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**HOUSE FLOOR AMENDMENTS**

2020 Regular Session

Amendments proposed by Representative Zeringue to Engrossed Senate Bill No. 189 by Senator White

1 AMENDMENT NO. 1

2 Delete the set of House Committee Amendments (#2454) proposed by the House Committee  
3 on Appropriations and adopted by the House of Representatives on May 22, 2020.

4 AMENDMENT NO. 2

5 Delete the set of Legislative Bureau Amendments (#1901) proposed by the Legislative  
6 Bureau and adopted by the House of Representatives on May 22, 2020.

7 AMENDMENT NO. 3

8 On page 1, line 3, after "comprised of" delete the remainder of the line in its entirety and  
9 delete line 4 in its entirety and insert in lieu thereof "R.S. 39:100.36 through 100.38, relative  
10 to special funds; to create special funds for deposit of certain federal monies; to provide  
11 relative to the allocation, use, and disbursement of the monies; to provide relative to the  
12 powers and duties of the state treasurer, the Governors Office of Homeland Security and  
13 Emergency Preparedness, and the legislative auditor with respect to such monies; to provide  
14 for legislative intent; to provide for staffing of certain programs;"

15 AMENDMENT NO. 4

16 On page 1, line 10, change "39:100.36, is" to "39:100.36 through 100.38, are"

17 AMENDMENT NO. 5

18 On page 1, delete lines 12 through 17 in their entirety and on page 2 delete lines 1 through  
19 29 in their entirety and insert in lieu thereof:

20 **"SUBPART L-1. COVID-19 DISASTER FUNDS**

21 **100.36 Legislative Intent**

22 **The Legislature intends to provide economic support to Louisiana**  
23 **businesses and political subdivisions for costs incurred in connection with the**  
24 **Coronavirus Disease 2019 (COVID-19) pandemic from federal funds**  
25 **provided pursuant to Section 5001 of the CARES Act.**

26 **100.37 Louisiana Main Street Recovery Fund**

27 **A.(1) There is hereby created in the state treasury, as a special fund,**  
28 **the Louisiana Main Street Recovery Fund to provide economic support to**  
29 **eligible Louisiana businesses for costs incurred in connection with COVID-**  
30 **19, including business interruption caused by forced closures or restricted**  
31 **operations resulting from voluntary closures instituted to promote social**  
32 **distancing measures, decreased customer demand, cleaning or disinfection,**  
33 **and providing personal protective equipment.**

34 **(2) For the purposes of this Section, expenses reimbursed by business**  
35 **interruption insurance or disallowed by the CARES Act or any guidance or**  
36 **regulation issued by the United States Department of the Treasury shall not**  
37 **be eligible expenses.**

1 B. For the purposes of this Section, the following terms shall have the  
 2 following meanings:

3 (1) "COVID-19" means the Coronavirus Disease 2019.

4 (2) "CARES Act" means the Coronavirus Aid, Relief, and Economic  
 5 Security Act, P.L. 116-136.

6 (3) "Eligible business" means a for-profit corporation, a limited  
 7 liability company, a partnership, or a sole proprietorship that meets all of the  
 8 following criteria:

9 (a) Was domiciled in Louisiana as of March 1, 2020.

10 (b) Is in good standing with the Secretary of State, if applicable.

11 (c) Suffered an interruption of business.

12 (d) Has a controlling interest owned by one or more Louisiana  
 13 residents, whether individual resident citizens or Louisiana domestic  
 14 business entities.

15 (e) Filed Louisiana taxes for tax year 2018 or 2019, or, for an eligible  
 16 business formed on or after January 1, 2020, intends to file Louisiana taxes  
 17 for tax year 2020.

18 (f) Has customers or employees coming to its physical premises.

19 (g) Had no more than fifty full-time equivalent employees as of March  
 20 1, 2020.

21 (h) Is not a subsidiary of a business with more than fifty full-time  
 22 equivalent employees, is not part of a larger business enterprise with more  
 23 than fifty full-time equivalent employees, and is not owned by a business with  
 24 more than fifty full-time equivalent employees.

25 (i) Does not exist for the purpose of advancing partisan political  
 26 activities, does not directly lobby federal or state officials and has not  
 27 employed or otherwise worked with a lobbyist at any point during 2020. For  
 28 the purposes of this Subparagraph, the term "lobbyist" shall have the same  
 29 meaning as in R.S. 24:51.

30 (j) Does not derive income from passive investments without active  
 31 participation in business operations.

