

2018 Second Extraordinary Session

SENATE BILL NO. 13

BY SENATOR WARD

FISCAL CONTROLS. Provides relative to reporting of state expenditures through the fiscal transparency website. (Item #32) (7/1/18)

AN ACT

To enact Subpart D of Part I of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:16.1 through 16.12, and to repeal R.S. 39:6(C), relative to the reporting of expenditures on the state's fiscal transparency website; to provide for the statewide implementation of the enterprise resource planning system; to provide the duties of the commissioner of administration relative to the information to be accessible on the website; to provide definitions; to provide for the information to be included on the website; to provide that the appropriation acts for the executive, judicial, and legislative branches of government be included on the website; to provide for links to the websites of state agencies, the legislature, the judiciary, and the legislative auditor; to provide relative to the reporting of contracts, expenditures, and incentive expenditures; to provide relative to reporting by the state retirement systems and the state treasurer; to provide for reports and audits to be published on the website; to provide for free public use of the website; to provide for an employment and salary database; to provide for the information which shall be excluded from the website; to provide relative to a schedule for the completion and maintenance of the website; to provide for the reporting of the use

1 of state funds by the recipient of state funds; to provide for audits; to provide relative
2 to the authority of the division of administration to expenditures of the legislature or
3 the judiciary; to provide for an effective date; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. Subpart D of Part I of Chapter 1 of Subtitle I of Title 39 of the Louisiana
6 Revised Statutes of 1950, comprised of R.S. 39:16.1 through 16.12, is hereby enacted to read
7 as follows:

8 **SUBPART D. STATE FISCAL TRANSPARENCY WEBSITE**

9 **§16.1. Definitions**

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

12 **(1) "Commissioner" means the commissioner of administration.**

13 **(2) "Contract" means all types of state agreements, regardless of what**
14 **the agreements may be called, of state agencies, including orders, grants, and**
15 **documents purporting to represent grants which are for the purchase or**
16 **disposal of supplies, services, major repairs, or any other item. "Contract" shall**
17 **include awards and notices of award, contracts of a fixed-price, cost, cost-plus-**
18 **a-fixed-fee, or incentive type; contracts providing for the issuance of job or task**
19 **orders; leases; letter contracts; purchase orders; memoranda of understanding**
20 **between a state agency and a non-state entity; cooperative endeavor agreements**
21 **between a state agency and a non-state entity; incentive expenditure**
22 **documentation; and personal, professional, consulting, and social services**
23 **contracts.**

24 **(3) "Incentive expenditure" shall have the meaning ascribed to it in R.S.**

25 **39:2.**

26 **(4) "State agency" solely for the purposes of this Subpart means any**
27 **state office, department, board, commission, institution, division, officer or**
28 **other person, or functional group, heretofore existing or hereafter created, that**
29 **is authorized to exercise, or that does exercise, any functions of the government**

1 of the state in the executive, legislative, or judicial branch, including higher
2 education agencies, and state retirement systems.

3 §16.2. Duties of the commissioner relative to expenditure and revenue
4 information

5 The commissioner shall establish and maintain a website to post data and
6 reports of state expenditures, contracts, incentive expenditures, revenues, and
7 other financial matters. The website shall serve as an interactive portal for the
8 public to access information in each fiscal year.

9 §16.3. Duties of the commissioner relative to the contents of the website

10 A. The commissioner shall ensure the website shall be searchable and
11 have a mobile and tablet mode.

12 B. The website shall include the nature and amount of appropriations
13 contained in the annual appropriation acts for the executive, judicial, and
14 legislative branches of state government.

15 C. The commissioner shall ensure that the website contains the following
16 information from state agencies that administer or allocate the programs for
17 which information is required to be included on the website pursuant to this

18 Subpart:

19 (1) All expenditures of state funds and the means of finance.

20 (2) Minimum Foundation Program transfers.

21 (3) Revenue sharing and aid to other levels of government.

22 (4) All incentive expenditures.

23 (5) Capital outlay.

24 (6) The annual salaries and total compensation of statewide elected
25 officials and cabinet-level positions in the executive branch of government.

26 (7) The table of organization for each state agency.

