

2016 Second Extraordinary Session

HOUSE BILL NO. 52

BY REPRESENTATIVE ABRAMSON

CAPITAL OUTLAY: Provides with respect to the execution and administration of capital outlay appropriations for Fiscal Year 2016-2017 (Item #3)

1 AN ACT

2 To provide relative to the execution, implementation, and administration of capital outlay
3 appropriations for Fiscal Year 2016-2017; to provide for exceptions; to provide for
4 specific requirements concerning applications; to establish limitations; to provide for
5 effectiveness.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. The provisions of this Act shall supplement any and all provisions of the
8 Capital Outlay Act of the 2016 Second Extraordinary Session of the Legislature, hereinafter
9 referred to as the "Capital Outlay Act", except as provided in Section 2 of this Act.

10 Section 2. The following provisions shall control and govern the expenditure of
11 monies appropriated for capital outlay in Fiscal Year 2016-2017 to the extent there is
12 conflict between any provision of the Capital Outlay Act of the 2016 Second Extraordinary
13 Session of the Legislature and this Act.

14 Section 3. Notwithstanding any contrary provision of this Act, the Capital Outlay
15 Act, or any provision of law to the contrary, all projects for which a line of credit has been
16 approved in the current fiscal year shall submit a new capital outlay request to the Office of
17 Facility Planning and Control, which shall be received by the office of facility planning on
18 or before November 1, 2016. All new capital outlay requests submitted by non-state projects
19 for which a line of credit has been approved in the current fiscal year shall submit a new
20 capital outlay request which shall include a letter of support from a legislator in whose

1 district the project is located, in order to be eligible for the Fiscal Year 2017-2018 capital
2 outlay process. The non-state project application shall not be deemed complete unless the
3 project has either a fully executed cooperative endeavor agreement or proof of the applicable
4 local match, if required, submitted to and received by the division of administration, office
5 of facility planning and control and the Joint Legislative Committee on Capital Outlay on
6 or before February 1, 2017.

7 Section 4. All of the funds appropriated in the Capital Outlay Act, except for
8 appropriations made to the Department of Military Affairs, the Legislature, the Louisiana
9 Stadium and Exposition District, the Department of Economic Development, the Coastal
10 Protection and Restoration Authority, the Division of Administration for Supplemental State
11 Funds for Local Government Assistance Program, the Division of Administration for the
12 Community Water Enrichment Program or the Department of Transportation and
13 Development, shall be considered as having been appropriated directly to the Office of
14 Facility Planning and Control, Division of Administration, and all projects herein authorized
15 and funded shall be subject to the provisions of R.S. 39:101 through 128. All of the funds
16 appropriated in the Capital Outlay Act under the name of non-state entities shall be
17 administered by the Office of Facility Planning and Control, Division of Administration,
18 under cooperative endeavor agreements. All cooperative endeavor agreements for non-state
19 entities shall be prepared by the Office of Facility Planning and Control and the
20 Commissioner of Administration is hereby authorized and directed to effectuate any
21 necessary transfer of funds from the Department of Justice to the Office of Facility Planning
22 and Control in order to accomplish this purpose. However, all cooperative endeavor
23 agreements between the Department of Transportation and Development and non-state
24 entities entered into prior to the passage of this Act shall continue to be administered by the
25 Department of Transportation and Development. Cooperative endeavor agreements entered
26 into pursuant to this Act, and approved by the Commissioner of Administration or his
27 designee, or the Secretary of the Department of Transportation and Development for projects
28 appropriated to or administered by the Department of Transportation and Development, shall
29 not be required to be submitted to the Division of Administration, Office of Contractual

