

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).

The original instrument was prepared by Martha Hess. The following digest, which does not constitute a part of the legislative instrument, was prepared by Curry J. Lann.

DIGEST

SB 50 Engrossed

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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 no later than February 1 each year, 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))

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the original bill

1. Changes the reporting requirement for administering agencies from semi-annually to no later than February 1st each year.