

Regular Session, 2013

SENATE BILL NO. 204

BY SENATORS ADLEY, BROWN, CORTEZ, CROWE, GALLOT, JOHNS, KOSTELKA, MARTINY, MILLS, MORRELL, MORRISH, MURRAY, NEVERS AND WHITE AND REPRESENTATIVES ADAMS, ARNOLD, BERTHELOT, STUART BISHOP, BROSSETT, DANAHAY, DIXON, FRANKLIN, GAINES, GISCLAIR, GUINN, HAZEL, JAMES, TERRY LANDRY, LEGER, LEOPOLD, MONTOUCET, MORENO, ORTEGO, PRICE, RICHARD, SMITH AND WHITNEY

BONDS. Provides relative to the issuance of bonds to finance capital improvements for the Louisiana Community and Technical Colleges System. (2/3-CA7s6(F)(1))(gov sig)

AN ACT

To amend and reenact R.S. 17:3394.3(A) and (B) and to enact R.S. 17:3394.3(C) and R.S. 39:1367(E)(2)(b)(v), relative to the issuance of bonds for the financing of capital improvements and enhancements to certain facilities and properties of colleges within the Louisiana Community and Technical Colleges System; to list the projects to be financed; to require private match funds for such projects; to provide that no state funds shall be appropriated for such bonds or projects until July 1, 2015; to provide that such bonds shall not be included in the definition of net state tax supported debt; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3394.3(A) and (B) are hereby amended and reenacted and R.S. 17:3394.3(C) is hereby enacted to read as follows:

§3394.3. Authority of board to execute agreements related to the finance of capital improvements and enhancements

A.(1) Projects contained in this Section may, at the direction of the board and with the approval of the State Bond Commission, be funded through the issuance of bonds, notes, or other evidences of indebtedness or through

1 financing programs heretofore or hereafter provided by the Louisiana Local
2 Government Environmental Facilities and Community Development Authority,
3 pursuant to R.S. 33:4548.1 et seq.

4 (2) Bonds, notes, or other evidences of indebtedness may be issued as
5 serial bonds or as term bonds and shall bear such date or dates, mature at such
6 time or times, not exceeding thirty years from their respective dates, bear
7 interest at such rate or rates, including variable, adjustable, or zero interest
8 rates, be payable at such time or times, be in such denominations, be sold at
9 such price or prices, at public or private negotiated sale, after advertisement as
10 is provided for in R.S. 39:1421 et seq., be in such form, carry such registration
11 and exchangeability privileges, be payable at such place or places, be subject to
12 such terms of redemption, as may be provided in the indenture, trust
13 agreement, or resolution relating to such bonds. Bonds, notes, or other
14 evidences of indebtedness may be sold in such manner and from time to time as
15 may be determined by the issuer and the board to be most beneficial, subject to
16 approval of the State Bond Commission.

17 (3) Projects contained in this Section shall not be required to be included
18 in the annual comprehensive capital budget nor obtain legislative approval as
19 provided in R.S. 39:112(G).

20 (4) Construction projects contained in this Section shall be managed and
21 administered by a nonprofit corporation established for such purposes,
22 regardless of the source of revenues used to fund such construction projects.

23 (5) The board shall exercise its authority granted pursuant to R.S. 17:3361,
24 et seq., as may be necessary to provide for the completion of the projects enumerated
25 in this Section. The board may grant leases of property under its supervision to a
26 nonprofit corporation **or to an entity authorized to issue bonds as set forth in**
27 **Paragraph (A)(1) of this Section** for the purpose of financing such projects, and the
28 sum total amount to be financed therefor shall equal no more than the total value of
29 all projects listed herein, plus an amount equal to fifteen percent of such total,

1 together with other requirements including but not limited to costs of issuance,
2 capitalized interest, if any, credit enhancement and related costs.

3 Notwithstanding any provision of R.S. 17:3361, et seq., to the contrary, the term of
4 any lease agreement made for purposes of this Part shall not exceed thirty years. No
5 monies shall be appropriated for these ~~the~~ purposes set forth in this Part for the
6 projects set forth in Subsection B of this Section until July 1, 2008. No monies
7 shall be appropriated for the purposes set forth in this Part for the projects set
8 forth in Subsection C of this Section until July 1, 2015.

