

Regular Session, 2008
HOUSE BILL NO. 1182
BY REPRESENTATIVE SCHRODER

ACT No. 842

1 AN ACT

2 To enact R.S. 24:653(K) and R.S. 39:51.1 and 345.1, relative to the expenditure of public
3 funds; to provide a procedure for the submission of certain information by certain
4 nongovernmental entities for the purpose of inclusion in appropriation bills; to
5 provide with respect to the approval by the Joint Legislative Committee on the
6 Budget of budgets of certain public entities or salaries of certain public officials; to
7 authorize the committee to direct by resolution the withholding of certain warrants
8 of monies from the state treasury under certain circumstances; to designate certain
9 expenditures as prohibited donations; and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 24:653(K) is hereby enacted to read as follows:

12 §653. Duties and functions

13 * * *

14 K.(1) In the conduct of its responsibility to discharge the constitutional fiscal
15 and budgetary responsibilities of the Louisiana Legislature, the committee shall
16 consider the operating budgets of public entities and salaries of particular public
17 officials which by law require the approval of the committee.

18 (a) The consideration of operating budgets shall be given in advance of the
19 beginning of the subject entity's fiscal year. In the event the committee finds that the
20 entity has failed to receive the required approval, either by failure to appear or by
21 committee disapproval of its budget, the committee shall have the authority to adopt
22 a resolution to direct the commissioner of administration and the state treasurer to
23 deny any warrant or payment of money from the state treasury for any amount
24 contained within that budget. The committee is also authorized to adopt a resolution

1 to direct the commissioner of administration and state treasurer to recommence the
2 acceptance of warrants. In case of a public entity whose operating funds are
3 administered outside of the state treasury, if the committee determines that the entity
4 has failed to receive the required approval of its budget, either by failure to appear
5 or by committee disapproval of its budget, the committee is authorized to adopt a
6 resolution to that effect, and any expenditure of public monies by such entity shall
7 constitute a violation of the provisions of Article VII, Section 14 of the Constitution
8 of Louisiana.

9 (b) The consideration of salaries of public officials, which by law require the
10 approval of the committee, shall occur prior to the execution of any employment
11 contract for that official. The state shall not be liable for any payment of such salary
12 if the salary has not been approved by the Joint Legislative Committee on the
13 Budget. The committee shall have the authority to adopt a resolution to direct the
14 commissioner of administration and the state treasurer to deny any warrant or
15 payment of money from the state treasury for any monies related to the payment of
16 the salary at issue. The committee is also authorized to adopt a resolution to direct
17 the commissioner of administration and state treasurer to recommence the
18 acceptance of warrants.

19 (2) The provisions of this Section shall have no effect on the provisions of
20 any contract which is in effect prior to July 1, 2008.

21 (3) Notwithstanding any contrary provision of law, the chairman of the Joint
22 Legislative Committee on the Budget may grant an entity, for good cause shown, an
23 extension of time, not to exceed thirty days, to comply with the provisions of this
24 Subsection and the Joint Legislative Committee on the Budget may grant an
25 additional extension of time.

26 Section 2. R.S. 39:51.1 and 345.1 are hereby enacted to read as follows:

27 §51.1. General Appropriation Bill and other appropriation bills; nongovernmental
28 entity funding request form

29 A.(1)(a) No later than the first day of November each year any
30 nongovernmental entity which is neither a budget unit nor a political subdivision of

1 the state that is requesting funding from the state through the General Appropriation
2 Bill, capital outlay bill, or any supplemental appropriation bill shall transmit certain
3 information relative to such proposed funding to the House Committee on
4 Appropriations, the House Committee on Ways and Means, the Senate Committee
5 on Finance, and the Senate Committee on Revenue and Fiscal Affairs in a form and
6 manner as shall be prescribed jointly by the committees.

7 (b) The provisions of this Section shall not apply to appropriations for the
8 payment of money judgments against the state, including consent judgments,
9 stipulated judgments, judgments rendered by the Board of Tax Appeals, and other
10 judgments against the state.

