

2021 Regular Session

SENATE BILL NO. 15

BY SENATOR MILLIGAN

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

PROCUREMENT CODE. Provides relative to purchase of telecommunication and video equipment or services by all state agencies. (8/1/21)

1 AN ACT

2 To amend and reenact R.S. 38:2237.1, R.S. 39:1753.1, and R.S. 39:1755(5), relative to the

3 purchase of certain covered telecommunications and video equipment or services by

4 all state departments, agencies, boards, and commissions, and certain educational

5 entities; to require the purchase of covered telecommunications and video equipment

6 or services to comply with federal guidelines under Section 889(a) of the John S.

7 McCain National Defense Authorization Act for Fiscal Year 2019; to provide for

8 violations; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 38:2237.1 is hereby amended and reenacted to read as follows:

11 §2237.1. Purchase of approved telecommunications equipment by **all state**

12 **departments, agencies, boards and commissions and** certain

13 educational entities

14 A. No **equipment, system, or service that uses covered** telecommunications

15 or video surveillance equipment **or services** as described in Section 889(a) of the

16 ~~Fiscal Year 2019~~ **John S. McCain** National Defense Authorization Act **for Fiscal**

17 **Year 2019** shall be purchased, **procured, obtained by contract, contract**

1 extension, or renewal of any system, or as critical technology as part of any
 2 system for use by a state department, agency, board, or commission nor by any
 3 public elementary, secondary, ~~and or~~ postsecondary education schools, institutions,
 4 and governing authorities; nonpublic elementary, secondary, and postsecondary
 5 schools, institutions, and governing authorities that receive state funds; and
 6 proprietary schools that receive state funds unless the equipment is from a
 7 manufacturer who is in compliance with Section 889(a) of the ~~Fiscal Year 2019~~
 8 John S. McCain National Defense Authorization Act for Fiscal Year 2019 as
 9 provided in this Section.

10 B. Prior to the purchase, procurement, obtaining by contract, extension,
 11 or renewal of a contract for equipment, systems, or services that are
 12 telecommunications or video surveillance equipment or services, the vendor shall
 13 provide documentation by affidavit that the telecommunications and video
 14 surveillance equipment, systems, or services to be purchased or procured is from
 15 a manufacturer that is in compliance with Section 889(a) of the ~~Fiscal Year 2019~~
 16 John S. McCain National Defense Authorization Act for Fiscal Year 2019.

17 C. No award of any bid, contract, or purchase shall be made from a vendor
 18 or other entity who fails to provide the documentation required in Subsection B of
 19 this Section. Any award of a bid to a contractor or purchase or contract to purchase,
 20 extend, or renew a contract in violation of this Section shall be null and void.

21 Section 2. R.S. 39:1753.1 and 1755(5) are hereby amended and reenacted to read as
 22 follows:

23 §1753.1. Purchase of approved telecommunications equipment by all state
 24 departments, agencies, boards and commissions and certain
 25 educational entities

26 A. No telecommunications or video surveillance equipment, system, or
 27 service that uses a covered telecommunications or video surveillance equipment
 28 or services as described in Section 889(a) of the ~~Fiscal Year 2019~~ John S. McCain
 29 National Defense Authorization Act for Fiscal Year 2019 shall be purchased or

1 procured, obtained by contract, extension, or renewal of a contract, or acquired
 2 by any state department, agency, board, or commission, or by public elementary,
 3 secondary, and postsecondary education schools, institutions, and governing
 4 authorities; nonpublic elementary, secondary, and postsecondary schools,
 5 institutions, and governing authorities that receive state funds; and proprietary
 6 schools that receive state funds unless the equipment is from a manufacturer who is
 7 in compliance with Section 889(a) of the ~~Fiscal Year 2019~~ John S. McCain National
 8 Defense Authorization Act **for Fiscal Year 2019** as provided in this Section.

9 * * *

10 §1755. General provisions

11 The following general provisions shall apply to all procurements under this Part:

12 * * *

13 (5) The provisions of this Part and R.S. 38:2237.1 ~~shall~~, with respect to the
 14 procurement of telecommunications systems or telecommunications **equipment or**
 15 services **as provided in Section 889(a) of the John S. McCain National Defense**
 16 **Authorization Act for Fiscal Year 2019 shall** supersede specifications of any
 17 contradictory or conflicting provisions of the following statutes: R.S. 38:2211 et seq.
 18 with respect to awarding of public contracts, and R.S. 39:1551 through 1736.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Martha S. Hess.

DIGEST

SB 15 Original

2021 Regular Session

Milligan

Present law prohibits all of the following entities from purchasing telecommunications or video surveillance equipment as described in Section 889(a) of the Fiscal Year 2019 National Defense Authorization Act unless such equipment is from a manufacturer that is in compliance with such federal provision:

- (1) Public elementary, secondary, and postsecondary schools, institutions, and governing authorities.
- (2) Nonpublic elementary, secondary, and postsecondary schools, institutions, and governing authorities that receive state funds.
- (3) Proprietary schools that receive state funds.

Proposed law broadens present law to prohibit all state departments, agencies, boards, or commissions from purchasing, procuring, obtain by contract, contract extension or renewal

of any system, or as critical technology as part of any system for use by a state department, agency, board or commission that is not in compliance with Section 889(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019.

Proposed law changes name of federal law from Fiscal Year 2019 National Defense Authorization Act to John S. McCain National Defense Authorization Act for Fiscal Year 2019.

Present law further requires the vendor of such equipment to provide an affidavit that the equipment is from a manufacturer that is in compliance with such federal provision. Proposed law retains present law and makes present law applicable to the purchase or acquisition of any system, or as critical technology for use by a state department, agency, board or commission under proposed law.

Effective August 1, 2021.

(Amends R.S. 38:2237.1, R.S. 39:1753.1 and 1755(5))