

CONFERENCE COMMITTEE REPORT

HB 38

2021 Regular Session

Edmonds

June 9, 2021

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 38 by Representative Edmonds, recommend the following concerning the Reengrossed bill:

- 1. That Senate Floor Amendment Nos. 1, 2, 4, and 5 by the Legislative Bureau (#3175) be adopted.
- 2. That Senate Floor Amendment No. 3 by the Legislative Bureau (#3175) be rejected.
- 2. That the set of Senate Committee Amendments by the Senate Committee on Finance (#3008) be adopted.
- 3. That the set of Senate Floor Amendments by Senator Bouie (#3543) be rejected.
- 4. That the following amendments be adopted:

AMENDMENT NO. 1

In Senate Committee Amendment No. 4, proposed by the Senate Committee on Finance (#3008) and adopted by the Senate on June 1, 2021, on page 1, at the beginning of line 17, change "1." to "(1)"

AMENDMENT NO. 2

In Senate Committee Amendment No. 4, proposed by the Senate Committee on Finance (#3008) and adopted by the Senate on June 1, 2021, on page 1, line 18, after "of each year" delete the comma " ," and delete the remainder of the line in its entirety and insert a period "." in lieu thereof

AMENDMENT NO. 3

In Senate Committee Amendment No. 4, proposed by the Senate Committee on Finance (#3008) and adopted by the Senate on June 1, 2021, on page 1, line 23, after "disbursements" delete the comma " ," and delete the remainder of the line in its entirety and insert a period "." in lieu thereof

Respectfully submitted,

Representative Jerome "Zee" Zeringue

Senator Mack A. "Bodi" White Jr.

Representative Rick Edmonds

Senator Joseph Bouie Jr.

Representative Tony Bacala

Senator Kirk Talbot

 DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

CONFERENCE COMMITTEE REPORT DIGEST
HB 38**2021 Regular Session****Edmonds**
Keyword and oneliner of the instrument as it left the House

FISCAL CONTROLS: Provides for school board information to be accessible on the Louisiana Fiscal Transparency Website known as Louisiana Checkbook

Report adopts Senate amendments to:

1. Add exemption to proposed law for public school governing authorities whose annual student enrollment is 2,500 or less.
2. Add requirement that the State Board of Elementary and Secondary Education develop policies to require a public school governing authority that is exempt from proposed law to post certain information on the governing authority's website at certain times of the year.
3. Make technical corrections.

Report rejects Senate amendments which would have:

1. Required public school governing authorities in Orleans Parish, regardless of their annual student enrollment count, to comply with proposed law.
2. Make certain technical corrections.

Report amends the bill to:

1. Delete requirements that certain public school governing authorities begin posting certain financial information to their website in calendar year 2021.

Digest of the bill as proposed by the Conference Committee

Present law (R.S. 39:16.1 et seq.) requires the commissioner of administration, subject to legislative appropriation, to establish and maintain the La. Fiscal Transparency Website, a centralized, searchable website, referred to as "Louisiana Checkbook", that provides information to the public about data and reports of state expenditures, contracts, incentive expenditures, revenues, and other financial matters.

Present law applies to each state agency, which is defined as any state office, department, board, commission, institution, division, officer or other person, or functional group that is authorized to exercise, or that does exercise, any functions of the government of the state in the executive, legislative, or judicial branch, including higher education agencies and state retirement systems.

Present law requires the website to include the following searchable databases which include certain specified information: an expenditure database, a contracts database, a payroll database, a reports database, a boards and commissions database, a state debt database, an incentives database, and a dedicated funds database.

Present law requires the website to be presented in a manner that is intuitive to members of the general public and provides for the following functionality:

- (1) Access all related databases and features of the website at no cost to the public or without the requirement of user registration.
- (2) Search and aggregate data by all possible query combinations.
- (3) Download and print reports, graphs, charts, tables, or information yielded by a search of the database.
- (4) Provide for appropriate graphical presentation and manipulation.
- (5) Access all related databases and features of the website with optimization for desktop and mobile platforms.
- (6) Allow for the ability to share information on social media.

Present law prohibits the website from including certain personal information and information that is confidential pursuant to state or federal law.

Present law requires agencies to furnish information, reports, aid, services, and assistance as may be requested by the commissioner of administration in the performance of the commissioner's responsibilities as set forth in present law.

Present law provides that all agencies which are not maintained on the LaGov statewide enterprise resource planning system shall either elect to join the LaGov statewide enterprise resource planning system or report the information required in present law to the office of technology services in the division of administration in the same format and manner as provided in present law. Provides that all reporting shall be submitted electronically and in the same manner as prescribed for all agencies in the LaGov statewide enterprise resource planning system. Requires the information on the website to be updated at least monthly.

Present law requires the internal auditors of agencies required to have an internal audit function to report to the commissioner any findings of agencies, contractors, grantees, vendors, or recipients of state funding that are not in compliance with the requirements of present law. Requires the commissioner to report agency noncompliance with present law to the Joint Legislative Committee on the Budget on at least a quarterly basis.

Present law requires the legislative auditor to perform periodic and unscheduled reviews of state agencies, contractors, grantees, vendors, or recipients of state funds to ensure compliance with present law. Requires the auditor to report to the commissioner and the Joint Legislative Committee on the Budget any audit finding of noncompliance. Further requires the auditor to submit to the commissioner for publication on the website all audits performed as authorized by an agency contract, expenditure, or incentive expenditure.

Present law provides that any state agency whose internal audit or legislative audit contains findings indicating a violation of the constitution or laws of this state or findings of fraud, waste, and abuse shall be subject to periodic and unscheduled investigative audits by the internal auditor or the legislative auditor for a probationary period of not less than three years.

Proposed law retains present law and applies present law to the governing authority of a public elementary or secondary school. However, provides that a public school governing authority whose annual student enrollment is 2,500 or less is not required to submit data to the "Louisiana Checkbook" website.

Present law (R.S. 17:3996) provides that a charter school established and operated in accordance with the provisions of present law and its approved charter and the school's officers and employees are exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and

employees except for a list of laws otherwise applicable to public schools with the same grades. Proposed law retains present law and adds proposed law to the list of laws which apply to charter schools.

Proposed law further requires the State Board of Elementary and Secondary Education to develop policies requiring each public school governing authority that has an annual student enrollment of 2,500 or less to post the following information on its website:

- (1) The annual adopted budget and general summary, to be posted no later than September 30 of each year.
- (2) The governing authority's annual, independent audit to be posted after approval and acceptance by the legislative auditor. Requires posting no later than 30 days after the legislative auditor's approval.
- (3) Quarterly reports detailing revenue, receipts, expenditures, and disbursements.

Effective January 1, 2022.