

ACT No. 167

2022 Regular Session

HOUSE BILL NO. 406

BY REPRESENTATIVE ZERINGUE

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AN ACT

To amend and reenact R.S. 39:100.52(C) and 100.71(D) and to enact R.S. 39:100.52(D), Subpart O-1 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.65, Subpart Q-2 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.123, Subpart Q-3 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.124, Subpart Q-4 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.125, Subpart S of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.146, Subpart V of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.171, Subpart W of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.181, and Subpart X of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.191, relative to certain treasury funds; to provide for the transfer, deposit, and use, as specified, of monies in certain treasury funds and accounts; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

1 Section 1. Notwithstanding any provision of law to the contrary, the state treasurer
2 is hereby authorized and directed to transfer \$174,804,933, to be comprised wholly of
3 nonrecurring revenues out of the State General Fund from the Fiscal Year 2020-2021
4 surplus, as recognized by the Revenue Estimating Conference, to the Budget Stabilization
5 Fund.

6 Section 2.(A) Notwithstanding any provision of law to the contrary, the state
7 treasurer is hereby authorized and directed to transfer \$10,000,000 from the State General
8 Fund (Direct) into the Louisiana Outdoors Forever Fund contingent upon the Act which
9 originated as House Bill No. 762 of this 2022 Regular Session of the Legislature becoming
10 law.

11 (B) Notwithstanding any provision of law to the contrary, the state treasurer is
12 hereby authorized and directed to transfer \$134,832 from the Conservation Fund to the Crab
13 Development, Management, and Derelict Crab Trap Removal Account.

14 (C) Notwithstanding any provision of law to the contrary, the state treasurer is
15 hereby authorized and directed to transfer \$3,250,965 from the Conservation Fund to the
16 Oyster Resource Management Account.

17 (D) Notwithstanding any provision of law to the contrary, the state treasurer is hereby
18 authorized and directed to transfer \$6,000,000 from the State General Fund (Direct) to the
19 Higher Education Initiatives Fund.

20 (E) Notwithstanding any provision of law to the contrary, the state treasurer is
21 hereby authorized and directed to transfer \$135,000,000 from the State General Fund
22 (Direct) to the Self-Insurance Fund.

23 (F) Notwithstanding any provision of law to the contrary, the state treasurer is
24 hereby authorized and directed to transfer \$40,000,000 from the State General Fund (Direct)
25 to the Louisiana Early Childhood Education Fund.

26 (G) Notwithstanding any provision of law to the contrary, the state treasurer is
27 hereby authorized and directed to transfer \$86,741,864 from the Louisiana Coronavirus
28 Capital Projects Fund to the Granting Unserved Municipalities Broadband Opportunities
29 (GUMBO) Fund.

1 (H) Notwithstanding any provision of law to the contrary, the state treasurer is
2 hereby authorized and directed to transfer \$25,000,000 from the Louisiana Rescue Plan Fund
3 to the Workforce Training Rapid Response Fund for expanding healthcare workforce
4 training programs in FY 23.

5 (I) Notwithstanding any provision of law to the contrary, the state treasurer is hereby
6 authorized and directed to transfer \$50,000,000 from the State General Fund (Direct) to the
7 Jean Boudreaux Settlement Compromise Fund.

8 (J) Notwithstanding any provision of law to the contrary, the state treasurer is hereby
9 authorized and directed to transfer \$500,000 from the Louisiana Rescue Plan Fund into the
10 Small Business Innovation Recruitment Fund contingent upon the Act that originated as
11 House Bill No. 795 of this 2022 Regular Session of the Legislature becoming law.

12 (K) Notwithstanding any provision of law to the contrary, the state treasurer is
13 hereby authorized and directed to transfer \$150,000 from the Louisiana Rescue Plan Fund
14 into the Small Business Innovation Fund contingent upon the Act that originated as House
15 Bill No. 796 of this 2022 Regular Session of the Legislature becoming law.