27 (8) A monthly report of revenue collections and expenditures by each
28 state agency.

29 (9) The revenue and expenditure data on federal, state, and local fiscal

1 matters maintained by the state Department of Education on its website.

2 (10) Mandated interagency transfers, including fees to the legislative
3 auditor, fees to the treasurer, annual payments to the office of risk
4 management, and contributions to retirement systems and benefit plans.

5 D. The website shall include a boards and commissions database that
6 contains membership information, employee information, and financial and
7 budget information required by R.S. 49:1302 and R.S. 24:513.2.

8 E. To the extent available, expenditure information shall be searchable
9 individually or in the aggregate by:

10 (1) Fiscal year.

11 (2) Department.

12 (3) Category and subcategory of expenses, including but not limited to:

13 (a) Personal services expenses, including salaries, wages, other
14 compensation, and post-employment benefit obligations.

15 (b) Travel expenses.

16 (c) Operating services expenses.

17 (d) Supply expenses.

18 (e) Professional services expenses.

19 (f) External transfers for tax and legal compliance.

20 (g) All other external transfers.

21 (h) Acquisitions, major repairs, and capital expenses.

22 (i) Other expenses.

23 (4) Transaction-specific detail, including, where available, for each
24 expenditure:

25 (a) The name of the entity making the expenditure.

26 (b) The name of the person or entity receiving the payment.

27 (c) The date and the amount of the expenditure.

28 (d) A standardized descriptive title of the type and purpose of each
29 expenditure.

1 **(5) Means of finance and source of funds, if available.**

2 **(6) Contractor, grantee, vendor, or recipient of state funds.**

3 **(7) Details of expenses charged to credit, debit, or other purchase cards**
4 **and related fees, to the extent available from the card issuer.**

5 **F. The website shall contain all audits of state agencies by the legislative**
6 **auditor, including but not limited to audits of revenues, contracts, expenditures,**
7 **and incentive expenditures.**

8 **G. The website shall allow users to search and to aggregate payments,**
9 **including the total amount of state funding awarded by all state agencies, to**
10 **individual contractors, grantees, vendors, recipients of state funds, and**
11 **governmental entities.**

12 **H. The website shall include or provide access to the following**
13 **information related to revenues on which state expenditures are based:**

14 **(1) The official forecast and incentive expenditure forecast adopted by**
15 **the Revenue Estimating Conference.**

16 **(2) The tax exemption budget prepared by the Department of Revenue**
17 **under R.S. 47:1517.**

18 **(3) The Annual Tax Collection Report prepared by the Department of**
19 **Revenue.**

20 **(4) Monthly reports provided by the Department of Revenue on net**
21 **collections and distributions and severance tax collections and distributions.**

22 **§16.4. Duties of the commissioner relative to contracts**

23 **A.(1) The commissioner shall ensure the website includes a contracts**
24 **database that is electronically searchable by the public and contains the**
25 **following information for each contract:**

26 **(a) Contract amount.**

27 **(b) A brief description of the purpose of the contract.**

28 **(c) The beginning and ending dates of the contract.**

29 **(d) The name of the contracting agency.**

1 (e) The name of the contractor.

2 (f) The city and state of the contractor.

3 (2) The database shall, at a minimum, allow users to:

4 (a) Search and aggregate records by agency.

5 (b) Search and aggregate contracts by contractor.

6 (c) Search and aggregate contracts by number and amounts of contracts
7 by type of service.

8 (d) Download information yielded by a search of the database.

9 (3) The website shall provide access to, or integrate into, information
10 from legally required reports on contracts including:

11 (a) Information required to be published on the division of
12 administration's website by R.S. 39:1567(B)(3).

13 (b) Copies of the monthly reports submitted to the Joint Legislative
14 Committee on the Budget under R.S. 39:1567(E).

15 (c) The annual report on the progress of the Hudson Initiative required
16 to be made available on the internet by R.S. 39:2007(E).

17 (d) The annual report on the progress of the Veteran Initiative required
18 to be made available on the internet by R.S. 39:2177(E).

