

2020 Second Extraordinary Session

SENATE BILL NO. 50

BY SENATOR ALLAIN

CAPITAL OUTLAY. Provides relative to the capital outlay process. (gov sig) (Item #15)

1 AN ACT

2 To amend and reenact R.S. 39:122(A), relative to work on projects in the annual capital
3 outlay act; to provide relative to the commencement of work or delays in
4 construction; to provide relative to public statements and notices of delays in
5 construction; to provide relative to the retention of funds for capital outlay projects
6 which are delayed; to provide for an effective date; and to provide for related
7 matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 39:122(A) is hereby amended and reenacted to read as follows:

10 §122. Commencement of work; delays in construction; public statement;
11 allocated funds

12 A. **(1)** No work shall commence and no contract shall be entered into for any
13 project contained in the capital outlay act unless and until funds are available from
14 the cash sources indicated in the act or from the sale of bonds or from a line of credit
15 approved by the State Bond Commission, except contracts for Department of
16 Transportation and Development projects which are subject to the provisions of R.S.
17 48:251(D).

1 (2) State-owned projects planned for the fiscal year in which an
2 appropriation has been funded shall be commenced in that fiscal year and the
3 administrating agencies shall diligently commence work on those projects in
4 accordance with the provisions of the annual capital outlay act, Titles 38, 39,
5 and 48 of the Louisiana Revised Statutes of 1950 and any other applicable
6 statutory provision. If a project cannot be commenced within the fiscal year for
7 which it is planned, the administering agency shall file with the project records
8 a public statement as to the factors causing the delay. The administering agency
9 shall send a copy of the public statement regarding the cause of the delay and
10 notice when the delaying factors have been overcome semi-annually, to the Joint
11 Legislative Committee on Capital Outlay and to each senator and
12 representative in whose district the project is located. When the cause of the
13 delay has been cured, the administering agency shall commence the work
14 immediately and expeditiously.

15 (3) The Joint Legislative Committee on Capital Outlay shall make
16 recommendations to the commissioner of administration concerning the non-state
17 entity projects to be granted lines of credit. The commissioner of administration shall
18 submit to the Joint Legislative Committee on Capital Outlay a list of projects that
19 will be submitted to the State Bond Commission for lines of credit a minimum of
20 five days prior to the submission to the State Bond Commission.

21 * * *

22 Section 2. This Act shall become effective upon signature by the governor or, if not
23 signed by the governor, upon expiration of the time for bills to become law without signature
24 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
25 vetoed by the governor and subsequently approved by the legislature, this Act shall become
26 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 Martha S. Hess.

DIGEST

SB 50 Original

2020 Second Extraordinary Session

Allain

Present law provides that no work shall commence and no contract shall be entered into for any project contained in the capital outlay act unless and until funds are available from the cash sources indicated in the act or from the sale of bonds or from a line of credit approved by the State Bond Commission, except contracts for Dept. of Transportation and Development projects which are subject to the provisions of present law relative to the department's cash management plan. Proposed law retains present law.

Proposed law provides that state-owned projects planned for the fiscal year in which an appropriation has been made shall be commenced in that fiscal year and the administering agencies shall diligently commence work on those projects in accordance with the provisions of the annual capital outlay act, Titles 38, 39, and 48 of the La. Revised Statutes of 1950 and any other applicable statutory provision.

Proposed law further provides that if a project cannot be commenced within the fiscal year for which it is planned, the administering agency shall file with the project records a public statement as to the factors causing the delay. The administering agency shall send a copy of the public statement regarding the cause of the delay and notice when the delaying factors have been overcome, to the Joint Legislative Committee on Capital Outlay and to each senator and representative in whose district the project is located. When the cause of the delay has been cured the administering agency shall commence the work immediately and expeditiously.

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

(Amends R.S. 39:122(A))