

CONFERENCE COMMITTEE REPORT

HB 639

2021 Regular Session

Zeringue

June 10, 2021

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 639 by Representative Zeringue, recommend the following concerning the Reengrossed bill:

1. That the set of Senate Floor Amendments by Senator Henry (#3593) be rejected.
2. That the set of amendments by the Legislative Bureau (#3166) be rejected.
3. That the following amendments to the Reengrossed bill be adopted:

AMENDMENT NO. 1

On page 1, line 2, after "To" and before "enact" insert "amend and reenact R.S. 39:100.26(B) and (D) and to"

AMENDMENT NO. 2

On page 1, line 3, after "R.S. 39:100.122" delete the remainder of the line and delete lines 4 through 8 and insert a comma "," and insert the following:

"and R.S. 39:134.1, relative to funding for infrastructure investment and construction; to provide relative to the Louisiana Superdome Fund; to provide relative to federal funds received from the American Jobs Plan Act; to provide for the transfer of monies into the Capital Outlay Savings Fund; to create the"

AMENDMENT NO. 3

On page 1, line 12, after "Section 1." and before "Subpart Q-1" insert "R.S. 39:100.26(B) and (D) are hereby amended and reenacted and"

AMENDMENT NO. 4

On page 1, line 13, after "R.S. 39:100.122" delete the remainder of the line and delete lines 14 through 21, delete page 2 in its entirety, and insert a comma "," and insert the following:

"and R.S. 39:134.1 are hereby enacted to read as follows:

§100.26. Louisiana Superdome Fund; purpose

* * *

B. Notwithstanding any provision of law to the contrary, the proceeds received by the state ~~and the Louisiana Stadium and Exposition District~~ from the final disposition of the following pending matters: Jazz Casino Company, LLC v. Secretary, Department of Revenue, State of Louisiana, 19th JDC, Docket No. 597,371; Jazz Casino Company, LLC v. Secretary, Department of Revenue, State of Louisiana, 19th JDC, Docket 622,075; Jazz Casino Company, LLC v. Secretary, Department of Revenue, State of Louisiana, BTA Docket 9562D; JCC Fulton Development, LLC v. Secretary, Department of Revenue, State of Louisiana, 19th JDC, Docket No. 597,372; JCC Fulton Development, LLC v. Secretary, Department of Revenue, State of Louisiana, 19th JDC, Docket No. 622,076; JCC Fulton

Development, LLC v. Secretary, Department of Revenue, State of Louisiana, BTA Docket No. 9562D; and Secretary, Department of Revenue, State of Louisiana v. Jazz Casino Company, LLC and JCC Fulton Development, LLC, 19th JDC, Docket No. 670,597 (hereinafter the "Jazz Casino Litigation"), shall be deposited into the fund. No proceeds shall be deposited into the fund resulting from the Jazz Casino Litigation that are attributable to outstanding debt secured by and payable from such proceeds, court costs, or attorney's fees.

* * *

D. Monies in the fund ~~shall~~ may be used ~~exclusively~~ to partially defray the cost of upgrades to certain state facilities or for operational costs by the Louisiana Stadium and Exposition District.

* * *"

AMENDMENT NO. 5

On page 3, at the beginning of line 1, change "SUBPART Q-2." to "SUBPART Q-1."

AMENDMENT NO. 6

On page 3, at the beginning of line 3, change "§100.124." to "§100.122."

AMENDMENT NO. 7

On page 3, between lines 7 and 8, insert the following:

"B. Between July 1, 2021, and June 30, 2022, and after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, the treasurer is hereby authorized and directed to deposit thirty-eight percent of any increase of State General Fund revenue recognized by the Revenue Estimating Conference for Fiscal Year 2021-2022 above the official state general fund forecast adopted on May 18, 2021, into the fund."

AMENDMENT NO. 8

On page 3, line 8, delete "B. Beginning July 1, 2021," and insert "C. Between July 1, 2022, and June 30, 2023,"

AMENDMENT NO. 9

On page 3, at the beginning of line 16, change "C." to "D."

AMENDMENT NO. 10

On page 3, delete lines 20 through 23 in their entirety and insert the following:

"E. The total amount of monies deposited into the fund pursuant to Subsections B and C of this Section shall not exceed four hundred million dollars."

AMENDMENT NO. 11

On page 3, at the beginning of line 24, change "E." to "F."

AMENDMENT NO. 12

On page 3, after line 28, insert the following:

"* * *

§134.1. American Jobs Plan Act

No federal funds received by the state for infrastructure projects pursuant to the American Jobs Plan Act shall be expended or encumbered prior to approval by the Joint Legislative Committee on the Budget of a proposal for spending the funds

submitted by the division of administration. The proposal shall include the amount of funding for specific transportation, highway, construction, or other infrastructure projects.

Section 2. Notwithstanding any provision of law to the contrary, the state treasurer is hereby authorized and directed to transfer \$1,650,000 from the State General Fund (Direct) in state Fiscal Year 2020-2021 into the Capital Outlay Savings Fund.