19 B. For all state contracts with a projected expenditure value of five
20 million dollars or more per year on an annualized basis, the information
21 required for nongovernment organizations as set forth in R.S. 39:51.1(B), shall
22 be provided and published on the website. This information shall be required
23 only for contracts that are approved on or after July 1, 2018, and shall be
24 provided no later than six months after the date of the contract effectiveness,
25 and shall be updated no less often than every twelve months thereafter.

26 C. For all state contracts, the contractor shall submit on January
27 fifteenth of each year a verification to the Department of Revenue listing each
28 subcontractor who is paid one thousand dollars or more per year for services
29 provided by the contract.

1 **§16.5. Duties of the commissioner relative to incentive expenditures**

2 **A. The commissioner shall require any state agency that administers an**
3 **incentive expenditure program to report the information stated in this Section**
4 **for any incentive expenditure entered into on or after July 1, 2018. The**
5 **commissioner shall ensure that the information shall be included on the website.**

6 **B. The administering state agency shall report or require the recipient**
7 **to report in each fiscal year the following information:**

8 **(1) The name of the recipient of the incentive expenditure.**

9 **(2) The corporate domicile of such recipient.**

10 **(3) The number and demographics of the recipient's personnel employed**
11 **in-state and out-of-state, and the amount of health insurance coverage provided**
12 **as a result of the incentive benefit.**

13 **(4) The benefits received or to be received by the state as a result of the**
14 **incentive expenditure.**

15 **(5) The annual and total estimated value of the benefits to the recipient.**

16 **(6) The means of finance, and source of funds, used for payments to a**
17 **recipient.**

18 **(7) The recipient and any subrecipient, upon request from the Joint**
19 **Legislative Committee on the Budget, shall provide specific information**
20 **regarding the use of the incentive expenditure as requested by the committee.**

21 **C. The information required in this Section shall be provided no later**
22 **than six months after the effective date of the incentive expenditure and shall**
23 **be updated no less often than every twelve months thereafter. The state agencies**
24 **that administer these programs shall provide, or shall require the beneficiaries**
25 **of each program to provide, sufficient information to satisfy the requirements**
26 **of this Subsection. The direct recipient shall assume responsibility for reporting**
27 **the information required in this Section.**

28 **§16.6. Duties of the state retirement systems relative to the website**

29 **The website shall include the following information provided by the state**

1 retirement systems:

2 A. The number of active and retired employee members of the system.

3 B. The amount of the normal cost of retirement for active employees by
4 plan.

5 C. The amount and percentage of the unfunded accrued liability of the
6 system.

7 D. Investment fees.

8 §16.7. Duties of the treasurer relative to the website

9 A. The state treasurer shall provide the following information relative
10 to bonds issued by the State Bond Commission to the commissioner for
11 inclusion on the website:

12 (1) The amounts and categories of state bonded indebtedness.

13 (2) The amount and categories of local debt backed by the full faith and
14 credit of the state.

15 (3) The annual costs of debt service by category and state agency.

16 (4) The sources of funding for the bonds.

17 (5) The per capita costs of state bonded indebtedness.

18 (6) National and other state comparisons of the state's bonded
19 indebtedness.

20 (7) The information used to determine the state's net state tax supported
21 debt and the net state tax supported debt report.

22 (8) Official statements.

23 (9) The cost of issuance of state bonds issued by the State Bond
24 Commission, including all items of expense, directly or indirectly payable or
25 reimbursable and related to the authorization, sale, and issuance of bonds,
26 including but not limited to printing costs, costs of preparation and
27 reproduction of documents, filing and recording fees, fees and charges of any
28 fiduciary, legal fees and charges of any counsels necessary in connection with
29 the issuance of bonds, costs of preparation, printing, and distribution of official

1 statements or other disclosure documents, fees and disbursements of consultants
2 and professionals necessary in connection with the issuance of bonds, costs of
3 credit ratings, fees and charges for preparation, execution, transportation, and
4 safekeeping of bonds, costs and expenses of refunding, underwriters discount
5 or placement fees, costs of any credit enhancement or of any financial products
6 agreement, and any other cost, charge, or fee in connection with the issuance of
7 bonds.

8 B. The website shall also include the following information provided by
9 the state treasurer:

10 (1) The state treasury's cash flow policy.

