



**Dedicated Fund Review Subcommittee**  
**Joint Legislative Committee on the Budget**  
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Representative Rick Edmonds  
*Co-Chairman*

Senator Sharon Hewitt  
*Co-Chairwoman*

**March 9, 2021**  
**Meeting**

Review of Dedicated Funds that contain Fees and Self-generated Revenues in accordance with Act 119 of the 2020 Regular Legislative Session for the following:

<b>Fund:</b>	<b>Page Number:</b>
<b>Automobile Theft and Insurance Fraud Prevention Authority Fund</b> Department of Insurance	1
<b>Insurance Fraud Investigation Fund</b> Department of Insurance Department of Justice Office of State Police	6
<b>Concealed Handgun Permit Fund</b> Office of State Police	14
<b>Criminal Identification and Information Fund</b> Office of State Police	18
<b>Driver's License Escrow Fund</b> Office of State Police	32
<b>Explosives Trust Fund</b> Office of State Police	35
<b>Louisiana Towing and Storage Fund</b> Office of State Police	42
<b>Public Safety DWI Testing, Maintenance, and Training Fund</b> Office of State Police	45
<b>Right to Know Fund</b> Office of State Police	48
<b>Insurance Verification System Fund</b> Office of State Police Office of Motor Vehicles Local Housing of State Adult Offenders	53

<b>Fund:</b>	<b>Page Number:</b>
<b>Unified Carrier Registration Agreement Fund</b> Office of State Police Office of Motor Vehicles	61
<b>Handling Fee Escrow Fund</b> Office of Motor Vehicles	66
<b>Office of Motor Vehicles Customer Service and Technology Fund</b> Office of Motor Vehicles	69
<b>Industrialized Building Program Fund</b> Office of the State Fire Marshal	87
<b>Louisiana Life Safety and Property Protection Trust Fund</b> Office of the State Fire Marshal	92
<b>Liquefied Petroleum Gas Commission Rainy Day Fund</b> Liquefied Petroleum Gas Commission	102

# Automobile Theft and Insurance Fraud Prevention Authority Fund

Creation Date: August 2004  
 Authorization: R.S. 22:2134  
 Source of Funds: Gifts, grants, donations, loans, settlements, and federal or state funds, etc.  
 Expenditure Usage: To enhance fraud prevention efforts as determined by the Louisiana Automobile Theft and Insurance Fraud Prevention Authority.

<b>5 Year History of Fund Activity</b>					
<b>Activity</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Beginning Balance	\$7,186	\$57,221	\$81,717	\$84,785	\$80,988
Revenue	\$192,000	\$187,009	\$187,000	\$188,500	\$187,000
Interest Earnings	\$409	\$1,162	\$3,264	\$5,853	\$3,650
Transfers	\$0	(\$9,499)	\$0	\$0	\$0
Expenditures	(\$131,024)	(\$154,176)	(\$187,196)	(\$198,150)	(\$77,564)
Ending Balance	\$68,571	\$81,717	\$84,785	\$80,988	\$194,074

**Automobile Theft and Insurance Fraud Prevention Authority Fund – R.S. 22:2134; 22:2133**

§2134. Automobile Theft and Insurance Fraud Prevention Authority Fund

A. There is hereby established a fund in the state treasury to be known as the "Automobile Theft and Insurance Fraud Prevention Authority Fund", hereafter referred to as the "fund", into which the state treasurer shall each fiscal year deposit the revenues received from those sources provided for by this Part and other sources as provided for by law after those revenues have been deposited in the Bond Security and Redemption Fund. 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 that become due and payable within each fiscal year, the treasurer, prior to placing such funds in the state general fund, shall pay into the fund an amount equal to the revenue generated from collection from those sources provided for by this Part and other sources as provided for by law. No expenditures shall be made from the fund unless first appropriated by the legislature. The monies in the trust fund shall be invested by the state treasurer in the same manner as monies in the state general fund. All interest earned on money from the fund and invested by the state treasurer shall be credited to the Automobile Theft and Insurance Fraud Prevention Authority Fund.

B. Any monies in the Automobile Theft and Insurance Fraud Prevention Authority Fund shall be administered only by the director of the authority, upon a majority vote of the board, in the following order of priority:

(1) To pay the costs of administration of the authority.

(2) To pay the costs of legal counsel.

(3) To achieve the purposes and objectives of this Part, which may include but not be limited to the following:

(a) Providing financial support to state or local law enforcement agencies, including but not limited to the office of attorney general, for motor vehicle theft and insurance fraud prevention, detection and enforcement.

(b) Providing financial support to state or local law enforcement agencies, including but not limited to the office of attorney general, for programs designed to reduce the incidence of motor vehicle theft and insurance fraud.

(c) Providing financial support to state and local prosecutors, including but not limited to the office of attorney general, for programs designed to reduce the incidence of motor vehicle theft and insurance fraud.

(d) Conducting educational and public awareness programs designed to inform the citizens of the state about methods of preventing motor vehicle theft and combating insurance fraud.

C. All monies in the Automobile Theft and Insurance Fraud Prevention Authority Fund shall be used only to enhance fraud prevention efforts as determined by the board.

Acts 2004, No. 711, §1; Redesignated from R.S. 22:3204 by Acts 2008, No. 415, §1, eff. Jan. 1, 2009; Acts 2010, No. 1013, §1, eff. July 1, 2010.

§2133. Authority; further powers and duties

The authority shall have the powers necessary and convenient to implement and effectuate the purposes and provisions of this Part and the purposes of the authority and the powers delegated by other laws, including but not limited to the power to:

(1) Sue and be sued; have perpetual succession; make, execute and deliver contracts, conveyances, and other instruments necessary and convenient to the exercise of its powers; and to make and amend its bylaws by a majority vote of the board.

(2) Solicit and accept gifts, grants, donations, loans, and other assistance from any person or entity, private or public, or the federal, state, or local governments or any agency thereof, such gifts, grants, donations, loans, and other assistance to be immediately deposited upon receipt into the fund provided for in R.S. 22:2134(A).

(3) Establish programs in conjunction with other state agencies, local governing authorities, and law enforcement agencies for motor vehicle theft and insurance fraud prevention, detection and enforcement, which shall include the Attorney General's Criminal Division and Investigation Division.

(4) Make grants to other state agencies, local governing authorities, and law enforcement agencies for motor vehicle theft and insurance fraud prevention, detection and enforcement.

(5) Procure insurance against any loss in connection with its property, assets or activities.

(6) Deposit all monies received for the purposes of this Part into the Automobile Theft and Insurance Fraud Prevention Authority Fund, provided for in R.S. 22:2134.

(7) Contract for goods and services and engage personnel as is necessary, including the services of private consultants, auditors, and others for rendering professional services, as provided by law, payable out of any money of the fund legally available for such purpose. Additionally, the board may authorize the attorney general to contract for the services of ad hoc prosecutors or other legal assistance, payable out of any money of the fund legally available for such purpose.

(8) Indemnify and procure insurance indemnifying the members of the board from personal loss from liability resulting from an action or inaction of the board.

(9) Do all other things necessary and convenient to achieve the objectives and purposes of the authority of this Part.

Acts 2004, No. 711, §1; Redesignated from R.S. 22:3203 by Acts 2008, No. 415, §1, eff. Jan. 1, 2009; Acts 2012, No. 271, §1.

# DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

## 2020 Fund Review - Agency Submission

Fund Name: 112 Automobile Theft and Insurance Fraud Prevention Authority

Agency Name: 04-165 Commissioner of Insurance

Point of Contact: Lance L. Herrin POC Phone: (225) 342-3981

POC Email: lance.herrin@ldi.la.gov Date: 9/21/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>Amount:</b>	\$199,595	\$245,392	\$271,981	\$279,138	\$271,638	
<b>Revenue Description:</b>	Two (2) Revenue Sources For I12 Fund: LA R.S. 22:2133 - LA R.S. 22:2134 - The purpose of the Automobile Theft and Insurance Fraud Prevention Authority is to combat motor vehicle insurance fraud by theft and other criminal acts. The Authority will solicit and accept gifts, grants and donations, loans, and other assistance from various entities which will be deposited into the statutory dedicated fund created by the Act and will be used solely for the purpose of establishing programs in conjunction with other state agencies, local governing authorities, and law enforcement agencies for motor vehicle theft and insurance fraud prevention, detection, and enforcement. LA R.S. 40:1428 - Provides for the Department of Insurance to assess a special fee on the direct premiums collected not to exceed .000375 multiplied times the amount of direct premium dollars received that are subject to the fee. The Commissioner may retain one hundred eighty-seven thousand (\$187,000) to fund the Louisiana Automobile Theft and Fraud Prevention Authority pursuant to 22:2134.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount:</b>	\$131,024	\$154,176	\$187,196	\$198,150	\$77,564	\$227,000

*In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.*

<b>Name of Activity Funded:</b>	<b>Division of Insurance Fraud - LA Automobile Theft and Insurance Fraud Prevention Authority</b>					
<b>Activity Description:</b>	The Louisiana Auto Theft and Insurance Fraud Prevention Authority (LATIFPA) is a public agency within the Division of Insurance Fraud, whose purpose is to combat motor vehicle insurance fraud, including fraud by theft and other criminal acts. The Louisiana Legislature also established the Automobile Theft and Insurance Fraud Prevention Authority Fund within the LATIFPA, which collects and disburses funds through a grant process to combat motor vehicle theft and insurance fraud.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$131,024	\$154,176	\$187,196	\$198,150	\$77,564	\$227,000
<b>Total Expended for Activity from all Means of Finance:</b>	\$377,498	\$414,344	\$444,137	\$461,388	\$349,286	\$500,031

<p><b>Activity Outcomes/ Performance Information:</b></p>	<p>There are no specific performance indicators associated with the Authority because the fund is the mechanism used to collect and disburse funds to other state agencies, local governing authorities and law enforcement agencies for the purpose of reducing motor vehicle theft and insurance fraud. Additionally, the Authority is authorized to enter into cooperative endeavors with any public or private association, corporation or individual with similar obligations and purpose as long as all expenditures are for a public purpose and create a public benefit proportionate to the cost.</p> <p>The initiatives of the Authority as approved by the LATIFPA board include:</p> <p>(1) Vehicle Investigation Prevention Enforcement Response Program (VIPER) - statewide bait vehicle program implemented through Cooperative Endeavor Agreement with the National Insurance Crime Bureau. The program grants vehicles donated by insurance companies and equipped with systems funded by the LATIFPA to law enforcement agencies through an application process.</p> <p>(2) License Plate Recognition Program - implemented through a Cooperative Endeavor Agreement with the National Insurance Crime Bureau. The program grants license plate recognition systems to Louisiana Law Enforcement agencies based on specific criteria.</p> <p>(3) Education and Outreach-The LATIFPA presents a no cost education program to middle and high school students and members of civic, business and professional organizations on the consequences of auto theft and insurance fraud and offers tips to avoid being victims of theft and insurance fraud.</p> <p>(4) Public Awareness Campaign-Stimulate public awareness about how widespread vehicle theft is and encourage public participation in theft prevention and enforcement efforts through public service announcements and through the distribution of information brochures.</p>
<p><b>Cost of Service Offset by Fee (if applicable):</b></p>	

## Insurance Fraud Investigation Fund

109

Creation Date: January 2000  
Authorization: R.S. 40:1428  
Source of Funds: Fees collected by the Commissioner of Insurance on direct premiums received by each insurer licensed by the Dept. of Insurance to conduct business in this state.  
Expenditure Usage: The first \$30,000 can be withheld for the expenses incurred by the Department of Insurance related to the collection of the fee, enforcement, and operations.

Second, \$187,000 is withheld for the Louisiana Automobile Theft and Insurance Fraud Prevention Authority.

The remaining fees shall be used solely for and allocated as follows: seventy-five percent allocated to the insurance fraud investigation unit within the Office of State Police; fifteen percent allocated to the Dept. of Justice for the insurance fraud support unit; and ten percent allocated to the Dept. of Insurance, section of insurance fraud.

<b>5 Year History of Fund Activity</b>					
<b>Activity</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Beginning Balance	\$361	\$71	\$67,348	\$677,457	\$709,352
Revenue	\$3,894,973	\$4,672,480	\$5,507,664	\$5,099,667	\$5,656,461
Transfers	(\$187,441)	(\$81,311)	\$0	\$0	\$0
Expenditures	(\$3,707,822)	(\$4,523,892)	(\$4,897,555)	(\$5,067,771)	(\$5,524,686)
Ending Balance	\$71	\$67,348	\$677,457	\$709,352	\$841,127



**Insurance Fraud Investigation Fund – R.S. 40:1428; R.S. 22:1931.8; R.S. 22:1931.9**

§1428. Special assessment; creation of fund

A.(1) Except as provided in Paragraph (2) of this Subsection, the commissioner of insurance may assess a fee on the direct premiums received by each insurer licensed by the Department of Insurance to conduct business in this state. Such fee shall be imposed by rule adopted by the commissioner in accordance with the Administrative Procedure Act. The total fees assessed for any year shall not exceed the amount necessary to pay the costs of investigation, enforcement, public education and public awareness, and prosecution of insurance fraud in this state by the programs to which funds are allocated in Paragraph (4) of this Subsection. The total fee assessed in any year shall not exceed an amount equal to 0.000375 multiplied times the annual direct premium dollars received that are subject to the fee.

(2) The fee shall not be assessed on premiums received on life insurance policies, annuities, credit insurance, crop and livestock insurance, federal flood insurance policies, reinsurance contracts, reinsurance agreements, or reinsurance claims transactions. The fee shall not be assessed on fifty percent of the premiums received on health and accident insurance policies.

(3) On and after January 1, 2004, if the fee assessed for the previous year exceeds by five percent of the cumulative costs of the previous year of operating the insurance fraud programs to which funds are allocated, the fee assessment for the next year shall be reduced by the amount of the excess in proportion to the assessment; however, any entity listed in Subparagraph (4)(b) of this Subsection that expends its allocation shall receive at least the same allocation for the next year.

(4)(a) Prior to making the allocations specified in Subparagraph (b) of this Paragraph, the commissioner of insurance is authorized to withhold the sum of thirty thousand dollars per year from the fees collected pursuant to this Section to defray the expense of collection of the fees, enforcement of this Subpart, and operation of the Department of Insurance and shall withhold one hundred eighty-seven thousand dollars to fund the Louisiana Automobile Theft and Insurance Fraud Prevention Authority pursuant to R.S. 22:2134.

(b) Except as otherwise provided in Subparagraph (a) of this Paragraph, the fees collected shall be used solely for the purposes of this Subpart and shall be allocated as follows:

(i) Seventy-five percent of the fees collected shall be allocated to the insurance fraud investigation unit within the office of state police.

(ii) Fifteen percent of the fees collected shall be allocated to the Department of Justice to be used solely for the insurance fraud support unit.

(iii) Ten percent of the fees collected shall be allocated to the Department of Insurance to be used solely for the section of insurance fraud.

B. The fee established in this Section shall be paid to commissioner of insurance and shall be deposited immediately upon receipt into the state treasury.

C. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, an amount equal to that deposited as required by Subsection B of this Section shall be credited to a special fund hereby created in the state treasury to be known as the Insurance Fraud Investigation Fund. The monies shall be irrevocably dedicated and deposited in the Insurance Fraud Investigation Fund and shall be used solely as provided in Subsection A of this Section and only in the amounts appropriated by the legislature. Monies in the fund shall be appropriated, administered, and used solely and exclusively for purposes of the fraud unit, fraud support unit, insurance fraud section, LATIFPA, and as further

provided in this Section. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall be refunded to each insurer licensed by the Department of Insurance to conduct business in this state assessed a fee pursuant to this Section on a pro-rata basis based on each insurer's proportionate share of the total fees collected pursuant to this Section.

D. The commissioner of insurance may levy a fine on any insurer who fails to pay the fee assessed pursuant to this Section when due. Such fine shall not exceed five percent of the fee per month; however, no fine shall be less than one hundred dollars per month.

Acts 1999, No. 1312, §4, eff. Jan. 1, 2000; Acts 2001, No. 369, §1; Acts 2003, No. 293, §2; Acts 2010, No. 1013, §2, eff. July 1, 2010.

NOTE: See R.S. 40:1429 regarding termination date of Subpart on July 1, 2024.

NOTE: Pursuant to R.S. 22:1931.13, this Section terminates on July 1, 2024.

§1931.8. Deposit of monies collected

All monies collected pursuant to this Part shall be dedicated to and deposited into the Insurance Fraud Investigation Fund pursuant to R.S. 40:1428(C). Forty percent of the monies deposited into the fund pursuant to this Part shall be allocated from the fund to the attorney general's office for purposes as provided by law.

Acts 2012, No. 862, §1.

NOTE: Pursuant to R.S. 22:1931.13, this Section terminates on July 1, 2024.

§1931.9. Assessment reduction or recalculation

Except as provided in this Part, there shall be no reduction or recalculation in the Insurance Fraud Investigation Fund assessment allocation to the attorney general's office as provided in R.S. 40:1428.

Acts 2012, No. 862, §1.

# DEDICATED FUND REVIEW SUBCOMMITTEE

## Joint Legislative Committee on the Budget

### 2020 Fund Review - Agency Submission

Fund Name: Insurance Fraud Investigation Fund

Agency Name: Office of State Police

Point of Contact: Chad Felterman POC Phone: (225) 925-1873

POC Email: chad.felتمان@la.gov Date: 10/27/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>Amount:</b>	\$2,712,090	\$3,428,498	\$4,272,026	\$3,858,372	\$4,049,591	
<b>Revenue Description:</b>	R.S. 40:1428: Fees assessed on insurance premiums and fines levied by Dept of Insurance to fund the investigation of insurance fraud in the State; after \$30K which is kept by the Dept of Insurance to defray expenses, the remainder is appropriated up to 75% for State Police, 15% for the Department of Justice, and 10% for DOI, all solely for use in the insurance fraud sections; solely for the Insurance Fraud Unit of the State Police; all unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount:</b>	\$2,577,168	\$3,408,132	\$3,720,293	\$3,730,557	\$3,969,026	\$4,553,577

*In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.*

<b>Name of Activity Funded:</b>	Insurance Fraud Unit					
<b>Activity Description:</b>	Insurance Fraud maintains a database of reported and investigated occurrences of insurance fraud, which assists in the investigation and prosecution of fraud. Insurance Fraud also assists in the detection of cloned and switched vehicle identification numbers on vehicles. Insurance fraud and auto theft cases are monitored to ensure that the department is in compliance with both federal and state regulations.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$2,450,368	\$3,281,332	\$3,597,458	\$3,603,757	\$3,842,226	\$4,426,777
<b>Total Expended for Activity from all Means of Finance:</b>	\$3,717,925	\$3,583,382	\$3,545,958	\$3,598,855	\$3,838,528	\$4,426,777
<b>Activity Outcomes/ Performance Information:</b>	Objective: Through the Insurance Fraud activity, to identify, apprehend, and prepare cases for prosecution of individuals who have committed insurance fraud and auto theft, annually, through June 30, 2025. Indicators: Percentage of Insurance Fraud and Auto Theft investigations resulting in arrests; Number of Insurance Fraud and Auto Theft investigations initiated; Number of Insurance Fraud and Auto Theft investigations closed					
<b>Cost of Service Offset by Fee (if applicable):</b>						

<b>Name of Activity Funded:</b>	<b>Fuel expenses in the Operational Support Program related to Insurance Fraud</b>					
<b>Activity Description:</b>	Includes fuel expenses					
	<b>Expenditures for this Activity</b>					<b>Current Appropriation</b>
	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$126,800	\$126,800	\$122,835	\$126,800	\$126,800	\$126,800
<b>Total Expended for Activity from all Means of Finance:</b>	\$3,337,651	\$4,106,889	\$5,395,300	\$5,558,152	\$4,308,454	\$5,123,173
<b>Activity Outcomes/ Performance Information:</b>	This is indirectly related to all activities/outcomes for State Police.					
<b>Cost of Service Offset by Fee (if applicable):</b>						

# DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

## 2020 Fund Review - Agency Submission

Fund Name: Insurance Fraud Investigation Fund

Agency Name: LA Department of Justice

Point of Contact: Melissa Gannuch POC Phone: 326-6734

POC Email: gannuchm@ag.louisiana.gov Date: 30-Sep-20

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>Amount:</b>	\$662,171	\$609,752	\$662,854	\$710,393	\$901,491	
<b>Revenue Description:</b>	Insurance Fraud Fund RS 40:1428 (ii) Fifteen percent of the fees collected shall be allocated to the Department of Justice to be used solely for the insurance fraud support unit.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount:</b>	\$662,171	\$609,752	\$662,854	\$710,393	\$901,491	\$940,752

<b>Name of Activity Funded:</b>	<b>Insurance Fraud Support Unit</b>					
<b>Activity Description:</b>	The primary objective of the Assistant Attorneys General (in the Criminal Division of the) Louisiana Department of Justice's Insurance Fraud Support Unit is to provide superior legal representation to the Louisiana Department of Insurance and the Louisiana State Police in insurance fraud investigations and prosecutions. Attorneys assigned to the Insurance Fraud Support Unit (in the Criminal Division of the Louisiana Department of Justice) prosecute violations of Louisiana's criminal laws under Titles 14, 22, 23, and 47, by conducting, or assisting in, criminal prosecutions, upon the recusal or request for assistance by local district attorneys, and providing legal support to law enforcement agencies investigating criminal insurance fraud.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$662,171	\$609,752	\$662,854	\$710,393	\$901,491	\$940,752
<b>Total Expended for Activity from all Means of Finance:</b>	\$662,171	\$609,752	\$662,854	\$710,393	\$901,491	
<b>Activity Outcomes/ Performance Information:</b>	Through the Insurance Fraud Support Unit of the Criminal Division, to provide legal support to law enforcement agencies investigating criminal insurance fraud referrals by responding to requests for legal consultation within two working days and attending 90% of monthly intelligence sharing meetings hosted by the Louisiana State Police Insurance Fraud Unit by 2025.					
<b>Cost of Service Offset by Fee (if applicable):</b>	Not applicable.					

# DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

## 2020 Fund Review - Agency Submission

Fund Name: 109 Insurance Fraud Investigation Fund

Agency Name: 04-165 Commissioner of Insurance

Point of Contact: Lance L. Herrin POC Phone: (225) 342-3981

POC Email: lance.herrin@ldi.la.gov Date: 9/21/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>Amount:</b>	\$491,273	\$531,310	\$562,770	\$626,835	\$654,173	
<b>Revenue Description:</b>	LA R.S. 40:1428 - Provides for the Department of Insurance to assess a special fee on the direct premiums collected not to exceed .000375 multiplied times the amount of direct premium dollars received that are subject to the fee (property, casualty and health insurers). The Commissioner shall establish an annual assessment percentage based on the cost of investigation, enforcement and prosecution of insurance fraud. An amount equal to that deposit shall be credited to a special fund known as the Insurance Fraud Investigation Fund. The monies in the Insurance Fraud Investigation Fund shall be used solely for the expenses in connection with the investigation, enforcement and prosecution of insurance fraud. The Commissioner of Insurance may retain thirty thousand (\$30,000) per year from the fees collected to defray the operating expenses of the Department of Insurance and may retain one hundred eighty-seven thousand (\$187,000) to fund the Louisiana Automobile Theft and Fraud Prevention Authority pursuant to 22:2134.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount:</b>	\$468,483	\$506,008	\$514,408	\$626,821	\$654,168	\$683,011

*In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.*

<b>Name of Activity Funded:</b>	<b>Office of Management and Finance - Revenue Services</b>					
<b>Activity Description:</b>	Oversees the management of the department's fiscal, budget, revenue collections, IT, human resources, purchasing, supplies, equipment, inventory/property control, and administrative services, and is responsible for strategic and operational planning for the entire department. Revenue Services-Invoices and collects assessments (LA Insurance Rating, Fraud & Administrative Fund), receipts all revenue, classifies all revenue, performs desk examinations of premium tax returns.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000	\$30,000
<b>Total Expended for Activity from all Means of Finance:</b>	\$6,416,160	\$6,482,130	\$7,120,871	\$7,051,760	\$7,373,341	\$8,459,390
<b>Activity Outcomes/ Performance Information:</b>	(G) 899: Number of different fees and assessments collected - 71 (G) 24328: Fraud assessment as percentage of subject premium - .00033					
<b>Cost of Service Offset by Fee (if applicable):</b>						

<b>Name of Activity Funded:</b>	<b>Division of Insurance Fraud</b>					
<b>Activity Description:</b>	Investigates all instances of alleged or suspected fraud committed by or upon insurance producers, brokers and companies. The Division of Insurance Fraud assists local, state and federal authorities in fraud investigations, as necessary, and cooperates with industry associations and organizations in the investigation and prevention of fraud. Enforcement coordinates and records the civil or regulatory actions and fines of the department to ensure that departmental rules and regulations, state corporate laws and the laws contained in the Louisiana Insurance Code are followed.					
	<b>Expenditures for this Activity</b>					<b>Current Appropriation</b>
	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$438,483	\$476,008	\$484,408	\$596,821	\$624,168	\$653,011
<b>Total Expended for Activity from all Means of Finance:</b>	\$981,127	\$1,049,883	\$1,064,851	\$1,097,839	\$1,198,972	\$1,355,281
<b>Activity Outcomes/ Performance Information:</b>	(K)12276: Percentage of initial claim fraud complaint investigations completed within 10 working days - 100 (K)12278: Percentage of background checks completed within 15 working days - 100 (G)962: Number of background checks performed for company and producer licensing divisions - 1,024 (G)12282: Number of claim fraud investigations opened - 2,412 (G)959: Number of claim fraud investigations referred to law enforcement - 1,185 (G)12279: Number of producer investigations opened - 153 (G)12281: Number of producer investigations referred to law enforcement - 10 (G)24332: Number of company investigations opened - 13 (G)24333: Number of company investigations referred to law enforcement - 1 (G)23502: Number of claims adjuster investigations opened - 5 (G)24334: Number of claims adjuster referred to law enforcement - 1 (G)25410: Number of POST certified fraud investigations - 4					
<b>Cost of Service Offset by Fee (if applicable):</b>						

## Concealed Handgun Permit Fund

P11

Creation Date: May 1996  
Authorization: R.S. 40:1379.3.1  
Source of Funds: Concealed handgun permit fees  
Expenditure Usage: The monies are to be used only for administration of the permit process.

<b>5 Year History of Fund Activity</b>					
<b>Activity</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Beginning Balance	\$3,349,199	\$1,515,867	\$2,418,681	\$38,270	\$0
Revenue	\$3,608,181	\$4,566,608	\$3,007,950	\$2,954,977	\$1,963,532
Interest Earnings	\$3,042	\$8,131	\$13,816	\$6,349	\$3,463
Transfers	(\$262,480)	(\$21,825)	\$0	\$0	\$0
Expenditures	(\$5,182,074)	(\$3,650,100)	(\$5,402,177)	(\$2,999,596)	(\$1,966,995)
Ending Balance	\$1,515,867	\$2,418,681	\$38,270	\$0	\$0



### **Concealed Handgun Permit Fund – R.S. 40:1379.3.1**

§1379.3.1. Concealed Handgun Permit Fund; assessment and disposition of fees

A.(1) The Department of Public Safety and Corrections shall assess a fee not to exceed one hundred dollars for a concealed handgun permit with a term of four years, to be submitted with the application to cover the administrative costs of the investigation and other services required to process and issue the permit. An additional fee of fifty dollars may be assessed to cover costs associated with the background check of any individual who resided outside of the state of Louisiana at any time during the fifteen years prior to submission of the application.

(2) Whenever the applicant is sixty-five years of age or older, the fees assessed pursuant to this Subsection shall be one-half of the amount otherwise assessed by the department.

(3) No fee authorized under the provisions of this Section shall be assessed on or collected from any law enforcement officer who is retired from full-time active law enforcement service with at least twelve years service upon retirement, nor assessed on or collected from any enforcement officer of the office of state parks, in the Department of Culture, Recreation and Tourism who is retired from full-time active duty as an enforcement officer provided the retired officer is annually qualified in the use of firearms by the Council on Peace Officer Standards and Training and has on his or her person proof of such qualification. This exception shall not apply to any officer who is medically retired based upon any mental impairment.

B. Fees received by the Department of Public Safety and Corrections as authorized in this Section and fines collected pursuant to R.S. 40:1379.3(L) shall be deposited immediately upon receipt into the state treasury.

C. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, an amount equal to that deposited as required by Subsection B of this Section shall be credited to a special fund hereby created in the state treasury to be known as the "Concealed Handgun Permit Fund". The monies in this fund shall be used solely as provided for in Subsection D of this Section and only in the amounts appropriated by the legislature. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in such fund. The monies in this fund 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 this fund, again, following compliance with the requirement of Article VII, Section 9(B) relative to the Bond Security and Redemption Fund.

D. The monies in the Concealed Handgun Permit Fund shall be used solely for administration of the concealed handgun permit process and for special law enforcement initiatives.

Acts 1996, 1st Ex. Sess., No. 28, §1, eff. May 7, 1996; Acts 1999, No. 1082, §1; Acts 2006, No. 589, §2; Acts 2014, No. 524, §4.

# DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

## 2020 Fund Review - Agency Submission

Fund Name: Concealed Handgun Permit Fund

Agency Name: Office of State Police

Point of Contact: Chad Felterman POC Phone: (225) 925-1873

POC Email: chad.felتمان@la.gov Date: 10/27/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>Fund Balance:</b>	\$3,349,199	\$1,515,867	\$2,418,681	\$38,270		
<b>Amount:</b>	\$3,348,742	\$4,552,914	\$3,021,766	\$2,961,326	\$1,966,995	
<b>Revenue Description:</b>	R.S. 40:1379.3.1: Fees collected for concealed handgun permits and investigations; solely for the administration of the Concealed Handgun Permits process in amounts appropriated by the legislature; unexpended and unencumbered funds at the end of the fiscal year shall remain in the fund.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount:</b>	\$5,182,074	\$3,650,100	\$5,402,177	\$2,999,596	\$1,966,995	\$2,950,000

*In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.*

<b>Name of Activity Funded:</b>	<b>Concealed Handguns Unit</b>					
<b>Activity Description:</b>	Processes and issues Concealed Handgun permits. Includes salary and benefits for all 8 positions in the Unit.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$668,089	\$1,042,902	\$769,233	\$742,550	\$698,628	\$760,243
<b>Total Expended for Activity from all Means of Finance:</b>	\$668,089	\$1,042,902	\$769,233	\$742,550	\$755,946	\$760,243
<b>Activity Outcomes/ Performance Information:</b>	There are no performance indicators directly associated with Concealed Handguns. However, this activity provides a needed service to the public. In FY 20, 15,979 regular permits were issued, and 3,446 lifetime permits were issued.					
<b>Cost of Service Offset by Fee (if applicable):</b>						

<b>Name of Activity Funded:</b>	<b>Automated Fingerprint Identification System (AFIS) and Computerized Criminal History (CCH) System</b>					
<b>Activity Description:</b>	The Bureau of Criminal Identification and Information manages and oversees AFIS, which is a statewide, automated fingerprint identification system that is integrated with mugshot and computerized criminal history (CCH) information. The goal of this system is to provide real time identification of individuals at the time of booking, resulting in timely updates to the state's CCH, mugshot and fingerprint databases. The Louisiana Computerized Criminal History system contains arrest, disposition and incarceration information on individuals who have been arrested in the state. The goal of the system is to compile the most accurate, up-to-date, and comprehensive arrest and disposition information for arrested persons and to make this information accessible to all criminal justice agencies. These systems play a vital role in the approval/issuance of a concealed handgun permit.					
	<b>Expenditures for this Activity</b>					<b>Current Appropriation</b>
	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$1,816,128	\$2,334,772	\$3,171,094	\$2,160,970	\$1,151,235	\$2,189,757
<b>Total Expended for Activity from all Means of Finance:</b>	\$4,058,707	\$4,287,211	\$4,614,419	\$5,010,611	\$5,552,318	\$5,500,000
<b>Activity Outcomes/ Performance Information:</b>	<p>Objective: The Bureau of Criminal Identification and Information will ensure that 90% of the requests received to update criminal history information are processed into the Louisiana Computerized Criminal History (LACCH) system and electronically available by June 30, 2025. Indicators: Percentage of received requests processed; Number of expungements received; Number of expungements processed; Number of arrest dispositions received electronically; Number of arrest dispositions received manually; Number of arrest dispositions processed manually; Number of criminal fingerprint cards received; Number of criminal fingerprint cards processed</p> <p>Objective: The Bureau of Criminal Identification and Information will process 75% of the requests for applicant criminal history information within 15 days by June 30, 2025. Indicators: Percentage of requests processed within 15 days; Number of civil applicant requests processed; Number of civil applicant requests processed within 15 days; Percentage of civil applicant requests processed within 15 days</p>					
<b>Cost of Service Offset by Fee (if applicable):</b>						

<b>Name of Activity Funded:</b>	<b>General/miscellaneous Operational Support expenditures</b>					
<b>Activity Description:</b>	Includes fuel costs, OTS expenditures, and Risk Management costs.					
	<b>Expenditures for this Activity</b>					<b>Current Appropriation</b>
	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$2,697,857	\$272,426	\$1,461,850	\$96,076	\$117,132	\$0
<b>Total Expended for Activity from all Means of Finance:</b>	\$14,880,996	\$16,946,016	\$18,673,426	\$30,189,707	\$25,986,509	\$32,430,776
<b>Activity Outcomes/ Performance Information:</b>	These are indirectly related to all activities/outcomes for State Police.					
<b>Cost of Service Offset by Fee (if applicable):</b>						

## Criminal Identification and Information Fund

P28

Creation Date: April 2002  
Authorization: R.S. 15:587 and R.S. 15:598  
Source of Funds: Revenues include various fees, including a \$26 fee for performing a background check and a \$10 fee for fingerprinting.

Expenditure Usage: All monies in this fund shall annually be appropriated by the legislature to state police and may be withdrawn only pursuant to such appropriation. Funds shall be used solely and exclusively by the state police to assist in carrying out the provisions of this Chapter.

<b>5 Year History of Fund Activity</b>					
<b>Activity</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Beginning Balance	\$179,320	\$535,606	\$327,166	\$530,133	\$1,453,548
Revenue	\$7,214,309	\$7,617,451	\$7,641,069	\$8,601,009	\$6,885,700
Interest Earnings	\$1,113	\$5,643	\$11,950	\$31,263	\$26,904
Transfers	\$0	(\$49,453)	\$0	\$0	\$0
Expenditures	(\$6,859,136)	(\$7,782,080)	(\$7,450,052)	(\$7,708,858)	(\$8,321,653)
Ending Balance	\$535,606	\$327,166	\$530,133	\$1,453,548	\$44,498

**Criminal Identification and Information Fund – R.S. 15:587; 15:587.2; 15:598; CCRP 983**

§587. Duty to provide information; processing fees; Louisiana Bureau of Criminal Identification and Information

A.(1)(a) The bureau shall make available upon request, or at such other times as the deputy secretary shall designate, to any eligible criminal justice agency and the Louisiana Department of Education, the Louisiana Department of Health, the state fire marshal when reviewing applications for licensure, the Department of Children and Family Services, the Department of Insurance, the Louisiana State Racing Commission, the Senate and Governmental Affairs Committee, the House and Governmental Affairs Committee, the secretary of the Louisiana Workforce Commission or his designee, the Board of River Port Pilot Commissioners, the Office of Financial Institutions in the office of the governor, the office of the disciplinary counsel of the Louisiana Attorney Disciplinary Board of the Louisiana State Bar Association; however, as to any licensed attorney such information shall be provided only after the issuance of a formal charge against the attorney, the Louisiana Supreme Court Committee on Bar Admissions, the municipal or parish department or personnel responsible for reviewing applications for alcoholic beverage outlet permits, and the legislative auditor any information contained in the criminal history record and identification files of the bureau. The Department of Children and Family Services may provide information secured pursuant to this Subsection to all federal and state agencies providing child support enforcement services.

(b) The Louisiana State Board of Private Security Examiners shall be entitled to the criminal history record and identification files of the bureau on those persons seeking to be licensed as private security guards as a means of performing background checks on those individuals. A fee of twenty-six dollars shall be charged for furnishing said records.

(c) The Louisiana State Board of Private Investigator Examiners shall be entitled to the criminal history record and identification files of the bureau on those persons seeking to be licensed or relicensed as private investigators as a means of performing background checks on those individuals. A fee of twenty-six dollars shall be charged for furnishing said records. The bureau shall, upon request and after receipt of fingerprint cards or other identifying information from the Louisiana State Board of Private Investigator Examiners, make available to the board information contained in the bureau's criminal history record and identification files, which pertains to an applicant of the board. In addition, in order to determine an applicant's eligibility or suitability for licensure under the provisions of the Private Investigators Law (R.S. 37:3501 et seq.), each applicant shall be fingerprinted and the fingerprints shall be forwarded by the bureau to the Federal Bureau of Investigation for a national criminal history record check.

(d) The office of state police shall be entitled to the criminal history record and identification files of the bureau on those persons seeking a medical or security exemption from the window tinting regulations of motor vehicles as provided for in R.S. 32:361.2. Prior to the release of such information by the bureau, the office of state police shall present a written consent on a form approved by the Louisiana Bureau of Criminal Identification and Information and signed by the applicant authorizing the release of such information.

(e)(i) The office of motor vehicles shall be entitled to the criminal history record and identification files of the bureau of any person who is required to register as a sex offender pursuant to R.S. 15:542 et seq., who is seeking a driver's license or required to obtain a special identification card pursuant to R.S. 40:1321(J).

(ii) The office of motor vehicles shall submit fingerprint cards or other identifying information of the principal of any third-party tester or examiner who has or is seeking a contract to administer commercial driving examinations and tests pursuant to R.S. 32:408.1 to the bureau. The bureau shall, upon request and after receipt of fingerprint cards or other identifying information from the office of

motor vehicles, make available to the office of motor vehicles all arrest and conviction information contained in the bureau's criminal history record and identification files which pertain to the principal. In addition, in order to determine a principal's eligibility or suitability, the fingerprints shall be forwarded by the bureau to the Federal Bureau of Investigation for a national criminal history record check.

(iii) The office of motor vehicles may submit fingerprint cards or other identifying information of a person seeking employment with the office of motor vehicles whose duties will include the issuance of commercial driver's licenses or any current office of motor vehicles employee who as part of his employment issues commercial driver's licenses. The bureau shall, upon request and after receipt of fingerprint cards or other identifying information from the office of motor vehicles, make available to the office of motor vehicles all arrest and conviction information contained in the bureau's criminal history record and identification files which pertain to the employee or potential employee. In addition, in order to determine an employee or potential employee's eligibility or suitability, the fingerprints shall be forwarded by the bureau to the Federal Bureau of Investigation for a national criminal history record check.

(iv) The office of motor vehicles shall submit fingerprint cards or other identifying information to the bureau of any person who applies to be an auto title company or a public license tag agent pursuant to R.S. 32:735 et seq. and R.S. 47:532.1 and of any person who works for any such business who will process transactions for the office of motor vehicles. Upon request and after receipt of fingerprint cards or other identifying information from the office of motor vehicles, the bureau shall provide any arrest and conviction information contained in the bureau's criminal history record and identification files for the principal of such applicants. Additionally, the bureau shall forward the fingerprints of such applicants' principal to the Federal Bureau of Investigation for a national criminal history record check. Fingerprint cards shall be submitted to the bureau pursuant to this Item only upon initial application and shall not be required to be submitted annually. After initial fingerprints are submitted pursuant to this Item, the arrest and conviction record for the principal of any such public license tag agent, the principal of any such auto title company, or person who works for any such business who will process transactions for the office of motor vehicles shall be monitored in the same manner the arrest and conviction record is monitored for employees of the office of motor vehicles.

(v) The office of motor vehicles shall submit fingerprint cards or other identifying information to the bureau of any person who applies to or contracts with the office of motor vehicles to handle or process any transaction or inquiry. Upon request and after receipt of fingerprint cards or other identifying information from the office of motor vehicles, the bureau shall provide to such office any arrest and conviction information contained in the bureau's criminal history record and identification files for the principal of such applicants or contractors. Additionally, the bureau shall forward the fingerprints of such applicant or contractor's principal to the Federal Bureau of Investigation for a national criminal history record check. Fingerprint cards shall be submitted to the bureau pursuant to this Item only upon initial application and shall not be required to be submitted annually. After initial fingerprints are submitted pursuant to this Item, the arrest and conviction record for any person who contracts with the office of motor vehicles to handle or process any transaction or inquiry shall be monitored in the same manner the arrest and conviction record is monitored for employees of the office of motor vehicles.

(f)(i) If the request for information and records is made to the bureau by any eligible criminal justice agency, the bureau shall include in its report any information concerning arrests and convictions of an individual, including convictions in which a judgment of dismissal of the prosecution was granted pursuant to the provisions of Code of Criminal Procedure Articles 893 and 894.

(ii)(aa) When an individual's record contains information which has been expunged, the bureau shall include in its report to the requesting entity the date of the arrest and a notation that the individual's

record contains information which has been expunged and that the requesting entity may contact the bureau in order to obtain further information regarding the expunged information.

(bb) The bureau shall establish policies and procedures by which the entities enumerated in this Subparagraph may be furnished with expunged information. These policies and procedures shall not require the requesting entity to personally appear at the office of the bureau in order to obtain access to the expunged information.

(cc) The requesting entity, upon receiving the expunged information, shall maintain the confidentiality of the information as provided by law, and the expunged information shall not be deemed a public record.

(dd) The information may be used or admitted as evidence in any court proceeding or employment or disciplinary hearing in which the receiving agency is an authorized participant.

(g)(i) The Louisiana Supreme Court Committee on Bar Admissions shall be entitled to the criminal history record and identification files of the bureau for those persons seeking to participate in the bar examination as a means of performing background checks on those individuals. The bureau shall charge a processing fee as provided in Paragraph (B)(1) of this Section for conducting and reporting on these background checks.

(ii) The bureau shall, upon request and after receipt of fingerprint cards or other identifying information from the Louisiana Supreme Court Committee on Bar Admissions, make available to the committee all arrest and conviction information contained in the bureau's criminal history record and identification files, which pertains to an applicant for the bar examination. In addition, in order to determine an applicant's eligibility or suitability for participating in the examination, each applicant shall be fingerprinted, and the fingerprints shall be forwarded by the bureau to the Federal Bureau of Investigation for a national criminal history record check.

(h) The Department of Revenue shall be entitled to the criminal history record and identification files of the bureau of any person who is required to qualify and register for the Public Registry of Motion Picture Investor Tax Credit Brokers pursuant to R.S. 47:6007(C)(7). Fingerprints and other identifying information of the applicant shall be submitted to the bureau for qualification and registry and the bureau shall, upon request of the Department of Revenue and after receipt of such fingerprint card and other identifying information from the applicant, make available to the Department of Revenue all arrest and conviction information contained in the bureau's criminal history record and identification files which pertain to the applicant for qualification and registry. In addition, the fingerprints shall be forwarded by the bureau to the Federal Bureau of Investigation for a national criminal history record check.

(i) The Louisiana Department of Health shall be entitled to criminal history record and identification files of the bureau of any person or owner of an entity with a five percent or more ownership interest who has applied to enroll as a Medicaid provider pursuant to 42 CFR 455.434. Fingerprints and other identifying information of the applicant shall be submitted to the bureau for qualification and the bureau shall, upon request of the department and after receipt of such fingerprint card and other identifying information from the applicant, make available to the department all arrest and conviction information contained in the bureau's criminal history record and identification files which pertain to the applicant for qualification. The fingerprints shall also be forwarded by the bureau to the Federal Bureau of Investigation for a national criminal history check.

(j)(i) The Louisiana Department of Education shall be entitled to the criminal history record and identification files of the bureau of any person who has submitted a fingerprint request pursuant to R.S. 15:587.1, R.S. 17:407.42 and 407.71. The bureau is authorized to submit fingerprints to the Federal Bureau of Investigation to be retained in the FBI rap back system for the purpose of being searched by future submissions to the FBI rap back system, including latent fingerprint searches. The

bureau shall make available to the Louisiana Department of Education rap backs for requests made pursuant to R.S. 17:407.42 and 407.71.

NOTE: Item (A)(1)(j)(ii) eff. upon promulgation of rules by the Louisiana State Board of Elementary and Secondary Education. See Acts 2020, No.154.

*(ii) The Louisiana Department of Education shall be entitled to criminal history record and identification files of the bureau of any person who has submitted a fingerprint request pursuant to R.S. 15:587.1 and R.S. 17:15. The bureau is authorized to submit fingerprints to the Federal Bureau of Investigation to be retained in the FBI rap back system for the purpose of being searched by future submissions to the FBI rap back system, including latent fingerprint searches. The bureau shall make available to the Louisiana Department of Education rap backs for requests made pursuant to R.S. 17:15.*

(2)(a) The bureau, in accordance with its powers to regulate and to enforce provisions herein, may further restrict those agencies eligible to receive information. However, the bureau shall make available to the Department of Children and Family Services all criminal history record information as defined in R.S. 15:576 related to foster and adoptive parent applicants and adult members of foster and adoptive parent households; parents whose children have been removed from their custody; parents or caretakers involved in investigations of abuse or neglect; potential caretakers of a child who is either in the custody of the department, is the subject of an investigation of abuse or neglect, or is or has been receiving services through the office of children and family services; potential employees of the department whose duties include the investigation of child abuse or neglect, the supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys; and individuals employed directly or indirectly by institutions or facilities providing, or with the potential of providing, daily care or supervision to any child or youth in the custody of or under the supervision of any Louisiana state government agency. For the purposes of this Section, the bureau shall employ such methods and procedures and shall observe such duty hours as to provide information upon request within forty-eight hours from its receipt.

(b) The bureau shall facilitate national criminal history record checks of prospective foster and adoptive parent applicants and adult members of foster and adoptive parent households; parents whose children have been removed from their custody; parents or caretakers involved in investigations of abuse or neglect; potential caretakers of a child who is either in the custody of the department, is the subject of an investigation of abuse or neglect, or is or has been receiving services through the office of children and family services; potential employees of the department whose duties include the investigation of child abuse or neglect, the supervisory or disciplinary authority over children, direct care of a child, or performance of licensing surveys; and individuals employed directly or indirectly by institutions or facilities providing, or with the potential of providing, daily care or supervision to any child or youth in the custody of or under the supervision of any Louisiana state government agency by receiving and forwarding fingerprint cards to the Federal Bureau of Investigation. The Department of Children and Family Services is authorized to receive and screen the results of the state and national criminal history record checks in order to determine foster or adoptive parent applicants' eligibility for certification or recertification as a placement resource for children; to assist in the determination of the appropriateness of a parent or potential caregiver as a placement resource for a child; to assess the situation for safety issues and risks to the child and worker; to assess the qualifications of a potential department employee; and to assess the qualifications of individuals employed, directly or indirectly, by institutions or facilities providing, or with the potential of providing, daily care or supervision to any child or youth in the custody of or under the supervision of any Louisiana state government agency. The department shall maintain the confidentiality of criminal history information received in accordance with applicable federal or state law.



(c) During an emergency situation when a child must be removed from his home due to exigent circumstances and placed in the home of an individual, the department may request that a criminal justice agency perform a national name-based criminal history record check of each adult residing in that home. The results of the name-based criminal history record check may be provided to the department, which shall then provide a complete set of each adult resident's fingerprints to the bureau for the immediate submission to the Federal Bureau of Investigation within twelve calendar days from the date the name-based criminal history record check search was conducted. The bureau shall either positively identify the fingerprint subject or forward the fingerprints to the Federal Bureau of Investigation within fifteen calendar days from the date the name-based criminal history record check search was conducted. The child shall be removed from the home immediately if any adult resident fails to provide such fingerprints or written permission to perform a federal criminal history record check when requested to do so. As used in this Section, the emergency placement of a child is limited to those instances when the department is placing a child in the home of private individuals, including but not limited to neighbors, friends, or relatives, as a result of a situation where the child's removal is necessary to secure the child's protection, or the sudden unavailability or incapacity of the child's primary caretaker to care for the child.

(d) When placement of a child in a home is denied as a result of a name-based criminal history record check of a resident and the resident contests that denial, each such resident shall, within five business days, submit to the department a complete set of the resident's fingerprints with written permission allowing the department to forward the fingerprints to the bureau for submission to the Federal Bureau of Investigation.

B.(1) The bureau may charge a processing fee of twenty-six dollars for information provided to any agency or entity statutorily eligible to receive this information, except another state or local law enforcement agency, pursuant to a request to assist the agency in performing a screening function as part of any regulatory or licensing scheme. Payment of the processing fee shall accompany the request for such information and shall be deposited by the bureau immediately upon receipt into the Criminal Identification and Information Fund.

(2) The bureau may charge a processing fee of ten dollars for fingerprinting of any individual. Payment of the processing fee shall accompany the request for fingerprinting and shall be deposited by the bureau immediately upon receipt into the Criminal Identification and Information Fund.

C. The bureau shall, upon request and after receipt of fingerprint cards or other identifying information from the state police, make available to the state police gaming division, the Louisiana Riverboat Gaming Commission, and the Louisiana Economic Development and Gaming Corporation, information contained in the bureau's criminal history record and identification files, which pertains to an applicant or prospective employee of any of them. In addition, in order to determine an applicant's suitability for a gaming or employee license under the provisions of the Louisiana Video Draw Poker Devices Control Law (R.S. 27:401 et seq.), the Louisiana Riverboat Economic Development and Gaming Control Act (R.S. 27:41 et seq.), the Louisiana Economic Development and Gaming Corporation Act (R.S. 27:201 et seq.), the Louisiana Regulation of Gaming Equipment Law (R.S. 47:7001 et seq.), and the Regulation of Charitable Gaming Law (R.S. 40:1485.1 et seq.), each applicant shall be fingerprinted and the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check.

D.(1) Any local law enforcement agency, any Louisiana public higher education institution which employs full-time police officers commissioned by the Louisiana State Police, or sheriff may conduct any screening function conducted by the bureau, except those screening functions conducted for entities regulated by any office of the Department of Public Safety and Corrections, and may charge a reasonable processing fee of not more than five dollars per background check. A technology fee of five dollars shall be assessed for each civil background check conducted, regardless of the entity, to be

distributed to the Louisiana Sheriffs' Association for the enhancement of criminal history data collection.

(2) For the purposes of this Subsection, "civil background check" means a background check that is used for purposes including but not limited to preemployment, academic applications, or professional boards.

E. Any sheriff conducting a screening function pursuant to Subsection D of this Section which requires the submission of fingerprints by electronic means shall collect the Bureau of Criminal Identification and Information state fingerprint processing fee of twenty-six dollars and, if required, the federal fingerprint processing fee at the time of the fingerprint collection. The local law enforcement agency shall timely remit the processing fees to the Bureau of Criminal Identification and Information.

F.(1) An employer or his representative shall be entitled to obtain conviction records of an applicant seeking employment, directly from the Bureau of Criminal Identification and Information in order to further qualify the applicant for the position being sought, if the applicant has signed a consent form authorizing the employer to obtain such conviction records. Upon written request and upon presentation of a consent form prepared by the bureau and executed by the applicant, the bureau shall provide conviction records of the applicant to the employer or his representative in a timely manner. In addition, each applicant shall be fingerprinted, and the fingerprints shall be forwarded by the bureau to the Federal Bureau of Investigation for a national criminal history check. Records obtained pursuant to the provisions of this Subsection shall not include those records which have been ordered expunged pursuant to R.S. 44:9. The provisions of Subsection B of this Section shall apply to any request made pursuant to this Subsection. The bureau shall not be liable civilly or criminally for the release of information released pursuant to the provisions of this Subsection.

(2)(a) Upon receiving a request pursuant to the provisions of this Subsection, the bureau shall simultaneously request criminal history from the Corrections and Justice Unified Network (CAJUN) maintained by the Department of Public Safety and Corrections via the Louisiana Civil and Criminal Information Exchange (LACCIE) network maintained by the Louisiana Sheriffs' Association.

(b) Fingerprints provided pursuant to this Subsection shall be submitted to the Bureau of Criminal Identification and Information in an electronic format.

(c) The provisions of this Paragraph shall become effective upon the establishment of an electronic method of performing such requests for criminal history.

G. Pursuant to approval of the local housing authority's board of commissioners, acting through one or more of its commissioners or other designees, a local housing authority may obtain criminal history record and identification file of any person applying for public housing if the applicant has signed a consent form authorizing the release of such criminal history records and identification. Upon written request and upon presentation of a signed consent form executed by the applicant, the bureau shall provide the criminal history record of and identification file information of the applicant to the requestor in a timely manner. For the purposes of this Subsection "conviction records" shall include only those records which are electronically maintained by the bureau, and are records of a finding of guilty, a plea of guilty or nolo contendere, including those which have been set aside or dismissed pursuant to Code of Criminal Procedure Article 893 or 894, or for which an individual has received an automatic first offender pardon. It shall not include those records which have been ordered expunged pursuant to R.S. 44:9. The provisions of Subsection B of this Section shall apply to any request made pursuant to this Subsection.

H.(1) The Volunteer Louisiana Commission and the recipient of any federal AmeriCorps funds administered by the Volunteer Louisiana Commission shall be entitled to the criminal history record and identification files maintained by the bureau for any applicant seeking to serve in a program that receives assistance under the national service laws to determine whether the applicant meets the

eligibility requirements set forth in the Serve America Act, Public Law 111-13, and any associated federal regulations.

(2) In addition to the information provided for in Paragraph (1) of this Subsection, the Volunteer Louisiana Commission shall be entitled to any national criminal history information maintained by the Federal Bureau of Investigation for any applicant seeking to serve in a program that receives assistance under the national service laws.

(3)(a) Upon receiving a written request, which shall include fingerprint cards or other identifying information for the applicant and a consent form signed by the applicant authorizing the criminal background check, the bureau shall survey its criminal history records and identification files.

(b) If requested by the Volunteer Louisiana Commission pursuant to Paragraph (2) of this Subsection, the bureau shall make a simultaneous request of the Federal Bureau of Investigation for a national criminal history record check.

(4) The bureau shall present the requested information promptly and in writing to the requesting entity and shall charge the requesting entity the cost of providing such information pursuant to Subsection B of this Section.

(5) The requesting entity shall maintain the confidentiality of the information received in accordance with applicable federal and state laws.

I. The bureau is authorized to submit fingerprints to the FBI rap back system to be retained in the FBI rap back system for the purpose of being searched by future submissions to the FBI rap back system, including latent fingerprint searches.

Acts 1981, No. 449, §1, eff. July 1, 1981; Acts 1985, No. 941, §1, eff. July 23, 1985; Acts 1986, No. 651, §1; Acts 1987, No. 312, §1; Acts 1987, No. 810, §1; Acts 1990, No. 56, §1, eff. June 26, 1990; Acts 1992, No. 576, §1; Acts 1992, No. 984, §18; Acts 1993, No. 676, §1, eff. June 21, 1993; Acts 1993, No. 678, §1, eff. June 21, 1993; Acts 1993, No. 717, §1; Acts 1995, No. 1171, §1; Acts 1997, No. 334, §1; Acts 1997, No. 901, §1, eff. July 1, 1997; Acts 1997, No. 1067, §1; Acts 1997, No. 1172, §3, eff. June 30, 1997; Acts 1997, No. 1349, §1; Acts 1998, 1st Ex. Sess., No. 137, §1, eff. May 5, 1998; Acts 2001, No. 8, §5, eff. July 1, 2001; Acts 2002, 1st Ex. Sess., No. 118, §1, eff. April 23, 2002; Acts 2003, No. 796, §1; Acts 2003, No. 896, §1, eff. July 1, 2003; Acts 2003, No. 1083, §1, eff. July 2, 2003; Acts 2004, No. 103, §1, eff. May 28, 2004; Acts 2004, No. 911, §1; Acts 2004, No. 922, §2, eff. July 12, 2004; Acts 2005, No. 238, §1; Acts 2006, No. 663, §1; Acts 2008, No. 743, §7, eff. July 1, 2008; Acts 2009, No. 221, §1, eff. Jan. 1, 2010; Acts 2009, No. 277, §1; Acts 2010, No. 355, §1; Acts 2010, No. 781, §1; Acts 2010, No. 833, §1; Acts 2011, No. 252, §1; Acts 2011, No. 283, §1; Acts 2012, No. 455, §1; Acts 2013, No. 4, §1; Acts 2015, No. 451, §1, eff. Jan. 1, 2016; Acts 2016, No. 311, §1, eff. June 2, 2016; Acts 2016, No. 453, §1, eff. June 9, 2016; Acts 2017, No. 32, §1; Acts 2019, No. 243, §1, eff. June 11, 2019; Acts 2019, No. 391, §1; special eff. date; Acts 2020, No. 154, §1, see Act.