16 (L) Notwithstanding any provision of law to the contrary, the state treasurer is
17 hereby authorized and directed to transfer \$1,105,000 from the Louisiana Rescue Plan Fund
18 into the Small Business Innovation Retention Fund contingent upon the Act that originated
19 as House Bill No. 786 of this 2022 Regular Session of the Legislature becoming law.

20 (M) Notwithstanding any provision of law to the contrary, the state treasurer is
21 hereby authorized and directed to transfer \$450,000,000 from the Louisiana Rescue Plan
22 Fund into the Water Sector Fund.

23 (N) Notwithstanding any provision of law to the contrary, the state treasurer is
24 hereby authorized and directed to transfer \$805,843 from the Louisiana Main Street
25 Recovery Rescue Plan Fund to the Louisiana Rescue Plan Fund.

26 (O) Notwithstanding any provision of law to the contrary, the state treasurer is
27 hereby authorized and directed to transfer \$5,000,000 from the State General Fund (Direct)
28 to the Engineering Fee Subfund of the Water Sector Fund, as established in this Act.

29 (P) Notwithstanding any provision of law to the contrary, the state treasurer is
30 hereby authorized and directed to transfer \$600,000,000 from the State General Fund

1 (Direct) to the Construction Subfund of the Transportation Trust Fund. All monies deposited
2 in the fund from this transfer shall be immediately transferred as follows: \$100,000,000 to
3 the Construction Subfund Preservation Account as established in this Act and \$500,000,000
4 to the following Megaprojects Leverage Fund accounts contingent upon the Act that
5 originated as Senate Bill No. 277 of the 2022 Regular Session of the Louisiana Legislature
6 becoming law: \$300,000,000 to the Mississippi River Bridge at Baton Rouge and
7 Connections Account, \$100,000,000 to the I-49 South Leverage Fund Account, and
8 \$100,000,000 to the I-10 Calcasieu River Bridge and I-10 Improvements Account.

9 (Q) Notwithstanding any provision of law to the contrary, the state treasurer is
10 hereby authorized and directed to transfer \$27,000,000 from the Louisiana Rescue Plan Fund
11 to the Early Childhood Supports and Services Program Fund, as established in this Act.

12 (R) Notwithstanding any provision of law to the contrary, the state treasurer is
13 hereby authorized and directed to transfer \$23,699,098 from the Louisiana Rescue Plan Fund
14 to the Matching Funds Fund, as established in this Act.

15 (S) Notwithstanding any provision of law to the contrary, the state treasurer is
16 authorized and directed to transfer \$5,000,000 from the State General Fund (Direct) to the
17 Geaux Teach Fund contingent upon the Act that originated as House Bill No. 346 of the
18 2022 Regular Session of the Legislature becoming law.

19 (T) Notwithstanding any provision of law to the contrary, the state treasurer is
20 hereby authorized and directed to transfer \$8,020,902 from the Louisiana Rescue Plan Fund
21 to the Rural Primary Care Physicians Development Fund, as established in this Act.

22 (U) Notwithstanding any provision of law to the contrary, the state treasurer is
23 hereby authorized and directed to transfer \$3,000,000 from the Louisiana Rescue Plan Fund
24 to the Continuum of Care Fund, as established in this Act, contingent upon the Act that
25 originated as House Bill No. 909 of the 2022 Regular Session of the Legislature becoming
26 law.

1 (V) Notwithstanding any provision of law to the contrary, the state treasurer is
2 hereby authorized and directed to transfer \$8,000,000 from the State General Fund (Direct)
3 to the Special Education Classroom Monitoring Fund, as established in this Act.

4 (W) Notwithstanding any provision of law to the contrary, the state treasurer is
5 hereby authorized and directed to transfer \$1,000,000 from the State General Fund (Direct)
6 to the Blue Tarp Fund.

