

**ACT No. 601**

2016 Regular Session

HOUSE BILL NO. 409

BY REPRESENTATIVE HENRY

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AN ACT

To amend and reenact R.S. 39:91(A), R.S. 47:302.2(C)(1)(b), and R.S. 49:259(A) through (D) and Code of Criminal Procedure Article 895.1(F)(3)(e) and to enact R.S. 17:1519.6(E), relative to state funds; to provide for the deposit of certain funds into the state treasury; to provide for outstanding fund transfers; to provide for the deposit and transfer of hospital payments; to provide relative to the Deepwater Horizon Economic Damages Collection Fund; to provide relative to the Fiscal Year 2015-2016 Deficit Elimination Fund; to provide for the allocations of certain monies in the Shreveport Riverfront and Convention Center and Independence Stadium Fund; to provide for deposits into the Department of Justice Legal Support Fund; to provide relative to the transfer by the Department of Revenue of monies held in escrow; to authorize and direct the state treasurer to remit certain monies received by the state as a result of the Deepwater Horizon litigation; to direct the attorney general to remit certain funds; to provide for the transfer of excess funds in the High Risk Pool Fund; to provide for distributions out of the Sex Offender Registry Technology Fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:1519.6(E) is hereby enacted to read as follows:

1 §1519.6. Funding and budget

2 \* \* \*

3 E.(1) Notwithstanding any provision of law to the contrary, the LSU Health  
4 Science Center - Health Care Services Division, the LSU Health Sciences Center -  
5 New Orleans, and the LSU Health Sciences Center - Shreveport are hereby  
6 authorized and directed to deposit into the state general fund all receipts of lease  
7 payments for the public/private partnership leases of state hospital buildings and  
8 equipment net of clinic and hospital lease payments made by the LSU Health  
9 Science Center - Health Care Services Division.

10 (2) The health care services division shall transfer to the Department of  
11 Health and Hospitals, or its successor, all revenues received from the public private  
12 partnership hospitals for the provision of accountable care services.

13 Section 2. R.S. 39:91(A) is hereby amended and reenacted to read as follows:

14 §91. Deepwater Horizon Economic Damages Collection Fund

15 A.(1) There shall be established in the state treasury as a special permanent  
16 trust fund named the Deepwater Horizon Economic Damages Collection Fund. After  
17 allocation of money to the Bond Security and Redemption Fund as provided in  
18 Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer shall deposit  
19 in and credit to the Fiscal Year 2015-2016 Deficit Elimination Fund as created in  
20 Subsection D of this Section, the first two hundred million dollars of the proceeds  
21 of the settlement, judgment, or final disposition of the state's economic damages  
22 claims asserted in State of Louisiana v. BP Exploration & Production, et al., MDL  
23 NO. 2179 (E.D.LA. pending) (hereinafter "DWH litigation") to recover economic  
24 damages sustained by the state from the Deepwater Horizon explosion and oil spill  
25 that occurred on or about April 20, 2010, at the MC 252 site in the Gulf of Mexico.

26 (2) All settlement proceeds received on behalf of the state shall be reported  
27 to the Joint Legislative Committee on the Budget.

28 \* \* \*

1 Section 3. R.S. 47:302.2(C)(1)(b) is hereby amended and reenacted to read as  
2 follows:

3 §302.2. Disposition of certain collections in the city of Shreveport

4 \* \* \*

5 C. Subject to an annual appropriation by the legislature, monies in the fund  
6 shall be used as follows:

7 (1) For allocation from all monies in the fund in the following amounts:

8 \* \* \*

9 (b) One and one-half percent ~~for African-American Multi-Cultural Tourism~~  
10 Commission to be divided equally with fifty percent to Pamoja Art Society and fifty  
11 percent to Rho Omega and Friends, Inc., and one and one-half percent for the  
12 Shreveport Bossier African American Chamber of Commerce.

13 \* \* \*

14 Section 4. R.S. 49:259(A) through (D) is hereby amended and reenacted to read as  
15 follows:

16 §259. Department of Justice Legal Support Fund

17 A. There is hereby established in the state treasury a special fund to be  
18 known as the Department of Justice Legal Support Fund, hereinafter referred to as  
19 the "fund". The fund shall be comprised of proceeds recovered by the attorney  
20 general on behalf of the state from court judgments, settlements, fines, fees,  
21 forfeitures and penalties, from the recovery or award of any attorney fees as provided  
22 in R.S. 42:262, or from proceeds recovered by the attorney general from any other  
23 source ~~from~~ which revenues are ~~designated~~ received by the attorney general for  
24 deposit into the fund, except those judgments and recoveries made on or pertaining  
25 to any office of risk management litigation, ~~or~~ litigation involving the Department  
26 of Natural Resources ~~and~~ or the Department of Environmental Quality, or to the  
27 settlement funds, judgments, or final disposition of the claims asserted in State of  
28 Louisiana v. BP Exploration & Production, et al., consolidated with In Re: Oil Spill  
29 by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010, MDL

1            No. 2179 (E.D. La.) (hereinafter "DWH litigation"), as provided in Subsection D of  
2            this Section.

