Regular Session, 2014

SENATE BILL NO. 91

BY SENATOR BROWN

CAPITAL OUTLAY. Provides an exception to the time limit on filing capital outlay requests for filings resulting from a declared disaster where there is an public need for the project. (7/1/14) (2/3 - CA7s11(C))

1   AN ACT

2   To amend and reenact R.S. 39:112(C)(2) and to enact R.S. 39:112(C)(1)(d), relative to

3   capital outlay; to provide for the submission of capital outlay budget requests for

4   certain projects resulting from a national or state declared disaster; to provide for

5   definitions; to provide for an effective date; and to provide for related matters.

6   Be it enacted by the Legislature of Louisiana:

7   Section 1.   R.S. 39:112(C)(2) is hereby amended and reenacted and R.S.

8   39:112(C)(1)(d) is hereby enacted to read as follows:

9   §112. Capital outlay act

10   *   *   *

11   C.(1) Capital outlay budget requests submitted after November first may be

12   included within the capital outlay act if the capital outlay budget request meets all

13   of the applicable requirements as provided in R.S. 39:101 and 102 except for time

14   of submission and if any of the following conditions have been met:

15   *   *   *

16   **(d) The project is located in a designated disaster area and there is a**

17   **public need for the project because of a national or state declared disaster and**

Coding: Words which are ~~struck through~~ are deletions from existing law;
words in **boldface type and underscored** are additions.

1   **the project has been approved by the Joint Legislative Committee on Capital**

2   **Outlay, which approval may occur after the first day of February and which**

3   **project may have a total project cost of one million dollars or more.**

4   (2) For purposes of this Section, ~~"economic development" means~~ the

5   following **terms shall have the following meanings unless the context clearly**

6   **indicates otherwise**:

7   **(a) "Designated disaster area" means the actual affected geographical**

8   **area or parish or parishes as designated in an executive order or proclamation**

9   **of the governor or a parish president pursuant to the Louisiana Homeland**

10   **Security and Emergency Assistance and Disaster Act.**

11   **(b) "Economic development" means:**

12   ~~(a)~~**(i)** Improvements on public or government owned property for the

13   purposes of attracting or retaining a specific new or existing manufacturing or

14   business operation that benefits Louisiana.

15   ~~(b)~~**(ii)** Facilities or improvements on public or government owned property

16   that generate new, permanent employment or which help retain existing employment.

17   ~~(c)~~**(iii)** Facilities or infrastructure improvements on public or government

18   owned property necessary for the manufacturing plant or business to operate.

19   ~~(d)~~ **(c)** ~~For purposes of this Subsection, "emergency"~~ **"Emergency"** means

20   essential to alleviate conditions that are hazardous to life, health or property, and

21   court mandates.

22   **(d) "Public need" means a capital outlay budget request which occurs**

23   **within twelve months of the executive order or proclamation of the governor or**

24   **a parish president for a project that stabilizes a disaster designated area.**

25   *   *   *

26   Section 2. This Act shall become effective on July 1, 2014; if vetoed by the governor

27   and subsequently approved by the legislature, this Act shall become effective on July 1,

28   2014, or on the day following such approval by the legislature, whichever is later.

The original instrument was prepared by Martha S. Hess. The following digest, which does not constitute a part of the legislative instrument, was prepared by Laura Gail Sullivan.

DIGEST

Brown (SB 91)

Present law authorizes capital outlay budget requests submitted after November 1st to be included within the capital outlay act if the capital outlay budget request meets all applicable requirements 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 Department of Economic Development.

(2)   The project is an emergency project recommended in writing by the commissioner of administration.

(3)   The project is for a non-state entity, has a total project cost of less than $1 million, and has been approved by the Joint Legislative Committee on Capital Outlay; however, no action to approve any such project may be taken by the Joint Legislative Committee on Capital Outlay after February 1st.

Proposed law retains present law and adds a fourth exception to the November 1st deadline for submission of capital outlay requests:

(4)   The project is located in a designated disaster area, there is a public need for the project because of a national or state declared disaster, and the project has been approved by the Joint Legislative Committee on Capital Outlay, which approval may occur after February 1st and which project may have a total project cost of $1 million or more.

Present law provides for the definition of "economic development" and "emergency" for purposes of the exceptions to the November 1st deadline for submission of capital outlay requests.

Proposed law retains present law and adds definitions of "designated disaster area" and "public need" for purposes of an exception to the November 1st deadline for submission of capital outlay requests.

Effective July 1, 2014.

(Amends R.S. 39:112(C)(2); adds R.S. 39:112(C)(1)(d))

Summary of Amendments Adopted by Senate

        Committee Amendments Proposed by Senate Committee on Revenue and Fiscal Affairs to the original bill

        1.   Requires only a public need, rather than an imminent public need, for the exception to apply.

        2.   Deletes definition of "disaster".

        3.   Adds definition of "public need".