ENROLLED

2021 Regular Session

ACT No. 410

HOUSE BILL NO. 642

BY REPRESENTATIVES SCHEXNAYDER AND ZERINGUE AND SENATOR CORTEZ

AN ACT

To enact R.S. 39:100.44.1, 100.44.2, and Subpart N 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. 39:100.51 through 100.59.2, relative to the disbursement of monies received from the American Rescue Plan Act of 2021; to create funds for the deposit of federal monies received from the American Rescue Plan Act of 2021; to create programs for the administration of monies from the funds; to create and establish the Water Sector Commission; to provide for the powers, duties, and authority of the Water Sector Commission; to provide for the powers, duties, and authority of the Joint Legislative Committee on the Budget; to authorize the Joint Legislative Committee on the Budget to approve the transfer of monies received from the American Rescue Plan Act of 2021 to certain funds; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:100.44.1, 100.44.2, and Subpart N of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.51 through 100.59.2, are hereby enacted to read as follows:

<u>§100.44.1. Louisiana Main Street Recovery Program; Louisiana Rescue Plan Funds; Loggers Relief; Save Our Screens</u>

<u>A. Notwithstanding the provisions of R.S. 39:100.44, the treasurer shall administer the Louisiana Main Street Recovery Program for grants to 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 Main Street Recovery Rescue Plan Fund for administration of the programs. Notwithstanding any provision of law to the contrary, the treasurer may</u>

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

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.

(2)(a) For movie theaters, had fifty or fewer full-time equivalent employees per location as of March 1, 2020.

(b) For other businesses, had fifty or fewer full-time equivalent employees as of March 1, 2020.

(3) Filed Louisiana taxes for tax years 2019 and 2020.

(4) Experienced a revenue loss of ten percent or greater of gross revenue for the period of January 1, 2020, through December 31, 2020, as compared to the gross revenue of the business during the same period in 2019.

(5) Is in good standing with the secretary of state.

(6) Does not exist for the purpose of advancing partisan political activity.

(7) Does not directly lobby federal or state officials.

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

C. Any grant award received pursuant to this Section combined with any monies received pursuant to the Louisiana Main Street Recovery Program as provided in R.S. 39:100.44, United States Small Business Administration-Guaranty Paycheck Protection Program loan, and United States Small Business Administration Economic Injury Disaster Loan Emergency Advance shall not exceed the amount of revenue loss experienced by the business for the period of January 1, 2020, through December 31, 2020.

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

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

E. The Louisiana Loggers Relief Program shall have priority for ten million dollars of the money granted by the Louisiana Main Street Recovery Program. Grants shall be distributed to eligible timber harvesting and timber hauling businesses impacted by COVID-19. Any grant received pursuant to this Subsection shall not exceed twenty-five thousand dollars per business. In addition to the criteria provided in Subsection B of this Section, a timber harvesting or timber hauling business shall meet all of the following criteria to be eligible to receive a grant:

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

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

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

F. The Louisiana Save Our Screens Program shall have priority for four million five hundred thousand dollars of the money granted by the Louisiana Main Street Recovery Program. Grants shall be distributed to eligible movie theater businesses impacted by COVID-19. Any grant received pursuant to this Subsection shall not exceed ten thousand dollars per movie screen located in Louisiana. Theatres with corporate ownership based outside of Louisiana shall use funds received pursuant to this Subsection for Louisiana-based screens and operations. In addition to the criteria provided in Subsection B of this Section, a business shall meet all of the following criteria to be eligible to receive a grant:

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

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

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

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

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

G. The theater receiving the grant shall be the entity holding the occupational license for the physical location of the applicable auditorium.

H.(1) There is hereby created in the state treasury, as a special fund, the Louisiana Main Street Recovery Rescue Plan Fund, hereinafter referred to in this Section as the "fund". The treasurer is hereby authorized and directed to transfer fourteen million five hundred thousand dollars from the Louisiana Rescue Plan Fund into the fund. Of the monies in the fund, ten million dollars shall be used for economic support grants to eligible Louisiana timber harvesting and timber hauling businesses and four million five hundred thousand dollars shall be used for economic support grants to eligible movie theater owners in accordance with the provisions of the Louisiana Main Street Recovery Program as provided in this Section.

(2) Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund.

(3) Any remaining balance in the fund on June 30, 2022, shall be transferred to the Louisiana Rescue Plan Fund.

I. The legislative auditor shall consult with and provide to the treasurer recommendations about requirements necessary for eligibility criteria and verification of such criteria for the programs in this Section.

