

Regular Session, 2014

SENATE BILL NO. 653

BY SENATOR JOHNS

COURTS. Provides with respect to the Court of Appeal for the Third Circuit, (gov sig)

1 AN ACT

2 To enact Part V of Chapter 3 of Title 13 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 13:393.1 through 393.6, relative to facilities operated by the Court
4 of Appeal for the Third Circuit; to provide for creation of the Third Circuit Court of
5 Appeal Building Commission; to provide relative to financial assistance to the Court
6 of Appeal for the Third Circuit relative to costs of acquisition, construction,
7 reconstruction, renovation, improvement, furnishing, equipping, operating and
8 maintenance of its facilities; to provide for the forms of such financial assistance;
9 and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. Part V of Chapter 3 of Title 13 of the Louisiana Revised Statutes of 1950,
12 comprised of R.S. 13:393.1 through 393.6 is hereby enacted to read as follows:

13 **PART V: THIRD CIRCUIT COURT OF APPEAL BUILDING COMMISSION**

14 **§393.1. Legislative findings**

15 **A. The legislature finds and declares that:**

16 **(1) Facilities operated by and on behalf of the Court of Appeal for the**
17 **Third Circuit are outdated, under-maintained and in need of improvement in**

1 order to bring such facilities in line with the needs of the Court of Appeal for
2 the Third Circuit with current and future technological advances. It is an
3 important public purpose of the state that the facilities from which the Court
4 of Appeal for the Third Circuit operates be maintained and periodically
5 updated in order to protect the investment of the state in those facilities and to
6 take advantage of technological improvements.

7 (2) There is currently a significant need for funding for acquisition,
8 construction, reconstruction, renovation, improvement, furnishing, equipping,
9 operation and maintenance of facilities from which the Court of Appeal for the
10 Third Circuit operates.

11 (3) There are currently insufficient state resources to address all of the
12 needs relating to such facilities and addressing these needs with minimal effect
13 on the state budget is a priority.

14 B. To assist in financing the acquisition, construction, reconstruction,
15 renovation, improvement, furnishing, equipping, operation and maintenance of
16 facilities from which the Court of Appeal for the Third Circuit operates, the
17 Third Circuit Court of Appeal Building Commission is established pursuant to
18 this Part to facilitate an effort to provide funding for the facilities needs of the
19 Court of Appeal for the Third Circuit.

20 §393.2. Definitions

21 As used in this Part, the following terms shall have the meanings
22 ascribed to them in this Section, unless the context clearly indicates otherwise:

23 (1) "Commission" means the Third Circuit Court of Appeal Building
24 Commission created pursuant to this Part.

25 (2) "Facilities fund" means the Third Circuit Court of Appeal Facilities
26 Fund established pursuant to this Part.

27 (3) "Lower court" shall mean each district court, municipal court or any
28 other court subject to the appellate or supervisory jurisdiction of the Court of
29 Appeal for the Third Circuit.

1 **(4) "Project obligations" means any obligation, lease payment, loan**
2 **payment, principal, interest, premium, or other payments required under other**
3 **financing agreements in connection with the issuance of bonds or other evidence**
4 **of indebtedness issued for the purpose of funding qualified projects.**

5 **(5) "Qualified projects" means the acquisition, construction,**
6 **reconstruction, renovation, improvement, furnishing, equipping, operation and**
7 **maintenance of courthouse facilities, offices, parking and other ancillary**
8 **facilities for the Court of Appeal for the Third Circuit designated as a qualified**
9 **project by the commission.**

10 **(6) "Support fee" means the Third Circuit Court of Appeal Facility**
11 **Support Fee established pursuant to this Part.**

12 **§393.3. Creation of the Third Circuit Court of Appeal Building Commission**

13 **A. Solely for the purposes of this Part, there is hereby created the Third**
14 **Circuit Court of Appeal Building Commission for purposes of the construction**
15 **and funding of qualified projects, which shall be deemed to be a public**
16 **commission. The judges, en banc, of the Court of Appeal for the Third Circuit**
17 **shall serve as the board of commissioners of the commission.**

