
DIGEST

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HB 1062 Original

2016 Regular Session

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Abstract: Requires a contracting entity to submit information and documents to the commissioner of administration prior to entering into a contract with a state agency. Prohibits contracting entities from receiving monies and prohibits state agencies paying monies to or entering into contracts with contracting entities unless requirements are met.

Present law (R.S. 39:6) requires the commissioner of administration to establish and maintain a website to post reports of state spending including the nature and amount of appropriations for the executive branch and each budget unit, annual salaries and total compensation of statewide elected officials and cabinet-level positions in the executive branch, and the total number in the table of organization for each budget unit. Also, requires the website to include the following information regarding state contracts: contract amount; a brief description of the purpose of the contract; the beginning and ending dates of the contract; the name of the contracting agency; the name of the contractor; and the city and state of the contractor.

Proposed law retains present law and additionally requires each contracting entity, prior to entering into or renewing a contract with a state agency, to submit the following information to the commissioner of administration in an electronic format designated by the commissioner of administration:

- (1) If a legal entity, the official name and domicile address of the contracting entity as reflected in documentation submitted to the secretary of state's office. If a natural person, the full name and address of the contracting entity.
- (2) If a legal entity, a complete and accurate listing of the owners of the contracting entity, whether in title or beneficial (unless it is publicly traded), and a complete and accurate listing of the board of directors or equivalent governing body, if any, and officers, if any, of the contracting entity.
- (3) Documentation of the percentage of minority, women, veteran, and Louisiana-based ownership of the contracting entity (unless it is publicly traded).
- (4) Documentation certifying that all applicable federal, state, and payroll taxes owed by the contracting entity have been paid and are current.
- (5) If the contracting entity is a nonprofit organization, documentation certifying that the contracting entity has filed a current Form 990 as required by the Internal Revenue Code

along with a copy of its most recent Form 990.

- (6) Information indicating the type or nature of the contract with the state agency, including how the contract was let, the value of the contract, and the name of each state agency which is a party to the contract.
- (7) If the contracting entity is currently subject to the audit requirements of present law (R.S. 24:513), documentation certifying the contracting entity has submitted the required reports to the legislative auditor.

Proposed law requires the commissioner of administration to compile the information submitted and determine whether the information submitted by a contracting entity is complete. Requires the commissioner to consult with the legislative auditor to ensure that the contracting entity is not on the auditor's non-compliance list. Provides that the submission is complete and the contracting entity is not on the non-compliance list, the commissioner shall immediately place the name of the entity on the list of approved contracting entities and shall post and keep an updated list on his website. Proposed law further requires the commissioner of administration to develop recommended criteria to remove a contracting entity from the list of approved contracting entities and submit such to the Joint Legislative Committee on the Budget, and if approved, to utilize it and post it on his website.

Proposed law provides that a contracting entity which appears on the list of approved contracting entities on the commissioner of administration's website shall be eligible to request and receive state monies if in compliance with all other applicable regulations and laws and any entity which is not on the list is ineligible. Proposed law prohibits an agency from paying monies pursuant to a contract to a contracting entity unless the contracting entity is on the list of approved contracting entities on the commissioner of administration's website. Further prohibits an agency from contracting with a contracting entity, unless the entity is on the list of approved contracting entities on the commissioner of administration's website (provides a limited exception for certain contracts with the Dept. of Economic Development).

Proposed law defines "state agency", "contract", "contracting entity", "governmental entity", and "person" for its purposes. Specifically excludes governmental entities; any public, private, or parochial school, college, or university; and any electric power cooperative or provider or investor owned public utility that is regulated by the Public Service Commission (PSC) or by the governing authority of the city of New Orleans from the term "contracting entity". Specifically excludes from the term "contract" specified contracts entered into by the Dept. of Revenue and the Dept. of Economic Development.

Proposed law requires the commissioner of administration to maintain the information submitted pursuant to proposed law on his website and to provide for the ability for the public to easily obtain information regarding each contracting entity, including links to any relevant appropriation or capital outlay information and relevant contract information maintained by the commissioner of administration's website pursuant to present law (R.S. 39:6). Further requires the commissioner of administration to work with the legislative auditor as necessary to ensure compliance with proposed law. Specifies nothing in proposed law (R.S. 39:366.7) shall be construed or interpreted as a

limitation on any power or authority granted to the attorney general pursuant to present constitution (Article IV, Section 8 of the Constitution of Louisiana).

Effective July 1, 2016; except provides that the requirements on contracting entities contained in proposed law shall become effective on Jan. 1, 2017, and shall apply to contracts and renewals of contracts executed on or after Jan. 1, 2017; the prohibitions on contracting entities and state agencies contained in proposed law shall become effective on July 1, 2017. Provides that the commissioner of administration, Joint Legislative Committee on the Budget, and the legislative auditor shall take all actions necessary to provide for the orderly implementation of proposed law prior to Jan. 1, 2017.

(Adds R.S. 39:366.7 and 366.8)