

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  
21 district the project is located, in order to be eligible for the Fiscal Year 2017-2018 capital

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

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

1 line-item may be used for costs of administering the projects. For all projects in Capital  
2 Outlay Act or a previous Capital Outlay Act appropriated to the Department of  
3 Transportation and Development, up to six percent of each line-item may be used for costs  
4 of administering the projects, or for field engineering/construction supervision. Line-item  
5 general obligation bond projects appropriated to the Department of Transportation and  
6 Development in the Capital Outlay Act or a previous Capital Outlay Act shall be authorized  
7 to draw Transportation Trust Funds from the Highway Program appropriation, for  
8 supplemental funding on overruns in excess of the original estimated project cost as  
9 determined by the Department of Transportation and Development, provided however that  
10 said projects are in the state or federal highway system and in the priority program, and the  
11 overrun is less than \$50,000. Any such overrun of \$50,000 or more must be approved by  
12 the Joint Legislative Committee on the Budget. Furthermore, all ports, levee districts and  
13 other non-state entities must have a fully executed cooperative endeavor agreement, from  
14 the Office of Facility Planning and Control, Department of Transportation and Development,  
15 or the State Treasurer, whichever is appropriate, before entering into any contracts which  
16 obligate state funding and must follow all laws pertaining to public bidding. If a port, levee  
17 district or other non-state entity enters into a contract prior to receipt of funding, or prior to  
18 execution of a cooperative endeavor agreement, then payments under such contracts are  
19 prohibited from capital outlay appropriations, and are the sole responsibility of the port,  
20 levee district, or other non-state entity. Notwithstanding the provisions of this Act, the  
21 Capital Outlay Act, or any previous capital outlay act, contracts may be entered into for the  
22 Atchafalaya Basin Protection and Enhancement Kemper Williams project in St. Mary Parish  
23 prior to a cooperative endeavor agreement being entered into with the state. Notwithstanding  
24 anything contained in this Act, the Capital Outlay Act, or any previous capital outlay act to  
25 the contrary or any other provision of law, contracts may be entered into for the Youngsville  
26 Sports Complex project in Lafayette Parish, prior to receipt of funding and prior to execution  
27 of the cooperative endeavor agreement and the state is authorized to financially participate  
28 in obligations created by such contracts. Notwithstanding the provisions of R.S.  
29 39:112(E)(2), the project for Independence, Independence Area Community Pavilion,  
30 Planning and Construction, shall be exempt from all local match requirements.  
31 Notwithstanding anything contained in this this Act or the Capital Outlay Act to the

1 contrary or any other provision of law, the scope of the appropriations made in the Capital  
2 Outlay Act or any other Capital Outlay Act for the St. Mary Parish Plantation Pump Station  
3 Replacement project shall be deemed to include repair, equipment, rehabilitation and  
4 infrastructure improvements at the existing Plantation Pump Station. Notwithstanding  
5 anything contained in this Act or the Capital Outlay Act to the contrary, or any other  
6 provision of law, the scope of the appropriations made in the Capital Outlay Act or any other  
7 Capital Outlay Act for the Cameron Parish Holly Beach Sewer, Planning and Construction  
8 project shall be deemed to include Other Economic Development Related Infrastructure  
9 Improvements. Notwithstanding anything contained in this Act or the Capital Outlay Act  
10 to the contrary or any other provision of law, the scope of the appropriations made in this  
11 or any other Capital Outlay Act for the Louisiana 4-H Foundation, Youth Education  
12 Development Camp Windy Wood project, shall be deemed to include planning, construction,  
13 and acquisition. Notwithstanding anything contained in this Act or the Capital Outlay Act  
14 to the contrary or any other provision of law, the scope of the appropriations made in the  
15 Capital Outlay Act or any other Capital Outlay Act for the Youngsville Parkway Road  
16 project shall be deemed to include waterline improvements and roadway lighting.  
17 Notwithstanding anything contained in this Act to the contrary or any other provision of law,  
18 the scope of the appropriations made in this or any other Capital Outlay Act for the City of  
19 Eunice Levee Site Work at Eunice City Lake project in St. Landry Parish shall be deemed  
20 to include City Park Upgrades. Notwithstanding anything contained in this Act or the  
21 Capital Outlay Act to the contrary or any other provision of law, the scope of the  
22 appropriations made in this or any other Capital Outlay Act for the New Mental Health  
23 Clinic for New Orleans Behavior, Social, and Medical Support Detox Clinic project for the  
24 Metropolitan Human Service District shall be deemed to include the expansion and  
25 renovation of the existing facility. 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 the Capital Outlay Act or any other Capital Outlay Act for the New  
28 Mental Health Center for Desire/Florida Mental Health Clinic project for the Metropolitan  
29 Human Service District shall be deemed to include the purchase, construction, or renovation  
30 of a new facility in New Orleans East. Notwithstanding anything contained in this Act or  
31 the Capital Outlay Act to the contrary, or any other provision of law, the scope of the