11 (2) The cost of investment of state funds, the basis of the compensation,
12 and the financial institutions, financial advisors, investment managers, and
13 investment advisors involved in the transactions.

14 (3) The website shall include access to a dedicated funds database,
15 including an electronic database of reports supported by appropriations from
16 dedicated funds required by R.S. 49:308.3(E).

17 (4) The Louisiana unclaimed property database.

18 (5) Contracts for financial advisors.

19 §16.8. Additional requirements

20 A.(1) The commissioner, subject to legislative appropriation, shall take
21 all necessary steps to establish, fully implement, and maintain the LaGov
22 statewide enterprise resource planning system maintained by the office of
23 technology services in the division of administration throughout the executive
24 branch of state government, by no later than October 1, 2021. The
25 commissioner, subject to legislative appropriation, shall take all necessary steps
26 to implement the website on or before July 1, 2019.

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

1 (a) Elect to join the LaGov statewide enterprise resource planning
2 system.

3 (b) Report the information required in this Subpart to the office of
4 technology services in the division of administration in the same format and
5 manner as provided in this Subpart.

6 (3) All reporting shall be submitted electronically and in the same
7 manner as prescribed for all agencies in LaGov statewide enterprise resource
8 planning system.

9 (4) The commissioner shall create and submit a schedule of completion
10 of the LaGov system biannually, at a minimum, to the Joint Legislative
11 Committee on the Budget until full implementation of the LaGov system has
12 occurred.

13 B. The commissioner shall ensure that the website has an easily
14 identifiable internet address and a dedicated link that is prominently displayed
15 on the home pages of the following:

16 (1) Louisiana.gov.

17 (2) The division of administration.

18 (3) The office of the governor.

19 (4) The legislature.

20 (5) The legislative auditor.

21 (6) The state treasurer.

22 (7) The Public Service Commission.

23 (8) Each statewide elected official.

24 C. Each state agency shall display on its website a link to the fiscal
25 transparency website. The fiscal transparency website shall display links to each
26 state agency.

27 D. The commissioner shall promulgate rules in accordance with the
28 Administrative Procedure Act that are necessary for the implementation of this
29 Subpart.

1 E. The commissioner may not charge a fee to the public to access the
2 fiscal transparency website.

3 F. The commissioner shall take all appropriate steps to establish public
4 awareness of the website.

5 G. State agencies that administer or allocate state funds to local political
6 subdivisions and receive periodic reports of the use or expenditure of the state
7 funds by the local political subdivisions, shall submit these reports to the
8 commissioner to be included on the website.

9 H. The website shall contain or provide access to state agency reports
10 required by law.

11 I. Except as otherwise provided in this Subpart, information on the
12 website shall be updated at least monthly.

13 J.(1) The website shall include an employment and salaries database that
14 is electronically searchable by the public at no cost to the public and that
15 contains information on all state employees, including the following:

16 (a) The name of the agency.

17 (b) The name of the employee.

18 (c) The job title.

19 (d) The salary of the employee.

20 (e) The total compensation paid to the employee the prior fiscal year,
21 including overtime, stipends, and allowances, but excluding employee benefit
22 payments and nontaxable employee reimbursements.

23 (2) The database shall, at a minimum, allow users to:

24 (a) Search and aggregate records by agency.

25 (b) Search and aggregate salaries by job title.

26 (c) Download information yielded by a search of the database.

27 (3) The website shall contain information regarding the number of
28 authorized positions and the number of vacant positions for each budget unit
29 contained in the General Appropriations Act and the Ancillary Appropriation

1 Act.

2 K. Parishes, municipalities, school boards, and other political
3 subdivisions may, at their option, link to the website.

4 §16.9. Items not included on the website

5 A. This Subpart shall not require or permit the disclosure of information
6 that is considered confidential under state or federal law, rule, or regulation.

7 The database shall not include the following:

8 (1) The addresses or telephone numbers of payees.

9 (2) Tax payment or refund data that include confidential taxpayer
10 information, such as social security number or federal tax identification
11 number, of any individual or business.

12 (3) Payments of state assistance to individual recipients.

13 (4) Protected health information as the term is defined under the federal
14 Health Insurance Portability and Accountability Act of 1996.

