

2019 Regular Session

HOUSE BILL NO. 261

BY REPRESENTATIVE HOLLIS

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

LOCAL GOVERNMENT: Provides relative to local inspectors general and ethics review boards

1 AN ACT

2 To amend and reenact R.S. 33:9611(A)(1), 9612, and 9613(D)(1) and to enact R.S.
3 33:9611(A)(3) and 9613(D)(4) and (H), relative to local inspectors general and other
4 local ethics entities; to provide for the applicability of laws pertaining to the powers
5 of such entities; to provide for the powers of inspectors general; to authorize parish
6 inspectors general to investigate certain entities; to provide relative to funding of an
7 inspector general's office; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 33:9611(A)(1), 9612, and 9613(D)(1) are hereby amended and
10 reenacted and R.S. 33:9611(A)(3) and 9613(D)(4) and (H) are hereby enacted to read as
11 follows:

12 §9611. Application and purpose

13 A.(1) This Chapter applies to ~~the city of New Orleans and the parishes of~~
14 ~~East Baton Rouge and Jefferson~~ any parish or municipality with a home rule charter.

15 * * *

16 (3) "Inspector general" as used in this Chapter refers only to an inspector
17 general whose position is established in the home rule charter of the local
18 governmental subdivision.

19 * * *

1 §9612. Local ethics entities; inspectors general

2 A local governmental subdivision that is authorized by its home rule charter,
3 by statute, or by ordinance to create local ethics entities, including but not limited to
4 an ethics review board ~~or office of inspector general, or both,~~ and a local
5 governmental subdivision that establishes an inspector general position in its home
6 rule charter may designate the local ethics entity, ethics review board, or office of
7 inspector general as a law enforcement agency and may thereby confer upon the
8 local ethics entity, ethics review board, or office of inspector general all investigative
9 powers and privileges appurtenant to a law enforcement agency under state law,
10 which shall include access to computer systems, information maintained for the use
11 of law enforcement personnel, and any information contained in the criminal history
12 record and identification file of the Louisiana Bureau of Criminal Identification and
13 Information.

14 * * *

15 §9613. Investigative powers

16 * * *

17 D.(1) A local ethics entity, ethics review board, or office of inspector general
18 shall have the authority to examine, review, audit, inspect, and investigate the
19 records, books, reports, documents, papers, correspondence, accounts, audits,
20 inspections, reviews, recommendations, plans, films, tapes, pictures, computer hard
21 drives, software data, hardware data, e-mails, instant messages, text messages, and
22 any other data and material relevant to any matter under audit, investigation,
23 inspection, or performance review of all entities of the local governmental
24 subdivision, ~~or~~ entities receiving funds through or for the benefit of the local
25 governmental subdivision, and any other entity as provided in this Subsection.

26 * * *

27 (4) In the case of a parish inspector general, these entities also include any

1 political subdivision with a jurisdiction wholly contained within the parish and the
 2 office of any public official that receives funds from the parish.

3 * * *

4 H. A local governmental subdivision may dedicate to the funding of its
 5 office of inspector general any revenue saved or recovered as a result of the
 6 discovery by the inspector general of fraud, waste, or inefficiency in the operations
 7 of an entity.

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 261 Original

2019 Regular Session

Hollis

Abstract: Expands the applicability of laws pertaining to local inspectors general and local ethics entities and authorizes a parish inspector general to investigate political subdivisions in the parish and officials receiving funds from the parish.

Present law provides that New Orleans and East Baton Rouge and Jefferson parishes may designate a local ethics entity, such as an ethics review board or office of inspector general, that it creates as a law enforcement agency and may thereby confer upon the local ethics entity all investigative powers and privileges appurtenant to a law enforcement agency under state law, including access to information maintained for the use of law enforcement personnel and any information contained in the criminal history record and identification file of the La. Bureau of Criminal Identification and Information. Further authorizes such an entity to make investigations and examinations, to gather evidence in any matter in any legally appropriate manner, to administer oaths and take the testimony of those sworn, and to compel the attendance of witnesses and the production of public and private records by issuing a subpoena.

Proposed law retains present law and makes it applicable to any parish or municipality with a home rule charter. Provides, however, that present law and proposed law apply to an inspector general only if the position is created in the home rule charter.

Present law authorizes inspectors general and other ethics entities to examine, review, audit, inspect, and investigate the records and other documents and information of:

- (1) Entities of the local governmental subdivision.
- (2) Entities receiving funds through or for the benefit of the local governmental subdivision, including any officer, employee, elected official, department, agency, board, commission, public benefit corporation, quasi public agency, or body of the municipality or parish.
- (3) Contractors, subcontractors, and licensees of the municipality or parish.
- (4) Applicants for certification of eligibility for a contract or program.
- (5) Parish and municipal governing authorities.

- (6) Districts, boards, and commissions created by the parish or municipality.
- (7) Independently elected parish public officials whose offices receive funds from the parish or municipality.

Proposed law retains present law and further authorizes a parish inspector general to examine, review, audit, inspect, and investigate the records and other documents and information of:

- (1) Political subdivisions with a jurisdiction wholly contained within the parish.
- (2) The offices of officials that receive parish funds.

Proposed law authorizes a parish or municipality to dedicate to the funding of its inspector general any revenue saved or recovered as a result of the discovery by the inspector general of fraud, waste, or inefficiency in the operations of an entity.

(Amends R.S. 33:9611(A)(1), 9612, and 9613(D)(1); Adds R.S. 33:9611(A)(3) and 9613(D)(4) and (H))