

2021 Regular Session

HOUSE BILL NO. 38

BY REPRESENTATIVES EDMONDS, AMEDEE, BACALA, CREWS, ECHOLS,
EDMONSTON, FIRMENT, FRIEMAN, GAROFALO, IVEY, MCFARLAND,
MIGUEZ, AND CHARLES OWEN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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

1 AN ACT

2 To amend and reenact R.S. 39:16.1(2) and (4), 16.2, 16.3(A)(1) and (3)(introductory

3 paragraph) and (D), 16.4(A), (B)(1) and (2), and (C)(2)(f), 16.5(A)(2), 16.6(A)(2)

4 and (C)(7), 16.7(A)(2), (B), and (C)(10), 16.9(A), (B)(introductory paragraph), and

5 (C)(introductory paragraph), (1), (3), (4), and (5), 16.13(A), (B), (D), and (E), and

6 16.14 and to enact R.S. 17:3996(B)(59) and R.S. 39:16.10(D), relative to reporting

7 of public fiscal information; to provide relative to the Louisiana Fiscal Transparency

8 Website; to require public school governing authorities to comply with the reporting

9 and disclosure requirements for the website; to provide relative to the duties and

10 authority of the commissioner of administration relative to such requirements; to

11 provide relative to the duties and authority of the legislative auditor relative to such

12 requirements; to provide for compliance and investigative audits; to provide for an

13 effective date; and to provide for related matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. R.S. 17:3996(B)(59) is hereby enacted to read as follows:

16 §3996. Charter schools; exemptions; requirements

17 * * *

1 B. Notwithstanding any state law, rule, or regulation to the contrary and
 2 except as may be otherwise specifically provided for in an approved charter, a
 3 charter school established and operated in accordance with the provisions of this
 4 Chapter and its approved charter and the school's officers and employees shall be
 5 exempt from all statutory mandates or other statutory requirements that are
 6 applicable to public schools and to public school officers and employees except for
 7 the following laws otherwise applicable to public schools with the same grades:

8 * * *

9 (59) Fiscal transparency, R.S. 39:16.1 et seq.

10 * * *

11 Section 2. R.S. 39:16.1(2) and (4), 16.2, 16.3(A)(1) and (3)(introductory paragraph)
 12 and (D), 16.4(A), (B)(1) and (2), and (C)(2)(f), 16.5(A)(2), 16.6(A)(2) and (C)(7),
 13 16.7(A)(2), (B), and (C)(10), 16.9(A), (B)(introductory paragraph), and (C)(introductory
 14 paragraph), (1), (3), (4), and (5), 16.13(A), (B), (D), and (E), and 16.14 are hereby amended
 15 and reenacted and R.S. 39:16.10(D) is hereby enacted to read as follows:

16 SUBPART D. ~~STATE~~ FISCAL TRANSPARENCY WEBSITE

17 §16.1. Definitions

18 As used in this Subpart, the following words, terms, and phrases shall have
 19 the meanings ascribed to them in the Section:

20 * * *

21 (2) "Contract" means all types of ~~state~~ agreements, regardless of what the
 22 agreements may be called, of ~~state~~ agencies, including orders, grants, and documents
 23 purporting to represent grants which are for the purchase or disposal of supplies,
 24 services, major repairs, or any other item. "Contract" shall include awards and
 25 notices of award, contracts of a fixed-price, cost, cost-plus-a-fixed-fee, or incentive
 26 type; contracts providing for the issuance of job or task orders; leases; letter
 27 contracts; purchase orders; memoranda of understanding between ~~a state~~ an agency
 28 and a nonstate entity; cooperative endeavor agreements between ~~a state~~ an agency

1 and a nonstate entity; incentive expenditure documentation; and personal,
2 professional, consulting, and social services contracts.

3 * * *

4 (4) "~~State agency~~ Agency" solely for the purposes of this Subpart means any
5 of the following:

6 (a) A state office, department, board, commission, institution, division,
7 officer or other person, or functional group, heretofore existing or hereafter created,
8 that is authorized to exercise, or that does exercise, any functions of the government
9 of the state in the executive, legislative, or judicial branch, including higher
10 education agencies, and state retirement systems.

11 (b) The governing authority of a public elementary or secondary school.

12 §16.2. Duties of the commissioner relative to the Louisiana Fiscal Transparency
13 Website

14 The commissioner, subject to legislative appropriation, shall establish and
15 maintain the Louisiana Fiscal Transparency Website, a centralized, searchable
16 website, ~~hereinafter~~ hereafter in this Subpart to be referred to as "Louisiana
17 Checkbook", that provides information to the public about data and reports of ~~state~~
18 expenditures, contracts, incentive expenditures, revenues, and other financial matters
19 of agencies. The website shall serve as an interactive portal for the public to access
20 ~~state~~ this fiscal information.

21 §16.3. Duties of the commissioner relative to the functionality, content,
22 accessibility, reporting of the website

23 A.(1) All agencies, ~~boards, commissions, departments, institutions of higher~~
24 ~~education, legislature, and judiciary~~ are directed to furnish information, reports, aid,
25 services, and assistance as may be requested by the commissioner of administration
26 in the performance of the commissioner's responsibilities as set forth in this Subpart.

27 * * *

1 (3) All ~~state agencies, higher education agencies, the judicial branch, and the~~
2 ~~legislative branch~~ which are not maintained on the LaGov statewide enterprise
3 resource planning system shall either:

4 * * *

5 D. The commissioner shall ensure that the website contains the following
6 information relative to all databases as possible and applicable:

7 (1) All relevant data points that are collected in each ~~state~~ agency
8 information system shall be submitted.

