

**ACT No. 211**

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.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

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