1 appropriations made in the Capital Outlay Act or any other Capital Outlay Act for the City  
2 of New Orleans, Eastern New Orleans Hospital and Medical Office Building, Real Estate  
3 Acquisition, Planning, Design, Construction, Renovation and Equipment project, the City  
4 of New Orleans may make such capital outlay funds available to the Parish Hospital Service  
5 District of the Parish of Orleans District "A" in furtherance of the District's planning, design,  
6 acquisition, development, renovation, construction, equipment and operation of a hospital  
7 and medical office building in Eastern New Orleans. Notwithstanding anything contained  
8 this Act or the Capital Outlay Act, or in any cooperative endeavor agreement between the  
9 Office of Facility Planning and Control and the City of New Orleans or the Hospital Service  
10 District to the contrary, the Hospital Service District may mortgage or otherwise encumber  
11 any and all land, real property, including buildings and equipment, and appurtenances  
12 acquired, in whole or part, with state capital outlay funds provided that bond counsel to the  
13 state opines that such mortgage shall not affect the tax-exempt status of the bonds to be  
14 issued by the state for the project. Notwithstanding anything in this Act or the Capital Outlay  
15 Act to the contrary, contracts may be entered into for the City of New Orleans, Eastern New  
16 Orleans Hospital and Medical Office Building, Real Estate Acquisition, Planning, Design,  
17 Construction, Renovation and Equipment project prior to receipt of funding and prior to  
18 execution of the cooperative endeavor agreement. Notwithstanding anything contained in  
19 this Act or the Capital Outlay Act to the contrary or any other provision of law, the scope  
20 of the appropriations made in the Capital Outlay Act or any other Capital Outlay Act for the  
21 Jefferson Parish Bonnabel Canal Rehabilitation and Bank Stabilization (Veterans Boulevard  
22 to West Esplanade), Planning and Construction project shall be deemed to include steel sheet  
23 pile bulkhead, and/or bank excavation and reshaping, bridge replacement, property  
24 acquisition, demolition and improvements needed to stabilize the canal bank along the  
25 Bonnabel Drainage Canal in order to address canal bank failures between Veterans  
26 Boulevard and West Esplanade Avenue. Notwithstanding anything contained in this Act or  
27 the Capital Outlay Act to the contrary or any other provision of law, the scope of the  
28 appropriations made in this or any other Capital Outlay Act for the City of Broussard  
29 Rehabilitate LA Hwy 182 from US 90 to LA Hwy 89, Planning and Construction project  
30 shall be deemed to include deleting four thousand two hundred feet of two-lane  
31 rehabilitation in downtown Broussard and widening from two lanes to three lanes, the

