

ACT No. 147

2022 Regular Session

HOUSE BILL NO. 310

BY REPRESENTATIVE MAGEE

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AN ACT

To amend and reenact R.S. 39:128(B)(1), (2), and (4)(a) and (b) and to enact R.S. 39:128(E) and 1572(B)(7), relative to the Louisiana Universities Marine Consortium for Research and Education; to provide with respect to certain capital outlay projects undertaken by the consortium; to provide with respect to certain public contract procurements made by the consortium; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:128(B)(1), (2), and (4)(a) and (b) are hereby amended and reenacted and R.S. 39:128(E) and 1572(B)(7) are hereby enacted to read as follows:

§128. Exemptions

* * *

B.(1) Minor repairs, renovation, or construction of buildings or other facilities or the purchase of land, buildings, or other facilities when the construction cost or purchase price is less than or equal to one million dollars, adjusted annually in accordance with the United States Bureau of Labor Statistic's consumer price index for all urban consumers as published in January of each year, may be undertaken by or on the campus of a state college, university, ~~or~~ higher education facility, or consortium without being included in the capital outlay budget but shall be subject to the approval of the Board of Regents and the appropriate management board, ~~or their~~ any successor. A state college, university, ~~or~~ higher education facility, or consortium may not incur debt to fund any project that is not included in

1 the capital outlay budget other than a short term loan not to exceed one year for the
 2 purposes included in this Paragraph. Any short term loan shall be issued in
 3 accordance with the provisions of Title 17 of the Louisiana Revised Statutes of 1950,
 4 and shall not constitute or create any debt, liability, or loan of the credit of or a
 5 pledge of the full faith and credit of the state but shall be solely the obligation of the
 6 appropriate governing board or postsecondary education management board, or its
 7 any successor.

8 (2) Notwithstanding any other provision of law to the contrary, the
 9 provisions of Part VII of Chapter 10 of Title 38 shall not apply to professional
 10 service contracts related to minor repairs or construction of buildings or other
 11 facilities to be undertaken by or on the campus of a consortium or state college or
 12 university if the estimated construction cost is five hundred thousand dollars or less.

13 * * *

14 (4)(a)(i) A university, ~~or~~ higher education facility, or consortium shall be
 15 allowed to undertake any new construction, maintenance, or repair project not
 16 exceeding five million dollars solely funded from self-generated revenues, grants,
 17 donations, or local or federal funds without being included in the Capital Outlay Bill
 18 provided the project is approved by the appropriate governing board or management
 19 board, the Board of Regents, the division of administration, office of facility
 20 planning and control, and the Joint Legislative Committee on the Budget. The office
 21 of facility planning and control shall issue the necessary contracts for the project and
 22 shall disburse funds to pay the costs of the project. The university, ~~or~~ higher
 23 education facility, or consortium shall remit project funding to the office of facility
 24 planning and control for deposit in the state treasury at such time as may be deemed
 25 necessary by the office of facility planning and control in order to cover the amount
 26 of contracts or other project expenses. Any surplus of such project funding and any
 27 interest earned on such funds shall be refunded to such university, ~~or~~ higher
 28 education facility, or consortium by the state treasurer.

1 (ii) Notwithstanding the provisions of R.S. 39:113 and Item (i) of this
 2 Subparagraph, the division of administration, office of facility planning and control,
 3 may delegate administration of such projects as it deems appropriate to the
 4 appropriate governing board or higher education management board through a
 5 cooperative endeavor agreement provided a written request to do so is made through
 6 and by the appropriate governing board or higher education management board for
 7 the planning, design, and construction of such project.

8 (b) A state college, university, ~~or~~ higher education facility, or consortium
 9 may not incur debt to fund any project not included in the capital outlay budget other
 10 than a short term loan not to exceed one year payable from fees and self-generated
 11 revenues, as provided in Paragraph (B)(1) of this Section.

12 * * *

13 E. For the purposes of this Section, the term "consortium" means the
 14 Louisiana Universities Marine Consortium for Research and Education established
 15 pursuant to R.S. 17:3452.

16 * * *

17 §1572. Exemptions

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19 B. Exemptions from central purchasing only. Unless otherwise provided in
 20 R.S. 39:1554, exemptions from central purchasing do not apply to professional
 21 services, personal services, consulting services, social services, information
 22 technology, or vehicle acquisition. Unless otherwise ordered by regulation of the
 23 commissioner with approval of the governor, the following governmental bodies
 24 shall not be required to conduct procurement through the central purchasing agency,
 25 but shall nevertheless be subject to the requirements of this Chapter and the
 26 regulations promulgated by the commissioner:

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