The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Curry Lann.

## DIGEST

SB 318 Original

## 2024 Regular Session

Womack

<u>Present law</u> (R.S. 39:112(E)(4)) requires a nonstate entity, when applying for capital outlay funding for construction of a new project, to provide documentation evidencing its ability to provide no less than 3% of the total requested amount of funding for costs associated with the long-term maintenance of the project.

<u>Proposed law</u> instead requires a nonstate entity that receives funding for construction of a new project through the Capital Outlay Act to establish, fund, and maintain an escrow account to be used exclusively for costs associated with the long-term major capital maintenance of the project beginning on or after July 1, 2024.

<u>Proposed law</u> provides that the escrow account is a required condition of the cooperative endeavor agreement between the nonstate entity and the office of facility planning and control. Further requires that the escrow account be established prior to the first advertisement for bids for the project.

<u>Proposed law</u> requires the escrow account to contain no less than 3% of the total project cost. Each year thereafter the nonstate entity shall deposit into the escrow account an additional 0.5% of the total project cost until such time the account balance reaches a minimum balance requirement of 10% of the total project cost. When the escrow account balance reaches the 10% threshold, no further deposits are required by the non-state entity.

<u>Proposed law</u> requires that the escrow account be a separate interest bearing bank account denoted as a restricted asset to be used exclusively for costs associated with the long-term major capital maintenance of the project.

<u>Present law</u> provides that noncompliance by the nonstate entity will result in the project being deemed not feasible by the office of facility planning and control and excluded from the Capital Outlay Act.

<u>Proposed law</u> provides that failure of a nonstate entity to establish, fund, and maintain the escrow account shall result in the following actions:

- (1) The project being deemed not feasible by the office of facility planning and control.
- (2) The project and all future projects submitted by the nonstate entity shall not be included in the Capital Outlay Act.
- (3) An audit finding of noncompliance by the legislative auditor.

<u>Proposed law</u> exempts certain land acquisitions, large equipment acquisitions, and earthworks projects from the requirements of <u>proposed law</u> as determined by rule.

<u>Proposed law</u> requires the division of administration to promulgate rules for the implementation of proposed law.

Effective July 1, 2024.

(Amends R.S. 39:72.1 (A)(1) and R.S. 39:112(E)(4) as enacted by Acts 2023, No. 82, §1)