolving Loan Funds Program to use as state match for the Clean Water State Revolving Fund allocations four in the federal Infrastructure Investment and Jobs A in the event that House Bill No. 406 of the 2022 Regular Session of the Legislature is enacted into I	ct,		\$	4,256,600
39	21-861 DRINKING WATER REVOLVING LO	AN	FUND		
40 41	EXPENDITURES: Drinking Water Revolving Loan Fund	\$	FY 22 EOB 47,988,458	\$	FY 23 REC 47,988,458
42 43 44 45 46 47	<b>Program Description:</b> Assist public water system infrastructure improvements (e.g. treatment plant, facilities, new wells). The Drinking Water Revolving form of low-interest loans and technical assistance assist them with complying with state and federal datheir customers are provided with safe drinking was	distr 1g Lo to pi rinki	ribution main re pan Fund provid ublic water syste ng water regulan	place es as ems i tions	ement, storage sistance in the n Louisiana to , ensuring that

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1	TOTAL EXPENDITURES	\$	47,988,458	<u>\$</u>	47,988,458
2 3 4	MEANS OF FINANCE: State General Fund by: Statutory Dedication:				
5	Drinking Water Revolving Loan Fund	\$	47,988,458	\$	47,988,458
6	TOTAL MEANS OF FINANCING	\$	47,988,458	<u>\$</u>	47,988,458
7 8 9 10 11 12 13 14	Payable out of the State General Fund by Statutory Dedications out of the Matching Funds Fund to the Drinking Water Revolving Loan Fund Program to use as state match for the Drinking Water Revolving Loan Fund allocations found in the federal Infrastructure Investment and Jobs Act, in the even that House Bill No. 406 of the 2022 Regular Session of the Legislature is enacted into law	ıg t		\$	2,693,000
15	Section 10. This Act shall become effective on	July	1, 2022.		

# **DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 465 Engrossed

2022 Regular Session

Zeringue

**Abstract:** Appropriates funds and provides for ancillary expenses of state government, including internal service funds, auxiliary accounts, and enterprise funds.

Provides \$989,727,795 of interagency transfers, \$1,883,923,053 of fees and self-generated revenues, and \$182,288,058 of statutory dedications to provide for the ancillary expenses of state government.

<u>Proposed law</u> provides for the establishment and reestablishment of agency ancillary funds, to be specifically known as internal service funds, auxiliary accounts, or enterprise funds for certain state institutions, officials, and agencies. Requires the appropriated funds, to the extent deposited, unless otherwise specified, to be used for working capital in the conduct of business enterprises rendering public, auxiliary, and interagency services. Requires receipts from the conduct of such businesses to be deposited to the credit of each ancillary fund for FY 2022-2023. Requires all funds to be expended in accordance with public bid laws.

<u>Proposed law</u> requires, except as otherwise provided, any fund equity resulting from prior year operations be included as a resource of the fund from which it is derived. Provides that all funds on deposit with the state treasury at the close of the fiscal year are authorized to be transferred to each fund as equity for FY 2023-2024. Further provides that all unexpended cash balances as of June 30, 2023, shall be remitted to the state treasurer on or before Aug. 14, 2023. Further provides that if not reestablished in the subsequent year's act, the agency must liquidate all assets and return all advances no later than Aug. 14, 2023.

<u>Proposed law</u> provides that the program descriptions contained in the Act are not enacted into law by virtue of their inclusion in the Act.

<u>Proposed law</u> provides that all money from federal, interagency, statutory dedications, or self-generated revenues of an agency be deemed available for expenditures in the

amounts appropriated, and any increase in such revenues over the amounts appropriated shall only be available for expenditure by the agency with approval of the division of administration and the Joint Legislative Committee on the Budget (JLCB).

<u>Proposed law</u> provides that the number of employees approved for each agency may be increased by the commissioner of administration, subject to JLCB approval, when appropriate documentation is deemed valid.

<u>Proposed law</u> requires any agency with an appropriation level of \$30 million or more to include positions within its table of organization which perform internal auditing services, including the position of a chief audit executive responsible for adhering to the Institute of Internal Auditors, International Standards for the Professional Practice of Internal Auditing.

<u>Proposed law</u> directs the commissioner of administration to adjust performance objectives and indicators contained in the Executive Budget Supporting Document to reflect the funds appropriated and to report such adjustments to the JLCB by Aug. 15, 2022.

<u>Proposed law</u> provides that the treasurer shall invest excess cash funds, excluding those arising from working capital advances, with the interest earned being credited to the account.

<u>Proposed law</u> authorizes the commissioner of administration to transfer functions, positions, assets, and funds between and within departments in conjunction with the continuing assessment of the existing staff, assets, contracts, and facilities of each department, agency, program, or budget unit's information technology resources, and procurement resources, in order to optimize resources and provide cost savings.

<u>Proposed law</u> does not apply to the Dept. of Culture, Recreation and Tourism, or any agency contained in Schedule 04, Elected Officials, of the General Appropriation Act.

<u>Proposed law</u> provides allocations for the Office of Technology Services for informational purposes only and are not construed to limit the expenditures or means of financing of the office.

<u>Proposed law</u> provides additional funding to the Clean Water Revolving Loan Fund and the Drinking Water Revolving Loan Fund out of the Matching Funds Fund.

Effective July 1, 2022.

# Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Appropriations</u> to the <u>original</u> bill:

- 1. Provides a list of funding allocations for the Office of Technology Services for informational purposes.
- 2. Provides \$6.9 million out of the Matching Funds Fund for the Drinking Water Revolving Loan Fund and the Clean Water Revolving Loan Fund.