

ACT No. 10

2020 First Extraordinary Session

HOUSE BILL NO. 9

BY REPRESENTATIVES ZERINGUE AND THOMPSON

1 AN ACT

2 To amend and reenact R.S. 27:392(C)(4), R.S. 39:100.41, 100.43(C) and (D), 100.44(C) and
3 (D), and 100.45(A), R.S. 47:302.2(D) and 463.167(E), and R.S. 56:644(B) and
4 (C)(introductory paragraph), and to enact R.S. 39:100.48 through 100.50, relative to
5 certain treasury funds; to provide for the transfer, deposit, and use of monies in such
6 funds; to restrict uses of certain funds; to provide for legislative intent with respect
7 to prior Acts of the legislature; to provide for effectiveness; and to provide for
8 related matters.

9 Be it enacted by the Legislature of Louisiana:

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

14 Section 2. Notwithstanding any provision of law to the contrary, the state treasurer
15 is hereby authorized and directed to transfer \$3,000,000 into the Construction Subfund of
16 the Transportation Trust Fund from the State General Fund (Direct).

17 Section 3. Notwithstanding any provision of law to the contrary, the state treasurer
18 is hereby authorized and directed to transfer \$62,500,000 to be comprised wholly of
19 nonrecurring revenues out of the state general fund from the Fiscal Year 2018-2019 surplus,
20 as recognized by the Revenue Estimating Conference, to the Coastal Protection and
21 Restoration Fund.

22 Section 4. Notwithstanding any provision of law to the contrary, the state treasurer
23 is hereby authorized and directed to transfer \$3,001,000 from the State General Fund
24 (Direct) to the State Emergency Response Fund.

1 Section 5. R.S. 27:392(C)(4) is hereby amended and reenacted to read as follows:

2 §392. Collection and disposition of fees and taxes

3 * * *

4 C. Notwithstanding the provisions of Subsection B of this Section to the
5 contrary and after complying with the provisions of Paragraphs (1) through (3) of
6 Subsection B of this Section, the state treasurer shall in each fiscal year deposit and
7 credit the remaining portion of taxable net slot machine proceeds collected from the
8 licensed eligible facility in Orleans Parish as follows:

9 * * *

10 (4) Twenty percent, not to exceed one hundred thousand dollars annually,
11 shall be deposited in and credited to the ~~New Orleans Urban Tourism and Hospitality~~
12 ~~Training in Economic Development Foundation~~ Gentilly Development District Fund,
13 hereinafter referred to in this Paragraph as the "fund", which is hereby established
14 in the state treasury. Monies in the fund shall be withdrawn only pursuant to
15 appropriation by the legislature and shall be used solely and exclusively by the ~~New~~
16 ~~Orleans Tourism Hospitality Training and Economic Development, Inc.~~ Gentilly
17 Development District. Monies in the fund shall be invested in the same manner as
18 monies in the state general fund. Interest earned on the investment of monies in the
19 fund shall be credited to the fund. Unexpended and unencumbered monies in the
20 fund at the end of the fiscal year shall remain in the fund.

21 * * *

22 Section 6. R.S. 39:100.41, 100.43(C) and (D), 100.44(C) and (D), and 100.45(A) are
23 hereby amended and reenacted and R.S. 39:100.48 is hereby enacted to read as follows:

24 §100.41. Legislative Intent

25 It is the intent of the Legislature to provide economic support to Louisiana
26 political subdivisions and businesses for costs incurred for and continued response
27 to the Coronavirus disease (COVID-19) pandemic from federal funds provided
28 pursuant to Section 5001 of the CARES Act, which created the Coronavirus Relief
29 Fund from which the State received over one billion eight hundred million dollars
30 (CARES Act), of which the State's portion is over nine hundred ninety-one million

1 dollars. The State desires to use a portion of the remaining portion of the CARES
2 Fund monies in the amount of five hundred eleven million one hundred seventy-eight
3 thousand seven hundred four dollars for economic support through the Coronavirus
4 Local Recovery Program for local government units to be administered by the
5 division of administration and the Governor's Office of Homeland Security and
6 Emergency Preparedness. The State further desires to use a portion of the CARES
7 Fund monies in the amount of three hundred million dollars for the Louisiana Main
8 Street Recovery Program for economic support for eligible businesses to be
9 administered by the State Treasurer, all as established in this Subpart. The State
10 further desires to use a total of fifty million dollars, of which twenty-five million
11 shall come from the Coronavirus Local Recovery Allocation Fund and twenty-five
12 million shall come from the Louisiana Main Street Recovery Fund, for the funding
13 of a one-time hazard pay rebate for essential critical infrastructure workers.