J. No grants shall be awarded pursuant to this Section after January 30, 2022.

§100.44.2. Port Relief; Small Business and Nonprofit Assistance

A.(1)(a) The division of administration, hereinafter referred to in this Section as the division, shall administer the Port Relief Program. The program shall provide

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

funding to Louisiana port authorities for revenue loss and reimbursement of expenses related to COVID-19 and port security measures. The amount of total funding from the program for security measures shall not exceed five million dollars. Expenses submitted to but not reimbursed by the Coronavirus Local Recovery Allocation Program shall be eligible for reimbursement pursuant to the provisions of this program. In no event shall the total amount of an award made pursuant to the provisions of this program, when combined with all monies received by the port authority pursuant to the Coronavirus Aid, Relief and Economic Security Act (CARES), Coronavirus Response & Relief Supplemental Appropriations Act (CRRSA), the American Rescue Plan Act (ARP), and the Coronavirus Local Recovery Allocation Program, exceed the actual revenue loss, COVID-19 expenses, and maritime port security expenses incurred by the port authority, as determined in Item (c)(ii) of this Paragraph.

(b) For purposes of this Section, "port authority" means the governing authority of any port area or port, harbor, and terminal district. The term "port authority" shall also include an entity that provides short line rail service for a port, harbor, or terminal district and has pledged its revenues to the indebtedness of the port, harbor, or terminal district.

(c) Any port authority receiving funding pursuant to this Section shall meet the following criteria:

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

(ii) Experienced a revenue loss of gross revenue for the period of March 1, 2020, through June 30, 2021, as compared to the gross revenue that the port authority would have received during the same period pursuant to its financial plans.

(d) The port authority seeking funding pursuant to this Section shall submit verification of revenue loss, COVID-19 expenses, and expenses related to maritime port security measures to the division of administration.

(e) The division of administration is hereby authorized to promulgate emergency rules to provide for administration of this program and to establish an application period for awards pursuant to the provisions of this Paragraph.

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

(f) No funding shall be awarded pursuant to the provisions of this Paragraph until after the application period has closed. Thereafter, available funds shall be allocated on a pro rata basis to each port authority that qualifies for an award pursuant to the provisions of this Paragraph. If a port authority does not qualify for its full pro rata allocation, the remaining funds shall be aggregated for further pro rata distribution to remaining qualifying port authorities once all initial awards have been made. Any remaining balance after the second distribution shall be transferred to the Louisiana Rescue Plan Fund.

(g) The division of administration may utilize an amount not to exceed two hundred fifty thousand dollars collectively from the Louisiana Port Relief Fund and the Louisiana Tourism Revival Fund for administrative expenses associated with the Louisiana Port Relief Program and the Louisiana Tourism Revival Program.

B.(1) The Department of Revenue shall administer the Louisiana Small Business and Nonprofit Assistance Program. The Department may utilize up to five percent of the monies in the Louisiana Small Business and Nonprofit Assistance Fund for administration of the program. Notwithstanding any provision of law to the contrary, the Department 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.

(2) The program shall provide grants to small businesses to provide workforce development activities and eligible nonprofit organizations, including public charities and faith-based organizations that provide social services to the broader community, to administer aid to individuals impacted by COVID-19. Any grant received pursuant to this Subsection shall not exceed twenty-five thousand dollars per small business or nonprofit organization.

(3) Any small business or eligible nonprofit organization receiving funding pursuant to this Section shall meet the following criteria:

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

(a)(i) For a small business, is a corporation, limited liability company, partnership, or sole proprietorship.

(ii) For a nonprofit organization, is a nonprofit corporation wholly owned by a nonprofit corporation.

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

(c) Is in good standing with the secretary of state, if applicable.

(d) Filed Louisiana tax returns for tax years 2019 and 2020, if applicable.

(e) Does not exist for the purpose of advancing partisan political activity and does not directly lobby federal or state officials.

(f) Is in good standing with the Internal Revenue Service and has filed the Form 990 for tax year 2019 and 2020, if applicable.

(4) For nonprofit organizations, priority shall be given to organizations that provide food, employment, and education assistance programs.

(5) For purposes of this Subsection, the following terms shall have the following meanings:

(a) "Small business" shall mean a business with fifty or fewer full-time equivalent employees.

(b) "Workforce development activity" shall mean any program, service, or activity that involves workforce preparation or vocational skills training. It shall also include any program, service, or activity that tends to improve an individual's employment opportunities such as basic education, academic education, vocational, technical, or occupational education, job readiness training, and job search training.

(6) Each small business or nonprofit organization that receives funds pursuant to this Section shall enter into a cooperative endeavor agreement with the Department of Revenue to ensure the funds are properly expended. The secretary of the Department of Revenue may promulgate rules in accordance with the Administrative Procedure Act to establish the policies and criteria regarding program eligibility and any other matter necessary to carry out the intent and purposes of this Section.

