

June 4, 2024

2024 Session: Chipping Away at Sunshine

Budget compromise reached without discord; Governor attacks checks and balances

A year after lawmakers passed the state budget in a [frenzied final few minutes](#) before their deadline, the Louisiana Legislature adopted a \$49 billion compromise package of spending plans this year with time to spare and no last-minute chaos in their three-month regular session.

That's not to suggest legislators avoided divisive debates across the session that ended Monday.

Lawmakers clashed with each other and with Gov. Jeff Landry over access to government records, issues of the governor's authority and culture war fights. Several of Landry's key agenda items hit roadblocks in the Senate, where they were watered down and some stalled entirely. The Senate refused the Republican governor's push to hold a constitutional convention, though the idea could possibly resurface in a special session later this year.

THE GOOD

Sweeping public records exemptions rejected

Budget passed without last-minute chaos

Short-term money largely invested in one-time infrastructure

THE BAD

Cuts made to early childhood education

Governor given more power over ethics, college boards

Millions spent on pet projects

THE VERDICT'S STILL OUT

Limited public records exemptions passed

Changes sought by insurance industry enacted

Education savings account program created

Constitutional reform uncertain

The majority-Republican House and Senate did agree to give Landry more power and control over government boards and commissions and authority to hide more of his schedule from the public, chipping away at a system of checks and balances aimed at ensuring one individual doesn't wield too much power.

Rules governing civil litigation and the handling of insurance claims will change. Political candidates will be able to take in larger checks from donors after lawmakers raised the maximum campaign finance contributions across all elected offices. A second majority-Black district was added to the seven-district state Supreme Court map.

Louisiana also will start the process for creating an education savings account program that allows parents [to use state tax dollars](#) to pay for private school tuition or other education expenses outside of the public school system. That handed Landry a victory on one of his primary

policy goals for the session and gave the state Board of Elementary and Secondary Education authority to develop the program. However, the ESA vouchers will only be offered to families if lawmakers agree to finance them in future years.

On the financial front, lawmakers poured hundreds of millions of dollars in one-time cash into infrastructure projects. They agreed to give public school teachers another one-year bonus, but they reduced funding for early childhood education, claiming a need to control spending ahead of next year's expiration of a temporary sales tax.

However, they increased spending on ongoing programs elsewhere, handing out pay raises, expanding staffing levels in some agencies and boosting spending on public safety initiatives. They also steered millions to legislative earmarks that received no public vetting or discussion.

After two prior special sessions called by Landry, the regular session offered the first time lawmakers could introduce and debate their own ideas this term. From the Public Affairs Research Council of Louisiana's perspective, the session offered mixed results.

The House and Senate made needed investments in infrastructure projects. But they also cut a critical early learning program and grew some areas of government spending even as they face a looming fiscal cliff. Lawmakers killed the worst proposal to undermine records access but still whittled away at government transparency and ethics oversight, largely at the request of the governor, a troubling trend.

Focus on Finances

The state budget sends new money to public school programs while continuing the governor's efforts to boost spending on state prisons and police.

Public school teachers will receive another one-year stipend of \$2,000 while support workers such as bus drivers and cafeteria workers again will get an extra \$1,000 in their paychecks for a state cost of \$198 million. Those aren't permanent raises. Separately, more than \$17 million was allocated to targeted stipends for teachers in high-need areas.

Lawmakers agreed to most, but not all, of the Board of Elementary and Secondary Education's requested increases for K-12 public schools – but they didn't agree to put those increases in the school funding formula, where they would have become permanent, ongoing expenses. School systems will get more money for tutoring services, math skills testing and student apprenticeships. But an inflationary increase for districts was rejected, and the money for the teaching stipends in high-need areas was less than requested.

Spending Comparison

Budget	Next Year	Current Year
State operating budget	\$42.1B	\$44.7B
Legislative agencies	\$133.7M	\$127.2M
Judicial agencies	\$208.5M	\$198.5M
Construction budget	\$3.4B	\$3.3B

Source: Legislative Fiscal Office

For younger students, at least 800 fewer children will have state-financed access to early childhood education after lawmakers cut the program's funding by \$9 million.

Public college systems received \$30 million in short-term cash for initiatives and largely standstill funding for next year’s operating budget. The TOPS free college tuition program will cover all eligible students. And lawmakers approved a new long-term borrowing mechanism that they could use in the future to generate up to \$2 billion for repair needs across college campuses.

State troopers, wildlife enforcement agents and many of the governor’s cabinet secretaries will get pay raises. Judges will get a hefty one-time bonus, but only if the judges complete a workload study that [they previously stonewalled](#). The Office of Juvenile Justice, the Department of Children and Family Services, state police and the attorney general’s office are among several agencies that received authority to hire more employees. The state police received more money to pay for its expanded presence in New Orleans.

The state operating budget passed unanimously in the House and Senate will allocate \$42 billion in the financial year that begins July 1, a drop of \$2.6 billion compared to this year, mainly because of the loss of federal pandemic assistance and disaster recovery money. The full package of budget bills — which includes spending on legislative and judicial agencies, state construction and other ancillary departments — totals \$49.6 billion, according to the Legislative Fiscal Office.

In addition to next year’s budget, lawmakers had [\\$920 million available to them](#) in short-term cash – from last year’s surplus, better-than-expected tax collections and other dollars that weren’t spent as originally planned.

They made a required deposit into the state’s “rainy day” fund and a required retirement debt payment, and they spent much of the remaining cash on construction work, road and bridge improvements, port projects, building repairs, storm recovery payments, technology upgrades and other one-time items.

The House and Senate also used a series of budget maneuvers to divert \$717 million in corporate and oil and gas-related taxes that were slated for deposit into a state savings account called the [Revenue Stabilization Trust Fund](#).

