

Regular Session, 2013

HOUSE BILL NO. 73

BY REPRESENTATIVES RICHARD, ARMES, BARROW, BERTHELOT, WESLEY BISHOP, BROWN, TIM BURNS, CHAMPAGNE, DIXON, EDWARDS, FOIL, GISCLAIR, GULLORY, HARRISON, HOWARD, HUNTER, KATRINA JACKSON, JEFFERSON, JONES, JAY MORRIS, NORTON, RITCHIE, SCHEXNAYDER, ST. GERMAIN, ALFRED WILLIAMS, AND PATRICK WILLIAMS

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

PUBLIC CONTRACTS: Provides for a 10% reduction of all state professional, personal, and consulting service contracts

1 AN ACT

2 To amend and reenact R.S. 39:1489 and to enact Subpart G of Part I of Chapter 16 of  
3 Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of  
4 R.S. 39:1493.11, and 1498(A)(10), relative to professional, personal, and consulting  
5 services procurement; to require a reduction in the dollar amount of certain  
6 professional, personal, and consulting service contracts; to provide for the  
7 submission of periodic reports; to provide for exceptions; to provide for certain  
8 determinations before contract approval; to provide for an effective date; and to  
9 provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 39:1489 is hereby amended and reenacted and Subpart G of Part I  
12 of Chapter 16 of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950, comprised  
13 of R.S. 39:1493.11, and 1498(A)(10) are hereby enacted to read as follows:

14 SUBPART G. REDUCTION OF CONTRACTS FOR FISCAL YEAR 2013-2014

15 §1493.11. Reduction of contracts for Fiscal Year 2013-2014

16 A.(1) The total dollar amount for professional, personal, and consulting  
17 service contracts under the jurisdiction of the office of contractual review for Fiscal

1 Year 2013-2014 shall be reduced by no less than ten percent of the total dollar  
2 amount for such contracts for Fiscal Year 2012-2013.

3 (2) The office of contractual review shall submit reports on the status of the  
4 implementation of this Section to the Joint Legislative Committee on the Budget on  
5 October 1, 2013, January 1, 2014, April 1, 2014, and July 1, 2014.

6 B. The office of contractual review shall not approve any contract if such  
7 approval would increase the total dollar amount of contracts above the reduced  
8 amount required under Subsection A of this Section, unless such contract meets all  
9 of the following criteria:

10 (1) Either no employee of the contracting department or agency is both  
11 competent and available to perform the services called for by the proposed contract  
12 or the services called for are not the type readily susceptible to being performed by  
13 persons who are employed by the state on a continuing basis.

14 (2) The services are not available as a product of a prior or existing contract.

15 (3) The contracting department or agency has submitted to the office of  
16 contractual review a written plan to monitor and evaluate the performance called for  
17 in the proposed contract.

18 (4) It is more cost effective to obtain the proposed services through the  
19 contract than to have the services provided by the contracting department or agency  
20 if the department or agency can provide the services or by agreement with another  
21 state department or agency.

22 (5) The commissioner of administration determines that the proposed  
23 contract represents a priority expenditure for Louisiana state government.

24 C. Notwithstanding any provision of law to the contrary, this Section shall  
25 not apply to any professional, personal, or consulting service contract of the secretary  
26 of state necessary to perform any constitutional or statutory function of the office.

27 \* \* \*

1 §1489. Reporting requirements; annual report

2 A. The director shall prepare such reports as he finds necessary for the  
3 proper conduct of his duties, to include an annual report of all professional, personal,  
4 consulting, social services, and other contracts over which the office of contractual  
5 review has power and authority under the provisions of this Chapter or through  
6 administrative rules and regulations. The annual report shall be compiled on a fiscal  
7 year basis and consist, at a minimum, of summary descriptive and statistical data  
8 regarding the number and amounts of such contracts by type of service. The annual  
9 report shall be submitted to the president of the Senate and speaker of the House of  
10 Representatives not later than January first of the year following the end of the fiscal  
11 year for which the report is prepared.

12 B. The director shall submit a report at the end of each month to the House  
13 Committee on Appropriations summarizing the contracts and dollar value of such  
14 contracts awarded that month over which the office of contractual review has power  
15 and authority.

16 \* \* \*

17 §1498. Approval of contract; penalties

18 A. Before approving a proposed contract for professional, personal,  
19 consulting, or social services, the director of the office of contractual review or an  
20 assistant shall have determined that:

21 \* \* \*

22 (10) A contract for professional, personal, or consulting services is not  
23 awarded to any entity for which an appropriation was enacted through a line item  
24 appropriation in the General Appropriations Act for the fiscal year in which the  
25 contract is proposed, and was subsequently vetoed by the governor, for such amount  
26 or services as contained in the appropriation. If the office of contractual review  
27 determines that a contract in the amount and for such services as were contained in



Proposed law does not apply to any professional, personal, or consulting service contract of the secretary of the state necessary to perform any constitutional or statutory function of the office.

Present law provides for certain determinations by the director of the office of contractual review prior to the approval of proposed contracts.

Proposed law retains present law and further provides that before approval, the director of the office of contractual review shall determine that a contract for professional, personal, or consulting services is not awarded to any entity for which an appropriation was enacted through a line item appropriation in the General Appropriations Act for the fiscal year in which the contract is proposed, and subsequently vetoed by the governor, for such amount or services as contained in the appropriation. Proposed law further provides that if the office of contractual review determines that a contract in the amount and for such services as were contained in the vetoed appropriation is proposed, the office shall not approve such contract without prior approval of the Joint Legislative Committee on the Budget.

Present law requires the director of the office of contractual review prepare an annual report to the president of the Senate and speaker of the House of Representatives on January 1 of each year on all professional, personal, consulting, social services, and other contracts over which the office of contractual review has power and authority. The annual report shall be compiled on a fiscal year basis and consist, at a minimum, of summary descriptive and statistical data regarding the number and amounts of such contracts by type of service.

Proposed law additionally requires the director to submit a report at the end of each month to the House Committee on Appropriations summarizing the contracts and dollar value of such contracts awarded that month over which the office of contractual review has power and authority.

Effective July 1, 2013.

(Amends R.S. 39:1489; Adds R.S. 39:1493.11 and 1498(A)(10))

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Appropriations to the original bill.

1. Adds exception for contracts of the secretary of state necessary to perform any constitutional or statutory function of the office.
2. Adds requirement that the director of the office of contractual review submit a monthly report to the House Committee on Appropriations.