

First Extraordinary Session, 2005

HOUSE BILL NO. 36

BY REPRESENTATIVE LAFLEUR

FUNDS/FUNDING: Establishes the Restoration Fund in the state treasury to provide for the repair, renovation, restoration, and reconstruction of the state's public infrastructure (Item #27)

1 AN ACT

2 To enact Subpart I of Part II-B of Chapter 1 of Subtitle I of Title 39 of the Louisiana
3 Revised Statutes of 1950, to be comprised of R.S. 39:100.31 and 100.32, relative to
4 state funds; to establish the Restoration Fund as a special fund in the state treasury;
5 to provide for accounts within the fund; to provide for the deposit of monies into the
6 fund; to provide for appropriation and use of monies in the fund; to provide for
7 limitations on appropriations; to require the development of an annual prioritized
8 program for projects and expenditures recommended for funding through
9 appropriations from the fund; to authorize the Joint Legislative Committee on the
10 Budget to provide by resolution for the content and schedule for submission and
11 consideration of the program; to provide for the consideration, amendment, and
12 approval of such program by the Joint Legislative Committee on the Budget; to
13 authorize rulemaking; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. Subpart I of Part II-B of Chapter 1 of Subtitle I of Title 39 of the
16 Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.31 and 100.32, is hereby
17 enacted to read as follows:

1 SUBPART II-B. RESTORATION FUND2 §100.31. Restoration Fund

3 A. The "Restoration Fund", hereinafter referred to as the "fund", is hereby
4 established as a special fund in the state treasury to provide for the repair,
5 renovation, restoration, reconstruction, or replacement of state-owned public
6 facilities, buildings, and other assets, hereinafter referred to in this Subpart as "state
7 asset".

8 B. The fund shall be composed of two separate accounts, the Main Account
9 and the State Match Account. The sources of monies to be deposited into the Main
10 Account shall be all monies received by the state on behalf of or through any of its
11 agencies from the federal government, an insurer, or from any other nonstate source,
12 for purposes of repair, renovation, restoration, reconstruction, or replacement of a
13 state asset. The source of monies to be deposited into the State Match Account shall
14 be legislative appropriation.

15 C. Monies in the fund shall be appropriated only to the facility planning and
16 control section of the division of administration for use in the repair, renovation,
17 restoration, reconstruction, or replacement of state assets. Appropriations from the
18 fund shall conform and be limited to those purposes contained in the most recently
19 adopted Restoration Priority Program as provided in R.S. 39:100.32 for that fiscal
20 year.

21 D. All unexpended and unencumbered monies in the fund at the end of the
22 fiscal year shall remain in the fund. Monies in the fund shall be invested by the state
23 treasurer in the same manner as those in the state general fund. Earnings on the
24 investment of monies in the fund shall be credited to the fund.

25 §100.32. Restoration Priority Program

26 A.(1) No later than February 1, 2005, for Fiscal Year 2005-2006
27 appropriations, and for each fiscal year thereafter prior to the convening of each
28 regular session of the legislature beginning with the 2006 Regular Session, the
29 facility planning and control section of the division of administration, hereinafter

1 referred to as "facility planning section" shall submit to the Joint Legislative
2 Committee on the Budget, hereinafter referred to as the "committee", a prioritized
3 program for the repair, renovation, restoration, reconstruction, or replacement of
4 state assets damaged or lost due to Hurricane Katrina or Rita. Such program shall
5 be known as the Restoration Priority Program, hereinafter referred to as the
6 "program", and shall constitute the list of projects to be commenced in the ensuing
7 fiscal year or later, which shall be based upon the anticipated appropriations from
8 the Restoration Fund in the respective fiscal year. However, the Restoration Priority
9 Program adopted for Fiscal Year 2005-2006 shall list the projects to be commenced
10 in that fiscal year or later.

11 (2) The specific elements to be contained in the program submitted by the
12 facility planning section, the schedule for submission and consideration of same, and
13 all other matters not provided by law which relate to the committee's jurisdiction
14 over the proposed program shall be governed by resolution adopted by the
15 committee. At a minimum, the program list shall indicate the total estimated cost of
16 each proposed project, with the specific amount required from each of the accounts
17 within the fund.

18 (3) The committee shall consider the program proposed by the facility
19 planning section. The committee may amend the proposed program by a favorable
20 vote of a majority of the members thereof from each house present and voting, each
21 house voting separately, a quorum of the committee being present. The committee
22 shall adopt the Restoration Priority Program by committee resolution.

23 B. The facility planning section is authorized to utilize any process,
24 procedure, or authorities granted to that agency pursuant to the provisions of Part III
25 of this Chapter which the commissioner of administration deems useful in execution
26 of the requirements of this Subpart. The commissioner of administration is
27 authorized to establish procedures and promulgate rules pursuant to the
28 Administrative Procedure Act as he deems appropriate in carrying out the provisions
29 of this Subpart.

1 Section 2. This Act shall become effective upon signature by the governor or, if not
2 signed by the governor, upon expiration of the time for bills to become law without signature
3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
4 vetoed by the governor and subsequently approved by the legislature, this Act shall become
5 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.

LaFleur

HB No. 36

Abstract: Establishes the Restoration Fund to provide for repair, renovation, restoration, reconstruction, and replacement of Louisiana's public infrastructure and further provides for the Restoration Priority Program.

Proposed law establishes the Restoration Fund, hereinafter "fund", as a special fund in the state treasury to provide for the repair, renovation, restoration, reconstruction, or replacement of state buildings and other assets, hereinafter "state assets". The fund shall be composed of two separate accounts, the Main Account and the State Match Account. Monies to be deposited into the Main Account shall be those received by the state from the federal government or from any nonstate source, for purposes of repair, renovation, restoration, reconstruction, or replacement of state assets. The source of monies to be deposited into the State Match Account shall be legislative appropriation.

Proposed law provides that all unexpended and unencumbered monies in the fund at the end of the fiscal year remain in the fund. Monies in the fund shall be invested by the state treasurer in the same manner as those in the state general fund and earnings thereon shall be credited to the fund.

Proposed law provides that monies in the fund shall be subject to appropriation only to the facility planning and control section of the division of administration, hereinafter "facility planning section", for use in the repair, renovation, restoration, reconstruction, or replacement of state assets. Further, appropriations from the fund in each fiscal year shall be in conformity with the most recently adopted Restoration Priority Program for that fiscal year.

Proposed law requires that each year the facility planning section develop a proposed prioritized program which lists projects recommended to be funded through appropriations from the fund, which program shall be known as the Restoration Priority Program. The proposed program shall be submitted to the Joint Legislative Committee on the Budget, hereinafter the "committee", for review, amendment, and approval.

Proposed law provides that the specific elements of the program, the schedule for submission and consideration of same, and all other matters not provided by law which relate to the committee's jurisdiction over the proposed program shall be governed by resolution adopted by the committee.

Proposed law provides for consideration of the proposed program by the committee. The committee may amend the proposed program by a favorable vote of a majority of the members thereof from each house present and voting, each house voting separately, a

quorum of the committee being present. The committee shall adopt the recommended Restoration Priority Program by committee resolution.

Proposed law authorizes the facility planning section to utilize any process, procedure, or authorities granted to it pursuant to Part III of Chapter 1 of Subtitle II of Title 39 (capital outlay). Further, the commissioner of administration is authorized to establish procedures and promulgate rules pursuant to the Administrative Procedure Act as he deems appropriate in carrying out the provisions of this Subpart.

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

(Adds R.S. 39:100.31 and 100.32)