1 section of roadway from the western terminus of the City of Broussard Three-lane LA Hwy  
2 182 in the city of Broussard, Planning and Construction (\$750,000 Local Match) project in  
3 downtown Broussard to South Broussard Road. Notwithstanding anything contained in this  
4 Act or the Capital Outlay Act to the contrary or any other provision of law, the scope of the  
5 appropriations made in this or any other Capital Outlay Act for the New Orleans Norman  
6 Playground Basketball Gym, Planning and Construction project shall be deemed to include  
7 park enhancements for a walking track, basketball, football and baseball fields and a  
8 concession stand. Notwithstanding anything contained in this Act or the Capital Outlay Act  
9 to the contrary or any other provision of law, the Parks Municipal Complex, Planning and  
10 Construction project shall not include the purchase, construction or renovation of a new  
11 facility in St. Martin Parish. Notwithstanding anything contained in this Act or the Capital  
12 Outlay Act to the contrary or any other provision of law, the Parish Road Improvements  
13 Project for Franklin Parish is exempt from the contract limit set forth in R.S. 38:2212.  
14 Notwithstanding anything contained in this Act or the Capital Outlay Act to the contrary or  
15 any other Act or provision of law, the appropriations made for the Executive Department for  
16 facilities which promote economic development included in the Repair, Restoration, and  
17 Replacement for Hurricanes Katrina and Rita project, and the Department of Economic  
18 Development projects are for 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 revenues, creation of jobs, promotion of tourism, and creation of  
21 facilities for charitable, cultural, artistic, educational, social, civic, research, service,  
22 economic development activities, or provide facilities for professional golf events, pursuant  
23 to the terms of cooperative endeavor agreements, including leases and all expenditures of  
24 these appropriations and may be exempted, by the Commissioner of Administration, from  
25 all statutes relative to public bidding, contractual review and the provisions of R.S.  
26 33:9029.2(D) and in lieu thereof be allowed to use alternative competitive contracting  
27 arrangements where the appropriate administering entity submits documentation to the  
28 Commissioner of Administration substantiating that it is in the best interest of the citizens  
29 of the state, due to economic and/or operational benefits, and the necessity to complete the  
30 projects in a timely manner; and, the appropriate administering entity shall have the  
31 authority to directly appoint the design professional from a list of a minimum of three design

1 firms or joint ventures with the appropriate specialized facility design experience submitted  
2 to and acceptable to the Commissioner of Administration and shall be exempt from other  
3 state requirements for selection of designers, and may include expenditures for computers,  
4 fixtures, furniture, and other equipment as such is deemed to be capital outlay in nature, and  
5 unless the Commissioner of Administration is advised by bond counsel to the State that such  
6 may violate federal tax law, may be used to reimburse any expenditure made prior to the  
7 granting of a line of credit or the sale of bonds by the State Bond Commission, determination  
8 by the State Treasurer that cash funding has been deposited in the Comprehensive Capital  
9 Outlay Escrow Account for the project or the execution of a cooperative agreement from the  
10 Office of Facility Planning and Control, and may be used to acquire land or real property,  
11 the title to which is held in the name of an entity exempt from taxation under the provisions  
12 of 26 U.S.C. 501(c)(3). Notwithstanding anything contained in this Act or the Capital  
13 Outlay Act to the contrary or any other provision of law, all of the funds herein appropriated  
14 to the Department of Economic Development in connection with the Capital Improvements  
15 Project to Meet Economic Development Commitments for which the Department of  
16 Economic Development utilizes a cooperative endeavor agreement to further economic  
17 development as permitted under Article VII, Section 14 of the Louisiana Constitution,  
18 including the generation of tax revenues and creation of jobs, shall be considered as having  
19 been appropriated to the Department of Economic Development, may be used to reimburse  
20 any expenditure made prior to the granting of a line of credit and made prior to the execution  
21 of a cooperative endeavor agreement and shall be administered solely by the Department of  
22 Economic Development pursuant to, in compliance with, and on the terms contained in such  
23 cooperative endeavor agreements. Notwithstanding any provision of law to the contrary, the  
24 Commissioner of Administration is hereby authorized to take such actions as are necessary,  
25 including using such funds as may be available including those appropriated and available  
26 under this Act or the Capital Outlay Act for professional sports facilities through the  
27 Louisiana Stadium and Exposition District and that are otherwise available, executing on  
28 behalf of the State such documents as are necessary in order to terminate the ground lease  
29 between the State and the PGA and thereby acquiring all leasehold improvements for the  
30 State, extending the management agreement between the State and the PGA, and extending  
31 the sponsorship and presence of the Zurich Classic in the Greater New Orleans area.

