

SENATE COMMITTEE AMENDMENTS

2021 Regular Session

Amendments proposed by Senate Committee on Finance to Original Senate Bill No. 15 by Senator Milligan

1 AMENDMENT NO. 1

2 On page 1, delete lines 2 through 5, and insert the following:

3 "To amend and reenact R.S. 38:2237.1, and R.S. 39:1753.1, to enact R.S. 39:200(M),
 4 and to repeal R.S. 39:1755(5), relative to the procurement of telecommunications or
 5 video surveillance equipment or services by state agencies and certain educational
 6 entities; to require the procurement of telecommunications or video surveillance
 7 equipment"

8 AMENDMENT NO. 2

9 On page 1, delete lines 11 and 12, and insert the following:

10 "§2237.1. Purchase Procurement of approved telecommunications or video
 11 surveillance equipment or services by state agencies and certain"

12 AMENDMENT NO. 3

13 On page 1, delete lines 14 through 17, and on page 2, delete lines 1 through 9, and insert the
 14 following:

15 ~~"A. No telecommunications or video surveillance equipment as described in~~
 16 ~~Section 889(a) of the Fiscal Year 2019 National Defense Authorization Act shall be~~
 17 ~~purchased by public elementary, secondary, and postsecondary education schools,~~
 18 ~~institutions, and governing authorities; nonpublic elementary, secondary, and~~
 19 ~~postsecondary schools, institutions, and governing authorities that receive state~~
 20 ~~funds; and proprietary schools that receive state funds unless the equipment is from~~
 21 ~~a manufacturer who is in compliance with Section 889(a) of the Fiscal Year 2019~~
 22 ~~National Defense Authorization Act as provided in this Section.~~

23 **A. Agencies and certain educational entities of the State, as defined in**
 24 **R.S. 39:1753.1(A), shall not procure prohibited telecommunications or video**
 25 **surveillance equipment or services as defined in R.S. 39:1753.1(A).**"

26 AMENDMENT NO. 4

27 On page 2, delete lines 10 and 11, and insert the following: "B. Prior to the purchase
 28 procurement of"

29 AMENDMENT NO. 5

30 On page 2, line 13, after "that the" delete the remainder of the line, delete lines 14 through
 31 16, and insert the following:

32 ~~"telecommunications and video surveillance equipment~~ or services ~~to be purchased~~
 33 procured ~~is from a manufacturer that is in compliance with Section 889(a) of the~~
 34 ~~Fiscal Year 2019 National Defense Authorization Act.~~ not prohibited
 35 telecommunications or video surveillance equipment or services as defined in
 36 R.S. 39:1753.1(A)."

37 AMENDMENT NO. 6

1 On page 2, line 17, change "award of any bid, **contract**, or purchase" to "award of any bid
2 or purchase **procurement**"

3 AMENDMENT NO. 7

4 On page 2, line 19, after "Section.", delete the remainder of the line, delete line 20, and insert
5 the following:

6 "Any award of a bid to a contractor or purchase or contract to purchase **procurement**
7 **of prohibited telecommunications or video surveillance equipment or services**
8 **as defined in R.S. 39:1753.1(A), or other procurement** in violation of this Section,
9 shall be null and void.

10 **D. This Section shall apply only to procurements initiated on or after**
11 **August 1, 2021 by state agencies, certain educational entities and their service**
12 **providers.**

13 AMENDMENT NO. 8

14 On page 2, delete lines 21 through 29, on page 3, delete lines 1 through 18, and insert the
15 following:

16 "Section 2. R.S. 39:1753.1 is hereby amended and reenacted and R.S.
17 39:200(M) is hereby enacted to read as follows:

18 §200. General provisions

19 The following general provisions shall apply to all procurements under this
20 Part:

21 * * *

22 **M. The provisions of R.S. 39:1753.1 shall apply to all procurements of**
23 **telecommunications or video surveillance equipment or services pursuant to this**
24 **Part.**

25 * * *

26 §1753.1. ~~Purchase of approved~~ **Procurement of** telecommunications or **video**
27 **surveillance** equipment **or services** by **state agencies and** certain
28 educational entities

