

2018 Regular Session

HOUSE BILL NO. 528

BY REPRESENTATIVE HENRY

PUBLIC CONTRACTS: Requires access to records and files for certain contracts to perform governmental functions

1 AN ACT

2 To enact R.S. 39:1557.2; relative to contracts; to provide for access to records and files; to
3 provide for requirements and limitations; to provide for an effective date; and to
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 39:1557.2 is hereby enacted to read as follows:

7 §1557.2. Public access to contracts for performance of governmental functions;
8 limitations and requirements

9 A.(1) Any contract in excess of two million five hundred thousand dollars
10 between a public agency and a person for the performance of a governmental
11 function shall include the following:

12 (a) A provision that the public agency is entitled to receive a copy of all
13 records and files related to the performance of the governmental function.

14 (b) A provision that all records and files associated with the contract shall
15 be a public record to the extent provided in the public records law and may be
16 disclosed by the public agency. Any person denied the right to inspect or copy a
17 record or file shall be governed in accordance with the public records law.

18 B.(1) For the purposes of this Section, the term "governmental function" shall
19 mean any of the following:

1 (a) The administration or management of a program of a public agency by
2 a person who receives funding from the public agency for administering or managing
3 the program.

4 (b) The public agency is involved in or regulates the person's administration
5 or management of the program.

6 (2) "Governmental function" shall not mean the provision of goods or
7 services without the delegated responsibility to administer or manage a program of
8 a public agency.

9 Section 2. This Act shall become effective on July 1, 2018; if vetoed by the governor
10 and subsequently approved by the legislature, this Act shall become effective on July 1,
11 2018, or on the day following such approval by the legislature, whichever is later.

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)]

HB 528 Engrossed

2018 Regular Session

Henry

Abstract: Requires access to records and files for contracts of over \$2.5 million for the administration or management of governmental functions.

Proposed law requires all contracts over \$2.5 million between a public agency and a person for the performance of a governmental function to include a provision that the public agency is entitled to receive a copy of all records and files related to the performance of the governmental function. Additionally, requires all contracts to include a provision that all records and files associated with the contract shall be considered public records and shall be governed by the provisions of the public records law established in present law.

Proposed law defines the term "governmental function" to mean the administration or management of a public agency's program by a person receiving funding from the public agency to administer or manage the program or the public agency regulates the person's administration or management of the program. Further provides that the term shall not mean the provision of goods or services without the delegated responsibility of administering or managing the program.

Effective July 1, 2018.

(Adds R.S. 39:1557.2)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Appropriations to the original bill:

1. Make technical corrections.