#### §587.2. Institutions of postsecondary education; criminal history information

A. Each institution of postsecondary education may require any applicant or prospective employee to supply fingerprint samples and submit to a criminal history records check to be conducted by the Bureau of Criminal Identification and Information.

B. When a criminal history records check is requested pursuant to Subsection A of this Section, the institution of postsecondary education shall be provided with state or national criminal history record information, or both, from the Louisiana Bureau of Criminal Identification and Information and the Federal Bureau of Investigation relative to the applicant prospective employee whose fingerprints have been obtained by the institution pursuant to this Section. The Bureau of Criminal Identification and Information shall, upon request and after receipt of fingerprint cards and other identifying

information as required by the bureau from the institution, make available to the institution all prior arrests for any sex offense, aggravated offense, or any sexual offense against a victim who is a minor as defined in R.S. 15:541 or any crime of violence as enumerated in R.S. 14:2(B) and conviction information for any offense contained in the bureau's criminal history record and identification files, which pertains to the applicant or prospective employee, including convictions dismissed pursuant to Code of Criminal Procedure Article 893 or 894. In addition, when the institution of postsecondary education requests such criminal history record information, the bureau shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history check and make such conviction information available to the institution, which pertains to the applicant or prospective employee.

C. For each request for a criminal history records check, the institution shall include a statement signed by the applicant or prospective employee specifying his permission for such information to be released. The request shall be on a form prepared by the bureau and signed by a responsible officer or official of the institution making the request.

D. Any recipient of such information as provided in this Section shall maintain the confidentiality of such criminal history information in accordance with applicable federal or state law.

E.(1)(a) The costs of providing the information required under this Section shall be charged by the bureau, as specified in R.S. 15:587(B) to the institution for furnishing information contained in the bureau's criminal history record and identification files, including any additional cost of providing the national criminal history records check, which pertains to the applicant or prospective employee.

(b) The institution may impose any or all of such fees or costs on the person seeking employment with the institution of postsecondary education.

(2) All fees collected by the bureau pursuant to this Section shall be deposited into the Criminal Identification and Information Fund pursuant to R.S. 15:598.

F. The provisions of this Section shall apply to all institutions which are part of the Louisiana State University System, the Southern University System, the University of Louisiana System, the Louisiana Community and Technical College System, and the Louisiana Association of Independent Colleges and Universities.

Acts 1997, No. 579, §1; Acts 1999, No. 550, §1; Acts 2003, No. 1052, §1; Acts 2013, No. 133, §1; Acts 2014, No. 326, §1.

#### §598. Criminal Identification and Information Fund

All fees imposed and collected pursuant to R.S. 15:587 or any other provision of law in this Chapter shall be forwarded upon receipt to the state treasurer for immediate deposit into the state treasury. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, an amount equal to that deposited as required in this Section shall be credited to a special fund hereby created in the state treasury designated as the Criminal Identification and Information Fund. All monies in this fund shall annually be appropriated by the legislature to the state police, may be withdrawn only pursuant to such appropriation, and shall be used solely and exclusively by the state police to assist in carrying out the provisions of this Chapter and for special law enforcement initiatives. Monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund. Interest earned on the investment of monies shall be credited to this fund following compliance with the requirements of Article VII, Section 9(B) relative to the Bond Security and Redemption Fund. All unexpended and unencumbered monies in the fund at the end of each fiscal year shall remain in the fund.

Acts 2002, 1st Ex. Sess., No. 118, §1, eff. April 23, 2002; Acts 2003, No. 735, §1, eff. June 27, 2003; Acts 2003, No. 1052, §1; Acts 2014, No. 524, §2.

Art. 983. Costs of expungement of a record; fees; collection; exemptions; disbursements

A. Except as provided for in Articles 894 and 984, the total cost to obtain a court order expunging a record shall not exceed five hundred fifty dollars. Payment may be made by United States postal money orders or money orders issued by any state or national bank or by checks issued by a law firm or an attorney.

B. The nonrefundable processing fees for a court order expunging a record shall be as follows:

(1) The Louisiana Bureau of Criminal Identification and Information may charge a processing fee of two hundred fifty dollars for the expungement of any record of arrest when ordered to do so by the court in compliance with the provisions of this Title.

(2) The sheriff may charge a processing fee of fifty dollars for the expungement of any record of arrest when ordered to do so by the court in compliance with the provisions of this Title.

(3) The district attorney may charge a processing fee of fifty dollars for the expungement of any record of arrest when ordered to do so by the court in compliance with the provisions of this Title.

(4) The clerk of court may charge a processing fee not to exceed two hundred dollars to cover the clerk's costs of the expungement.

C. The clerk of court shall collect all processing fees at the time the motion for expungement is filed.

D.(1) The clerk shall immediately direct the collected processing fee provided for in Subparagraph (B)(1) of this Article to the Louisiana Bureau of Criminal Identification and Information, and the processing fee amount shall be deposited immediately upon receipt into the Criminal Identification and Information Fund.

(2) The clerk shall immediately direct the collected processing fees provided for in Subparagraphs (B)(2) and (3) of this Article to the sheriff and the district attorney, and the processing fee amount shall be remitted immediately upon receipt in equal proportions to the office of the district attorney and the sheriff's general fund.

E. The processing fees provided for by this Article are nonrefundable and shall not be returned even if the court does not grant the motion for expungement.

F. An applicant for the expungement of a record shall not be required to pay any fee to the clerk of court, the Louisiana Bureau of Criminal Identification and Information, sheriff, the district attorney, or any other agency to obtain or execute an order of a court of competent jurisdiction to expunge the arrest from the individual's arrest record if a certification obtained from the district attorney is presented to the clerk of court which verifies that the applicant has no felony convictions and no pending felony charges under a bill of information or indictment and at least one of the following applies:

(1) The applicant was acquitted, after trial, of all charges derived from the arrest, including any lesser and included offense.

(2) The district attorney consents, and the case against the applicant was dismissed or the district attorney declined to prosecute the case prior to the time limitations prescribed in Chapter 1 of Title XVII of this Code, and the applicant did not participate in a pretrial diversion program.

(3) The applicant was arrested and was not prosecuted within the time limitations prescribed in Chapter 1 of Title XVII of this Code and did not participate in a pretrial diversion program.

(4) The applicant was determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8.

(5) Concerning the arrest record which the applicant seeks to expunge, the applicant was determined by the district attorney to be a victim of a violation of R.S. 14:67.3 (unauthorized use of

"access card"), a violation of R.S. 14:67.16 (identity theft), a violation of R.S. 14:70.4 (access device fraud), or a violation of any other crime which involves the unlawful use of the identity or personal information of the applicant.

G. Notwithstanding any other provision of law to the contrary, a juvenile who has successfully completed any juvenile drug court program operated by a court of this state shall be exempt from payment of the processing fees otherwise authorized by this Article.

H. If an application for an expungement of a record includes two or more offenses arising out of the same arrest, including misdemeanors, felonies, or both, the applicant shall be required to pay only one fee as provided for by this Article.

I. Notwithstanding any provision of law to the contrary, an applicant for the expungement of a record, other than as provided in Paragraphs F and G of this Article, may proceed in forma pauperis in accordance with the provisions of Code of Civil Procedure Article 5181 et seq.

Acts 2014, No. 145, §1; Acts 2016, No. 8, §1; Acts 2018, No. 404, §1; Acts 2019, No. 1, §1; Acts 2020, No. 79, §1.

# DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

## 2020 Fund Review - Agency Submission

Fund Name: Criminal Identification and Information Fund

Agency Name: Office of State Police

Point of Contact: Chad Felterman POC Phone: (225) 925-1873

POC Email: chad.felتمان@la.gov Date: 10/27/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>Fund Balance:</b>	\$179,320	\$535,606	\$327,166	\$530,133	\$1,453,548	
<b>Amount:</b>	\$7,215,422	\$7,623,094	\$7,653,019	\$8,632,272	\$6,912,604	
<b>Revenue Description:</b>	R.S. 15:598: Fees collected pursuant to R.S. 15:587; all monies in the fund shall annually be appropriated to State Police to be used solely to assist the provisions of the chapter; all unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount:</b>	\$6,859,136	\$7,782,080	\$7,450,052	\$7,708,858	\$8,321,653	\$10,353,548

*In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.*

<b>Name of Activity Funded:</b>	<b>Criminal Records Unit</b>					
<b>Activity Description:</b>	Criminal Records manages and maintains the State Sex Offender and Child Predator Registry, the Computerized Criminal History Database, and the Automated Fingerprint Identification System. They provide educational training to local agencies and communicate information to federal authorities. This funds all 51 positions in the Unit.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$3,430,669	\$3,275,292	\$3,014,868	\$3,423,961	\$3,308,580	\$3,815,213
<b>Total Expended for Activity from all Means of Finance:</b>	\$3,458,608	\$3,314,406	\$3,101,503	\$3,517,807	\$3,352,622	\$3,840,213

<p><b>Activity Outcomes/ Performance Information:</b></p>	<p>Objective: The Bureau of Criminal Identification and Information will ensure that 90% of the requests received to update criminal history information are processed into the Louisiana Computerized Criminal History (LACCH) system and electronically available by June 30, 2025. Indicators: Percentage of received requests processed; Number of expungements received; Number of expungements processed; Number of arrest dispositions received electronically; Number of arrest dispositions received manually; Number of arrest dispositions processed manually; Number of criminal fingerprint cards received; Number of criminal fingerprint cards processed</p> <p>Objective: The Bureau of Criminal Identification and Information will process 75% of the requests for applicant criminal history information within 15 days by June 30, 2025. Indicators: Percentage of requests processed within 15 days; Number of civil applicant requests processed; Number of civil applicant requests processed within 15 days; Percentage of civil applicant requests processed within 15 days</p> <p>Objective: Distribute 100% of all received information related to sex offender registration through June 30, 2025. Indicators: Percentage of distributed information of convicted child predator and sex offenders; Number of new child predator and sex offender registrations received; Number of new child predator and sex offender registrations posted to the Registry</p>
<p><b>Cost of Service Offset by Fee (if applicable):</b></p>	

<p><b>Name of Activity Funded:</b></p>	<p><b>Crime Lab</b></p>					
<p><b>Activity Description:</b></p>	<p>The Crime Lab is accredited through the American Society of Crime Lab Directors. Louisiana State Police Crime Lab provides leadership, training, forensic services, and assistance to state and local agencies. A prime focus of the lab is to reduce the backlog of violent crimes such as murder, rape and other crimes against persons. The goals of the lab's forensic services are: to provide accurate and timely analysis of evidence in the area of toxicology and chemical analysis of evidence with controlled substances; the examination of firearms and tool marks, latent prints, DNA, trace evidence, biology, and crime scene analysis and assistance; to maintain DNA analysis average turnaround time at 30 calendar days on 85% of requests for analysis received; to maintain excellence in the quality of the forensic science services provided to customers; to provide optimal levels of forensic service to the state of Louisiana; to upload and process CODIS samples to the National DNA Indexing System; to facilitate improvement in all aspects of the lab's work; and to provide early identification and correction of problems and potential problems through corrective and preventive action.</p>					
	<p><b>Expenditures for this Activity</b></p>					<p><b>Current Appropriation</b></p>
	<p><b>FY 2016</b></p>	<p><b>FY 2017</b></p>	<p><b>FY 2018</b></p>	<p><b>FY 2019</b></p>	<p><b>FY 2020</b></p>	<p><b>FY 2021</b></p>
<p><b>Amount from Dedicated Fund Expended for Activity:</b></p>	<p>\$911,943</p>	<p>\$2,592,062</p>	<p>\$2,187,866</p>	<p>\$2,834,262</p>	<p>\$3,982,950</p>	<p>\$4,142,887</p>
<p><b>Total Expended for Activity from all Means of Finance:</b></p>	<p>\$10,792,119</p>	<p>\$11,626,050</p>	<p>\$11,845,467</p>	<p>\$11,433,445</p>	<p>\$13,613,790</p>	<p>\$16,997,152</p>
<p><b>Activity Outcomes/ Performance Information:</b></p>	<p>Objective: The Crime Laboratory will maintain lab-wide accreditation with at least one accrediting body to a forensic accreditation program based on compliance with ISO17025 standards for testing laboratories to ensure continued quality lab operations. Indicators: Number of current accreditations to a forensic accreditation program based on compliance with ISO17025 standards for testing labs; Total number of lab requests received for analysis; Number of DNA CODIS convicted offender samples received; Number of DNA CODIS arrestee samples received; Number of NIBIN samples entered</p> <p>Objective: The Crime Laboratory will analyze 95% of total requests received for analysis. Indicator: Percentage of total lab requests analyzed</p> <p>Objective: The Crime Laboratory will maintain an overall (of all forensic disciplines) analysis average turnaround time of 30 calendar days on requests for analysis received. Indicator: Overall (of all forensic disciplines) analysis turnaround time (in calendar days)</p>					
<p><b>Cost of Service Offset by Fee (if applicable):</b></p>						



<b>Name of Activity Funded:</b>	<b>Automated Fingerprint Identification System (AFIS) and Computerized Criminal History (CCH) System</b>					
<b>Activity Description:</b>	The Bureau of Criminal Identification and Information manages and oversees AFIS, which is a statewide, automated fingerprint identification system that is integrated with mugshot and computerized criminal history (CCH) information. The goal of this system is to provide real time identification of individuals at the time of booking, resulting in timely updates to the state's CCH, mugshot and fingerprint databases. The Louisiana Computerized Criminal History system contains arrest, disposition and incarceration information on individuals who have been arrested in the state. The goal of the system is to compile the most accurate, up-to-date, and comprehensive arrest and disposition information for arrested persons and to make this information accessible to all criminal justice agencies.					
	<b>Expenditures for this Activity</b>					<b>Current Appropriation</b>
	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$2,516,524	\$1,914,726	\$2,247,318	\$1,450,635	\$1,030,123	\$541,900
<b>Total Expended for Activity from all Means of Finance:</b>	\$4,058,707	\$4,287,211	\$4,614,419	\$5,010,611	\$5,552,318	\$5,500,000
<b>Activity Outcomes/ Performance Information:</b>	Objective: The Bureau of Criminal Identification and Information will ensure that 90% of the requests received to update criminal history information are processed into the Louisiana Computerized Criminal History (LACCH) system and electronically available by June 30, 2025. Indicators: Percentage of received requests processed; Number of expungements received; Number of expungements processed; Number of arrest dispositions received electronically; Number of arrest dispositions received manually; Number of arrest dispositions processed manually; Number of criminal fingerprint cards received; Number of criminal fingerprint cards processed Objective: The Bureau of Criminal Identification and Information will process 75% of the requests for applicant criminal history information within 15 days by June 30, 2025. Indicators: Percentage of requests processed within 15 days; Number of civil applicant requests processed; Number of civil applicant requests processed within 15 days; Percentage of civil applicant requests processed within 15 days					
<b>Cost of Service Offset by Fee (if applicable):</b>						

<b>Name of Activity Funded:</b>	<b>Traffic Enforcement Program Overtime</b>					
<b>Activity Description:</b>	Overtime related to special law enforcement initiatives					
	<b>Expenditures for this Activity</b>					<b>Current Appropriation</b>
	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Amount from Dedicated Fund Expended for Activity:</b>						\$1,853,548
<b>Total Expended for Activity from all Means of Finance:</b>	\$17,843,996	\$20,465,581	\$17,252,348	\$19,094,051	\$18,967,897	\$21,953,924
<b>Activity Outcomes/ Performance Information:</b>	There are no performance indicators directly associated with this fund. However, this activity is directly related to public safety.					
<b>Cost of Service Offset by Fee (if applicable):</b>						

## Drivers License Escrow Fund

P41

Creation Date: July 2015

Authorization: Created by Act 765 of 2014 RS; See also LRS 32:412.3;

Source of Funds: The source of monies in the fund includes one-third of various fees for different classes of operating licenses found in R.S. 32:412.

Expenditure Usage: Of the monies placed in escrow in the Office of Motor Vehicles Driver's License Escrow Fund, one-half shall be appropriated in Fiscal Years 2020, 2026, and 2032 and one-half shall be appropriated in Fiscal Years 2021, 2027, and 2033. These monies are for general operating expenses of the OMV. The alternating appropriation is due to implementation of the 6-year license period.

<b>5 Year History of Fund Activity</b>					
<b>Activity</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Beginning Balance	\$0	\$0	\$0	\$10,092,681	\$13,638,693
Revenue	\$0	\$0	\$0	\$0	\$0
Transfers	\$0	\$0	\$10,092,681	\$3,546,012	\$0
Expenditures	\$0	\$0	\$0	\$0	(\$292,077)
Ending Balance	\$0	\$0	\$10,092,681	\$13,638,693	\$13,346,616

**Driver's License Escrow Fund – R.S. 32:412.3**

§412.3. Office of Motor Vehicles Driver's License Escrow Fund; Office of Motor Vehicles Handling Fee Escrow Fund

A. There is hereby created, as special funds in the state treasury, the Office of Motor Vehicles Driver's License Escrow Fund, and the Office of Motor Vehicles Handling Fee Escrow Fund.

B.(1) After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay an amount equal to one third of the monies received by the state treasury pursuant to the provisions of R.S. 32:412 into the Office of Motor Vehicles Driver's License Escrow Fund. The monies in this fund shall be used solely as provided in Subsection D of this Section. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund to cover under collections in any subsequent fiscal year. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund and shall be deposited into the state general fund.

(2) The calculation required under the provisions of Subsection D of this Section shall be made prior to the distribution to the board of trustees of the police pension funds of the city of New Orleans, the Louisiana State Police Retirement System Fund, and the Conservation Fund under the provisions of R.S. 56:10(B)(15).

C. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay an amount equal to one third of the monies received by the state treasury pursuant to the provisions of R.S. 32:412.1 into the Office of Motor Vehicles Handling Fee Escrow Fund. The monies in this fund shall be used solely as provided in Subsection E of this Section. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund to cover under collections in any subsequent fiscal year. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund and shall be deposited into the state general fund.

D. Of the monies placed in escrow in the Office of Motor Vehicles Driver's License Escrow Fund, one-half shall be appropriated in Fiscal Years 2020, 2026, and 2032 and one-half shall be appropriated in Fiscal Years 2021, 2027, and 2033.

E.(1) Of the monies placed in escrow in the Office of Motor Vehicles Handling Fee Escrow Fund, one-half shall be appropriated in Fiscal Years 2020, 2026, and 2032 and one-half shall be appropriated in Fiscal Years 2021, 2027, and 2033.

(2) Of the monies appropriated under the provisions of this Subsection, sixty-eight and seventy-five one-hundredths percent of the funds shall be allocated to self-generated revenue and thirty-one and twenty-five one-hundredths percent of the funds shall be allocated to the Office of Motor Vehicles Customer Service and Technology Fund.

Acts 2014, No. 765, §1, eff. July 1, 2015; Acts 2014, No. 807, §1, eff. July 1, 2015.

# DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

## 2020 Fund Review - Agency Submission

Fund Name: Drivers License Escrow Fund

Agency Name: Office of State Police

Point of Contact: Chad Felterman POC Phone: (225) 925-1873

POC Email: chad.felتمان@la.gov Date: 10/27/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>Fund Balance:</b>				\$10,092,681	\$13,638,693	
<b>Amount:</b>			\$10,092,681	\$3,546,012		
<b>Revenue Description:</b>	R.S. 32:412.3: This fund was created to account for the Year 5 and 6 cliff years from the transition to a 6 year drivers license. Drivers license revenue is Major State Revenue, but this small piece (resulting from motorcycle endorsements) funds the Motorcycle Awareness Program of LSP. The treasurer shall pay an amount equal to one third of the monies received by the state treasury pursuant to the provisions of R.S. 32:412 into the Office of Motor Vehicles Driver's License Escrow Fund. Of the monies placed in escrow in the Fund, one-half shall be appropriated in Fiscal Years 2020, 2026, and 2032 and one-half shall be appropriated in Fiscal Years 2021, 2027, and 2033.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount:</b>					\$292,077	\$292,077

*In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.*

<b>Name of Activity Funded:</b>	<b>Motorcycle Awareness Program</b>					
<b>Activity Description:</b>	The LA Motorcycle Safety, Awareness, and Operator Training Program promotes safe motorcycle usage on the highways. Courses are offered for motorcyclists to obtain an endorsement or certification.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount from Dedicated Fund Expended for Activity:</b>					\$292,077	\$292,077
<b>Total Expended for Activity from all Means of Finance:</b>	\$161,672	\$162,510	\$179,300	\$267,854	\$292,077	\$292,077
<b>Activity Outcomes/ Performance Information:</b>	There are no performance indicators directly associated with this fund. However, this activity is directly related to public safety.					
<b>Cost of Service Offset by Fee (if applicable):</b>						

## Explosives Trust Fund

P21

Creation Date: August 1999  
Authorization: R.S. 40:1472.20  
Source of Funds: Licensing fee revenues and civil penalties from explosives manufacturers, distributors, users, blasters, and handlers.  
Expenditure Usage: For staffing, training, and the acquisitions of equipment necessary for the handling of incidents involving the threat of or actual use of explosive or explosive devices which threaten the safety of the citizens of Louisiana.

<b>5 Year History of Fund Activity</b>					
<b>Activity</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Beginning Balance	\$134,052	\$177,006	\$0	\$84,695	\$100,663
Revenue	\$186,925	\$221,125	\$164,150	\$267,150	\$161,425
Transfers	(\$6,855)	(\$3,585)	\$0	\$0	\$0
Expenditures	(\$137,116)	(\$394,546)	(\$79,455)	(\$251,182)	(\$251,182)
Ending Balance	\$177,006	\$0	\$84,695	\$100,663	\$10,906

**Explosives Trust Fund – R.S. 40:1472.20; 40:1472.3; 40:1472.9**

§1472.20. Explosives Trust Fund

A. The Explosives Trust Fund is hereby established as a special fund in the state treasury to support the efforts of the Department of Public Safety and Corrections, office of state police, explosives control unit. After depositing the Bond Security and Redemption Fund, all funds collected pursuant to R.S. 40:1472.3(H) and 1472.9(D) shall be deposited in and credited to the Explosives Trust Fund.

B. The funds as specified in Subsection A of this Section shall be appropriated by the legislature and shall be used solely to support staffing, training, and the acquisition of equipment necessary for the handling of incidents involving the threat of or actual use of explosive or explosive devices which threaten the safety of the citizens of Louisiana. The amount of money deposited out of that collected pursuant to R.S. 40:1472.3(H) and 1472.9(D) shall not exceed one million dollars annually.

Acts 1999, No. 1202, §1.

§1472.3. License; manufacturer, dealer-distributor, user, blaster, or handler of explosives

A.(1) It shall be unlawful for any person or business to acquire, sell, possess, store, engage in the use of, or otherwise handle explosives in this state, except in conformity with the provisions of this Part. Each manufacturer, dealer-distributor, user, blaster, or handler, as such words are defined in R.S. 40:1472.2, shall possess a valid and subsisting license issued by the deputy secretary. An applicant employed by a licensed manufacturer, shall be permitted to work and to perform duties that would otherwise require a license pursuant to this Part provided the following conditions are all met:

- (a) The applicant has submitted a complete application for a handler license.
- (b) The applicant has successfully completed the required training.
- (c) The applicant has been drug screened and found free of controlled dangerous substances.
- (d) The applicant is found to meet the suitability requirements for licensing as provided for in this Chapter.

(e) When the conditions in Subparagraphs (a), (b), and (c) of this Paragraph have been fulfilled and the department has preliminarily determined the applicant to be suitable for licensing, the department shall, within five days from receipt of application unless exigent circumstances dictate otherwise, inform the applicant as to his provisional status to begin work.

(f) During the period as provided for in Subparagraph (e) of this Paragraph a currently licensed manufacturer shall be responsible to ensure the applicant performs all activities regulated by this Chapter under their direct supervision or the supervision of a licensed designee in their employ. Such licensee shall direct, coordinate and control all activities of the applicant at all times while at work and shall not permit the applicant to work independently with explosives until fully licensed by the Department of Public Safety and Corrections.

(2) Any person who is solely engaged in the initiation of fireworks for public display and holds a valid pyrotechnic operator license or a pyrotechnic special effects operator license issued by the state fire marshal in accordance with R.S. 51:650 et seq. shall not be required to obtain a blaster's license issued pursuant to this Part.

(3) License holders shall be required to receive additional training as prescribed by the deputy secretary who shall approve all courses of instruction and all instructors of such courses in accordance with regulations adopted pursuant to this Part.

(4) The Department of Public Safety and Corrections is authorized to inspect all facilities under the control of an explosives licensee when the license is issued pursuant to the provisions of this Section.

(5) Persons under twenty-one years of age who possess a blaster license issued pursuant to the provisions of this Section shall be supervised by a licensed blaster who is at least twenty-one years of age.

B.(1) Each manufacturer, dealer-distributor, and user shall possess a valid United States Bureau of Alcohol, Tobacco, Firearms and Explosives, explosives license or permit.

(2) Each manufacturer, dealer-distributor, and user maintaining a Type 1, Type 2, Type 4, or Type 5 storage magazine as defined by regulations promulgated pursuant to this Part shall possess an additional license, as set forth in this Paragraph, for each magazine. Type 3 portable magazines or "day boxes" used for taking detonators and other explosives from storage magazines to the blasting area are exempt from the licensing and location reporting requirements of this Paragraph. The department shall assign to each magazine licensed pursuant to this Part a license number which shall be posted on the magazine in a manner prescribed by the department. The exact location of such magazines shall be reported to the deputy secretary in the application for such license. Any change in such magazine locations shall be reported to the Department of Public Safety and Corrections, explosives control unit, in advance of the actual change in a manner prescribed by the department. Written notice of such location change shall be filed with the Department of Public Safety and Corrections, explosives control unit and the deputy secretary, not later than seven calendar days after such change is effected.

C.(1) Licenses shall be required for the following and the fees therefor are as follows:

	1 yr.	2 yr.	3 yr.	4 yr.
(a) Manufacturer	\$200	\$400	\$550	\$700
(b) Dealer-distributor	\$200	\$400	\$550	\$700
(c) User	\$100	\$200	\$250	\$300
(d) Magazine	\$50	\$100	\$150	\$200
(e) Blaster	\$50	\$100	\$150	\$200
(f) Handler	\$50	\$100	\$125	\$150

(2) License holders may renew their licenses ninety days prior to expiration. The department shall notify license holders of the expiration of their licenses at least sixty days prior to expiration.

(3) The nonrefundable fees in Paragraph (1) of this Subsection shall be submitted with the license application but shall not apply to Type 3 Magazines.

D. Such licenses shall be issued by the deputy secretary for a period not to exceed four years from the date of issuance. The department may issue blaster and handler licenses to qualified individuals who seek such a license and who are not, at the time of application, employed by a licensed manufacturer, dealer-distributor, or user.

E.(1) The forms of such licenses and applications shall be prescribed by the deputy secretary and shall require a photo of the applicant as well as such other information and data as the deputy secretary deems appropriate.

(2) To qualify for a license, an applicant shall:

(a) Make sworn application to the department. The providing of false or misleading information in the application or any documents submitted with the application shall be grounds for the denial or revocation of a license and shall subject the applicant to criminal prosecution. Any license holder under this Section shall notify the department of any name or address change within thirty days of the change. Failure to timely notify the department of a name or address change may result in suspension of the license for up to thirty days.

(b) Agree in writing to hold harmless and indemnify the department, the state, or any peace officer for any and all liability arising out of the issuance or use of a license issued pursuant to this Part.

(c) Be twenty-one years of age or older, except licenses for blasters and handlers for which an applicant shall be eighteen years of age or older to qualify.

(d) Not suffer from a mental or physical infirmity due to disease, illness, or intellectual disability which prevents the safe handling of explosives.

(e) Not be ineligible to possess an explosives license by virtue of having been convicted of a felony.

(f) Not have been committed, either voluntarily or involuntarily, for the abuse of a controlled dangerous substance, as defined by R.S. 40:961 and 964, or been found guilty of or entered a plea of guilty or nolo contendere to a misdemeanor under the laws of this state or similar laws of any other state relating to a controlled dangerous substance within a five-year period immediately preceding the date on which the application is submitted, or be presently charged under indictment or a bill of information for such an offense.

(g) Not have entered a plea of guilty or nolo contendere to or been found guilty of a crime of violence as defined in R.S. 14:2 at the misdemeanor level, unless five years have elapsed since completion of sentence or any other conditions set by the court have been fulfilled, or unless the conviction was set aside and the prosecution dismissed prior to the date on which the application is submitted.