32 (4) "Grant" means an award by the state treasurer to an eligible  
 33 business as provided in this Section.

34 (5) "Interruption of business" means disruption of regular business  
 35 operations resulting from required or voluntary closure related to  
 36 COVID-19.

37 (6) "Minority business enterprise" means a small business organized  
 38 for profit performing a commercially useful function which is at least fifty  
 39 percent owned by one or more minority individuals or women, who also  
 40 control and operate the business. In addition to the requirements of this  
 41 Paragraph, if more than one person owns such enterprise, at least fifty  
 42 percent of the owners must be resident citizens of the State of Louisiana. For  
 43 the purposes of this Paragraph, "control" means exercising the power to  
 44 make policy decisions and "operate" means being actively involved in the  
 45 day-to-day management of the business.

46 (7) "Program" means the Louisiana Main Street Recovery Program.

47 (8) "Public health measure" means any action reasonably taken to  
 48 prevent the spread of COVID-19 in the workplace.

49 (9) "Treasurer" means state treasurer.

50 C. The treasurer shall deposit in and credit to the fund three hundred  
 51 million dollars of the federal monies allocated to Louisiana pursuant to  
 52 Section 5001 of the CARES Act.

53 D. The monies in the fund shall be invested in the same manner as  
 54 monies in the state general fund. Interest earned on the investment of  
 55 monies in the fund shall be deposited in and credited to the fund.  
 56 Unexpended and unencumbered monies in the fund shall remain in the fund.  
 57 Monies in the fund shall be appropriated and used solely as provided in this  
 58 Section.

1           E.(1) The legislature hereby establishes the Louisiana Main Street  
 2 Recovery Program, to be administered by the treasurer for the purpose of  
 3 making grants to eligible businesses. All fund monies shall be disbursed in  
 4 compliance with the guidelines, guidance, rules, regulations and other  
 5 criteria of the United States Department of the Treasury regarding the use of  
 6 monies from the coronavirus relief fund established in the CARES Act.

7           (2) The treasurer shall develop procedures to govern the  
 8 administration of the program and may promulgate emergency rules. The  
 9 treasurer shall use monies in the fund to make grants to eligible businesses  
 10 that submit applications pursuant to this Section. The treasurer may retain  
 11 an amount not to exceed eight percent of the initial deposit into the fund for  
 12 administrative expenses. Such expenses may include costs for the treasurer  
 13 and the legislative auditor for work performed in execution of the program.  
 14 Notwithstanding any provision of law to the contrary, the treasurer may  
 15 enter into a consulting services contract to expedite the distribution of the  
 16 funds in the program. The cost of such contract shall be an administrative  
 17 expense.

18           (3) The legislative auditor shall perform any necessary review and  
 19 report his findings to the treasurer.

20           F. Applications shall be administered as follows:

21           (1) No later than July 1, 2020, the treasurer shall announce the date  
 22 the program shall begin.

23           (2) For the first twenty-one days of the program, the treasurer shall  
 24 only award grants to eligible businesses that meet all of the following  
 25 criteria:

26           (a) The eligible business did not receive a United States Small  
 27 Business Administration-Guaranty Paycheck Protection Program loan or a  
 28 United States Small Business Administration Economic Injury Disaster Loan  
 29 Emergency Advance.

30           (b) The eligible business did not receive and has not been awarded  
 31 reimbursement under any other federal program for the expenses that will  
 32 be reimbursed by a grant under this Section.

33           (c) The eligible business did not receive compensation from an  
 34 insurance company for the interruption of business.

35           (3) Upon termination of the period provided for in Paragraph (2) of  
 36 this Subsection, the treasurer may award a grant to any eligible business that  
 37 otherwise meets the criteria provided in this Section.

38           (4) Notwithstanding any provision of this Subsection to the contrary,  
 39 the treasurer shall ensure that within the first sixty days of the program no  
 40 less than forty million dollars in grants, exclusive of administrative expenses  
 41 retained by his office, shall be awarded to minority business enterprises.

42           G. The treasurer shall develop application forms to be used in  
 43 operation of the program. Each application shall include verified  
 44 documentation, signed under penalty of perjury.

45           H. To effectuate the purposes of this Section, any office, division,  
 46 board, bureau, committee, institution or agency of the state or any political  
 47 subdivision thereof shall, at the request of the treasurer, provide employees,  
 48 facilities, assistance, information, and data needed to enable the treasurer to  
 49 carry out his duties. The treasurer shall, at a minimum, work with the  
 50 Department of Revenue to verify applicant tax information and with the  
 51 Department of Education to promote application by childcare organizations.

