

SENATE CONCURRENT RESOLUTION NO. 82

BY SENATOR WOMACK

A CONCURRENT RESOLUTION

To create the Public Projects Payment Task Force to study and make recommendations regarding the Louisiana Public Works Act, R.S. 38:2241 et seq., for the purpose of facilitating and improving the timeliness of payments made by public entities to general contractors.

WHEREAS, it is critically important to Louisiana to ensure effective and efficient construction, alteration, improvement, or repair of its public facilities and the immovable property owned, used, or leased by public entities in the state; and

WHEREAS, delays in public works contract payments made by public entities to general contractors inevitably cause subsequent delays and expenses that affect innumerable subcontractors, materialmen, laborers, and other service providers, who all perform vital services throughout Louisiana; and

WHEREAS, delays in public works contract payments by public entities to general contractors also result in extensive costs, productivity delays, and prolonged legal proceedings, which disproportionately impact small businesses and disadvantaged business enterprises; and

WHEREAS, it is in the best interest of Louisiana to facilitate and improve the timeliness of public works contract payments made by public entities to decrease costly delays and to increase productivity statewide.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby establish and provide for the Public Projects Payments Task Force to perform a holistic study of the Louisiana Public Works Act, R.S. 38:2241 et seq., and all relevant legal procedures, bond requirements, notice and recordation requirements, time delays, rights of action, and dispute resolution methods, relative to public works contract payments made by public entities to general contractors and to how the timing of those payments affect subcontractors, materialmen, laborers, and other service providers.

BE IT FURTHER RESOLVED that the task force shall consist of fifteen members appointed as follows:

(1) The chairman of the Senate Committee on Finance, or his appointed designee, who shall preside as chairman of the task force.

(2) The chairman of the House Committee on Appropriations or his appointed designee.

(3) The chairman of the committee operating as the Joint Legislative Committee for Transportation, Highways and Public Works.

(4) The chief executive officer of the Louisiana Associated General Contractors.

(5) The president of the Louisiana Concrete Association.

(6) The chief executive officer of the Louisiana Asphalt Paving Alliance.

(7) The president of the American Subcontractors Association.

(8) The chief executive officer of the Louisiana Chapter of the Architectural Institute of America.

(9) The chief executive officer of the Louisiana Chapter of the Associated Builders and Contractors.

(10) The president of the American Council of Engineering Companies.

(11) The president of the Louisiana Surety Association.

(12) The president of the Police Jury Association of Louisiana or his appointed designee.

(13) The president of the Louisiana Municipal Association or his appointed designee.

(14) The secretary of the Department of Transportation and Development or his appointed designee.

(15) The director of the Office of Facility Planning and Control within the Division of Administration or his appointed designee.

BE IT FURTHER RESOLVED that, on or before July 1, 2024, each appointing authority shall submit the names and contact information of the appointed designees to the chairman of the Senate Committee on Finance.

BE IT FURTHER RESOLVED that, on or before August 1, 2024, the chairman of the Senate Committee on Finance or his appointed designee shall call and preside over the first task force meeting.

BE IT FURTHER RESOLVED that a majority of the task force shall constitute a quorum for the transaction of business. All official actions of the task force shall require the affirmative vote of the majority of the quorum.

BE IT FURTHER RESOLVED that the task force shall meet at least twice before December 15, 2024.

BE IT FURTHER RESOLVED that the task force shall terminate on the date of the submission of its report or January 31, 2025, whichever occurs first.

BE IT FURTHER RESOLVED that the task force shall submit a written report of its findings and recommendations, including but not limited to any specific legislative proposals, to the Senate Committee on Finance, the House Committee on Appropriations, and the Joint Legislative Committee for Transportation, Highways and Public Works.

BE IT FURTHER RESOLVED that the members of the task force shall serve without compensation, except for per diem or expense reimbursement to which they may be individually entitled as members of their constituent organizations.

BE IT FURTHER RESOLVED that the task force shall receive staff support from one or more of the entities from which the task force membership is designated or appointed.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Senate Committee on Finance, the House Committee on Appropriations, and the Joint Legislative Committee for Transportation, Highways and Public Works.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES