

2020 First Extraordinary Session

HOUSE BILL NO. 9

BY REPRESENTATIVES ZERINGUE AND THOMPSON

FUNDS/FUNDING: Provides for the transfer, deposit, and use of monies among state funds (Item #10)

1 AN ACT

2 To amend and reenact R.S. 39:100.43(C) and (D), 100.44(C), and 100.45(A), R.S.
3 47:463.167(E), and R.S. 56:644(B) and (C)(introductory paragraph), relative to
4 certain treasury funds; to provide for the transfer, deposit, and use of monies in such
5 funds; to restrict uses of certain funds; to provide for legislative intent with respect
6 to prior Acts of the legislature; to provide for effectiveness; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Notwithstanding any provision of law to the contrary, the state treasurer
10 is hereby authorized and directed to transfer \$223,690,291 to be comprised wholly of
11 nonrecurring revenues out of the state general fund from the Fiscal Year 2018-2019 surplus,
12 as recognized by the Revenue Estimating Conference, to the Budget Stabilization Fund.

13 Section 2. Notwithstanding any provision of law to the contrary, the state treasurer
14 is hereby authorized and directed to transfer \$3,000,000 into the Major Events Incentive
15 Program Subfund from the State General Fund (Direct).

16 Section 3. R.S. 39:100.43(C) and (D), 100.44(C), and 100.45(A) are hereby
17 amended and reenacted to read as follows:

18 §100.43. Coronavirus Local Recovery Allocation Program

19 * * *

1 C. ~~Pursuant to legislative appropriation, the~~ The treasurer is hereby
2 authorized and directed to deposit in and credit to the Allocation Fund five hundred
3 ~~eleven million one hundred seventy-eight thousand~~ sixty-five million four hundred
4 seventy-eight thousand seven hundred four dollars of the federal monies allocated
5 to Louisiana pursuant to Section 5001 of the CARES Act. The monies in the
6 Allocation Fund shall be invested in the same manner as monies in the state general
7 fund. Interest earned on the investment of monies in the Recovery Fund shall be
8 deposited in and credited to the Allocation Fund. Except as provided in this Section
9 and if applicable under federal guidelines, unexpended and unencumbered monies
10 in the Allocation Fund shall remain in the Allocation Fund. Monies in the Allocation
11 Fund shall be appropriated and used solely as provided in this Section.

12 D. From the initial amount deposited into and credited to the Allocation
13 Fund, an amount equal to one-half of one percent shall be available for appropriation
14 to GOHSEP to be used for administering the program. GOHSEP is hereby authorized
15 to use staff as necessary from the office of Community Development for
16 administrative and technical support. ~~One-half~~ An additional amount equal to one-
17 half of one percent of the initial amount deposited into the fund shall be available to
18 be appropriated to the legislative auditor for the costs of reviewing the program. The
19 remaining monies in the Allocation Fund shall be available to GOHSEP to provide
20 funds to political subdivisions in Fiscal Years 2020 and 2021 pursuant to the
21 Allocation Program as established in this Section.

22 * * *

23 §100.44. Louisiana Main Street Recovery Program

24 * * *

25 C. ~~Pursuant to legislative appropriation, the~~ The treasurer is hereby
26 authorized and directed to deposit in and credit to the Recovery Fund three hundred
27 million dollars of the federal monies allocated to Louisiana pursuant to Section 5001
28 of the CARES Act. The monies in the Recovery Fund shall be invested in the same
29 manner as monies in the state general fund. Interest earned on the investment of

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

1 monies in the Recovery Fund shall be deposited in and credited to the Recovery
2 Fund. Except as provided in this Section and applicable under federal guidelines,
3 unexpended and unencumbered monies in the Recovery Fund shall remain in the
4 Recovery Fund. Monies in the Recovery Fund shall be appropriated and used solely
5 as provided in this Section.