1 Review. For all projects in the Capital Outlay Act or a previous Capital Outlay Act which
2 are appropriated to the Office of Facility Planning and Control, Division of Administration,
3 including those administered by cooperative endeavor agreements, up to six percent of each
4 line-item may be used for costs of administering the projects. For all projects in Capital
5 Outlay Act or a previous Capital Outlay Act appropriated to the Department of
6 Transportation and Development, up to six percent of each line-item may be used for costs
7 of administering the projects, or for field engineering/construction supervision. Line-item
8 general obligation bond projects appropriated to the Department of Transportation and
9 Development in the Capital Outlay Act or a previous Capital Outlay Act shall be authorized
10 to draw Transportation Trust Funds from the Highway Program appropriation, for
11 supplemental funding on overruns in excess of the original estimated project cost as
12 determined by the Department of Transportation and Development, provided however that
13 said projects are in the state or federal highway system and in the priority program, and the
14 overrun is less than \$50,000. Any such overrun of \$50,000 or more must be approved by
15 the Joint Legislative Committee on the Budget. Furthermore, all ports, levee districts and
16 other non-state entities must have a fully executed cooperative endeavor agreement, from
17 the Office of Facility Planning and Control, Department of Transportation and Development,
18 or the State Treasurer, whichever is appropriate, before entering into any contracts which
19 obligate state funding and must follow all laws pertaining to public bidding. If a port, levee
20 district or other non-state entity enters into a contract prior to receipt of funding, or prior to
21 execution of a cooperative endeavor agreement, then payments under such contracts are
22 prohibited from capital outlay appropriations, and are the sole responsibility of the port,
23 levee district, or other non-state entity. Notwithstanding the provisions of this Act, the
24 Capital Outlay Act, or any previous capital outlay act, contracts may be entered into for the
25 Atchafalaya Basin Protection and Enhancement Kemper Williams project in St. Mary Parish
26 prior to a cooperative endeavor agreement being entered into with the state. Notwithstanding
27 anything contained in this Act, the Capital Outlay Act, or any previous capital outlay act to
28 the contrary or any other provision of law, contracts may be entered into for the Youngsville
29 Sports Complex project in Lafayette Parish, prior to receipt of funding and prior to execution

1 of the cooperative endeavor agreement and the state is authorized to financially participate
2 in obligations created by such contracts. Notwithstanding the provisions of R.S.
3 39:112(E)(2), the project for Independence, Independence Area Community Pavilion,
4 Planning and Construction, shall be exempt from all local match requirements.
5 Notwithstanding anything contained in this this Act or the Capital Outlay Act to the
6 contrary or any other provision of law, the scope of the appropriations made in the Capital
7 Outlay Act or any other Capital Outlay Act for the St. Mary Parish Plantation Pump Station
8 Replacement project shall be deemed to include repair, equipment, rehabilitation and
9 infrastructure improvements at the existing Plantation Pump Station. Notwithstanding
10 anything contained in this Act or the Capital Outlay Act to the contrary, or any other
11 provision of law, the scope of the appropriations made in the Capital Outlay Act or any other
12 Capital Outlay Act for the Cameron Parish Holly Beach Sewer, Planning and Construction
13 project shall be deemed to include Other Economic Development Related Infrastructure
14 Improvements. Notwithstanding anything contained in this Act or the Capital Outlay Act
15 to the contrary or any other provision of law, the scope of the appropriations made in this
16 or any other Capital Outlay Act for the Louisiana 4-H Foundation, Youth Education
17 Development Camp Windy Wood project, shall be deemed to include planning, construction,
18 and acquisition. Notwithstanding anything contained in this Act or the Capital Outlay Act
19 to the contrary or any other provision of law, the scope of the appropriations made in the
20 Capital Outlay Act or any other Capital Outlay Act for the Youngsville Parkway Road
21 project shall be deemed to include waterline improvements and roadway lighting.
22 Notwithstanding anything contained in this Act to the contrary or any other provision of law,
23 the scope of the appropriations made in this or any other Capital Outlay Act for the City of
24 Eunice Levee Site Work at Eunice City Lake project in St. Landry Parish shall be deemed
25 to include City Park Upgrades. Notwithstanding anything contained in this Act or the
26 Capital Outlay Act to the contrary or any other provision of law, the scope of the
27 appropriations made in this or any other Capital Outlay Act for the New Mental Health
28 Clinic for New Orleans Behavior, Social, and Medical Support Detox Clinic project for the
29 Metropolitan Human Service District shall be deemed to include the expansion and

