

2024 Regular Session

HOUSE BILL NO. 857

BY REPRESENTATIVES ROBBY CARTER, ADAMS, BAMBURG, BAYHAM, BUTLER, CARPENTER, CARRIER, WILFORD CARTER, DEWITT, FIRMENT, FISHER, GREEN, LARVADAIN, MARCELLE, MOORE, NEWELL, RISER, TAYLOR, THOMPSON, WYBLE, AND YOUNG

CAPITAL OUTLAY: Expands the class of parishes eligible for a waiver of a matching funds requirement for capital outlay projects

1 AN ACT

2 To amend and reenact R.S. 39:112(E)(2)(e)(i)(introductory paragraph), relative to the capital  
3 outlay process; to provide relative to requirements for matching funds for certain  
4 nonstate capital outlay projects; to provide relative to waivers of such requirements;  
5 to increase the population threshold under which a parish may qualify for such a  
6 waiver; to provide for applicability; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 39:112(E)(2)(e)(i)(introductory paragraph) is hereby amended and  
9 reenacted to read as follows:

10 §112. Capital outlay act

11 \* \* \*

12 E.

13 \* \* \*

14 (2) Nonstate entity projects shall require a match of not less than twenty-five  
15 percent of the total project cost except:

16 \* \* \*

17 (e)(i) The division of administration may, at its discretion, waive the entire  
18 match or a portion thereof for an applicant project undertaken by a municipality with

1 a population of less than six thousand or a parish with a population of ~~seven~~  
2 ~~thousand five hundred~~ twelve thousand or less, which municipality or parish has  
3 demonstrated its inability to provide a local match. In determining the population  
4 of a municipality or parish for purposes of the waiver authorized by this  
5 Subparagraph, the calculation of the municipality's or parish's population shall  
6 exclude the number of correctional facility inmates within the municipality or parish  
7 who are committed to the custody of a federal, state, or local corrections or law  
8 enforcement agency. The division of administration shall determine which  
9 municipalities and parishes meet the population-based qualifications established in  
10 this Subparagraph. A municipality or parish shall demonstrate its inability to provide  
11 a local match by submitting to the division of administration:

\* \* \*

13 Section 2. The provisions of this Act shall apply to the funding of nonstate entity  
14 projects included in the capital outlay budget for fiscal years commencing on or after July  
15 1, 2025.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 857 Reengrossed                      2024 Regular Session                      Robby Carter

**Abstract:** Increases the population threshold under which a parish may qualify for a waiver of a matching funds requirement for capital outlay projects.

Present law requires the legislature to enact into law a capital outlay bill which includes appropriations of funds from specified sources, including proceeds of bonds, to be expended during the ensuing fiscal year for capital projects as defined in present law. Requires that all projects included within any capital outlay act, under penalty of nullity, shall have been proposed, reviewed, and evaluated by the division of administration, referred to hereafter as the "division", in accordance with applicable provisions of present law. Proposed law retains present law.

Present law requires that capital outlay projects of nonstate entities have a match of not less than 25% of the total project cost, but provides for certain exceptions to this match requirement. Proposed law retains present law.

Present law authorizes the division, at its discretion, to waive the entire 25% match requirement, or a portion of the required match, for an applicant project undertaken by a municipality with a population of less than 6,000 or a parish with a population of 7,500 or

less which has demonstrated, through a procedure established in present law, its inability to provide a local match.

Proposed law increases from 7,500 to 12,000 the population threshold under which a parish may potentially qualify for a waiver of the match requirement for capital outlay projects.

Proposed law stipulates that in determining the population of a municipality or parish for purposes of the waiver, the calculation of the municipality's or parish's population shall exclude the number of correctional facility inmates who are committed to the custody of a federal, state, or local corrections or law enforcement agency. Requires the division to determine which municipalities and parishes meet the population-based qualifications established in proposed law.

Proposed law applies to the funding of nonstate entity projects included in the capital outlay budget for fiscal years commencing on or after July 1, 2025.

(Amends R.S. 39:112(E)(2)(e)(i)(intro. para.))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Ways and Means to the original bill:

1. Provide that proposed law shall apply to the funding of nonstate entity projects included in the capital outlay budget for fiscal years commencing on or after July 1, 2025.

#### The House Floor Amendments to the engrossed bill:

1. Stipulate that in determining the population of a municipality or parish for purposes of the waiver provided for in present law and proposed law, the calculation of the municipality's or parish's population shall exclude the number of correctional facility inmates within the municipality or parish who are committed to the custody of a federal, state, or local corrections or law enforcement agency.
2. Require the division of administration to determine which municipalities and parishes meet the population-based qualifications established in proposed law.