

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 13

2018 Second Extraordinary Session

Ward

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

FISCAL CONTROLS. Provides for the Louisiana Fiscal Transparency Website. (7/1/18)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Removes all provisions of bill as sent to the House and replaces with comprehensive provisions relative to the Louisiana Fiscal Transparency Website.
2. Adds provision that for all state contracts, requires the contractor to submit a verification to the Department of Revenue listing each subcontractor who is paid one thousand dollars or more per year for services provided by the contract and for whom the contractor is required to required to make a return to the IRS as provided by rule of the Department of Revenue.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

Proposed law provides for the Louisiana Fiscal Transparency Website and provides for the duties of the commissioner of administration relative to the website.

Requires the commissioner to establish and maintain the Louisiana Fiscal Transparency Website as a centralized, searchable website, to be known as the "Louisiana Checkbook". Requires that it provide information to the public about data and reports of state expenditures, contracts, incentive expenditures, revenues, and other financial matters. Provides that the website serve as an interactive portal for the public to access state fiscal information.

Provides that all agencies, boards, commissions, departments, institutions of higher education, legislature, and judiciary are to furnish information, reports, aid, services, and assistance as may be requested by the commissioner in accordance with necessary rules promulgated pursuant to the Administrative Procedure Act.

Proposed law requires that all state agencies, higher education agencies, the judicial branch, and the legislative branch which are not maintained on the LaGov statewide enterprise resource planning system shall either:

- (a) Elect to join the LaGov statewide enterprise resource planning system.
- (b) Report the information required in this Subpart to the office of technology services in the division of administration in the same format and manner as provided in this Subpart.

Proposed law requires that all reporting be submitted electronically and in the same manner as prescribed for all agencies in LaGov statewide enterprise resource planning system.

Requires that the Louisiana Checkbook present information on its website in a manner that is intuitive to members of the general public and provide for the following functionality:

- (1) Access all related databases and features of the website at no cost to the public or without the requirement of user registration.
- (2) Search and aggregate data by all possible query combinations.
- (3) Download and print reports, graphs, charts, tables, or information yielded by a search of the database.
- (4) Provide for appropriate graphical presentation and manipulation.

- (5) Access all related databases and features of the website with optimization for desktop and mobile platforms.
- (6) Allow for the ability to share information on social media.

Proposed law provides that the database not include the following content:

- (1) The addresses or telephone numbers of payees.
- (2) Tax payment or refund data that include confidential taxpayer information, such as the social security number or federal tax identification number of any individual or business.
- (3) Payments of state assistance to individual recipients.
- (4) Protected health information as the term is defined under the federal Health Insurance Portability and Accountability Act of 1996.
- (5) Information subject to attorney client privilege.
- (6) Secure information that would reveal undercover or intelligence operations by law enforcement.
- (7) Any information that is confidential under state or federal law, rule, or regulation.

Requires that the commissioner ensure that the website contains the following information relative to all databases as possible and applicable.

- (1) All relevant data points that are collected in each state agency information system shall be submitted.
- (2) All data points that are capable to be collected in each state agency information system shall be submitted.

Requires that the commissioner ensure that the website includes an expenditure database that is electronically searchable by the public and contains reporting of expenditures by each budget unit in the executive budget and requires all state agencies to provide information. Requires that the expenditure database have the following functionality:

- (1) Search and aggregate expenditures by individual and multiple budget units and programs.
- (2) Search and aggregate payments to individual vendors and governmental entities, including the total amount of state payments issued to individual vendors and governmental entities.
- (3) Search and aggregate expenditures and payments from multiple fiscal years.
- (4) Search and aggregate expenditures by category.
- (5) Download information yielded by a search of the database.

Provides that the expenditure database include the following content:

- (1) Expenditures by category and shall include:
 - (a) Details of expenses charged to credit, debit, or other purchase cards and related fees to the extent available from the card issuer.
 - (b) Mandated interagency payments, such as fees to the legislative auditor, annual payments to the office of risk management, and contributions to retirement systems and benefits plans.
 - (c) Revenue sharing and aid to other levels of government, including minimum foundation program transfers.

Provides that where available, for each expenditure, the database is to include the following information:

- (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.
- (e) The manner of payment, including check, warrant, credit, debit, or other purchase card.
- (f) The funding source, including the categorical code and the state fund or account from which the expenditure is accounted.
- (g) Where applicable, a link to additional information on the contract available through the contracts database.

Proposed law provides that as to contracts database the commissioner is to ensure that the website includes a contract database that is electronically searchable by the public. Requires that the contract database include the following functionality:

- (1) Search and aggregate records by agency.
- (2) Search and aggregate contracts by contractor.
- (3) Download information yielded by a search of the database.
- (4) Provide access or integration into the database, the Louisiana Checkbook information from the reports on contracts required by law including:
 - (a) Information required to be published on the division of administration's website by R.S. 39:1567(B)(3).
 - (b) Copies of the monthly reports submitted to the Joint Legislative Committee on the Budget under R.S. 39:1567(E).
 - (c) The annual report on the progress of the Hudson Initiative required to be made available on the Internet by R.S. 39:2007(E).
 - (d) The annual report on the progress of the Veteran Initiative required to be made available on the Internet by R.S. 39:2177(E).