52           I. If the balance in the fund on November 1, 2020, is less than the  
 53 balance of the Coronavirus Local Recovery Allocation Fund, as established  
 54 in R.S. 39:100.38, the treasurer shall transfer the remaining balance in this  
 55 fund to the Coronavirus Local Recovery Allocation Fund.

56           §100.38. Coronavirus Local Recovery Allocation Fund

57           A. There is hereby created in the state treasury, as a special fund, the  
 58 Coronavirus Local Recovery Allocation Fund, hereinafter referred to in this

1 Section as the "fund", for the purpose of providing funding to local  
 2 governments for expenditures incurred due to the COVID-19 pandemic.

3 B. The treasurer shall deposit in and credit to the fund five hundred  
 4 eleven million one hundred seventy-eight thousand seven hundred dollars of  
 5 the federal monies allocated to Louisiana pursuant to Section 5001 of the  
 6 Coronavirus Aid, Relief, and Economic Security (CARES) Act, P.L. 116-136.

7 C. The monies in the fund shall be invested in the same manner as  
 8 monies in the state general fund. Interest earned on the investment of  
 9 monies in the fund shall be deposited in and credited to the fund.  
 10 Unexpended and unencumbered monies in the fund shall remain in the fund.  
 11 Monies in the fund shall be appropriated to the Governor's Office of  
 12 Homeland Security and Emergency Preparedness, hereinafter referred to in  
 13 this Section as "GOHSEP", and used solely as provided in this Section.

14 D. The treasurer shall allocate one half of one percent of the monies  
 15 deposited in the fund to GOHSEP and one half of one percent of the monies  
 16 deposited in the fund to the legislative auditor for the purpose of performing  
 17 the duties provided for in this Section.

18 E. Commissioner of administration, in consultation with GOHSEP,  
 19 shall develop procedures to govern the administration of the program and  
 20 may promulgate emergency rules.

21 E.(a) Within fifteen calendar days after receiving a submission for  
 22 reimbursement pursuant to this Section, GOHSEP and the division of  
 23 administration, hereinafter referred to in this Section as "division", shall  
 24 review the submission and forward documentation of all expenditures  
 25 considered eligible for reimbursement to the legislative auditor. The  
 26 legislative auditor shall review the documentation to determine whether each  
 27 expenditure can be verified as eligible for reimbursement pursuant to this  
 28 Section and within seven calendar days after receipt report his findings and  
 29 conclusions to GOHSEP and the division.

30 (b) Notwithstanding any provision of Subparagraph (a) of this  
 31 Paragraph, if the legislative auditor requires additional documentation in  
 32 order to make a determination on the eligibility of submitted expenditures  
 33 for reimbursement, he may request such documentation from GOHSEP and  
 34 the division, and the deadline for the auditor to submit his findings and  
 35 conclusions on such expenditure shall be extended to seven days from when  
 36 he receives the requested documentation.

37 F. Only expenditures incurred due to COVID-19 between March 1,  
 38 2020, and September 30, 2020, shall be eligible for reimbursement pursuant  
 39 to the provisions of this Section. Any claim submitted to the division after  
 40 September 30, 2020, shall be ineligible for payment pursuant to the  
 41 provisions of this Section.

42 G. Funds for verified claims shall be disbursed by GOHSEP within  
 43 two business days of receipt of the legislative auditor's verification of the  
 44 expenditure.

45 H. No later than the fifteenth of each month, the director of  
 46 GOHSEP and the commissioner of administration jointly shall submit a  
 47 report to the Joint Legislative Committee on the Budget detailing by parish  
 48 the amounts requested for reimbursement pursuant to this Section, the  
 49 amounts actually reimbursed, and the average time for disbursing funds to  
 50 each parish.

51 I. If the balance in the fund on November 1, 2020, is less than the  
 52 balance of the Louisiana Main Street Recovery Fund as established in R.S.  
 53 39:100.37, the state treasurer shall transfer the remaining balance in this  
 54 fund to the Louisiana Main Street Recovery Fund.

55 Section 2. This Act shall become effective upon signature by the  
 56 governor or, if not signed by the governor, upon expiration of the time for bills to  
 57 become law without signature by the governor, as provided by Article III, Section  
 58 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently

1 approved by the legislature, this Act shall become effective on the day following  
2 such approval."