2022 Regular Session

HOUSE BILL NO. 786

BY REPRESENTATIVES WILLARD, ADAMS, BACALA, CARRIER, DAVIS, DUBUISSON, DUPLESSIS, FREEMAN, HILFERTY, ILLG, JORDAN, KERNER, LYONS, MARCELLE, NELSON, NEWELL, PRESSLY, THOMAS, AND THOMPSON

FUNDS/FUNDING: Establishes the Small Business Innovation Retention Fund

AN ACT

To amend and reenact R.S. 51:2312(A)(1) and to enact R.S. 51:2401, relative to certain small business grants; to provide for the authority of the Department of Economic Development; to create the Small Business Innovation Retention Fund; to provide for uses of monies in the fund; to provide for eligibility of applicants; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:2312(A)(1) is hereby amended and reenacted and R.S. 51:2401 is hereby enacted to read as follows:

§2312. Powers and authority; duties

A. The corporation shall serve as the single review board for all financial assistance, loans, incentives or inducements, customized workforce training, investment programs, and any related appropriations, grants, or joint ventures administered by the Department of Economic Development, excluding those financial incentive programs administered by the State Board of Commerce and Industry. The corporation shall formulate and implement the policies for the delivery of services to obtain the following effects:

(1) The support of innovative private sector research and development activities by Louisiana businesses intended to generate commercial products,
processes, or services by providing matching funds to Louisiana small businesses that will apply for or have received federal Small Business Innovative Innovation Research (SBIR) Phase I or Small Business Technology Transfer (STTR) grant funds, for such federal applications submitted or received after January 1, 2023.

* * *

§2401. Small Business Innovation Retention Fund; purpose; program administration

A. There is hereby created in the state treasury, as a special fund, the "Small Business Innovation Retention Fund", hereinafter referred to as the "fund".

B. The monies in the fund shall be used to provide financial assistance to certain Louisiana businesses that have received certain Small Business Innovation Research, hereinafter referred to as "SBIR", or Small Business Technology Transfer, hereinafter referred to as "STTR", federal grants.

C. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, all monies received for the purpose of the fund shall be deposited into the fund.

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

E. Subject to appropriation and the provisions of this Section, monies in the fund shall be used by the Department of Economic Development, hereinafter referred to in this Section as the "department", for awarding grants to selected applicants. The department shall establish criteria for grant eligibility, provide for an application process, and select eligible Louisiana business applicants to receive monies from the fund.

F. Up to one million one hundred five thousand dollars shall be annually disbursed from the fund as follows:

(1) Up to five hundred thousand dollars shall be allocated for Phase I SBIR or STTR federal grant recipients. Each selected applicant shall receive an amount
equal to twenty-five percent of the Phase I SBIR or STTR federal grant the applicant
has received, not to exceed fifty thousand dollars per applicant.

(2) Up to five hundred thousand dollars shall be allocated for Phase II SBIR
or STTR federal recipients. Each selected applicant shall receive an amount equal
to twenty percent of the Phase II SBIR or STTR federal grant the applicant has
received, not to exceed one hundred thousand dollars per applicant.

(3) Up to one hundred five thousand dollars per year shall be allocated for
the department for as long as the department administers grants from the fund.

(4) Each grant awarded pursuant to this Section shall be divided into two
equal amounts and shall be disbursed to the selected applicant over a period of two
consecutive years.

Section 2. The provisions of Section 1 of this Act shall become effective when an
Act of the Louisiana Legislature containing a specific appropriation of monies for the
implementation of the provisions of this Act becomes effective.

Section 3. The provisions of Sections 2 and 3 of this Act shall become effective
upon signature by the governor or, if not signed by the governor, upon expiration of the time
for bills to become law without signature by the governor, as provided by Article III, Section
18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved
by the legislature, the provisions of Sections 2 and 3 of this Act shall become 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 786 Reengrossed 2022 Regular Session Willard

Abstract: Creates the Small Business Innovation Retention Fund for the purpose of
providing funds to certain La. business that have received certain federal grants.

Present law provides for the La. Economic Development Corporation (corporation) within
the Dept. of Economic Development (department) and provides for the powers and authority
of the corporation.

Present law provides that the corporation shall serve as the review board for certain financial
assistance programs for La. small businesses. Further provides that the corporation shall

CODING: Words in struck through type are deletions from existing law; words underscored
are additions.
provide support for certain activities by La. businesses to generate commercial products or services by providing matching funds to businesses that received federal Small Business Innovative Research Phase I grant funds.

Proposed law changes present law and provides that the corporation shall provide support for activities by La. businesses to generate commercial products or services by providing funds to businesses that applied for or received federal Small Business Innovation Research (SBIR) or Small Business Technology Transfer Funds (STTR) grant funds for applications submitted or received after Jan. 1, 2023.

Proposed law creates the "Small Business Innovation Retention Fund" (fund), as a special fund in the state treasury. Further provides that monies in the fund shall be used to provide financial assistance to certain La. businesses that have received SBIR or STTR federal grants.

Proposed law requires all monies within the fund to comply with Article VII, Section 9(B) of the Constitution of La. relative to the Bond Security and Redemption Fund.

Proposed law requires monies in the fund to be invested in the same manner as monies in the general fund. Further provides interest earned on investment of monies be credited to the fund. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

Proposed law provides that the department shall administer the fund and provide for the disbursement of monies in the fund to eligible applicants in the form of grants. Further provides the department shall establish criteria for grant eligibility, provide for an application process, and select eligible applicants to receive the grants.

Proposed law provides up to $1,105,000 million shall be annually disbursed from the fund as follows:

1. Up to $500,000 per year shall be allocated for Phase I SBIR or STTR recipients. Each selected applicant shall receive an amount equal to 25% of the applicant's Phase I SBIR or STTR grant. These grants shall not exceed $50,000 per applicant.

2. Up to $500,000 per year shall be allocated for Phase II SBIR or STTR recipients. Each selected applicant shall receive an amount equal to 20% of the applicant's Phase II SBIR or STTR grant. These grants shall not exceed $100,000 per applicant.

3. Up to $105,000 per year for administrative expenses.

Proposed law provides that each grant shall be disbursed in equal amounts to the selected applicants over a period of two consecutive years.

Effective upon appropriation of funds by the legislature.

(Amends R.S. 51:2312(A)(1); Adds R.S. 51:2401)

Summary of Amendments Adopted by House

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

1. Change certain references from the La. Economic Development Corporation to the Department of Economic Development.

2. Add an eligibility requirement that the federal application provided for in present law is to be submitted or received prior to Jan. 1, 2023.

CODING: Words in struck through type are deletions from existing law; words underscored are additions.

4. Modify the disbursement amounts to allow for a lesser grant than the previously mandated disbursement amounts.

5. Provide that the disbursement of funds is to occur annually.

6. Change the disbursement period from three years to two years.

7. Make technical changes.

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

1. Make technical changes.

2. Add provision requiring the Dept. of Economic Development to use monies in the fund for awarding grants pursuant to proposed law.

3. Lower administrative cost allowed to be paid from the fund from $115,000 per year to $105,000 per year.

4. Make effectiveness of proposed law subject to appropriation.