18 **B. The commission shall be a public corporation with power to contract,**
19 **administer the proceeds of the costs and charges authorized in this Part, own,**
20 **lease, sublease, and otherwise provide for the construction, equipping,**
21 **maintenance, and operation of qualified projects and to pledge and dedicate the**
22 **support fee and monies in the facilities fund as provided in this Part.**

23 **C. The commission shall elect a chairman, vice chairman and such other**
24 **officers as are deemed necessary by the commission.**

25 **§393.4. Authority of the state to enter into leases with the commission**

26 **The state, acting through the Division of Administration, shall be**
27 **authorized to lease land and existing facilities of the Court of Appeal for the**
28 **Third Circuit to the commission for the purpose of completing qualified**
29 **projects as described in this Part.**

1 **§393.5. Identification of qualified projects; issuance of bonds**

2 **A. The commission shall, from time to time, identify projects that**
3 **constitute qualified projects.**

4 **B. Once a list of qualified projects has been established by the**
5 **commission, the commission and any issuer shall have the authority to use the**
6 **provisions of R.S. 17:3361, et seq., relative to projects for higher education**
7 **boards to complete the financing and construction of such qualified projects,**
8 **provided that any provision therein that can only reasonably be applied**
9 **to higher education projects shall not apply. No bonds shall be issued pursuant**
10 **to this Part until the approval of the State Bond Commission shall have been**
11 **obtained.**

12 **§393.6. Third Circuit Court of Appeal Facility Support Fee; implementation**

13 **A. For the purposes of implementing this Part, there is hereby imposed**
14 **in each lower court a fee referred to as a "Third Circuit Court of Appeal**
15 **Facility Support Fee" upon each civil case instituted in each lower court after**
16 **the date of enactment of this Part in the amount of twenty-five dollars and upon**
17 **each traffic case instituted in each lower court after the date of enactment of**
18 **this Part in the amount of twenty dollars.**

19 **B. The support fees collected pursuant to this Section during each**
20 **calendar month shall be forwarded by the clerk of court or other court**
21 **administrator for each lower court to the financial institution designated by the**
22 **commission not later than twenty days following the end of such calendar**
23 **month, to be held in a special fund to be referred to as the "Third Circuit Court**
24 **of Appeal Facilities Fund".**

25 **C. Notwithstanding any other provision of law to the contrary, the**
26 **commission may pledge, assign and dedicate the support fee and the monies in**
27 **the facilities fund for the payment of any project obligations.**

28 **D. At least annually, after payment of project obligations, the**
29 **commission shall remit, from the facilities fund, ten percent of the proceeds of**

1 **the support fee to the lower courts in proportion to the amount of support fees**
2 **actually collected by each lower court, but only to the extent that monies are**
3 **available therefore after payment of project obligations.**

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 in 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 Julie J. Baxter.

DIGEST

Johns (SB 653)

Proposed law provides for certain legislative findings relative to the facilities of the Court of Appeal for the Third Circuit, the need for maintenance and updating of these facilities, and the need for funding for such construction and improvements.

Proposed law provides for the creation, purpose, nature, membership and authority of a Third Circuit Court of Appeal Building Commission.

Proposed law provides for certain definitions.

Proposed law provides for identification of certain qualified projects and the issuance of certain bonds.

Proposed law provides for the implementation of certain support fees relative to the Third Circuit Court of Appeal Facilities Fund.

Proposed law provides for the imposition of a support fee in each district court, municipal court or any other court subject to the appellate or supervisory jurisdiction of the Court of Appeal for the Third Circuit.

Proposed law provides that such support fee shall consist of \$25 in each lower court civil case and \$20 in each lower court traffic case. Proposed law further provides for annual remission of 10% of the proceeds of the support fee to the lower courts in proportion to the amount of support fees actually collected by each lower court, but only to the extent that monies are available after payment of project obligations.

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

(Adds R.S. 13:393.1-393.6)