

2020 Regular Session

SENATE BILL NO. 23

BY SENATOR PEACOCK

AMUSEMENTS/SPORTS. Provides for activities of certain entities or organizations involved in extracurricular student athletic activities which receive more than fifty percent of funding from public schools. (8/1/20)

1 AN ACT

2 To amend and reenact R.S. 24:513(A)(1)(b)(iv) and (v) and R.S. 42:13(A)(3) and to enact
3 R.S. 17:176(G), relative to entities or organizations receiving monies from public
4 schools for school students to engage in extracurricular student athletic activities;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 24:513(A)(1)(b)(iv) and (v) are hereby amended and reenacted to
8 read as follows:

9 §513. Powers and duties of legislative auditor; audit reports as public records;
10 assistance and opinions of attorney general; frequency of audits;
11 subpoena power

12 A.(1)(a) Subject to Paragraph (3) of this Subsection, the legislative auditor
13 shall have authority to compile financial statements and to examine, audit, or review
14 the books and accounts of the state treasurer, all public boards, commissions,
15 agencies, departments, political subdivisions of the state, public officials and
16 employees, public retirement systems enumerated in R.S. 11:173(A), municipalities,
17 and all other public or quasi public agencies or bodies, hereinafter collectively

1 referred to as the "auditee". The scope of the examinations may include financial
2 accountability, legal compliance and evaluations of the economy, efficiency, and
3 effectiveness of the auditee's programs or any combination of the foregoing. In
4 addition to the authority granted above, the legislative auditor shall have access to
5 and be permitted to examine all papers, books, accounts, records, files, instruments,
6 documents, films, tapes, and any other forms of recordation of all auditees, including
7 but not limited to computers and recording devices, and all software and hardware
8 which hold data, is part of the technical processes leading up to the retention of data,
9 or is part of the security system. This access shall not be prohibited by Paragraph (3)
10 of this Subsection.

11 (b) For the sole purpose of this Subsection, a quasi public agency or body is
12 defined as:

13 * * *

14 (iv) Any not-for-profit organization that receives or expends any local or state
15 assistance in any fiscal year. Assistance shall include grants, loans, transfers of
16 property, awards, and direct appropriations of state or local public funds. Assistance
17 shall not include guarantees, membership dues, vendor contracts for goods and
18 services related to administrative support for a local or state assistance program,
19 assistance to private or parochial schools except as provided in R.S. 17:4022,
20 assistance to private colleges and universities, or benefits to individuals. Assistance
21 shall include membership dues paid by or on behalf of a public school to an
22 entity or organization in support of extracurricular student athletic activities
23 involving students from a public school and which exceed fifty percent of its
24 funding from public schools.

25 (v) Any organization, either not-for-profit or for profit, which is subject to
26 the open meetings law and derives a portion of its income from payments received
27 from any public school to support extracurricular student athletic activities from
28 the school, or derives a portion of its income from payments received from any
29 public agency or body.

1 Section 2. R.S. 42:13(A)(3) is hereby amended and reenacted to read as follows:

2 §13. Definitions

3 A. For the purposes of this Chapter:

4 * * *

5 (3) "Public body" means village, town, and city governing authorities; parish
6 governing authorities; school boards and boards of levee and port commissioners;
7 boards of publicly operated utilities; planning, zoning, and airport commissions; and
8 any other state, parish, municipal, or special district boards, commissions, or
9 authorities, and those of any political subdivision thereof, where such body possesses
10 policy making, advisory, or administrative functions, including any committee or
11 subcommittee of any of these bodies enumerated in this paragraph. **Public body**
12 **shall include any organization or entity receiving at least fifty percent of its**
13 **income from a public school under the jurisdiction of a public school board to**
14 **support extracurricular athletic activities involving students from that school.**

15 Section 3. R.S. 17:176(G) is hereby enacted to read as follows:

16 §176. Extracurricular activities; interscholastic athletics; participation; standards;
17 prohibitions; filming or videotaping; definitions

18 * * *

19 **G. Each entity or organization receiving at least fifty percent of its**
20 **income from a public school under the jurisdiction of a public school board to**
21 **support extracurricular athletic activities involving students from the public**
22 **school shall annually submit a written report to the Senate Committee on**
23 **Education and the House Committee on Education detailing the number of**
24 **students who were deemed eligible to participate in extracurricular**
25 **interscholastic athletic activities.**

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Thomas L. Tyler.

Present law provides for the authority of the legislative auditor to compile financial statements and to examine, audit, or review the books and accounts of the state treasurer, all public boards, commissions, agencies, departments, political subdivisions of the state, public officials and employees, public retirement systems, municipalities, and all other public or quasi public agencies or bodies.

Present law defines a quasi public agency to any not-for-profit organization that receives or expends any local or state assistance in any fiscal year. Assistance shall include grants, loans, transfers of property, awards, and direct appropriations of state or local public funds. Assistance shall not include guarantees, membership dues, vendor contracts for goods and services related to administrative support for a local or state assistance program, assistance to private or parochial schools except as provided by law, assistance to private colleges and universities, or benefits to individuals.

Proposed law retains these provisions and provides that "assistance" includes membership dues paid by or on behalf of a public school to an entity or organization in support of extracurricular student athletic activities involving students from the public school and which exceed 50% of its funding from public schools.

Present law includes in the definition of a quasi public agency any organization, either not-for-profit or for profit, which is subject to the open meetings law and derives a portion of its income from payments received from any public agency or body.

Proposed law provides that the definition include any organization or entity receiving at least 50% of its income from a public school under the jurisdiction of a public school board to support extracurricular athletic activities involving students from public schools.

Present law relative to the open meetings law, provides that "public body" means village, town, and city governing authorities; parish governing authorities; school boards and boards of levee and port commissioners; boards of publicly operated utilities; planning, zoning, and airport commissions; and any other state, parish, municipal, or special district boards, commissions, or authorities, and those of any political subdivision thereof, where such body possesses policy making, advisory, or administrative functions, including any committee or subcommittee of any of these bodies enumerated in current law.

Proposed law retains these provisions but further provides that public body include any organization or entity receiving at least 50% income from a public school under the jurisdiction of a public school board to support extracurricular athletic activities involving students from that school.

Proposed law requires each entity or organization receiving at least 50% of its income from a public school under the jurisdiction of a public school board to support extracurricular athletic activities involving students from the public school to annually submit a written report to the legislative committees on education detailing the number of students deemed eligible to participate in extracurricular interscholastic athletic activities.

Effective August 1, 2020.

(Amends R.S. 24:513(A)(1)(b)(iv) and (v); R.S. 42:13(A)(3); adds R.S. 17:176(G))