

2020 Second Extraordinary Session

HOUSE BILL NO. 75

BY REPRESENTATIVE MCFARLAND

AGRICULTURE/FOREST COMR: Provides relative to the disposition of timber severance taxes (Item #34)

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

1 special fund hereby created in the state treasury to be known as the "Forest  
2 Protection Fund" hereafter in this Section, the "fund".

3 ~~D.~~ (2) The monies in the fund shall be expended by the Department of  
4 Agriculture and Forestry for the acquisition and maintenance of equipment for the  
5 protection of forest lands from damage by fire or other causes and only in the  
6 amounts appropriated annually by the legislature. All unexpended and unencumbered  
7 monies in the fund at the end of the fiscal year shall revert to the Louisiana  
8 Agricultural Finance Authority.

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

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

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

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

1           E. No amount appropriated pursuant to this Section shall displace, replace,  
 2           or supplant appropriations from the state general fund for the Louisiana Department  
 3           of Agriculture and Forestry. This Subsection shall mean that no appropriation for  
 4           any fiscal year from the Forest Protection Fund and Wildfire Suppression Subfund  
 5           shall be made for any purpose for which a general fund appropriation was made in  
 6           the previous year unless the total appropriations for the fiscal year from the state  
 7           general fund for such purpose exceed general fund appropriations for the previous  
 8           year.

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

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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)]

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HB 75 Original

2020 Second Extraordinary Session

McFarland

**Abstract:** Creates the "Wildfire Suppression Subfund" and provides for the disposition of monies allocated to the state general fund from the severance tax on timber to be deposited into the subfund for use by the La. Dept. of Agriculture and Forestry (LDAF) in forest fire suppression.

Present law creates the "Forest Protection Fund" within the state treasury and requires that monies collected from the forest protection assessment are deposited into the fund for the purpose of acquisition and maintenance of equipment used for the protection of forest lands from damage by fire or other causes. Present law requires that any unexpended or unencumbered monies in the fund at the end of the year revert to the La. Agricultural Finance Authority. Proposed law maintains present law but changes its placement.

Proposed law creates the "Wildfire Suppression Subfund" (subfund) within the "Forest Protection Fund" of the state treasury.

Proposed law requires funds equal to 25% of those allocated to the state portion of the severance tax on timber to be deposited into the state treasury.

Proposed law requires the state treasury to credit an amount equal to the proposed law into the subfund beginning with the 2020-2021 Fiscal Year.

Proposed law requires LDAF to spend the monies in the subfund as appropriated by the legislature on fire suppression with an intent that the money is used for the appointment and retention of forest firefighters.

Proposed law requires the treasurer to invest the monies in the subfund in the same manner as monies in the state general fund and that any interest earned is credited back to the subfund. Proposed law requires that any unexpended or unencumbered monies in the subfund at the end of the fiscal year remain in the subfund.

Proposed law prohibits any money appropriated under the Forest Protection Fund and Wildfire Suppression Subfund from displacing, replacing, or supplanting appropriations from the state general fund for LDAF for any purpose for which a general fund appropriation was made in the previous year unless the total appropriations for the fiscal year from the state general fund for such purpose exceed general fund appropriations for the previous year.

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

(Amends R.S. 3:4321(C) and (D); Adds R.S. 3:4321(E))