(h) Not have been convicted of, have entered a plea of guilty or nolo contendere to, or not be charged under indictment or a bill of information for any crime of violence or any crime punishable by imprisonment for a term of one year or greater. A conviction, plea of guilty, or plea of nolo contendere for the purposes of this Paragraph shall include a dismissal and conviction set aside under the provisions of Code of Criminal Procedure Article 893.

(i) Not be a fugitive from justice.

(j) Not be a person whose prior activities, arrest or arrests, criminal record, reputation, habits, and associations pose a threat to public safety.

(k) Not be an unlawful user of or addicted to marijuana, depressants, stimulants, or narcotic drugs.

(l) Not have been adjudicated to be mentally deficient or been committed to a mental institution.

(m) Be a legal resident of the United States.

(n) Not have been discharged from the Armed Forces of the United States with a discharge characterized as "Under Other than Honorable Conditions", a "Bad Conduct Discharge", or a "Dishonorable Discharge". In the case of commissioned officers and warrant officers of the United States Armed Forces, the punishment of "Dismissal" rendered subject to a verdict of "guilty" at a trial by military court-martial is deemed to be disqualifying under this Paragraph. For the purposes of this Subparagraph, the United States Coast Guard is considered an armed force.

(o) Not have a history of engaging in violent behavior. There shall be a rebuttable presumption that an applicant has a history of engaging in violent behavior upon proof that, within a ten-year period immediately preceding the date of the application, the applicant has been arrested or charged on three or more occasions for any crime of violence as defined in R.S. 14:2(B), or has been arrested or charged on two or more occasions for any crime of violence that may be punished by death.

(p) Not have been determined by a judge of this state or any other state to be a credible threat to the physical safety of another, nor a person who is subjected to the provisions of an active protective order, or prohibited from possessing or receiving a firearm by law.



(3)(a) The deputy secretary shall revoke the license if at any time during the license period the license holder fails to satisfy any one of the qualification requirements provided for in Paragraph (2) of this Subsection.

(b) The department shall execute a thorough background investigation, including a criminal history check, of every applicant for the purpose of verifying the qualifications of the applicant pursuant to the requirements of this Section. For purposes of this Subparagraph, a background check shall be defined as a computer check of available online state records, as well as national records including but not limited to the federal Interstate Identification Index for a national identification and criminal history records check and which may include fingerprints of the applicant, if so requested by the department.

(c) Cost incurred by the department for processing Louisiana State Police and Federal Bureau of Investigation fingerprint cards shall be borne by the applicant.

(4)(a) Anyone who handles, moves, uses, manipulates, or otherwise detonates explosives and does so with a blood alcohol concentration of 0.02 percent or greater by weight of alcohol in the blood or when a blood or urine test confirms the presence of any abused or controlled substance that has been prescribed by a licensed medical practitioner shall constitute a violation of careless use of explosives as found in R.S. 40:1472.18 and shall be cause for the immediate suspension of the person's explosive license issued pursuant to this Chapter.

(b) Anyone who handles, moves, uses, manipulates, or otherwise detonates explosives and does so with a blood alcohol concentration of 0.08 percent or greater by weight of alcohol in the blood or when a blood or urine test confirms the presence of any abused or controlled dangerous substance that was not prescribed by a licensed medical practitioner shall constitute a violation of reckless use of explosives as found in R.S. 40:1472.19 and shall be cause for the person's explosives license issued pursuant to this Chapter to be revoked for life.

(5) The tested license holder may have a physician or a qualified technician, chemist, registered nurse, or other qualified person of his own choosing administer a chemical test or tests in addition to any administered at the direction of a law enforcement officer. The license holder shall be given the opportunity to telephone and request the qualified person to administer such test.

F. Repealed by Acts 2003, No. 161, §1.

G. No license shall be issued by the deputy secretary pursuant to an application therefor unless it shall be determined that the purpose for which the applicant seeks a license falls within the purview of this Part and that such purpose is not violative of any other laws of this state.

H. All explosives licensing fees collected pursuant to this Section shall be dedicated to the Explosives Trust Fund for the use of the deputy secretary in the administration of this Part, and shall be deposited in a special fund to be established in the office of the state treasurer pursuant to the provisions of R.S. 40:1472.20.

I. It shall be unlawful for any person in an application for a license required by Subsection A or B of this Section to knowingly make a false statement therein. Whoever is convicted of violating the provisions of this Subsection shall be fined not less than fifteen hundred dollars nor more than ten thousand dollars or imprisoned with or without hard labor for not less than two years nor more than five years, or both.

J. Whoever is convicted of violating Subsection A of this Section shall be fined not less than five thousand dollars nor more than twenty thousand dollars or imprisoned with or without hard labor for not less than five years nor more than ten years, or both.

K. Whoever is convicted of violating Subsection B of this Section shall be fined not less than one thousand five hundred dollars nor more than ten thousand dollars or imprisoned with or without hard labor for not less than two years nor more than five years, or both.

L.(1) The provisions of this Part shall not apply to the use of commercially manufactured black powder by historical and cultural reenactors sixteen years of age or older or the acquisition and use of commercially manufactured black powder by historical and cultural reenactors twenty-one years of age or older, who have completed the Louisiana State Parks Black Powder Certification. The acquisition and possession of black powder shall be limited to quantities not to exceed the following:

(a) Twenty-five pounds for historical and cultural reenactors who hold artillery designation with a bona fide unit of historical reenactors.

(b) Five pounds for all other lawful purchasers.

(2) Persons acquiring commercially manufactured black powder in quantities in excess of five pounds shall produce evidence of current certification from Louisiana State Parks for participation in Louisiana historical and cultural reenactments.

(3) Black powder in excess of five pounds that is stored at a private residence shall be reported in writing by the homeowner, occupant, or resident, as the case may be, to the chief of a fire district or department of competent jurisdiction.

Acts 1995, No. 1139, §1; Acts 1999, No. 1202, §1; Acts 2003, No. 160, §1; Acts 2003, No. 161, §1; Acts 2003, No. 398, §1; Acts 2008, No. 898, §1; Acts 2009, No. 391, §1; Acts 2014, No. 1, §1, eff. April 23, 2014; Acts 2014, No. 811, §22, eff. June 23, 2014; Acts 2018, No. 315, §1.

#### §1472.9. Civil penalties

A. After notice and an opportunity for a hearing held in accordance with the Administrative Procedure Act, the deputy secretary may assess a civil penalty not to exceed ten thousand dollars for each violation against any person he determines to have violated any rule or regulation adopted pursuant to this Part. In determining the amount of the penalty the deputy secretary shall take into account the nature, circumstances, extent, and gravity of the violation, the degree of culpability of the person violating the rule or regulation, the person's history of previous offenses, the person's ability to pay and the effect of the penalty on his ability to continue to operate, and any other matter that justice requires.

B. The secretary may refer any civil penalty assessed pursuant to this Section to the attorney general for collection. Before referral for collection, the secretary may compromise any penalty.

C. The secretary may deduct all or part of any civil penalty assessed under the provisions of this Section from any other monies owed by the department to the person assessed with the penalty.

D. All civil penalties collected pursuant to this Section shall be dedicated to the Explosives Trust Fund, as provided in R.S. 40:1472.20.

Acts 1995, No. 1139, §1; Acts 1999, No. 1202, §1.

# DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

## 2020 Fund Review - Agency Submission

**Fund Name:** Explosives Trust Fund

**Agency Name:** Office of State Police

**Point of Contact:** Chad Felterman      **POC Phone:** (225) 925-1873

**POC Email:** chad.felتمان@la.gov      **Date:** 10/27/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>Fund Balance:</b>	\$134,052	\$177,006		\$84,695	\$100,663	
<b>Amount:</b>	\$186,925	\$221,125	\$164,150	\$267,150	\$161,425	
<b>Revenue Description:</b>	R.S. 40:1472.20: Fees and Civil penalties solely for use by State Police to support the explosives control unit; if annual collections exceed \$1M the excess shall revert to the General Fund, otherwise all unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount:</b>	\$137,116	\$394,546	\$79,455	\$251,182	\$251,182	\$251,182

*In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.*

Name of Activity Funded:	<b>HazMat/Explosives Unit</b>					
<b>Activity Description:</b>	<p>Funding for 2 of the 29 positions in the HazMat/Explosives Unit. The Emergency Services Unit (ESU) is the primary agency in the state with both the regulatory and statutory authority for hazardous material and explosives. Technicians assigned to ESU respond to, mitigate, and often remediate hazardous material and explosive incidents throughout the state on a 24-hour basis, 365 days a year. The job of an ESU Technician is to ensure that citizens are not exposed to any undue risk of hazardous materials or explosives through proactive enforcement and by strictly enforcing and investigating infractions in the hazardous material and explosives laws. This currently funds 2 T.O.</p> <p>The Explosives Unit Office regulates, both criminally and civilly, the explosives industry throughout the state.</p>					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$137,116	\$394,546	\$79,455	\$251,182	\$251,182	\$251,182
<b>Total Expended for Activity from all Means of Finance:</b>	\$4,543,983	\$4,515,220	\$4,372,316	\$4,347,285	\$4,827,695	\$4,774,021
<b>Activity Outcomes/ Performance Information:</b>	There are no performance indicators directly associated with Explosives Trust. However, this activity is directly related to public safety.					
<b>Cost of Service Offset by Fee (if applicable):</b>						

## Louisiana Towing and Storage Fund

P07

Creation Date: September 1989  
Authorization: R.S. 32:1731; R.S. 32:1717  
Source of Funds: Fees and fines collected under the Louisiana (vehicle) Towing and Storage Act.

Expenditure Usage: Used solely to fund state police activities and enforcement of the Act.

<b>5 Year History of Fund Activity</b>					
<b>Activity</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Beginning Balance	\$0	\$0	\$0	\$0	\$0
Revenue	\$423,020	\$335,479	\$372,545	\$315,760	\$348,205
Transfers	(\$203,020)	(\$2,562)	(\$152,545)	\$0	(\$109,530)
Expenditures	(\$220,000)	(\$332,917)	(\$220,000)	(\$315,760)	(\$238,675)
Ending Balance	\$0	\$0	\$0	\$0	\$0

**Louisiana Towing and Storage Fund – R.S. 32:1731**

§1731. The Louisiana Towing and Storage Fund

All fees and fines collected under the provisions of this Chapter shall be paid into the state treasury on or before the twenty-fifth day of the month following their collection and, in accordance with Article VII, Section 9 of the Constitution of Louisiana, shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount is allocated therefrom to pay all obligations secured by the full faith and credit of the state which become due and payable within each fiscal year, the treasurer shall pay an amount equal to the total amount of funds paid into the treasury into a special fund, which is hereby created in the state treasury and designated as the "Louisiana Towing and Storage Fund". All funds collected or received pursuant to this Chapter and deposited in the Louisiana Towing and Storage Fund shall be administered by the deputy secretary of public safety services. The fund shall be used solely to fund personnel positions and the activities and enforcement of this Chapter by the office of state police and only in the amount appropriated by the legislature with all remaining funds to be deposited in the state general fund.

Acts 1989, No. 522, §1; Acts 2001, No. 856, §1.

# DEDICATED FUND REVIEW SUBCOMMITTEE

## Joint Legislative Committee on the Budget

### 2020 Fund Review - Agency Submission

Fund Name: Louisiana Towing and Storage Fund

Agency Name: Office of State Police

Point of Contact: Chad Felterman POC Phone: (225) 925-1873

POC Email: chad.felتمان@la.gov Date: 10/27/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>Amount:</b>	\$423,020	\$335,479	\$3,725,445	\$315,760	\$348,205	
<b>Revenue Description:</b>	R.S. 32:1731: Fees and fines collected under the provisions of Chapter 16 of Title 32; solely for State Police to fund personnel, activities and enforcement of the chapter in the amount appropriated by the legislature; all remaining funds revert to the general fund.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount:</b>	\$220,000	\$332,917	\$220,000	\$315,760	\$238,675	\$300,000

*In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.*

<b>Name of Activity Funded:</b>	Towing and Storage Unit					
<b>Activity Description:</b>	Salaries and related benefits for 3 of the 18 positions in the Towing and Storage Unit. This unit is responsible for conducting annual inspections and investigating complaints from the public on all licensed towing and storage facilities and conducting roadside safety inspections on tow trucks. This currently funds 3 T.O.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$220,000	\$332,917	\$220,000	\$315,760	\$238,675	\$300,000
<b>Total Expended for Activity from all Means of Finance:</b>	\$2,661,271	\$2,360,503	\$2,661,271	\$2,350,380	\$2,437,553	\$2,693,979
<b>Activity Outcomes/ Performance Information:</b>	There are no performance indicators directly associated with Applied Technology. However, the section is directly related to many other sections in Traffic Enforcement.					
<b>Cost of Service Offset by Fee (if applicable):</b>						

## Public Safety DWI Testing, Maintenance, and Training Fund

Creation Date: September 1990

Authorization: R.S. 40:1379.7

Source of Funds: Fines assessed when State Police performs or participates in blood, breath, or urine analysis for which special costs are incurred.

Expenditure Usage: Monies are to be used to purchase and maintain equipment and supplies for use in blood, breath and urine analysis; for training in usage and maintenance of the equipment; and, for other related necessary expenses.

<b>5 Year History of Fund Activity</b>					
<b>Activity</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Beginning Balance	\$49,456	\$10,685	\$14,270	\$25,849	\$49,476
Revenue	\$418,116	\$397,393	\$360,318	\$463,511	\$516,886
Interest Earnings	\$91	\$266	\$455	\$941	\$1,125
Transfers	(\$21,760)	(\$2,342)	\$0	\$0	\$0
Expenditures	(\$435,218)	(\$391,732)	(\$349,194)	(\$440,825)	(\$440,825)
Ending Balance	\$10,685	\$14,270	\$25,849	\$49,476	\$126,662

**Public Safety DWI Testing, Maintenance, and Training Fund – R.S. 40:1379.7**

§1379.7. Public Safety DWI Testing, Maintenance, and Training Fund; uses

A. When the office of state police has performed or participated in a blood, breath, or urine analysis for which special costs are assessed in accordance with Code of Criminal Procedure Article 887(C) such costs shall be forwarded, on or before the twenty-fifth day of each month following their collection, to the state treasurer for immediate deposit in the state treasury.

B. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, the treasurer shall credit an amount equal to the total amount of such costs received to a special fund which is hereby created in the state treasury and designated as the Public Safety DWI Testing, Maintenance, and Training Fund. The monies in the described fund shall be used solely to fund activities of the office of state police in executing its responsibilities in the purchase and maintenance of equipment and supplies for use in breath, blood, or urine analysis as related to violations of R.S. 14:98 or 98.1; training in the maintenance and usage of testing equipment; other such related expenses as may be necessary in the efficient and effective administration of those duties; and for special law enforcement initiatives. The monies in the fund shall be used only in the amounts appropriated by the legislature. All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund. The monies in the fund shall be invested by the treasurer in the same manner as monies in the state general fund. All interest earned on monies in the fund invested by the treasurer shall be credited to the Public Safety DWI Testing, Maintenance, and Training Fund.

Acts 1987, No. 331, §2; Acts 1990, No. 320, §2; Acts 1997, No. 1296, §4, eff. July 15, 1997; Acts 2014, No. 524, §4.



# DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

## 2020 Fund Review - Agency Submission

Fund Name: DWI Testing, Maintenance, and Training Fund

Agency Name: Office of State Police

Point of Contact: Chad Felterman POC Phone: (225) 925-1873

POC Email: chad.felتمان@la.gov Date: 10/27/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>Fund Balance:</b>	\$49,456	\$10,685	\$14,270	\$25,849	\$49,476	
<b>Amount:</b>	\$418,207	\$397,659	\$360,773	\$464,452	\$518,011	
<b>Revenue Description:</b>	R.S. 40:1379.7: Special costs assessed in accordance with Code of Criminal Procedure Article 887(C) are remitted to the fund when the Office of State Police has performed or participated in the testing. Funds are solely used for the funding of activities in the purchase and maintenance of equipment and supplies for use in breath, blood, or urine analysis for a DWI; training in the maintenance and usage of such equipment and supplies, and other related expenses within the Office of State Police; all unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount:</b>	\$435,218	\$391,732	\$349,194	\$440,825	\$440,825	\$440,825

*In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.*

<b>Name of Activity Funded:</b>	Applied Technology Unit					
<b>Activity Description:</b>	Salaries and related benefits for the Applied Technology Unit. This unit is responsible for installation, maintenance, and recertification of all Intoxilyzer 5000 instruments. Applied Technology is also the coordinating section for the Standardized Field Sobriety and Drug Evaluation and Classification programs for Louisiana. This currently funds 5 T.O.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$435,218	\$391,732	\$349,194	\$440,825	\$440,825	\$440,825
<b>Total Expended for Activity from all Means of Finance:</b>	\$438,717	\$451,877	\$474,972	\$562,825	\$553,479	\$569,580
<b>Activity Outcomes/ Performance Information:</b>	There are no performance indicators directly associated with Applied Technology. However, the section plays a vital role in highway safety and patrol activities, and officer training.					
<b>Cost of Service Offset by Fee (if applicable):</b>						

## Right to Know Fund

P12

Creation Date: August 1997  
Authorization: R.S. 30:2380  
Source of Funds: Fees and fines pertaining to the manufacturing, storage, use, or release of hazardous materials.

Expenditure Usage: For use by the deputy secretary of the Dept. Of Public Safety and Corrections to develop the Louisiana Chemical Network, a statewide centralized inventory and release reporting system.

<b>5 Year History of Fund Activity</b>					
<b>Activity</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Beginning Balance	\$0	\$0	\$25,750	\$65,500	\$60,431
Revenue	\$26,388	\$25,750	\$39,750	\$21,000	\$72,927
Transfers	\$0	\$0	\$0	\$0	\$0
Expenditures	(\$26,388)	\$0	\$0	(\$26,069)	(\$26,069)
Ending Balance	\$0	\$25,750	\$65,500	\$60,431	\$107,289

**Right-to-Know Fund – R.S. 30:2380; R.S. 30:2373**

§2380. Right-to-Know Fund

A. Subject to the exceptions contained in Article VII, Section 9 of the Constitution of Louisiana, all monies collected under R.S. 30:2373 shall be paid into the state treasury and shall be credited to the Bond Security and Redemption Fund. 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 a fiscal year, the treasurer shall, prior to placing such remaining funds in the state general fund, pay into a special fund, which is hereby created in the state treasury and designated as the "Right-to-Know Fund", hereinafter referred to as the fund, an amount equal to all monies collected under R.S. 30:2373. The fund balance shall not exceed two million dollars. Any monies in excess of that amount shall revert to the general fund.

B. Monies in the fund shall be paid to the deputy secretary on his warrant and shall be used to develop the Louisiana Chemical Network (LCN), a statewide centralized inventory and release reporting system. This centralized reporting system is intended to eliminate duplication in reporting requirements, develop centralized data management, and provide processed data to all parishes via the local emergency planning committees (LEPCs). The department shall have the responsibility to develop a centralized data distribution system and provide the local emergency planning committees with the necessary equipment, software, and training to support its application. The monies in the fund shall be dedicated to equipment acquisition and personnel training for LEPCs and for the department to properly staff the centralized data management functions. The deputy secretary shall adopt the necessary rules and regulations to administer this system.

Acts 1997, No. 1046, §1.

§2373. Failure to report; penalties

A. All owners and operators shall be required to report the information required under R.S. 30:2369 of this Chapter regarding the manufacture, storage, or use of hazardous materials by no later than March 1, 1988, and by March first of each year thereafter.

B.(1) Owners and operators shall immediately notify the department of any reportable releases, other than a federally or state permitted release or application of a pesticide or fertilizer, of a hazardous material or substance listed pursuant to this Chapter exceeding the reportable quantity when that reportable quantity could be reasonably expected to escape the site of the facility, as soon as the owner or operator has knowledge of such release. Failure to do so shall subject owners and operators to civil penalties as provided in Subsection C of this Section. Notwithstanding any provision of law to the contrary, natural gas from distribution lines shall have a reportable release of one thousand pounds or more.

(2) Any reportable release of any hazardous material regulated by this Chapter which causes any injury requiring hospitalization or any fatality or any release which results in a fire or explosion which could reasonably be expected to affect the public safety beyond the boundaries of the facility shall be reported immediately to the department.

(3) Any incident, accident, or cleanup within a facility, which could reasonably be expected to affect public safety beyond the boundaries of the facility or where the owner or operator knows a protective action beyond the boundaries of the facility has been initiated, shall be reported immediately to the department.

(4) Any release or incident that occurs within the boundaries of a facility and may be subject to reporting under this Section shall not be reportable by the owner or operator of the facility, or the employees, non-commercial carriers, contractors, or consultants of such owner or operator pursuant to the provisions of Chapter 12 of Title 32 of the Louisiana Revised Statutes of 1950, unless such release or incident involves a railcar that is in transportation and the owner or operator of the facility is required to report the release or incident under 49 C.F.R. 171.15.

(5) The department shall not subject an owner or operator to a civil penalty as provided in Subsection C based on any incident or release that was not required to be reported under this Section and that was reported by the owner or operator as a courtesy.

(6) The secretary may develop rules and regulations to implement and clarify the reporting requirements of this Subsection and to address changes in federal regulations.

(7) The Department of Environmental Quality shall make available to the public for examination any information contained in reports required pursuant to R.S. 30:2025(J), 2060(H), and 2076(D).

C.(1) For owners and operators who knowingly fail to file an inventory form on hazardous materials as required by this Chapter by March 1, 1988, and by March first of each year thereafter, the department may levy a civil penalty which shall not exceed twenty-five thousand dollars per hazardous material not reported. Small businesses who have an omission from the inventory reporting forms shall receive a warning only for their first offense.

(2) The department may also levy a civil penalty not to exceed twenty-five thousand dollars per violation for failure to timely report nonpermitted releases pursuant to R.S. 30:2373(B).

(3) For owners and operators who knowingly fail to report a reportable release of a hazardous material regulated by this Chapter, the department may assess a civil penalty not to exceed twenty-five thousand dollars per violation per day.

(4) The department shall consider, in determining whether to assess a fine, the financial situation of owners and operators of small businesses as well as any willfulness in failing to comply with the provisions of this Chapter. Such fines shall be deposited in the Right-to-Know Fund pursuant to R.S. 30:2380.

D.(1) Any person who handles, stores, or otherwise maintains a hazardous material regulated by this Chapter in a negligent or unreasonable manner without regard for the hazards of the material and causes a significant impact to public health and safety as a result of a reportable release of a hazardous material shall be in violation of this Subsection.

(2) For any person, owner, operator, or facility that violates this Subsection, the department may levy a civil penalty not to exceed ten thousand dollars per violation.

E.(1) No person shall intentionally handle, store, or otherwise maintain any hazardous material regulated by this Chapter in a manner which endangers human life.

(2) Any person, owner, operator, or facility that willfully violates this Subsection may be assessed a civil penalty by the department not to exceed twenty-five thousand dollars per violation per day or upon first conviction shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both. Upon second or subsequent conviction of a violation of R.S. 30:2373(E)(1), said person, owner, operator, or facility shall be fined not less than five hundred dollars nor more than ten thousand dollars or imprisoned with or without hard labor for not less than six months nor more than ten years.

F.(1) Any owner or operator who causes a reportable release that requires a significant emergency response by the department or is in violation of Subsection D of this Section shall reimburse the department for reasonable and extraordinary costs of emergency response, including actions taken by the department to mitigate such reportable release.

(2) Reimbursement to the department pursuant to Paragraph (1) of this Subsection shall preclude reimbursement for the same incident to the department from other response funds, including but not limited to the Hazardous Waste Protection Fund, R.S. 30:2198, the Motor Fuels Underground Storage Tank Trust Fund, R.S. 30:2195, et seq., and the Oil Spill Contingency Fund, R.S. 30:2483, et seq.

(3) An owner or operator of a small business shall not be responsible for the emergency response costs of the department in excess of twenty-five thousand dollars.

G.(1) Notwithstanding the provisions of R.S. 30:2380 to the contrary, the department may enter into settlements of civil penalty assessments that allow the respondent to perform beneficial emergency planning, preparedness, and response projects or provide for the payment of a cash penalty to the state, or both. Such settlements shall be considered a civil penalty for tax purposes.

(2)(a) Any settlement provided for in this Section that allows the respondent to perform a beneficial emergency planning, preparedness, and response project shall be submitted to the attorney general for his approval or rejection. The settlement shall be accompanied by the underlying enforcement action, a description of the beneficial emergency planning, preparedness, and response project that is an element of such settlement, and a justification for the settlement. Approval or rejection by the attorney general of any settlement shall be in writing and include, if rejected, a detailed written reason for rejection.

(b) Reasons for rejection shall be failure of the department to follow and adhere to the Right-to-Know Law, the regulations promulgated thereunder, or any other constitutional, statutory, or regulatory provisions.

(c) The attorney general shall make any request for additional information concerning the terms and condition of the settlement within thirty days of receiving the request for approval or rejection. Within thirty days of a request for additional information by the attorney general, the department shall provide its responses to such request.

(d) The department may execute the proposed settlement without the approval of the attorney general if the attorney general does not give written notice to the department of his rejection of the settlement within ninety days after receiving the proposed settlement.

(3) For purposes of this Subsection, a "beneficial emergency planning, preparedness, and response project" means a project that the respondent is not otherwise legally required to perform but that the respondent agrees to undertake as a component of a settlement of a civil penalty assessment under this Subsection; and a project that provides assistance or a benefit to a responsible state or local emergency planning, preparedness, or response entity. Beneficial emergency planning, preparedness, and response projects shall enable such entity to further fulfill its obligations to collect information to assess the dangers of hazardous materials present in a response situation, to develop emergency plans or procedures, to train emergency response personnel, and shall allow the respondent or state or local entity to better respond to emergency situations, including threats to communities from hurricanes or other natural disasters. Such projects may include providing computers and software, communication systems, chemical emission detection and inactivation equipment, and hazardous materials equipment and training.

Acts 1985, No. 435, §1, eff. July 11, 1985; Acts 1987, No. 347, §1; Acts 1992, No. 665, §§1, 2; Acts 1992, No. 984, §9; Acts 1995, No. 850, §1; Acts 1997, No. 1046, §1; Acts 1999, No. 355, §1, eff. June 16, 1999; Acts 2001, No. 1087, §1; Acts 2008, No. 550, §1, eff. June 30, 2008; Acts 2009, No. 235, §1; Acts 2012, No. 853, §1; Acts 2014, No. 799, §1, eff. June 19, 2014.

# DEDICATED FUND REVIEW SUBCOMMITTEE

## Joint Legislative Committee on the Budget

### 2020 Fund Review - Agency Submission

<b>Fund Name:</b>	Right to Know Fund				
<b>Agency Name:</b>	Office of State Police				
<b>Point of Contact:</b>	Chad Felterman	<b>POC Phone:</b> (225) 925-1873			
<b>POC Email:</b>	chad.felتمان@la.gov	<b>Date:</b> 10/27/2020			

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>Fund Balance:</b>			\$25,750	\$65,500	\$60,431	
<b>Amount:</b>	\$26,388	\$25,750	\$39,750	\$21,000	\$72,927	
<b>Revenue Description:</b>	R.S. 30:2380: Civil penalties and fines solely for use by State Police to develop the La. Chemical Network, a statewide, centralized, inventory and release reporting system; the fund is dedicated to equipment acquisition and personnel training for the LEPC and to properly staff the centralized data management functions; if annual collections exceed \$2M, the excess shall revert to the General Fund, otherwise all unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount:</b>	\$26,388			\$26,069	\$26,069	\$26,069

In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.

<b>Name of Activity Funded:</b>	<b>Right to Know Unit</b>					
<b>Activity Description:</b>	Partial salaries and related benefits for 1 of the 9 positions in the Right to Know Unit. Owners and operators are responsible for filing inventory forms for all hazardous materials manufactured, used, or stored at their facilities and for immediately reporting releases of certain hazardous materials in certain reportable quantities to the Louisiana State Police, Hazardous Materials Unit. In October of 1986, the Federal Government enacted the "Emergency Planning and Community Right-To-Know Act" to enable people to have access to timely detailed information about hazardous material in their community and use that information to plan for potential chemical emergencies. This unit maintains records in a comprehensive information system containing specific data regarding both the presence and location of hazardous materials in Louisiana. This currently funds part of 1 T.O.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$26,388			\$26,069	\$26,069	\$26,069
<b>Total Expended for Activity from all Means of Finance:</b>	\$769,446	\$706,396	\$715,997	\$681,215	\$702,803	\$789,409
<b>Activity Outcomes/ Performance Information:</b>	There are no performance indicators directly associated with Right to Know. However, this activity is directly related to public safety.					
<b>Cost of Service Offset by Fee (if applicable):</b>						

# Insurance Verification System Fund

**Creation Date:** July 2014

**Authorization:** Created by Act 641 of the 2014 Regular Legislative Session. See also R.S. 32:868 and related statutes in 32:862(G)(4), 32:863(A)(1) and 32:864 to 865.

