

2020 Regular Session

SENATE BILL NO. 157

BY SENATOR WOMACK

FISCAL CONTROLS. Provides relative to audit requirements for recipients of state funds.  
(7/1/20)

1 AN ACT

2 To amend and reenact R.S. 39:72.1(A), and to enact R.S. 39:72.1(D), relative to certain  
3 appropriations; to provide authorization for the payment of outstanding contracts in  
4 certain circumstances; to provide for an effective date; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 39:72.1(A) is hereby amended and reenacted, and R.S. 39:72.1(D)  
8 is hereby enacted to read as follows:

9 §72.1. Compliance with audit requirements

10 A.(1) Notwithstanding any contrary provision of law, no funds appropriated  
11 **directly or indirectly** in the general appropriations act, the capital outlay act, or  
12 other appropriation act, **or awarded from the Louisiana Department of Health**  
13 **Drinking Water Revolving Loan Fund, the Louisiana Department of**  
14 **Environmental Quality Municipal Facilities Revolving Loan Fund, or from**  
15 **Office of Community Development programs for Community Development**  
16 **Block Grants, Louisiana Community Development Block Grants, Local**  
17 **Government Assistance Program, Disaster Recovery grants, the Community**

1 **Water Enrichment Fund, or similar programs**, shall be released or provided to  
 2 any recipient of an appropriation if, when, and for as long as, the recipient fails or  
 3 refuses to comply with the provisions of R.S. 24:513.

4 (2) No public entity that has failed or refused to comply with the provisions  
 5 of R.S. 24:513 shall let any **contract, including a public contract**, that utilizes any  
 6 state funds, whether received through direct appropriation, ~~or~~ through transfer **or**  
 7 **grant** from another public entity, or whose funding relies upon the full faith and  
 8 credit of the state. For the purposes of this Paragraph, the terms "public entity" and  
 9 "public contract" shall be defined as in R.S. 38:2211(A), and the term "state funds"  
 10 shall also include any federal funds, including grants, that pass through the state. **For**  
 11 **the purposes of this Section, the term "public entity" shall include a local**  
 12 **auditee as defined in R.S. 24:513.**

13 \* \* \*

14 **D. Notwithstanding any provision of law to the contrary, if the public**  
 15 **entity is in compliance with R.S. 24:513 at the time the public entity enters into**  
 16 **a public contract, and later becomes noncompliant with the provisions of R.S.**  
 17 **24:513, the legislative auditor shall grant the public entity an extension of time**  
 18 **in order that outstanding payments may be made to contractors,**  
 19 **subcontractors, suppliers, and others due payment by the public entity.**

20 Section 2. This Act shall become effective on July 1, 2020. If vetoed by the governor  
 21 and subsequently approved by the legislature, this Act shall become effective on July 1,  
 22 2020.

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Martha S. Hess.

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DIGEST

SB 157 Original 2020 Regular Session Womack

Present law provides that no funds appropriated in the general appropriations act, the capital outlay act, or other appropriation act, shall be released or provided to any recipient of an appropriation if, when, and for as long as, the recipient fails or refuses to comply with the provisions of present law regarding audit requirements.

Proposed law retains present law and provides that the funds may be appropriated directly or indirectly and that the source of funds may also be an award from the La. Dept. of Health

Drinking Water Revolving Loan Fund, the La. Dept. of Environmental Quality Municipal Facilities Revolving Loan Fund, or Office of Community Development programs for Community Development Block Grants, Louisiana Community Development Block Grants, Local Government Assistance Program, Disaster Recovery grants, or the Community Water Enrichment Fund or similar programs.

Present law provides that any public entity that has failed or refused to comply with the provisions of the audit laws shall not let any public contract that utilizes any state funds. For the purposes of present law the terms "public entity" and "public contract" shall be defined as in the present law regarding public contracts.

Proposed law retains present law but further provides that the term "public entity" shall include a local auditee as defined in present law.

Present law prohibits public entities not in compliance with prior law from letting any public contract that utilizes any state funds. Further provides that a public entity subject to present law may only be released from such restrictions after the following actions have been performed:

- (1) The public entity notifies the Legislative Audit Advisory Council, in writing, of their compliance.
- (2) The Legislative Audit Advisory Council confirms that the public entity is in compliance.

Proposed law retains present law.

Proposed law provides that if the public entity is in compliance with present law regarding audits at the time the public entity enters into a public contract, and later becomes noncompliant with those provisions, the legislative auditor shall grant the public entity an extension of time in order that outstanding payments may be made to contractors, subcontractors, suppliers, and others due payment by the public entity.

Effective July 1, 2020.

(Amends R.S. 39:72.1(A); adds R.S. 39:72.1(D))