1 Notwithstanding anything contained in this Act or the Capital Outlay Act or any other  
2 capital outlay act, contracts may be entered into for the Tulane National Primate Research  
3 Center prior to receipt of funding and prior to execution of a cooperative endeavor  
4 agreement and the project is exempted from all statutes relative to public bidding and  
5 contractual review and in lieu thereof the appropriate administering entity shall have the  
6 authority to directly appoint design professionals and construction managers in accordance  
7 with National Institute of Health Design and Construction Guidelines. Notwithstanding  
8 anything contained in this Act, or the Capital Outlay Act, or any other capital outlay act,  
9 contracts may be entered into for the Port of South Louisiana, Globalplex Rail Siding;  
10 Globalplex Terminal Building #71 Upgrade, Planning and Construction; Administration  
11 Building (also known as the Business Development Center); Warehouse Planning and  
12 Construction prior to receipt of funding and prior to execution of a cooperative endeavor  
13 agreement. Notwithstanding anything in this Act, the Capital Outlay Act, any previous  
14 capital outlay act, or other provision of law to the contrary, the scope of the appropriation  
15 for the Port of South Louisiana Globalplex Terminal Building #71 Upgrade project shall be  
16 deemed to also include similar upgrades for other Globalplex Terminal Buildings.  
17 Notwithstanding anything in this Act, any previous capital outlay act, or other provision of  
18 law to the contrary, monies appropriated herein for the Port of South Louisiana Globalplex  
19 Terminal Building #71 and Other Globalplex Terminal Building Upgrades, Planning and  
20 Construction may be expended for design fees related to the conveyor system and ancillary  
21 equipment that exceed the customary ten percent limitation on design fee costs.  
22 Notwithstanding anything in this Act or the Capital Outlay Act to the contrary or any other  
23 provision of law, contracts may be entered into for the Greater Baton Rouge Port  
24 Commission Inland River Marine Terminal Dock and Access Roadway Construction Project,  
25 Planning and Construction Project prior to receipt of funding and prior to the execution of  
26 a cooperative endeavor agreement. Notwithstanding anything in this Act to the contrary or  
27 any other provision of law, monies appropriated herein for the Juban Road (LA1026)  
28 Widening (I-12 to US 190) project may be expended for the installation of sewer lines along  
29 the roadway and pursuant to a cooperative endeavor agreement between the Department of  
30 Transportation and Development and Livingston Parish, funds may be provided to  
31 Livingston Parish for that purpose. Notwithstanding anything contained in this act to the

1 contrary or any other provision of law, the appropriations made for the Louisiana Stadium  
2 and Exposition District shall be appropriated directly to the Louisiana Stadium and  
3 Exposition District, and are public purposes pursuant to the provisions of Article VII,  
4 Section 14 of the Constitution of Louisiana primarily for economic development, including  
5 the generation of tax revenue, creation of jobs, and the generation of tourism, and may be  
6 used to reimburse any expenditure made prior to the granting of a line of credit or the sale  
7 of bonds by the State Bond Commission, determination by the State Treasurer that cash  
8 funding has been deposited in the Comprehensive Capital Outlay Escrow Account for the  
9 project. The Louisiana Stadium and Exposition District may apply up to \$10,000,000 to  
10 reimburse the New Orleans Hornets NBA, LLC for costs incurred in constructing a new  
11 training facility as contemplated by the Amended and Restated Arena Use Agreement dated  
12 July, 1 2015; but, otherwise, contracts for projects funded through this appropriation shall  
13 be awarded utilizing the public bid and contractual review process set forth in Chapter 10  
14 of Title 38 and Chapter 16 of Title 39 of the Louisiana Revised Statutes of 1950, except with  
15 respect to time requirements, or, in order to encourage competition for the projects funded  
16 through this appropriation and to complete the projects in a timely manner, the Louisiana  
17 Stadium and Exposition District shall have the authority to select a general contractor  
18 through an RFP process whereby general contractors will bid general conditions and  
19 contractor's fee based on the direct construction budget. The alternative time requirements  
20 shall be approved by the Commissioner of Administration before the awarding of any such  
21 contracts. Further, with respect to appropriations to the Louisiana Stadium and Exposition  
22 District for the TPC Louisiana, Planning and Construction project, the Louisiana Stadium  
23 and Exposition District shall be permitted to use alternative competitive procurement and  
24 delivery methods for the award of any contracts to be funded through such appropriation.  
25 The Louisiana Stadium and Exposition District shall have the authority to directly appoint  
26 the design professional from a list of a minimum of three architectural firms or joint ventures  
27 with professional sports facility design experience acceptable to the Commissioner of  
28 Administration and shall be exempt from other state requirements for selection of designers.  
29 The design professional fee shall be in accordance with state guidelines administered by the  
30 Office of Facility Planning and Control, Division of Administration. Eligible expenses for  
31 Economic Development Award Program funds may include documented project expenses

