

SENATE COMMITTEE AMENDMENTS

Amendments proposed by Senate Committee on Transportation, Highways and Public Works to Original Senate Bill No. 242 by Senator Appel

1 **AMENDMENT NO. 1**

2 On page 1, line 2, change "and R.S. 39:126" to "R.S. 39:126 and 1767, and R.S. 48:251.8"
3 and change "R.S. 38:2222" to "R.S. 38:2192 and 2222"

4 **AMENDMENT NO. 2**

5 On page 1, line 3, after "R.S. 38:2196.1" add ", R.S. 39:200(N) and 1493.1, and Part X of
6 Chapter 17 of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950, consisting
7 of R.S. 39:1758"

8 **AMENDMENT NO. 3**

9 On page 1, line 5, between "orders" and "to" insert ", amendments, or other revisions"

10 **AMENDMENT NO. 4**

11 On page 2, line 4, delete "in the contract negotiations"

12 **AMENDMENT NO. 5**

13 On page 2, line 5, delete ", unless the amount", delete lines 6 through 12 in their entirety, and
14 on line 13, delete "news media"

15 **AMENDMENT NO. 6**

16 On page 2, line 14, change "failure to report the splitting of" to "**receiving or offering to**
receive a portion of the"

18 **AMENDMENT NO. 7**

19 On page 2, lines 15 and 16, delete ", and to contain such fee arrangement in the contract of
20 sale or in the insurance contract"

21 **AMENDMENT NO. 8**

22 On page 2, line 17, change "one" to "**ten**"

23 **AMENDMENT NO. 9**

24 On page 2, line 18, change "two" to "**ten**"

25 **AMENDMENT NO. 10**

26 On page 2, line 19, change "R.S. 38:2222 is" to "R.S. 38:2192 and 2222 are"

27 **AMENDMENT NO. 11**

28 On page 2, between lines 19 and 20, insert the following:

29 **§2192. Certain contract amendments and revisions; recordation**
30 **Each amendment or other revision to any service or insurance contract which**
31 **adds an amount of ten percent or more of the original contract amount and**
32 **which additional amount is at least ten thousand dollars or all amendments and**

other revisions to any service or insurance contract aggregating to an amount of twenty percent or more of the original contract amount and which additional amount is at least ten thousand dollars shall be recorded by the public entity which entered into the contract in the office of the recorder of mortgages in the parish where the public entity is domiciled not later than thirty days after the date of the amendment or other revision which requires that the recordation take place. In addition, the original contract shall be recorded together with the amendments or other revisions if not previously recorded.

* * *

11 AMENDMENT NO. 12

12 On page 2, line 22, between "of" and "ten" insert "ten percent or more of the original
13 contract amount and which additional amount is at least" and delete "or more"

14 AMENDMENT NO. 13

15 On page 2, line 24, between "amount" and "shall" insert "**and which additional amount**
16 **is at least ten thousand dollars**"

17 AMENDMENT NO. 14

18 On page 2, at the end of line 28, add "**In addition, the original contract shall be recorded**
19 **together with the change orders if not previously recorded. The provisions of this**
20 **Section shall not apply to the office of facility planning and control, and the office of**
21 **state purchasing.**"

22 AMENDMENT NO. 15

23 On page 2, line 29, change "R.S. 39:126 is" to "R.S. 39:126 and 1767 are" and between
24 "reenacted" and "to" insert "and R.S. 39:1557.1 is hereby enacted"

25 AMENDMENT NO. 16

26 On page 3, line 10, between "of" and "ten" insert "ten percent or more of the original
27 contract amount and which additional amount is at least"

28 AMENDMENT NO. 17

29 On page 3, line 11, delete "**or more**"

30 AMENDMENT NO. 18

31 On page 3, line 12, between "amount" and "shall" insert "and which additional amount
32 is at least ten thousand dollars"

33 AMENDMENT NO. 19

34 On page 3, at the end of line 16, add "**In addition, the original contract shall be recorded**
35 **together with the amendments or other revisions if not previously recorded.**"

36 AMENDMENT NO. 20

37 On page 3, line 19, between "of" and "ten" insert "ten percent or more of the original
38 contract amount and which additional amount is at least"

39 AMENDMENT NO. 21

40 On page 3, line 20, delete "**or more**"

1 AMENDMENT NO. 222 On page 3, line 21, between "amount" and "shall" insert "**and which additional amount is**
3 **at least ten thousand dollars**"4 AMENDMENT NO. 235 On page 3, at the end of line 25, add "**In addition, the original contract shall be recorded**
6 **together with the amendments or other revisions if not previously recorded. The**
7 **provisions of this Section shall not apply to the office of facility planning and control,**
8 **and the office of state purchasing.**"9 AMENDMENT NO. 24

10 On page 3, delete line 26 and insert the following:

11 " * * *
12 §1767. Appropriation dependency; ~~requirement for affidavit of notice of fee~~
13 ~~disposition~~14 A. All lease-purchase contracts entered into pursuant to this Chapter shall contain an
15 annual appropriation dependency requirement to the effect that renewal and
16 continuation of such contract is contingent upon the appropriation of funds to fulfill
17 the requirements of the contract and if the legislature, after a diligent and good faith
18 effort, fails to appropriate sufficient monies to provide for the continuation of a
19 contract, or if such appropriation can not be effected, the contract shall terminate in
20 accordance with the terms of the lease on the last day of the last fiscal year for which
21 funds were appropriated, provided the equipment is returned to the nonprofit lessor
22 or his agent, as provided in the equipment-lease-purchase contract and such contract
23 shall not be a long-term debt of the state or the applicable purchasing agency. In
24 addition, in such equipment-lease-purchase contracts, the nonprofit lessor shall
25 covenant and agree to indemnify and hold the lessee harmless against any loss,
26 damage, liability, cost, penalty, or expense, including attorney fees, which is not
27 otherwise agreed to by the lessee in the equipment-lease-purchase contract and
28 which is incurred and arises upon a failure of the legislature to appropriate funds in
29 the manner described above for a continuation of the contract or the exercise of the
30 option to purchase the selected equipment.31 B. ~~Notwithstanding any limitation of the applicability of this Part or Chapter in any~~
32 ~~other provision of law, contracts shall be subject to the provisions of R.S. 38:2196.1~~
33 ~~regarding the requirement for an affidavit of notice of fee disposition, if applicable.~~
34 Section 4. R.S. 48:251.8 is hereby amended and reenacted to read as follows:35 §251.8. Public contracts; certain provisions invalid; ~~requirement for affidavit of~~
36 ~~notice of fee disposition~~37 A. The legislature hereby declares null and void and unenforceable as against public
38 policy any provision in a department contract which requires either of the following:
39 (1) That a suit or arbitration proceeding must be brought in a forum or jurisdiction
40 outside of this state, instead of being pursued in accordance with the laws of this
41 state governing such actions.42 (2) That the agreement must be interpreted according to the laws of another
43 jurisdiction.44 B. ~~Notwithstanding any limitation of the applicability of this Part or Chapter in any~~
45 ~~other provision of law, contracts shall be subject to the provisions of R.S. 38:2196.1~~
46 ~~regarding the requirement for an affidavit of notice of fee disposition, if applicable.~~
47 Section 5. R.S. 38:2196.1, R.S. 39:200(N) and 1493.1, and Part X of Chapter 17 of
48 Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950, consisting of R.S.
49 39:1758, are hereby repealed in their entirety."