9 (2) All data points that are capable to be collected in each ~~state~~ agency
10 information system shall be submitted.

11 §16.4. Duties of the commissioner relative to the expenditure database

12 A.(1) The commissioner shall ensure the website includes an expenditure
13 database that is electronically searchable by the public and contains reporting of
14 expenditures by each budget unit in the executive budget and by each public school
15 governing authority.

16 (2) All ~~state~~ agencies shall ~~be required to~~ provide information pursuant to
17 this ~~Subpart~~ Section.

18 B. The expenditure database shall have the following functionality:

19 (1) Search and aggregate expenditures by individual and multiple budget
20 units, ~~and programs, and public school governing authorities~~.

21 (2) Search and aggregate payments to individual vendors and governmental
22 entities, including the total amount of ~~state~~ payments issued to individual vendors
23 and governmental entities.

24 * * *

25 C. The expenditure database shall include the following content:

26 * * *

27 (2) Where available, for each expenditure, the database shall include the
28 following information:

29 * * *

1 (f) The funding source, including the categorical code and the ~~state~~ fund or
2 account from which the expenditure is accounted.

3 * * *

4 §16.5. Duties of the commissioner relative to the contracts database

5 A.

6 * * *

7 (2) All ~~state~~ agencies shall ~~be required to~~ provide information pursuant to
8 this ~~Subpart~~ Section.

9 * * *

10 §16.6. Duties of the commissioner relative to the payroll database

11 A.

12 * * *

13 (2) All ~~state~~ agencies shall ~~be required to~~ provide information pursuant to
14 this ~~Subpart~~ Section.

15 * * *

16 C. The employment and payroll database shall include the following content:

17 * * *

18 (7) The Louisiana Checkbook shall contain information regarding the
19 number of authorized positions and the number of vacant positions for each
20 institution of higher education, ~~and~~ each budget unit contained in the General
21 Appropriation Act and the Ancillary Appropriation Act, and each public school
22 governing authority.

23 §16.7. Duties of the commissioner relative to the report database

24 A.

25 * * *

26 (2) All ~~state~~ agencies shall ~~be required to~~ provide information pursuant to
27 this ~~Subpart~~ Section.

28 B. The reports database shall ~~have the following functionality:~~

29 ~~(1) Shall~~ be organized and searchable in an intuitive manner.

1 C. The reports database shall include the following content:

2 * * *

3 (10) The website shall contain or provide access to ~~state~~ agency reports
4 required by law.

5 * * *

6 §16.9. Duties of the commissioner relative to the state debt database

7 A.(1) The commissioner shall ensure the website includes a ~~state~~ debt
8 database that is electronically searchable by the public.

9 (2) The state treasurer shall establish and maintain the ~~state~~ debt database
10 and provide access or integration to the database.

11 (3) All agencies, ~~boards, commissions, and departments of the state~~ are
12 directed to furnish information, reports, aid, services, and assistance to the extent
13 allowed by state and federal law and regulations as may be requested by the state
14 treasurer in the performance of the treasurer's responsibilities as set forth in this
15 Subsection.

16 B. The ~~state~~ debt database shall have the following functionality:

17 * * *

18 C. The ~~state~~ debt database shall include the following content:

19 (1) Amounts and categories of ~~state~~ agency debt, such as pensions, post-
20 employment benefit obligations, and capital construction.

21 * * *

22 (3) Annual costs of debt service by category, ~~and budget unit, and public~~
23 school governing authority.

24 (4) Sources of funding for ~~state~~ agency debt obligations.

25 (5) The per capita costs of ~~state~~ agency debt.

26 * * *

27 §16.10. Duties of the commissioner relative to the incentives database

28 * * *

1 §16.14. No authority to review, approve, or deny expenditures of the legislature or
2 the judiciary

3 If the judicial branch, ~~or the legislative branch,~~ or a public school governing
4 authority elects to join the LaGov statewide enterprise resource planning system, as
5 opposed to being linked to LaGov through a portal, no provision of this Subpart shall
6 be construed as conferring upon the division of administration any authority to
7 review, approve, or deny any expenditure or contract entered into by the legislature,
8 ~~or by the judiciary,~~ or the public school governing authority or to impose any
9 requirement on the legislature, ~~or the judiciary,~~ or the public school governing
10 authority to take any action other than to disclose expenditures and contracts entered
11 into on or after July 1, 2018.

12 Section 3. The provisions of this Act shall become effective on January 1, 2022.

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)]

HB 38 Reengrossed

2021 Regular Session

Edmonds

Abstract: Provides for school board information to be accessible on the La. Fiscal Transparency Website known as "Louisiana Checkbook".

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 each governing authority of a public elementary or secondary school.

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.

Effective January 1, 2022.

(Amends R.S. 39:16.1(2) and (4), 16.2, 16.3(A)(1) and (3)(intro. para.) and (D), 16.4(A), (B)(1) and (2), and (C)(2)(f), 16.5(A)(2), 16.6(A)(2) and (C)(7), 16.7(A)(2), (B), and (C)(10), 16.9(A), (B)(intro. para.), and (C)(intro. para.), (1), (3), (4), and (5), 16.13(A), (B), (D), and (E), and 16.14; Adds R.S. 17:3996(B)(59) and R.S. 39:16.10(D))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Add provisions applying proposed law to charter schools.