Regular Session, 2011

HOUSE BILL NO. 304

BY REPRESENTATIVES PEARSON, TIM BURNS, AND SCHRODER AND SENATORS CROWE, DONAHUE, AND NEVERS

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

CORRECTIONAL FACILITIES: Provides relative to the regional juvenile justice facilities

AN ACT

To enact R.S. 15:1093.2, 1093.3, and 1093.4, relative to regional juvenile facilities; to provide relative to financial audits of regional juvenile facility districts; to require regional juvenile facility districts to provide annual sworn financial statements; to provide relative to reporting by the legislative auditor; to provide relative to the composition of the board of commissioners and board of directors of regional juvenile districts; to provide for training; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:1093.2, 1093.3, and 1093.4 are hereby enacted to read as follows:

§1093.2. Auditing; regional district reporting; report to legislative auditor; misuse of funds

A.(1) In addition to the requirements provided for in R.S. 24:513 et seq., each regional juvenile justice district provided for in the provisions of this Part shall provide to the legislative auditor sworn annual financial statements.

(2) The sworn annual financial statements required pursuant to the provisions of this Section shall be prepared in accordance with generally accepted governmental accounting principles and shall include such disclosures required by state and federal regulations. The statements required pursuant to the provisions of this Section shall include a recital that the financial statements present fairly, in all material respects, the financial condition and results of operations of the entity; that

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the entity has maintained a system of internal control structure sufficient to safeguard assets and comply with laws and regulations; and that the entity has complied with all laws and regulations, or shall acknowledge exceptions thereto. The information contained in the sworn annual financial statement shall include but shall not be limited to the following:

(a) The amount of all state revenue provided by the legislature from general or special appropriations, or revenue passed through by state agencies.

(b) The amount of all revenue provided by local governments from general or special appropriations, appropriations required by law, and revenue generated from special court costs.

(c) The amount of grant funding from federal pass-through or categorical grants, grants from nonprofit organizations, and private and corporate foundations.

(d) The amount of funding received from any self-generated revenue.

(e) Any other source of revenue not covered by Subparagraphs (a) through (d) of this Paragraph.

B.(1) The sworn annual financial statements required by the provisions of this Section shall be furnished to the legislative auditor between the first and the ninetieth day following the close of the entity's fiscal year.

(2) At any time after a disaster or emergency is declared pursuant to the provisions of R.S. 29:724(B)(1), which prevents a regional district from furnishing to the legislative auditor the sworn annual financial statements within the time period provided for in this Subsection, the district may ask the legislative auditor in writing for an extension of time to complete the financial statements. The legislative auditor may approve the request at his discretion.

C.(1) All regional juvenile districts governed by a board of commissioners shall include with the financial statements required by the provisions of this Section a sworn notarized affidavit from the president of the board of commissioners stating that he has viewed the financial statements and declares that the information provided therein is true and correct to the best of his knowledge.

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(2) All regional juvenile districts governed by the governing authority of each participating parish shall include with the financial statements required by the provisions of this Section a sworn notarized affidavit from the parish president or the parish financial director of one of the participating parishes stating that he has viewed the financial statements and declares that the information provided therein is true and correct to the best of his knowledge.

(3) All regional juvenile districts governed by a board of directors shall include with the financial statements required by the provisions of this Section a sworn notarized affidavit from the chairman of the board of directors stating that he has viewed the financial statements and declares that the information provided therein is true and correct to the best of his knowledge.

D. In addition to the requirements provided in R.S. 24:523, if, on the basis of a report or audit pursuant to R.S. 24:513, or on the basis of sworn annual financial statements, the legislative auditor determines that there may have been a misuse of funds by a regional juvenile district or that a regional juvenile district may have failed to comply with state and federal laws and regulations, the legislative auditor shall report to the Legislative Audit Advisory Council who shall then, after independent determination, provide notification of this possible misuse or failure to comply to the following persons:

(1) For all regional juvenile districts governed by a board of commissioners or board of directors, notification shall be provided to the district attorney and governing authority of each parish within the jurisdiction of the regional juvenile district.

(2) For all regional juvenile districts governed by the governing authority of each participating parish of the regional juvenile district, notification shall be provided to the district attorney and the governing authority of each participating parish.

