

SENATE BILL NO. 407

BY SENATOR MILKOVICH

1 AN ACT

2 To amend and reenact R.S. 39:1590 and to enact R.S. 39:1567(B)(3) and (4) and (F), relative
3 to certain contract reporting requirements; to provide for reporting certain contract
4 information on the Internet; to provide for a Report of certain contracts for Fiscal
5 Year 2015-2016 through Fiscal Year 2017-2018; to provide for the creation of the
6 Contract Services Joint Legislative Task Force; to provide for the membership of the
7 task force; to provide for the duties of the task force; to provide for an effective date;
8 and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 39:1590 is hereby amended and reenacted and R.S. 39:1567(B)(3)
11 and (4) and (F) are hereby enacted to read as follows:

12 §1567. Reporting requirements

13 * * *

14 B.

15 * * *

16 **(3) Information on all contracts and the information contained in the**
17 **annual report shall be published on the division of administration's website to**
18 **provide maximum access to the public and ease of use for searching information**
19 **relative to the various contracts reported.**

20 **(4) For purposes of Paragraph (3) of this Subsection, "information" shall**
21 **include but not be limited to the following:**

22 **(a)(i) If a legal entity, the official name and domicile address of the**
23 **contracting entity as reflected in documentation submitted to the secretary of**
24 **state's office.**

25 **(ii) If a natural person, the full name and physical address of the**
26 **contracting entity.**

1 of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950. The task
 2 force may review the processes by which these contracts are negotiated, drafted,
 3 procured, and executed. Additionally, the task force may study any other
 4 contracts determined to be relevant to the mission of the task force.

5 (3) The president of the Senate shall appoint a senator to chair the first
 6 meeting until officers can be elected from among the task force membership at
 7 the first meeting which shall take place no later than thirty days after the
 8 effective date of this Subsection. A quorum of the task force membership shall
 9 be required to conduct business.

10 (4) The task force shall not meet more than five calendar days in any
 11 fiscal year.

12 (5) Annually, the task force shall report to the president of the Senate,
 13 the speaker of the House of Representatives, and the governor no later than
 14 sixty days before the regular session regarding any recommendations relative
 15 to any specific contracts or contract procedures that may require administrative
 16 action or may require legislative action.

17 (6) The provisions of this Subsection shall become void on June 30, 2020.

18 * * *

19 §1590. ~~Approval~~ **Reporting** of certain professional, personal, and consulting
 20 services contracts for Fiscal Year 2015-2016 through Fiscal Year
 21 2017-2018

22 A. In Fiscal Year 2015-2016 through 2017-2018, the commissioner of
 23 administration, in consultation with the state chief procurement officer, shall report
 24 each contract for professional, personal, and consulting services with a total dollar
 25 amount of ~~forty~~ **fifty** thousand dollars or more per year that is funded solely with
 26 state general fund (direct) or the Overcollections Fund and is for discretionary
 27 purposes to the Joint Legislative Committee on the Budget **and the Contract**
 28 **Services Joint Legislative Task Force** for review, ~~and approval prior to the~~
 29 ~~effectiveness of the contract.~~

30 ~~(1) If within thirty days of receipt of the contract, the Joint Legislative~~

1 ~~Committee on the Budget does not place the contract on its agenda for review and~~
2 ~~approval, the contract shall be deemed to be approved.~~

3 ~~(2) If within thirty days of receipt of the contract, the contract is placed on~~
4 ~~the agenda for review, the Joint Legislative Committee on the Budget may take the~~
5 ~~following action:~~

6 ~~(a) Approve the contract.~~

7 ~~(b) Reject the contract and notify the commissioner of administration that~~
8 ~~such funds otherwise proposed for this purpose shall be deposited into the Higher~~
9 ~~Education Financing Fund as provided in R.S. 39:100.146.~~

10 ~~(c) Recommend revisions to the contract. If the Joint Legislative Committee~~
11 ~~on the Budget recommends revisions to the contract, the contract shall not become~~
12 ~~effective until it is revised, resubmitted to the Joint Legislative Committee on the~~
13 ~~Budget, and acted upon again by the committee. If the commissioner of~~
14 ~~administration, in consultation with the state chief procurement officer, does not~~
15 ~~resubmit the contract to the Joint Legislative Committee on the Budget within thirty~~
16 ~~days after the committee recommends revisions to the contract, the contract shall be~~
17 ~~deemed to be rejected and funds otherwise proposed for this purpose shall be~~
18 ~~deposited into the Higher Education Financing Fund as provided in R.S. 39:100.146.~~

19 ~~B.(1) The commissioner of administration, in consultation with the state chief~~
20 ~~procurement officer, shall periodically determine the amount of monies appropriated~~
21 ~~for professional, personal, and consulting service contracts that are not approved by~~
22 ~~the Joint Legislative Committee on the Budget and remain unexpended and~~
23 ~~unencumbered as a result of implementation of this Section. Such determination~~
24 ~~shall take place on the following dates in fiscal years 2015-2016, 2016-2017, and~~
25 ~~2017-2018:~~

26 ~~(a) September thirtieth.~~

27 ~~(b) December thirty-first.~~

28 ~~(c) March thirty-first.~~

29 ~~(d) June thirtieth.~~

30 ~~(2) Following each determination required pursuant to the provisions of this~~

1 ~~Subsection, the commissioner of administration shall report to the state treasurer the~~
2 ~~amount of state general fund (direct) and Overcollections Fund monies appropriated~~
3 ~~for professional, personal, and consulting service contracts that are expected to~~
4 ~~remain unexpended and unencumbered at the end of the fiscal year as a result of~~
5 ~~implementation of this Section. These monies shall be available for deposit in and~~
6 ~~credit to the Higher Education Financing Fund as provided for in R.S. 39:100.146.~~

7 €: Notwithstanding any provision of law to the contrary, this Section shall
8 not apply to the following professional, personal, or consulting service contracts:

9 (1) Contracts of the secretary of state necessary to perform any constitutional
10 or statutory function of the office.

11 (2) All contracts to implement the programs of the Department of Health and
12 Hospitals funded pursuant to Title XIX, Title XX, and Title XXI of the Social
13 Security Act or funded fully or partially by federal funds.

14 (3) Contracts with state or local providers of indigent defender services
15 necessary to perform any constitutional or statutory function.

16 (4) Contracts of a district attorney necessary to perform any constitutional,
17 discretionary, or statutory function of the office, or to perform services under the
18 child support enforcement program administered by the Department of Children and
19 Family Services in accordance with the federal requirements of Title IV-D of the
20 Social Security Act and corresponding state laws and regulations.

21 Section 2. This Act shall become effective on July 1, 2016; if vetoed by the governor
22 and subsequently approved by the legislature, this Act shall become effective on July 1,
23 2016, or on the day following such approval by the legislature, whichever is later.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____