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

(7) No grants shall be awarded pursuant to this Section after June 30, 2022.

* * *

SUBPART N. LOUISIANA RESCUE PLAN FUND

§100.51. Louisiana Rescue Plan Fund; purpose

A. There is hereby created in the state treasury, as a special fund, the "Louisiana Rescue Plan Fund", hereinafter referred to in this Section as the "fund". The state treasurer is authorized and directed to deposit in and transfer into the fund any federal monies allocated to Louisiana pursuant to the Coronavirus State Fiscal Recovery Fund of the American Rescue Plan Act of 2021.

B.(1) The state treasurer is hereby authorized and directed to transfer five hundred sixty-three million dollars out of the Louisiana Rescue Plan Fund into the Construction Subfund of the Transportation Trust Fund in accordance with the provisions of the American Rescue Plan Act of 2021 (P.L. 117-2) authorizing the use of the Coronavirus State Fiscal Recovery Fund for the provision of government services to the extent of a reduction in state revenues.

(2) The state treasurer is hereby authorized and directed to transfer fifteen million dollars out of the Louisiana Rescue Plan Fund into the Legislative Capitol Technology Enhancement Fund in accordance with the provisions of the American Rescue Plan Act of 2021 (P.L. 117-2) authorizing the use of the Coronavirus State Fiscal Recovery Fund for the provision of government services to the extent of a reduction in state revenues.

(3) The state treasurer is hereby authorized and directed to transfer the amount of ten million dollars out of the Louisiana Rescue Plan Fund into the Major Events Fund.

(4) The state treasurer is hereby authorized and directed to transfer the amount of five million dollars out of the Louisiana Rescue Plan Fund into the Health Care Employment Reinvestment Opportunity (H.E.R.O.) Fund, in the event that Senate Bill No.229 of the 2021 Regular Session of the legislature is enacted into law.

C. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on investment of monies in the fund shall be

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

credited to the fund. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

D. Monies in the fund shall be allocated as provided in this Subpart and may be appropriated for the Clearing Account of the Unemployment Compensation Fund pursuant to R.S. 23:1491.

E. If the legislature is not in session, the Joint Legislative Committee on the Budget is authorized to appropriate monies from the Louisiana Rescue Plan Fund or any of the funds created pursuant to this Subpart by approving a budget adjustment by BA-7. Any such appropriation shall be consistent with guidance promulgated by the United States Treasury. The committee is further authorized to approve the transfer of funds between any of the funds created pursuant to this Subpart by approving a budget adjustment by BA-7. Pursuant to approval of a BA-7, monies in the fund may be used to provide funding for infrastructure projects administered by the Department of Transportation and Development.

§100.52. Water Sector Fund

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

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

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

§100.53. Granting Unserved Municipalities Broadband Opportunities Fund

A. There is hereby created in the state treasury, as a special fund, the Granting Unserved Municipalities Broadband Opportunities (GUMBO) Fund, hereinafter referred to in this Section as the "fund". The treasurer is hereby

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

authorized and directed to transfer ninety million dollars from the Louisiana Coronavirus Capital Projects Fund into the fund.

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

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

§100.54. Louisiana Tourism Revival Fund

A. There is hereby created in the state treasury, as a special fund, the Louisiana Tourism Revival Fund, hereinafter referred to in this Section as the "fund". The treasurer is hereby authorized and directed to transfer seventy-seven million five-hundred thousand dollars from the Louisiana Rescue Plan Fund into the fund.

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

C. Monies in the fund shall be utilized to support the efforts of state, local, and regional tourism entities to revive tourism in Louisiana by investing in programs focused on marketing and promoting Louisiana as a destination for in-state and out-of-state travel activity.

D. Monies in the fund shall be distributed as follows: sixty million dollars shall be used for the Louisiana Tourism Revival Program as provided for in R.S. 39:100.55 and seventeen million five-hundred thousand dollars shall be appropriated to the Department of Culture, Recreation and Tourism for the Marketing Program.

§100.55. Louisiana Tourism Revival Program

A. The Louisiana Tourism Revival Program is established to provide grants to local and regional tourist commissions for marketing and promoting Louisiana as

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

a tourism destination for in-state and out-of-state travel activity. The division of administration shall administer the program.

B. The division of administration shall establish a program portal in which applications shall be submitted, and the division shall publish information on the program. The program portal page shall be operational no later than August 31, 2021.

C. In order to qualify to receive a grant award, the recipient shall be an official tourism commission, convention and visitors bureau, or official destination marketing organization.