6 * * *

7 §100.45. State Coronavirus Relief Fund

8 A. There is hereby created and established in the state treasury, as a special
9 fund, the State Coronavirus Relief Fund, hereinafter the "Relief Fund". ~~The treasurer~~
10 ~~is authorized and directed to deposit monies appropriated by the legislature from the~~
11 ~~CARES Fund to the Relief Fund.~~ On December 1, 2020, the treasurer is authorized
12 and directed to transfer any unobligated monies in the Coronavirus Local Recovery
13 Allocation Fund and the Louisiana Main Street Recovery Fund to the Relief Fund.
14 ~~Monies in the Relief Fund may be used by the State, subject to appropriation, for the~~
15 Monies in the Relief Fund may be allocated by the Joint Legislative Committee on
16 the Budget for the purposes of providing monies to local government units, eligible
17 businesses, or the state in accordance with the provisions of this Subpart and the
18 CARES Act. The treasurer is authorized and directed to deposit monies from the
19 Relief Fund into other funds in the state treasury in accordance with allocations made
20 by the Joint Legislative Committee on the Budget pursuant to the provisions of this
21 Subsection.

22 * * *

23 Section 4. R.S. 47:463.167(E) is hereby amended and reenacted to read as follows:

24 §463.167. Special prestige license plates; "Hunters for the Hungry Louisiana"

25 * * *

26 E. ~~The annual royalty fee collected by the department shall be forwarded to~~
27 ~~the Department of Wildlife and Fisheries with ninety percent to be deposited into a~~
28 ~~special escrow account known as the "Hunters for the Hungry Escrow Account". No~~
29 ~~more than ten percent of the monies forwarded to the Department of Wildlife and~~

1 ~~Fisheries from the annual royalty fee shall be deposited into the state treasury and~~
2 ~~shall be credited to the Bond Security and Redemption Fund. After a sufficient~~
3 ~~amount is allocated from that fund to pay all obligations secured by the full faith and~~
4 ~~credit of the state which become due and payable within any fiscal year, the treasurer~~
5 ~~shall, prior to placing such remaining funds in the state general fund, pay ten percent~~
6 ~~of the annual royalty fees into the Conservation Fund which shall be used for~~
7 ~~administrative costs of the Department of Wildlife and Fisheries. The balance in the~~
8 ~~escrow fund shall be used solely by Hunters for the Hungry Louisiana to pay for the~~
9 ~~processing and distribution of meats, when such meats shall be used by a nonprofit~~
10 ~~entity or charitable organization in food or meal distribution at no cost to an~~
11 ~~individual pursuant to R.S. 56:644. The annual royalty fee collected by the~~
12 ~~department shall be forwarded to Hunters for the Hungry Louisiana. The monies~~
13 ~~received from the royalty fees shall be used solely for the support of programs~~
14 ~~administered by Hunters for the Hungry Louisiana.~~

* * *

15
16 Section 5. R.S. 56:644(B) and (C)(introductory paragraph) are hereby amended and
17 reenacted to read as follows:

18 §644. Fishing and hunting license checkoff; donation for Hunters for the Hungry

19 * * *

20 B. There is hereby created within the Department of Wildlife and Fisheries
21 a special escrow account known as the "Hunters for the Hungry Escrow Account".
22 The escrow account is created to receive deposits of donations for the benefit of
23 Hunters for the Hungry made when an individual purchases a fishing and hunting
24 license, and no public funds shall be deposited into the escrow account. ~~No more~~
25 ~~than seventy-five percent of the donations received by the department under the~~
26 ~~provisions of this Section shall be deposited into the escrow account. Subject to the~~
27 ~~exception contained in Article VII, Section 9(A) of the Constitution of Louisiana,~~
28 ~~twenty-five percent of all funds collected from the donations made under the~~
29 ~~provisions of this Section shall be paid into the state treasury and shall be credited~~

1 ~~to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond~~
2 ~~Security and Redemption Fund after a sufficient amount is allocated from that fund~~
3 ~~to pay all obligations secured by the full faith and credit of the state which become~~
4 ~~due and payable within any fiscal year, the treasurer shall, prior to placing such~~
5 ~~remaining funds in the state general fund, pay into the Conservation Fund an amount~~
6 ~~equal to twenty-five percent of the amount of funds collected under the provisions~~
7 ~~of this Section. The escrow account shall be administered by the department which~~
8 ~~shall every three months remit the balance of the monies in the escrow account to~~
9 ~~Hunters for the Hungry. The monies in the escrow account shall be used solely as~~
10 ~~provided by Subsection C of this Section. All unexpended and unencumbered~~
11 ~~monies in this escrow account at the end of the fiscal year shall remain in the fund~~
12 ~~escrow account. The monies in the Conservation Fund escrow account shall be~~
13 ~~invested by the state treasurer in the same manner as monies in the state general~~
14 ~~fund.~~

