

**SENATE COMMITTEE AMENDMENTS**

2021 Regular Session

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 15 by Senator Milligan

1 AMENDMENT NO. 1

2 On page 1, delete lines 2 through 5, and insert the following:

3 "To amend and reenact R.S. 38:2237.1, and R.S. 39:1753.1, to enact R.S. 39:200(M),  
 4 and to repeal R.S. 39:1755(5), relative to the procurement of telecommunications or  
 5 video surveillance equipment or services by state agencies and certain educational  
 6 entities; to require the procurement of telecommunications or video surveillance  
 7 equipment"

8 AMENDMENT NO. 2

9 On page 1, delete lines 11 and 12, and insert the following:

10 "§2237.1. ~~Purchase~~ **Procurement** of approved telecommunications **or video**  
 11 **surveillance** equipment **or services** by **state agencies and** certain"

12 AMENDMENT NO. 3

13 On page 1, delete lines 14 through 17, and on page 2, delete lines 1 through 9, and insert the  
 14 following:

15 ~~"A. No telecommunications or video surveillance equipment as described in~~  
 16 ~~Section 889(a) of the Fiscal Year 2019 National Defense Authorization Act shall be~~  
 17 ~~purchased by public elementary, secondary, and postsecondary education schools,~~  
 18 ~~institutions, and governing authorities; nonpublic elementary, secondary, and~~  
 19 ~~postsecondary schools, institutions, and governing authorities that receive state~~  
 20 ~~funds; and proprietary schools that receive state funds unless the equipment is from~~  
 21 ~~a manufacturer who is in compliance with Section 889(a) of the Fiscal Year 2019~~  
 22 ~~National Defense Authorization Act as provided in this Section.~~

23 **Agencies and certain educational entities of the state, as defined in R.S.**  
 24 **39:1753.1(A), shall not procure prohibited telecommunications or video**  
 25 **surveillance equipment or services as defined in R.S. 39:1753.1(A).**"

26 AMENDMENT NO. 4

27 On page 2, delete lines 10 and 11, and insert the following: "B. Prior to the ~~purchase of~~  
 28 **equipment procurement of**"

29 AMENDMENT NO. 5

30 On page 2, line 13, after "that the" delete the remainder of the line, delete lines 14 through  
 31 16, and insert the following:

32 ~~"telecommunications and video surveillance equipment~~ **or services** ~~to be purchased~~  
 33 **procured** ~~is from a manufacturer that is in compliance with Section 889(a) of the~~  
 34 ~~Fiscal Year 2019 National Defense Authorization Act~~ **not prohibited**  
 35 **telecommunications or video surveillance equipment or services as defined in**  
 36 **R.S. 39:1753.1(A).**"

1 AMENDMENT NO. 6

2 On page 2, line 17, change "award of any bid, contract, or purchase" to "award of any bid  
3 or purchase procurement"

4 AMENDMENT NO. 7

5 On page 2, line 19, after "Section.", delete the remainder of the line, delete line 20, and insert  
6 the following:

7 "Any award of a bid to a contractor or purchase or contract to purchase procurement  
8 of prohibited telecommunications or video surveillance equipment or services  
9 as defined in R.S. 39:1753.1(A), or other procurement in violation of this Section,  
10 shall be null and void.

11 D. This Section shall apply only to procurements initiated on or after  
12 August 1, 2021, by state agencies, certain educational entities, and their service  
13 providers."

14 AMENDMENT NO. 8

15 On page 2, delete lines 21 through 29, on page 3, delete lines 1 through 18, and insert the  
16 following:

17 "Section 2. R.S. 39:1753.1 is hereby amended and reenacted and R.S.  
18 39:200(M) is hereby enacted to read as follows:

19 §200. General provisions

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

22 \* \* \*

23 M. The provisions of R.S. 39:1753.1 shall apply to all procurements of  
24 telecommunications or video surveillance equipment or services pursuant to this  
25 Part.

