

2016 Regular Session

SENATE BILL NO. 146

BY SENATOR GATTI

CAPITAL OUTLAY. Provides for institutions of higher education to first use capital outlay funding for deferred maintenance projects. (8/1/16)

1 AN ACT

2 To amend and reenact R.S. 39:122(A) and to enact R.S. 39:104(D), relative to capital outlay
3 projects to be undertaken by or on the campus of a state college, university, or higher
4 education facility; to prohibit the construction or purchase of buildings or other
5 facilities until all deferred maintenance projects are undertaken and completed by
6 each public postsecondary educational institution; to provide for exceptions; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 39:122(A) is hereby amended and reenacted and R.S. 39:104(D) is
10 hereby enacted to read as follows:

11 §104. Capital outlay budget preparation

12 * * *

13 **D. Notwithstanding any other provision of law to the contrary, including**
14 **but not limited to R.S. 17:3139(5)(b)(ii) and R.S. 39:128(B), no public**
15 **postsecondary educational institution shall undertake a project for the**
16 **construction, purchase, acquisition, development, renovation, relocation,**
17 **equipping or improving public works, land, buildings, capital improvements,**

1 or other facilities until all projects for the repair, renovation or maintenance of
 2 buildings or other facilities, otherwise known as deferred maintenance, by or
 3 on the campus or other facility of a public postsecondary educational institution
 4 have been undertaken and completed. The provisions of this Subsection C shall
 5 not prohibit the construction, purchase, acquisition, development, renovation,
 6 relocation, equipping or improving of any project funded totally by funds
 7 donated to the public postsecondary educational institution nor the continuation
 8 of any project commenced prior to this Subsection C becoming effective.

9 * * *

10 §122. Commencement of work

11 A.(1) No work shall commence and no contract shall be entered into for any
 12 project contained in the capital outlay act unless and until funds are available from
 13 the cash sources indicated in the act or from the sale of bonds or from a line of credit
 14 approved by the State Bond Commission, except contracts for Department of
 15 Transportation and Development projects which are subject to the provisions of R.S.
 16 48:251(D).

17 (2) The Joint Legislative Committee on Capital Outlay shall make
 18 recommendations to the commissioner of administration concerning the non-state
 19 entity projects to be granted lines of credit. The commissioner of administration shall
 20 submit to the Joint Legislative Committee on Capital Outlay a list of projects that
 21 will be submitted to the State Bond Commission for lines of credit a minimum of
 22 five days prior to the submission to the State Bond Commission.

23 (3) The commissioner of administration shall not include on the list of
 24 projects to be submitted to the Joint Legislative Committee on Capital Outlay
 25 and the State Bond Commission for a line of credit any project of a public
 26 postsecondary educational institution for the construction, purchase,
 27 acquisition, development, renovation, relocation, equipping, or improving of
 28 public works, land, buildings, capital improvements, or other facilities until all
 29 projects for the repair, renovation or maintenance of buildings or other

