

2020 Regular Session

SENATE BILL NO. 308

BY SENATOR HEWITT AND REPRESENTATIVE EDMONDS

FUNDS/FUNDING. Provides relative to the Dedicated Fund Review Subcommittee of the Joint Legislative Committee on the Budget. (7/1/20)

1 AN ACT

2 To amend and reenact R.S. 49:308.5(B), (C)(1), the introductory paragraph of R.S.
3 49:308.5(C)(3)(a), and (D), relative to the Dedicated Fund Review Subcommittee of
4 the Joint Legislative Committee on the Budget; to provide relative to a plan of
5 review by the Dedicated Fund Review Subcommittee of certain special funds and
6 dedications in the state treasury, including those containing fees and self-generated
7 revenues; to provide relative to the scheduling of funds in the plan of review; to
8 provide for an effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 49:308.5(B), (C)(1), the introductory paragraph of R.S.
11 49:308.5(C)(3)(a), and (D) are hereby amended and reenacted to read as follows:

12 §308.5. Legislative review and recommendation on special funds and dedication of
13 money

14 * * *

15 B.(1) ~~The division of administration shall establish a procedure to assure that~~
16 ~~the activities supported by a special fund are subject to the same level of~~
17 ~~transparency and accountability as activities supported by the state general fund. The~~

1 procedure shall include the annual submission of reports no later than December first
2 of each year for all entities and activities supported by appropriations from the fund.

3 (2) The reports shall be submitted to the president of the Senate, the speaker
4 of the House of Representatives, and the division of administration. The reports to
5 the division of administration shall be submitted electronically in a form and format
6 as specified and established by the commissioner of administration. The division of
7 administration shall publish the reports in an electronic database so as to ensure
8 transparency and accountability.

9 (3)(a) No later than August 1, 2019 **2020**, the division of administration shall
10 submit **to the Joint Legislative Committee on the Budget** a plan ~~of~~ **to review** all
11 special funds and dedications that contain fees and self-generated revenues of the
12 special dedicated funds in law as of the date of the submission, ~~of the plan to the~~
13 Joint Legislative Committee on the Budget. The **Joint Legislative Committee on**
14 **the Budget shall refer the plan to the** Dedicated Fund Review Subcommittee of the
15 Joint Legislative Committee on the Budget, hereinafter referred to as "the
16 subcommittee". **The subcommittee** shall meet ~~and~~ **to review** **and to make**
17 **recommendations, as provided in this Section, on** each dedicated fund that
18 contains fees and self-generated revenues prior to ~~January 15, 2020~~ **the 2021**
19 **Regular Session of the Legislature.**

20 (b)~~(2)~~ On or before ~~February 1, 2020, and every four years thereafter,~~
21 **August 1, 2021, and on or before August first of the first year of every term of**
22 **the legislature,** the state treasurer's office **division of administration** shall submit
23 a list of all dedicated funds and statutorily dedicated fund accounts in law as of the
24 date of the submission of the list, to the Joint Legislative Committee on the Budget.
25 **The Joint Legislative Committee on the Budget may review and amend the list**
26 **prior to submission to the subcommittee.**

27 (c) The Joint Legislative Committee on the Budget **list shall be referred to**
28 **the subcommittee which** shall **develop a plan to** review each submitted **item on**
29 **the list** and may add special funds and statutorily dedicated fund accounts to the lists

1 submitted by the state treasurer's office. ~~(d) The Joint Legislative Committee on the~~
 2 Budget. **The subcommittee** shall ensure that all special funds established by law,
 3 including all statutorily dedicated fund accounts, ~~will have been~~ **are** included in the
 4 list and **ensure that each item is** reviewed at least once every four years. **The**
 5 **subcommittee shall ensure each item receives a recommendation on whether the**
 6 **dedication shall continue to be protected, deleted, or modified.** ~~(4) The Joint~~
 7 Legislative Committee on the Budget shall devise a plan for the subcommittee to
 8 review. The subcommittee shall conduct a review of the special funds, dedications,
 9 and statutorily dedicated fund accounts specified in each such plan, resulting in a
 10 recommendation for each specified fund, dedication, or statutorily dedicated fund
 11 account in the plan. The subcommittee shall meet at least once every two years and
 12 may hold other meetings upon the call of the chairperson or majority of the
 13 members. The subcommittee shall meet only between the fifteenth day of August
 14 and the fifteenth day of January of each fiscal year.

15 C.(1) ~~After the approval of the plan by the Joint Legislative Committee on~~
 16 ~~the Budget, the subcommittee shall cause to be posted on the website of the~~
 17 Louisiana Legislature, a schedule of funds, dedications, and statutorily dedicated
 18 fund accounts to be reviewed each year. The subcommittee shall have the authority
 19 to amend the schedule. Additionally, **The subcommittee, acting on behalf of** the
 20 Joint Legislative Committee on the Budget, shall notify the commissioner of
 21 administration and the treasurer of the schedule **date each fund is scheduled for**
 22 **review.** ~~The state treasurer's office~~ **commissioner of administration** shall notify any
 23 agency or entity receiving an appropriation from a special fund, dedication, or
 24 statutorily dedicated fund specified in the schedule.