1 renovation of the existing facility. Notwithstanding anything contained in this Act or the
2 Capital Outlay Act to the contrary or any other provision of law, the scope of the
3 appropriations made in the Capital Outlay Act or any other Capital Outlay Act for the New
4 Mental Health Center for Desire/Florida Mental Health Clinic project for the Metropolitan
5 Human Service District shall be deemed to include the purchase, construction, or renovation
6 of a new facility in New Orleans East. Notwithstanding anything contained in this Act or
7 the Capital Outlay Act to the contrary, or any other provision of law, the scope of the
8 appropriations made in the Capital Outlay Act or any other Capital Outlay Act for the City
9 of New Orleans, Eastern New Orleans Hospital and Medical Office Building, Real Estate
10 Acquisition, Planning, Design, Construction, Renovation and Equipment project, the City
11 of New Orleans may make such capital outlay funds available to the Parish Hospital Service
12 District of the Parish of Orleans District "A" in furtherance of the District's planning, design,
13 acquisition, development, renovation, construction, equipment and operation of a hospital
14 and medical office building in Eastern New Orleans. Notwithstanding anything contained
15 this Act or the Capital Outlay Act, or in any cooperative endeavor agreement between the
16 Office of Facility Planning and Control and the City of New Orleans or the Hospital Service
17 District to the contrary, the Hospital Service District may mortgage or otherwise encumber
18 any and all land, real property, including buildings and equipment, and appurtenances
19 acquired, in whole or part, with state capital outlay funds provided that bond counsel to the
20 state opines that such mortgage shall not affect the tax-exempt status of the bonds to be
21 issued by the state for the project. Notwithstanding anything in this Act or the Capital Outlay
22 Act to the contrary, contracts may be entered into for the City of New Orleans, Eastern New
23 Orleans Hospital and Medical Office Building, Real Estate Acquisition, Planning, Design,
24 Construction, Renovation and Equipment project prior to receipt of funding and prior to
25 execution of the cooperative endeavor agreement. Notwithstanding anything contained in
26 this Act or the Capital Outlay Act to the contrary or any other provision of law, the scope
27 of the appropriations made in the Capital Outlay Act or any other Capital Outlay Act for the
28 Jefferson Parish Bonnabel Canal Rehabilitation and Bank Stabilization (Veterans Boulevard
29 to West Esplanade), Planning and Construction project shall be deemed to include steel sheet

1 pile bulkhead, and/or bank excavation and reshaping, bridge replacement, property
2 acquisition, demolition and improvements needed to stabilize the canal bank along the
3 Bonnabel Drainage Canal in order to address canal bank failures between Veterans
4 Boulevard and West Esplanade Avenue. Notwithstanding anything contained in this Act or
5 the Capital Outlay Act to the contrary or any other provision of law, the scope of the
6 appropriations made in this or any other Capital Outlay Act for the City of Broussard
7 Rehabilitate LA Hwy 182 from US 90 to LA Hwy 89, Planning and Construction project
8 shall be deemed to include deleting four thousand two hundred feet of two-lane
9 rehabilitation in downtown Broussard and widening from two lanes to three lanes, the
10 section of roadway from the western terminus of the City of Broussard Three-lane LA Hwy
11 182 in the city of Broussard, Planning and Construction (\$750,000 Local Match) project in
12 downtown Broussard to South Broussard Road. Notwithstanding anything contained in this
13 Act or the Capital Outlay Act to the contrary or any other provision of law, the scope of the
14 appropriations made in this or any other Capital Outlay Act for the New Orleans Norman
15 Playground Basketball Gym, Planning and Construction project shall be deemed to include
16 park enhancements for a walking track, basketball, football and baseball fields and a
17 concession stand. Notwithstanding anything contained in this Act or the Capital Outlay Act
18 to the contrary or any other provision of law, the Parks Municipal Complex, Planning and
19 Construction project shall not include the purchase, construction or renovation of a new
20 facility in St. Martin Parish. Notwithstanding anything contained in this Act or the Capital
21 Outlay Act to the contrary or any other provision of law, the Parish Road Improvements
22 Project for Franklin Parish is exempt from the contract limit set forth in R.S. 38:2212.
23 Notwithstanding anything contained in this Act or the Capital Outlay Act to the contrary or
24 any other Act or provision of law, the appropriations made for the Executive Department for
25 facilities which promote economic development included in the Repair, Restoration, and
26 Replacement for Hurricanes Katrina and Rita project, and the Department of Economic
27 Development projects are for public purposes pursuant to the provisions of Article VII,
28 Section 14 of the Constitution of Louisiana primarily for economic development, including
29 the generation of tax revenues, creation of jobs, promotion of tourism, and creation of