11 (2) At the direction of the committees, the clerk of the House of
12 Representatives and the secretary of the Senate shall provide for a mechanism for
13 making all completed forms available to the members of the legislature and for
14 notification to the members of the legislature of the availability of the information.

15 (3) Each completed form shall be published by the clerk of the House of
16 Representatives and the secretary of the Senate and shall be made available to the
17 public via the Internet. The clerk of the House of Representatives and the secretary
18 of the Senate shall maintain the information contained in the completed forms in an
19 online, searchable database, available to the public via the Internet.

20 B. Such information shall include, at a minimum, the following information:

21 (1) The entity's full legal name, mailing address, and physical address.

22 (2) The type of entity (for instance, a nonprofit corporation) and, if the entity
23 is a corporation, the full names of the incorporators of the entity. If the entity is a
24 private entity required to register with the secretary of state, the entity shall show
25 evidence of good standing with that office.

26 (3) The last four numbers of the taxpayer identification number of the entity.

27 (4) The full names and addresses of the governing board and all officers of
28 the entity. Additionally, the entity shall provide the full names and addresses of its
29 executive director, chief executive officer, or other person responsible for the

1 operation of the entity, and the key personnel responsible for the program or
 2 functions to be funded through the proposed funding.

3 (5) The dollar amount of the proposed funding.

4 (6) The entity's proposed comprehensive budget showing all anticipated uses
 5 of the proposed monies, including additional sources of revenue for the program or
 6 project proposed, and amounts budgeted by categories of expenditures, including but
 7 not limited to salaries, operating services, professional services, contracts,
 8 acquisitions, major repairs, and other charges.

9 (7) A certification that the entity has no outstanding audit issues or findings
 10 or that the entity is working with appropriate governmental agencies to resolve those
 11 issues or findings.

12 (8) The entity's public purpose sought to be achieved through the use of state
 13 monies and the goals and objectives to achieve such purpose.

14 (9) The proposed length of time the entity estimates is needed to accomplish
 15 the purpose.

16 (10) If any elected or appointed official or an immediate family member of
 17 such an official is an officer, director, trustee, or employee of the entity who receives
 18 compensation or holds any ownership interest therein:

19 (a) If an elected or appointed official, the name and address of the official
 20 and the office held by such person.

21 (b) If an immediate family member of an elected or appointed official, the
 22 name and address of such person; the name, address, and office of the official to
 23 whom the person is related; and the nature of the relationship.

24 (c) The percentage of the official's or immediate family member's ownership
 25 interest in the entity, if any.

26 (d) The position, if any, held by the official or immediate family member in
 27 the entity.

28 (11) If the entity has a contract with any elected or appointed official or an
 29 immediate family member of such an official or with the state or any political
 30 subdivision of the state:

1 (a) If the contract is with an elected or appointed official, the name and
2 address of the official and the office held by such person.

3 (b) If the contract is with an immediate family member of an elected or
4 appointed official, the name and address of such person; the name, address, and
5 office of the official to whom the person is related; and the nature of the relationship.

6 (c) If the contract is with the state or a political subdivision of the state, the
7 name and address of the state entity or political subdivision.

8 (d) The nature of the contract, including a description of the goods or
9 services provided or to be provided pursuant to the contract.

10 C. Requests submitted after November first of each year may be included
11 within an appropriation bill if the late submission is approved by the Joint
12 Legislative Committee on the Budget or the Joint Legislative Committee on Capital
13 Outlay prior to the last day for introduction of a matter intended to have the effect
14 of law by either house of the legislature. Requesting entities shall submit all
15 applicable information prior to such approval.

16 D. After the last day for introduction of a matter intended to have the effect
17 of law by either house of the legislature, authorization for late submission shall be
18 approved by a favorable vote of two-thirds of the members of the standing
19 committee to which such matter is referred or through an amendment in accordance
20 with the rules of the respective house.

21 E. A completed nongovernmental entity funding request form shall be
22 submitted for each entity which is neither a budget unit nor a political subdivision
23 of the state and for which funding is provided in an appropriation bill either upon
24 introduction or through an amendment in accordance with the rules of the respective
25 house.

26 F. The term "immediate family" as used in this Section shall have the same
27 meaning as provided in R.S. 42:1102.

