
HOUSE COMMITTEE AMENDMENTS

2021 Regular Session

Amendments proposed by House Committee on Appropriations to Original House Bill No. 642 by Representative Schexnayder

AMENDMENT NO. 1

On page 1, line 2, after "enact" and before "Subpart" insert "R.S. 39:100.44.1 and"

AMENDMENT NO. 2

On page 1, line 3, after "R.S. 39:100.51" and before "relative" delete "and 100.52," and insert "through 100.56,"

AMENDMENT NO. 3

On page 1, line 5, after "create" and before "for" delete "a fund" and insert "funds"

AMENDMENT NO. 4

On page 1, line 6, after "create" and before "for" delete "a program" and insert "programs"

AMENDMENT NO. 5

On page 1, at the beginning of line 7, delete "fund;" and insert "funds;"

AMENDMENT NO. 6

On page 1, line 9, after "Section 1." insert "R.S. 39:100.44.1 and"

AMENDMENT NO. 7

On page 1, line 10, after "R.S. 39:100.51" delete the remainder of the line and insert "through 100.56, are hereby"

AMENDMENT NO. 8

On page 1, between lines 11 and 12, insert the following:

§100.44.1. Louisiana Main Street Recovery Program; Louisiana Rescue Plan Funds

A. Notwithstanding the provisions of R.S. 39:100.44, the treasurer shall utilize the resources of the Louisiana Main Street Recovery Program to administer the Louisiana Loggers Relief Program and the Louisiana Save Our Screens Program as provided in this Section. The treasurer may utilize up to five percent of the monies in the Louisiana Loggers Relief Fund and the Louisiana Save Our Screens Fund for administration of the programs. Notwithstanding any provision of law to the contrary, the treasurer may enter into consulting services, professional services, and information and technology services contracts for the purpose of the procurement of any goods or services necessary to implement and expedite the distribution of funds as emergency procurements exempt from the provisions of the Louisiana Procurement Code and corresponding rules and regulations. The cost of such contracts shall be considered administrative expenses.

B. Any business receiving funding from a program within the Louisiana Main Street Recovery Program pursuant to this Section shall meet the following criteria:

(1) Had a physical and active operation in Louisiana as of March 1, 2020.

- 1 (2) Had fifty or fewer full-time equivalent employees as of March 1, 2020.
 2 (3) Filed Louisiana taxes for tax years 2019 and 2020.
 3 (4) Experienced a revenue loss of ten percent or greater of gross revenue for
 4 the period of January 1, 2020, through December 31, 2020, as compared to the gross
 5 revenue of the business during the same period in 2019.
 6 (5) Is in good standing with the secretary of state.
 7 (6) Does not exist for the purpose of advancing partisan political activity.
 8 (7) Does not directly lobby federal or state officials.
 9 (8) Does not derive income from passive investments without active
 10 participation in business operations.

11 C. Any grant award received pursuant to this Section combined with any
 12 monies received pursuant to the Louisiana Main Street Recovery Program as
 13 provided in R.S. 39:100.44, United States Small Business Administration-Guaranty
 14 Paycheck Protection Program loan, and United States Small Business Administration
 15 Economic Injury Disaster Loan Emergency Advance shall not exceed the amount of
 16 revenue loss experienced by the business during the period provided for in
 17 Subsection (B)(4) of this Section.

18 D. Priority shall be given to businesses that previously submitted
 19 applications to the Louisiana Main Street Recovery Program as provided in R.S.
 20 39:100.44 but whose applications were not considered due to exhaustion of monies
 21 in the Louisiana Main Street Recovery Fund.

22 E. The Louisiana Loggers Relief Program is hereby established as a
 23 component of the Louisiana Main Street Recovery Program. The program shall
 24 provide grants to eligible timber harvesting and timber hauling businesses impacted
 25 by COVID-19. Any grant received pursuant to this Subsection shall not exceed
 26 twenty-five thousand dollars per business. In addition to the criteria provided in
 27 Subsection B of this Section, a timber harvesting or timber hauling business shall
 28 meet all of the following criteria to be eligible to receive a grant:

29 (1) Is assigned a North American Industry Classification System Code of
 30 113310 or 484220.

31 (2) Is certified by the Louisiana Forestry Association as a master logger.

32 (3) Is not a subsidiary of a business with more than fifty full-time equivalent
 33 employees, is not part of a larger business enterprise with more than fifty full-time
 34 equivalent employees, and is not owned by a business with more than fifty full-time
 35 equivalent employees.