15 (5) Information subject to attorney-client privilege.

16 (6) Secure information that would reveal undercover or intelligence
17 operations by law enforcement.

18 B. The commissioner, with the assistance of each state agency, shall
19 develop a list of all information that shall be either redacted or reported in the
20 aggregate in order to protect the confidentiality of the information or to protect
21 a person's reasonable right to privacy. The list developed by the commissioner
22 shall be subject to the approval of the Senate Committee on Finance and the
23 House Committee on Appropriations prior to implementation and shall be
24 reported to the Joint Legislative Committee on the Budget at its next meeting
25 after their approval.

26 §16.10. Graphical displays on the website

27 A. In addition to the information required by R.S. 39:16.3 to be included
28 on the website, the website shall graphically display, including by way of charts
29 and graphs, the information regarding state government contracts,

1 expenditures, and incentive expenditures, in each fiscal year. The website shall
2 also summarize the information in order to provide transparency to and ease
3 of use by the persons utilizing the website.

4 B. All information on the website shall be available for the public to
5 download free of charge, and without the requirement of user registration. The
6 website shall also contain information regarding how the public may request
7 copies of public records in accordance with R.S. 44:1 et seq.

8 §16.11. Compliance auditing

9 A. All state agencies shall submit to the commissioner comprehensive
10 data sufficient to comply with the provisions of this Subpart. This data shall be
11 of the type, extent, format, frequency, and timing specified by the commissioner.

12 B. Internal auditors of state agencies required to have an internal audit
13 function shall report to the commissioner any findings of state agencies,
14 contractors, grantees, vendors, or recipients of state funding that are not in
15 compliance with the requirements of this Subpart.

16 C. The commissioner shall report agency noncompliance with this
17 Subpart to the Joint Legislative Committee on the Budget on at least a quarterly
18 basis.

19 D.(1) The legislative auditor shall perform periodic and unscheduled
20 reviews of state agencies, contractors, grantees, vendors, or recipients of state
21 funds to ensure compliance with this Subpart. The auditor shall report to the
22 commissioner and the Joint Legislative Committee on the Budget any audit
23 finding of noncompliance with the requirements of this Subpart.

24 (2) The auditor shall submit to the commissioner for publication on the
25 website, all audits performed as authorized by a state agency contract,
26 expenditure, or incentive expenditure.

27 E. Any state agency whose internal audit or legislative audit contains
28 findings indicating a violation of the constitution or laws of this state or findings
29 of fraud, waste, and abuse, shall be subject to periodic and unscheduled

1 investigative audits by the internal auditor or the legislative auditor for a
 2 probationary period of not less than three years.

3 §16.12. No authority to review, approve or deny expenditures of the legislature
 4 of the judiciary

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

13 Section 2. R.S. 39:6(C) is hereby repealed in its entirety.

14 Section 3. This Act shall become effective on July 1, 2018; if vetoed by the governor
 15 and subsequently approved by the legislature, this Act shall become effective on July 1,
 16 2018, or on the day following such approval by the legislature, whichever is later.

The original instrument was prepared by Martha Hess. The following digest,
 which does not constitute a part of the legislative instrument, was prepared
 by J. W. Wiley.

DIGEST

SB 13 Reengrossed

2018 Second Extraordinary Session

Ward

Present law provides that the commissioner of administration shall establish and maintain a website to post reports of state spending. The reports shall include the nature and amount of appropriations for the executive branch of state government contained in the General Appropriation Act and other acts for each budget unit, annual salaries, and total compensation of statewide elected officials and cabinet-level positions and the total number in the table of organization for each budget unit. The website shall have a monthly report of spending by each such budget unit.

Present law further provides that the website shall also have information regarding state contracts, including contract amount, a brief description of the purpose of the contract, the beginning and ending dates of the contract, the name of the contracting agency, the name of the contractor, and the city and state of the contractor. Proposed law restates and expands present law. Proposed law repeals that provision of present law.

Proposed law defines "commissioner", "contract", "incentive expenditure", and "state agency" for purposes of proposed law.

Proposed law requires the commissioner of administration to establish and maintain a

website to post data and reports of state expenditures, contracts, incentive expenditures, revenues, and other financial matters. The website shall serve as an interactive portal for the public to access such information in each fiscal year. The website shall be searchable and have a mobile and tablet mode.