D. The division of administration shall submit a plan for the administration and structure of the program to the Joint Legislative Committee on the Budget by July 31, 2021, for review and approval at the monthly August meeting. No grants shall be awarded prior to Joint Legislative Committee on the Budget approving the plan submitted by the division of administration.

E. The division of administration may utilize an amount not to exceed two hundred fifty thousand dollars collectively from the Louisiana Port Relief Fund and the Louisiana Tourism Revival Fund for administrative expenses associated with the Louisiana Port Relief Program and the Louisiana Tourism Revival Program.

§100.56. Water Sector Program

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

(1) "Commission" shall mean the Water Sector Commission.

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

(3) "Division" shall mean the division of administration.

(4) "Fund" shall mean the Water Sector Fund.

B.(1) The Water Sector Commission is hereby established to review applications submitted pursuant to the Water Sector Program and make recommendations for funding to the Joint Legislative Committee on the Budget.

(2) The commission shall be comprised of the following members:

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

(a) Five members of the House of Representatives appointed by the speaker of the House of Representatives.

(b) Five members of the Senate appointed by the president of the Senate.

(3) A Senate member of the commission and a House member of the commission shall serve as co-chairmen of the commission.

(4) A quorum of the commission shall be six members. Any recommendations made by the commission shall require a quorum for approval.

(5) The staffs of the Senate, House of Representatives, and legislative fiscal office shall provide staff support and otherwise assist the commission as requested by the commission.

C. The Water Sector Program is hereby established to provide grant funding for repairs, improvements, and consolidation of community water and sewer systems, and repairs and improvements necessitated by storm water. The division of administration, office of facility planning and control, and the office of community development shall administer the program in consultation with the Louisiana Department of Health and the Department of Environmental Quality. The division shall establish a working panel comprised of employees of the office of facility planning and control and the office of community development, within the division of administration, the office of public health within the Louisiana Department of Health, and the Department of Environmental Quality. The working panel shall review and rate applications submitted by community water systems, community sewer systems, and local governing authorities and submit recommendations for funding to the commission.

D.(1) The commission shall hold its first meeting no later than June 30, 2021. At its first meeting, the commission shall issue directives to the division to utilize in the development of the guidance required in Paragraph (2) of this Subsection.

(2) The division shall promulgate guidance for the administration of the program. The guidance shall include application requirements, deadlines for application submissions and approval, criteria for ratings, and a process for

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

prioritizing critical infrastructure needs. The Administrative Procedure Act, R.S. 49:950 et seq., shall not apply to guidance promulgated pursuant to this Section. No later than July 15, 2021, the division shall submit the proposed guidance to the commission for review and approval. Any changes to the guidance shall require approval by the commission.

E. In addition to the guidance provided for in Subsection D of this Section, the division shall submit a proposal outlining administrative costs for the program to the commission for review and approval prior to implementing the program no later than July 15, 2021. The commission shall review the proposed administrative costs and make a recommendation to the Joint Legislative Committee on the Budget for funding for administrative costs. The committee shall review the recommendations submitted by the commission and approve administrative costs for the program.

F. Notwithstanding any provision of law to the contrary, the division 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 costs.

G. Each grant recipient shall be required to provide matching funds unless the commission recommends waiving the match requirement.

H. The division shall begin accepting applications no later than August 1, 2021. The applications shall include the following, at a minimum:

(1) The amount of grant funding requested.

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

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

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

(4) Assurance the entity will comply with the rate determination of the rate study completed by a third party chosen by the division prior to release of funds for construction and permission to bid.

(5) A certification from the local governing authority that operates the system or the water system operator that funding from the Coronavirus Fiscal Recovery Fund of the American Rescue Plan Act of 2021 is being used as a source of funding for the required match or explanation of legitimate cause that precluded the use of those funds for the match.

I. Within forty-five days of the end of the application period, the division shall submit the working panel's ratings of proposed projects and recommendations for funding for the projects to the commission. The working panel's recommendations to the commission shall include recommendations for utilization of existing funding sources including the Drinking Water Revolving Loan Fund, Clean Water State Revolving Fund, and Community Water Enrichment and Other Improvements Fund.

J. The commission shall review the ratings and recommendations submitted by the working panel. The commission shall submit its recommendations for projects to receive monies from the fund and funding amounts to the Joint Legislative Committee on the Budget. The recommendations shall include proposed matching funds unless the commission recommends a waiver of matching funds or decreased match for any project based on the determination that the local governing authority or water system is unable to provide the match.

K. The committee shall review the recommendations submitted by the commission and have final approval of funding for projects. No monies shall be expended from the fund without approval of the Joint Legislative Committee on the Budget.

