

2019 Regular Session

HOUSE BILL NO. 447

BY REPRESENTATIVES IVEY AND BERTHELOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

LEGISLATIVE BUDG CONTROL: Provides relative to legislative obligations, expenditures, or disbursements of funds or contracts

1 AN ACT

2 To amend and reenact R.S. 24:38(B) and 39(D), relative to the legislative branch of state  
3 government; to provide relative to the Legislative Budgetary Control Council; to  
4 provide for budgetary controls on legislative agencies; to require legislative  
5 obligations, expenditures, or disbursements of funds or contracts over certain  
6 amounts to be subject to certain procedures for approval; to provide procedures to  
7 change rules and regulations applicable to legislative obligations, expenditures, or  
8 disbursements of funds or contracts; to provide relative to use of the Legislative  
9 Capitol Technology Enhancement Fund; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 24:38(B) and 39(D) are hereby amended and reenacted to read as  
12 follows:

13 §38. Legislative Budgetary Control Council; budgetary controls; legislature;  
14 legislative agencies; legislative committees; budget unit statements; fiscal  
15 notes

16 \* \* \*

17 B.(1) The Legislative Budgetary Control Council, ~~upon formal approval by~~  
18 ~~a majority vote of the members of both houses,~~ shall establish rules and regulations  
19 to govern the expenditure of all funds appropriated to or otherwise allocated or made  
20 available to the House of Representatives and the Senate and the presiding officers

1           thereof; to each legislative committee, whether created by rule, statute or otherwise;  
2           to the legislative auditor; to the Legislative Fiscal Office; and to any and all  
3           legislative employees, officers, and service agencies.

4           (2)(a) Any obligation, expenditure, or disbursement of funds or contract in  
5           excess of one million dollars but less than five million dollars by any legislative  
6           body, agency, committee, officer, or employee, or person acting on behalf thereof,  
7           shall require the approval of at least a majority of the total number of members of the  
8           council voting at a meeting of the council.

9           (b) Any obligation, expenditure, or disbursement of funds or contract any of  
10          which is in excess of five million dollars by any legislative body, agency, committee,  
11          officer, or employee, or person acting on behalf thereof shall require approval of a  
12          majority of the elected members of each house, each house voting separately by  
13          record vote if in session or by mail ballot if not in session.

14          (c) The provisions of Subparagraphs (a) and (b) of this Paragraph shall not  
15          apply to the payment of the regular compensation and benefits of legislators,  
16          legislative officers, and legislative employees.

17          (3) ~~Such~~ Subject to the restrictions in Paragraph (2) of this Subsection, the  
18          rules and regulations shall provide procedures for expenditures and disbursements  
19          of funds by ~~any such bodies, agencies, committees, or persons~~ any legislative body,  
20          agency, committee, officer, or employee, or person acting on behalf thereof, and for  
21          the administration, supervision, and approval thereof and may include; but shall not  
22          necessarily be limited to; rules and regulations with respect to any of the following:

23                 (a) Preparation and submission of budgetary requests.

24                 (b) Review of budgetary requests.

25                 (c) Approval of budgetary requests.

26                 (d) Preparation and submission of financial statements and reports and  
27          requirements as to the contents thereof.

28                 (e) Uniform accounting systems and procedures.

29                 (f) Authorization and approval for expenditures.

- 1 (g) Procedures for withdrawal of funds for expenditures.
- 2 (h) Procedures for interpretation of items in appropriation laws.
- 3 (i) Authorization for transfer of funds.
- 4 (j) Deposit of funds.
- 5 (k) Purchasing procedures, including advertisement and letting of bids.
- 6 (l) Approval of contracts.
- 7 (m) Travel expenses.
- 8 (n) Use of facsimile signatures.
- 9 (o) Payment of compensation for overtime work.

10 ~~(3) Upon approval by a majority vote of the members of both houses of such~~  
11 ~~rules and regulations by the council each of the bodies, agencies, committees or~~  
12 ~~persons designated in this Subsection shall be subject to and shall comply with such~~  
13 ~~rules and regulations in expending or otherwise disbursing all funds available to~~  
14 ~~them. After the approval of the rules and regulations by a majority vote of the~~  
15 ~~members of both houses, the council may from time to time amend, repeal, add or~~  
16 ~~otherwise alter such rules and regulations as may be subject to amendment, repeal~~  
17 ~~or alteration and may add such rules and regulations as it may deem necessary~~  
18 ~~provided that such additional rules and regulations shall not be in conflict with any~~  
19 ~~rule or regulation which is not subject to amendment, repeal or alteration. In~~  
20 ~~addition, the council shall have the authority to implement and carry out such rules~~  
21 ~~and regulations after approval thereof.~~