Instead, they moved the money into other funds for later spending on road and bridge work; infrastructure upgrades for state prisons, sheriffs’ facilities and fire stations; higher education building repairs; and water and sewer system improvements. It marks the first time that lawmakers have tapped into money from the savings account, which will contain more than \$2 billion after the diversion.

PAR appreciates that lawmakers passed the budget without the pandemonium and uncertainty that marked last year’s financial debates and used most of the short-term money, though not all, on one-time expenses and needed infrastructure improvements. But PAR was disappointed to see the cut to early childhood education, little new state cash set aside for coastal restoration work and at least \$100 million earmarked to legislative pet projects chosen behind closed doors that don’t necessarily represent state priorities.

Removed from Revenue Stabilization Trust Fund

\$390.1M	Shovel-ready road and bridge projects
\$157.6M	Infrastructure upgrades for law enforcement, first responders
\$94.3M	Deferred maintenance on college campuses
\$75M	Water and sewer system improvements
\$717M	Total

Source: Legislative Fiscal Office

Government Transparency and Oversight

Landry sought sweeping public records exemptions that could have destroyed the ability to hold Louisiana's public officials accountable, but senators blocked most of the governor's effort.

The Senate stalled [an initial administration bill](#) that would have shielded all records across state and local government that involve the deliberations of public employees. Supporters claimed the measure would help foster "open communication," but the bill was so broadly written it could have hidden nearly every record in government at every level.



Lawmakers killed the worst proposal to undermine public records access but still whittled away at government transparency and ethics oversight, largely at the request of the governor, a troubling trend.

A revised proposal that would have [let the governor's office hide](#) from public view nearly all its records, except those related to budget matters, and that could have been broadly interpreted to shield documents in other executive branch agencies also was derailed in the Senate.

What ultimately won final passage from the Legislature was a bill that gives Landry and governors who follow him into office the ability to keep the schedule for the governor and his family confidential for an unlimited time if there are security concerns. Currently, that information can only be hidden for seven days.

Bill supporters said they don't intend for the public records exemption to be used to hide the governor's entire schedule, but PAR will be watching closely to see how Landry's office uses its new authority.

On the final day of the session, lawmakers also crafted language behind closed doors and slipped it into another bill, giving the governor a new public records limitation that only allows Louisiana residents to request public records from his office. A requester will have to provide identification to demonstrate state residency. The maneuver was disappointing, as is the unnecessary limitation on access to the governor's records.

People seeking documents about the decision-making of their officials shouldn't have to prove themselves to get records, and the governor's office shouldn't be allowed to hang onto identifying documents about a person seeking records for a year. That could create a chilling effect on someone's willingness to file such a request.

The new restrictions come even after lawmakers added \$1 million to the state budget that the governor's office requested to hire three new attorneys "to work on public record requests."

Meanwhile, the House and Senate passed a separate public records exemption for local government agencies, letting them shield documents involving certain economic development projects for up to two years. Initially a broad exemption with few restrictions on what could be considered economic development, lawmakers added more guardrails on what types of projects qualify, though the potential for misuse of the records exemption remains concerning.

In a move that undermines Louisiana's system of checks and balances, lawmakers increased the size of the Board of Ethics and agreed to give the governor more direct control over his nine appointments to the expanded 15-member panel. They removed a requirement that the governor

and lawmakers, who have the remaining six appointments, choose people from lists submitted by Louisiana's private colleges. That gives the governor more direct influence over a board that is supposed to independently monitor public officials.

To try to lessen criticism, lawmakers urged to the "extent practicable" that the 15 appointments be split evenly between retired judges, retired elected officials and those never in elected office. The expansion of the board gives Landry the ability to pick at least two members immediately and take majority control of the membership more quickly.

The House and Senate also voted to give the governor more authority over state boards and commissions, including the boards governing public higher education systems. The legislation allows the governor to appoint the chairman of any board for which he names a majority of members, rather than letting board members select their own chairmen. Supporters said the bill would affect 148 boards, nearly one-third of all state boards and commissions. The governor's office never publicly released the list of boards impacted.

In a few bright spots, the House refused to give the governor more control over appointees to the State Civil Service Commission and to lessen civil service protections for state workers. And lawmakers voted to require more school boards, parish governing authorities and city councils to broadcast their public meetings live so people can watch their elected officials make decisions.

Other Issues and Next Steps

The Legislature spent much of the session clashing over culture war issues. Beyond those debates, they also drew a new state Supreme Court map for the first time in decades and added new restrictions on how absentee ballots and voter registration drives are handled.

The House and Senate passed many of the legal and regulatory changes sought by Insurance Commissioner Tim Temple that lessen some consumer protections but that Temple believes will draw more property and auto insurance companies to Louisiana. PAR hopes the changes will work as intended to lessen the state's insurance crisis, but that will take time to determine.

Lawmakers gave the economic development secretary more spending flexibility within the agency, created an advisory board for the department and required the development of a strategic plan to guide business recruitment and retention work. They required new coordination among state agencies to strengthen workforce development efforts.

While the Senate blocked Landry's push for a constitutional convention, the governor doesn't appear to be giving up on the effort to shrink the state's governing document and move many of its provisions to state law. The governor could call a special session later this summer to try to pursue the idea again.

Even as the convention idea stalled, lawmakers agreed to send five constitutional amendments to voters to decide in the fall elections. The proposals include dedicating dollars from alternative energy production to coastal protection projects, enacting new requirements for how legislators handle the budget and changing the process for tax sales.

For most measures passed this session, lawmakers are awaiting decisions from Landry about whether he'll use his veto pen to strike down bills or remove individual spending items from the budget.