9 B. For the purposes of this Part, the following projects and the projects set
10 forth in Subsection C of this Section shall comprise the entirety of public facilities
11 and projects to be financed under the authorities of this Part and R.S. 17:3361 et seq.
12 with respect to these projects. The dollar value listed, plus an amount equal to fifteen
13 percent, is the maximum amount that may be financed for each of the following
14 projects:

15 * * *

16 C. The projects set forth in Subsection B of this Section and the following
17 projects shall comprise the entirety of public facilities and projects to be
18 financed under the authorities of this Part and R.S. 17:3361 et seq., with respect
19 to these projects. Each project set forth below shall require a ten percent
20 private match, not to exceed one million dollars per project. No project shall
21 be financed until all private funds are available for that project. The dollar
22 value listed for each project, plus an amount equal to fifteen percent, is the
23 maximum amount that may be financed for each of the following projects:

24 WORKFORCE AND TECHNICAL EDUCATION

25 (a) Baton Rouge Community College,
26 East Baton Rouge Parish
27 New Workforce Training Center \$ 8,100,000

28 (b) Baton Rouge Community College,
29 Smiley Heights Campus
30 East Baton Rouge Parish
31 Technology Center \$10,200,000

32 (c) Bossier Parish Community College,

1	<u>Bossier City Campus, Bossier Parish</u>	
2	<u>Science, Technology, Engineering and</u>	
3	<u>Math (STEM) Building</u>	<u>\$18,500,000</u>
4	(d) <u>Capital Area Technical College, Baton</u>	
5	<u>Rouge Campus, East Baton Rouge Parish</u>	
6	<u>Welding Center</u>	<u>\$ 3,330,000</u>
7	(e) <u>Central Louisiana Technical Community College,</u>	
8	<u>Alexandria Campus, Rapides Parish</u>	
9	<u>Workforce Industrial Training Campus</u>	<u>\$19,000,000</u>
10	(f) <u>Delgado Community College, Charity School</u>	
11	<u>of Nursing, Orleans Parish</u>	
12	<u>New Nursing and Allied Training Building</u>	<u>\$34,000,000</u>
13	(g) <u>Delgado Community College, River City Campus,</u>	
14	<u>West Bank, Jefferson Parish</u>	
15	<u>Training Center for Transportation, Maritime,</u>	
16	<u>Engineering</u>	<u>\$14,000,000</u>
17	(h) <u>Delgado Community College, New Orleans</u>	
18	<u>Orleans Parish</u>	
19	<u>Center for Hospitality and Culinary</u>	<u>\$ 9,000,000</u>
20	(i) <u>Delgado Community College, Westbank Campus,</u>	
21	<u>Orleans Parish</u>	
22	<u>Advanced Technology Center</u>	<u>\$12,000,000</u>
23	(j) <u>Delgado Community College, Blair Campus,</u>	
24	<u>Metairie, Jefferson Parish</u>	
25	<u>Advanced Workforce Training</u>	<u>\$ 7,200,000</u>
26	(k) <u>Louisiana Delta Community College,</u>	
27	<u>Winnsboro, Winn Parish</u>	
28	<u>Technology and Career Program Training Center</u>	<u>\$ 4,590,000</u>
29	(l) <u>Louisiana Delta Community College,</u>	
30	<u>Jonesboro, Jackson Parish</u>	
31	<u>Welding, Vehicle Operation and Industrial</u>	
32	<u>Training Center</u>	<u>\$ 2,700,000</u>
33	(m) <u>Louisiana Delta Community College,</u>	
34	<u>Ruston, Lincoln Parish</u>	
35	<u>Nursing, Welding, Workforce Training Campus</u>	<u>\$ 8,100,000</u>
36	(n) <u>Louisiana Delta Community College,</u>	
37	<u>Monroe, Ouachita Parish</u>	
38	<u>Technology Center</u>	<u>\$ 7,200,000</u>
39	(o) <u>Louisiana Delta Community College,</u>	
40	<u>Tallulah, Madison Parish</u>	
41	<u>Upgrade/Advanced Workforce Training Campus</u>	<u>\$ 2,500,000</u>
42	(p) <u>Northshore Technical Community College,</u>	
43	<u>Lacombe, St. Tammany Parish</u>	
44	<u>Training Center for Industrial Technologies</u>	<u>\$ 9,000,000</u>