36 F. The Louisiana Save Our Screens Program is hereby established as a
 37 component of the Louisiana Main Street Recovery Program. The program shall
 38 provide grants to eligible movie theater businesses impacted by COVID-19. Any
 39 grant received pursuant to this Subsection shall not exceed ten thousand dollars per
 40 movie screen located in Louisiana. Theatres with corporate ownership based outside
 41 of Louisiana shall use funds received pursuant to this Subsection for Louisiana-based
 42 screens and operations. In addition to the criteria provided in Subsection B of this
 43 Section, a business shall meet all of the following criteria to be eligible to receive a
 44 grant:

45 (1) Is a movie theater that has at least one permanent indoor auditorium for
 46 viewing films for entertainment by the general public who attend by the purchase of
 47 an individual ticket to view a specific non-adult-oriented film.

48 (2) Conducted regularly scheduled screenings in Louisiana in calendar year
 49 2019.

50 (3) Is currently open and actively operating as of the effective date of this
 51 Section.

52 (4) Was subject to limitations or restrictions as a result of Proclamation
 53 Number 25 JBE 2020 or any subsequent gubernatorial proclamations related to
 54 COVID-19."

55 AMENDMENT NO. 9

56 On page 1, delete line 12 and insert "SUBPART N. LOUISIANA RESCUE PLAN FUND"

1 AMENDMENT NO. 10

2 On page 1, line 13, after "§100.51." delete the remainder of the line and insert "Louisiana
3 Rescue Plan Fund; purpose"

4 AMENDMENT NO. 11

5 On page 1, delete line 15 in its entirety and insert "Louisiana Rescue Plan Fund",
6 hereinafter referred to in this Section as the "fund"."

7 AMENDMENT NO. 12

8 On page 1, line 16, after "B." delete "The" and insert "Except for four hundred million
9 dollars which shall be paid to the Clearing Account of the Unemployment Compensation
10 Fund pursuant to R.S. 23:1491, the"

11 AMENDMENT NO. 13

12 On page 2, line 5, after "be" and before "as provided" delete "used solely" and insert
13 "allocated"

14 AMENDMENT NO. 14

15 On page 2, delete lines 6 through 23 in their entirety and insert the following:

16 "E. If the legislature is not in session, the Joint Legislative Committee on the
17 Budget is authorized to appropriate monies from the Louisiana Rescue Plan Fund or
18 any of the funds created pursuant to this Subpart. Any such appropriation shall be
19 consistent with guidance promulgated by the United States Treasury. The committee
20 is further authorized to approve the transfer of funds between any of the funds
21 created pursuant to this Subpart.

22 §100.52. Louisiana Water Infrastructure Fund

23 A. There is hereby created in the state treasury, as a special fund, the
24 Louisiana Water Infrastructure Fund, hereinafter referred to in this Section as the
25 "fund". The treasurer is hereby authorized and directed to transfer three hundred
26 million dollars from the Louisiana Rescue Plan Fund into the Louisiana Water
27 Infrastructure Fund.

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

31 C. Monies in the fund shall be used to provide grant funding for repairs,
32 improvements, and consolidation of water systems and sewerage systems pursuant
33 to the Louisiana Water Infrastructure Program as provided in R.S. 39:100.56.

34 §100.53. Granting Unserved Municipalities Broadband Opportunities Fund

35 A. There is hereby created in the state treasury, as a special fund, the
36 Granting Unserved Municipalities Broadband Opportunities (GUMBO) Fund,
37 hereinafter referred to as the "fund". The treasurer is hereby authorized and directed
38 to transfer ninety million dollars from the Louisiana Rescue Plan Fund into the fund.

39 B. All unexpended and unencumbered monies in the fund at the end of the
40 fiscal year shall remain in the fund. Monies in the fund shall be invested in the same
41 manner as monies in the state general fund. Interest earned on the investment of
42 monies in the fund shall be deposited in and credited to the fund.

43 C. Monies in the fund shall be used to provide grants to help fund broadband
44 access in rural and disadvantaged areas pursuant to the provisions of the Granting
45 Unserved Municipalities Broadband Opportunities program established by law.

46 §100.54. Louisiana Loggers Relief Fund

1 A. There is hereby created in the state treasury, as a special fund, the
 2 Louisiana Loggers Relief Fund, hereinafter referred to in this Section as the "fund".
 3 The treasurer is hereby authorized and directed to transfer ten million dollars from
 4 the Louisiana Rescue Plan Fund into the fund. Monies in the fund shall be used to
 5 provide economic support grants to eligible Louisiana timber harvesting and timber
 6 hauling businesses in accordance with the provisions of the Louisiana Loggers Relief
 7 Program as provided in R.S. 39:100.44.1.

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

11 C. Any remaining balance in the fund on January 1, 2022, shall be
 12 transferred to the Louisiana Rescue Plan Fund.

13 §100.55. Louisiana Save Our Screens Fund

14 A. There is hereby created in the state treasury, as a special fund, the
 15 Louisiana Save Our Screens Fund, hereinafter referred to in this Section as the
 16 "fund". The treasurer is hereby authorized to transfer four million five hundred
 17 thousand dollars from the Louisiana Rescue Plan Fund into the fund. Monies in the
 18 fund shall be used to provide economic support grants to eligible movie theater
 19 owners and operators in accordance with the Louisiana Save Our Screens Program
 20 as provided in R.S. 39:100.44.1.

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

24 C. Any remaining balance in the fund on January 1, 2022, shall be
 25 transferred to the Louisiana Rescue Plan Fund.

26 §100.56. Louisiana Water Infrastructure Program

27 A. As used in this Section, the following terms shall have the following
 28 meanings:

29 (1) "Committee" shall mean the Joint Legislative Committee on the Budget.

30 (2) "Office" shall mean the office of public health in the Louisiana
 31 Department of Health.

32 (3) "Fund" shall mean the Louisiana Water Infrastructure Fund.

33 B. The Louisiana Water Infrastructure Program is hereby established to
 34 provide grant funding for repairs, improvements, and consolidation of community
 35 water systems. The office shall administer the program. The office shall establish
 36 a review panel comprised of employees of the office, the office of community
 37 development in the division of administration, the Department of Environmental
 38 Quality, and the legislative auditor. The review panel shall review and rate
 39 applications submitted by community water systems and local governing authorities
 40 and submit recommendations for funding to the Joint Legislative Committee on the
 41 Budget.

42 C. The office shall promulgate rules for the administration of the program.
 43 The rules shall include application requirements, a timeline for application
 44 submissions and approval, criteria for ratings, a process for prioritizing critical
 45 infrastructure needs, and requirements for waivers of matching funds or decreased
 46 match. The Administrative Procedure Act, R.S. 49:950 et seq., shall not apply to
 47 rules promulgated pursuant to this Section. No later than ninety days after the
 48 effective date of this Section, the office shall submit the rules to the committee for
 49 review and approval. Any changes to the initial rules shall require approval by the
 50 committee.

51 D. In addition to the rules provided for in Subsection C of this Section, the
 52 office shall submit a proposed budget outlining administrative expenses for the
 53 program to the committee for review and approval prior to implementing the
 54 program.

55 E. Notwithstanding any provision of law to the contrary, the office may enter
 56 into consulting services, professional services, and information and technology
 57 services contracts for the purpose of the procurement of any goods or services

1 necessary to implement and expedite the distribution of funds as emergency
2 procurements exempt from the provisions of the Louisiana Procurement Code and
3 corresponding rules and regulations. The cost of such contracts shall be considered
4 administrative expenses.

5 F. Each grant recipient shall be required to provide matching funds unless
6 the review panel recommends waiving the match requirement.

7 G. Upon committee approval of the rules, the office shall begin accepting
8 applications. The applications shall include the following, at a minimum:

9 (1) The amount of grant funding requested.

10 (2) The amount and proposed source of funding for the required match.

11 (3) Proposals for repairs, improvements, or consolidation with neighboring
12 systems.

13 (4) Proposals for ensuring the financial sustainability and compliance of the
14 systems, including proposals for increasing rates paid by users of the system based
15 on a fair assessment of the system to comparable systems.

16 H. The review panel's funding recommendations to the committee shall
17 include:

18 (1) Recommendations for utilization of existing resources including the
19 Drinking Water Revolving Loan Fund, Clean Water State Revolving Fund, and
20 Community Water Enrichment and Other Improvements Fund.

21 (2) Certification that the local governing authority that operates the system
22 either utilized funding received pursuant to the Coronavirus Local Fiscal Recovery
23 Fund of the American Rescue Act Plan of 2021 as the source of funding for the
24 required match or had legitimate cause that precluded the use of those funds for the
25 match.

26 I. Upon approval of any funding recommendations, the committee may
27 appropriate monies from the fund to the system or local governing authority that
28 operates the system.

29 J. No money shall be expended from the fund without approval of the
30 committee.

31 K. The provisions of R.S. 39:72.1(A) shall not apply to monies appropriated
32 from the fund pursuant to this Section."

33 AMENDMENT NO. 15

34 On page 2, at the beginning of line 24, change "Section 2." to "Section 2.(A)"

35 AMENDMENT NO. 16

36 On page 2, after line 28, add the following:

37 "(B) Notwithstanding the provisions of Paragraph (A) of this Section, R.S. 39:100.53
38 as enacted by the provisions of this Act shall become effective if and when the Act which
39 originated as House Bill No. 648 of this 2021 Regular Session of the Legislature is enacted
40 and becomes effective."

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