1 facilities for charitable, cultural, artistic, educational, social, civic, research, service,
2 economic development activities, or provide facilities for professional golf events, pursuant
3 to the terms of cooperative endeavor agreements, including leases and all expenditures of
4 these appropriations and may be exempted, by the Commissioner of Administration, from
5 all statutes relative to public bidding, contractual review and the provisions of R.S.
6 33:9029.2(D) and in lieu thereof be allowed to use alternative competitive contracting
7 arrangements where the appropriate administering entity submits documentation to the
8 Commissioner of Administration substantiating that it is in the best interest of the citizens
9 of the state, due to economic and/or operational benefits, and the necessity to complete the
10 projects in a timely manner; and, the appropriate administering entity shall have the
11 authority to directly appoint the design professional from a list of a minimum of three design
12 firms or joint ventures with the appropriate specialized facility design experience submitted
13 to and acceptable to the Commissioner of Administration and shall be exempt from other
14 state requirements for selection of designers, and may include expenditures for computers,
15 fixtures, furniture, and other equipment as such is deemed to be capital outlay in nature, and
16 unless the Commissioner of Administration is advised by bond counsel to the State that such
17 may violate federal tax law, may be used to reimburse any expenditure made prior to the
18 granting of a line of credit or the sale of bonds by the State Bond Commission, determination
19 by the State Treasurer that cash funding has been deposited in the Comprehensive Capital
20 Outlay Escrow Account for the project or the execution of a cooperative agreement from the
21 Office of Facility Planning and Control, and may be used to acquire land or real property,
22 the title to which is held in the name of an entity exempt from taxation under the provisions
23 of 26 U.S.C. 501(c)(3). Notwithstanding anything contained in this Act or the Capital
24 Outlay Act to the contrary or any other provision of law, all of the funds herein appropriated
25 to the Department of Economic Development in connection with the Capital Improvements
26 Project to Meet Economic Development Commitments for which the Department of
27 Economic Development utilizes a cooperative endeavor agreement to further economic
28 development as permitted under Article VII, Section 14 of the Louisiana Constitution,
29 including the generation of tax revenues and creation of jobs, shall be considered as having

1 been appropriated to the Department of Economic Development, may be used to reimburse
2 any expenditure made prior to the granting of a line of credit and made prior to the execution
3 of a cooperative endeavor agreement and shall be administered solely by the Department of
4 Economic Development pursuant to, in compliance with, and on the terms contained in such
5 cooperative endeavor agreements. Notwithstanding any provision of law to the contrary, the
6 Commissioner of Administration is hereby authorized to take such actions as are necessary,
7 including using such funds as may be available including those appropriated and available
8 under this Act or the Capital Outlay Act for professional sports facilities through the
9 Louisiana Stadium and Exposition District and that are otherwise available, executing on
10 behalf of the State such documents as are necessary in order to terminate the ground lease
11 between the State and the PGA and thereby acquiring all leasehold improvements for the
12 State, extending the management agreement between the State and the PGA, and extending
13 the sponsorship and presence of the Zurich Classic in the Greater New Orleans area.
14 Notwithstanding anything contained in this Act or the Capital Outlay Act or any other
15 capital outlay act, contracts may be entered into for the Tulane National Primate Research
16 Center prior to receipt of funding and prior to execution of a cooperative endeavor
17 agreement and the project is exempted from all statutes relative to public bidding and
18 contractual review and in lieu thereof the appropriate administering entity shall have the
19 authority to directly appoint design professionals and construction managers in accordance
20 with National Institute of Health Design and Construction Guidelines. Notwithstanding
21 anything contained in this Act, or the Capital Outlay Act, or any other capital outlay act,
22 contracts may be entered into for the Port of South Louisiana, Globalplex Rail Siding;
23 Globalplex Terminal Building #71 Upgrade, Planning and Construction; Administration
24 Building (also known as the Business Development Center); Warehouse Planning and
25 Construction prior to receipt of funding and prior to execution of a cooperative endeavor
26 agreement. Notwithstanding anything in this Act, the Capital Outlay Act, any previous
27 capital outlay act, or other provision of law to the contrary, the scope of the appropriation
28 for the Port of South Louisiana Globalplex Terminal Building #71 Upgrade project shall be
29 deemed to also include similar upgrades for other Globalplex Terminal Buildings.