**Source of Funds:** Of the vehicle insurance/security reinstatement fees assessed in R.S. 32:863(A)(3)(a), an amount of seventy-five dollars from each reinstatement fee levied for lack of required security up to thirty days, one hundred fifty dollars from each reinstatement fee levied for lack of required security between thirty-one days and ninety days, and three hundred dollars from each reinstatement fee levied for lack of security for in excess of ninety days, and of the reinstatement fees assessed in R.S. 32:863.1(C)(1)(c) and (I)(3) an amount of fifty dollars from each first offense and one hundred dollars from each second offense, shall be, after first having been credited to the Bond Security and Redemption Fund as required by Article VII, Section 9(B) of the Louisiana Constitution, deposited into the Insurance Verification System Fund.

**Expenditure Usage:** Monies in the fund shall be used in amounts appropriated by the legislature as follows: (1) For Fiscal Year 2014-2015, monies in the fund shall be used as follows: (a) First, to fully fund the creation and maintenance of the real-time system to verify motor vehicle insurance authorized by R.S. 32:863.2(F). (b) The next forty-two million dollars shall be dedicated to the Department of Public Safety and Corrections, office of state police. (c) The remainder of deposits shall be used for public safety and law enforcement purposes. (2) For Fiscal Year 2015-2016 and each fiscal year thereafter, monies in the fund shall be used as follows: (a) First, to fully fund the annual maintenance of the real-time system to verify motor vehicle insurance authorized by R.S. 32:863.2(F). (b) The next forty-two million dollars per year shall be dedicated to the Department of Public Safety and Corrections, office of state police. (c) In the event House Bill No. 562 of the 2014 Regular Session of the Legislature is enacted into law, the next seven million dollars per year shall be used to fund the housing of parolees who are detained in sheriffs' jails pending their revocation hearing as provided in R.S. 15:824(B)(1)(e)(ii). (d) The next one million dollars per year shall be used to provide additional funding to district attorneys and assistant district attorneys, specifically to fund additional assistant district attorneys beginning in 2015. (e) The remainder of monies in the fund shall be used for public safety and law enforcement purposes. (3) Funds from the Insurance Verification System Fund shall not be used to pay any costs associated with the implementation of a system for the issuance of REAL ID compliant drivers' licenses and special identification cards.

<b>5 Year History of Fund Activity</b>					
<b>Activity</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Beginning Balance	\$252,580	\$4,959,697	\$1,226,820	\$1,735,533	\$7,381,520
Revenue	\$41,476,212	\$30,441,889	\$31,330,788	\$37,360,624	\$32,328,337
Interest Earnings	\$21,922	\$46,363	\$83,006	\$89,761	\$106,370
Transfers	(\$4,609,096)	(\$249,636)	\$0	\$0	\$0
Expenditures	(\$32,181,921)	(\$33,971,493)	(\$30,905,081)	(\$31,804,398)	(\$34,245,313)
Ending Balance	\$4,959,697	\$1,226,820	\$1,735,533	\$7,381,520	\$5,570,914

## **Insurance Verification System Fund – R.S. 32:868**

§868. Funding of real-time system to verify motor vehicle insurance; Insurance Verification System Fund; creation

A. Of the reinstatement fees assessed in R.S. 32:863(A)(3)(a), an amount of seventy-five dollars from each reinstatement fee levied for lack of required security up to thirty days, one hundred fifty dollars from each reinstatement fee levied for lack of required security between thirty-one days and ninety days, and three hundred dollars from each reinstatement fee levied for lack of security for in excess of ninety days, and of the reinstatement fees assessed in R.S. 32:863.1(C)(1)(c) and (I)(3) an amount of fifty dollars from each first offense and one hundred dollars from each second offense, shall be, after first having been credited to the Bond Security and Redemption Fund as required by Article VII, Section 9(B) of the Louisiana Constitution, deposited into the Insurance Verification System Fund.

B. There is hereby created in the state treasury the Insurance Verification System Fund, hereinafter referred to as the "fund". 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. The monies in this fund shall be used solely as provided for in this Section and only in the amounts appropriated by the legislature. Unexpended and unencumbered monies in the fund shall remain in the fund. Monies in the fund shall be used in amounts appropriated by the legislature as follows:

(1) For Fiscal Year 2014-2015, monies in the fund shall be used as follows:

(a) First, to fully fund the creation and maintenance of the real-time system to verify motor vehicle insurance authorized by R.S. 32:863.2(F).

(b) The next forty-two million dollars shall be dedicated to the Department of Public Safety and Corrections, office of state police.

(c) The remainder of deposits shall be used for public safety and law enforcement purposes.

(2) For Fiscal Year 2015-2016 and each fiscal year thereafter, monies in the fund shall be used as follows:

(a) First, to fully fund the annual maintenance of the real-time system to verify motor vehicle insurance authorized by R.S. 32:863.2(F).

(b) Next, the amount needed to fund the increase in the costs of salaries and related benefits associated with the pay plan adopted by the State Police Commission, not to exceed forty-two million dollars per year, shall be dedicated to the Department of Public Safety and Corrections, office of state police.

(c) In the event House Bill No. 562 of the 2014 Regular Session of the Legislature is enacted into law, the next seven million dollars per year shall be used to fund the housing of parolees who are detained in sheriffs' jails pending their revocation hearing as provided in R.S. 15:824(B)(1)(e)(ii).

(d) The next one million dollars per year shall be used to provide additional funding to district attorneys and assistant district attorneys, specifically to fund additional assistant district attorneys beginning in 2015.

(e) The remainder of monies in the fund shall be used for public safety and law enforcement purposes.



(3) Funds from the Insurance Verification System Fund shall not be used to pay any costs associated with the implementation of a system for the issuance of REAL ID compliant drivers' licenses and special identification cards.

Acts 2014, No. 641, §1, eff. July 1, 2014; Acts 2015, No. 121, §1, eff. July 1, 2015.

NOTE: HB No. 562 of the 2014 R.S. was enacted as Act 652 of the 2014 R.S.

# DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

## 2020 Fund Review - Agency Submission

Fund Name: Insurance Verification System Fund

Agency Name: Office of State Police

Point of Contact: Chad Felterman POC Phone: (225) 925-1873

POC Email: chad.felتمان@la.gov Date: 10/27/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>Fund Balance:</b>	\$252,580	\$4,959,697	\$1,226,820	\$1,735,533	\$7,381,520	
<b>Amount:</b>	\$41,498,134	\$30,488,251	\$31,413,794	\$37,450,385	\$32,434,707	
<b>Revenue Description:</b>	R.S. 32:868: Of the reinstatement fees assessed in R.S. 32:863(A)(3)(a), an amount of \$75 from each reinstatement fee levied for lack of required security up to 30 days, \$150 from each reinstatement fee levied for lack of required security between 31 and 90 days, and \$300 from each reinstatement fee levied for lack of security for in excess of 90 days, and of the reinstatement fees assessed in R.S. 32:863.1(C)(1)(c) and (l)(3) an amount of \$50 from each first offense and \$100 from each second offense, shall be deposited into the Insurance Verification System Fund. For 15/16 and after, first to fund the maintenance of the real-time verification system; the next \$42 million shall be used for the Office of State Police. The next \$7 million shall be used to fund the cost of housing parolees detained pending their revocation hearing as provided by law. The next \$1 million shall be used for DA's and assistant DA's, specifically new assistant DA's beginning in 2015. Any deposits remaining in the fund shall be used for public safety and law enforcement purposes.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount:</b>	\$24,000,000	\$31,109,361	\$29,313,745	\$30,622,477	\$33,063,392	\$39,768,465

*In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.*

<b>Name of Activity Funded:</b>	<b>Traffic Enforcement Program Salaries/Benefits</b>					
<b>Activity Description:</b>	The Louisiana State Police Traffic Enforcement Program is dedicated to improving public safety through public education, training, and enforcement of statutes and regulations. The Program ensures compliance with commercial and private motor vehicle laws and regulations. This includes Patrol, the Motor Carrier Safety Assistance Program, and the Transportation and Environmental Safety Section.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$15,864,480	\$21,029,517	\$18,375,800	\$18,527,819	\$21,123,305	\$27,673,807
<b>Total Expended for Activity from all Means of Finance:</b>	\$121,560,114	\$126,764,090	\$126,944,595	\$119,292,801	\$128,923,219	\$118,236,159

<b>Activity Outcomes/ Performance Information:</b>	Goals: Ensure safety on Louisiana's highways through proactive patrol and the enforcement of statutes and regulations. Make Louisiana roads safer by enforcing the laws and regulations governing commercial motor carriers, commercial motor vehicles, and the drivers who operate them. In addition, continue partnering with the Federal Motor Carrier Safety Administration (FMCSA) to work towards compliance with an effective roadside inspection program, aggressive traffic enforcement, and public education.
<b>Cost of Service Offset by Fee (if applicable):</b>	

<b>Name of Activity Funded:</b>	<b>Criminal Investigations Program Salaries/Benefits</b>					
<b>Activity Description:</b>	The Criminal Investigations Program provides Louisiana citizens a safer community through proactive, professional law enforcement services and cooperative efforts with allied enforcement entities. This includes Investigations, Insurance Fraud, and the Investigative Support Section.					
	<b>Expenditures for this Activity</b>					<b>Current Appropriation</b>
	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$3,656,274	\$3,930,534	\$5,189,499	\$5,332,066	\$5,332,066	\$5,332,066
<b>Total Expended for Activity from all Means of Finance:</b>	\$26,634,134	\$25,210,074	\$23,045,628	\$23,766,457	\$26,158,307	\$29,548,243
<b>Activity Outcomes/ Performance Information:</b>	Goals: Ensure the detection of criminal activity and apprehension of perpetrators. Enhance and improve communications within Louisiana State Police and with local, state, and federal law enforcement agencies.					
<b>Cost of Service Offset by Fee (if applicable):</b>						

<b>Name of Activity Funded:</b>	<b>Operational Support Program Salaries/Benefits</b>					
<b>Activity Description:</b>	Operational Support's mission is to provide essential functions to support Public Safety Services, and to provide Crime Lab services, support for criminal investigations, and security for Capitol Park/Public Safety facilities. This includes the Office of Superintendent, Operational Development, Support Services, Crime Lab, Protective Services, and DPS Police.					
	<b>Expenditures for this Activity</b>					<b>Current Appropriation</b>
	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$2,180,516	\$3,681,954	\$3,346,081	\$3,410,277	\$3,255,706	\$3,410,277
<b>Total Expended for Activity from all Means of Finance:</b>	\$43,537,058	\$48,695,516	\$47,707,920	\$49,954,959	\$52,654,730	\$63,307,022
<b>Activity Outcomes/ Performance Information:</b>	Goals: The Operational Support Program will develop innovative initiatives through which the State Police will maintain and improve its effectiveness and quality through accountability. Increase proactive patrol efforts and enforcement throughout those properties constituting the Capitol Park and Public Safety Services facilities, as well as provide for the safety of the citizens who frequent those properties. Organize and facilitate the flow of information among the various sections of LSP to provide executive staff critical information regarding LSP functions. Maintain a presence in the statewide interoperable communications governance board that provides representation to regional, parish, local and tribal interests, all first responder disciplines, key NGOs, and all State entities that have a need for wireless communications to conduct daily operations or to respond to any disaster. The Training Academy will conduct annual in-service training to ensure that each officer demonstrates the physical and professional competency necessary to perform his/her duties, assigned tasks and responsibilities. Provide basic law enforcement & relational leadership training that identifies individual skills proficiency, enforces survival and tactical competency, and enhances the cognitive capabilities of each officer to effectively perform his/her duties, assigned tasks and responsibilities.					
<b>Cost of Service Offset by Fee (if applicable):</b>						

<b>Name of Activity Funded:</b>	<b>Gaming Enforcement Program Salaries/Benefits</b>					
<b>Activity Description:</b>	The Gaming Enforcement Program is committed to the proactive regulation and control of statutorily authorized gaming entities in conjunction with the Louisiana Gaming Control Board. The regulation of gaming and the enforcement of criminal laws promote the public's health, safety, and welfare by safeguarding the people of this state against corrupt and dishonest practices. The Program also provides professional services in an effective, innovative, and fair manner that instills public confidence, while fulfilling duties that ensure accurate revenue collection and reporting from licensees, protect the state's assets, and ensure the integrity of all gaming devices and systems by enforcing compliance with all state laws, regulations, and licensee's internal controls. This includes the Operations Activity and the Enforcement Activity.					
	<b>Expenditures for this Activity</b>					<b>Current Appropriation</b>
	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$2,298,730	\$2,467,356	\$3,002,365	\$3,352,315	\$3,352,315	\$3,352,315
<b>Total Expended for Activity from all Means of Finance:</b>	\$23,492,900	\$23,261,746	\$22,977,489	\$27,669,397	\$23,017,310	\$24,018,354
<b>Activity Outcomes/ Performance Information:</b>	Goals: Ensure the protection of the people of this state against corrupt and dishonest practices in the gaming industry. Ensure integrity of gaming devices and systems.					
<b>Cost of Service Offset by Fee (if applicable):</b>						

# DEDICATED FUND REVIEW SUBCOMMITTEE

## Joint Legislative Committee on the Budget

### 2020 Fund Review - Agency Submission

**Fund Name:** Insurance Verification System Fund

**Agency Name:** Office of Motor Vehicles

**Point of Contact:** Chad Felterman **POC Phone:** (225) 925-1873

**POC Email:** chad.felتمان@la.gov **Date:** 10/27/2020

	Historical Fund Revenues				
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>Fund Balance:</b>	\$252,580	\$4,959,697	\$1,226,820	\$1,735,533	\$7,381,520
<b>Amount:</b>	\$41,498,134	\$30,488,251	\$31,413,794	\$37,450,385	\$32,434,707
<b>Revenue Description:</b>	<p>R.S. 32:868: Of the reinstatement fees assessed in R.S. 32:863(A)(3)(a), an amount of \$75 from each reinstatement fee levied for lack of required security up to 30 days, \$150 from each reinstatement fee levied for lack of required security between 31 and 90 days, and \$300 from each reinstatement fee levied for lack of security for in excess of 90 days, and of the reinstatement fees assessed in R.S. 32:863.1(C)(1)(c) and (l)(3) an amount of \$50 from each first offense and \$100 from each second offense, shall be deposited into the Insurance Verification System Fund. For 15/16 and after, first to fund the maintenance of the real-time verification system; the next \$42 million shall be used for the Office of State Police. The next \$7 million shall be used to fund the cost of housing parolees detained pending their revocation hearing as provided by law. The next \$1 million shall be used for DA's and assistant DA's, specifically new assistant DA's beginning in 2015. Any deposits remaining in the fund shall be used for public safety and law enforcement purposes.</p>				

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount:</b>	\$1,181,921	\$1,181,921	\$991,336	\$1,181,921	\$1,181,921	\$1,213,171

<b>Name of Activity Funded:</b>	<b>Real Time Insurance Verification System contract and related OTS charges</b>					
<b>Activity Description:</b>	<p>The Louisiana Legislature enacted LA R.S. 32:863.2(F) requiring DPS to create an Online Insurance Verification System. DPS implemented the Real Time Insurance Verification System in order to meet the law's requirements and provide the Louisiana State Police (LSP), Office of Motor Vehicles (OMV), State Courts, Law Enforcement Agencies, and other authorized users with the ability to perform real-time insurance verification. Louisiana licensed insurance providers are required to make motor vehicle liability insurance information available to the system for vehicles registered in Louisiana.</p>					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$1,181,921	\$1,181,921	\$991,336	\$1,181,921	\$1,181,921	\$1,213,171
<b>Total Expended for Activity from all Means of Finance:</b>	\$1,181,921	\$1,181,921	\$991,336	\$1,181,921	\$1,181,921	\$1,213,171
<b>Activity Outcomes/ Performance Information:</b>	<p>This system has no performance indicators, but it is directly related to all of OMV's objectives and indicators. This is directly related to public safety.</p>					
<b>Cost of Service Offset by Fee (if applicable):</b>						

# DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

## 2020 Fund Review - Agency Submission

Fund Name: Insurance Verification System Fund

Agency Name: Local Housing of State Adult Offenders

Point of Contact: Elaine Leibenguth POC Phone: 342-7451

POC Email: elaine.leibenguth@la.gov Date: 10/21/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>Amount:</b>	\$7,000,000	\$1,680,211				
<b>Revenue Description:</b>	Funds received from Insurance Verification System Fund					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount:</b>	\$7,000,000	\$1,680,211				

<b>Name of Activity Funded:</b>	Local Housing of Adult Offenders					
<b>Activity Description:</b>	Housing State Offenders in Local Jails					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$7,000,000	\$1,680,211				
<b>Total Expended for Activity from all Means of Finance:</b>	\$139,567,086	\$142,080,547				
<b>Activity Outcomes/ Performance Information:</b>						
<b>Cost of Service Offset by Fee (if applicable):</b>						

# Unified Carrier Registration Agreement Fund

Creation Date: July 2008  
 Authorization: R.S. 32:1526  
 Source of Funds: Revenues include fees related to the enforcement of the Unified Carrier Registration Agreement (UCRA). The UCRA requires the registration of commercial vehicle fleets engaged in interstate or international commerce.

Expenditure Usage: The fund is to be used for motor carrier safety programs, enforcement, or the administration of the Unified Registration Plan and the Unified Carrier Registration Agreement as required by the Unified Carrier Registration Act of 2005.

<b>5 Year History of Fund Activity</b>					
<b>Activity</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Beginning Balance	\$6,508,697	\$9,073,513	\$0	\$4,273,342	\$6,871,002
Revenue	\$6,220,486	\$1,959,056	\$6,612,957	\$4,467,999	\$3,630,600
Interest Earnings	\$14,235	\$32,480	\$5,819	\$88,718	\$85,817
Transfers	(\$174,757)	(\$69,350)	\$0	\$0	\$0
Expenditures	(\$3,495,148)	(\$10,995,699)	(\$2,345,434)	(\$1,959,056)	(\$1,959,056)
Ending Balance	\$9,073,513	\$0	\$4,273,342	\$6,871,002	\$8,628,363

**Unified Carrier Registration Agreement Fund – R.S. 32:1526**

§1526. Unified Carrier Registration Agreement; enforcement; disposition of money collected; Unified Carrier Registration Agreement Fund

A. Notwithstanding any other law to the contrary, the Department of Public Safety and Corrections shall be the state agency which shall administer and enforce the Unified Carrier Registration Agreement through its office of motor vehicles, office of state police, and such other offices, sections, or divisions as the secretary deems necessary, in accordance with the rules and regulations promulgated by the board of directors of the Unified Carrier Registration Plan, all as provided for in the Unified Carrier Registration Act of 2005, 49 U.S.C. 14504a et seq. The department shall be identified to the secretary of the United States Department of Transportation as the state agency that has the legal authority, resources, and qualified personnel necessary to administer and enforce such act and such rules and regulations as provided for in 49 U.S.C. 14504a(e)(1)(A). The secretary, subject to the oversight of the House and Senate committees on transportation, highways and public works, shall adopt and promulgate rules and regulations in accordance with the Administrative Procedure Act necessary to implement the provisions of this Section.

B.(1) All revenue collected by or distributed to the department under the Unified Carrier Registration Agreement shall be deposited upon receipt into the state treasury. 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 that become due and payable during a fiscal year as provided for in Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer shall each fiscal year deposit into a special fund hereby created in the state treasury, to be known as the Unified Carrier Registration Agreement Fund, an amount equal to the total amount received by the treasurer pursuant to this Subsection.

(2) All unexpended and unencumbered money in the fund at the end of a fiscal year shall remain in the fund and shall be available for use in the next fiscal year as provided for in this Subsection. Money in the fund shall be invested as provided by law, and any interest earned on such investments shall be credited to the fund after compliance with the provisions of Article VII, Section 9(B) of the Constitution of Louisiana.

(3) The money in the fund shall be used each fiscal year solely and exclusively by the department, except as provided for in Paragraph (2) of this Subsection, for motor carrier safety programs, enforcement, or the administration of the Unified Carrier Registration Plan and the Unified Carrier Registration Agreement as required by the Unified Carrier Registration Act of 2005.

Acts 2008, No. 724, §1, eff. July 6, 2008.



# DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

## 2020 Fund Review - Agency Submission

Fund Name: Unified Carrier Registration Agreement Fund

Agency Name: Office of State Police

Point of Contact: Chad Felterman POC Phone: (225) 925-1873

POC Email: chad.felتمان@la.gov Date: 10/27/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>Fund Balance:</b>	\$6,508,697	\$9,073,513		\$4,273,342	\$6,871,002	
<b>Amount:</b>	\$6,234,721	\$1,991,536	\$6,618,776	\$4,556,717	\$3,716,417	
<b>Revenue Description:</b>	R.S. 32:1526: All revenue collected by or distributed to DPS under the UCR Agreement; solely for use of the department for administration and enforcement of the Motor Carrier Safety Programs, UCR Plan and UCR Agreement; all unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount:</b>	\$3,324,141	\$10,824,692	\$2,174,427	\$1,788,049	\$1,788,049	\$1,788,049

<b>Name of Activity Funded:</b>	<b>Motor Carrier Safety Assistance Program (MCSAP) grant Maintenance of Effort/Match</b>					
<b>Activity Description:</b>	MCSAP is a coordinated and uniform program of inspection and enforcement activities relative to interstate and intrastate commercial motoring. No other agency within state or local government has the responsibility or authority to enforce the Motor Carrier Safety and Hazardous Material Rules and Regulations. MCSAP reduces the number and severity of commercial motor vehicle crashes occurring in Louisiana by immediately placing unsafe drivers and defective vehicles out of service. MCSAP seeks to accomplish this purpose through the five national program elements of the Motor Carrier Safety Assistance Program: roadside inspections of commercial motor vehicles, traffic enforcement, compliance reviews/audits, public outreach and training, and data collection and analysis. In addition, MCSAP manages the Louisiana Truck Center for the purpose of serving as one central location for motor carrier companies and operators to obtain all permits and payment of any fees/charges, allowing them to engage in the commercial motor carrier trade in Louisiana.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$3,324,141	\$3,327,503	\$2,174,427	\$1,788,049	\$1,788,049	\$1,788,049
<b>Total Expended for Activity from all Means of Finance:</b>	\$5,276,985	\$6,008,332	\$5,645,558	\$5,444,987	\$4,846,739	\$5,782,176
<b>Activity Outcomes/ Performance Information:</b>	Objective: Reduce the number of fatal commercial motor vehicle-related crashes by 5% by June 30, 2025. Indicators: Number of compliance reviews conducted; Number of motor carrier safety inspections conducted; Number of new entrant safety audits conducted; Number of Motor Carrier Safety violations cited; Annual percent reduction in fatal motor vehicle crashes					
<b>Cost of Service Offset by Fee (if applicable):</b>						

<b>Name of Activity Funded:</b>	<b>Traffic Enforcement Program payroll expenses</b>					
<b>Activity Description:</b>	Troopers assigned to troop locations are responsible for promoting highway safety through education and enforcement of the Highway Regulatory Act, in addition to enforcing all criminal laws. Their primary duties include investigating vehicle crashes and protecting the public, both on and off the highway. The Louisiana State Police Patrol enforces traffic and criminal laws, investigates crashes, performs drug interdiction, aids motorists, provides accurate communication of information to the public and other agencies, conducts crime prevention programs, promotes highway safety, and leads and assists local and state law enforcement agencies.					
	<b>Expenditures for this Activity</b>					<b>Current Appropriation</b>
	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Amount from Dedicated Fund Expended for Activity:</b>		\$7,497,189				
<b>Total Expended for Activity from all Means of Finance:</b>	\$121,560,114	\$126,764,090	\$126,944,595	\$119,292,801	\$128,923,219	\$118,236,159
<b>Activity Outcomes/ Performance Information:</b>	Objective: Reduce the number of fatal commercial motor vehicle-related crashes by 5% by June 30, 2025. Indicators: Number of compliance reviews conducted; Number of motor carrier safety inspections conducted; Number of new entrant safety audits conducted; Number of Motor Carrier Safety violations cited; Annual percent reduction in fatal motor vehicle crashes					
<b>Cost of Service Offset by Fee (if applicable):</b>						

# DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

## 2020 Fund Review - Agency Submission

Fund Name: Unified Carrier Registration Agreement Fund

Agency Name: Office of Motor Vehicles

Point of Contact: Chad Felterman POC Phone: (225) 925-1873

POC Email: chad.felتمان@la.gov Date: 10/27/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>Fund Balance:</b>	\$6,508,697	\$9,073,513		\$4,273,342	\$6,871,002	
<b>Amount:</b>	\$6,234,721	\$1,991,536	\$6,618,776	\$4,556,717	\$3,716,417	
<b>Revenue Description:</b>	R.S. 32:1526: All revenue collected by or distributed to DPS under the UCR Agreement; solely for use of the department for administration and enforcement of the Motor Carrier Safety Programs, UCR Plan and UCR Agreement; all unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount:</b>	\$171,007	\$171,007	\$171,007	\$171,007	\$171,007	\$171,007

*In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.*

<b>Name of Activity Funded:</b>	<b>International Registration Plan (IRP)</b>					
<b>Activity Description:</b>	The Unified Carrier Registration Program, established by the Unified Carrier Registration Act, requires all individuals and companies that operate commercial motor vehicles in interstate, intrastate, or international commerce to register their business and pay an annual fee based on the size of the fleet.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$171,007	\$171,007	\$171,007	\$171,007	\$171,007	\$171,007
<b>Total Expended for Activity from all Means of Finance:</b>	\$881,215	\$881,215	\$2,863,738	\$1,175,000	\$1,140,000	\$1,140,000
<b>Activity Outcomes/ Performance Information:</b>	Objective: Through the Issuance of Vehicle License Plates/Registrations/Titles/Permits activity, ensure motor vehicle registration and titling laws are enforced, taxes owed are paid, vehicles are properly registered and plates are assigned to allow law enforcement to easily identify a vehicle's owner and status prior to approaching the vehicle's window, annually, through June 30, 2025. Indicators: Amount of vehicle sales tax revenue collected (Parish/Municipal); Number of vehicle registration transactions processed; Amount of vehicle sales tax collected (State)					
<b>Cost of Service Offset by Fee (if applicable):</b>						

## Handling Fee Escrow Fund

Creation Date: July 2015

Authorization: Created by Act 765 of 2014 RS; See also LRS 32:412.3;

Source of Funds: The source of monies in the fund includes one-third of various fees for different classes of operating licenses found in R.S. 32:412.

Expenditure Usage: E.(1) Of the monies placed in escrow in the Office of Motor Vehicles Handling Fee Escrow Fund, one-half shall be appropriated in Fiscal Years 2020, 2026, and 2032 and one-half shall be appropriated in Fiscal Years 2021, 2027, and 2033.  
 (2) Of the monies appropriated under the provisions of this Subsection, sixty-eight and seventy-five one-hundredths percent of the funds shall be allocated to self-generated revenue and thirty-one and twenty-five one-hundredths percent of the funds shall be allocated to the Office of Motor Vehicles Customer Service and Technology Fund.

<b>5 Year History of Fund Activity</b>					
<b>Activity</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Beginning Balance	\$0	\$0	\$0	\$9,435,048	\$12,350,428
Revenue	\$0	\$0	\$0	\$0	\$0
Transfers	\$0	\$0	\$9,435,048	\$2,915,380	\$0
Expenditures	\$0	\$0	\$0	\$0	(\$6,317,524)
Ending Balance	\$0	\$0	\$9,435,048	\$12,350,428	\$6,032,904

### **Handling Fee Escrow Fund – R.S. 32:412.3**

§412.3. Office of Motor Vehicles Driver's License Escrow Fund; Office of Motor Vehicles Handling Fee Escrow Fund

A. There is hereby created, as special funds in the state treasury, the Office of Motor Vehicles Driver's License Escrow Fund, and the Office of Motor Vehicles Handling Fee Escrow Fund.

