

**HOUSE COMMITTEE AMENDMENTS**

2017 Regular Session

Amendments proposed by House Committee on Ways and Means to Original House Bill No. 307 by Representative Lyons

1 AMENDMENT NO. 1

2 On page 1, line 2, after "enact" and before the comma "," delete "R.S. 47:1678" and insert  
3 "R.S. 39:1624(A)(10) and R.S. 47:1508(B)(41) and 1678"

4 AMENDMENT NO. 2

5 On page 1, line 3, after "tax" delete the remainder of the line and delete line 4 in its entirety

6 AMENDMENT NO. 3

7 On page 1, line 6, after "approval of" and before "state" insert "certain"

8 AMENDMENT NO. 4

9 On page 1, between lines 8 and 9, insert the following:

10 "Section 1. R.S. 39:1624(A)(10) is hereby enacted to read as follows:

11 §1624. Approval of contract; penalties

12 A. Before approving a proposed contract for professional, personal,  
13 consulting, or social services, the state chief procurement officer or an assistant shall  
14 have determined that:

15 \* \* \*

16 (10) The prospective contractor is current in the filing of all applicable tax  
17 returns and reports, and in payment of all taxes, interest, penalties, and fees owed to  
18 the state and collected by the Department of Revenue in accordance with R.S.  
19 47:1678."

20 AMENDMENT NO. 5

21 On page 1, delete line 9 in its entirety and insert the following:

22 "Section 2. R.S. 47:1508(B)(41) and 1678 are hereby enacted to read as follows:

23 §1508. Confidential character of tax records

24 \* \* \*

25 B. Nothing herein contained shall be construed to prevent:

26 \* \* \*

27 (41) Upon the request of the chief procurement officer, for purpose of the  
28 requirements established under R.S. 47:1678, the secretary is authorized to disclose  
29 to the Office of State Procurement information concerning whether a prospective  
30 contractor for a contract with the state for the procurement of personal, professional,  
31 consulting or social services or the purchasing of food, supplies, or major repairs that  
32 requires the approval of the Office of State Procurement is current in the filing of all  
33 applicable tax returns and reports and in the payment of all taxes, interest, penalties,  
34 and fees owed to the state and collected by the Department of Revenue. The  
35 information disclosed shall be used solely for the purpose of determining whether

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 the contract may be approved by the Office of State Procurement. The secretary shall  
2 not disclose any data from returns or reports provided by the Internal Revenue  
3 Service. Any information so furnished shall be considered and held as confidential  
4 and privileged by the Office of State Procurement as is required under Subsection  
5 A of this Section."

6 AMENDMENT NO. 6

7 On page 1, line 10, after "clearances" delete the remainder of the line and delete lines 11  
8 through 18 in their entirety and insert a semicolon ";" and insert the following:

9 "resale certificates; certain procurement contracts"

10 AMENDMENT NO. 7

11 On page 1, at the beginning of line 19, delete "B." and insert "A."

12 AMENDMENT NO. 8

13 On page 1, line 20, after "unless" and before "is" delete "he" and insert "the applicant"

14 AMENDMENT NO. 9

15 On page 2, at the beginning of line 3, delete "C." and insert "B." and at the end of the line  
16 delete the comma "₂"

17 AMENDMENT NO. 10

18 On page 2, delete lines 4 through 6 in their entirety and insert the following:

19 "that requires the review and approval of the Office of State Procurement for the  
20 procurement of personal, professional, consulting or social services or the purchasing  
21 of food, supplies or major repairs shall be approved unless the chief procurement  
22 officer for the Office of State Purchasing has received a tax clearance from the"

23 AMENDMENT NO. 11

24 On page 2, line 7, after "indicating" delete the remainder of the line and at the beginning of  
25 line 8, delete "group" and insert "the proposed contractor"

26 AMENDMENT NO. 12

27 On page 2, line 9, after "Louisiana." delete the remainder of the line and insert the following:

28 "The tax clearance required by this Section shall not be required for purposes of  
29 bidding on or solicitation of a procurement contract. For purposes of this Section,"

30 AMENDMENT NO. 13

31 On page 2, line 10, after "all" and before "contracts" insert "procurement"

32 AMENDMENT NO. 14

33 On page 2, delete line 22 in its entirety and insert the following:

34 "C. An exception to the requirements of this Section for a procurement  
35 enumerated in Subsection B of this Section is authorized in either of the following  
36 circumstances:

1                   (1) The chief"

2    AMENDMENT NO. 15

3    On page 2, delete lines 28 and 29 in their entirety and on page 3, line 1, delete "to  
4    regulations, the" and insert "(2) The"

5    AMENDMENT NO. 16

6    On page 3, delete lines 4 through 12 in their entirety and insert the following:

7                   "D. This Section shall not apply to any of the following:

8                   (1) Contracts for"

9    AMENDMENT NO. 17

10   On page 3, delete lines 16 through 26 in their entirety, and at the beginning of line 27, delete  
11   "Section 3." and insert the following:

12                   "(2) A procurement contract of an institution of higher education or other  
13   agency of higher education if the state chief procurement officer has delegated  
14   authority to procure the contracted services using private grant funds or federal funds  
15   that are available specifically for purposes of the contract.

16                   E. The chief procurement officer for the Office of State Procurement shall  
17   provide the secretary a list of the prospective contractors that require a tax clearance  
18   for approval of a procurement contract. Such list shall be submitted to the secretary  
19   in the manner and form prescribed by the secretary. The secretary, upon receipt, shall  
20   provide the chief procurement officer with a signed tax clearance for each applicant  
21   indicating whether the proposed contractor is current in filing all tax returns and in  
22   payment of all taxes, interest, penalties, and fees owed to the state of Louisiana,  
23   excluding items under formal appeal pursuant to applicable statutes or being paid in  
24   compliance with the terms of an installment agreement. Where an assessment against  
25   a proposed contractor has become final and collectible by distrant and sale, such  
26   proposed contractor shall not be approved for a procurement contract until such time  
27   as the proposed contractor has filed the applicable tax returns and paid or made  
28   arrangements to pay the delinquent tax liability and the secretary notifies the state  
29   chief procurement officer of the payment or arrangement to pay.

30                   F. The secretary is authorized to promulgate rules and regulations in  
31   accordance with the Administrative Procedure Act as may be necessary to implement  
32   the provisions of this Section."

33                   Section 3. The provisions of this Act shall apply to any request for issuance  
34   or renewal of a resale certificate submitted to the Department and to any approval  
35   or request for approval of a contract submitted to the Office of State Procurement on  
36   or after October 1, 2017.

37                   Section 4."