

2015 Regular Session

HOUSE BILL NO. 162

BY REPRESENTATIVE LORUSSO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MILITARY AFFAIRS/NATL GD: Provides with respect to the contracting authority of the adjutant general

1 AN ACT

2 To amend and reenact R.S. 29:11(D) and R.S. 38:2194 and to enact R.S. 39:1554(T),
3 relative to the contracting authority of the adjutant general; to provide for alternative
4 contracting methods to be utilized by the adjutant general when a certain amount of
5 federal funds are utilized for projects; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 29:11(D) is hereby amended and reenacted to read as follows:

8 §11. Powers, duties, and staff of adjutant general

9 * * *

10 D.(1) He shall superintend the preparation of all letters and reports pertaining
11 to military affairs required by the United States of America from the state. He shall
12 have charge of and is the responsible contracting authority for the state military
13 reservations and all other state property kept, used, or operated by the military
14 department.

15 (2) When the amount of federal funds equals or exceeds the amount of state
16 funds for public works, supplies, or services required by the Military Department,
17 he may utilize federal contracting methods to award such contract for public works,
18 supplies, or services, and is not required to comply with the provisions of the state
19 Public Bid Law, Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950,

1 or the Louisiana Procurement Code, Chapter 17 of Title 39 of the Louisiana Revised
2 Statutes of 1950. Terms used in this Paragraph shall be assigned the same meaning
3 as assigned in the state Public Bid Law, Chapter 10, of the Louisiana Revised
4 Statutes of 1950, or the Louisiana Procurement Code, Chapter 17, Title 39 of the
5 Louisiana Revised Statutes of 1950, as is appropriate.

6 * * *

7 Section 2. R.S. 38:2194 is hereby amended and reenacted to read as follows:

8 §2194. Exemptions

9 (1) Notwithstanding any provision of law to the contrary, the provisions of
10 this Chapter shall not apply to purchases of natural gas by political subdivisions.

11 (2) Notwithstanding any provision of law to the contrary, when the amount
12 of federal funds equals or exceeds the amount of state funds for a public work
13 required by the Military Department, the adjutant general may utilize federal
14 contracting methods to award contracts for and associated with the public work,
15 including contracts for professional services, and is not required to comply with the
16 provisions of this Chapter.

17 Section 3. R.S. 39:1554(T) is hereby enacted to read as follows:

18 §1554. Application of this Chapter

19 * * *

20 T. Notwithstanding any provision of law to the contrary, when the amount
21 of federal funds equals or exceeds the amount of state funds for a contract required
22 by the Military Department that would be governed by this Chapter, the adjutant
23 general may utilize federal contracting methods to award such contract and is not
24 required to comply with the provisions of this Chapter.

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 162 Original

2015 Regular Session

Lorusso

Abstract: Authorizes the adjutant general to utilize federal contracting methods on projects for which federal funds meet or exceed state funds and provides that for such projects he would not be required to comply with the state Public Bid Law or Louisiana Procurement Code.

Present law provides that the adjutant general has control of the Military Department, subject to the order of the governor, and performs the duties pertaining to the office of adjutant general under the laws of La. and applicable federal law and regulations.

Proposed law retains present law.

Present law provides that the adjutant general has charge of and is the responsible contracting authority for the state military reservations and all other state property kept, used, or operated by the Military Department.

Proposed law retains present law.

Present law provides that all public work exceeding a certain amount, including labor and materials, to be done by a public entity shall be advertised and let by contract to the lowest responsible and responsive bidder who bid according to the bidding documents as advertised. Such law is commonly referred to as the state "Public Bid Law". Present law provides for application of the state Public Bid Law and exceptions.

Proposed law retains present law and creates an exception for the adjutant general to use federal contracting methods instead of the state Public Bid Law on projects for which federal funds meet or exceed state funds.

Present law requires governmental bodies abide by the La. Procurement Code, when buying, purchasing, renting, leasing, or otherwise obtaining supplies, services, or major repairs. Present law provides for application of the state La. Procurement Code and exceptions.

Proposed law retains present law and creates an exception for the adjutant general to use federal contracting methods instead of the La. Procurement Code on projects for which federal funds meet or exceed state funds.

(Amends R.S. 29:11(D) and R.S. 38:2194; Adds R.S. 39:1554(T))