

HOUSE COMMITTEE AMENDMENTS

2017 Regular Session

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 307 by Representative Lyons

1 AMENDMENT NO. 1

2 Delete the set of twenty House Committee Amendments (#1818) adopted by the House
3 Committee on Ways and Means on May 1, 2017.

4 AMENDMENT NO. 2

5 On page 1, line 2, after "enact" and before the comma "," delete "R.S. 47:1678" and insert
6 "R.S. 39:1624(A)(10) and R.S. 47:1508(B)(41) and 1678"

7 AMENDMENT NO. 3

8 On page 1, line 3, after "tax" delete the remainder of the line and delete line 4 in its entirety

9 AMENDMENT NO. 4

10 On page 1, line 6, after "approval of" and before "state" insert "certain"

11 AMENDMENT NO. 5

12 On page 1, between lines 8 and 9, insert the following:

13 "Section 1. R.S. 39:1624(A)(10) is hereby enacted to read as follows:

14 §1624. Approval of contract; penalties

15 A. Before approving a proposed contract for professional, personal,
16 consulting, or social services, the state chief procurement officer or an assistant shall
17 have determined that:

18 * * *

19 (10) The prospective contractor is current in the filing of all applicable tax
20 returns and reports, and in payment of all taxes, interest, penalties, and fees owed to
21 the state and collected by the Department of Revenue in accordance with R.S.
22 47:1678."

23 AMENDMENT NO. 6

24 On page 1, delete line 9 in its entirety and insert the following:

25 "Section 2. R.S. 47:1508(B)(41) and 1678 are hereby enacted to read as follows:

26 §1508. Confidential character of tax records

27 * * *

28 B. Nothing herein contained shall be construed to prevent:

29 * * *

30 (41) Upon the request of the Chief Procurement Officer, for purpose of the
31 requirements established under R.S. 47:1678, the Secretary is authorized to disclose
32 to the Office of State Procurement information concerning whether a prospective
33 contractor for a contract with the state for the procurement of personal, professional,

1 consulting or social services or the purchasing of food, supplies, or major repairs that
 2 requires the approval of the Office of State Procurement is current in the filing of all
 3 applicable tax returns and reports and in the payment of all taxes, interest, penalties,
 4 and fees owed to the state and collected by the Department of Revenue. The
 5 information disclosed shall be used solely for the purpose of determining whether
 6 the contract may be approved by the Office of State Procurement. The secretary shall
 7 not disclose any data from returns or reports provided by the Internal Revenue
 8 Service. Any information so furnished shall be considered and held as confidential
 9 and privileged by the Office of State Procurement as is required under Subsection
 10 A of this Section."

11 AMENDMENT NO. 7

12 On page 1, line 10, after "clearances" delete the remainder of the line and delete lines 11
 13 through 18 in their entirety and insert a semicolon ";" and insert the following:

14 "resale certificates; certain procurement contracts"

15 AMENDMENT NO. 8

16 On page 1, at the beginning of line 19, delete "B." and insert "A."

17 AMENDMENT NO. 9

18 On page 1, line 20, after "unless" and before "is" delete "he" and insert "the applicant"

19 AMENDMENT NO. 10

20 On page 2, at the beginning of line 3, delete "C." and insert "B." and at the end of the line
 21 delete the comma ","

22 AMENDMENT NO. 11

23 On page 2, delete lines 4 through 6 in their entirety and insert the following:

24 "that requires the review and approval of the Office of State Procurement for the
 25 procurement of personal, professional, consulting or social services or the purchasing
 26 of food, supplies or major repairs shall be approved unless the Chief Procurement
 27 Officer for the Office of State Purchasing has received a tax clearance from the"

28 AMENDMENT NO. 12

29 On page 2, line 7, after "indicating" delete the remainder of the line and at the beginning of
 30 line 8, delete "group" and insert "the proposed contractor"

31 AMENDMENT NO. 13

32 On page 2, line 9, after "Louisiana." delete the remainder of the line and insert the following:

33 "The tax clearance required by this Section shall not be required for purposes of
 34 bidding on or solicitation of a procurement contract. For purposes of this Section,"

35 AMENDMENT NO. 14

36 On page 2, line 10, after "all" and before "contracts" insert "procurement"

37 AMENDMENT NO. 15

38 On page 2, delete line 22 in its entirety and insert the following:

1 "C. An exception to the requirements of this Section for a procurement
2 enumerated in Subsection B of this Section is authorized in either of the following
3 circumstances:

4 (1) The chief"

5 AMENDMENT NO. 16

6 On page 2, delete lines 28 and 29 in their entirety and on page 3, line 1, delete "to
7 regulations, the" and insert "(2) The"

8 AMENDMENT NO. 17

9 On page 3, delete lines 4 through 12 in their entirety and insert the following:

10 "D. This Section shall not apply to any of the following:

11 (1) Contracts for"

12 AMENDMENT NO. 18

13 On page 3, delete lines 16 through 26 in their entirety, and at the beginning of line 27, delete
14 "Section 3." and insert the following:

15 "(2) A procurement contract of an institution of higher education or other
16 agency of higher education if the state chief procurement officer has delegated
17 authority to procure the contracted services using private grant funds or federal funds
18 that are available specifically for purposes of the contract.

19 E. The Chief Procurement Officer for the Office of State Procurement shall
20 provide the secretary a list of the prospective contractors that require a tax clearance
21 for approval of a procurement contract. Such list shall be submitted to the secretary
22 in the manner and form prescribed by the secretary. The secretary, upon receipt, shall
23 provide the chief procurement officer with a signed tax clearance for each applicant
24 indicating whether the proposed contractor is current in filing all tax returns and in
25 payment of all taxes, interest, penalties, and fees owed to the state of Louisiana,
26 excluding items under formal appeal pursuant to applicable statutes or being paid in
27 compliance with the terms of an installment agreement. Where an assessment against
28 a proposed contractor has become final and collectible by distrant and sale, such
29 proposed contractor shall not be approved for a procurement contract until such time
30 as the proposed contractor has filed the applicable tax returns and paid or made
31 arrangements to pay the delinquent tax liability and the secretary notifies the state
32 chief procurement officer of the payment or arrangement to pay.

33 F. The secretary is authorized to promulgate rules and regulations in
34 accordance with the Administrative Procedure Act as may be necessary to implement
35 the provisions of this Section."

36 Section 3. The provisions of this Act shall apply to any request for issuance
37 or renewal of a resale certificate submitted to the Department and to any approval
38 or request for approval of a contract submitted to the Office of State Procurement on
39 or after October 1, 2017.

40 Section 4."