

2016 Regular Session

HOUSE BILL NO. 799

BY REPRESENTATIVE JAY MORRIS

PUBLIC CONTRACTS: Requires certain information be included in all state contracts and certain state-related contracts

1 AN ACT

2 To enact R.S. 39:1623(C) and Part X of Chapter 17 of Subtitle III of Title 39 of the
3 Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:1758, relative to
4 public contracts; to require certain information be included in all state contracts and
5 certain state-related contracts; to require certain information be included in contracts
6 for professional, personal, consulting, and social services contracts; and to provide
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 39:1623(C) and Part X of Chapter 17 of Subtitle III of Title 39 of the
10 Louisiana Revised Statutes of 1950, comprised of R.S. 39:1758, are hereby enacted to read
11 as follows:

12 §1623. Certification by using agency

13 * * *

14 C. In addition to the certifications required in Subsections A and B of this
15 Section, any using agency seeking to enter into any contract shall certify that the
16 contract contains information required by R.S. 39:1758.

17 * * *

18 PART X. REQUIREMENTS OF CONTRACTS

19 §1758. Contract fiscal controls

1 A. Any contract subject to the provisions of this Chapter, a university pilot
2 procurement code, or issued by the LCTCS Facilities Corporation, all of which shall
3 be deemed a public record for purposes of this Part and R.S. 14:133, shall contain the
4 following provisions:

5 (1) Certification by the contractor that the contractor, its representatives,
6 officers, directors, and owners, did not give anything of value to any employee of the
7 agency, or to a family member, friend, or business in exchange for the granting of
8 the contract, except for the obligation of the contract.

9 (2) Certification by the contractor that the contract is on behalf of the entity
10 itself and not as a front for another person or entity and there are no counter-letters
11 or other agreements or understandings as to the true owners of the contractor.

12 (3) Certification by the contractor that it acknowledges that a contract
13 covered by this Part is a public record and that filing false public records including
14 any document containing a false statement or false representation of a material fact
15 for record in any public office or with any public official, with knowledge of its
16 falsity, is a criminal offense under state law R.S. 14:133, punishable by
17 imprisonment for not more than five years or a fine of not more than five thousand
18 dollars, or both.

19 (4) An appropriations dependency clause indicating that if the legislature
20 fails to appropriate sufficient money to provide for the continuation of the contract,
21 or if such appropriation is reduced by veto of the governor, by any means provided
22 in the appropriations act or Title 39 of the Louisiana Revised Statutes of 1950, or by
23 subsequent appropriation act, the contract shall terminate on the date of the
24 beginning of the first fiscal year for which funds are not appropriated.

25 B. Each professional, personal, consulting, and social services contract shall
26 contain a provision authorizing the contracting entity to terminate the contract upon
27 thirty days notice or sooner.

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 799 Original

2016 Regular Session

Jay Morris

Abstract: Requires contracts subject to the Louisiana Procurement Code, a university pilot procurement code, and the LCTCS Facilities Corp. shall contain certain information.

Proposed law deems all state contracts subject to the Louisiana Procurement Code or a university pilot procurement code, or any contract issued by the LCTCS Facilities Corp., be deemed public records for the purposes of proposed law and requires such contracts contain:

- (1) Certification by the contractor that its representatives, officers, directors, and owners, did not give anything of value to any employee of the agency, or to a family member, friend, or business in exchange for the granting of the contract, except for the obligation of the contract.
- (2) Certification by the contractor that the contract is on behalf of the entity itself and not as a front for another person or entity and there are no counter-letters or other agreements or understandings as to the true owners of the contractor.
- (3) Certification by the contractor that it acknowledges that a contract covered by this Part is a public record and that filing false public records is a criminal offense under present law, punishable by imprisonment for not more than five years or a fine of not more than \$5,000, or both.
- (4) An appropriations dependency clause allowing a contract to be terminated at the beginning of the fiscal year for which funds are not appropriated.

Proposed law requires that each professional, personal, consulting, and social services contract shall contain a provision authorizing the contracting entity to terminate the contract upon 30 days notice or sooner.

(Adds R.S. 39:1623(C) and 1758)