7 (X) Notwithstanding any provision of law to the contrary, the state treasurer is
8 hereby authorized and directed to transfer \$6,867,514 from the State General Fund (Direct)
9 to the Emergency Communications Interoperability Fund, contingent upon the Act that
10 originated as House Bill No. 1070 of this 2022 Regular Session of the Legislature becoming
11 law.

12 (Y) Notwithstanding any provision of law to the contrary, the state treasurer is
13 hereby authorized and directed to transfer \$10,000,000 from the State General Fund (Direct)
14 to the Major Events Incentive Fund, contingent upon the Act which originated as House Bill
15 No. 1015 of this 2022 Regular Session of the Legislature becoming law.

16 (Z) Notwithstanding any provision of law to the contrary, the state treasurer is
17 hereby authorized and directed to transfer \$5,000,000 from the State General Fund (Direct)
18 to the Events Incentive Fund, contingent upon the Act which originated as House Bill No.
19 1015 of this 2022 Regular Session of the Legislature becoming law.

20 (AA) Notwithstanding any provision of law to the contrary, the state treasurer is
21 hereby authorized and directed to transfer \$130,000,000 from the State General Fund
22 (Direct) to the Capital Outlay Savings Fund.

23 Section 3.(A) Notwithstanding any provision of law to the contrary, the state
24 treasurer is hereby authorized and directed to transfer \$42,500,000 from the State General
25 Fund (Direct) to the Construction Subfund of the Transportation Trust Fund.

26 (B) Notwithstanding any provision of law to the contrary, the state treasurer is
27 hereby authorized and directed to transfer \$30,000,000 from the State General Fund (Direct)
28 to the Jean Boudreaux Settlement Compromise Fund.

1 (C) Notwithstanding any provision of law to the contrary, the state treasurer is
2 hereby authorized and directed to transfer \$33,000,000 from the State General Fund (Direct)
3 to the Hurricane Ida Recovery Fund, as established in this Act.

4 (D) Notwithstanding any provision of law to the contrary, the state treasurer is hereby
5 authorized and directed to transfer \$50,000,000 from the State General Fund (Direct) to the
6 Construction Subfund Preservation Account contingent upon the Act that originated as
7 Senate Bill No. 277 of the 2022 Regular Session of the Louisiana Legislature becoming law.

8 (E) Notwithstanding any provision of law to the contrary, the state treasurer is hereby
9 authorized and directed to transfer \$15,000,000 from the State General Fund (Direct) to the
10 Fiscal Year 2022-2023 Louisiana Tourism Revival Fund, as established in this Act.

11 Section 4. R.S. 39:100.52(C) and 100.71(D) are hereby amended and reenacted and
12 R.S. 39:100.52(D), Subpart O-1 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the
13 Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:100.65, Subpart Q-2 of Part
14 II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950,
15 comprised of R.S. 39:100.123, Subpart Q-3 of Part II-A of Chapter 1 of Subtitle I of Title
16 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.124, Subpart Q-4
17 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950,
18 comprised of R.S. 39:100.125, and Subpart S of Part II-A of Chapter 1 of Subtitle I of Title
19 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.146, Subpart V of
20 Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950,
21 comprised of R.S. 39:100.171, Subpart W of Part II-A of Chapter 1 of Subtitle I of Title 39
22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.181, and Subpart X of
23 Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to
24 be comprised of R.S. 39:100.191, are hereby enacted to read as follows:

25 §100.52. Water Sector Fund

26 * * *

27 C. Monies in the fund shall be used to provide grant funding for repairs,
28 improvements, and consolidation of water systems and ~~sewerage sewer~~ sewer systems ~~and~~
29 ~~repairs and improvements necessitated by storm water~~ pursuant to the Water Sector
30 Program as provided in R.S. 39:100.56.

