

First Extraordinary Session, 2005

HOUSE BILL NO. 36

BY REPRESENTATIVES LAFLEUR, CAZAYOUX, AND THOMPSON

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 I. 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                   subject to any restrictions imposed by federal law, for purposes of repair, renovation,  
13                   restoration, reconstruction, or replacement of a state asset. The source of monies to  
14                   be deposited into the State Match Account shall 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, 2006, 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", which shall consist of a list of projects to be commenced in the ensuing  
7        fiscal year and a separate set of projects which will be commenced in subsequent  
8        fiscal years. The list of projects for the ensuing fiscal year shall be based upon the  
9        anticipated appropriations from the Restoration Fund in the respective fiscal year.  
10       However, the Restoration Priority Program adopted for Fiscal Year 2005-2006 shall  
11       list the projects to be commenced in Fiscal Year 2005-2006 based on anticipated  
12       appropriations from the Restoration Fund in that year and a list of projects to be  
13       commenced in future years.

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

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

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

1        of the requirements of this Subpart. The commissioner of administration is  
2        authorized to establish procedures and promulgate rules pursuant to the  
3        Administrative Procedure Act as he deems appropriate in carrying out the provisions  
4        of this Subpart.

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

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#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument.

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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 anticipated appropriations from the fund, which program shall be known as the Restoration Priority Program. The program shall consist of a list of projects to be commenced in the next fiscal year and a separate set of projects which will be commenced in subsequent fiscal years. 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)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Appropriations to the original bill.

1. Specifies that the Restoration Priority Program shall consist of a list of projects for the next fiscal year, along with a separate set of projects to be commenced in subsequent fiscal years.