Section 3. The provisions of Section 1 of this Act propose to amend and reenact R.S. 39:100.26(B) and (D) as enacted by Act 114 of this 2021 Regular Session of the Legislature. If the Louisiana State Law Institute renumbers R.S. 39:100.26 when incorporating it into the Louisiana Revised Statutes of 1950, it shall make the change proposed by Section 1 of this Act to the corresponding provision of the statutes.

Section 4. The provisions of this Act shall become effective on June 30, 2021."

AMENDMENT NO. 13

On page 4, delete lines 1 through 5 in their entirety

Respectfully submitted,

Representative Jerome "Zee" Zeringue

Senator Mack A. "Bodi" White Jr.

Representative Tanner D. Magee

Senator Cameron Henry

Representative Clay Schexnayder

Senator Karen Carter Peterson

 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)]

CONFERENCE COMMITTEE REPORT DIGEST
HB 639
2021 Regular Session
Zeringue
Keyword and oneliner of the instrument as it left the House

FUNDS/FUNDING: Provides relative to infrastructure funding

Report rejects Senate amendments which would have:

1. Removed the funding source for the Hurricane and Storm Drainage Risk Reduction System Repayment Fund.
2. Removed provisions concerning investment of monies in the fund and provisions requiring unexpended and unencumbered monies in the fund at the end of the fiscal year to remain in the fund.
3. Removed provisions providing that monies shall only be deposited in the fund in Fiscal Years 2021-2022 and 2022-2023.

Report amends the bill to:

1. Delete the Matching Assistance and Grants for Infrastructure and Construction Fund.
2. Delete the Matching Assistance and Grants for Infrastructure and Construction Program.
3. Amend the Louisiana Superdome Fund to only require the state's portion of proceeds received from the settlement to be deposited into the fund and to allow monies in the fund to be utilized for operational costs of the Louisiana Stadium and Exposition District.
4. Prohibit any federal funds received by the state for infrastructure projects pursuant to the American Jobs Plan Act from being expended or encumbered prior to Joint Legislative Committee on the Budget approval of a proposal for spending the funds submitted by the division of administration.
5. Require for Fiscal Year 2021-2022, 38% of any increase of State General Fund revenue recognized by the Revenue Estimating Conference for Fiscal 2021-2022 above the official state general fund forecast adopted on May 18, 2021 to be deposited into the Hurricane and Storm Damage Risk Reduction System Repayment Fund.
6. Require for Fiscal Year 2022-2023, that certain state taxes levied on the sale at retail, use, lease, rental, consumption, distribution, and storage for use or consumption of each item or article of tangible personal property, including remote sales, that are collected in the parishes of St. Charles, Jefferson, Plaquemines, St. Bernard, and Orleans to be deposited into the Hurricane and Storm Damage Risk Reduction System Repayment Fund.
7. Prohibit the total amount deposited into the Hurricane and Storm Damage Risk Reduction System Repayment Fund from exceeding \$400 million.

Digest of the bill as proposed by the Conference Committee

Present law creates the La. Superdome Fund and requires the deposit of certain proceeds from the settlement of certain lawsuits into the fund.

Proposed law removes the requirement that the La. Stadium and Exposition District's portion of the proceeds received from the settlement be deposited into the fund.

Present law requires that monies in the fund be used exclusively to partially defray the cost of upgrades to certain state facilities by the La. Stadium and Exposition District.

Proposed law allows monies in the fund to also be utilized for operational costs of the La. Stadium and Exposition District.

Proposed law creates the Hurricane and Storm Damage Risk Reduction System Repayment Fund as a special fund in the state treasury.

Proposed law requires for Fiscal Year 2021-2022, 38% of any increase of State General Fund revenue recognized by the Revenue Estimating Conference for Fiscal 2021-2022 above the official state general fund forecast adopted on May 18, 2021 to be deposited into the fund.

Proposed law requires for Fiscal Year 2022-2023, that certain state taxes levied on the sale at retail, use, lease, rental, consumption, distribution, and storage for use or consumption of each item or article of tangible personal property, including remote sales, that are collected in the parishes of St. Charles, Jefferson, Plaquemines, St. Bernard, and Orleans to be deposited into the fund.

Proposed law prohibits the total amount deposited into the fund from exceeding \$400 million.

Proposed law provides that money in the fund shall be used exclusively to make payments to the U.S. Army Corp of Engineers for costs associated with Hurricane and Storm Damage Risk Reduction System or to make debt service payments if the state issues general obligation bonds to fund the payments to the U.S. Army Corp of Engineers.

Proposed law prohibits any federal funds received by the state for infrastructure projects pursuant to the American Jobs Plan Act from being expended or encumbered prior to Joint Legislative Committee on the Budget approval of a proposal for spending the funds submitted by the division of administration.

Proposed law requires the proposal to include the amount of funding for specific transportation, highway, construction, or other infrastructure projects.

Proposed law directs the treasurer to transfer \$1.65 million from the state general fund in state Fiscal Year 2020-2021 into the Capital Outlay Savings Fund.

Effective June 30, 2021.

(Amends R.S. 39:100.26(B) and (D); Adds R.S. 39:100.122 and 134.1)