25 * * *

26 (3)(a) ~~No later than the first day of August of each year in which the fund is~~
 27 ~~scheduled, the~~ **The** head of each agency or entity receiving an appropriation or
 28 allocation from a special dedicated fund, dedication, or statutorily dedicated fund
 29 account included in the plan **scheduled for review that fiscal year** shall submit to

1 the subcommittee the following:

2 * * *

3 D.(1) Following the review of each special fund as required in this Section,
 4 members of the subcommittee shall offer motions as are necessary to produce a
 5 report of findings and recommendations on each special dedicated fund, **dedication,**
 6 **or statutorily dedicated fund account** reviewed **by the subcommittee**. Such
 7 findings and recommendations may include but are not limited to no change to the
 8 fund, a change to the **fund's** revenue source ~~into the fund~~, a change in the amount
 9 dedicated ~~into~~ **to** the fund, a change in the use of the fund, or elimination of the fund.

10 (2) ~~The~~ **No later than thirty days prior to the beginning of the regular**
 11 **session of the legislature, the** subcommittee shall report the findings and
 12 recommendations to the Joint Legislative Committee on the Budget for review. The
 13 Joint Legislative Committee on the Budget may recommend modifications to the
 14 report submitted by the subcommittee, however, such modifications shall be noted
 15 in the report along with any original findings or recommendations of the
 16 subcommittee.

17 * * *

18 Section 2. This Act shall become effective on July 1, 2020. If vetoed by the governor
 19 and subsequently approved by the legislature, this Act shall become effective on July 1,
 20 2020.

The original instrument was prepared by Martha Hess. The following digest,
 which does not constitute a part of the legislative instrument, was prepared
 by Michelle D. Ridge.

DIGEST

SB 308 Reengrossed

2020 Regular Session

Hewitt

Present law provides for the creation of the Dedicated Fund Subcommittee of the Joint Legislative Committee on the Budget (subcommittee) to review all dedicated fees, funds, and accounts in the state treasury. Proposed law retains present law.

Present law provides for an annual submission of reports for all entities and activities supported by appropriations from the fund, to the president of the Senate, the speaker of the House of Representatives, and the division of administration. Proposed law deletes present law.

Present law provides that no later than August 1, 2019, the division of administration shall

submit a plan of all special funds and dedications that contain fees and self-generated revenues of the special dedicated funds in law as of the date of the submission of the plan to the Joint Legislative Committee on the Budget. The subcommittee shall meet and review each dedicated fund that contains fees and self-generated revenues prior to January 15, 2020.

Proposed law changes the date the division of administration is to submit a plan of special funds and dedications that contain fees and self-generated revenues to the subcommittee from August 1, 2019, to August 1, 2020. The subcommittee is to meet to review and to make recommendations on the funds on the list prior to the 2021 Regular Session.

Present law provides that on or before February 1, 2020, and every four years thereafter, the state treasurer's office shall submit a list of all dedicated funds and statutorily dedicated fund accounts in law as of the date of the submission of the list, to the Joint Legislative Committee on the Budget. Proposed law changes the entity to submit the list of dedicated funds from the state treasurer's office to the division of administration.

Proposed law provides that the Joint Legislative Committee on the Budget may review and amend the list prior to submission to the subcommittee.

Proposed law provides that the lists are to be referred to the subcommittee which shall develop a plan to review each item on the list. The subcommittee shall ensure that all special funds established by law are included in the list, that each item is reviewed at least once every four years, and that each item receives a recommendation on whether the dedication shall continue to be protected, deleted, or modified.

Present law provides that on or before February 1, 2020, and every four years thereafter, they shall submit a list of all dedicated funds and statutorily dedicated fund accounts in law as of the date of the submission of the list, to the Joint Legislative Committee on the Budget, who is to devise a plan of review for the subcommittee. Proposed law changes the dates future plans are to be submitted from February 1, 2020, and every four years thereafter, to August 1, 2021, and on or before August 1st of the first year of every term thereafter.

Proposed law provides changes to the entity to which the plan is to be submitted from the Joint Legislative Committee on the Budget to the subcommittee. Proposed law also changes the entity who is to submit the plan from the state treasurer's office to the division of administration. Proposed law further provides that the division of administration shall notify the agencies when the fund is to be reviewed.

Present law provides that the subcommittee shall meet at least once every two years and may hold other meetings upon the call of the chairperson or majority of the members. The subcommittee shall meet only between the fifteenth day of August and the fifteenth day of January of each fiscal year. Proposed law repeals present law.

Proposed law provides that the subcommittee shall submit its findings and recommendations to the Joint Legislative Committee on the Budget no later than thirty days prior to the beginning of the regular session of the legislature.

Proposed law provides that the subcommittee shall notify the state treasurer and the commissioner of administration the date each fund is scheduled for review and the commissioner of administration shall notify the agencies.

Effective on July 1, 2020.

(Amends R.S. 49:308.5(B), (C)(1), (3)(a)(intro para), and (D))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the original bill

1. Provides that the subcommittee shall notify the state treasurer and the commissioner the date each fund is scheduled for review and the commissioner of administration shall notify the agencies.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Provides that the Joint Legislative Committee on the Budget may review and amend the list prior to submission to the subcommittee.