

2020 Regular Session

HOUSE BILL NO. 305

BY REPRESENTATIVE ZERINGUE

FUNDS/FUNDING: Provides for the transfer, deposit, and use of monies among state funds

1 AN ACT

2 To amend and reenact R.S. 47:463.167(E) and R.S. 56:644(B) and (C)(introductory
3 paragraph), relative to certain treasury funds; to provide for the transfer, deposit, and
4 use of monies in such funds; to restrict uses of certain funds; to provide for
5 legislative intent with respect to prior Acts of the legislature; to provide for
6 effectiveness; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Notwithstanding any provision of law to the contrary, the state treasurer
9 is hereby authorized and directed to transfer \$133,627,380, to be comprised wholly of
10 nonrecurring revenues out of the state general fund from the Fiscal Year 2018-2019 surplus,
11 as recognized by the Revenue Estimating Conference, to the Budget Stabilization Fund.

12 Section 2. Notwithstanding any provision of law to the contrary, the state treasurer
13 is hereby authorized and directed to transfer \$3,000,000 into the Major Events Incentive
14 Program Subfund from the State General Fund (Direct).

15 Section 3. R.S. 47:463.167(E) is hereby amended and reenacted to read as follows:

16 §463.167. Special prestige license plates; "Hunters for the Hungry Louisiana"

17 * * *

18 E. ~~The annual royalty fee collected by the department shall be forwarded to~~
19 ~~the Department of Wildlife and Fisheries with ninety percent to be deposited into a~~
20 ~~special escrow account known as the "Hunters for the Hungry Escrow Account". No~~
21 ~~more than ten percent of the monies forwarded to the Department of Wildlife and~~
22 ~~Fisheries from the annual royalty fee shall be deposited into the state treasury and~~

1 ~~shall be credited to the Bond Security and Redemption Fund. After a sufficient~~
2 ~~amount is allocated from that fund to pay all obligations secured by the full faith and~~
3 ~~credit of the state which become due and payable within any fiscal year, the treasurer~~
4 ~~shall, prior to placing such remaining funds in the state general fund, pay ten percent~~
5 ~~of the annual royalty fees into the Conservation Fund which shall be used for~~
6 ~~administrative costs of the Department of Wildlife and Fisheries. The balance in the~~
7 ~~escrow fund shall be used solely by Hunters for the Hungry Louisiana to pay for the~~
8 ~~processing and distribution of meats, when such meats shall be used by a nonprofit~~
9 ~~entity or charitable organization in food or meal distribution at no cost to an~~
10 ~~individual pursuant to R.S. 56:644. The annual royalty fee collected by the~~
11 ~~department shall be forwarded to Hunters for the Hungry Louisiana. The monies~~
12 ~~received from the royalty fees shall be used solely for the support of programs~~
13 ~~administered by Hunters for the Hungry Louisiana.~~

14 * * *

15 Section 4. R.S. 56:644(B) and (C)(introductory paragraph) are hereby amended and
16 reenacted to read as follows:

17 §644. Fishing and hunting license checkoff; donation for Hunters for the Hungry

18 * * *

19 B. There is hereby created within the Department of Wildlife and Fisheries
20 a special escrow account known as the "Hunters for the Hungry Escrow Account".
21 The escrow account is created to receive deposits of donations for the benefit of
22 Hunters for the Hungry made when an individual purchases a fishing and hunting
23 license, and no public funds shall be deposited into the escrow account. ~~No more~~
24 ~~than seventy-five percent of the donations received by the department under the~~
25 ~~provisions of this Section shall be deposited into the escrow account. Subject to the~~
26 ~~exception contained in Article VII, Section 9(A) of the Constitution of Louisiana,~~
27 ~~twenty-five percent of all funds collected from the donations made under the~~
28 ~~provisions of this Section shall be paid into the state treasury and shall be credited~~
29 ~~to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond~~
30 ~~Security and Redemption Fund after a sufficient amount is allocated from that fund~~