Requires that the contract database include the following content:

- (1) Contract amount.
- (2) A brief description of the purpose 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.
- (7) If available, supporting documentation for payment requests including invoices, timesheets, and reports from automatic verification software capable of automatically verifying the legitimacy of hours billed for computer generated work performed.

Proposed law, as to a payroll database, requires that the commissioner provide an employment and payroll database that is electronically searchable by the public and that the database have the following functionality:

- (1) Search and aggregate records by agency.
- (2) Search and aggregate salaries by job title.
- (3) Search and aggregate records by Civil Service Classification.
- (4) Search and aggregate records of employees by their enrolled retirement system.
- (3) Download information yielded by a search of the database.

Requires that the employment and payroll database include the following content:

- (1) The name of the employing agency.
- (2) The name of the employee.
- (3) The job title and or position.
- (4) The salary or hourly wage of the employee.
- (5) 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.
- (6) Employers payroll benefit cost for the employee.
- (7) The Louisiana Checkbook shall contain information regarding the number of authorized positions and the number of vacant positions for each institution of higher education and each budget unit contained in the General Appropriation Act and the Ancillary Appropriation Act.

Requires that for all state contracts, each contractor is to submit a verification to the Department of Revenue listing each subcontractor who is paid one thousand dollars or more per year for services provided by the contract and for whom the contractor is required to required to make a return to the IRS as provided by rule of the Department of Revenue.

Proposed law requires the commissioner to ensure the website includes a reports database that is electronically searchable by the public and that it be organized and searchable in an intuitive manner and include the following:

- (1) The official forecast and the 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.

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

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

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

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

(9) 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 these reports to the commissioner to be included on the website.

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

Proposed law provides for a boards and commissions database that is electronically searchable by the public and which includes the following functionality:

- (1) Search and aggregate records by agency.
- (2) Search and aggregate expenditures and payments from multiple fiscal years.
- (3) Search and aggregate expenditures by category.
- (4) Search and aggregate expenditures by individual and multiple agencies.
- (5) Download information yielded by a search of the database.

Requires that the boards and commissions database shall include membership information, employee information, and financial and budget information required by R.S. 49:1302 and R.S. 24:513.2 and that it provide a link to or incorporate the annual reports submitted to the legislature by the legislative auditor on boards, commissions, and like entities under R.S. 24:513.2(E).

Proposed law requires the state treasurer to establish and maintain a state debt database that is electronically searchable by the public and that it have the following functionality:

- (1) Search and aggregate debt by agency.
- (2) Search and aggregate debt from multiple fiscal years.

Requires that the state debt database shall include the following content:

- (1) Amounts and categories of state debt, such as pensions, post-employment benefit obligations, and capital construction.
- (2) Amounts and categories of local debt backed by the full faith and credit of the state.
- (3) Annual costs of debt service by category and budget unit.
- (4) Sources of funding for state debt obligations.
- (5) The per capita costs of state debt.
- (6) National and other state comparisons of Louisiana's debt.
- (7) Information used to determine the state's net state tax supported debt.

Proposed law requires that the commissioner include an incentives database that is electronically searchable by the public and that the commissioner require any state agency that administers an incentive expenditure program to report the information stated in this Section for any incentive expenditure entered into on or after July 1, 2018. Provides that the information be provided no later than six months after the effective date of such incentive expenditures and shall be updated as needed no less than every twelve months thereafter. The state agencies that administer such programs shall provide.

Requires that the incentives database shall have the following functionality:

- (1) Search and aggregate incentives by individual recipients and multiple budget units and programs.
- (2) Search and aggregate payments to recipients and governmental entities, including the total amount of state payments issued to individual recipients.

Requires that, as to the incentives database, the administering state agency is to report in each fiscal year the following information:

- (1) The name of the recipient of the incentive expenditure.
- (2) The corporate domicile of such recipient.
- (3) The estimated net new jobs and/or payroll.
- (4) The estimated total capital investment or estimated total Louisiana expenditures, whichever is relevant based upon the incentive expenditure program being reported on.
- (5) The annual and total estimated value of the benefits to such recipient.
- (6) The official forecast of the incentive expenditure forecast adopted by the Revenue Estimating Conference.
- (7) The incentives database shall not include the information that is protected from disclosure pursuant to La. R.S. 44:3.2(C) and La. R.S. 44:22.

Proposed law requires that the commissioner ensure the website includes a dedicated funds database that is electronically searchable by the public.

Requires a performance database that is electronically searchable by the public and that the executive branch is be required to provide information for this database and that the database include the Louisiana Performance Accountability System, the electronic performance database that tracks performance standards, interim quarterly performance targets, and actual performance information for executive branch departments and agencies required under the Louisiana Government Performance and Accountability Act, R.S. 39:87.1 et seq.

Proposed law requires state agencies to submit to the commissioner comprehensive data sufficient to comply with the provisions of proposed law in a type, extent, format, frequency, and timing specified by the commissioner.

Requires internal auditors of state agencies to 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. Requires the commissioner to report agency noncompliance with proposed law to the Joint Legislative Committee on the Budget on at least a quarterly basis.

Provides authority to 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 and that the auditor report to the commissioner and the Joint Legislative Committee on the Budget any audit finding of noncompliance.

Effective on July 1, 2018.

(Adds R.S. 39:16.1 through 16.14; repeals R.S. 39:6(C))

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