29 ~~A. No telecommunications or video surveillance equipment as described in~~
30 ~~Section 889(a) of the Fiscal Year 2019 National Defense Authorization Act shall be~~
31 ~~purchased by public elementary, secondary, and postsecondary education schools,~~
32 ~~institutions, and governing authorities; nonpublic elementary, secondary, and~~
33 ~~postsecondary schools, institutions, and governing authorities that receive state~~
34 ~~funds; and proprietary schools that receive state funds unless the equipment is from~~
35 ~~a manufacturer who is in compliance with Section 889(a) of the Fiscal Year 2019~~
36 ~~National Defense Authorization Act as provided in this Section.~~

37 **A. Definitions. For the purposes of this Section, the words defined in this**
38 **Subsection shall have the meanings set forth below:**

39 **(1) "Agency" shall have the same meaning as provided in R.S. 36:3.**

40 **(2) "Certain educational entities" means all public elementary,**
41 **secondary, or postsecondary education schools, institutions, and governing**
42 **authorities; nonpublic elementary, secondary, and postsecondary schools,**
43 **institutions, and governing authorities that receive state funds; and proprietary**
44 **schools that receive state funds.**

45 **(3) "Procure" and "procurement" shall have the same meaning as**
46 **provided in R.S. 39:1556.**

47 **(4) "Prohibited telecommunications or video surveillance equipment or**
48 **services" includes all of the following:**

49 **(a) Telecommunications equipment produced by Huawei Technologies**
50 **Company or ZTE Corporation, or any subsidiary or affiliate of such entities, as**
51 **described in Section 889(f)(3)(A) of the John S. McCain National Defense**
52 **Authorization Act for Fiscal Year 2019.**

1 (b) Video surveillance equipment or telecommunications equipment
2 produced by Hytera Communications Corporation, Hangzhou Hikvision Digital
3 Technology Company, Dahua Technology Company, or any subsidiary or
4 affiliate of such entities, as described in Section 889(f)(3)(B) of the John S.
5 McCain National Defense Authorization Act for Fiscal Year 2019.

6 (c) Telecommunications or video surveillance equipment or services
7 produced or provided by an entity found to be owned, controlled, or otherwise
8 connected to the government of the People's Republic of China, as described in
9 Section 889(f)(3)(D) of the John S. McCain National Defense Authorization Act
10 for Fiscal Year 2019.

11 (d) Any product or equipment, regardless of manufacturer, containing
12 as a component any equipment identified by Subparagraphs (a) through (c)
13 above. This may include, but is not limited to, the following:

14 (i) Computers or other equipment containing a component which
15 enables any form of network connectivity or telecommunications regardless of
16 whether the equipment is regularly connected to a network.

17 (ii) Building automation, environmental controls, access controls, or
18 facility management and monitoring systems.

19 (iii) Voting machines, peripherals, and election systems.

20 (e) Any services provided using any equipment identified by
21 Subparagraphs (a) through (d) in this Subsection.

22 B. Agencies and certain educational entities of the state, as defined in
23 R.S. 39:1753.1(A), shall not procure prohibited telecommunications or video
24 surveillance equipment or services as defined in Subsection A of this Section.

25 ~~B C.~~ Prior to the purchase of equipment procurement of
26 telecommunications or video surveillance equipment or services, the vendor shall
27 provide documentation by affidavit that the telecommunications and video
28 surveillance equipment or services to be purchased procured is from a manufacturer
29 that is in compliance with Section 889(a) of the Fiscal Year 2019 National Defense
30 Authorization Act. is not prohibited telecommunications or video surveillance
31 equipment or services as defined in Subsection A of this Section.

32 ~~€ D.~~ No award of any bid or purchase procurement shall be made from a
33 vendor or other entity who fails to provide the documentation required in Subsection
34 B C of this Section. Any award of a bid to a contractor or purchase or contract to
35 purchase procurement of prohibited telecommunications or video surveillance
36 equipment or services as defined in Subsection A of this Section, or other
37 procurement in violation of this Section shall be null and void.

38 E. This Section shall apply only to procurements initiated on or after
39 August 1, 2021 by state agencies, certain educational entities, and their service
40 providers.

41 Section 3. R.S. 39:1755(5) is hereby repealed."