26 \* \* \*

27 ~~§1753.1. Purchase of approved Procurement of telecommunications or video~~  
28 ~~surveillance equipment or services by state agencies and~~ certain  
29 ~~educational entities~~

30 A. No telecommunications or video surveillance equipment as described in  
31 Section 889(a) of the Fiscal Year 2019 National Defense Authorization Act shall be  
32 purchased by public elementary, secondary, and postsecondary education schools,  
33 institutions, and governing authorities; nonpublic elementary, secondary, and  
34 postsecondary schools, institutions, and governing authorities that receive state  
35 funds; and proprietary schools that receive state funds unless the equipment is from  
36 a manufacturer who is in compliance with Section 889(a) of the Fiscal Year 2019  
37 National Defense Authorization Act as provided in this Section.

38 Definitions. For the purposes of this Section, the words defined in this  
39 Subsection shall have the meanings set forth below:

40 (1) "Agency" shall have the same meaning as provided in R.S. 36:3.

41 (2) "Certain educational entities" means all public elementary,  
42 secondary, or postsecondary education schools, institutions, and governing  
43 authorities; nonpublic elementary, secondary, and postsecondary schools,  
44 institutions, and governing authorities that receive state funds; and proprietary  
45 schools that receive state funds.

46 (3) "Procure" and "procurement" shall have the same meaning as  
47 provided in R.S. 39:1556.

48 (4) "Prohibited telecommunications or video surveillance equipment or  
49 services" includes all of the following:

50 (a) Telecommunications equipment produced by Huawei Technologies  
51 Company or ZTE Corporation, or any subsidiary or affiliate of such entities, as

1 described in Section 889(f)(3)(A) of the John S. McCain National Defense  
 2 Authorization Act for Fiscal Year 2019.

3 (b) Video surveillance equipment or telecommunications equipment  
 4 produced by Hytera Communications Corporation, Hangzhou Hikvision Digital  
 5 Technology Company, Dahua Technology Company, or any subsidiary or  
 6 affiliate of such entities, as described in Section 889(f)(3)(B) of the John S.  
 7 McCain National Defense Authorization Act for Fiscal Year 2019.

8 (c) Telecommunications or video surveillance equipment or services  
 9 produced or provided by an entity found to be owned, controlled, or otherwise  
 10 connected to the government of the People's Republic of China, as described in  
 11 Section 889(f)(3)(D) of the John S. McCain National Defense Authorization Act  
 12 for Fiscal Year 2019.

13 (d) Any product or equipment, regardless of manufacturer, containing  
 14 as a component any equipment identified by Subparagraphs (a) through (c)  
 15 above. This may include but is not limited to the following:

16 (i) Computers or other equipment containing a component which  
 17 enables any form of network connectivity or telecommunications regardless of  
 18 whether the equipment is regularly connected to a network.

19 (ii) Building automation, environmental controls, access controls, or  
 20 facility management and monitoring systems.

21 (iii) Voting machines, peripherals, and election systems.

22 (e) Any services provided using any equipment identified by  
 23 Subparagraphs (a) through (d) in this Subsection.

24 B. Agencies and certain educational entities of the state, as defined in  
 25 R.S. 39:1753.1(A), shall not procure prohibited telecommunications or video  
 26 surveillance equipment or services as defined in Subsection A of this Section.

27 C. Prior to the purchase of equipment procurement of telecommunications  
 28 or video surveillance equipment or services, the vendor shall provide  
 29 documentation by affidavit that the telecommunications and video surveillance  
 30 equipment or services to be purchased ~~procured~~ is from a manufacturer that is in  
 31 compliance with Section 889(a) of the Fiscal Year 2019 National Defense  
 32 Authorization Act. ~~is not prohibited telecommunications or video surveillance~~  
 33 equipment or services as defined in Subsection A of this Section.

34 € D. No award of any bid or purchase ~~procurement~~ shall be made from a  
 35 vendor or other entity who fails to provide the documentation required in Subsection  
 36 B ~~C~~ of this Section. Any award of a bid to a contractor or purchase or contract to  
 37 purchase ~~procurement of prohibited telecommunications or video surveillance~~  
 38 equipment or services as defined in Subsection A of this Section, or other  
 39 procurement in violation of this Section shall be null and void.

40 E. This Section shall apply only to procurements initiated on or after  
 41 August 1, 2021, by state agencies, certain educational entities, and their service  
 42 providers.

43 Section 3. R.S. 39:1755(5) is hereby repealed."