* * *

§100.43. Coronavirus Local Recovery Allocation Program

* * *

17 C.(1) Pursuant to legislative appropriation, the treasurer is hereby authorized
18 and directed to deposit in and credit to the Allocation Fund five hundred ~~eleven~~
19 ~~million one hundred seventy-eight thousand seven hundred four~~ fifty-five million
20 four hundred seventy-eight thousand seven hundred four dollars of the federal
21 monies allocated to Louisiana pursuant to Section 5001 of the CARES Act. The
22 monies in the Allocation Fund shall be invested in the same manner as monies in the
23 state general fund. Interest earned on the investment of monies in the Recovery
24 Fund shall be deposited in and credited to the Allocation Fund. Except as provided
25 in this Section and if applicable under federal guidelines, unexpended and
26 unencumbered monies in the Allocation Fund shall remain in the Allocation Fund.
27 Monies in the Allocation Fund shall be appropriated and used solely as provided in
28 this Section.

1 (2) The treasurer shall transfer and deposit twenty-five million dollars of the
2 monies in the Allocation Fund to the Critical Infrastructure Workers Hazard Pay
3 Rebate Fund in the state treasury.

4 * * *

5 D. From the initial amount deposited into and credited to the Allocation
6 Fund, an amount equal to one-half of one percent shall be available for appropriation
7 to GOHSEP to be used for administering the program. GOHSEP is hereby authorized
8 to use staff as necessary from the office of Community Development for
9 administrative and technical support. ~~One-half~~ An additional amount equal to one-
10 half of one percent of the initial amount deposited into the fund shall be available to
11 be appropriated to the legislative auditor for the costs of reviewing the program. The
12 remaining monies in the Allocation Fund shall be available to GOHSEP to provide
13 funds to political subdivisions in Fiscal Years 2020 and 2021 pursuant to the
14 Allocation Program as established in this Section.

15 * * *

16 §100.44. Louisiana Main Street Recovery Program

17 * * *

18 C.(1) Pursuant to legislative appropriation, the treasurer is hereby authorized
19 and directed to deposit in and credit to the Recovery Fund three hundred million
20 dollars of the federal monies allocated to Louisiana pursuant to Section 5001 of the
21 CARES Act. The monies in the Recovery Fund shall be invested in the same manner
22 as monies in the state general fund. Interest earned on the investment of monies in
23 the Recovery Fund shall be deposited in and credited to the Recovery Fund. Except
24 as provided in this Section and applicable federal guidelines, unexpended and
25 unencumbered monies in the Recovery Fund shall remain in the Recovery Fund.
26 Monies in the Recovery Fund shall be appropriated and used solely as provided in
27 this Section.

28 (2) The treasurer shall transfer and deposit twenty-five million dollars of the
29 monies in the Recovery Fund to the Critical Infrastructure Workers Hazard Pay
30 Rebate Fund in the state treasury.

1 D. Up to five percent of the monies initially deposited in the Recovery Fund
2 shall be appropriated to the treasurer for use in Fiscal Years 2020 and 2021 to
3 develop procedures for the administration of and for the costs of administering the
4 Louisiana Main Street Recovery Program. Such expenses may include costs for the
5 treasurer and the legislative auditor for work performed in execution of the program.
6 Notwithstanding any provision of law to the contrary, the treasurer may enter into
7 ~~a consulting services, professional services and Information and Technology~~
8 ~~Services contract contracts~~ contracts for the purpose of the procurement of any goods or
9 services necessary to implement and expedite the distribution of funds appropriated
10 for the Recovery Program as an emergency procurement procurements exempt from
11 the provisions of the Louisiana Procurement Code and corresponding rules and
12 regulations, ~~to expedite the distribution of the funds appropriated for the Recovery~~
13 ~~Program.~~ The cost of such ~~contract contracts~~ contracts shall be an administrative expense of
14 the Recovery Program.

* * *

§100.45. State Coronavirus Relief Fund

17 A. There is hereby created and established in the state treasury, as a special
18 fund, the State Coronavirus Relief Fund, hereinafter the "Relief Fund". ~~The treasurer~~
19 ~~is authorized and directed to deposit monies appropriated by the legislature from the~~
20 ~~CARES Fund to the Relief Fund.~~ On December 1, 2020, the treasurer is authorized
21 and directed to transfer any unobligated monies in the Coronavirus Local Recovery
22 Allocation Fund and the Louisiana Main Street Recovery Fund to the Relief Fund.
23 ~~Monies in the Relief Fund may~~ to be used by the State, subject to appropriation if the
24 legislature is in session, or the Joint Legislative Committee on the Budget, if the
25 legislature is not in session, for the purposes of providing monies to local
26 government units, eligible businesses, or the state in accordance with the provisions
27 of this Subpart and the CARES Act.