B.(1) After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay an amount equal to one third of the monies received by the state treasury pursuant to the provisions of R.S. 32:412 into the Office of Motor Vehicles Driver's License Escrow Fund. The monies in this fund shall be used solely as provided in Subsection D of this Section. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund to cover under collections in any subsequent fiscal year. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund and shall be deposited into the state general fund.

(2) The calculation required under the provisions of Subsection D of this Section shall be made prior to the distribution to the board of trustees of the police pension funds of the city of New Orleans, the Louisiana State Police Retirement System Fund, and the Conservation Fund under the provisions of R.S. 56:10(B)(15).

C. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay an amount equal to one third of the monies received by the state treasury pursuant to the provisions of R.S. 32:412.1 into the Office of Motor Vehicles Handling Fee Escrow Fund. The monies in this fund shall be used solely as provided in Subsection E of this Section. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund to cover under collections in any subsequent fiscal year. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund and shall be deposited into the state general fund.

D. Of the monies placed in escrow in the Office of Motor Vehicles Driver's License Escrow Fund, one-half shall be appropriated in Fiscal Years 2020, 2026, and 2032 and one-half shall be appropriated in Fiscal Years 2021, 2027, and 2033.

E.(1) Of the monies placed in escrow in the Office of Motor Vehicles Handling Fee Escrow Fund, one-half shall be appropriated in Fiscal Years 2020, 2026, and 2032 and one-half shall be appropriated in Fiscal Years 2021, 2027, and 2033.

(2) Of the monies appropriated under the provisions of this Subsection, sixty-eight and seventy-five one-hundredths percent of the funds shall be allocated to self-generated revenue and thirty-one and twenty-five one-hundredths percent of the funds shall be allocated to the Office of Motor Vehicles Customer Service and Technology Fund.

Acts 2014, No. 765, §1, eff. July 1, 2015; Acts 2014, No. 807, §1, eff. July 1, 2015.

# DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

## 2020 Fund Review - Agency Submission

Fund Name: Handling Fee Escrow Fund

Agency Name: Office of Motor Vehicles

Point of Contact: Chad Felterman POC Phone: (225) 925-1873

POC Email: chad.felتمان@la.gov Date: 10/27/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>Fund Balance:</b>				\$9,435,048	\$13,350,428	
<b>Amount:</b>			\$9,435,048	\$2,915,380		
<b>Revenue Description:</b>	R.S. 32:412.3: This fund was created to account for the Year 5 and 6 cliff years from the transition to a 6 year drivers license. The treasurer shall pay an amount equal to one third of the monies received by the state treasury pursuant to the provisions of R.S. 32:412 into the Office of Motor Vehicles Driver's License Escrow Fund. Of the monies placed in the Fund, one-half shall be appropriated in Fiscal Years 2020, 2026, and 2032 and one-half shall be appropriated in Fiscal Years 2021, 2027, and 2033.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount:</b>					\$6,317,524	\$6,317,524

*In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.*

<b>Name of Activity Funded:</b>	<b>OMV Operating Expenses</b>					
<b>Activity Description:</b>	Includes personal services, license plate manufacturing, and OTS expenses					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount from Dedicated Fund Expended for Activity:</b>					\$6,317,524	\$6,317,524
<b>Total Expended for Activity from all Means of Finance:</b>	\$55,907,470	\$52,245,080	\$54,200,888	\$57,763,128	\$63,839,204	\$77,061,897
<b>Activity Outcomes/ Performance Information:</b>						
<b>Cost of Service Offset by Fee (if applicable):</b>						

# Office of Motor Vehicles Customer Service and Technology Fund

Creation Date: April 2000

Authorization: R.S. 32:429.2

Source of Funds: Revenues include a variety of OMV fees for transactions as well as title charges by the OMV and public tag agents.

Expenditure Usage: For the initiation and implementation of customer service programs and for the acquisition and implementation of updated and new technology. After these purposes have been met, all funds remaining shall be utilized for criminal compliance and traffic enforcement by public safety services.

<b>5 Year History of Fund Activity</b>					
<b>Activity</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Beginning Balance	\$736,560	\$1,530,734	\$2,834,652	\$1,227,533	\$667,238
Revenue	\$8,124,877	\$8,315,842	\$8,566,788	\$8,319,220	\$5,669,817
Transfers	(\$349,081)	\$0	(\$2,948,453)	(\$911,056)	\$0
Expenditures	(\$6,981,622)	(\$7,011,924)	(\$7,225,454)	(\$7,968,459)	(\$6,007,658)
Ending Balance	\$1,530,734	\$2,834,652	\$1,227,533	\$667,238	\$329,398

**Office of Motor Vehicles Customer Service and Technology Fund – R.S. 32:429.2; 32:412; 32:412.1; 32:412.3; 32:707.2; 32:728**

§429.2. Office of Motor Vehicles Customer Service and Technology Fund; uses of the monies

A. There is hereby created, as a special fund in the state treasury, the Office of Motor Vehicles Customer Service and Technology Fund.

B. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay an amount equal to the monies received by the state treasury pursuant to the provisions of R.S. 32:412.1(C), 707.2(C)(4), and 728(10) into the Office of Motor Vehicles Customer Service and Technology Fund. The monies in this fund shall be used solely as provided in Subsection C of this Section and only in the amounts appropriated by the legislature. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund and shall be deposited into the state general fund.

C. Subject to an annual appropriation by the legislature, the monies in the Office of Motor Vehicles Customer Service and Technology Fund shall be used solely for the following:

(1) For the expenses of the office of motor vehicles for the initiation and implementation of customer service programs and for the acquisition and implementation of updated and new technology.

(2) All funds remaining shall be utilized for criminal compliance and traffic enforcement by public safety services, but only after compliance with Paragraph (1) of this Subsection.

Acts 2000, 1st Ex. Sess., No. 1, §1, eff. April 10, 2000; Acts 2011, No. 288, §1.

§412. Amount of fees; credit or refund; duration of license; veteran designation; disabled veteran designation; university logo; "I'm a Cajun" designation; needs accommodation designation; disbursement of funds; renewal by mail or electronic commerce of Class "D" or "E" drivers' licenses; disposition of certain fees; exception

A.(1) Every applicant for a Class "D" driver's license, or for a renewal of a Class "D" driver's license, except those bona fide residents of the city of New Orleans, shall pay for such basic license a fee of forty-two dollars and seventy-five cents. Eleven dollars and fifteen cents of the fee shall be paid to the Louisiana State Police Retirement System Fund. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created with the Conservation Fund through the provisions of R.S. 56:10(B)(15).

(2) The fee for Class "D" driver's licenses, or renewal of a Class "D" driver's license, issued to bona fide residents of the city of New Orleans shall be fifty-four dollars, fifteen dollars of which shall be payable by the department to the board of trustees of the police pension fund of the city of New Orleans. One dollar and eighty-four cents of the fee shall be paid to the Louisiana State Police Retirement System Fund. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).

(3) There shall be a fee of seven dollars and fifty cents for an emergency vehicle endorsement for any vehicle group.



(4)(a) A Class "D" driver's license shall expire on the anniversary of the birthday of the applicant which is nearest to a period of six years subsequent to the issuing of the license, unless suspended, revoked, or canceled prior to that time.

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, the department may issue the license for a period of less than six years in circumstances of medical limitation, limitation on lawful presence, or other special restrictions. When the department issues a license to a properly documented alien student or nonresident alien, the license shall both:

(i) Expire on the date on which the alien's documents which demonstrate lawful presence expire, if sooner than the date specified in Subparagraph (a) of this Paragraph.

(ii) Contain a restriction code which declares that the license holder is an alien student or a nonresident alien.

(5) Every applicant for a Class "E" driver's license, or for a renewal of a Class "E" driver's license, except those bona fide residents of the city of New Orleans, shall pay for such basic license a fee of twenty dollars and twenty-five cents, which shall be the cost of such basic license. Five dollars and sixty-three cents of the fee shall be paid to the Louisiana State Police Retirement System Fund. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).

(6) The fee for a Class "E" driver's license, or renewal of a Class "E" driver's license, issued to bona fide residents of the city of New Orleans shall be twenty dollars and twenty-five cents, three dollars and seventy-five cents of which fee shall be paid by the department to the board of trustees of the police pension funds of the city of New Orleans. Three dollars and seventy-five cents of the fee shall be paid to the Louisiana State Police Retirement System Fund. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).

(7)(a) A Class "E" driver's license shall expire on the anniversary of the birthday of the applicant which is nearest to a period of six years subsequent to the issuing of the license, unless suspended, revoked, or canceled.

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, the department may issue the license for a period of less than six years in circumstances of medical limitation, limitation on lawful presence, or other special restrictions. When the department issues a license to a properly documented alien student or nonresident alien, the license shall both:

(i) Expire on the date on which the alien's immigration documents expire, if sooner than the date specified in Subparagraph (a) of this Paragraph.

(ii) Contain a restriction code which declares that the license holder is an alien student or a nonresident alien.

B.(1) Every applicant for a Class "A", "B", or "C" commercial driver's license, or for a renewal of a basic Class "A", "B", or "C" commercial driver's license, except for those bona fide residents of the city of New Orleans, shall pay for such basic license a fee of sixty-one dollars and fifty cents. Sixteen dollars and twenty cents of the fee shall be paid to the Louisiana State Police Retirement System Fund. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).

(2) The fee for a basic Class "A", "B", or "C" commercial driver's license, or for the renewal of a basic Class "A", "B", or "C" commercial driver's license, issued to bona fide residents of the

city of New Orleans shall be seventy-six dollars and fifty cents, fifteen dollars of which fee shall be paid by the department to the board of trustees of the police pension fund of the city of New Orleans. Fifteen dollars of the fee shall be paid to the Louisiana State Police Retirement System Fund. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created with the Conservation Fund through the provisions of R.S. 56:10(B)(15).

(3) In addition to the basic fee, there shall be a skills test fee of not more than sixty dollars for commercial drivers' licenses in Class "A", "B", or "C". This fee shall be charged by the department or by a third party tester, whichever administers the test. The department may increase the maximum amount of this fee to reflect increased costs. The increased maximum fee shall be established by rule adopted in accordance with the Administrative Procedure Act, subject to oversight by the House of Representatives and Senate Committees on Transportation, Highways and Public Works. If the department elects to administer skills tests for commercial drivers' licenses in Class "A", "B", or "C", the department may charge fees for those tests. The amount of those fees shall be established in accordance with the provisions of this Paragraph. If an applicant for a commercial driver's license in Class "A", "B", or "C" has successfully completed a skills test administered by a third party, the department shall not charge a skills test fee.

(4) The application fee shall be fifteen dollars which is nonrefundable.

(5) There shall be a fee of seven dollars and fifty cents for each endorsement to the basic licenses listed in R.S. 32:408(B).

(6) Repealed by Acts 1995, No. 151, §2.

(7)(a)(i) A Class "C" commercial driver's license not carrying an endorsement permitting the transportation of material found to be hazardous for purposes of the Federal Hazardous Material Transportation Act, 49 U.S.C. 5101 et seq. or under state law or regulation shall expire on the anniversary of the birthday of the applicant which is nearest to a date of six years subsequent to the issuing of the license, unless revoked, canceled, or suspended prior to that time.

(ii) Notwithstanding the provisions of Item (i) of this Subparagraph, the department may issue the license for a period of less than six years in circumstances of medical limitations, limitation on lawful presence, or other special restrictions. When the department issues a license to a properly documented alien student or nonresident alien, the license shall both:

(aa) Expire on the date on which the alien's immigration documents expire, if sooner than the date specified in Item (i) of this Subparagraph.

(bb) Contain a restriction code which declares that the license holder is an alien student or a nonresident alien.

(b)(i) A Class "C" commercial driver's license carrying an endorsement permitting the transportation of materials found to be hazardous for purposes of the Federal Hazardous Material Transportation Act, 49 U.S.C. 5101 et seq. or under state law or regulation shall expire on the anniversary of the birthday of the applicant which is nearest to a date of six years subsequent to the issuing of the license, unless revoked, canceled, or suspended prior to that time.

(ii) Notwithstanding the provisions of Item (i) of this Subparagraph, the department may issue the license for a period of less than six years in circumstances of medical limitation, limitation on lawful presence, or other special restrictions. When the department issues a license to a properly documented alien student or nonresident alien, the license shall both:

(aa) Expire on the date on which the alien's immigration documents expire, if sooner than the date specified in Item (i) of this Subparagraph.

(bb) Contain a restriction code which declares that the license holder is an alien student or a nonresident alien.

(c)(i) A Class "B" commercial driver's license shall expire on the anniversary of the birthday of the applicant which is nearest to a date of six years subsequent to the issuing of the license, unless revoked, canceled, or suspended prior to that time.

(ii) Notwithstanding the provisions of Item (i) of this Subparagraph, the department may issue the license for a period of less than six years in circumstances of medical limitation, limitation on lawful presence, or other special restrictions. When the department issues a license to a properly documented alien student or nonresident alien, the license shall both:

(aa) Expire on the date on which the alien's immigration documents expire, if sooner than the date specified in Item (i) of this Subparagraph.

(bb) Contain a restriction code which declares that the license holder is an alien student or a nonresident alien.

(d)(i) A Class "A" commercial driver's license shall expire on the anniversary of the birthday of the applicant which is nearest to a date of six years subsequent to the issuing of the license, unless revoked, canceled, or suspended prior to that time.

(ii) Notwithstanding the provisions of Item (i) of this Subparagraph, the department may issue the license for a period of less than six years in circumstances of medical limitation, limitation on lawful presence, or other special restrictions. When the department issues a license to a properly documented alien student or nonresident alien, the license shall both:

(aa) Expire on the date on which the alien's immigration documents expire, if sooner than the date specified in Item (i) of this Subparagraph.

(bb) Contain a restriction code which declares that the license holder is an alien student or a nonresident alien.

(e)(i)(aa) Every applicant seventy years of age or older for a Class "E" driver's license, or for the renewal of a Class "E" driver's license, except those bona fide residents of the city of New Orleans, shall pay for such basic license a fee of six dollars and seventy-five cents, which shall be the cost of the license. The license shall expire on the anniversary of the birthday of the applicant which is nearest to a date of six years subsequent to the issuing of the license, unless revoked, canceled, or suspended.

(bb) Notwithstanding the provisions of Subitem (aa) of this Item, the department may issue the license for a period of less than six years in circumstances of medical limitation, limitation on lawful presence, or other special restrictions. When the department issues a license to a properly documented alien student or nonresident alien, the license shall both:

(I) Expire on the date on which the alien's immigration documents expire, if sooner than the date specified in Subitem (aa) of this Item.

(II) Contain a restriction code which declares that the license holder is an alien student or a nonresident alien.

(cc) Seventy-five cents of the fee shall be paid to the office of state police. Two dollars and seventy-five cents of the fee shall be paid to the Louisiana State Police Retirement System Fund. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).

(dd)(I) Every applicant seventy years of age or older for a Class "D" driver's license, or for the renewal of a Class "D" driver's license, except those bona fide residents of the city of New Orleans, shall pay for such basic license a fee of twenty-two dollars and thirteen cents, which shall

be the cost of the license. The license shall expire on the anniversary of the birthday of the applicant which is nearest to the date of six years subsequent to the issuing of the license, unless revoked, canceled, or suspended.

(II) Notwithstanding the provisions of Subsubitem (I) of this Subitem, the department may issue the license for a period of less than six years in circumstances of medical limitation, limitation on lawful presence, or other special restriction. When the department issues a license to a properly documented alien student or nonresident alien, the license shall both expire on the date for which the alien's immigration documents expire, if sooner than the date specified in Subsubitem (I) of this Subitem, and contain a restriction code which declares that the license holder is an alien student or a nonresident alien.

(ee) Five dollars and fifty-six cents of the fee shall be paid to the Louisiana State Police Pension and Retirement System Fund. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).

(ii)(aa) Every applicant seventy years of age or older for a Class "E" driver's license, or for the renewal of a Class "E" driver's license, issued to bona fide residents of the city of New Orleans, shall pay for such basic license a fee of six dollars and seventy-five cents, which shall be the cost of the license. This license shall expire on the anniversary of the birthday of the applicant which is nearest to a date of six years subsequent to the issuing of the license, unless revoked, canceled, or suspended.

(bb) Notwithstanding the provisions of Subitem (aa) of this Item, the department may issue the license for a period of less than six years in circumstances of medical limitation, limitation on lawful presence, or other special restriction. When the department issues a license to a properly documented alien student or nonresident alien, that license shall both expire on the date for which the alien's immigration documents expire, if sooner than the date specified in Subitem (aa) of this Item, and contain a restriction code which declares that the license holder is an alien student or a nonresident alien.

(cc) One dollar and fifty cents of the fee shall be paid to the Board of Trustees of the Police Pension Fund of the city of New Orleans. One dollar and fifty cents of the fee shall be paid to the State Police Pension and Retirement Fund. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).

(dd)(I) Every applicant seventy years of age or older for a Class "D" driver's license, or for the renewal of a Class "D" driver's license, issued to bona fide residents of the city of New Orleans, shall pay for such basic license a fee of twenty-seven dollars and seventy-five cents, which shall be the cost of the license. This license shall expire on the anniversary of the birthday of the applicant which is nearest to the date of six years subsequent to the issuing of the license, unless revoked, canceled, or suspended.

(II) Notwithstanding the provisions of Subsubitem (I) of this Subitem, the department may issue the license for a period of less than six years in circumstances of medical limitation, limitation on lawful presence, or other special restriction. When the department issues a license to a properly documented alien student or nonresident alien, the license shall both expire on the date for which the alien's immigration documents expire, if sooner than the date specified in Subsubitem (I) of this Subitem, and contain a restriction code which declares that the license holder is an alien student or a nonresident alien.

(ee) Seven dollars and fifty cents of the fee shall be payable by the department to the board of trustees of the police pension fund of the city of New Orleans. Ninety-two cents of the fee shall be paid to the State Police Pension and Retirement Fund. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).

(8) Persons who hold certain specified licenses issued by the office of motor vehicles and who apply for other specified licenses issued by the office of motor vehicles shall receive credit for the unexpired portion of the first license. The credit shall be computed in accordance with the provisions of Paragraph (9) of this Subsection. As used in this Paragraph, the phrase "prior provisions of law" means provisions of law in effect prior to the effectiveness of Act No. 293 of the 1989 Regular Session of the Legislature (the "Commercial Drivers License Law"). The three circumstances in which credit shall be given are as follows:

(a) When a person who holds a Class "B", "C", or "D" license issued under prior provisions of law applies for a Class "A", "B", or "C" commercial driver's license issued under current provisions of law.

(b) When a person who holds a Class "B", "C", or "D" license issued under current provisions of law applies for a commercial driver's license of a higher class.

(c) When a person who holds a Class "A" driver's license issued under prior provisions of law or a Class "E" personal vehicle driver's license issued under current provisions of law applies for any commercial driver's license or chauffeur's license.

(9) The credit shall be computed on a basis under which each month from the date of the issuance of the existing license to the date of the expiration of the license shall be given an equal monetary value. The applicant shall be given credit toward the fee for the license for which the applicant has applied based on the monetary value of the remaining months of validity of the existing license. In computing the credit, only whole months shall be used.

C.(1) The addition of a motorcycle or motor scooter endorsement to a basic license will require, besides the specific examination for such vehicles, the payment of an additional fee of twelve dollars. If the motorcycle endorsement is to any license which is valid for less than six years, the fee for the endorsement will be six dollars.

(2) Notwithstanding any provisions of law to the contrary and subject to the exceptions contained in Article VII, Section 9(A) of the Constitution of Louisiana, the amount of seven dollars and fifty cents from the fee for a motorcycle or motor scooter endorsement to a basic license, or the amount of three dollars from the fee if the motorcycle endorsement for any person is to a license that is valid for only less than six years shall be credited to 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 years, the treasurer shall pay an amount equal to the fees paid into the Bond Security and Redemption Fund pursuant to this Paragraph into a special agency account which is hereby created in the state treasury and designated as the "Motorcycle Safety, Awareness, and Operator Training Program Account", to be referred to as the "account". The monies credited to the account shall be used solely for operator training, instructor training, and motorcycle safety and awareness programs. Any unexpended and unencumbered monies remaining to the credit of the account on June thirtieth of each year, after all appropriations of the preceding fiscal year have been made, shall revert to the state general fund. The monies in the account shall be expended solely from year to year as appropriated by the legislature for the purposes of motorcycle safety and awareness and operator training. Any amounts earned through investment of the monies in the account shall revert to the state general

fund. Funding deposited into the account shall be considered fees and self-generated revenues and shall be available for annual appropriations by the legislature.

D.(1) Upon application and payment of the fee imposed by this Chapter and subject to the requirements of R.S. 32:408, a license shall be renewable on or before its expiration. An application for renewal may be made at any time within one hundred eighty days prior to expiration unless the renewal is otherwise restricted by the department.

(2) Each person who is less than seventy years of age and who applies for the renewal of a license which expired more than ten days prior to the date of the application shall pay a late fee of fifteen dollars. The late fee shall not affect the criminal penalties imposed by R.S. 32:402 and 427.

(3) A Class "D" or "E" operator's license may be renewed by mail or electronic commerce, except as follows:

(a) No renewal by mail or electronic commerce shall be granted to any person who is seventy years of age or older.

(b) No renewal by mail or electronic commerce shall be granted if the license was renewed by mail or electronic commerce at the last occurrence of its expiration.

(c) No renewal by mail or electronic commerce shall be granted if the previously issued license has been expired for more than twelve months, or has been suspended, revoked, canceled, or lost, or if it is in the possession of a law enforcement agency as a result of an accusation that the driver has violated a traffic law. A Class "D" or "E" driver's license may be renewed by mail or electronic commerce if the license has been expired for a period of twelve months or less and the applicant is otherwise eligible to renew the license by mail or electronic commerce. An applicant for renewal by mail or electronic commerce of an expired Class "D" or "E" driver's license shall pay a special late fee of ten dollars. There shall be no grace period for imposition of the special late fee.

(d) The department may establish rules and regulations to grant or deny renewal by mail in cases where a Louisiana resident is temporarily domiciled out of state or out of country, or temporarily residing, employed, or attending school in another state or foreign country, even if the resident does not meet the qualification criteria under this Section.

(e) No renewal by mail or electronic commerce shall be granted to alien students or nonresident aliens.

(f) Notwithstanding Subparagraphs (a) and (b) of this Paragraph, a renewal by mail may be granted to a person seventy years of age or older who is medically diagnosed with a disability that precludes that person from renewing their license in person.

(4) The renewal by mail or electronic commerce shall include the following:

(a) A statement from the applicant that he has not experienced any loss of consciousness other than normal sleep and has no current physical or mental condition which would impair his ability to operate a motor vehicle safely.

(b) Repealed by Acts 1995, No. 1015, §2.

(c) A statement from the applicant indicating that all motor vehicles owned by the applicant are covered by liability insurance or security and said coverage will be maintained until such time as a vehicle is no longer utilized on the highways of this state, or until a vehicle is transferred to another.

(d) If the person seeking the renewal is seventy years of age or older, a sworn affidavit by a physician certifying that the person possesses all cognitive functions reasonably necessary to be a prudent driver.

(5) Upon receipt of the required statements by the department and upon renewal of the license, the state shall not be liable for any property damages, injuries, or deaths that may arise from an applicant's involvement in an accident where said accident can be attributed to the applicant's medical condition that may have existed which rendered him incapable of operating a motor vehicle safely.

(6) When a license is renewed by mail or electronic commerce, the secretary shall issue a new license which indicates the new expiration date.

(7) The secretary of the department, in accordance with the Administrative Procedure Act, shall promulgate rules and regulations as are necessary to implement the provisions of Paragraphs (3), (4), (5), and (6) of this Subsection.

(8) The ten-dollar special late fee for the renewal of an expired Class "D" or "E" driver's license by mail or electronic commerce shall be forwarded to the state treasurer for deposit into the Office of Motor Vehicles Customer Service and Technology Fund created pursuant to the provisions of R.S. 32:429.2.

E. If the failure to make timely application is attributable to the fact that the applicant has had no occasion to operate a motor vehicle since the expiration date, then the additional fee shall be waived upon the filing of an affidavit by the applicant to evidence this fact.

F.(1) The Louisiana driver's license, regardless of its class, issued to any person who serves in the Peace Corps or the armed forces of the United States stationed outside the state of Louisiana, and his dependents who are residing with him, if such license has not been revoked or suspended, shall be considered valid during the period of service in the armed forces or the Peace Corps and for a period of sixty days after discharge from such service. Any person to whom this Subsection applies shall be exempt from any late fees provided the person makes an application for renewal within sixty days of the date in which the applicant, or the person upon whom the applicant is dependent, is discharged from the armed forces or terminates his service with the Peace Corps.

(2) Any person to whom this Subsection applies, while operating a motor vehicle, shall carry upon his person the last license issued to him and conclusive evidence that he is a member of the United States armed forces or the Peace Corps, and if discharged from the armed forces, a copy of such discharge or proof of his last date of service with the Peace Corps. The dependent of a person in such service shall carry upon his person the last license issued to him and copies of conclusive evidence that the person upon whom they are dependent is a member of the armed forces or the Peace Corps, and if such person has been discharged or has terminated his position with the Peace Corps, a copy of such discharge or proof of his last date of service with the Peace Corps, respectively.

(3) As used in this Subsection, the term "dependent" means a spouse or minor child.

G. It shall be unlawful for any person to drive a motor vehicle on any public street, road, or highway of this state with an expired driver's license.

H. Each person who takes a test a second or subsequent time, whether written or driving, which is administered by the office of motor vehicles in connection with an application for the issuance or renewal of a driver's license shall pay a testing fee. The fee shall not be refundable. The office of motor vehicles shall establish the fee by rule adopted in accordance with the Administrative Procedure Act. The amount of the fee shall not exceed ten dollars. The fees collected under the provisions of this Subsection shall be deposited immediately upon receipt into the state treasury.

(2),(3) Repealed by Acts 2012, No. 834, §13, eff. July 1, 2012.

(I)(1) The Louisiana driver's license, regardless of its class, issued to any person who is required to register as a sex offender pursuant to R.S. 15:542 and R.S. 15:542.1 shall contain a restriction code which declares that the license holder is a sex offender. The secretary of the Department of Public Safety and Corrections shall comply with the provisions of this Subsection and the driver's license shall include the words "sex offender" which shall be orange in color.

(2) Any person to whom this Subsection applies shall carry upon his person the last driver's license issued to him.

(3) The department shall issue a license required pursuant to this Subsection for a period of one year. When the department issues a license pursuant to this Subsection the license shall be valid for a period of one year from the date of issuance.

(4) Any person to whom this Subsection applies shall personally appear at a motor vehicle field office to renew his driver's license every year, in addition to the yearly reregistration pursuant to R.S. 15:542 et seq. Reregistration shall include the submission of current information to the department and the verification of registration information, including the street address and telephone number of the registrant; name, street address and telephone number of the registrant's employer, and any other registration information that may need to be verified. Upon successful completion of reregistration, the bureau shall electronically transmit this fact to the office of motor vehicles which may then proceed to renew the driver's license. In order to reimburse the office of motor vehicles for the cost of a yearly issuance, the regular renewal fee shall be collected at each renewal pursuant to this Subsection.

(5) The provisions of this Subsection shall apply to all registered sex offenders regardless of the date of conviction.

J. Notwithstanding any law to the contrary, any child who is in foster care, as defined in Article 603 of the Louisiana Children's Code, may obtain a driver's license without charge.

K. Upon request, the word "Veteran" shall be exhibited in the color black below the person's photograph on the driver's license regardless of its class, upon presentation of a copy of the person's DD Form 214, issued by the United States Department of Defense, or equivalent, as established by administrative rule. No additional fee shall be charged to include such designation. The deputy secretary of the Department of Public Safety and Corrections, public safety services, shall comply with the provisions of this Subsection. The deputy secretary of the Department of Public Safety and Corrections, public safety services, shall establish rules and regulations as are necessary to implement the provisions of this Subsection.

L.(1) Upon request and payment of an additional fee, the designation "I'm a Cajun" shall be exhibited in the color black below the person's photograph on the driver's license regardless of its class. The deputy secretary of the Department of Public Safety and Corrections, public safety services, shall comply with the provisions of this Subsection.

(2) The department shall collect an annual fee of five dollars for inclusion of the designation "I'm a Cajun" on any class of driver's license, which fee shall be disbursed in accordance with Paragraph (3) of this Subsection. This fee shall be in addition to the payment of any driver's license fee.

