

Regular Session, 2014

HOUSE BILL NO. 716

BY REPRESENTATIVE HENRY

PUBLIC CONTRACTS: Establishes protections for certain independent public contractors who report criminal activity on the part of public entities

1 AN ACT

2 To enact Chapter 27 of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 39:2211 and 2212, relative to public contracts; to provide
4 protections for certain public contractors who report certain activities involving a
5 public entity; to provide for definitions; to provide relative to reprisals against certain
6 public contractors; to provide for requirements and limitations; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 27 of Subtitle III of Title 39 of the Louisiana Revised Statutes
10 of 1950, comprised of R.S. 39:2211 and 2212 is hereby enacted to read as follows:

11 CHAPTER 27. PROTECTIONS FOR PUBLIC CONTRACTORS

12 §2211. Protection for public contractors

13 A. The provisions of this Chapter shall apply to all contracts between a
14 public entity and a contractor.

15 B. A contractor shall be free from reprisal by the contracting public entity
16 if he reports in good faith and upon reasonable suspicion information which he
17 believes indicates criminal activity on the part of the contracting public entity if both
18 of the following conditions are met:

19 (1) He is neither a participant nor co-conspirator in the suspected criminal
20 activity; and

1 (2) He has reported such information to either the contracting public entity
2 or a law enforcement agency having jurisdiction over the crime. A report for
3 purposes of this Paragraph shall mean either of the following activities:

4 (a) Disclosure of any suspected criminal activity committed by the
5 contracting public entity.

6 (b) Cooperation with an investigation or inquiry into suspected criminal
7 activity committed by the contracting public entity.

8 §2212. Definitions

9 For purposes of this Chapter, the following words and phrases shall have the
10 following meanings.

11 (1) "Contractor" means an independent contractor, or any independent
12 contractor of an independent contractor who enters into a contractual relationship,
13 including a provider agreement, with a public entity.

14 (2) "Crime" or "criminal activity" means any activity defined as criminal in
15 the Louisiana Criminal Code, including R.S. 14:118, 120, 122, 122.2, 128.1, 132,
16 133, or 141, or in other acts of the Legislature of Louisiana, the Louisiana
17 Constitution, or in acts of the United States Congress, or the United States
18 Constitution.

19 (3) "Public entity" means any agency, board, bureau, committee, council,
20 court, department, district, governing authority, government corporation, institution,
21 task force, or other instrumentality of the state or any political subdivision of the
22 state or of its political subdivisions. "Public entity" shall also include any elected or
23 appointed official, employee, officer, or any other type of executive, ministerial,
24 administrative, judicial, or legislative official or employee of a public entity.

25 (4) "Reprisal" means dismissal; harassment; discrimination; the loss, denial,
26 cancellation, or failure to renew a grant, payment, award, license, contract, or
27 transaction; sanction; failure to act on a decision or approval; refusal to honor the
28 terms of a contract; false claims of breach of contract; or a threat of any of the
29 foregoing.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Henry

HB No. 716

Abstract: Establishes protections for certain public contractors.

Proposed law provides that a contractor shall be free from reprisal by the contracting public entity if the contractor reports in good faith and upon reasonable suspicion, information he believes indicates criminal activity on the part of the contracting public entity if the contractor is neither a participant nor co-conspirator in the suspected criminal activity and he has reported the information to either the contracting public entity or a law enforcement agency having jurisdiction over the crime.

Proposed law provides definitions for "contractor", "crime or criminal activity", "public entity", and "reprisal".

Proposed law applies to contracts of any agency, board, bureau, committee, council, court, department, district, governing authority, government corporation, institution, task force, or other instrumentality of the state or any political subdivision of the state or of its political subdivisions. Also included are certain elected or appointed officials.

(Adds R.S. 39:2211 and 2212)