SLS 14RS-561 ORIGINAL

Regular Session, 2014

SENATE BILL NO. 91

BY SENATOR BROWN

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CAPITAL OUTLAY. Provides an exception to the time limit on filing capital outlay requests for filings resulting from a declared disaster where there is an imminent public need for the project. (7/1/14) (2/3 - CA7s11(C))

AN ACT

2	To amend and reenact R.S. 39:112(C)(2) and to enact R.S. 39:112(C)(1)(d), relative to
3	capital outlay; to provide for the submission of capital outlay budget requests for
4	certain projects resulting from a national or state declared disaster; to provide for
5	definitions; to provide for an effective date; and to provide for related matters.
6	Be it enacted by the Legislature of Louisiana:
7	Section 1. R.S. 39:112(C)(2) is hereby amended and reenacted and R.S.
8	39:112(C)(1)(d) is hereby enacted to read as follows:
9	§112. Capital outlay act
10	* * *
11	C.(1) Capital outlay budget requests submitted after November first may be
12	included within the capital outlay act if the capital outlay budget request meets all
13	of the applicable requirements as provided in R.S. 39:101 and 102 except for time
14	of submission and if any of the following conditions have been met:
15	* * *
16	(d) The project is located in a designated disaster area and there is an
17	imminent public need for the project because of a national or state declared

1	disaster and the project has been approved by the Joint Legislative Committee
2	on Capital Outlay, which approval may occur after the first day of February
3	and which project may have a total project cost of one million dollars or more.
4	(2) For purposes of this Section, "economic development" means the
5	following terms shall have the following meanings unless the context clearly
6	indicates otherwise:
7	(a) "Designated disaster area" means the actual affected geographical
8	area or parish or parishes as designated in an executive order or proclamation
9	of the governor or a parish president pursuant to the Louisiana Homeland
10	Security and Emergency Assistance and Disaster Act.
11	(b) "Disaster" means the result of a natural or man-made event which
12	causes loss of life, injury, and property damage, including but not limited to
13	natural disasters such as hurricane, tornado, storm, flood, high winds, and
14	other weather related events, forest and marsh fires, and man-made disasters,
15	including but not limited to nuclear power plant incidents, hazardous materials
16	incidents, oil spills, explosion, civil disturbances, public calamity, acts of
17	terrorism, hostile military action, and other events related thereto.
18	(c) "Economic development" means:
19	(a)(i) Improvements on public or government owned property for the
20	purposes of attracting or retaining a specific new or existing manufacturing or
21	business operation that benefits Louisiana.
22	(b)(ii) Facilities or improvements on public or government owned property
23	that generate new, permanent employment or which help retain existing employment.
24	(c)(iii) Facilities or infrastructure improvements on public or government
25	owned property necessary for the manufacturing plant or business to operate.
26	(d) For purposes of this Subsection, "emergency" "Emergency" means
27	essential to alleviate conditions that are hazardous to life, health or property, and
28	court mandates.

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Section 2. This Act shall become effective on July 1, 2014; if vetoed by the governor

and subsequently approved by the legislature, this Act shall become effective on July 1,

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2014, or on the day following such approval by the legislature, whichever is later.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Martha S. Hess.

DIGEST

Brown (SB 91)

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<u>Present law</u> authorizes capital outlay budget requests submitted after November first to be included within the capital outlay act if the capital outlay budget request meets all applicable requirements except for time of submission and if any of the following conditions have been met:

- (1) The project is an economic development project recommended in writing by the secretary of the Department of Economic Development.
- (2) The project is an emergency project recommended in writing by the commissioner of administration.
- (3) The project is for a non-state entity, has a total project cost of less than one million dollars, and has been approved by the Joint Legislative Committee on Capital Outlay; however, no action to approve any such project may be taken by the Joint Legislative Committee on Capital Outlay after the first day of February.

<u>Proposed law</u> retains <u>present law</u> and adds a fourth exception to the November 1st deadline for submission of capital outlay requests:

(4) The project is located in a designated disaster area, there is an imminent public need for the project because of a national or state declared disaster and the project has been approved by the Joint Legislative Committee on Capital Outlay, which approval may occur after the first day of February and which project may have a total project cost of one million dollars or more.

<u>Present law</u> provides for the definition of "economic development" and "emergency" for purposes of the exceptions to the November first deadline for submission of capital outlay requests.

<u>Proposed law</u> retains <u>present law</u> and adds definitions of "designated disaster area" and "disaster" for purposes of an exception to the November first deadline for submission of capital outlay requests.

Effective July 1, 2014.

(Amends R.S. 39:112(C)(2); adds R.S. 39:112(C)(1)(d))