(3) The monies received from the additional fee shall be disbursed quarterly by the department to the Council for the Development of French in Louisiana. The monies received from the additional five-dollar fee shall be disbursed solely to fund scholarships for the "La Fondation Louisiane for the Escadrille Louisiane" scholarship program of the Council for the Development of French in Louisiana.



(4) The deputy secretary of the Department of Public Safety and Corrections, public safety services, shall establish such rules and regulations as are necessary to implement the provisions of this Subsection.

M.(1) Upon request and payment of a university logo fee, if any, as established by any Louisiana university for the use and display of its logo, the logo of the university shall be exhibited in color on the driver's license regardless of its class. The deputy secretary of the Department of Public Safety and Corrections, public safety services, shall comply with the provisions of this Subsection.

(2) The department shall collect such university logo fee, if any, which shall be disbursed in accordance with Paragraph (3) of this Subsection. This university logo fee shall be in addition to the payment of any other driver's license fee.

(3) Any monies received from such university logo fees shall be disbursed quarterly by the department to the foundation of the university.

(4) The deputy secretary of the Department of Public Safety and Corrections, public safety services, shall establish such rules and regulations as are necessary to implement the provisions of this Subsection.

(5) Any implementation costs shall be incurred by the foundation of the university participating in the university logo program.

N. Upon request, the words "100% DAV" shall be exhibited in the color black below the person's photograph on the driver's license regardless of its class, upon presentation of a copy of the person's DD Form 214, issued by the United States Department of Defense or equivalent, and presentation of one hundred percent disabled veteran status as determined by the United States Department of Veterans Affairs, as established by administrative rule. No additional fee shall be charged to include such designation. The deputy secretary of the Department of Public Safety and Corrections, public safety services, shall comply with the provisions of this Subsection. The deputy secretary of the Department of Public Safety and Corrections, public safety services, shall establish rules and regulations as are necessary to implement the provisions of this Subsection.

O.(1) Upon request of an applicant for a driver's license who needs accommodation, a designation that the applicant needs accommodation shall be exhibited on the driver's license, upon presentation of a statement from a qualified medical professional licensed in Louisiana or any other state or territory of the United States verifying the medical reason, including any mental, physical, or developmental disability, the applicant needs accommodation as established by administrative rule. No additional fee shall be charged to include such designation.

(2) The deputy secretary of the Department of Public Safety and Corrections, public safety services, shall promulgate rules and regulations to implement this Subsection, including a waiver of liability for the release of any medical information. Such rules shall be effective no later than July 1, 2018. Notwithstanding the provisions of R.S. 49:968(B)(12), the Senate and House committees on transportation, highways and public works shall have oversight of the adoption of rules and regulations required by this Subsection.

(3) The designation authorized by this Subsection shall not be available prior to the effective date of the administrative rules required by Paragraph (2) of this Subsection.

P. An applicant for any class of license may choose to donate one dollar in addition to any license fee required by this Section to the Louisiana Military Family Assistance Fund.

Acts 1991, No. 351, §1; Acts 1991, No. 389, §1; Acts 1991, No. 936, §1, eff. July 24, 1991; Acts 1993, No. 227, §1; Acts 1993, No. 348, §1; Acts 1993, No. 382, §1; Acts 1993, No. 578, §1; Acts 1993, No. 1027, §1, eff. June 27, 1993; Acts 1995, No. 151, §§1, 2; Acts 1995, No. 1015,

§§1, 2; Acts 1997, No. 786, §1; Acts 2000, 1st Ex. Sess., No. 6, §1, eff. April 12, 2000; Acts 2001, No. 602, §1; Acts 2002, 1st Ex. Sess., No. 46, §2; Acts 2003, No. 417, §1; Acts 2003, No. 527, §2; Acts 2004, No. 363, §1, eff. Aug. 15, 2007; Acts 2006, No. 663, §2; Acts 2007, No. 190, §1; Acts 2009, No. 349, §1, eff. July 1, 2009; Acts 2011, 1st Ex. Sess., No. 9, §1; Acts 2011, No. 265, §§2, 6, eff. July 1, 2011; Acts 2012, No. 356, §1; Acts 2012, No. 398, §1; Acts 2012, No. 834, §§5, 13, eff. July 1, 2012; Acts 2013, No. 55, §1, eff. Jan. 1, 2014; Acts 2014, No. 451, §1, eff. Jan. 1, 2015; Acts 2014, No. 765, §1, eff. July 1, 2015; Acts 2014, No. 807, §1, eff. July 1, 2015; Acts 2015, No. 369, §1; Acts 2016, No. 394, §1; Acts 2016, No. 625, §1; Acts 2017, No. 74, §1; Acts 2018, No. 554, §1; Acts 2018, No. 612, §10, eff. July 1, 2020; Acts 2019, No. 404, §1, eff. July 1, 2020.

#### §412.1. Handling charges

A. Except as provided for in Subsection E of this Section, the office of motor vehicles shall collect, in addition to any fee authorized by law, a handling charge of eight dollars for each of the following transactions:

- (1) Repealed by Acts 2014, No. 765, §3, and No. 807, §2, eff. July 1, 2015.
- (2) Identification cards:
  - (a) New applications.
  - (b) Renewals.
  - (c) Duplicates.
- (3) Vehicle titling and registration:
  - (a) New vehicle or out-of-state title.
  - (b) Transfer of ownership.
  - (c) Record and cancel mortgage.
  - (d) Lost plate and sticker.
  - (e) Conversion of license plate.
  - (f) Duplicate title.
  - (g) Letter of authorization to operate an unregistered vehicle.
  - (h) Motor vehicle inspection sticker and rejection stickers.
  - (i) Motor vehicle inspection station permits.
  - (j) Duplicate motor vehicle inspection station permits.
  - (k) Motor vehicle inspection station signs.
  - (l) Motor vehicle inspection mechanic inspection license.
  - (m) Duplicate motor vehicle inspection mechanic inspection license.
  - (n) Sheriff's certificate of chattel mortgages.
  - (o) Recordation of floor plans.
  - (p) Dealer temporary marker.
  - (q) Agriculture permits.
  - (r) Refunds - driver's license and vehicle registration.
  - (s) Certified copies.
  - (t) Claims against dealer bonds.
  - (u) Titles, certificates, or similar documents for salvaged vehicles.
  - (v) Department of Transportation and Development ticket assessments.
  - (w) Nonresident cab cards.
  - (x) Reciprocity cab cards.

(y) Records created by R.S. 9:1149.4(D).

B. Except as provided in Subsection E of this Section, the office of motor vehicles shall collect, in addition to any fee authorized by law, a handling charge of twelve dollars for each of the following Class D and E driver's license transactions.

(1) New applications.

(2) Renewals.

(3) Duplicates.

(4) Valid without photo.

C. Additional handling charges of eight dollars may be established by the office of motor vehicles upon transactions not specifically named in Subsections A and B of this Section in accordance with procedures in the Administrative Procedure Act.

D. Three dollars and seventy-five cents on Class "D" and "E" driver's license transactions, and two dollars and fifty cents of the fee charged for all other handling fees charged or collected shall be forwarded to the state treasurer for deposit in to the Office of Motor Vehicles Customer Service and Technology Fund created pursuant to the provisions of R.S. 32:429.2.

E. A child who is in foster care, as defined in Article 603 of the Louisiana Children's Code, shall not be required to pay the handling fee or other charge in order to obtain a driver's license or identification card.

Acts 1990, No. 291, §1; Acts 2000, 1st Ex. Sess., No. 1, §1, eff. April 10, 2000; Acts 2008, No. 924, §2, eff. Jan. 1, 2009; Acts 2009, No. 349, §1, eff. July 1, 2009; Acts 2014, No. 765, §§1, 3, eff. July 1, 2015; Acts 2014, No. 807, §§1, 2, eff. July 1, 2015.

#### §412.3. Office of Motor Vehicles Driver's License Escrow Fund; Office of Motor Vehicles Handling Fee Escrow Fund

A. There is hereby created, as special funds in the state treasury, the Office of Motor Vehicles Driver's License Escrow Fund, and the Office of Motor Vehicles Handling Fee Escrow Fund.

B.(1) After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay an amount equal to one third of the monies received by the state treasury pursuant to the provisions of R.S. 32:412 into the Office of Motor Vehicles Driver's License Escrow Fund. The monies in this fund shall be used solely as provided in Subsection D of this Section. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund to cover under collections in any subsequent fiscal year. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund and shall be deposited into the state general fund.

(2) The calculation required under the provisions of Subsection D of this Section shall be made prior to the distribution to the board of trustees of the police pension funds of the city of New Orleans, the Louisiana State Police Retirement System Fund, and the Conservation Fund under the provisions of R.S. 56:10(B)(15).

C. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay an amount equal to

one third of the monies received by the state treasury pursuant to the provisions of R.S. 32:412.1 into the Office of Motor Vehicles Handling Fee Escrow Fund. The monies in this fund shall be used solely as provided in Subsection E of this Section. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund to cover under collections in any subsequent fiscal year. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund and shall be deposited into the state general fund.

D. Of the monies placed in escrow in the Office of Motor Vehicles Driver's License Escrow Fund, one-half shall be appropriated in Fiscal Years 2020, 2026, and 2032 and one-half shall be appropriated in Fiscal Years 2021, 2027, and 2033.

E.(1) Of the monies placed in escrow in the Office of Motor Vehicles Handling Fee Escrow Fund, one-half shall be appropriated in Fiscal Years 2020, 2026, and 2032 and one-half shall be appropriated in Fiscal Years 2021, 2027, and 2033.

(2) Of the monies appropriated under the provisions of this Subsection, sixty-eight and seventy-five one-hundredths percent of the funds shall be allocated to self-generated revenue and thirty-one and twenty-five one-hundredths percent of the funds shall be allocated to the Office of Motor Vehicles Customer Service and Technology Fund.

Acts 2014, No. 765, §1, eff. July 1, 2015; Acts 2014, No. 807, §1, eff. July 1, 2015.

§707.2. Electronic media system for lien recordation and title information; fees; required bond; confidentiality of information; rules and regulations

A. The department shall develop and implement on a statewide basis no later than January 1, 2010, a computer system which will permit the electronic recording of information concerning the perfection and release of vehicle security interests without submitting or receiving paper title documents. The department may allow the submission of vehicle title information for new, transferred, and corrected certificates of title, including the perfection and release of security interests, through electronic media in a cost-effective manner in lieu of the submission and maintenance of paper documents otherwise required by this Chapter.

B.(1) The department is hereby authorized to contract with public license tag agents for the purpose of administering a system which will provide for the recording of vehicle title information and security interest notification without issuance of a paper title.

(2) The department is hereby authorized to promulgate rules and regulations in accordance with the Administrative Procedure Act, to provide for certain limited exceptions to the electronic recordation requirements set forth by this Section, for individuals and lienholders that are not normally engaged in the business or practice of financing vehicles.

C.(1) An approved public license tag agent operating a secured host computer system interfacing with the computer system of the Department of Public Safety and Corrections, office of motor vehicles, and the computer system of a lending institution or other sales finance company shall be bonded in an amount specified by the department. The public license tag agent is hereby authorized to charge a fee to customers utilizing this electronic media system.

(2) Each federally insured depository institution that originates more than two hundred fifty motor vehicle transactions per year, and each finance company, lending institution, or other lender shall designate a public tag agent with which such bank, finance company, lending institution, or other lender shall interface its computer system for the purpose of receiving electronic confirmation from the department, of the receipt and the filing of the security interest on the subject motor vehicle. Each federally insured depository institution that originates more

than two hundred fifty motor vehicle transactions per year, and each finance company, lending institution, or other lender shall also designate such public tag agent when transmitting a release or satisfaction of its lien.

(3) Any request to convert an electronic lien and title record to a paper document shall be forwarded to the department by the federally insured depository institution, finance company, lending institution, or other lender through its interface with its designated public tag agent. Upon receipt of the appropriate title and handling fees, the department shall provide the requested paper title.

(4) Any request to convert an existing paper title to an electronic title shall be forwarded to the department by the federally insured depository institution, finance company, lending institution, or other lender through its interface with its designated public tag agent. Upon receipt of such a request, the department shall convert the paper to an electronic title at a charge to the lender not to exceed one dollar and fifty cents per title. This charge shall be forwarded to the state treasurer for deposit into the Office of Motor Vehicles Customer Service and Technology Fund. The public tag agent fee shall not exceed three dollars per title conversion request. The provisions of R.S. 32:412.1 and 728 shall not apply to this Paragraph.

D. Notwithstanding any other law to the contrary, a written or printed report of an electronic media transaction or recording required under the provisions of this Section, if certified as true and correct by the department, shall serve as evidence of any signature, acknowledgment, or information which was provided to or by the department through electronic means, and the certification shall be admissible in any legal proceeding as evidence of the facts stated therein.

E. All information received by the department or a public license tag agent in connection with an electronic lien recordation or title information shall remain confidential as specified by the department.

F. The department shall promulgate rules and regulations in accordance with the Administrative Procedure Act as are necessary to implement the provisions of this Section, including but not limited to rules and regulations regarding the setting of fees in accordance with R.S. 47:532.1(C), the amount of bond required for public license tag agents operating a secured host computer system, and the confidentiality of information.

G.(1) The department is authorized to form a task force to develop and implement the system required by this Section. The members of this task force shall be appointed by the secretary and shall include representatives from the department, the commercial banking industry, sales finance companies, credit unions, savings institutions, and the vehicle dealership industry.

(2)(a) The task force shall research methods whereby the department, lending institutions and sales finance companies may exchange and maintain information concerning the perfection and release of vehicle security interests without submitting or receiving a paper title document. Further, the task force shall develop methods whereby lending institutions and sales finance companies may submit, through a variety of electronic media, updated information pertaining to the title record, including the addition, assignment or release of vehicle security interests.

(b) No later than January 1, 2009, the task force shall develop and implement a pilot program to implement the requirements set forth by this Section.

H. The procedures referred to in this Section shall be referred to as electronic lien and title services or E.L.T. services.

Acts 1999, No. 1276, §1; Acts 2008, No. 689, §1; Acts 2010, No. 65, §2, eff. June 1, 2010; Acts 2011, No. 288, §1.

§728. Fees

Unless required to be waived pursuant to R.S. 32:1729, the commissioner shall charge the following fees and no others:

- (1) Each certificate of title-- sixty-eight dollars and fifty cents.
- (2) Each certified copy of a certificate of title--fifteen dollars.
- (3) Each memorandum certificate--one dollar; provided, that if the application for a memorandum certificate is made at the time of application for a certificate of title, the commissioner shall charge only the three dollar and fifty cent fee for the certificate of title and no fee shall be required for the memorandum certificate.
- (4) Each certified copy of memorandum certificate--one dollar.
- (5) Each notation of a security interest, whether a chattel mortgage, other security agreement, or other financing statement evidencing such security interest is filed, on a vehicle certificate of title--five dollars.
- (6) Each cancellation of a notation of any chattel mortgage or security interest on a certificate of title or a cancellation of a floor plan mortgage--five dollars.
- (7) Each permit to sell or duplicate permit to sell a motor vehicle--fifteen dollars.
- (8) Each salvage title-- sixty-eight dollars and fifty cents.
- (9) The fees authorized under R.S. 10:9-525 et seq.
- (10) Each certificate of title issued pursuant to a procedure established by R.S. 32:707.6 – ten dollars in addition to the eighteen dollars and fifty cents charged for each certificate of title as authorized pursuant to Paragraph (1) of this Section. The additional ten dollars shall be forwarded to the state treasurer for deposit into the Office of Motor Vehicles Customer Service and Technology Fund.
- (11) The fees authorized by R.S. 32:707.2(C)(4).  
Acts 1991, No. 377, §6, eff. Jan. 1, 1992; Acts 1991, No. 483, §1; Acts 1992, No. 272, §1; Acts 2001, No. 128, §12, eff. July 1, 2001; Acts 2011, No. 288, §1; Acts 2015, No. 110, §1, eff. July 1, 2015.

# DEDICATED FUND REVIEW SUBCOMMITTEE

## Joint Legislative Committee on the Budget

### 2020 Fund Review - Agency Submission

Fund Name: OMV Customer Service and Technology Fund

Agency Name: Office of Motor Vehicles

Point of Contact: Chad Felterman POC Phone: (225) 925-1873

POC Email: chad.felتمان@la.gov Date: 10/27/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>Fund Balance:</b>	\$736,560	\$1,530,734	\$2,834,652	\$1,227,533	\$667,238	
<b>Amount:</b>	\$8,124,877	\$8,315,842	\$8,566,788	\$8,319,220	\$5,669,817	
<b>Revenue Description:</b>	R.S. 32:429.2: Fees collected pursuant to R.S. 32:412.1.C (\$2.50 of the \$8 Handling Charges); subject to annual appropriation; solely for initiation and implementation of customer service programs and acquisition and implementation of updated technology; all unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount:</b>	\$6,981,622	\$7,011,924	\$7,225,454	\$7,968,459	\$6,007,658	\$7,256,117

<b>Name of Activity Funded:</b>	<b>OTS expenditures - Drivers License, Vehicle Registration, IRP, and other technology-related contracts, as well as OTS payroll</b>					
<b>Activity Description:</b>	The three large contracts that OMV has are the drivers license, vehicle registration, and IRP contracts, but there are numerous smaller technology-related contracts as well. Without these contracts, OMV would be unable to provide services to customers. OTS is also currently working on a reengineering project for OMV.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$5,966,914	\$5,562,718	\$5,540,049	\$6,722,837	\$6,007,658	\$7,256,117
<b>Total Expended for Activity from all Means of Finance:</b>	\$7,672,968	\$7,037,479	\$9,725,088	\$12,702,617	\$16,171,598	\$11,804,017
<b>Activity Outcomes/ Performance Information:</b>	All OMV performance information is linked to this funding. This directly impacts services provided to the public.					
<b>Cost of Service Offset by Fee (if applicable):</b>						

<b>Name of Activity Funded:</b>	<b>Postage</b>					
<b>Activity Description:</b>	OMV mails out numerous items to customers, including renewal notices, cancellation notices, suspension notices, customer correspondence, drivers license renewal notices, and vehicle registration renewal notices. This fund has historically been used to pay for a large part of the annual postage costs, as part of OMV's customer service initiatives.					
	<b>Expenditures for this Activity</b>					<b>Current Appropriation</b>
	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$1,014,708	\$1,449,206	\$1,685,405	\$1,245,622		
<b>Total Expended for Activity from all Means of Finance:</b>	\$1,529,475	\$1,548,230	\$1,909,605	\$1,254,658	\$1,367,807	\$1,500,000
<b>Activity Outcomes/ Performance Information:</b>	All OMV performance information is linked to this funding. This directly impacts services provided to the public.					
<b>Cost of Service Offset by Fee (if applicable):</b>						



## Industrialized Building Program Fund

P36

Creation Date: August 2009  
 Authorization: RS 40:1730.68  
 Source of Funds: Monies are derived from fees, fines, interest, and penalties assessed by the state fire marshal as a result of inspection and regulation of commercial and industrialized building construction.

Expenditure Usage: Monies from the fund shall be appropriated and paid to the secretary at the beginning of each fiscal year to be distributed to the office of state fire marshal, code enforcement and building safety, and shall be used for the implementation of this Part.

<b>5 Year History of Fund Activity</b>					
<b>Activity</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Beginning Balance	\$131,811	\$128,532	\$92,608	\$87,622	\$75,075
Revenue	\$318,334	\$332,998	\$378,809	\$320,669	\$308,411
Interest Earnings	\$310	\$966	\$2,256	\$2,080	\$854
Transfers	(\$15,329)	\$0	\$0	\$0	\$0
Expenditures	(\$306,594)	(\$369,888)	(\$386,051)	(\$335,296)	(\$300,000)
Ending Balance	\$128,532	\$92,608	\$87,622	\$75,075	\$84,339

**Industrialized Building Program Fund – R.S. 40:1730.68; 40:1730.53**

§1730.68. Industrialized Building Program Fund; distribution

A. All proceeds derived from the fees and all amounts received by the secretary from interest, fines, or penalties or any other source pursuant to the provisions of this Part shall be deposited with the state treasurer. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, the state treasurer shall, each fiscal year and subject to an annual appropriation by the legislature, credit to the "Industrialized Building Program Fund", which is hereby created in the treasury, an amount equal to the amount of money paid into the treasury by the secretary pursuant to the provisions of this Section. All unexpended and unencumbered monies in the fund at the end of each fiscal year shall remain in the fund. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund. All interest earned on monies in the fund invested by the state treasurer shall be deposited in the fund.

B. Monies from the fund shall be appropriated and paid to the secretary at the beginning of each fiscal year to be distributed to the office of state fire marshal, code enforcement and building safety, and shall be used for the implementation of this Part.

Acts 2009, No. 514, §1.

§1730.53. Definitions

As used in this Part, the following terms and phrases shall have the meaning ascribed to them in this Section, unless the context clearly indicates otherwise:

(1) "Building code" means the Louisiana State Uniform Construction Code provided for in R.S. 40:1730.21 et seq.

(2) "Commercial building" means a structure used for any purpose other than a one- and two-family dwelling or accessory to a one- and two-family dwelling.

(3) "Construction site building" means a commercial structure that is not open to the public and used for any purpose at a commercial site by a person constructing a building, road, bridge, utility, or other infrastructure or improvement to real property.

(4) "Council" means the Louisiana State Uniform Construction Code Council.

(6) "Fund" means the Industrialized Building Program Fund.

(5) "Industrialized building" means a commercial structure that is the following:

(a) Erected or installed using one or more modules or one or more modular components that are constructed at a location other than the commercial site.

(b) Designed to be used as a commercial building when the module or the modular component is transported to the commercial site and erected or installed.

(c) Includes the structure's plumbing, heating, air conditioning, and electrical systems.

(d) Includes a permanent commercial structure and a commercial structure designed to be transported from one commercial site to another commercial site.

(e) Does not exceed three stories or forty-nine feet in height measured from the finished grade to the peak of the roof.

(7) "Modular component" means a structural part of a building constructed at a location other than the commercial site in a manner that prevents the construction from being adequately inspected for building code compliance at the commercial site without damage or removal and reconstruction of a part of the building.

(8) "Module" means a three-dimensional section of industrialized building designed and approved to be transported as a single section independent of other sections, with or without modules or modular components, that prevents the construction from being adequately inspected for building code compliance without damage or removal and reconstruction of a part of the building.

(9) "Secretary" means the secretary of the Department of Public Safety and Corrections. Acts 2007, No. 364, §1; Acts 2009, No. 514, §1.

# DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

## 2020 Fund Review - Agency Submission

**Fund Name:** Industrialized Building Program Fund

**Agency Name:** Office of State Fire Marshal

**Point of Contact:** Chad Felterman      **POC Phone:** (225) 925-1873

**POC Email:** chad.felتمان@la.gov      **Date:** 10/27/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>Fund Balance:</b>	\$131,811	\$128,532	\$92,608	\$87,622	\$75,075	
<b>Amount:</b>	\$318,644	\$333,964	\$381,065	\$322,749	\$309,265	
<b>Revenue Description:</b>	R.S. 40:1730.68: All proceeds derived from the fees and all amounts received by the secretary from interest, fines, or penalties or any other source pursuant to the provisions of this Part shall be deposited with the state treasurer. All unexpended and unencumbered monies in the fund at the end of each fiscal year shall remain in the fund. Distributed to the office of state fire marshal, code enforcement and building safety, and shall be used for the implementation of this Part.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount:</b>	\$306,594	\$369,888	\$386,051	\$335,296	\$300,000	\$300,000

Name of Activity Funded:	Plan Review					
<b>Activity Description:</b>	The plans and specifications for every structure, watercraft or movable constructed or remodeled in the state must be reviewed by the Fire Marshal and must be determined to appear to satisfactorily comply with the adopted fire, life safety, energy and handicapped accessibility laws, rules, regulations and codes of the state prior to construction. Louisiana Revised Statute 40:1730.51-66 provides for State Fire Marshal regulation of manufacturers of industrialized buildings, for review of plans and inspection of industrialized buildings for compliance with the building code, and for monitoring of third party review and inspection of same. The Office of the State Fire Marshal is required to provide for registration and regulation of those manufacturers and dealers of industrialized buildings that conduct business in this state. The purpose is to ensure that an approved method of code inspection is provided at the place of manufacture, prior to installation. Plans and specifications for each industrialized building, module, and/or modular component are required to be submitted to the Office of the State Fire Marshal for review for compliance with all codes, rules and laws that are enforced by the Office of the State Fire Marshal. Plan review for compliance with the Louisiana State Uniform Construction Code (LSUCC) will also be performed by this office, unless requested to be performed by a third party provider that is properly registered with the Louisiana State Uniform Construction Code Council for the particular scope of work.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$179,421	\$171,047	\$185,976	\$188,066	\$132,534	\$183,055
<b>Total Expended for Activity from all Means of Finance:</b>	\$3,509,358	\$3,265,644	\$3,173,209	\$3,193,662	\$3,656,437	\$4,021,321

<b>Activity Outcomes/ Performance Information:</b>	Objective: By fiscal year 2025, the Plan Review Activity will reduce the time required to complete a final review of construction documents by 5%. Indicator: Average review time per project (in man-hours). Objective: Through fiscal year 2025, the Plan Review Activity will ensure that all plans for commercial buildings provide for protection of life and property from fire, explosion, or natural disaster, equal access to disabled individuals, and efficient use of energy. Indicators: Number of projects reviewed; Percentage of municipalities/parishes compliant with certification of registered building officials; Percentage of projects reviewed within 5 work days
<b>Cost of Service Offset by Fee (if applicable):</b>	

<b>Name of Activity Funded:</b>	<b>Inspections of Industrialized Buildings</b>					
<b>Activity Description:</b>	Act 364 of the Louisiana 2007 Regular Session, requires Industrialized Buildings that are constructed after January 1, 2007, that are intended for sale or use in Louisiana, meet or exceed the requirements of the Louisiana State Uniform Construction Code, R.S. 40:1730.21 through 1730.39, as well as the life safety, accessibility and energy codes, rules and laws enforced by the Office of the State Fire Marshal, R.S. 40:1574 through 1593. As such, the Office of the State Fire Marshal is required to provide for registration and regulation of those manufacturers and dealers of industrialized buildings that conduct business in this state. The purpose is to ensure that an approved method of code inspection is provided at the place of manufacture, prior to installation. Plans and specifications for each industrialized building, module, and/or modular component are required to be submitted to the Office of the State Fire Marshal for review for compliance with all codes, rules and laws that are enforced by the Office of the State Fire Marshal. Plan review for compliance with the Louisiana State Uniform Construction Code (LSUCC) will also be performed by this office, unless requested to be performed by a third party provider that is properly registered with the Louisiana State Uniform Construction Code Council for the particular scope of work.					
	<b>Expenditures for this Activity</b>					<b>Current Appropriation</b>
	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$127,173	\$198,841	\$200,075	\$147,230	\$167,466	\$116,945
<b>Total Expended for Activity from all Means of Finance:</b>	\$440,323	\$307,219	\$350,312	\$315,341	\$324,905	\$361,064
<b>Activity Outcomes/ Performance Information:</b>	There are no performance indicators directly associated with this fund. However, this activity is directly related to public safety.					
<b>Cost of Service Offset by Fee (if applicable):</b>						

# Louisiana Life Safety and Property Protection Trust Fund

Creation Date: January 2007

Authorization: R.S. 40:1664.9

Source of Funds: Fees collected by the fire marshal for technical endorsements for life safety and property protection businesses operating within the state.

Expenditure Usage: The purpose of this fund is for implementation, administration, enforcement, and training that is provided to businesses that sell life safety and property protection devices and services.

<b>5 Year History of Fund Activity</b>					
<b>Activity</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Beginning Balance	\$0	\$76,496	\$129,244	\$135,159	\$267,250
Revenue	\$819,050	\$837,065	\$732,450	\$751,536	\$717,090
Interest Earnings	\$313	\$542	\$1,145	\$3,348	\$2,613
Transfers	\$0	\$0	\$0	\$0	\$0
Expenditures	(\$742,867)	(\$784,860)	(\$727,680)	(\$622,794)	(\$725,000)
Ending Balance	\$76,496	\$129,244	\$135,159	\$267,250	\$261,953

**Louisiana Life Safety and Property Protection Trust Fund – R.S. 40:1664.9; 14:206.1; 40:1601; 40:1602; 40:1635**

§1664.9. Fees; license endorsements for firms and persons; certifications; Louisiana Life Safety and Property Protection Trust Fund

A. The state fire marshal is authorized to assess and collect fees pursuant to this Subpart. License endorsements are separated into the two general categories of Property Protection and Life Safety. The Property Protection category is subdivided into the Technical Endorsements of Locksmith, Door Hardware, and Security. The Life Safety category is subdivided into the Technical Endorsements of Fire Sprinkler, Fire Suppression, Fire Alarm, Portable Fire Extinguishers and Hoses, Conveyance Devices, and DOT Hydrostatic Testing. Technical endorsements may further be divided into specialty endorsements. A technical endorsement holder is authorized to perform all life safety and property protection contracting authorized by the specialty endorsements within the specific technical endorsement category. Specialty endorsement holders are limited to only life safety and property protection contracting authorized by that specialty endorsement.