22 (4) The rules and regulations adopted by the council pursuant to this  
23 Subsection and any change thereto proposed by the council shall be subject to the  
24 approval of a majority of the elected members of each house, each house voting  
25 separately by roll call vote if in session or by mail ballot if not in session. By  
26 concurrent resolution, the legislature may amend or repeal any rule or regulation  
27 adopted pursuant to this Subsection and, except for affecting the requirements for  
28 approval contained in Subparagraphs (2)(a) and (b) of this Subsection, may adopt a  
29 new rule or regulation applicable to any obligation, expenditure, or disbursement of



establish rules and regulations to govern the expenditure of all funds available to the House of Representatives and the Senate and the presiding officers thereof; to each legislative committee; to the legislative auditor; to the Legislative Fiscal Office; and to any and all legislative employees, officers, and service agencies. Specifies that such rules and regulations shall provide procedures for expenditures and disbursements of funds by any such bodies, agencies, committees or persons and for the administration, supervision and approval thereof and may include but shall not necessarily be limited to rules and regulations with respect to any of the following: (a) preparation, submission, review, and approval of budgetary requests; (b) preparation and submission of financial statements and reports and requirements as to the contents thereof; (c) uniform accounting systems and procedures; (d) authorization and approval for expenditures; (e) procedures for withdrawal of funds for expenditures; (f) procedures for interpretation of items in appropriation laws; (g) authorization for transfer of funds; (h) deposit of funds; (i) purchasing procedures, including advertisement and letting of bids; (j) approval of contracts; (k) travel expenses; (l) use of facsimile signatures; and (m) payment of compensation for overtime work.

Proposed law requires that any obligation, expenditure, or disbursement of funds or contract in excess of one million dollars but less than five million dollars by any legislative body, agency, committee, officer, or employee, or person acting on behalf thereof, shall require the approval of least a majority of the total number of LBCC members voting at a meeting of the LBCC and that any obligation, expenditure, or disbursement of funds or contract in excess of five million dollars by any legislative body, agency, committee, officer, or employee, or person acting on behalf thereof shall require approval of a majority of the elected members of each house, each house voting separately by record vote if in session or by mail ballot if not in session. Specifies that these approval requirements do not apply to the payment of the regular compensation and benefits of legislators, legislative officers, and legislative employees.

Present law provides that upon approval by a majority vote of the members of both houses of such rules and regulations by the LBCC, each of the bodies, agencies, committees or persons shall be subject to and shall comply with such rules and regulations in expending or otherwise disbursing all funds available to them. Present law provides that after the approval of the rules and regulations by a majority vote of the members of both houses, the LBCC may amend, repeal, add, or otherwise alter such rules and regulations as may be subject to amendment, repeal, or alteration and may add such rules and regulations as it may deem necessary provided that such additional rules and regulations shall not be in conflict with any rule or regulation which is not subject to amendment, repeal, or alteration and that the LBCC shall have the authority to implement and carry out such rules and regulations after approval thereof.

Proposed law provides instead that all the rules and regulations adopted by the LBCC and any proposed change thereto shall be subject to the approval of a majority of the elected members of each house, each house voting separately by roll call vote if in session or by mail ballot if not in session. Further provides that by concurrent resolution, the legislature may amend or repeal any rule or regulation adopted pursuant to present and proposed law and, except for affecting the approval requirements in proposed law applicable to any obligation, expenditure, or disbursement of funds or contract of more than one million dollars, may adopt a new rule or regulation applicable to any obligation, expenditure, or disbursement of funds or contract by any legislative body, agency, committee, officer, or employee, or person acting on behalf thereof.

Present law provides for the Legislative Capitol Technology Fund and provides that monies in the fund shall be available for appropriation to and use by the LBCC. Provides that such appropriations shall be used by the LBCC solely to fund construction, improvements, maintenance, renovations, repairs, and necessary additions to the House chamber, Senate chamber, legislative committee meeting rooms, and other legislative rooms, offices, and areas in the capitol complex for audio-visual upgrades and technology enhancements and for

supporting all other operations and activities consistent with the authorized mission of the council.

Proposed law provides instead that such appropriations shall be used by the LBCC in accordance with present and proposed law relative to the LBCC and obligations, expenditures, or disbursements of funds or contracts by any legislative body, agency, committee, officer, or employee, or person acting on behalf thereof.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 24:38(B) and 39(D))