Proposed law requires the website to include the nature and amount of appropriations contained in the annual appropriation acts for the executive, judicial, and legislative branches of government.

Proposed law requires the commissioner to ensure that the website contains the following information from state agencies that administer or allocate the programs for which information is required to be included in the website pursuant to proposed law:

- (1) All expenditures of state funds.
- (2) Minimum Foundation Program transfers.
- (3) Revenue sharing and aid to other levels of government.
- (4) All incentive expenditures.
- (5) Capital outlay.
- (6) The annual salaries and total compensation of statewide elected officials and cabinet-level positions in the executive branch of government.
- (7) The table of organization for each state agency.
- (8) A monthly report of revenue collections and expenditures by each state agency.
- (9) The revenue and expenditure data on federal, state, and local fiscal matters maintained by the state Department of Education on its website.
- (10) Mandated interagency transfers, such as fees to the legislative auditor, fees to the treasurer, annual payments to the office of risk management, and contributions to retirement systems and benefit plans.

Proposed law requires the website to include a boards and commissions database that contains membership information, employee information, and financial and budget information required by R.S. 49:1302 and R.S. 24:513.2.

To the extent available, such expenditure information shall be searchable individually or in the aggregate by:

- (1) Fiscal year.
- (2) Department.
- (3) Category and subcategory of expenses, including but not limited to:
 - (a) Personal service expenses, including salaries, wages, other compensation, and post-employment benefit obligations.
 - (b) Travel expenses.
 - (c) Operating service expenses.
 - (d) Supply expenses.

- (e) Professional service expenses.
 - (f) Other subcontractor expenses.
 - (g) External transfers for tax and legal compliance.
 - (h) All other external transfers.
 - (i) Acquisitions, major repairs, and capital expenses.
 - (j) Other expenses.
- (4) Transaction-specific detail, including, where available, for each expenditure:
- (a) The name of the entity making the expenditure.
 - (b) The name of the person or entity receiving the payment.
 - (c) The date and the amount of the expenditure.
 - (d) A standardized descriptive title of the type and purpose of each expenditure.
- (5) Means of finance and source of funds, if available.
- (6) Contractor, grantee, vendor, or recipient of state funds.
- (7) Details of expenses charged to credit, debit, or other purchase cards and related fees, to the extent available from the card issuer.

Proposed law provides that the website shall contain all audits of state agencies by the legislative auditor, including but not limited to audits of revenues, contracts, expenditures, and incentive expenditures.

Proposed law requires the database to allow users to search and aggregate payments, including the total amount of state funding awarded by all state agencies to individual contractors, grantees, vendors, recipients of state funds, and governmental entities.

Proposed law provides that the website shall include or provide access to the following information related to revenues on which state expenditures are based:

- (1) The official forecast and incentive expenditure forecast adopted by the Revenue Estimating Conference.
- (2) The tax exemption budget prepared by the Louisiana Department of Revenue under R.S. 47:1517.
- (3) The Annual Tax Collection Report prepared by the Department of Revenue.
- (4) Monthly reports provided by the Department of Revenue on net collections and distributions and severance tax collections and distributions.

Proposed law requires the commissioner to ensure the website includes a contracts database that is searchable electronically by the public and contains the following information for each contract:

- (1) The contract amount.
- (2) A brief description of the purposes of the contract.

- (3) The beginning and ending dates of the contract.
- (4) The name of the contracting agency.
- (5) The name of the contractor.
- (6) The city and state of the contractor.

The database shall, at a minimum, allow users to:

- (1) Search and aggregate records by agency.
- (2) Search and aggregate contracts by contractor.
- (3) Search and aggregate contracts by number and amounts of such contracts by type of service.
- (4) Download information yielded by a search of the database.

The website shall provide access to, or integrate into, information from legally required reports on contracts including:

- (1) Information required to be published on the division of administration's website by present law.
- (2) Copies of the monthly reports submitted to the Joint Legislative Committee on the Budget (JLCB) under present law.
- (3) The annual report on the progress of the Hudson Initiative required to be made available on the internet by present law.
- (4) The annual report on the progress of the Veteran Initiative required to be made available on the internet by present law.