* * *

§100.48. Critical Infrastructure Worker's Hazard Pay Rebate Fund

A. There is hereby created and established in the state treasury, as a special fund, the Critical Infrastructure Workers Hazard Pay Rebate Fund, hereinafter the "Rebate Fund". The treasurer is authorized and directed to transfer twenty-five million from the Coronavirus Local Recovery Allocation Fund and twenty-five million from the Louisiana Main Street Recovery Fund for deposit to the Rebate Fund.

B. The monies in the Rebate Fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the Rebate Fund shall be deposited in and credited to the Rebate Fund. If applicable under federal guidelines, unexpended and unencumbered monies in the Rebate Fund shall remain in the Rebate Fund.

C. Monies in the Rebate Fund shall be appropriated to the state treasurer to be used to provide a one-time hazard pay rebate to essential critical infrastructure workers as provided in the Act which began as House Bill No. 70 of the 2020 First Extraordinary Session of the Louisiana Legislature.

Section 7. R.S. 39:100.49 and 100.50 are hereby enacted to read as follows:

§100.49. 2021 Market Adjustments Reduction Fund

A. There is hereby created and established in the state treasury, as a special fund, the 2021 Market Adjustments Reduction Fund, hereinafter the "fund". After allocation of money to the Bond Security and Redemption Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer shall deposit in and credit to the fund any monies reported by the commissioner of administration as being achieved as a result of the reductions to agency budgets for market adjustments for classified employees and pay raises for unclassified employees made by the commissioner of administration.

B. The monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund.

1 C. Monies in the fund may be utilized to restore market adjustments for
 2 classified employees and pay raises for unclassified employees proposed and
 3 subsequently eliminated during the 2020 First Extraordinary Session of the
 4 Legislature of Louisiana, in the event economic conditions warrant such action and
 5 are approved either by the legislature, if in session on or before October 15, 2020,
 6 or the Joint Legislative Committee on the Budget, if the legislature is not in session
 7 on or before October 15, 2020.

8 §100.50. 2021 Budget Reconciliation Fund

9 A. There is hereby created and established in the state treasury, as a special
 10 fund, the 2021 Budget Reconciliation Fund, hereinafter the "fund". After allocation
 11 of money to the Bond Security and Redemption Fund as provided in Article VII,
 12 Section 9(B) of the Constitution of Louisiana, the treasurer shall deposit in and credit
 13 to the fund any monies reported by the commissioner of administration as being
 14 achieved as a result of the reductions to agency's budgets in Section 23 of the Act
 15 which originated as House Bill No. 1 of the 2020 First Extraordinary Session of the
 16 Legislature of Louisiana.

17 B. The monies in the fund shall be invested in the same manner as monies in
 18 the state general fund. Interest earned on the investment of monies in the fund shall
 19 be deposited in and credited to the fund.

20 C. Monies in the fund may be utilized to restore agency budgets in the event
 21 economic conditions warrant such action and are approved either by the legislature,
 22 if in session on or before October 15, 2020, or the Joint Legislative Committee on
 23 the Budget, if the legislature is not in session on or before October 15, 2020."

24 Section 8. R.S. 47:302.2(D) is hereby amended and reenacted to read as follows:

25 §302.2. Disposition of certain collections in the city of Shreveport

26 * * *

27 D. Notwithstanding any other provision of this Section to the contrary, for
 28 the ~~2012-2013~~ 2020-2021 Fiscal Year monies in the fund in the amount of two
 29 hundred thousand dollars may be made available for the LSU Health Sciences Center
 30 Shreveport provided, however, that any distributions of monies to the LSU Health

1 Sciences Center Shreveport shall occur in equal quarterly amounts after the
2 distributions to entities which have pledged or dedicated such monies into bonds
3 have been made each quarter.