B. The amount of licensing fees for a firm shall be as follows:

	Initial fee	Renewal fee
(1)(a) Technical Endorsement-Locksmith	\$250	\$50
(b) Specialty Endorsement:		
(i) Bank locking	\$250	\$50
(ii) Detention locking	\$250	\$50
(2) Technical Endorsement-Door hardware	\$250	\$50
(3)(a) Technical Endorsement-Security	\$250	\$50
(b) Specialty Endorsement:		
(i) Closed Circuit Television	\$250	\$50
(ii) Household fire	\$250	\$50
(iii) Special Locking	\$250	\$50
(4) Technical Endorsement-Fire Sprinkler	\$500	\$250
(5)(a) Technical Endorsement-Fixed Fire Suppression	\$350	\$100
(b) Specialty Endorsement:		
(i) Pre-engineered	\$350	\$100
(ii) Kitchen suppression	\$350	\$50
(6)(a) Technical Endorsement-Fire Alarm	\$350	\$100
(b) Specialty Endorsement:		
(i) Fire alarm (Non-required)	\$350	\$50
(ii) Fire alarm owner	\$350	\$50
(7) Technical Endorsement-Portable Fire Extinguishers/Hoses	\$350	\$150
(8) Technical Endorsement-DOT hydrostatic testing	\$350	\$50

C. The amount of licensing fees for a person are as follows:

	Initial fee	Renewal fee
(1)(a) Technical Endorsement-Locksmith	\$100	\$50
(b) Specialty Endorsement:		
(i) Bank locking	\$100	\$50

(ii) Detention locking	\$100	\$50
(2) Technical Endorsement-Door hardware specialist	\$100	\$50
(3)(a) Technical Endorsement-Security	\$100	\$50
(b) Specialty Endorsement:		
(i) Closed Circuit Television	\$100	\$50
(ii) Household fire	\$100	\$50
(iii) Security sales	\$100	\$50
(iv) Special Locking	\$100	\$50
(4) Technical Endorsement-Fire Sprinkler Qualifier	\$100	\$50
(5) Technical Endorsement-Fire Sprinkler Inspector	\$100	\$50
(6)(a) Technical Endorsement-Fixed Fire Suppression	\$50	\$50
(b) Specialty Endorsement:		
(i) Pre-engineered	\$50	\$50
(ii) Kitchen suppression	\$50	\$50
(7)(a) Technical Endorsement-Fire Alarm	\$50	\$50
(b) Specialty Endorsement:		
(i) Fire alarm (Non-required)	\$50	\$50
(ii) Fire alarm owner	\$50	\$50
(8) Technical Endorsement-Portable Fire Extinguishers/Hoses	\$50	\$50
(9) Technical Endorsement-DOT hydrostatic testing	\$25	\$25
(10) Specialty Endorsement-Apprentice	\$50	\$50
(11) Technical Endorsement - Conveyance Device		
(a) Conveyance Device Inspector	\$100	\$50
(b) Conveyance Device Mechanic	\$100	\$50

D.(1) The technical endorsements provided for in Paragraph (C)(11) of this Section shall be issued to a person who has received certification developed and approved in accordance with R.S. 40:1664.11(G) or (H), or one of the following as applicable:

(a) Certified Elevator Technician (CET) certification provided by the National Association of Elevator Contractors.

(b) Certification provided by the National Elevator Industry Educational Program.

(c) Qualified Elevator Inspectors (QEI) certification provided by the National Association of Elevator Safety Authorities or the Qualified Elevator Inspectors Training Fund.

NOTE: Paragraph (D)(2) eff. until Jan. 1, 2022. See Acts 2018, No. 598.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, a person may obtain a technical endorsement as provided for in Paragraph (C)(11) of this Section and shall not be prohibited from actively working pursuant to the issuance of the license endorsement; however, such person shall obtain the certification as required in Paragraph (1) of this Subsection within one year from the date the technical endorsement was issued.



(3)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection, a conveyance device mechanic license shall be issued to a person who, through his licensed conveyance device firm, submits an application for licensure to the office of state fire marshal, with either of the following:

(i) An attestation submitted in the form of notarized affidavit that the person who seeks licensure has worked as a conveyance device mechanic, as defined in this Subpart, for not less than four years and six thousand hours, within the last five years, without immediate or direct supervision prior to application for licensure.

(ii) An attestation submitted in the form of notarized affidavit that the person who seeks licensure has worked as a conveyance device mechanic, as defined in this Subpart, for not less than two years and three thousand hours, within the last three years, without immediate or direct supervision prior to application for licensure and that the person has received a National Association of Elevator Contractors Associate Elevator Technician (AET), or Level 1 certification or equivalent, or is enrolled in the National Association of Elevator Contractors Certified Elevator Technician (CET) program.

(b) A conveyance device mechanic firm shall submit an application for licensure pursuant to this Subsection on or before July 1, 2025.

(4) All continuing education requirements developed and approved for persons who hold technical endorsements provided for in Paragraph (C)(11) of this Section shall be in accordance with R.S. 40:1664.11(G) or (H).

E. All licenses are valid for one year, unless a multi-year license is created, and shall be renewed within thirty days of its expiration date to remain valid. The state fire marshal may create a prorated fee system to allow employee license renewal dates to coincide with the firm license renewal date.

F. A license not renewed within thirty days of its expiration date shall be considered past due and subject to late fees. The late fee penalty shall be twenty-five dollars for a license not renewed before thirty-one to forty-five days past the expiration date and fifty dollars for a license not renewed before forty-six to sixty days past the expiration date.

G. A license shall be suspended if not renewed within sixty days of its expiration date or if the license holder has not maintained the license. The cost to reinstate a suspended license shall be the cost of the initial fees plus twenty dollars.

H. The cost for a duplicate or replacement firm or individual license is twenty dollars, regardless of how many endorsements are carried.

I. The cost to transfer an individual license from one firm to another is twenty dollars.

J. The fees established in this Section shall not be refundable except under such conditions as the state fire marshal may establish.

K.(1) A temporary conveyance device mechanic license may be issued by the office of state fire marshal upon receipt of either the following:

(a) An attestation from the requesting licensed conveyance device mechanic firm that, despite its best efforts, there is an insufficient number of licensed conveyance device mechanics needed to perform conveyance device mechanic activities or an imminent increase in conveyance device mechanic activities.

(b) An attestation from the requesting licensed conveyance device mechanic firm certifying that the person who seeks temporary licensure has an acceptable combination of documented experience and education to perform conveyance device mechanic activities without direct or immediate supervision as determined by the office of state fire marshal.

(2) All attestations shall be submitted in the form of notarized affidavit.

(3) A temporary conveyance device mechanic license shall be valid for a period of one hundred eighty days from the date of issuance and is valid only for the work performed for the licensed conveyance device mechanic firm that requested the temporary license pursuant to this Section.

(4) Temporary licenses may be approved by the office of state fire marshal for renewal. The requesting licensed conveyance device mechanic firm shall provide a notarized attestation to the office of state fire marshal certifying that, despite its best efforts, there continues to be an insufficient number of licensed conveyance device mechanics needed to perform conveyance device mechanic activities or an imminent increase in conveyance device mechanic activities.

(5) The office of state fire marshal may refuse to renew a temporary license for a person that the office determines has had adequate opportunity to obtain a license pursuant to the provisions of this Subpart.

(6) Initial and renewal fees for temporary licenses shall be in accordance with Subparagraphs (C)(11)(a) and (b) of this Section.

L.(1) An emergency conveyance device mechanic license may be issued by the office of state fire marshal when an emergency exists in the state due to a natural disaster, as declared by the president of the United States or the governor, or major work stoppage, and the requesting licensed conveyance device mechanic firm submits an attestation to the office of state fire marshal certifying each of the following:

(a) The number of licensed conveyance device mechanics in the state is insufficient to cope with the emergency or work stoppage, creating a shortage.

(b) The shortage of licensed conveyance device mechanics in the state jeopardizes the safety of the public.

(2) The requesting licensed conveyance device mechanic firm shall submit an attestation to the office of state fire marshal certifying that the person who seeks emergency licensure has an acceptable combination of documented experience and education to perform conveyance device mechanic activities without direct or immediate supervision as determined by the office of state fire marshal.

(3) The emergency license shall be valid for a minimum period of sixty days from the date of issuance, shall entitle the licensee to the rights and privileges of a licensed conveyance device mechanic, and is valid only for the work performed for the licensed conveyance device mechanic firm that made the request pursuant to this Section. The emergency license may be extended but shall not exceed three hundred sixty-five days from the date of initial issuance, unless mitigating circumstances regarding the emergency declaration or work stoppage exist and are formally recognized by the state fire marshal and an extension of the emergency license is determined to be necessary.

(4) All attestations shall be submitted in the form of a notarized affidavit.

(5) Initial and renewal fees for emergency licenses shall be in accordance with Subparagraphs (C)(11)(a) and (b) of this Section.

M.(1) The owner or his designee of an installed conveyance device, except those exempt pursuant to R.S. 40:1664.5, shall register the conveyance device with the office of state fire marshal.

(2) A firm that installs a conveyance device shall register the conveyance device with the office of state fire marshal within thirty days of its installation.

N.(1) Subject to the exceptions contained in Article VII, Section 9 of the Constitution of Louisiana, all monies received by the state fire marshal pursuant to this Subpart, including but not limited to fees and fines, shall be deposited immediately upon receipt in the state treasury and shall be credited to the Bond Security and Redemption Fund. 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, the treasurer, prior to placing such remaining funds in the state general fund, shall pay an amount equal to the total amount of funds paid into the state treasury by the state fire marshal pursuant to this Subpart into a special fund which is hereby created in the state treasury and designated as the Louisiana Life Safety and Property Protection Trust Fund.

(2) The monies in the Louisiana Life Safety and Property Protection Trust Fund shall be used solely for implementation, administration, and enforcement of this Subpart, and thereafter, for fire education or emergency response by the state fire marshal and only in the amounts appropriated each year to the state fire marshal or the board by the legislature. Any surplus monies and interest remaining to the credit of the fund on June thirtieth of each year after all such appropriations of the preceding fiscal year have been made shall remain to the credit of the fund, and no part thereof shall revert to the state general fund.

Acts 2006, No. 307, §2, eff. Jan. 1, 2007; Acts 2010, No. 984, §1; Acts 2018, No. 598, §1, see Act; Acts 2020, No. 339, §1, eff. June 13, 2020.

NOTE: See Acts 2018, No. 598, §§2 and 3, regarding applicability.

§206.1. Engaging in life safety and property protection contracting without authority prohibited; penalty

A. It shall be unlawful for any person to engage in the business of life safety and property protection contracting, as defined in R.S. 40:1664.3, unless he holds an active license as required by R.S. 40:1664.4.

B. It shall be sufficient for the indictment, affidavit, or complaint to allege that the accused unlawfully engaged in life safety and property protection contracting without authority from the office of state fire marshal.

C.(1) Any person violating this Section shall be guilty of a misdemeanor and, upon conviction, shall be imprisoned for not more than ninety days, fined not more than five hundred dollars per day of the violation, or both.

(2) Notwithstanding any action taken by the office of state fire marshal, any person who does not possess a license as required by R.S. 40:1664.4, and who violates any provision of this Section and causes harm or damage to another in excess of five hundred dollars, upon conviction, shall be imprisoned for up to six months, fined not less than five hundred dollars nor more than five thousand dollars, or both.

(3) Notwithstanding the provisions of R.S. 15:571.11, any fine assessed and collected pursuant to this Subsection shall be remitted to the Louisiana Life Safety and Property Protection Trust Fund provided for in R.S. 40:1664.9(J).

Acts 2017, No. 170, §1.

## SUBPART B. SPECIAL HAZARDS

§1601. Novelty lighters

A. For the purposes of this Section, the following definitions shall apply unless otherwise indicated:

(1) "Lighter" means a flame-producing device commonly used by consumers to ignite tobacco products and mechanical devices primarily used to ignite fuel for fireplaces or for charcoal or gas grills. The term does not include matches. This term includes novelty lighters.

(2) "Novelty lighter" means a lighter that has a toylike appearance, has entertaining audio or visual effects, or resembles in any way in form or function an item that is commonly recognized as appealing, attractive, or intended for use by young children, particularly those ten years of age or younger, including such a device that takes toylike physical forms, including but not limited to toy animals, cartoon characters, cars, boats, airplanes, common household items, weapons, cell phones, batteries, food, beverages, musical instruments, and watches or has flashing lights or other entertaining features. Novelty lighters may operate on any fuel, including butane or liquid fuel.

B. The retail, sale, offer of retail sale, gift, or distribution of any novelty lighter in the state of Louisiana is prohibited.

C. This Section shall not apply to:

(1) Novelty lighters that were made before January 1, 1980.

(2) Novelty lighters that are considered to be collectable items.

(3) Repealed by Acts 2013, No. 147, §2.

(4) Lighters incapable of being fueled or lacking a device necessary to produce combustion or flame.

(5) The active transportation of novelty lighters through this state.

(6) The storage of novelty lighters in a warehouse or distribution center in this state that is closed to the public for purposes of retail sales.

(7) Wholesale or retail dealers selling their existing inventory of novelty lighters before January 1, 2010, where such inventory was purchased prior to August 15, 2009.

(8) Novelty lighters that are in compliance with 16 CFR Part 1210 et seq.

D.(1) The fire marshal shall adopt such rules and regulations as are necessary to implement and enforce the provisions of this Section.

(2) The fire marshal or an authorized representative, upon oral or written demand, may inspect the inventory of novelty lighter manufacturers, wholesale or retail dealers, and transporters as the fire marshal or the authorized representative deems necessary to ensure compliance with this Section.

(3) Whenever the fire marshal or an authorized representative, law enforcement personnel, or any authorized personnel discover novelty lighters for retail or sale or offered for retail sale, gift, or distribution, such personnel are hereby authorized and empowered to seize and take possession of such lighters. The confiscated lighters shall be turned over to the fire marshal and shall be forfeited to the state as contraband. Novelty lighters seized pursuant to this Section shall be destroyed. Destruction shall be witnessed by at least two employees of the fire marshal and documentation of such destruction shall be made which describes the contraband, time and location of the destruction, witnesses to the destruction, and such other information as required by the fire marshal.

(4) Any person who knowingly violates the provisions of this Section shall be fined not more than two hundred fifty dollars per violation.

(5) The penalties collected as provided in this Section shall be deposited into the Louisiana Life Safety and Property Protection Trust Fund within the state treasury as provided for in R.S. 40:1664.9. The monies shall be deposited to the credit of the fund and shall, in addition to any other monies available for such purpose, be available to the state fire marshal to support fire safety and prevention programs.

Acts 2009, No. 89, §1, eff. Jan. 1, 2010; Acts 2013, No. 147, §§1, 2.

§1602. Burn ban; authority of the state fire marshal; civil citation

A. The state fire marshal may issue an order to prohibit or limit the private outdoor burning of materials in any area of this state.

B.(1) The state fire marshal or his representative or the commissioner of the Department of Agriculture and Forestry or his representative may impose a civil fine of two hundred fifty dollars for the violation of an order issued pursuant to this Section.

(2) Any penalties imposed pursuant to this Subsection may be appealed in accordance with the provisions of the Administrative Procedure Act.

(3) The penalties collected pursuant to this Subsection shall be deposited into the Louisiana Life Safety and Property Protection Trust Fund within the state treasury as provided for in R.S. 40:1664.9. The monies shall be deposited to the credit of the fund and shall, in addition to any other monies available for such purpose, be available to the state fire marshal to support fire safety and prevention programs.

C. This Section shall not apply to prescribed burning as defined in R.S. 3:17.

Acts 2012, No. 371, §1, eff. May 31, 2012.

§1635. Deposit of penalties; existing fund

The penalties collected as provided for in R.S. 40:1633 shall be deposited into the Louisiana Life Safety and Property Protection Trust Fund within the state treasury as provided for in R.S. 40:1664.9. The monies shall be deposited to the credit of the fund and shall, in addition to any other monies available for such purpose, be available to the state fire marshal to support fire safety and prevention programs.

Acts 2007, No. 409, §1, eff. Aug. 31, 2009.

# DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

## 2020 Fund Review - Agency Submission

Fund Name: Louisiana Life Safety and Property Protection Trust Fund

Agency Name: Office of State Fire Marshal

Point of Contact: Chad Felterman POC Phone: (225) 925-1873

POC Email: chad.felتمان@la.gov Date: 10/27/2020

	Historical Fund Revenues				
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
<b>Fund Balance:</b>		\$76,496	\$129,244	\$135,159	\$267,250
<b>Amount:</b>	\$819,363	\$837,608	\$733,595	\$754,884	\$719,703
<b>Revenue Description:</b>	R.S. 40:1664.9: The fire marshal is authorized to assess and collect fees pursuant to this Subpart. License endorsements are separated into the two general categories of Property Protection and Life Safety. The Property Protection category is subdivided into the Technical Endorsements of Locksmith, Special Locking, and Security. The Life Safety category is subdivided into the Technical Endorsements of Fire Sprinkler, Fire Suppression, Fire Alarm, Fire Other, and DOT Hydrostatic Testing. Fees and fines collected pursuant to this subpart; subject to annual appropriation; solely for implementation, administration and enforcement of this subpart; all unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund.				

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount:</b>	\$742,867	\$784,860	\$727,680	\$622,794	\$725,000	\$725,000

*In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.*

Name of Activity Funded:	Licensing					
<b>Activity Description:</b>	R.S. 40:1664.1 et seq. requires the licensing of each life safety and property protection contractor and their employees (includes, fire protection, fire sprinkler, security, locksmith and closed circuit television) doing business in Louisiana and the enforcement and administration of the same. The Section administers the law by processing both firm and individual licenses. The license application process ensures eligibility and competency of both. Additionally, the section conducts criminal background checks on applicants. The section's enforcement responsibility includes investigating complaints of wrongdoing and inspecting contractors for compliance with the law.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$742,867	\$784,860	\$727,680	\$622,794	\$725,000	\$725,000
<b>Total Expended for Activity from all Means of Finance:</b>	\$899,312	\$782,754	\$872,846	\$910,388	\$766,150	\$1,101,773

<p><b>Activity Outcomes/ Performance Information:</b></p>	<p>Objective: By fiscal year 2025, the Enforcement Activity will provide a comprehensive licensing and enforcement program to maintain a minimum of 1.0 application per hour worked and to clear 82% of all complaints investigated against contractors within regulated industries. Indicators: Number of complaints received during the fiscal year; Number of investigations conducted during the fiscal year; Number of investigations cleared during the fiscal year; Percentage of investigations cleared during the fiscal year; Number of applications processed; Number of hours worked processing applications; Number of applications processed per hour</p>
<p><b>Cost of Service Offset by Fee (if applicable):</b></p>	

## Liquefied Petroleum Gas Commission Rainy Day Fund

P16

Creation Date: May 1998  
Authorization: R.S. 40:1849  
Source of Funds: Permit fees, transport registration fees, and personnel qualification fees  
Expenditure Usage: To cover all reasonable costs, as determined by the Deputy Secretary of Public Safety Services, of transferring data from the Liquefied Petroleum Gas Commission to the information system established under the Hazardous Materials Information Development, Preparedness, and Response Act.

<b>5 Year History of Fund Activity</b>					
<b>Activity</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>
Beginning Balance	\$37,444	\$0	\$81,695	\$250,000	\$250,000
Revenue	\$855,258	\$871,985	\$976,915	\$1,046,364	\$1,363,250
Interest Earnings	\$254	\$1,865	\$3,753	\$18,649	\$12,706
Transfers	\$0	\$0	(\$55,691)	(\$105,812)	(\$200,843)
Expenditures	(\$892,956)	(\$792,156)	(\$756,672)	(\$959,201)	(\$1,425,113)
Ending Balance	\$0	\$81,695	\$250,000	\$250,000	\$0



**Liquefied Petroleum Gas Commission Rainy Day Fund – R.S. 40:1849**

§1849. Permit fees; minimum; maximum; transport registration fees; personnel qualification fees; rainy day fund

A. Except as provided for in Subsection E of this Section, every applicant for a permit shall, at the time of the issuance of the permit by the Liquefied Petroleum Gas Commission and annually thereafter pay to the commission a permit fee which shall be fixed by the commission in an amount which shall not exceed four-tenths of one percent of the gross annual sales of liquefied petroleum gas of such dealer or permit holder. The minimum permit fee shall be not less than seventy-five dollars. No permit or renewal permit shall be issued by the commission except upon payment of such fee as herein provided. The commission may formulate and enforce necessary rules and regulations for the renewal of permits and the collection of the fees.

B. No tanker truck with a water capacity of one thousand gallons or more shall be used to transport liquefied petroleum gas, including anhydrous ammonia, in Louisiana until it has been registered with the Liquefied Petroleum Gas Commission and an annual registration fee of fifty dollars for each vehicle has been paid therefor to the Liquefied Petroleum Gas Commission. Upon payment of the fee, the commission shall issue a registration decal valid for the year of issuance. This registration decal shall be permanently affixed to the motor vehicle in a prominent location as provided by the regulations which the commission shall adopt. No dealer shall deliver any liquefied petroleum gas from any transport motor vehicle to which a current registration decal is not permanently affixed.

C.(1)(a) All service and installation personnel, fuel transfer personnel, carburetion mechanics, and tank truck drivers employed by a dealer shall have successfully taken the personnel competency test administered by the commission and shall possess a current personnel competency card, which must be renewed annually. Each applicant to take the personnel competency test shall pay to the Liquefied Petroleum Gas Commission a personnel qualification fee of twenty dollars, the payment of which shall entitle him to take the test one time and, upon receipt of a satisfactory score, he shall be entitled to a personnel competency card valid for the year in which it is issued. Each applicant to renew his personnel competency card shall pay an annual renewal fee of ten dollars to the Liquefied Petroleum Gas Commission.

(b) The provisions of this Paragraph shall not apply to drivers transporting three hundred gallons or less of liquefied petroleum gas, in twenty-five gallon or more, maximum liquefied petroleum gas capacity containers, which containers conform to United States Department of Transportation specifications, if the driver's normal and routine duties are not the transportation of liquefied petroleum gases.

(2) The commission may adopt rules to provide for reciprocal agreements with other states regarding examination requirements and accept as its own the reciprocal state's examination. The commission shall ensure that the reciprocal state's examination contains substantially equivalent requirements. Each participating state in any such reciprocal agreement shall retain its own fee structure regarding examinations and other applicable fees.

D.(1) Except for the assessment established in R.S. 40:1851, all fees, penalties, and other revenues received by the commission shall be deposited immediately upon receipt in the state treasury.

(2) After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to the monies being placed in the state general fund, an amount equal to the funds received shall be credited to the

special fund hereby created in the state treasury to be known as the "Liquefied Petroleum Gas Commission Rainy Day Fund". The monies in this fund shall be used solely as provided in this Subsection, and only in the amounts appropriated by the legislature. The monies in the fund shall be invested by the state treasurer in the same manner as the monies in the state general fund. Subject to the provisions of, and after compliance with, Article VII, Section 9(B) of the Constitution of Louisiana, all interest earned on the monies in this fund shall be credited to this fund.

(3) At the end of each fiscal year, the unexpended and unencumbered monies which remain in this fund, up to a maximum of two hundred fifty thousand dollars, shall remain in this fund and shall be used by the commission for the purposes set forth in this Subsection.

(4) The monies in this fund shall be used for the following purposes:

(a) For all purposes provided for under this Part.

(b) For covering all reasonable administrative costs, as determined by the deputy secretary of public safety services, of transferring data from the commission to the information system established under the Hazardous Materials Information Development, Preparedness, and Response Act, R.S. 30:2361 et seq. Monies authorized for this purpose shall be transferred through an interagency transfer through the appropriate form and expedited procedures through the budgetary process.

(5) At the end of each fiscal year, the unexpended and unencumbered monies which remain in the fund in excess of the two hundred fifty thousand dollar maximum provided in Paragraph (3) of this Subsection, not to exceed three hundred thousand dollars, shall be deposited in the separate interest-bearing account established under the authority of R.S. 40:1851(D) and shall be used solely for market development purposes as required by R.S. 40:1851.1(B).

E. In order to offset any projected increase in the total fees collected from truck registrations, competency tests, and competency card renewals from Fiscal Year 1999 to Fiscal Year 2000, the Liquefied Petroleum Gas Commission shall, prior to January 1, 2000, promulgate rules to reduce the liquefied petroleum gas permit fees authorized in Subsection A of this Section. The reduction in permit fees shall be in an amount equal to or exceeding the increase in truck registration, competency test, and competency card fees provided for in Subsections B and C of this Section. The actual 1998-1999 Fiscal Year sales dollars for permit fee calculations, number of truck registrations, number of competency tests given, and number of competency cards renewed shall be used in calculating the reduction in permit fees. The reduction in permit fees as well as the increase in truck registration fees, competency test fees, and competency card renewal fees set forth in this Section, shall become effective on January 1, 2000.

Amended by Acts 1997, No. 1446, §1; Acts 1998, 1st Ex. Sess., No. 127, §1, eff. May 5, 1998; Acts 1999, No. 584, §1; Acts 1999, No. 600, §1, eff. July 1, 1999; Acts 2003, No. 798, §1; Acts 2007, No. 273, §1, eff. July 6, 2007.

# DEDICATED FUND REVIEW SUBCOMMITTEE

Joint Legislative Committee on the Budget

## 2020 Fund Review - Agency Submission

Fund Name: Liquefied Petroleum Gas Commission Rainy Day Fund

Agency Name: Liquefied Petroleum Gas Commission

Point of Contact: Chad Felterman POC Phone: (225) 925-1873

POC Email: chad.felterman@la.gov Date: 10/27/2020

	Historical Fund Revenues					
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	
<b>Fund Balance:</b>	\$37,444		\$81,695	\$250,000	\$250,000	
<b>Amount:</b>	\$855,512	\$873,850	\$980,668	\$1,065,013	\$1,375,956	
<b>Revenue Description:</b>	R.S. 40:1849.D.(1)-(5): All fees and penalties collected by the LP Gas Commission are deposited to this fund and are used solely for administration of the Commission. Any unexpended and unencumbered funds remaining at the end of the fiscal year shall remain in the LP Gas Rainy Day Fund up to \$250,000. Any excess remaining up to \$300,000 shall be transferred to the LP Gas Market Development Fund.					

	Total Historical Agency Expenditures from Fund					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount:</b>	\$892,956	\$792,156	\$756,672	\$959,201	\$1,425,113	\$1,542,179

*In the table below, provide detail on the expenditures for each activity supported by the dedicated fund along with the total expended from all means of finance. If multiple activities are supported by the fund, please copy the table as needed to accommodate all activities in your agency.*

<b>Name of Activity Funded:</b>	Operating expenses for the LP Gas Commission					
<b>Activity Description:</b>	Salaries, wages, related benefits, operating expenses, supplies, and interagency transfers for the LP Gas Commission. This currently funds 12 T.O.					
	Expenditures for this Activity					Current Appropriation
	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
<b>Amount from Dedicated Fund Expended for Activity:</b>	\$892,956	\$792,156	\$756,672	\$959,201	\$1,425,113	\$1,542,179
<b>Total Expended for Activity from all Means of Finance:</b>	\$1,142,842	\$1,152,600	\$1,346,699	\$1,461,332	\$1,425,113	\$1,542,179
<b>Activity Outcomes/ Performance Information:</b>	Objective: Through the Administrative activity, to reduce the number of fires related to liquefied petroleum gas and accidents by 25% from FY 2020-2021 through FY 2024-2025 (5% per fiscal year). Indicators: Number of fires and accidents related to liquefied petroleum gas and anhydrous ammonia; Number of trucks tagged and inspected; Number of man-hours of training provided; Percentage of compliance audits with no violation charges					
<b>Cost of Service Offset by Fee (if applicable):</b>						