

FOR OFFICE USE ONLY	

HOUSE FLOOR AMENDMENTS

Amendments proposed by Representatives Havard and Henry to Engrossed House Bill No. 240 by Representative Havard

1 AMENDMENT NO. 1

2 On page 2, at the beginning of line 15, after "(5)" insert "(a)"

3 AMENDMENT NO. 2

4 On page 2, between lines 20 and 21, insert the following:

5 "(b) "Privatization contract" shall also mean any agreement or combination
6 or series of agreements by which a nongovernmental person or entity agrees to lease
7 or rent any state building or facility for five hundred thousand dollars or more."

8 AMENDMENT NO. 3

9 On page 2, line 22, after "privatization contract" insert "as defined in R.S. 49:352(5)(a)"

10 AMENDMENT NO. 4

11 On page 3, line 9, after "privatization contract" insert "as defined in R.S. 49:352(5)(a)"

12 AMENDMENT NO. 5

13 On page 5, between lines 11 and 12, insert the following:

14 "§353.1. Lease and rental agreements
15 A. No agency shall enter into a privatization contract as defined in R.S.
16 49:352(5)(b) and no such contract shall be valid unless the agency, in consultation
17 with the division of administration, first complies with each of the following
18 requirements:
19 (1) The agency shall prepare a specific written statement of the fair market
20 rental or lease value of the state building or facility based upon documentable
21 comparables.
22 (2) The statement shall be a public record, shall be filed in the agency and in
23 the division of administration, and shall be transmitted to the legislative auditor and
24 the appropriate standing committees of the legislature upon its completion.
25 (3) The agency shall publicly announce the availability of the building or
26 facility for lease or rent. If more than one nongovernmental entity or person
27 expresses documented interest in the lease or rental, the agency shall engage in a
28 competitive process to designate the nongovernmental entity or person with whom
29 it intends to negotiate.
30 B. The head of the agency shall certify in writing to the legislative auditor
31 and the appropriate standing committees of the legislature that:
32 (1) He has complied with all provisions of this Section and of all other
33 applicable laws.
34 (2) The designated nongovernmental person or entity and its supervisory
35 employees, while in the employ of said designated nongovernmental person or
36 entity, have no adjudicated record of substantial or repeated noncompliance with any

1 relevant federal or state regulatory provision, including but not limited to provisions
2 concerning occupational safety and health, nondiscrimination, environmental
3 protection, and the Code of Governmental Ethics and other conflicts of interest
4 provisions.

5 (3) The proposed privatization contract is in the public interest and the
6 reasons therefore.

7 C.(1) A copy of the proposed privatization contract as defined in R.S.
8 49:352(5)(b) shall accompany the certificate transmitted to the legislative auditor and
9 appropriate standing committees of the legislature for review pursuant to R.S.
10 49:354.

11 (2) The agency head shall send each member of the legislature a copy of the
12 proposed privatization contract and the certificate via electronic mail on the same
13 day he transmits those documents to the legislative auditor and appropriate standing
14 committees of the legislature."

15 AMENDMENT NO. 6

16 On page 5, line 17, after "R.S. 49:353" insert "or 353.1, as the case may be,"

17 AMENDMENT NO. 7

18 On page 5, at the end of line 19, delete the period "." and insert "or 353.1, as the case may
19 be."

20 AMENDMENT NO. 8

21 On page 6, at the beginning of line 14, before "After" insert "A."

22 AMENDMENT NO. 9

23 On page 6, line 14, after "privatization contract" and before the comma "," insert "as defined
24 in R.S. 49:352(5)(a)"

25 AMENDMENT NO. 10

26 On page 6, between lines 23 and 24, insert the following:

27 "B. After each complete year of a privatization contract as defined in R.S.
28 49:352(5)(b), the agency shall report to the appropriate standing committees of the
29 legislature the following information:

30 (1) An analysis of the nongovernmental person's or entity's compliance with
31 the terms of the privatization contract.

32 (2) All complaints received and the agency's and contractor's response to
33 each complaint.

34 (3) A current analysis of the fair market rental or lease value of the state
35 building or facility based upon documentable comparables."