1 beginning on the date of LEDC Board approval of the project and may be reimbursed upon  
2 execution of the cooperative endeavor agreement for the project. The new University  
3 Medical Center in New Orleans project in Orleans Parish shall be exempt from the state's  
4 requirements for selection of designers and the Commissioner of Administration shall have  
5 the authority to approve a design professional selection process. The design professional fee  
6 shall be in accordance with state guidelines administered by the Office of Facility Planning  
7 and Control, Division of Administration. The Division of Administration, Office of Facility  
8 Planning and Control, with approval of the Commissioner of Administration and the Joint  
9 Legislative Committee on the Budget, is authorized to use alternative delivery strategies in  
10 implementing hurricane damage repairs to Southern University at New Orleans, Hazardous  
11 Material Abatement Projects, the City Park Golf Complex Improvements project,, the  
12 Health/Human Performance Education Complex, and the Patrick Taylor Hall Renovation  
13 and Expansion project. In addition, with the approval of the Commissioner of  
14 Administration and the Joint Legislative Committee on the Budget, an alternative delivery  
15 strategy may be used in the implementation of the Louisiana Children's Museum, Early  
16 Learning Village project. Due to the State's current investment in TPC Louisiana and the  
17 financial support it provides to the PGA TOUR event currently played at said facility, the  
18 funding of the City Park Golf Complex Improvements project described above is  
19 conditioned upon said PGA TOUR event not being played at New Orleans City Park Golf  
20 Complex without the prior agreement of the Commissioner of Administration and the  
21 Chairman of the Jefferson Parish Council. Notwithstanding the foregoing, the City Park Golf  
22 Complex may host any other golf tournament or event, including but not limited to any other  
23 PGA-affiliated or sponsored tournament or event. For all projects administered by the  
24 Office of Facility Planning and Control and payable from proceeds of self-generated  
25 revenues, funds shall be remitted to the Office of Facility Planning and Control for deposit  
26 in the state treasury at such time as may be deemed necessary by the Office of Facility  
27 Planning and Control in order to cover the amount of contracts or other project expenses.  
28 The State Treasurer shall refund to the appropriate source any surplus self-generated funds,  
29 advanced insurance funds received by the Office of Facility Planning and Control as  
30 Interagency Transfer from Office of Risk Management associated with hurricane damage  
31 recovery, and interest earned on these funds, provided the Treasurer's Office is notified,

