AMENDMENT NO. 1

On page 1, line 2, after "reenact" delete the remainder of the line and delete lines 3 and 4 and insert "R.S. 38:2248(B), relative to public works contracts; to provide with respect"

AMENDMENT NO. 2

On page 1, line 8, after "Section 1." delete the remainder of the line and delete lines 9 through 17 and on page 2 delete lines 1 through 6 and insert the following:

"R.S. 38:2248(B) is hereby amended and reenacted to read as follows:

§2248. Provisions for withholding payment; effect on liability of contractor or agency; punch list; liquidated damages

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B. All public works contracts shall contain a clause stating that any punch list generated during a construction project shall include the cost estimates for the particular items of work the design professional has developed based on the mobilization, labor, material, and equipment costs of correcting each punch list item. The design professional shall retain his working papers used to determine the punch list items cost estimates should the matter be disputed later. The contracting agency shall not withhold from payment more than the value of the punch list. Punch list items completed shall be paid upon the expiration of the forty-five day lien period. If the public entity occupies or uses the public works, the punch list shall be furnished to the contractor within ten days of substantial completion as defined in R.S. 38:2241.1 and may be amended by the design professional or the public entity up to fourteen days after. The provisions of this Section shall not be subject to waiver, nor shall these provisions apply to the Department of Transportation and Development.

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