1 D. The Engineering Fee Subfund, hereafter referred to in this Section as the
 2 "subfund", is hereby created in the state treasury as a subfund in the Water Sector
 3 Fund. Monies appropriated or transferred to the subfund shall be deposited by the
 4 state treasurer after compliance with the provisions of Article VII, Section 9(B) of
 5 the Constitution of Louisiana. Monies in the subfund shall be invested in the same
 6 manner as monies in the Water Sector Fund, and any interest earned on the
 7 investment of subfund monies shall be credited to the subfund. All unexpended and
 8 unencumbered monies in the subfund at the end of the fiscal year shall remain in the
 9 subfund. Monies in the subfund shall be used to provide grant funding to certain
 10 political subdivisions for engineering fees arising out of application to the Water
 11 Sector Program. No monies shall be expended from the subfund without approval
 12 of the Water Sector Commission.

* * *

SUBPART O-1. SPECIAL EDUCATION CLASSROOM MONITORING FUND

§100.65. Special Education Classroom Monitoring Fund

16 A. There is hereby created in the state treasury, as a special fund, the Special
 17 Education Classroom Monitoring Fund, hereinafter referred to as the "fund." The
 18 fund shall consist of any monies appropriated, allocated, or transferred to the fund.

19 B. Monies in the fund shall be invested in the same manner as monies in the
 20 state general fund. Interest earned on investment of monies in the fund shall be
 21 credited to this fund. Unexpended and unencumbered monies in the fund at the end
 22 of the fiscal year shall remain in the fund.

23 C. Subject to an appropriation by the legislature, monies in the fund shall be
 24 solely used for the installation of cameras in classrooms as provided for in R.S.
 25 17:1948 and R.S. 17:3996(B)(65)

* * *

1 fund on December 1, 2024, and any interest attributable to such funds, to the
2 Louisiana Rescue Plan Fund. Monies in the fund shall be used by the Louisiana
3 Department of Health to fund its Early Childhood Supports and Service Program.

4 B. The provisions of this Section shall terminate on December 31, 2026.

5 * * *

6 SUBPART S. RURAL PRIMARY CARE PHYSICIANS DEVELOPMENT FUND

7 §100.146. Rural Primary Care Physicians Development Fund; creation

8 A. There is hereby established in the state treasury as a special fund the
9 Rural Primary Care Physicians Development Fund, hereafter referred to in this
10 Section as the fund. Monies appropriated or transferred to the fund shall be
11 deposited by the state treasurer after compliance with the requirements of Article
12 VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and
13 Redemption Fund. Monies in the fund shall be invested in the same manner as
14 monies in the state general fund. Interest earned on investment of monies in the fund
15 shall be credited to the fund. Until December 1, 2024, unexpended and
16 unencumbered monies in the fund at the end of the fiscal year shall remain in the
17 fund. The treasurer is hereby authorized and directed to transfer any unexpended and
18 unencumbered monies in the fund on December 1, 2024, and any interest attributable
19 to such funds, to the Louisiana Rescue Plan Fund. Monies in the fund shall be used
20 by the Louisiana Department of Health to fund the Health Professional Development
21 Program established pursuant to R.S. 40:1205.1 et seq.

22 B. The provisions of this Section shall terminate on December 31, 2026.

23 * * *

24 SUBPART V. HURRICANE IDA RECOVERY FUND

25 §100.171. Hurricane Ida Recovery Fund

26 A. There is hereby created in the state treasury, as a special fund, the
27 Hurricane Ida Recovery Fund, hereinafter referred to in this Section as the "fund".
28 Monies in the fund shall be used to make full or partial payments to political
29 subdivisions, including school boards, that suffered property loss or damage caused
30 by Hurricane Ida and were not fully compensated for such property loss or damage

1 by insurance and other federal and state disaster resources. Any payment to a
 2 political subdivision made from the fund pursuant to the provisions of this Section
 3 shall be applied by the governing authority of the political subdivision to the cost of
 4 repair or replacement of the damaged property.