4 * * *

5 Section 9. R.S. 47:463.167(E) is hereby amended and reenacted to read as follows:
6 §463.167. Special prestige license plates; "Hunters for the Hungry Louisiana"

7 * * *

8 E. ~~The annual royalty fee collected by the department shall be forwarded to~~
9 ~~the Department of Wildlife and Fisheries with ninety percent to be deposited into a~~
10 ~~special escrow account known as the "Hunters for the Hungry Escrow Account". No~~
11 ~~more than ten percent of the monies forwarded to the Department of Wildlife and~~
12 ~~Fisheries from the annual royalty fee shall be deposited into the state treasury and~~
13 ~~shall be credited to the Bond Security and Redemption Fund. After a sufficient~~
14 ~~amount is allocated from that fund to pay all obligations secured by the full faith and~~
15 ~~credit of the state which become due and payable within any fiscal year, the treasurer~~
16 ~~shall, prior to placing such remaining funds in the state general fund, pay ten percent~~
17 ~~of the annual royalty fees into the Conservation Fund which shall be used for~~
18 ~~administrative costs of the Department of Wildlife and Fisheries. The balance in the~~
19 ~~escrow fund shall be used solely by Hunters for the Hungry Louisiana to pay for the~~
20 ~~processing and distribution of meats, when such meats shall be used by a nonprofit~~
21 ~~entity or charitable organization in food or meal distribution at no cost to an~~
22 ~~individual pursuant to R.S. 56:644. The annual royalty fee collected by the~~
23 ~~department shall be forwarded to Hunters for the Hungry Louisiana. The monies~~
24 ~~received from the royalty fees shall be used solely for the support of programs~~
25 ~~administered by Hunters for the Hungry Louisiana.~~

26 * * *

27 Section 10. R.S. 56:644(B) and (C)(introductory paragraph) are hereby amended and
28 reenacted to read as follows:

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

30 * * *

1 B. There is hereby created within the Department of Wildlife and Fisheries
 2 a special escrow account known as the "Hunters for the Hungry Escrow Account".
 3 The escrow account is created to receive deposits of donations for the benefit of
 4 Hunters for the Hungry made when an individual purchases a fishing and hunting
 5 license, and no public funds shall be deposited into the escrow account. ~~No more~~
 6 ~~than seventy-five percent of the donations received by the department under the~~
 7 ~~provisions of this Section shall be deposited into the escrow account. Subject to the~~
 8 ~~exception contained in Article VII, Section 9(A) of the Constitution of Louisiana,~~
 9 ~~twenty-five percent of all funds collected from the donations made under the~~
 10 ~~provisions of this Section shall be paid into the state treasury and shall be credited~~
 11 ~~to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond~~
 12 ~~Security and Redemption Fund after a sufficient amount is allocated from that fund~~
 13 ~~to pay all obligations secured by the full faith and credit of the state which become~~
 14 ~~due and payable within any fiscal year, the treasurer shall, prior to placing such~~
 15 ~~remaining funds in the state general fund, pay into the Conservation Fund an amount~~
 16 ~~equal to twenty-five percent of the amount of funds collected under the provisions~~
 17 ~~of this Section. The escrow account shall be administered by the department which~~
 18 ~~shall every three months remit the balance of the monies in the escrow account to~~
 19 ~~Hunters for the Hungry.~~ The monies in the escrow account shall be used solely as
 20 provided by Subsection C of this Section. All unexpended and unencumbered
 21 monies in this escrow account at the end of the fiscal year shall remain in the ~~fund~~
 22 escrow account. The monies in the ~~Conservation Fund~~ escrow account shall be
 23 invested by the state treasurer in the same manner as monies in the state general
 24 fund.

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

28 * * *

1 Section 11. The provisions of Section 5 of this Act shall supersede the provisions
2 of Section 22 of Act No. 612 of the 2018 Regular Session of the Legislature that repealed
3 R.S. 27:392(C)(4).

4 Section 12. The provisions of Sections 9 and 10 of this Act shall supersede the
5 provisions of Sections 15 and 18 of Act No. 612 of the 2018 Regular Session of the
6 Legislature and Sections 7 and 10 of Act No. 362 of the 2019 Regular Session of the
7 Legislature that amended and reenacted R.S. 47:463.167(E) and R.S. 56:644(B) and
8 (C)(introductory paragraph).

9 Section 13. R.S. 39:100.41, 100.43(C)(2), 100.44(C)(2), and 100.48, as amended by
10 this Act shall take effect and become operative if and when the Act which originated as
11 House Bill No. 70 of this 2020 First Extraordinary Session of the Legislature is enacted and
12 becomes effective.

13 Section 14. Sections 4, 7, and 8 of this Act shall become effective on July 1, 2020,
14 and the provisions of Sections 1 through 3, 5, 6, and 9 through 14, of this Act shall become
15 effective upon signature by the governor or, if not signed by the governor, upon expiration
16 of the time for bills to become law without signature by the governor, as provided by Article
17 III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently
18 approved by the legislature, Sections 4, 7, and 8 of this Act shall become effective on July
19 1, 2020, and the provisions of Sections 1 through 3, 5, 6, and 9 through 14, of this Act shall
20 become effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____