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§1093.3. Commission president; secretary; treasurer

A. Notwithstanding the provisions of R.S. 15:1094.3, 1095.3, 1096.3, 1097.3, 1105.3, and 1107.3, all regional juvenile districts governed by a board of commissioners shall elect one commissioner to serve as president and one commissioner to serve as treasurer. The board of commissioners may appoint one person who is not a commissioner to serve as secretary of the commission. If the board chooses to appoint a commissioner as the secretary of the board, the commissioner so appointed shall not also serve as the treasurer.

B. Notwithstanding the provisions of R.S. 15:1106.3, all regional juvenile districts governed by a board of directors shall elect one director to serve as chairman, one director to serve as vice chairman, and one director to serve as treasurer. The board of directors may appoint one person who is not a director to serve as secretary of the board. If the board chooses to appoint a director as the secretary of the board, the director so appointed shall not also serve as the treasurer.

§1093.4. Required training for the commission

A. The following persons shall be required to complete one hour of financial training which shall include but not be limited to training on financial reporting and the prevention of fraudulent practices:

(1) Each member of the board of commissioners as provided for in R.S. 15:1094.1, 1095.1, 1096.1, 1097.1, 1105.1, and 1107.1.

(2) Each member of the board of directors as provided for in R.S. 15:1106.1.

(3) The parish president or the parish financial director of each parish with governing authority and each participating parish as defined in R.S. 15:1098.2 and 1099.2.

(4) The regional juvenile facility director.

B. Training sessions required pursuant to the provisions of this Section shall be conducted annually by the legislative auditor, or by an independent licensed certified public accountant designated by the legislative auditor, at the cost of the

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board of commissioners, board of directors, or parishes provided in Paragraphs (A)(1) through (A)(4) of this Section.

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)]

Pearson HB No. 304

Abstract: Provides relative to financial audits, financial reporting, and the composition of the board of commissioners or board of directors of regional juvenile facility districts.

Present law provides for a regional system of shelter care and detention facilities for juveniles with multiple districts in the state.

Present law provides that for all regional juvenile districts governed by a board of commissioners, the board of commissioners shall elect a president, a secretary, and a treasurer, and further provides that if the board so decides, one commissioner may serve as both secretary and treasurer.

Present law provides that for all regional juvenile districts governed by a board of directors, the board of directors shall elect a chairman, a vice chairman, a secretary, and a treasurer, and further provides that if the board so decides, one director may serve as both secretary and treasurer.

Proposed law requires each regional juvenile justice district to provide sworn annual financial statements to the legislative auditor no later than 90 days following the close of the accounting year, and further provides that this time period may be extended in a state of emergency.

Proposed law requires the sworn annual financial statements to be accompanied by a sworn notarized affidavit from the following persons stating he has viewed the financial statements and declares that, to the best of his knowledge, the information provided therein is true and correct:

(1) The president of the board of commissioners if the regional juvenile district is governed by a board of commissioners.

(2) A member of the governing authority of a participating parish if the regional juvenile district is governed by the governing authority of each participating parish.

(3) The chairman of the board of directors if the regional juvenile district is governed by a board of directors.

Proposed law provides that if the legislative auditor determines that there has been misuse of funds by the regional juvenile district or that a regional juvenile district has failed to comply with state and federal laws and regulations, the legislative auditor shall report such misuse or failure to comply to the Legislative Audit Advisory Council who shall then, after an independent determination, notify the district attorney and the governing authority of the affected parishes.

Proposed law provides that notwithstanding provisions of present law, all regional juvenile districts governed by a board of commissioners shall elect one commissioner to serve as

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president and one commissioner to serve as treasurer, and further provides that if the board chooses to appoint a commissioner as secretary of the commission, the commissioner so appointed shall not also serve as the treasurer.

Proposed law provides that notwithstanding provisions of present law, all regional juvenile districts governed by a board of directors shall elect one director to serve as chairman, one director to serve as vice chairman, and one director to serve as treasurer, and further provides that if the board chooses to appoint a director as secretary of the board, the director so appointed shall not also serve as the treasurer.

Proposed law requires the following persons to complete one hour of financial training each year, provided by the legislative auditor at the cost of the board of commissioners, board of directors, or parishes:

(1) Each member of the board of commissioners.

(2) Each member of the board of directors.

(3) The parish president or the parish financial director of each parish with governing authority and each participating parish.

(4) Each regional juvenile facility director.

(Adds R.S. 15:1093.2, 1093.3, and 1093.4)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Amended provision relative to the sworn notarized affidavit that is to accompany the sworn annual financial statements, requiring the affiant to declare that, to the best of his knowledge, the information is true and correct.

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