L. Beginning January 1, 2022, the division shall submit a quarterly construction progress report for projects that received funding approval to the Joint Legislative Committee on the Budget.

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

M. Each grant recipient that receives funding pursuant to this Section shall comply with the provisions of R.S. 24:513.

N. The provisions of R.S. 39:72.1(A) shall not apply to monies appropriated pursuant to this Section.

O.(1) Priority for funding shall be given to community water system projects, community sewer system projects, or projects necessitated by storm water that are contained in the Act which originated as House Bill No. 2 of the 2021 Regular Session of the Legislature.

(2) Projects eligible pursuant to this Subsection shall not be required to submit an application pursuant to the provisions of the Section. The division may request supplemental information for the project as directed by the commission.

P. If an appropriation for a community water system project, community sewer system project, or a project necessitated by storm water has received a line of credit or is recommended for a line of credit pursuant to the Act which originated as House Bill No. 2 of the 2021 Regular Session of the Legislature and the project is eligible for funding through the Water Sector Program, the commission may recommend to the commissioner of administration that the project not be recommended for a line of credit in lieu of funding from the Water Sector Program.

§100.57. Louisiana Coronavirus Capital Projects Fund

A. There is hereby created in the state treasury, as a special fund, the "Louisiana Coronavirus Capital Projects Fund", hereinafter referred to in this Section as the "fund". Monies in the fund shall be expended in accordance with the American Rescue Plan Act of 2021 and subsequent guidance promulgated by the United States Treasury.

B. The state treasurer is hereby authorized and directed to deposit in and credit to the fund any federal monies allocated to Louisiana pursuant to the Coronavirus Capital Projects Fund of the American Rescue Plan Act of 2021.

C. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on investment of monies in the fund shall be

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

credited to the fund. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

D. Monies in the fund shall be allocated as provided in this Subpart.

§100.58. Louisiana Small Business and Nonprofit Assistance Fund

A. There is hereby created in the state treasury, as a special fund, the "Louisiana Small Business and Nonprofit Assistance Fund", hereinafter referred to in this Section as the "fund". Monies in the fund shall be used to provide grants to small businesses and nonprofits for the administration of COVID-19 response and relief efforts in accordance with the provisions of the Louisiana Small Business and Nonprofit Assistance Program as provided in R.S. 39:100.44.2.

B. The treasurer is hereby authorized and directed to transfer ten million dollars from the Louisiana Rescue Plan Fund into the fund. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund.

C. Any remaining balance in the fund on June 30, 2023, shall be transferred to the Louisiana Rescue Plan Fund.

§100.59. Louisiana Port Relief Fund

A. There is hereby created in the state treasury, as a special fund, the "Louisiana Port Relief Fund", hereinafter referred to in this Section as the "fund". Monies in the fund shall be used to provide economic support to Louisiana port authorities in accordance with the provisions of the Louisiana Port Relief Program as provided in R.S. 39:100.44.2.

B. The treasurer is hereby authorized and directed to transfer fifty million dollars from the Louisiana Rescue Plan Fund into the fund. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund.

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

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

§100.59.1. Southwest Louisiana Hurricane Recovery Fund

A. There is hereby created in the state treasury, as a special fund, the Southwest Louisiana Hurricane Recovery Fund, hereinafter referred to in this Section as the "fund". Monies in the fund shall be used to assist in repairing structural damages caused by the 2020 hurricane season in Southwest Louisiana.

B. The treasurer is hereby authorized and directed to transfer thirty million dollars from the Louisiana Rescue Plan Fund into the fund in accordance with the provisions of the American Rescue Plan Act of 2021 (P.L. 117-2) authorizing the use of the Coronavirus State Fiscal Recovery Fund for the provision of government services to the extent of a reduction in state revenues. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund.

§100.59.2. Capital Outlay Relief Fund

A. There is hereby created in the state treasury, as a special fund, the Capital Outlay Relief Fund hereinafter referred to in this Section as the "fund". Monies in the fund shall be used for capital outlay projects.

B. The treasurer is hereby authorized and directed to transfer thirty-five million dollars from the Louisiana Rescue Plan Fund into the fund in accordance with the provisions of the American Rescue Plan Act of 2021 (P.L. 117-2) authorizing the use of the Coronavirus State Fiscal Recovery Fund for the provision of government services to the extent of a reduction in state revenues. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund.

Section 2.(A) 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, this Act shall become effective on the day following such approval.

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

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

_____
SPEAKER OF THE HOUSE OF REPRESENTATIVES

_____
PRESIDENT OF THE SENATE

_____
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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