15 C. No more than twenty-five percent of the monies in the escrow account
16 shall be ~~transferred to the Conservation Fund to be~~ used for administrative costs. The
17 balance shall be used solely by Hunters for the Hungry to pay for the following:

18 * * *

19 Section 6. The provisions of Sections 4 and 5 of this Act shall supersede the
20 provisions of Sections 15 and 18 of Act No. 612 of the 2018 Regular Session of the
21 Legislature and Sections 7 and 10 of Act No. 362 of the 2019 Regular Session of the
22 Legislature that amended and reenacted R.S. 47:463.167(E) and R.S. 56:644(B) and
23 (C)(introductory paragraph).

24 Section 7. This Act shall become effective upon signature by the governor or, if not
25 signed by the governor, upon expiration of the time for bills to become law without signature
26 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
27 vetoed by the governor and subsequently approved by the legislature, this Act shall become
28 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 9 Reengrossed

2020 First Extraordinary Session

Zeringue

Abstract: Provides for the transfer, deposit, and use, as specified, of certain treasury funds.

Proposed law transfers \$223,690,291 of the FY 2018-2019 surplus to the Budget Stabilization Fund.

Proposed law transfers \$3,000,000 of State General Fund (Direct) to the Major Events Incentive Program Subfund.

Present law (R.S. 39:100.43) establishes the Coronavirus Local Recovery Allocation Fund. Proposed law deposits an additional \$54.3 million dollars of federal monies into the fund.

Present law (R.S. 39:100.45) establishes the State Coronavirus Relief Fund and authorizes the state, subject to appropriation, to spend the funds. Proposed law specifies that the Joint Legislative Committee on the Budget (JLCB) may allocate the funds and authorizes the treasurer to disburse funds in accordance with JLCB's allocations.

Present law authorizes an annual royalty fee for a prestige license plate for Hunters for the Hungry. Proposed law retains present law.

Present law (R.S. 47:463.167) requires the royalty fee to be deposited into a special escrow account at the Department of Wildlife and Fisheries. Provides that a maximum of 10% of the escrow account be deposited into the Conservation Fund in the state treasury. Proposed law repeals present law. Provides that the royalty fees collected by the department be forwarded to Hunters for the Hungry directly, rather than deposited into an escrow account.

Present law provides that monies remaining in the escrow account may be used by Hunters for the Hungry to pay for the processing and distribution of meats when donated to a charitable organization. Proposed law provides that the royalty fees collected be used to support programs administered by Hunters for the Hungry.

Present law (R.S. 56:644) authorizes collection of donations made to Hunters for the Hungry when individuals purchase a fishing and hunting license. Requires donations collected to be deposited into an escrow account at the Department of Wildlife and Fisheries. Proposed law retains present law.

Present law requires a maximum of 25% of collected donations be deposited in the state treasury Conservation Fund. Proposed law repeals present law.

Present law allows a maximum of 25% of the monies transferred to the Conservation Fund pursuant to present law to be used by the department for administrative costs. Proposed law allows the department to use a maximum of 25% of the monies in the escrow account for administrative costs.

Proposed law provides that the provisions of R.S. 47:463.167 and R.S. 56:644 as amended by this Act are intended to supersede certain other legislation amending the same sections that has not yet become effective.

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

(Amends R.S. 39:100.43(C) and (D), 100.44(C), and 100.45(A), R.S. 47:463.167(E), and R.S. 56:644(B) and (C)(intro. para.))

Summary of Amendments Adopted by House

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

1. Add \$54.3 Million in additional funding to the Coronavirus Local Recovery Allocation Fund established in the Act that originated as Senate Bill No. 189 of the 2020 Regular Session.
2. Authorize the Joint Legislative Committee on the Budget to reallocate funds in the State Coronavirus Relief Fund established in the Act that originated as Senate Bill No. 189 of the 2020 Regular Session.
3. Authorize the treasurer to credit funds from the State Coronavirus Relief Fund to other funds in accordance with the Joint Legislative Committee on the Budget allocations.
4. Make technical changes to the Act that originated as Senate Bill No. 189 of the 2020 Regular Session.