1 to pay all obligations secured by the full faith and credit of the state which become
2 due and payable within any fiscal year, the treasurer shall, prior to placing such
3 remaining funds in the state general fund, pay into the Conservation Fund an amount
4 equal to twenty-five percent of the amount of funds collected under the provisions
5 of this Section. The escrow account shall be administered by the department which
6 shall every three months remit the balance of the monies in the escrow account to
7 Hunters for the Hungry. The monies in the escrow account shall be used solely as
8 provided by Subsection C of this Section. All unexpended and unencumbered
9 monies in this escrow account at the end of the fiscal year shall remain in the fund
10 escrow account. The monies in the ~~Conservation Fund~~ escrow account shall be
11 invested by the state treasurer in the same manner as monies in the state general
12 fund.

13 C. No more than twenty-five percent of the monies in the escrow account
14 shall be ~~transferred to the Conservation Fund to be~~ used for administrative costs. The
15 balance shall be used solely by Hunters for the Hungry to pay for the following:

16 * * *

17 Section 5. The provisions of Sections 3 and 4 of this Act shall supersede the
18 provisions of Sections 15 and 18 of Act No. 612 of the 2018 Regular Session of the
19 Legislature and Sections 7 and 10 of Act No. 362 of the 2019 Regular Session of the
20 Legislature that amended and reenacted R.S. 47:463.167(E) and R.S. 56:644(B) and
21 (C)(introductory paragraph).

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

DIGEST

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

HB 305 Engrossed

2020 Regular Session

Zeringue

Abstract: Provides for the transfer, deposit, and use, as specified, of certain treasury funds.

Proposed law transfers 25% of the FY 2018-2019 surplus (\$133,627,380) to the Budget Stabilization Fund.

Proposed law transfers \$3,000,000 of State General Fund (Direct) to the Major Events Incentive Program Subfund.

Present law authorizes an annual royalty fee for a prestige license plate for Hunters for the Hungry. Proposed law retains present law.

Present law (R.S. 47:463.167) requires the royalty fee to be deposited into a special escrow account at the Department of Wildlife and Fisheries. Provides that a maximum of 10% of the escrow account be deposited into the Conservation Fund in the state treasury. Proposed law repeals present law. Provides that the royalty fees collected by the department be forwarded to Hunters for the Hungry directly, rather than deposited into an escrow account.

Present law provides that monies remaining in the escrow account may be used by Hunters for the Hungry to pay for the processing and distribution of meats when donated to a charitable organization. Proposed law provides that the royalty fees collected be used to support programs administered by Hunters for the Hungry.

Present law (R.S. 56:644) authorizes collection of donations made to Hunters for the Hungry when individuals purchase a fishing and hunting license. Requires donations collected to be deposited into an escrow account at the Department of Wildlife and Fisheries. Proposed law retains present law.

Present law requires a maximum of 25% of collected donations be deposited in the state treasury Conservation Fund. Proposed law repeals present law.

Present law allows a maximum of 25% of the monies transferred to the Conservation Fund pursuant to present law to be used by the department for administrative costs. Proposed law allows the department to use a maximum of 25% of the monies in the escrow account for administrative costs.

Proposed law provides that the provisions of R.S. 47:463.167 and R.S. 56:644 as amended by this Act are intended to supersede certain other legislation amending the same sections that has not yet become effective.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 47:463.167(E) and R.S. 56:644(B) and (C)(intro. para.))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the original bill:

1. Transfer \$3,000,000 of State General Fund (Direct) to the Major Events Incentive Program Subfund.

2. Change how annual royalty fees from the Hunters for the Hungry prestige license plate are collected and distributed to the organization.
3. Change how donations made to Hunters for the Hungry by individuals purchasing a fishing and hunting license are collected, administered, and distributed to the organization.
4. Resolve potential conflict between certain prior Acts of the legislature and proposed law.