3            B.(1) After satisfying the requirements of the Bond Security and Redemption  
4            Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the  
5            treasurer shall ~~pay~~ transfer into the fund each fiscal year ~~an amount equal to~~ from the  
6            proceeds received as provided in Subsection A of this Section ~~in~~ an amount which  
7            together with the balance in the fund as of each July first is sufficient to bring the  
8            balance in the fund to ten million dollars annually. Annual deposits into the fund  
9            shall not exceed a total of ten million dollars ~~The~~ and the balance of the fund shall  
10           not exceed ten million dollars. Any proceeds ~~remaining~~ received as provided in  
11           Subsection A of this Section, after making the total annual deposit into the fund of  
12           ten million dollars shall be deposited into the state general fund.

13            (2) The attorney general shall notify the state treasurer, the Joint Legislative  
14            Committee on the Budget, and the commissioner of administration immediately upon  
15            receipt of any proceeds received as provided in Subsection A of this Section.

16            C.(1) The monies in the fund shall be annually appropriated to the  
17            Department of Justice solely for the purposes of defraying the costs of expert  
18            witnesses, consultants, contract legal counsel, technology, specialized employee  
19            training and education, and public education initiatives. Monies in the fund may also  
20            be used to defray the expense of employees hired, including attorneys and support  
21            staff, and to pay related expenses to represent the state. ~~Monies appropriated from~~  
22            ~~the fund shall be used to supplement the Department of Justice budget and shall in~~  
23            ~~no way be used to displace, replace, or supplant appropriations from the state general~~  
24            ~~fund for operations of the Department of Justice below the level of state general fund~~  
25            ~~appropriations for that department in the current fiscal year.~~

26            (2) No employee salary or wages or other expenses, to be paid from the  
27            recovery or award of any attorney fees as provided in R.S. 42:262, including the  
28            recovery or award of any attorney fees resulting from the Court Order [Regarding  
29            Payment of the Gulf States' Attorneys' Fees and Costs] (Rec. Doc. 15441) issued in

1           the DWH litigation on October 5, 2015, shall be paid by the Department of Justice,  
2           until funding is approved by the Joint Legislative Committee on the Budget.

3                     (3) Each fiscal year, monies shall be deposited into the fund in an amount  
4                     sufficient to bring the unencumbered balance in the fund to ten million dollars.

5                     D. Notwithstanding the provisions of Subsection A of this Section, no  
6                     proceeds shall be deposited into the fund from court-awarded judgments and  
7                     settlements involving the Department of Natural Resources as specified in R.S.  
8                     30:136.3(B)(1), nor any judgments, settlements, or recoveries which are designated  
9                     for credit to the Hazardous Waste Site Cleanup Fund, the Environmental Trust Fund,  
10                    or any other funds administered by the Department of Environmental Quality under  
11                    the Environmental Quality Act. Notwithstanding the provisions of Subsection A of  
12                    this Section, no proceeds shall be deposited into the fund from court-awarded  
13                    judgments and settlements involving the Department of Transportation and  
14                    Development. Notwithstanding the provisions of Subsection A of this Section, no  
15                    proceeds shall be deposited into the fund from judgments, settlements, or recoveries  
16                    arising from the DWH litigation, including but not limited to litigation expenses,  
17                    assessment costs, court costs or attorney fees.

18   \*       \*       \*

19                    Section 5. Code of Criminal Procedure Article 895.1(F)(3)(e) is hereby amended and  
20                    reenacted to read as follows:

21                    Art. 895.1. Probation; restitution; judgment for restitution; fees

22   \*       \*       \*

23                    F. When the court places the defendant on supervised probation, it shall  
24                    order as a condition of probation the payment of a monthly fee of eleven dollars.  
25                    The monthly fee established in this Paragraph shall be in addition to the fee  
26                    established in Paragraph C of this Article and shall be collected by the Department  
27                    of Public Safety and Corrections and shall be transmitted, deposited, appropriated,  
28                    and used in accordance with the following provisions:

29   \*       \*       \*

1 (3) The monies in the Sex Offender Registry Technology Fund shall be  
2 appropriated as follows:

3 \* \* \*

4 (e) After providing for the allocations in Subsubparagraphs (a), (b), (c), and  
5 (d) of this Subparagraph, the remainder of the residual monies in the Sex Offender  
6 Registry Technology Fund shall, pursuant to an appropriation to the office of the  
7 attorney general, be distributed to the sheriff of each parish, based on the population  
8 of convicted sex offenders, sexually violent predators, and child predators who are  
9 residing in the parish and who are active sex offender registrants or active child  
10 predator registrants in the respective parishes according to the State Sex Offender  
11 and Child Predator Registry. These funds shall be used to cover the costs associated  
12 with sex offender registration and compliance. Population data necessary to  
13 implement the provisions of this Subparagraph shall be as compiled and certified by  
14 the undersecretary of the Department of Public Safety and Corrections on the first  
15 day of June of each year. No later than ~~June fifteenth of each year~~, thirty days after  
16 the Revenue Estimating Conference recognizes the prior year fund balance, the  
17 office of the attorney general shall make these distributions, which are based on the  
18 data certified by the undersecretary of the Department of Public Safety and  
19 Corrections, to the recipient sheriffs who are actively registering offenders pursuant  
20 to this Paragraph.

