

# ACT No. 448

2021 Regular Session

HOUSE BILL NO. 639

BY REPRESENTATIVES ZERINGUE AND SCHEXNAYDER

1 AN ACT

2 To amend and reenact R.S. 39:100.26(B) and (D) and to enact Subpart Q-1 of Part II-A of  
3 Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be  
4 comprised of R.S. 39:100.122, and R.S. 39:134.1, relative to funding for  
5 infrastructure investment and construction; to provide relative to the Louisiana  
6 Superdome Fund; to provide relative to federal funds received from the American  
7 Jobs Plan Act; to provide for the transfer of monies into the Capital Outlay Savings  
8 Fund; to create the Hurricane and Storm Damage Risk Reduction System Repayment  
9 Fund; to provide for an effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 39:100.26(B) and (D) are hereby amended and reenacted and Subpart  
12 Q-1 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of  
13 1950, comprised of R.S. 39:100.122, and R.S. 39:134.1 are hereby enacted to read as  
14 follows:

15 §100.26. Louisiana Superdome Fund; purpose

16 \* \* \*

17 B. Notwithstanding any provision of law to the contrary, the proceeds  
18 received by the state ~~and the Louisiana Stadium and Exposition District~~ from the  
19 final disposition of the following pending matters: Jazz Casino Company, LLC v.  
20 Secretary, Department of Revenue, State of Louisiana, 19th JDC, Docket No.  
21 597,371; Jazz Casino Company, LLC v. Secretary, Department of Revenue, State of  
22 Louisiana, 19th JDC, Docket 622,075; Jazz Casino Company, LLC v. Secretary,

1 Department of Revenue, State of Louisiana, BTA Docket 9562D; JCC Fulton  
 2 Development, LLC v. Secretary, Department of Revenue, State of Louisiana, 19th  
 3 JDC, Docket No. 597,372; JCC Fulton Development, LLC v. Secretary, Department  
 4 of Revenue, State of Louisiana, 19th JDC, Docket No. 622,076; JCC Fulton  
 5 Development, LLC v. Secretary, Department of Revenue, State of Louisiana, BTA  
 6 Docket No. 9562D; and Secretary, Department of Revenue, State of Louisiana v.  
 7 Jazz Casino Company, LLC and JCC Fulton Development, LLC, 19th JDC, Docket  
 8 No. 670,597 (hereinafter the "Jazz Casino Litigation"), shall be deposited into the  
 9 fund. No proceeds shall be deposited into the fund resulting from the Jazz Casino  
 10 Litigation that are attributable to outstanding debt secured by and payable from such  
 11 proceeds, court costs, or attorney's fees.

12 \* \* \*

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

16 \* \* \*

17 SUBPART Q-1. HURRICANE AND STORM DAMAGE RISK REDUCTION

18 SYSTEM REPAYMENT FUND

19 §100.122. Hurricane and Storm Damage Risk Reduction System Repayment Fund;  
 20 purpose

21 A. There is hereby created in the state treasury, as a special fund, the  
 22 "Hurricane and Storm Damage Risk Reduction System Repayment Fund",  
 23 hereinafter referred to as the "fund".

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

1           C. Between July 1, 2022, and June 30, 2023, and after compliance with the  
2           requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative  
3           to the Bond Security and Redemption Fund, state taxes levied on the sale at retail,  
4           use, lease, rental, consumption, distribution, and storage for use or consumption of  
5           each item or article of tangible personal property pursuant to R.S. 47:302(A) and (B),  
6           321(A) and (B), 321.1(A) and (B), and 331(A) and (B), including remote sales, that  
7           are collected in the parishes of St. Charles, Jefferson, Plaquemines, St. Bernard, and  
8           Orleans shall be deposited into the fund.

9           D. Monies in the fund shall be invested in the same manner as monies in the  
10          state general fund. Interest earned on investment of monies in the fund shall be  
11          credited to the fund. Unexpended and unencumbered monies in the fund at the end  
12          of the fiscal year shall remain in the fund.

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

15          F. Monies in the fund shall be used exclusively to make payments to the  
16          United States Army Corp of Engineers for costs associated with the Hurricane and  
17          Storm Damage Risk Reduction System or to make debt service payments in the  
18          event the state issues general obligation bonds to fund the payments to the United  
19          States Army Corp of Engineers.

20                                   \*       \*       \*

21           §134.1. American Jobs Plan Act

22           No federal funds received by the state for infrastructure projects pursuant to  
23           the American Jobs Plan Act shall be expended or encumbered prior to approval by  
24           the Joint Legislative Committee on the Budget of a proposal for spending the funds  
25           submitted by the division of administration. The proposal shall include the amount  
26           of funding for specific transportation, highway, construction, or other infrastructure  
27           projects.

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

1           Section 3. The provisions of Section 1 of this Act propose to amend and reenact R.S.  
 2           39:100.26(B) and (D) as enacted by Act 114 of this 2021 Regular Session of the Legislature.  
 3           If the Louisiana State Law Institute renumbers R.S. 39:100.26 when incorporating it into the  
 4           Louisiana Revised Statutes of 1950, it shall make the change proposed by Section 1 of this  
 5           Act to the corresponding provision of the statutes.

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

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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: \_\_\_\_\_