

2017 Regular Session

HOUSE BILL NO. 307

BY REPRESENTATIVE LYONS

1 AN ACT

2 To enact R.S. 39:1624(A)(10) and R.S. 47:1508(B)(41) and 1678, relative to tax clearances
3 from the Department of Revenue; to require a tax clearance for the issuance or
4 renewal of a sales tax resale certificate; to require a tax clearance for approval of
5 certain state contracts; to provide for exceptions; to provide for an effective date; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

9 §1624. Approval of contract; penalties

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

13 * * *

14 (10) The prospective contractor is current in the filing of all applicable tax
15 returns and reports, and in payment of all taxes, interest, penalties, and fees owed to
16 the state and collected by the Department of Revenue in accordance with R.S.
17 47:1678.

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

19 §1508. Confidential character of tax records

20 * * *

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

22 * * *

23 (41) Upon the request of the state chief procurement officer, for purposes of
24 the requirements established under R.S. 47:1678, the secretary is authorized to
25 disclose to the central purchasing agency information concerning whether a
26 prospective contractor for a contract with the state for the procurement of personal,

1 (3) Supplies, services, or major repairs, including but not limited to high
 2 technology acquisitions or of complex services.

3 (4) Consulting, professional, personal, and social services.

4 (5) Purchase or lease of property as authorized by law.

5 (6) Medical and laboratory supplies and medical equipment required for the
 6 purpose of diagnosis or direct treatment of a patient by a health care provider in a
 7 hospital or clinical setting, including procurement through a group purchasing
 8 organization.

9 C. An exception to the requirements of this Section for a procurement
 10 enumerated in Subsection B of this Section is authorized in either of the following
 11 circumstances:

12 (1) The state chief procurement officer or his designee if the designee is
 13 above the level of procurement officer may make or authorize others to approve a
 14 contract for emergency procurements when there exists an imminent threat to the
 15 public health, welfare, safety, or public property under emergency conditions as
 16 defined in accordance with regulations.

17 (2) The state chief procurement officer or his designee if the designee is
 18 above the level of procurement officer determines in writing that there is only one
 19 source for the required product, service, or major repair item.

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

21 (1) Contracts for construction, maintenance, or repair of highways and
 22 streets or to contracts financed in whole or in part by contributions or loans from any
 23 agency of the United States government.

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

28 E. The state chief procurement officer shall provide the secretary a list of the
 29 prospective contractors that require a tax clearance for approval of a procurement
 30 contract. Such list shall be submitted to the secretary in the manner and form

1 prescribed by the secretary. The secretary, upon receipt, shall provide the state chief
 2 procurement officer with a signed tax clearance for each applicant indicating whether
 3 the proposed contractor is current in filing all tax returns and in payment of all taxes,
 4 interest, penalties, and fees owed to the state of Louisiana, excluding items under
 5 formal appeal pursuant to applicable statutes or being paid in compliance with the
 6 terms of an installment agreement. Where an assessment against a proposed
 7 contractor has become final and collectible by distraint and sale, such proposed
 8 contractor shall not be approved for a procurement contract until such time as the
 9 proposed contractor has filed the applicable tax returns, or resolved the assessment,
 10 or paid or made arrangements to pay the delinquent tax liability and the secretary
 11 notifies the state chief procurement officer of the payment or arrangement to pay.

12 F. The secretary is authorized to promulgate rules and regulations in
 13 accordance with the Administrative Procedure Act as may be necessary to implement
 14 the provisions of this Section.

15 Section 3. The provisions of this Act shall apply to any request for issuance or
 16 renewal of a resale certificate submitted to the Department of Revenue and to any approval
 17 or request for approval of a contract submitted to the central purchasing agency on or after
 18 October 1, 2017.

19 Section 4. This Act shall become effective upon signature of the governor or, if not
 20 signed by the governor, upon expiration of the time for bills to become law without signature
 21 by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If
 22 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 23 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____