21 Section 6. Notwithstanding any provision of law to the contrary, any outstanding  
22 fund transfers contained in Act 378 of the 2011 Regular Session of the Legislature, Act 597  
23 of the 2012 Regular Session of the Legislature, Act 420 of the 2013 Regular Session of the  
24 Legislature, Act 646 of the 2014 Regular Session of the Legislature, Act 121 of the 2015  
25 Regular Session of the Legislature, and any fund transfers approved by the Joint Legislative  
26 Committee on the Budget as part of a mid-year reduction shall be considered null and void  
27 and of no further effect on July 1, 2016.

28 Section 7. Upon cessation of the Health Plan Board by March 1, 2016 per R.S.  
29 22:1205(C)(7) and notwithstanding the provisions of R.S. 51:2365(E), the state treasurer is

1 hereby authorized and directed to transfer the excess High Risk Pool Funds to the Mega-  
2 Project Development Fund.

3 Section 8. Notwithstanding any law to the contrary, upon receipt of any monies  
4 received on behalf of the state as a result of the settlement, judgment, or final disposition of  
5 the state's claims asserted in State of Louisiana v. BP Exploration & Production, et al.  
6 (E.D.La.), consolidated with In Re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf  
7 of Mexico, on April 20, 2010, MDL 2179 (E.D. La.), including (1) Twenty Million Dollars  
8 paid pursuant to the Court Order [Regarding Payment of the Gulf States' Attorneys' Fees and  
9 Costs (Rec. Doc. 15441)] issued on October 5, 2015 (hereinafter "attorneys' fees and costs"),  
10 (2) the recovery of the unreimbursed Natural Resource Damage assessment (NRDA) costs  
11 incurred by the Trustees and the natural resource damage (NRD) payments due pursuant to  
12 the Consent Decree Among Defendant BP Exploration & Production Inc. (BPXP), the  
13 United States of America, and the States of Alabama, Florida, Louisiana, Mississippi, and  
14 Texas (Consent Decree), and (3) the economic damages owed under the Settlement  
15 Agreement Between the Gulf State and the BP Entities With Respect to Economic and Other  
16 Claims Arising From the Deepwater Horizon Incident (Economic Damages Settlement  
17 Agreement), the attorney general shall notify the state treasurer, the Joint Legislative  
18 Committee on the Budget, and the commissioner of administration. The state treasurer shall  
19 immediately transfer the Twenty Million Dollar payment for attorneys' fees and costs  
20 pursuant to the Court Order to the Oil Spill Contingency Fund. The state treasurer is further  
21 authorized and directed to transfer, immediately upon receipt of the first installment of the  
22 NRDA costs paid in accordance with the Consent Decree, Nineteen Million One Hundred  
23 Twenty-five Thousand Dollars to the Natural Resources Restoration Trust Fund. The second  
24 installment of Nineteen Million One Hundred Twenty-five Thousand Dollars for NRDA  
25 costs and all future NRD payments made pursuant to the Consent Decree shall also be  
26 transferred to the Natural Resources Restoration Trust Fund, in accordance with La. R.S.  
27 30:2480.2. The state treasurer shall immediately upon receipt of the initial payment of  
28 economic damages in the amount of Two Hundred Million Dollars, transfer these funds in  
29 accordance with R.S. 39:91. All future payments of economic damages, as set forth in the  
30 Economic Damages Settlement Agreement, shall also be transferred in accordance with R.S.

1 39:91. In order to comply with this section, immediately upon signature of the governor of  
 2 this Act, the attorney general is hereby directed to remit from the Attorney General's  
 3 Consumer Support Escrow Account the amount of seven million dollars which was  
 4 transferred to the Attorney General's Consumer Support Escrow Account on May 17, 2016,  
 5 to the state treasurer and costs made pursuant to the October 5, 2015 Court Order or the  
 6 NRDA payments made pursuant to the Consent Decree.

7 Section 9. When the Department of Revenue prevails in the suit, appeal or, petition  
 8 associated with the legislative instrument which originated as House Concurrent Resolution  
 9 No. 8 of the 2015 Regular Session of the Louisiana Legislature, the amount paid under  
 10 protest and held in escrow in accordance with R.S. 47:1576, the proceeds thereof shall be  
 11 transferred to the state general fund.

12 Section 10. The attorney general is hereby directed to remit from the Attorney  
 13 General's Consumer Support Escrow Account the amount of \$7,028,196 to the state  
 14 treasurer. Notwithstanding any law to the contrary, the treasurer shall transfer the  
 15 \$7,028,196 to the state general fund.

16 Section 11. This Act shall become effective upon signature by the governor or, if not  
 17 signed by the governor, upon expiration of the time for bills to become law without signature  
 18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 19 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 20 effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_