1 when these funds are deposited in the state treasury, that the user agency or Office of Risk  
2 Management intends to request a refund of this interest. Any revenue bonds appropriated  
3 in Section 1 of the Capital Outlay Act shall not be secured by the full faith and credit of the  
4 state. Notwithstanding anything in this Act or the Capital Outlay Act to the contrary or any  
5 other provision of law, contracts may be entered into for the Mississippi River Levee  
6 Raising, Arkansas to Old River project prior to receipt of funding, and the State is authorized  
7 to financially participate in obligations created by such contracts. Notwithstanding anything  
8 in this Act to the contrary or any other provision of law, contracts may be entered into for  
9 the Deep Water Gulf Transfer Terminal Authority for Deep Water Terminal Transfer  
10 Engineering Fees, which project includes other necessary services ancillary or incidental to  
11 the capital outlay project as included or indicated in the capital outlay request for such  
12 project, prior to receipt of funding and prior to the execution of a cooperative endeavor  
13 agreement, and unless the Commissioner of Administration is advised by bond counsel to  
14 the state that such may violate federal tax law, the appropriation may be used to pay for such  
15 contracts and ancillary and incidental services prior to the granting of a line of credit or the  
16 sale of bonds by the State Bond Commission. Notwithstanding anything in this Act or the  
17 Capital Outlay Act to the contrary or any other provision of law, contracts may be entered  
18 into for the Old McKinley High School Community Center on Thomas Delpit Drive in the  
19 City of Baton Rouge, Kitchen and Building Renovations and Elevator Repair Project prior  
20 to receipt of funding and prior to the execution of a cooperative endeavor agreement, and  
21 unless the Commissioner of Administration is advised by bond counsel to the state that such  
22 may violate federal tax law, the appropriation may be used to reimburse any expenditure  
23 made prior to the granting of a line of credit or the sale of bonds by the State Bond  
24 Commission. Notwithstanding anything in this Act or the Capital Outlay Act to the contrary  
25 or any other provision of law, contracts may be entered into for the Tulane University Tulane  
26 River and Coastal Center Project prior to receipt of funding and prior to the execution of a  
27 cooperative endeavor agreement, and the project is exempted from all statutes relative to  
28 public bidding and state procurement and in lieu thereof shall be subject to federal  
29 government qualifications and regulations approved by the Economic Development  
30 Authority. Notwithstanding anything in this Act or the Capital Outlay Act to the contrary  
31 or any other provision of law, contracts may be entered into for the Outpatient Clinics in

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

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

1 Sciences Center Health Care Services Division, University Medical Center in Baton Rouge  
2 (East Baton Rouge) is deemed to also include the demolition of the Earl K. Long Hospital  
3 facility in Baton Rouge and up to \$2,000,000 of the appropriation shall be used to pay the  
4 costs of demolishing the Earl K. Long Hospital facility. Notwithstanding anything contained  
5 in this Act or the Capital Outlay Act to the contrary, any other provisions of law, or the  
6 provisions of R.S. 39:112(E)(2), the project for Eden House, New Facility, Acquisition,  
7 Planning and Construction, shall be exempt from all local match requirements.  
8 Notwithstanding anything contained in this Act, the Capital Outlay Act, or any other Capital  
9 Outlay Act, the scope of the appropriation in Act 2 of the 2004 R.S. for the Morgan City  
10 Harbor and Terminal District, Atchafalaya River, Bayou Chene, Bayou Boeuf, and Bayou  
11 Black Deepening Project Feasibility Study project in St. Mary Parish shall include additional  
12 navigable depth surveys, survey interpretation, and updates to prior related work.  
13 Notwithstanding anything contained in this Act, the Capital Outlay Act, or any other capital  
14 outlay Act, the scope of the appropriation for the Port of Lake Charles Highway 397 in  
15 Calcasieu Parish, North and South Turning Lanes and Rail Spur at Farmers Rice Mill,  
16 Planning and Construction (Calcasieu) project shall be deemed to include installation of a  
17 traffic warning system at the train crossing on LA 397. Notwithstanding anything contained  
18 in this Act, the Capital Outlay Act, or any other capital outlay Act, the scope of the  
19 appropriation for the Department of Transportation and Development, Bundicks Lake Level  
20 Control Structure, Planning and Construction project in Beauregard Parish shall be deemed  
21 to include repairs.

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

28 Section 6. This Act shall become effective upon signature by the Governor or, if not  
29 signed by the Governor, upon expiration of the time for bills to become law without  
30 signature by the Governor, as provided in Article III, Section 18 of the Constitution of

- 1 Louisiana. If vetoed by the Governor and subsequently approved by the Legislature, this Act  
2 shall become effective on the day following such approval.
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## 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)]

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HB 52 Engrossed

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 FY 2016-2017.

Proposed law provides generally with respect to execution, implementation, and administration of capital outlay appropriations for FY 2016-2017.

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.