5 B. Monies appropriated or transferred to the fund shall be deposited by the
 6 state treasurer after compliance with the requirements of Article VII, Section 9(B)
 7 of the Constitution of Louisiana relative to the Bond Security and Redemption Fund.
 8 Monies in the fund shall be invested in the same manner as monies in the state
 9 general fund. Interest earned on the investment of monies in the fund shall be
 10 deposited in and credited to the fund. Subject to appropriation, the Department of
 11 the Treasury shall administer distribution of monies from the fund.

12 C. Up to three percent of monies initially deposited into the fund may be
 13 retained by the treasurer for administrative expenses. Subject to final approval of the
 14 Joint Legislative Committee on the Budget prior to implementation, the treasurer is
 15 hereby authorized and directed to develop policies and procedures for the
 16 distribution and administration of monies in the fund. Notwithstanding any
 17 provision of law to the contrary, the treasurer may enter into consulting services,
 18 professional services, and information and technology services contracts for the
 19 purpose of the procurement of any goods or services necessary to implement and
 20 expedite the distribution of monies in the fund as emergency procurements exempt
 21 from the provisions of the Louisiana Procurement Code and corresponding rules and
 22 regulations. The cost of such contracts shall be an administrative expense of the
 23 recovery program.

24 SUBPART W. CONTINUUM OF CARE FUND

25 §100.181. Continuum of Care Fund

26 A. There is hereby established in the state treasury as a special fund the
 27 Continuum of Care Fund, hereafter referred to in this Section as the "fund". Monies
 28 appropriated or transferred to the fund shall be deposited by the state treasurer after
 29 compliance with the requirements of Article VII, Section 9(B) of the Constitution of
 30 Louisiana relative to the Bond Security and Redemption Fund. Monies in the fund

1 shall be invested in the same manner as monies in the state general fund. Interest
 2 earned on investment of monies in the fund shall be credited to the fund. Until
 3 December 1, 2024, unexpended and unencumbered monies in the fund at the end of
 4 the fiscal year shall remain in the fund. The treasurer is hereby authorized and
 5 directed to transfer any unexpended and unencumbered monies in the fund on
 6 December 1, 2024, and any interest attributable to such funds, to the Louisiana
 7 Rescue Plan Fund. Monies in the fund shall be used by the Department of Children
 8 and Family Services to fund continuum of care initiatives.

9 B. The provisions of this Section shall terminate on December 31, 2026.

10 SUBPART X. FISCAL YEAR 2022-2023 LOUISIANA TOURISM REVIVAL FUND

11 §100.191. Fiscal Year 2022-2023 Louisiana Tourism Revival Fund

12 A. There is hereby created in the state treasury, as a special fund, the Fiscal
 13 Year 2022-2023 Louisiana Tourism Revival Fund, hereinafter referred to in this
 14 Section as the "fund". The fund shall consist of any monies appropriated, allocated,
 15 or transferred to the fund.

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

20 C. Monies in the fund shall be utilized to provide grants to local and regional
 21 tourist commissions for marketing and promoting Louisiana as a tourism destination
 22 for in-state and out-of-state travel activity. In order to qualify to receive a grant
 23 award, the recipient shall be an official tourism commission, convention and visitors
 24 bureau, or official destination marketing organization.

25 D. Monies in the fund shall be administered by the division of administration
 26 in the same manner as provided for R.S. 39:100.55.

27 Section 5.(A) This Section and Sections 1, 2, and 4 of this Act shall become
 28 effective upon signature by the governor or, if not signed by the governor, upon expiration
 29 of the time for bills to become law without signature by the governor, as provided by Article
 30 III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently

1 approved by the legislature, this Section and Sections 1, 2, and 4 of this Act shall become
2 effective on the day following such approval.

3 (B) Section 3 of this Act shall become effective on July 1, 2022; if vetoed by the
4 governor and subsequently approved by the legislature, Section 3 of this Act shall become
5 effective on July 1, 2022, or on the day following such approval by the legislature,
6 whichever is later.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____