

2020 Second Extraordinary Session

HOUSE BILL NO. 75

BY REPRESENTATIVES MCFARLAND AND THOMPSON AND SENATOR CATHEY

1 AN ACT

2 To amend and reenact the heading of Part II-A of Title 3 of the Louisiana Revised Statutes  
3 of 1950 and R.S. 3:4321(C) and (D) and to enact R.S. 3:4321(E), relative to the  
4 severance tax on timber; to modify the disposition of the portion of the severance tax  
5 on timber allocated to the state general fund; to create the "Wildfire Suppression  
6 Subfund"; to provide for the use of monies in the subfund; to provide for the  
7 appointment of forest firefighters within the office of forestry; to provide for an  
8 effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. The heading of Part II-A of Title 3 of the Louisiana Revised Statutes of  
11 1950 and R.S. 3:4321(C) and (D) are hereby amended and reenacted and R.S. 3:4321(E) is  
12 hereby enacted to read as follows:

13 PART II-A. FOREST PROTECTION ~~ASSESSMENT~~ FUND

14 §4321. Forest protection assessment; Forest Protection Fund and Subfund;  
15 disposition of funds

16 \* \* \*

17 C.(1) After compliance with the requirements of Article VII, Section 9(B)  
18 of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund,  
19 and prior to monies being placed in the state general fund, an amount equal to that  
20 deposited as required ~~herein~~ in Subsection B of this Section shall be credited to a  
21 special fund hereby created in the state treasury to be known as the "Forest  
22 Protection Fund" hereafter in this Section, the "fund".

23 ~~Ð: (2)~~ The monies in the fund, exclusive of monies in the Wildfire  
24 Suppression Subfund, shall be expended by the Department of Agriculture and

1 Forestry for the acquisition and maintenance of equipment for the protection of  
2 forest lands from damage by fire or other causes and only in the amounts  
3 appropriated annually by the legislature. All unexpended and unencumbered monies  
4 in the fund at the end of the fiscal year, exclusive of monies in the Wildfire  
5 Suppression Subfund, shall revert to the Louisiana Agricultural Finance Authority.

6 D.(1) There is hereby established in the state treasury a special subfund in  
7 the Forest Protection Fund to be known as the "Wildfire Suppression Subfund",  
8 hereafter in this Subsection, the "subfund".

9 (2) Funds equal to twenty-five percent of that portion of the severance tax  
10 on timber allocated to the state by Article VII, Section 4(D) of the Constitution of  
11 Louisiana shall be deposited immediately upon receipt into the state treasury.

12 (3) Beginning with the 2020-2021 Fiscal Year and for each fiscal year  
13 thereafter, and after compliance with the requirements of Article VII, Section 9(B)  
14 of the Constitution of Louisiana relative to the Bond Security and Redemption Fund,  
15 and prior to monies being placed in the state general fund, an amount equal to that  
16 deposited as required by this Subsection shall be credited to the subfund. The  
17 subfund shall be used solely as provided in Paragraph (4) of this Subsection and only  
18 in the amounts appropriated by the legislature. Monies in the subfund shall be  
19 invested by the state treasurer in the same manner as monies in the state general fund  
20 and interest earned on the investment of these monies shall be credited to the  
21 subfund. All unexpended and unencumbered monies in the subfund at the end of the  
22 fiscal year shall remain in the subfund.

23 (4) The monies in the subfund shall be used solely by the department for  
24 forest fire suppression with an intent that money is primarily used for the purpose of  
25 appointment and retention of forest firefighters within the office of forestry.

26 E. No amount appropriated pursuant to this Section shall displace, replace,  
27 or supplant appropriations from the state general fund for the Louisiana Department  
28 of Agriculture and Forestry. This Subsection shall mean that no appropriation for  
29 any fiscal year from the Forest Protection Fund and Wildfire Suppression Subfund  
30 shall be made for any purpose for which a general fund appropriation was made in

1           the previous year unless the total appropriations for the fiscal year from the state  
 2           general fund for such purpose exceed general fund appropriations for the previous  
 3           year.

4           Section 2. This Act shall become effective upon signature by the governor or, if not  
 5 signed by the governor, upon expiration of the time for bills to become law without signature  
 6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 7 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 8 effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

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