

Regular Session, 2010

HOUSE BILL NO. 476

BY REPRESENTATIVE GREENE

PUBLIC PRINTING: Provides relative to public printing requirements

1 AN ACT

2 To amend and reenact R.S. 43:31(B)(2) and (E) and 31.1 and to enact R.S. 43:31(B)(3),
3 relative to public printing; to impose certain restrictions on public printing; to limit
4 certain exemptions from certain public printing requirements; to require certain
5 reports; to provide for penalties; to provide relative to needs assessment; to require
6 certain information in the needs assessment; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 43:31(B)(2) and (E) and 31.1 are hereby amended and reenacted and
9 R.S. 43:31(B)(3) is hereby enacted to read as follows:

10 §31. Printed matter prohibitions; uniform standards; election material

11 * * *

12 B.

13 * * *

14 (2) The provisions of this Subsection shall not apply to ~~printed matter used~~
15 ~~by the following entities: the Department of Economic Development for the purpose~~
16 ~~of attracting new industry to locate within the state of Louisiana; the Department of~~
17 ~~Culture, Recreation and Tourism, relative to new promotional materials; and public~~
18 ~~colleges and universities, and vocational-technical schools.~~ the following:

19 (a) Any leaflet, postcard, brochure of no more than two pages, or magazine,
20 if the magazine contains the statement "Paid for with public funds provided by the

1 people of Louisiana" and is sent exclusively to persons or entities located outside of
2 the state, used by the Department of Economic Development for the purpose of
3 promoting economic development within the state of Louisiana.

4 (b) Any leaflet, postcard, brochure of no more than two pages, or magazine,
5 if the magazine contains the statement "Paid for with public funds provided by the
6 people of Louisiana" and is sent exclusively to persons or entities located outside of
7 the state, used by the Department of Culture, Recreation and Tourism to promote
8 culture, recreation, or tourism.

9 (c) Any printed matter used by a public institution of postsecondary
10 education that is an academic or scholarly document or that is a leaflet, postcard, or
11 brochure of no more than two pages designed to promote the institution.

12 (d) Any reports, research, or studies of a medical center or health care
13 institution in the health care services division of the Louisiana State University
14 Health Sciences Center.

15 (3) The Department of Economic Development, the Department of Culture,
16 Recreation and Tourism, each public institution of postsecondary education, and
17 each medical center and health care institution in the health care services division of
18 the Louisiana State University Health Sciences Center shall submit a report to the
19 Joint Legislative Committee on the Budget within forty-five days of the close of each
20 fiscal year. Each report required by this Paragraph shall contain information
21 regarding actual expenses associated with the printed matter provided for in
22 Paragraph (2) of this Subsection for the fiscal year being reported and, if required by
23 R.S. 43:31.1, shall include a copy of the needs assessment performed in the manner
24 provided by R.S. 43:31.1 for each publication in the fiscal year being reported.

25 * * *

26 E.(1) No public official or public employee of any branch, department,
27 agency, or other entity of state or local government shall affix his picture on or
28 include his picture in any printed matter or cause his picture to be affixed on or
29 included in any printed matter if the picture exceeds two inches by two inches.

Present law (R.S. 43:31(B)) requires all printed matter, except documentation in connection with proceedings of the executive, legislative, and judicial branches of state government, printed or caused to be printed by any branch, department, agency, official, employee, or other entity of state government, to contain a specific statement concerning the cost of publishing and printing the publication, the "cost box". Present law requires the following three factors to be utilized in computing cost data: (1) preparation of the public document for publication; (2) printing, including all expenditures for reproduction, whether on bid or in-house; and (3) circulation, including all estimated expenditures for postage and distribution of the public document.

Present law exempts from present law printed matter used by the Dept. of Economic Development for the purpose of attracting new industry to locate within the state of La.; new promotional materials of the Dept. of Culture, Recreation and Tourism; and public colleges and universities, and vocational-technical schools.

Proposed law changes and restricts the exemptions as follows:

- (1) Provides that the exception for the Dept. of Economic Development from having to include a "cost box" on printed matter applies to the following types of printed matter used by the department for the purpose of promoting economic development within the state of La.: a leaflet, postcard, brochure of no more than two pages, or magazine if the magazine contains the statement "Paid for with public funds provided by the people of Louisiana" and is sent exclusively to persons or entities located outside of the state.
- (2) Provides that the exception for the Dept. of Culture, Recreation and Tourism from having to include a "cost box" on printed matter applies to the following types of printed matter used by the department to promote culture, recreation, or tourism: any leaflet, postcard, brochure of no more than two pages, or magazine if the magazine contains the statement "Paid for with public funds provided by the people of Louisiana" and is sent exclusively to persons or entities located outside of the state.
- (3) Provides that the exception for public institutions of postsecondary education from having to include a "cost box" on printed matter applies to any printed matter used by a public institution of postsecondary education that is an academic or scholarly document, or that is a leaflet, postcard, or brochure of no more than two pages designed to promote the institution. Further exempts any reports, research, or studies of a medical center or health care institution in the health care services division of the LSU Health Sciences Center from the "cost box" provisions.

Proposed law requires the Dept. of Economic Development, Dept. of Culture, Recreation and Tourism, each public institution of postsecondary education, and each medical center and health care institution in the health care services division of the LSU Health Sciences Center to annually report actual expenses related to the printing specified above to the Joint Legislative Committee on the Budget within 45 days of the close of each fiscal year and to include a copy of the needs assessments if required by present law (R.S. 43:31.1—see below).

Present law (R.S. 43:31(E)) prohibits any public official of any branch, department, agency, or other entity of state or local government from affixing his name or picture on drivers' licenses, except their own personal driver's license, issued by the state, or any publicly owned motor vehicle, or from causing his name or picture to be so affixed.

Proposed law retains present law and further provides that no public official or public employee of any branch, department, agency, or other entity of state or local government shall affix his picture on or include his picture in any printed matter or cause his picture to be affixed on or included in any printed matter if the picture exceeds two inches by two inches.

Present law provides that any administrative head of any branch, department, agency, or entity who violates any provision of present law and any employee who, without the authorization of his administrative superior, violates any provision of present law shall be personally liable for the cost of any printing in violation of present law. Specifies that any funds of, administered by, or under the control of any branch, department, agency, official, employee, or other entity of state government expended on any printing in violation of present law may be recovered by the state in a civil action instituted by the attorney general or any taxpayer. Present law further provides that any person who violates the provisions of present law shall be assessed a fine by the court of not more than \$500. Proposed law retains present law for proposed law violations.

Present law (R.S. 43:31.1) requires state agencies, officials, employees, and other entities of state government, except higher education institutions, to perform a needs assessment before printing a public document. Requires the needs assessment to include information relative to the reason for and content of the publication, the volume of printing, the mailing list of the document's recipients, and other particular specifications such as paper weight and color. Requires that such needs assessment be approved by the appropriate administrative head or department secretary before funds are expended for the printing. Provides that the needs assessment is a public document subject to present law relative to public records.

Proposed law further requires that if the document to be printed includes a picture of a public official or public employee, the needs assessment shall include a specific reason for the picture's inclusion.

(Amends R.S. 43:31(B)(2) and (E) and 31.1; Adds R.S. 43:31(B)(3))