ACT No. 87

HOUSE BILL NO. 30

BY REPRESENTATIVES RICHARD, ARNOLD, BERTHELOT, STUART BISHOP, BROWN, BURFORD, COX, GAROFALO, GEYMANN, GISCLAIR, HARRIS, HARRISON, HAVARD, HENRY, HENSGENS, HOWARD, HUNTER, HUVAL, JAMES, JEFFERSON, JAY MORRIS, ORTEGO, PEARSON, PIERRE, POPE, PYLANT, SCHEXNAYDER, SCHRODER, TALBOT, WHITNEY, PATRICK WILLIAMS, AND WILLMOTT AND SENATOR MILLS

1	AN ACT
2	To amend and reenact R.S. 39:82(A) and 352 and to enact Subpart S of Part II-A of Chapter
3	1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised
4	of R.S. 39:100.146, 1567(E), and Subpart F of Part I of Chapter 16 of Subtitle III of
5	Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:1590,
6	relative to professional, personal, and consulting services procurement; to require
7	consideration by the Joint Legislative Committee on the Budget of certain
8	professional, personal, and consulting service contracts; to provide for the
9	submission of periodic reports; to provide for exceptions; to establish the Higher
10	Education Financing Fund; to provide for the deposit, use, and investment of monies
11	in the fund; to provide for an effective date; and to provide for related matters.
12	Be it enacted by the Legislature of Louisiana:
13	Section 1. R.S. 39:82(A) and 352 are hereby amended and reenacted and Subpart S
14	of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950,
15	comprised of R.S. 39:100.146, R.S. 39:1567(E), and Subpart F of Part I of Chapter 16 of
16	Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:1590,
17	are hereby enacted to read as follows:
18	§82. Remission of cash balances to the state treasurer; authorized withdrawals of
19	state monies after the close of the fiscal year
20	A. All cash balances occurring from appropriations made by legislative act
21	or by the Interim Emergency Board regardless of date of passage to any state agency

for which no bona fide liability exists on the last day of each fiscal year shall be remitted to the state treasurer by the fifteenth day following the last day of the fiscal year. Any appropriations including those made by the Interim Emergency Board of the preceding fiscal year remaining at the end of the fiscal year against which bona fide liabilities existed as of the last day of the fiscal year may be withdrawn from the state treasury during the forty-five day period after the last day of the fiscal year only as such liabilities come due for payment. Prior to placing monies associated with such unexpended appropriations into the state general fund, the state treasurer shall transfer all cash balances identified and reported by the commissioner of administration as being from unexpended and unencumbered state general fund (direct) and Overcollections Fund appropriations for professional, personal, and consulting service contracts not approved by the Joint Legislative Committee on the Budget as provided in R.S. 39:1590 and remaining at the end of each fiscal year for deposit in and credit to the Higher Education Financing Fund as are necessary to satisfy the requirements of R.S. 39:100.146, and then shall make deposits to the Payments Towards the UAL Fund as are necessary to satisfy the requirements of R.S. 39:100.11.

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SUBPART S. HIGHER EDUCATION FINANCING FUND

§100.146. Higher Education Financing Fund

A. There is hereby established in the state treasury, as a special fund, the Higher Education Financing Fund, hereinafter referred to as the "fund".

B.(1) The state treasurer is directed to deposit into the fund an amount equal to cash balances identified and reported by the commissioner of administration as being from unexpended and unencumbered state general fund (direct) and Overcollections Fund appropriations for contracts not approved by the Joint Legislative Committee on the Budget for professional, personal, and consulting services under the jurisdiction of the office of state procurement available at the end of each fiscal year as are necessary to satisfy the requirements of R.S. 39:1590. The commissioner of administration, in consultation with the state chief procurement

officer, shall periodically determine the amount of monies appropriated for professional, personal, and consulting service contracts that remain unexpended and unencumbered as a result of implementation of R.S. 39:1590. Such determination shall take place on the following dates in fiscal years 2015-2016, 2016-2017, and 2017-2018:

- (a) September thirtieth.
- (b) December thirty-first.
- (c) March thirty-first.
- (d) June thirtieth.

- (2) All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund. The monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of monies shall be credited to the fund.
- C. Monies in the fund shall be appropriated and used solely for public postsecondary education institutions.

* * *

§352. Cancellation of unexpended portions of appropriations; exceptions

Whenever any specific appropriation is made to meet any item of expenditure which occurs annually by provision of law or for contingent expense, and any portion of it remains unexpended at the end of the year for which the specific appropriation was made, after all legal claims against it for the year have been paid, the commissioner of administration shall cancel any balance of the appropriation, and each succeeding year he shall open a new account for the appropriation which may be made for that particular year, without carrying forward any unexpended balance of appropriation made for any previous year. This provision shall not apply to appropriations made to pay the debt of the state, principal and interest. Prior to placing monies associated with such unexpended appropriations into the state general fund, the state treasurer shall transfer all cash balances identified and reported by the commissioner of administration as being from unexpended and unencumbered state general fund (direct) and Overcollections Fund appropriations for professional,

personal, and consulting service contracts not approved by the Joint Legislative Committee on the Budget as provided in R.S. 39:1590 remaining at the end of each fiscal year for deposit in and credit to the Higher Education Financing Fund as is necessary to satisfy the requirements of R.S. 39:100.146 and then shall make deposits to the Payments Towards the UAL Fund as are necessary to satisfy the requirements of R.S. 39:100.11.