Proposed law provides that for all state contracts with a projected expenditure value of \$5 million or more per year on an annualized basis, the information required for nongovernmental organizations as set forth in present law shall be provided and published on the website. Such information shall be required only for contracts that are approved on or after July 1, 2018, the effective date of proposed law, and shall be provided no later than six months after the date of contract effectiveness, and shall be updated no less often than every 12 months thereafter.

Proposed law requires information to be furnished by state agencies that administer an incentive expenditure program for any incentive expenditure entered into on or after July 1, 2018, and the commissioner is required to ensure that such information shall be included on the website. The administering state agency shall report, or require the recipient to report, in each fiscal year, the following:

- (1) The name of the recipient of the incentive expenditure.
- (2) The corporate domicile of such recipient.
- (3) The number and demographics of the recipient's personnel employed in-state and out-of-state, and the amount of health insurance coverage provided as a result of the incentive benefit.
- (4) The benefits received or to be received by the state as a result of the incentive expenditure.

- (5) The annual and total estimated value of the benefits to such recipient.
- (6) The means of finance, and source of funds, used for payments to a recipient.
- (7) The recipient and any sub-recipient, upon request from the JLCB, shall provide specific information regarding the use of the incentive expenditure as requested by the committee.

Proposed law requires such information to be provided no later than six months after the effective date of such incentive expenditures and shall be updated no less often than every 12 months thereafter. The state agencies that administer such programs shall provide, or shall require the beneficiary of such programs to provide, sufficient information to satisfy the requirements of proposed law. The direct recipient shall assume responsibility for reporting the information required in proposed law.

Proposed law provides that the website shall include the following information provided by the state retirement systems:

- (1) The number of active and retired employee members of the system.
- (2) The amount of the normal cost of retirement for active employees by plan.
- (3) The amount and percentage of the unfunded accrued liability of the system.
- (4) Investment fees.

Proposed law requires the state treasurer to provide the following information relative to bonds issued by the State Bond Commission:

- (1) The amounts and categories of state bonded indebtedness.
- (2) The amounts and categories of local debt backed by the full faith and credit of the state.
- (3) The annual costs of debt service by category and budget unit.
- (4) The sources of funding for the bonds.
- (5) The per capita costs of state bonded indebtedness.
- (6) National and other state comparisons of the state's bonded indebtedness.
- (7) The information used to determine the state's net state tax supported debt and the net state tax supported debt report.
- (8) Official statements.
- (9) The cost of issuance of state bonds issued by the State Bond Commission.

Proposed law requires the website to include the following information provided by the state treasury:

- (1) The state treasury's cash flow policy.
- (2) The cost of investment of state funds, the basis of the compensation, and the financial institutions, financial advisors, investment managers, and investment advisors involved in the transaction.

- (3) Access to a dedicated funds database, including an electronic database of reports supported by appropriations from dedicated funds required by present law.
- (4) The unclaimed property database.
- (5) Contracts for financial advisors.

Proposed law requires the commissioner, subject to legislative appropriation, to take all necessary steps to establish, fully implement, and maintain the LaGov statewide enterprise resource planning system maintained by the office of technology services in the division of administration throughout the executive branch of state government, by no later than October 1, 2021. Requires that the commissioner, subject to legislative appropriation, take all necessary steps to finalize the website on or before July 1, 2019.

Proposed law provides that all state agencies, higher education agencies, the judicial branch and the legislative branch which are not maintained on the LaGov website shall either:

- (1) Elect to join the LaGov statewide enterprise resource planning (ERP) system.
- (2) Report the information required in proposed law to the office of technology services in the division of administration in the same format and manner as provided in proposed law.

Proposed law provides that all reporting shall be submitted electronically and in the same manner as prescribed for all agencies in the LaGov ERP system.

Proposed law requires the commissioner to create and submit a schedule of completion of the LaGov system biannually, at a minimum, to the JLCB until full implementation of LaGov has occurred.

