

First Extraordinary Session, 2005

SENATE BILL NO. 62

BY SENATOR DARDENNE

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. (gov sig)

1 AN ACT
2 To enact Subpart A 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 A 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 **PART II-B. RESTORATION FUND**

2 **SUBPART A. RESTORATION FUND**

3 **§100.31. Restoration Fund**

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

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

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

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

26 **§100.32. Restoration Priority Program**

27 **A.(1) No later than February 1, 2005, for Fiscal Year 2005-2006**
28 **appropriations, and no later than February first for each fiscal year thereafter**
29 **prior to the convening of each regular session of the legislature beginning with**

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

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

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

26 B. The facility planning section is authorized to utilize any process,
27 procedure, or authorities granted to that agency pursuant to the provisions of
28 Part III of this Chapter which the commissioner of administration deems useful
29 in execution of the requirements of this Subpart. The commissioner of

1 **administration may establish procedures and promulgate rules pursuant to the**
 2 **Administrative Procedure Act as he deems appropriate in carrying out the**
 3 **provisions of this Subpart.**

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

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Thomas L. Tyler.

DIGEST

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." Requires that the fund 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. Requires that monies in the fund 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. Requires that appropriations from the fund in each fiscal year 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. Requires that the proposed program 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. Authorizes the committee to 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. Requires that the committee adopt the

recommended Restoration Priority Program by 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). Authorizes the commissioner of administration to establish procedures and promulgate rules pursuant to the Administrative Procedure Act as he deems appropriate in carrying out the provisions of proposed law.

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

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