

**ACT No. 87**

2015 Regular Session

HOUSE BILL NO. 30

BY REPRESENTATIVES RICHARD, ARNOLD, BERTHELOT, STUART BISHOP, BROWN, BURFORD, COX, GAROFALO, GEYMAN, 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

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 5 fide liabilities existed as of the last day of the fiscal year may be withdrawn from the  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

18 \* \* \*

19 SUBPART S. HIGHER EDUCATION FINANCING FUND

20 §100.146. Higher Education Financing Fund

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

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

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 officer, shall periodically determine the amount of monies appropriated for  
2 professional, personal, and consulting service contracts that remain unexpended and  
3 unencumbered as a result of implementation of R.S. 39:1590. Such determination  
4 shall take place on the following dates in fiscal years 2015-2016, 2016-2017, and  
5 2017-2018:

6 (a) September thirtieth.

7 (b) December thirty-first.

8 (c) March thirty-first.

9 (d) June thirtieth.

10 (2) All unexpended and unencumbered monies in the fund at the end of the  
11 fiscal year shall remain in the fund. The monies in the fund shall be invested by the  
12 state treasurer in the same manner as monies in the state general fund, and interest  
13 earned on the investment of monies shall be credited to the fund.

14 C. Monies in the fund shall be appropriated and used solely for public  
15 postsecondary education institutions.

16 \* \* \*

17 §352. Cancellation of unexpended portions of appropriations; exceptions

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



1                   (2) If within thirty days of receipt of the contract, the contract is placed on  
 2                   the agenda for review, the Joint Legislative Committee on the Budget may take the  
 3                   following action:

4                   (a) Approve the contract.

5                   (b) Reject the contract and notify the commissioner of administration that  
 6                   such funds otherwise proposed for this purpose shall be deposited into the Higher  
 7                   Education Financing Fund as provided in R.S. 39:100.146.

8                   (c) Recommend revisions to the contract. If the Joint Legislative Committee  
 9                   on the Budget recommends revisions to the contract, the contract shall not become  
 10                  effective until it is revised, resubmitted to the Joint Legislative Committee on the  
 11                  Budget, and acted upon again by the committee. If the commissioner of  
 12                  administration, in consultation with the state chief procurement officer, does not  
 13                  resubmit the contract to the Joint Legislative Committee on the Budget within thirty  
 14                  days after the committee recommends revisions to the contract, the contract shall be  
 15                  deemed to be rejected and funds otherwise proposed for this purpose shall be  
 16                  deposited into the Higher Education Financing Fund as provided in R.S. 39:100.146.

17                  B.(1) The commissioner of administration, in consultation with the state  
 18                  chief procurement officer, shall periodically determine the amount of monies  
 19                  appropriated for professional, personal, and consulting service contracts that are not  
 20                  approved by the Joint Legislative Committee on the Budget and remain unexpended  
 21                  and unencumbered as a result of implementation of this Section. Such determination  
 22                  shall take place on the following dates in fiscal years 2015-2016, 2016-2017, and  
 23                  2017-2018:

24                  (a) September thirtieth.

25                  (b) December thirty-first.

26                  (c) March thirty-first.

27                  (d) June thirtieth.

28                  (2) Following each determination required pursuant to the provisions of this  
 29                  Subsection, the commissioner of administration shall report to the state treasurer the  
 30                  amount of state general fund (direct) and Overcollections Fund monies appropriated

1           for professional, personal, and consulting 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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_