

RÉSUMÉ DIGEST

HB 129

2018 Regular Session

Reynolds

Present law provides for the authority and procedures for state construction projects, also known as capital outlay. Present law further provides for certain exemptions from the capital outlay process, including the following:

- (1) Facilities that house the legislature or an agency within the legislative branch.
- (2) Repairs, renovation, or construction less than or equal to \$1 million on the campus of a state college, university, or higher education facility, subject to approval by the Board of Regents and the appropriate management board. Further exempts such projects that are \$500,000 or less from requirements related to professional service contracts in Public Bid Law.
- (3) Repairs, renovation, or construction by any agency, except on the campus of a state college, university, or higher education facility, when the expenditures for a project for a fiscal year do not exceed \$150,000 cumulatively per agency and the expenditures are approved by the commissioner of administration and the Joint Legislative Committee on the Budget.
- (4) Certain construction of buildings by the Dept. of Public Safety and Corrections, division of prison enterprises, with a cost of \$500,000 or less, on the grounds of a correctional facility. Requires prior approval of the projects by the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means.

Proposed law would have further exempted repairs, renovations, or construction projects valued at less than or equal to \$500,000, inclusive of the aggregate of all change orders for the project, on land owned or managed by the DW&F, subject to approval by the commissioner of administration and the House Committee on Ways and Means and Senate Committee on Revenue and Fiscal Affairs.

Proposed law would have prohibited the DW&F from artificially dividing a project's total construction cost or total purchase price in order for the project or the purchase to be eligible for the capital outlay exemption provided for in proposed law.

(Proposed to add R.S. 39:128(E))

VETO MESSAGE:

"Please be advised that I have vetoed House Bill 129 of the 2018 Regular Session.

This bill, as originally filed, was a bill I strongly supported, as it would have given the Louisiana Department of Wildlife and Fisheries (LDWF) the ability to be more efficient in the repair, renovation, or construction of buildings for its operations. However, in the House Ways and Means Committee, the bill was amended to require the approval of the House Ways and Means and Senate Revenue and Fiscal Affairs Committees for any such work. This additional requirement would make LDWF less efficient and would interject political considerations into the decisions about the proper management of LDWF facilities. Further, this amendment is a clear violation of Art. II, Sec. 2 of the Louisiana Constitution, which provides for a separation of powers between the branches of state government. Outside of the appropriation process, decisions about the maintenance or construction of facilities in executive branch agencies should not require legislative approval."