§1567. Reporting requirements

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E. The state chief procurement officer shall submit a report at the end of each month to the Joint Legislative Committee on the Budget summarizing each contract, including the dollar value of each contract awarded that month over which the office of state procurement has power and authority. The report shall also indicate if each contract is for discretionary purposes or if it is for nondiscretionary purposes.

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SUBPART F. APPROVAL OF CERTAIN PROFESSIONAL, PERSONAL, AND CONSULTING SERVICES CONTRACTS FOR FISCAL YEAR 2015-2016 THROUGH FISCAL YEAR 2017-2018 §1590. Approval of Certain Professional, Personal, and Consulting Services Contracts for Fiscal Year 2015-2016 Through Fiscal Year 2017-2018

A. In Fiscal Year 2015-2016 through 2017-2018, the commissioner of administration, in consultation with the state chief procurement officer, shall report each contract for professional, personal, and consulting services with a total dollar amount of forty thousand dollars or more per year that is funded solely with state general fund (direct) or the Overcollections Fund and is for discretionary purposes to the Joint Legislative Committee on the Budget for review and approval prior to the effectiveness of the contract.

(1) If within thirty days of receipt of the contract, the Joint Legislative Committee on the Budget does not place the contract on its agenda for review and approval, the contract shall be deemed to be approved.

the agenda for review, the Joint Legislative Committee of following action: (a) Approve the contract. (b) Reject the contract and notify the commission such funds otherwise proposed for this purpose shall be Education Financing Fund as provided in R.S. 39:100.14 (c) Recommend revisions to the contract. If the Join the Budget recommends revisions to the contract, the effective until it is revised, resubmitted to the Joint Legislative Committee. Budget, and acted upon again by the committee. Budget, and acted upon again by the committee. administration, in consultation with the state chief proceed and funds otherwise proposed deposited into the Higher Education Financing Fund as proposed deposited into the Higher Education Financing Fund as proposed deposited into the Higher Education Financing Fund as proposed by the Joint Legislative Committee on the Budget and unencumbered as a result of implementation of this Set shall take place on the following dates in fiscal years 20 approved by the Joint Legislative Committee on the Budget and unencumbered as a result of implementation of this Set shall take place on the following dates in fiscal years 20 approved by the Joint Legislative Committee on the Budget and unencumbered as a result of implementation of this Set shall take place on the following dates in fiscal years 20 approved by the Joint Legislative Committee on the Budget and unencumbered as a result of implementation of this Set shall take place on the following dates in fiscal years 20 approved by the Joint Legislative Committee on the Budget and unencumbered as a result of implementation of this Set shall take place on the following dates in fiscal years 20 approved by the Joint Legislative Committee on the Budget and unencumbered as a result of implementation of this Set shall take place on the following dates in fiscal years 20 approved by the Joint Legislative Committee.	t, the contract is placed on
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29 <u>Subsection, the commissioner of administration shall rep</u>	ant to the provisions of this
	ort to the state treasurer the
amount of state general fund (direct) and Overcollections	Fund monies appropriated

1	for professionar, personar, and consuming service contracts that are expected to		
2	remain unexpended and unencumbered at the end of the fiscal year as a result of		
3	implementation of this Section. These monies shall be available for deposit in and		
4	credit to the Higher Education Financing Fund as provided for in R.S. 39:100.146.		
5	C. Notwithstanding any provision of law to the contrary, this Section shall		
6	not apply to the following professional, personal, or consulting service contracts:		
7	(1) Contracts of the secretary of state necessary to perform any constitutional		
8	or statutory function of the office.		
9	(2) All contracts to implement the programs of the Department of Health and		
10	Hospitals funded pursuant to Title XIX, Title XX, and Title XXI of the Social		
11	Security Act or funded fully or partially by federal funds.		
12	(3) Contracts with state or local providers of indigent defender services		
13	necessary to perform any constitutional or statutory function.		
14	(4) Contracts of a district attorney necessary to perform any constitutional,		
15	discretionary, or statutory function of the office, or to perform services under the		
16	child support enforcement program administered by the Department of Children and		
17	Family Services in accordance with the federal requirements of Title IV-D of the		
18	Social Security Act and corresponding state laws and regulations.		
19	Section 2. The provisions of Section 1 of this Act shall become null, void, and of no		
20	effect on July 1, 2018.		
21	Section 3. This Act shall become effective on July 1, 2015; if vetoed by the governor		
22	and subsequently approved by the legislature, this Act shall become effective on July 1,		
23	2015, or on the day following such approval by the legislature, whichever is later.		
	SPEAKER OF THE HOUSE OF REPRESENTATIVES		
	PRESIDENT OF THE SENATE		
	GOVERNOR OF THE STATE OF LOUISIANA		
	APPROVED:		

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