1	<u>(q)</u>	<u>Northwest Louisiana Technical College,</u>	
2		<u>Minden Campus, Webster Parish</u>	
3		<u>Workforce Development Center</u>	<u>\$ 2,250,000</u>
4	<u>(r)</u>	<u>River Parishes Community College,</u>	
5		<u>Gonzales, Ascension Parish</u>	
6		<u>Center for Advance Technology</u>	<u>\$ 8,100,000</u>
7	<u>(s)</u>	<u>South Central Louisiana Technical College,</u>	
8		<u>River Parishes Campus, Reserve,</u>	
9		<u>St. John the Baptist Parish</u>	
10		<u>New PTech Building</u>	<u>\$ 3,888,000</u>
11	<u>(t)</u>	<u>South Louisiana Community College,</u>	
12		<u>Lafayette Campus, Lafayette Parish</u>	
13		<u>Allied Health and Science Training</u>	
14		<u>Program Building</u>	<u>\$15,000,000</u>
15	<u>(u)</u>	<u>SOWELA Technical Community College,</u>	
16		<u>Morgan Smith Campus, Jennings,</u>	
17		<u>Jefferson Davis Parish</u>	
18		<u>Automotive, Welding, Nursing and Industrial</u>	
19		<u>Programs Campus</u>	<u>\$ 9,000,000</u>

STUDENT SERVICES, COUNSELING AND ADVISING

21	<u>(v)</u>	<u>L.E. Fletcher Technical Community College,</u>	
22		<u>Schriever, Terrebonne Parish</u>	
23		<u>One Stop Shop for All Student Activities</u>	<u>\$ 4,500,000</u>
24	<u>(w)</u>	<u>Nunez Community College,</u>	
25		<u>Chalmette, St. Bernard Parish</u>	
26		<u>Student Testing and Career Counseling Center</u>	<u>\$ 6,480,000</u>
27	<u>(x)</u>	<u>SOWELA Technical Community College,</u>	
28		<u>Main Campus, Lake Charles, Calcasieu Parish</u>	
29		<u>One Stop Shop for Student Programs and Services</u>	<u>\$ 7,200,000</u>

SAFETY, SECURITY AND INFRASTRUCTURE

31	<u>(y)</u>	<u>Capital Area Technical College Campus,</u>	
32		<u>Baton Rouge, East Baton Rouge Parish</u>	
33		<u>Secured Parking Building for Students</u>	<u>\$ 3,600,000</u>

(3) The amounts set forth in this Subsection are estimates and the funding for any project may be increased to meet any contingencies by an amount not to exceed fifteen percent of the amounts set forth in this Subsection.

Section 2. R.S. 39:1367(E)(2)(b)(v) is hereby enacted to read as follows:

§1367. State debt; limitations

* * *

E. As used in this Section, the following terms shall have the following

1 meanings ascribed to them unless the context clearly indicates otherwise:

2 * * *

3 (2) * * *

4 (b) "Net state tax supported debt" shall not mean:

5 * * *

6 **(v) Any bond, note, or other evidence of indebtedness issued for the**
7 **purpose of financing the projects set forth in R.S. 17:3394.3(C) or any bonds**
8 **issued to refund such bonds, notes, or evidence of indebtedness.**

9 Section 3. The projects listed in R.S. 17:3394.3(C), as enacted in this Act, are to be
10 collectively legislated as one program as introduced in the original version of this legislative
11 instrument. The removal or addition of any one project to this legislative instrument, as
12 originally filed, will nullify and void this instrument.

13 Section 4. This Act shall become effective upon signature by the governor or, if not
14 signed by the governor, upon expiration of the time for bills to become law without signature
15 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
16 vetoed by the governor and subsequently approved by the legislature, this Act shall become
17 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

Proposed law is the second phase of a program to improve and enhance the institutions of
the Louisiana Community and Technical College System.