1 Notwithstanding anything in this Act, any previous capital outlay act, or other provision of
2 law to the contrary, monies appropriated herein for the Port of South Louisiana Globalplex
3 Terminal Building #71 and Other Globalplex Terminal Building Upgrades, Planning and
4 Construction may be expended for design fees related to the conveyor system and ancillary
5 equipment that exceed the customary ten percent limitation on design fee costs.
6 Notwithstanding anything in this Act or the Capital Outlay Act to the contrary or any other
7 provision of law, contracts may be entered into for the Greater Baton Rouge Port
8 Commission Inland River Marine Terminal Dock and Access Roadway Construction Project,
9 Planning and Construction Project prior to receipt of funding and prior to the execution of
10 a cooperative endeavor agreement. Notwithstanding anything in this Act to the contrary or
11 any other provision of law, monies appropriated herein for the Juban Road (LA1026)
12 Widening (I-12 to US 190) project may be expended for the installation of sewer lines along
13 the roadway and pursuant to a cooperative endeavor agreement between the Department of
14 Transportation and Development and Livingston Parish, funds may be provided to
15 Livingston Parish for that purpose. Notwithstanding anything contained in this act to the
16 contrary or any other provision of law, the appropriations made for the Louisiana Stadium
17 and Exposition District shall be appropriated directly to the Louisiana Stadium and
18 Exposition District, and are public purposes pursuant to the provisions of Article VII,
19 Section 14 of the Constitution of Louisiana primarily for economic development, including
20 the generation of tax revenue, creation of jobs, and the generation of tourism, and may be
21 used to reimburse any expenditure made prior to the granting of a line of credit or the sale
22 of bonds by the State Bond Commission, determination by the State Treasurer that cash
23 funding has been deposited in the Comprehensive Capital Outlay Escrow Account for the
24 project. The Louisiana Stadium and Exposition District may apply up to \$10,000,000 to
25 reimburse the New Orleans Hornets NBA, LLC for costs incurred in constructing a new
26 training facility as contemplated by the Amended and Restated Arena Use Agreement dated
27 July, 1 2015; but, otherwise, contracts for projects funded through this appropriation shall
28 be awarded utilizing the public bid and contractual review process set forth in Chapter 10
29 of Title 38 and Chapter 16 of Title 39 of the Louisiana Revised Statutes of 1950, except with

1 respect to time requirements, or, in order to encourage competition for the projects funded
2 through this appropriation and to complete the projects in a timely manner, the Louisiana
3 Stadium and Exposition District shall have the authority to select a general contractor
4 through an RFP process whereby general contractors will bid general conditions and
5 contractor's fee based on the direct construction budget. The alternative time requirements
6 shall be approved by the Commissioner of Administration before the awarding of any such
7 contracts. Further, with respect to appropriations to the Louisiana Stadium and Exposition
8 District for the TPC Louisiana, Planning and Construction project, the Louisiana Stadium
9 and Exposition District shall be permitted to use alternative competitive procurement and
10 delivery methods for the award of any contracts to be funded through such appropriation.
11 The Louisiana Stadium and Exposition District shall have the authority to directly appoint
12 the design professional from a list of a minimum of three architectural firms or joint ventures
13 with professional sports facility design experience acceptable to the Commissioner of
14 Administration and shall be exempt from other state requirements for selection of designers.
15 The design professional fee shall be in accordance with state guidelines administered by the
16 Office of Facility Planning and Control, Division of Administration. Eligible expenses for
17 Economic Development Award Program funds may include documented project expenses
18 beginning on the date of LEDC Board approval of the project and may be reimbursed upon
19 execution of the cooperative endeavor agreement for the project. The new University
20 Medical Center in New Orleans project in Orleans Parish shall be exempt from the state's
21 requirements for selection of designers and the Commissioner of Administration shall have
22 the authority to approve a design professional selection process. The design professional fee
23 shall be in accordance with state guidelines administered by the Office of Facility Planning
24 and Control, Division of Administration. The Division of Administration, Office of Facility
25 Planning and Control, with approval of the Commissioner of Administration and the Joint
26 Legislative Committee on the Budget, is authorized to use alternative delivery strategies in
27 implementing hurricane damage repairs to Southern University at New Orleans, Hazardous
28 Material Abatement Projects, the City Park Golf Complex Improvements project,, the
29 Health/Human Performance Education Complex, and the Patrick Taylor Hall Renovation