Proposed law requires the website to have an easily identifiable internet address and a dedicated link that is prominently displayed on the home pages of:

- (1) Louisiana.gov.
- (2) The division of administration.
- (3) The office of the governor.
- (4) The legislature.
- (5) The legislative auditor.
- (6) The state treasurer.
- (7) The Public Service Commission.
- (8) Each statewide elected official.

Proposed law further provides that each state agency shall display on its website a link to the fiscal transparency website and the fiscal transparency website shall display links to each state agency.

Proposed law provides that the commissioner shall promulgate rules in accordance with the Administrative Procedure Act necessary for the implementation of proposed law.

Proposed law prohibits the commissioner from charging a fee to the public to access the fiscal transparency website. Further provides that the commissioner shall take all appropriate

steps to establish public awareness of the website.

Proposed law further provides that state agencies that administer or allocate state funds to local political subdivisions and receive periodic reports of the use or expenditure of the state funds by the local political subdivisions, shall submit such reports to the division of administration to be included on the website.

Proposed law provides that the website shall contain or provide access to state agency reports required by law. Further provides that unless otherwise provided in proposed law, information on the website shall be updated at least monthly.

Proposed law provides for an employment and salary database that contains information on all state agencies, including the name of the agency, the name of the employee, the job title, the employee's salary, and the total compensation paid to the employee the prior fiscal year, including overtime, stipends, and allowances, but excluding employee benefit payments and nontaxable employee reimbursements. The website shall contain information regarding the number of authorized positions and the number of vacant positions for each budget unit contained in the general appropriations act and the ancillary appropriation act.

Proposed law provides that parishes, municipalities, school boards, and other political subdivisions may, at their option, link to the website.

Proposed law does not require or permit the disclosure of information that is considered confidential under state or federal law, and lists information that shall not be included on the website. Proposed law requires the commissioner, with the assistance of each state agency, to develop a list of all information that shall be either redacted or reported in the aggregate in order to protect the confidentiality of the information or to protect a person's reasonable right to privacy. The list shall be subject to the approval of the Senate Committee on Finance and the House Committee on Appropriations prior to implementation and shall be reported to the JLCB at its next meeting after such approval.

Proposed law requires the website to graphically display, including by way of charts and graphs, the information regarding state government contracts, expenditures, and incentive expenditures, in each fiscal year. Proposed law also requires the website to summarize the information in order to provide transparency to and ease of use by the persons utilizing the website.

Proposed law provides that all information on the website shall be available for the public to download free of charge and without the requirement of user registration. The website shall also contain information regarding how the public may request copies of public records.

Proposed law requires all agencies in the executive branch to submit comprehensive data to the commissioner, and such data shall be of the type, extent, format, frequency, and timing specified by the commissioner.

Proposed law provides that internal auditors of the state agencies required to have an internal audit function shall report to the commissioner any findings of state agencies, contractors, grantees, vendors, or recipients of state funding that are not in compliance with the requirements of proposed law. Proposed law requires the commissioner to report agency noncompliance with proposed law to the JLCB on at least a quarterly basis.

Proposed 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 proposed law. The auditor shall report to the commissioner and the JLCB any findings of noncompliance with proposed law.

Proposed law requires the auditor to submit for publication on the website, all audits

performed as authorized by a state agency contract, expenditure, or incentive expenditure.

Proposed law provides that any state agency whose internal audit or legislative audit contains findings indicating a violation of the constitution or laws of Louisiana or findings of fraud, waste, and abuse, shall be subject to periodic and unscheduled investigative audits by the internal auditor and the legislative auditor for a probationary period of not less than three years.

Proposed law provides that in the event the judicial or legislative branch elects to join the LaGov ERP system, as opposed to being linked through a portal, no provision of proposed law shall be construed as conferring upon the division of administration any authority to review, approve, or deny any expenditure or contract entered into by the legislature or the judiciary, or to impose any requirement on the legislature or judiciary to take any action other than to disclose expenditures and contracts entered into on or after July 1, 2018.

Effective July 1, 2018.

(Adds R.S. 39:16.1–16.12; repeals R.S. 39:6(C))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Finance to the original bill

1. Provides that a direct recipient of an incentive expenditure is responsible and not liable to report information under proposed law.

Senate Floor Amendments to engrossed bill

1. Makes technical corrections.