Proposed law authorizes the issuance of bonds, notes, or other evidences of indebtedness,
or through financing programs heretofore or hereafter provided by the Louisiana
Government Environmental Facilities and Community Development Authority, as provided
by law.

Proposed law provides that the bonds, notes, or other evidences of indebtedness may be
issued as serial or term bonds and shall bear such date or dates, mature at such time or times,
not exceeding 30 years from their respective dates, bear interest at such rate or rates,
including variable, adjustable, or zero interest rates, be payable at such time or times, be in
such denominations, be sold at such price or prices, at public or private negotiated sale, after
advertisement as is provided for in R.S. 39:1421 et seq., be in such form, carry such
registration and exchangeability privileges, be payable at such place or places, be subject to
such terms of redemption, as may be provided in the indenture, trust agreement, or resolution
relating to such bonds. Bonds may be sold in such manner and from time to time as may be
determined by the issuer and the board to be most beneficial, subject to approval of the State

Bond Commission.

Proposed law provides that projects contained in proposed law shall not be required to be included in the annual comprehensive capital budget nor obtain legislative approval as required in present law.

Proposed law provides that construction projects shall be managed and administered by a nonprofit corporation established for such purposes, regardless of the source of revenues used to fund such construction projects.

Proposed law provides that the sum total amount to be financed shall equal no more than the total value of all projects listed in proposed law, plus an amount equal to 15% of such total, together with other requirements including but not limited to costs of issuance, capitalized interest, if any, credit enhancement and related costs. Proposed law provides that no monies shall be appropriated for new projects and the purposes set forth in proposed law until July 1, 2015.

Proposed law provides that projects listed in proposed law which are to be financed through the sale of bonds shall require a 10% private match, not to exceed \$1,000,000 per project. No project shall be funded until all private funds are available for that project. The dollar value listed in proposed law for each project, plus an amount equal to 15%, is the maximum amount that may be financed for each of the projects.

Present law limits the issuance of net state tax supported debt and prohibits the issuance of such debt if the amount of the debt service exceeds 6% of the estimate of money to be received by the state general fund and dedicated funds for each respective fiscal year as contained in the official forecast adopted by the Revenue Estimating Conference at its first meeting after the beginning of each fiscal year.

Present law defines "net state tax supported debt" to mean all of the following debt obligations issued by the state or any entity in the state for which the state is legally obligated to make debt service payments, either directly or indirectly: (i) general obligation bonds secured by the full faith and credit of the state; (ii) debt secured by capital leases of immovable property payable by the state or annual appropriations of the state; (iii) debt secured by statewide tax revenues or statewide special assessments; (iv) any funds advanced by a political subdivision in accordance with R.S. 47:820.2 (TIMED fund); and (v) bonds secured by self-supported revenues which in the first instance may not be sufficient to pay debt service and will then draw on the full faith and credit of the state.

Present law defines "net state tax supported debt" to not mean: (i) any obligations owed by the state pursuant to the State Employment Security Law; (ii) cash flow borrowings payable from revenue attributable to one fiscal year; (iii) any bond or note, including refunding bonds or notes, issued by the state pursuant to Act 41 of the 2006 1st E.S. (which authorized the issuance of state debt to assist political subdivisions ravaged by Hurricanes Katrina and Rita); (iv) any bond or other evidence of indebtedness issued pursuant to R.S. 23:1532.1 pertaining to bonds secured by a special assessment on employers to finance the outstanding principal amount advanced to the state from the federal account of the Unemployment Trust Fund.

Proposed law provides that the definition of "net state tax supported debt" for purposes of the state's debt limit does not include bonds, notes, or other evidences of indebtedness issued for the purposes set forth in proposed law or any bonds issued to refund such bonds, notes, or other evidences of indebtedness.

Proposed law provides that the list of projects in proposed law are to be collectively legislated as one program as introduced in the original version of this legislative instrument. The removal or addition of any one project to this legislative instrument, as originally filed, will nullify and void this instrument.

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

(Amends R.S. 17:3394.3(A) and (B) and enacts R.S. 17:3394.3(C) and R.S. 39:1367(E)(2)(b)(v))