1 and Expansion project. In addition, with the approval of the Commissioner of
2 Administration and the Joint Legislative Committee on the Budget, an alternative delivery
3 strategy may be used in the implementation of the Louisiana Children's Museum, Early
4 Learning Village project. Due to the State's current investment in TPC Louisiana and the
5 financial support it provides to the PGA TOUR event currently played at said facility, the
6 funding of the City Park Golf Complex Improvements project described above is
7 conditioned upon said PGA TOUR event not being played at New Orleans City Park Golf
8 Complex without the prior agreement of the Commissioner of Administration and the
9 Chairman of the Jefferson Parish Council. Notwithstanding the foregoing, the City Park Golf
10 Complex may host any other golf tournament or event, including but not limited to any other
11 PGA-affiliated or sponsored tournament or event. For all projects administered by the
12 Office of Facility Planning and Control and payable from proceeds of self-generated
13 revenues, funds shall be remitted to the Office of Facility Planning and Control for deposit
14 in the state treasury at such time as may be deemed necessary by the Office of Facility
15 Planning and Control in order to cover the amount of contracts or other project expenses.
16 The State Treasurer shall refund to the appropriate source any surplus self-generated funds,
17 advanced insurance funds received by the Office of Facility Planning and Control as
18 Interagency Transfer from Office of Risk Management associated with hurricane damage
19 recovery, and interest earned on these funds, provided the Treasurer's Office is notified,
20 when these funds are deposited in the state treasury, that the user agency or Office of Risk
21 Management intends to request a refund of this interest. Any revenue bonds appropriated
22 in Section 1 of the Capital Outlay Act shall not be secured by the full faith and credit of the
23 state. Notwithstanding anything in this Act or the Capital Outlay Act to the contrary or any
24 other provision of law, contracts may be entered into for the Mississippi River Levee
25 Raising, Arkansas to Old River project prior to receipt of funding, and the State is authorized
26 to financially participate in obligations created by such contracts. Notwithstanding anything
27 in this Act to the contrary or any other provision of law, contracts may be entered into for
28 the Deep Water Gulf Transfer Terminal Authority for Deep Water Terminal Transfer
29 Engineering Fees, which project includes other necessary services ancillary or incidental to

1 the capital outlay project as included or indicated in the capital outlay request for such
2 project, prior to receipt of funding and prior to the execution of a cooperative endeavor
3 agreement, and unless the Commissioner of Administration is advised by bond counsel to
4 the state that such may violate federal tax law, the appropriation may be used to pay for such
5 contracts and ancillary and incidental services prior to the granting of a line of credit or the
6 sale of bonds by the State Bond Commission. Notwithstanding anything in this Act or the
7 Capital Outlay Act to the contrary or any other provision of law, contracts may be entered
8 into for the Old McKinley High School Community Center on Thomas Delpit Drive in the
9 City of Baton Rouge, Kitchen and Building Renovations and Elevator Repair Project prior
10 to receipt of funding and prior to the execution of a cooperative endeavor agreement, and
11 unless the Commissioner of Administration is advised by bond counsel to the state that such
12 may violate federal tax law, the appropriation may be used to reimburse any expenditure
13 made prior to the granting of a line of credit or the sale of bonds by the State Bond
14 Commission. Notwithstanding anything in this Act or the Capital Outlay Act to the contrary
15 or any other provision of law, contracts may be entered into for the Tulane University Tulane
16 River and Coastal Center Project prior to receipt of funding and prior to the execution of a
17 cooperative endeavor agreement, and the project is exempted from all statutes relative to
18 public bidding and state procurement and in lieu thereof shall be subject to federal
19 government qualifications and regulations approved by the Economic Development
20 Authority. Notwithstanding anything in this Act or the Capital Outlay Act to the contrary
21 or any other provision of law, contracts may be entered into for the Outpatient Clinics in
22 Rapides Parish, Planning and Construction project for the Division of Administration prior
23 to the execution of a cooperative endeavor agreement. Notwithstanding anything in this Act
24 or the Capital Outlay Act to the contrary or any other provision of law, contracts may be
25 entered into for the Natural Gas Distribution System Rehabilitation and Improvement
26 project for the Town of St. Francisville prior to the execution of a cooperative endeavor
27 agreement. Notwithstanding any other provision of this Act or the Capital Outlay Act or any
28 other provision of law to the contrary, funds appropriated for the Economic Development
29 Award Program project for the Office of Business Development are to be used solely for

1 capital and infrastructure improvements subject to verification by the Division of
2 Administration, Office of Facility Planning and Control. Notwithstanding any other
3 provision of this Act or the Capital Outlay Act or any other provision of law to the contrary,
4 all of the funds herein appropriated to the Department of Economic Development in
5 connection with projects or programs for which the Department of Economic Development
6 utilizes a cooperative endeavor agreement to further economic development as permitted
7 under Article VII, Section 14 of the Louisiana Constitution, including the generation of tax
8 revenues and creation of jobs, shall be considered as having been appropriated to the
9 Department of Economic Development, may be used to reimburse any expenditure made
10 prior to the granting of a line of credit and made prior to the execution of a cooperative
11 endeavor agreement and shall be administered solely by the Department of Economic
12 Development pursuant to, in compliance with, and on the terms contained in such
13 cooperative endeavor agreements without compliance with any other law, including, but not
14 limited to, the provisions of R.S. 39:101 through 128. Additionally, all expenditures of these
15 appropriations may be exempted by the Commissioner of Administration, from all statutes
16 relative to public bidding, contractual review and the provisions of R.S. 33:9029.2(D).
17 Notwithstanding anything contained in this Act, the Capital Outlay Act, or any other
18 provision of law to the contrary, the letting of a contract for construction of the "Louisiana
19 Construction Center", funded wholly by the Louisiana Licensing Board for Contractors, shall
20 be exempt from all statutes relative to public bidding and contractual review.
21 Notwithstanding anything contained in this Act or any other provision of law to the contrary,
22 contracts may be entered into for The Global Foundation for Better Education, Health and
23 Environment, Inc. for the Urgent Care Facility, Planning and Construction project prior to
24 the issuance of a line of credit, prior to receipt of funding, and prior to execution of a
25 cooperative endeavor agreement and the project is exempted from all statutes relative to
26 public bidding, contractual review, and review of plans and specifications by the Office of
27 Facility Planning and Control. Notwithstanding anything contained in this Act or the Capital
28 Outlay Act or any other provision of law to the contrary, contracts may be entered into for
29 the City of Gretna's Lion's Club Conversion to Senior Center project prior to receipt of

1 funding and prior to execution of a cooperative endeavor agreement and the project is
2 exempted from all statutes relative to public bidding and contractual review.
3 Notwithstanding anything contained in this Act, the the Capital Outlay Act, or any other
4 provision of law to the contrary, the scope of the appropriation for Division of
5 Administration, Shreveport State Office Building Mechanical and Electrical Renovations
6 (Caddo) is deemed to also include a study of the feasibility of consolidating state office
7 space in Shreveport into a central downtown location in accordance with HCR 202 of 2009.
8 Notwithstanding anything contained in this Act, the Capital Outlay Act, or any other
9 provision of law to the contrary, \$8,500,000 of in expenditures from the appropriation for
10 Louisiana Stadium and Exposition District, Professional Sports Facilities, Planning and
11 Construction and Leasehold Improvements shall be consistent with the deliverables as
12 enumerated in the Arena Use Agreement and Project Development agreement.
13 Notwithstanding anything contained in this Act, the Capital Outlay Act, or any other
14 provision of law to the contrary, the Department of Transportation and Development shall
15 use \$2,500,000 of general obligation bond funding appropriated for Department of
16 Transportation and Development, Administration, Highway Program (Up to \$4,000,000 for
17 Secretary's Emergency Fund) in Act 25 of the 2014 Regular Session of the Legislature for
18 the Louisiana Highway 92 Overlay, Preservation and Construction (Lafayette) project.
19 Notwithstanding anything contained in this Act, the Capital Outlay Act, or any other
20 provision of law to the contrary, \$50,000 of the appropriation for Department of Natural
21 Resources, Office of the Secretary, Atchafalaya Basin Protection and Enhancement (Federal
22 Match and Local/Sponsor Match)(Assumption, Avoyelles, Iberia, Iberville, Pointe Coupee,
23 St. Landry, St. Martin, St. Mary) will be used to fund House Concurrent Resolution No. 168
24 of 2011. Notwithstanding anything contained in this Act, the Capital Outlay Act, or any
25 other provision of law to the contrary, the scope of the appropriation for LSU Health
26 Sciences Center Health Care Services Division, University Medical Center in Baton Rouge
27 (East Baton Rouge) is deemed to also include the demolition of the Earl K. Long Hospital
28 facility in Baton Rouge and up to \$2,000,000 of the appropriation shall be used to pay the
29 costs of demolishing the Earl K. Long Hospital facility. Notwithstanding anything contained

