

Regular Session, 2008

SENATE BILL NO. 106

BY SENATOR MORRISH

APPROPRIATIONS. Provides a procedure for submission and review of information related to proposed amendments to the General Appropriation Bill. (7/1/08)

1 AN ACT

2 To enact R.S. 39:51.1, relative to the General Appropriation Bill and other appropriation  
3 bills; to provide a procedure for the submission of certain information by certain  
4 nongovernmental entities; to provide for an effective date; and to provide for related  
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 39:51.1 is hereby enacted to read as follows:

8 **§51.1. General Appropriation Bill and other appropriation bills;**  
9 **nongovernmental entity funding request form**

10 **A.(1)(a) No later than the first day of November each year any**  
11 **nongovernmental entity which is neither a budget unit nor a political**  
12 **subdivision of the state that is requesting funding from the state through the**  
13 **General Appropriation Bill, capital outlay bill, or any supplemental**  
14 **appropriation bill shall transmit certain information relative to such proposed**  
15 **funding to the House Committee on Appropriations, the House Committee on**  
16 **Ways and Means, the Senate Committee on Finance, and the Senate Committee**  
17 **on Revenue and Fiscal Affairs in a form and manner as shall be prescribed**

1 jointly by the committees.

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

6 (2) At the direction of the committees, the clerk of the House of  
7 Representatives and the secretary of the Senate shall provide for a mechanism  
8 for making all completed forms available to the members of the legislature and  
9 for notification to the members of the legislature of the availability of the  
10 information.

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

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

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

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

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

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

1 or functions to be funded through the proposed funding.

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

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

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

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

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

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

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

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

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

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

27 (11) If the entity has a contract with any elected or appointed official or  
28 an immediate family member of such an official or with the state or any political  
29 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  
6           relationship.

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

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

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

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

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

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

29          G. Nothing in this Section shall be construed to waive the provisions of

1            **Part III of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes**  
 2            **of 1950, pertaining to the capital outlay budget.**

3            Section 2. This Act shall become effective on July 1, 2008; if vetoed by the governor  
 4            and subsequently approved by the legislature, this Act shall become effective on July 1,  
 5            2008, or on the day following such approval by the legislature, whichever is later.

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The original instrument was prepared by Sherry Phillips-Hymel. The following digest, which does not constitute a part of the legislative instrument, was prepared by Nancy Vicknair.

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DIGEST

Morrish (SB 106)

Proposed law provides that no later than the first day of November each year any nongovernmental entity which is neither a budget unit nor a political subdivision of the state that is requesting funding from the state through the General Appropriation Bill, capital outlay bill, or any supplemental appropriation bill shall transmit certain information relative to such proposed funding to the House Committee on Appropriations, the House Committee on Ways and Means, the Senate Committee on Finance, and the Senate Committee on Revenue and Fiscal Affairs in a form and manner as shall be prescribed jointly by the committees.

Proposed law excludes appropriations for the payment of money judgments against the state, including consent judgments, stipulated judgments, judgments rendered by the Board of Tax Appeals, and other judgments against the state.

Proposed law provides that at the direction of the joint committees, the clerk and the secretary shall provide for a mechanism for making all completed forms available to the members of the legislature and for notification to the members of the legislature of the availability of the information. Completed forms shall be published and shall be made available to the public in an online, searchable database.

Proposed law provides that such information shall, at a minimum, include the following:

- (1) The entity's full legal name, mailing address, and physical address.
- (2) The type of entity and, if the entity is a corporation, the names of the incorporators of the recipient. If the recipient is a private entity required to register with the Secretary of State, the entity shall show evidence of good standing with that office.
- (3) The last four numbers of the taxpayer identification number of the entity.
- (4) The full names and addresses of the governing board, all officers, and key personnel of the recipient entity.
- (5) The dollar amount of the proposed funding.
- (6) The entity's proposed comprehensive budget showing all anticipated uses of the proposed monies.
- (7) A certification that the entity has no outstanding audit issues or findings or that the entity is working with appropriate governmental agencies to resolve those issues or findings.

- (8) The entity's public purpose sought to be achieved through the use of state monies and the goals and objectives to achieve such purpose.
- (9) The proposed length of time the entity estimates is needed to accomplish the purpose.
- (10) Requires disclosure if any elected or appointed official or an immediate family member of such an official is an officer, director, trustee, or employee of the entity who receives compensation or holds any ownership interest therein.
- (11) Requires disclosure if the entity has a contract with any elected or appointed official or an immediate family member of such an official or with the state or any political subdivision of the state.

Proposed law provides for late submission provisions and provides for submission of appropriate forms. Defines "immediate family."

Proposed law prohibits waiver of the provisions of the capital outlay budget.

Effective July 1, 2008.

(Adds R.S. 39:51.1)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Finance to the original bill.

1. Set out submission requirements for nongovernmental entity funding request forms no later than November 1, each year.
2. Specified minimum requirements of information to be included by such entities with such requests.
3. Provided late submission and form completion requirements.
4. Defines certain terms.
5. Made effective July 1, 2008.

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill.

1. Removes the definition of "appointed state official."
2. Prohibits waiver of requirements for capital outlay projects.