

2020 Second Extraordinary Session

SENATE BILL NO. 6

BY SENATOR LAMBERT

CAPITAL OUTLAY. Provides for capital outlay requests for a state-owned and administered project submitted by a budget unit of the state. (gov sig) (2/3-CA7s11(C)) (Item #15)

1 AN ACT

2 To amend and reenact R.S. 39:101(A)(2) and to enact R.S. 39:112(C)(1)(e), relative to
3 capital outlay requests submitted by a budget unit of the state; to provide that budget
4 units of the state shall be exempt from the November first deadline for the
5 submission of capital outlay requests; to provide that capital outlay requests
6 submitted by a budget unit of the state after November first shall not require late
7 approval; to provide that capital outlay requests submitted by a budget unit of the
8 state shall constitute the feasibility study required by the Constitution of Louisiana;
9 to provide for an effective date; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 39:101(A)(2) is hereby amended and reenacted and R.S.
12 39:112(C)(1)(e) is hereby enacted to read as follows:

13 §101. Capital outlay budget request; feasibility studies

14 A.(1) * * *

15 (2)**(a)** Projects to be funded by and programs for the expenditure of funds
16 from the Transportation Trust Fund shall be governed by the priority program
17 required by Article VII, Section 27 of the Constitution of Louisiana. Any form for

1 submission together with supporting information and documents for such projects
2 shall constitute the feasibility study required by Article VII, Section 11(C) of the
3 Constitution of Louisiana.

4 **(b) Capital outlay requests for a state-owned and administered project**
5 **submitted by a budget unit of the state as defined in R.S. 39:2(8) shall not be**
6 **subject to the November first deadline set forth in Subparagraph (1)(a) of this**
7 **Subsection. The capital outlay request together with supporting information**
8 **and documents for the project shall constitute the feasibility study required by**
9 **Article VII, Section 11(C) of the Constitution of Louisiana. The provisions of**
10 **this Subparagraph shall not apply to a political subdivision which is also a**
11 **budget unit of the state.**

12 * * *

13 §112. Capital outlay act

14 * * *

15 C.(1) Capital outlay budget requests submitted after November first may be
16 included within the capital outlay act if the capital outlay budget request meets all
17 of the applicable requirements as provided in R.S. 39:101 and 102 except for time
18 of submission and if any of the following conditions have been met:

19 (a) * * *

20 * * *

21 **(e) The project is a state-owned and administered project submitted by**
22 **a budget unit of the state as provided in R.S. 39:101(A)(2)(b).**

23 * * *

24 Section 2. 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 signature
26 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
27 vetoed by the governor and subsequently approved by the legislature, this Act shall become
28 effective on the day following such approval.

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

DIGEST

SB 6 Original

2020 Second Extraordinary Session

Lambert

Present law provides that no later than November first of each year, the head of each budget unit shall present to the office of facility planning and control of the division of administration all requests for capital outlay expenditures proposed to be funded within the next five years.

Proposed law provides that capital outlay requests for a state-owned and administered project submitted by a budget unit of the state shall not be subject to the November first deadline set forth in present law. Further provides that the capital outlay request together with supporting information and documents for such project shall constitute the feasibility study required by Article VII, Section 11(C) of the La. Constitution.

Proposed law does not apply to a political subdivision which is also a budget unit of the state.

Present law provides that capital outlay budget requests submitted after November first may be included within the capital outlay act if the capital outlay budget request meets all of the applicable requirements as provided in R.S. 39:101 and 102 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 Dept. of Economic Development.
- (2) The project is an emergency project recommended in writing by the commissioner of administration.
- (3) The project is for a nonstate entity, has a total project cost of less than \$1 million, and has been approved by the Joint Legislative Committee on Capital Outlay (JLCCO) on or before February first.
- (4) The project is located in a designated disaster area and there is a public need for the project because of a national or state declared disaster, and the project has been approved by the JLCCO, which approval may occur after February first and which project may have a total project cost of \$1 million or more.

Proposed law adds state-owned and administered project submitted by a budget unit of the state as provided in proposed law to the list of projects which may be submitted after November first.

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

(Amends R.S. 39:101(A)(2); adds R.S. 39:112(C)(1)(e))