1 in this Act or the Capital Outlay Act to the contrary, any other provisions of law, or the
2 provisions of R.S. 39:112(E)(2), the project for Eden House, New Facility, Acquisition,
3 Planning and Construction, shall be exempt from all local match requirements.
4 Notwithstanding anything contained in this Act, the Capital Outlay Act, or any other Capital
5 Outlay Act, the scope of the appropriation in Act 2 of the 2004 R.S. for the Morgan City
6 Harbor and Terminal District, Atchafalaya River, Bayou Chene, Bayou Boeuf, and Bayou
7 Black Deepening Project Feasibility Study project in St. Mary Parish shall include additional
8 navigable depth surveys, survey interpretation, and updates to prior related work.
9 Notwithstanding anything contained in this Act, the Capital Outlay Act, or any other capital
10 outlay Act, the scope of the appropriation for the Port of Lake Charles Highway 397 in
11 Calcasieu Parish, North and South Turning Lanes and Rail Spur at Farmers Rice Mill,
12 Planning and Construction (Calcasieu) project shall be deemed to include installation of a
13 traffic warning system at the train crossing on LA 397. Notwithstanding anything contained
14 in this Act, the Capital Outlay Act, or any other capital outlay Act, the scope of the
15 appropriation for the Department of Transportation and Development, Bundicks Lake Level
16 Control Structure, Planning and Construction project in Beauregard Parish shall be deemed
17 to include repairs.

18 Section 5. Notwithstanding any provisions contained in this Act, the Capital Outlay
19 Act, or any other law to the contrary, the provisions of Chapter 16 of Subtitle III of Title 39
20 of the Louisiana Revised Statutes of 1950 as amended, shall not apply to architectural and
21 engineering contracts, administered by the Office of Facility Planning and Control, Division
22 of Administration pursuant to this Act, the Capital Outlay Act, or any other capital outlay
23 act.

24 Section 6. This Act shall become effective upon signature by the Governor or, if not
25 signed by the Governor, upon expiration of the time for bills to become law without
26 signature by the Governor, as provided in Article III, Section 18 of the Constitution of
27 Louisiana. If vetoed by the Governor and subsequently approved by the Legislature, this Act
28 shall become effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 52 Original

2016 Second Extraordinary Session

Abramson

Abstract: Provides for procedures, exceptions, requirements, and limitations necessary for the execution, implementation, and administration of capital outlay appropriations for FY2016-2017.

Proposed law provides generally with respect to execution, implementation, and administration of capital outlay appropriations for FY2016-2017.

Proposed law, notwithstanding any provision of present law or the 2016-2017 Capital Outlay Act to the contrary, requires that all projects for which a line of credit has been approved in Fiscal Year 2015-2016, shall submit a new capital outlay request to the office of facility planning, which shall be received by the office of facility planning on or before November 1, 2016. All new capital outlay requests submitted by non-state projects for which a line of credit has been approved in Fiscal Year 2015-2016, shall submit a new capital outlay request which shall include a letter of support from a legislator in whose district the project is located, in order to be eligible to receive capital outlay funding for Fiscal Year 2017-2018. The non-state project application shall not be deemed complete unless the project has either a fully executed cooperative endeavor agreement or proof of the applicable local match, if required, submitted to and received by the division of administration, office of facility planning and the Joint Legislative Committee on Capital Outlay on or before February 1, 2017.

Proposed law provides specific exemptions from present law for the management and execution of specific capital outlay projects or the projects of specific recipient entities.

Proposed law establishes general requirements relating to cooperative endeavor agreements.

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