

CONFERENCE COMMITTEE REPORT

HB 597

2023 Regular Session

Ivey

June 8, 2023

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 597 by Representative Ivey, recommend the following concerning the Reengrossed bill:

1. That the set of Senate Committee Amendments by the Senate Committee on Senate and Governmental Affairs (#2563) be adopted.
2. That the set of Legislative Bureau Amendments (#2755) be adopted.
3. That the following amendments be adopted:

AMENDMENT NO. 2

In Senate Committee Amendment No. 1 by the Senate Committee on Senate and Governmental Affairs (#2563), on page 1, at the end of line 4, after "system" delete the period "." and insert a semicolon ";" and "however, the legislative auditor, with the approval of the Legislative Audit Advisory Council, may require the production of additional information."

AMENDMENT NO. 3

In Senate Committee Amendment No. 2 by the Senate Committee on Senate and Governmental Affairs (#2563), on page 1, at the end of line 8, after "system" delete the period "." and insert a semicolon ";" and "however, the legislative auditor, with the approval of the Legislative Audit Advisory Council, may require the production of additional information."

AMENDMENT NO. 4

On page 3, delete line 24, and insert:

"(2) Search, aggregate, and query data."

AMENDMENT NO. 5

On page 3, line 27, delete "appropriate"

AMENDMENT NO. 6

On page 4, line 20, change "capable of being collected" to "relevant to the purposes of this Chapter"

AMENDMENT NO. 7

On page 4, line 22, delete "legislative"

AMENDMENT NO. 8

On page 4, delete line 25 and 26 and insert:

"A. All state agencies are directed to furnish information, reports, aid,"

AMENDMENT NO. 9

On page 5, line 6, after "updated" delete the remainder of the line and insert "in the time and manner required by the auditor."

AMENDMENT NO. 10

On page 8, line 23, after "employee in" delete the remainder of the line and delete lines 24 and 25 and insert "previous calendar years including overtime, stipends, allowances, benefit payments, and nontaxable reimbursements."

AMENDMENT NO. 11

On page 10, delete lines 1 through 4

AMENDMENT NO. 12

On page 11, delete line 12 and on line 13, change "(6)" to "(5)"

AMENDMENT NO. 13

On page 11, line 18, after "Section" delete the remainder of the line and delete line 19, and insert "for each incentive expenditure."

AMENDMENT NO. 14

On page 14, line 9, change "may" to "shall"

AMENDMENT NO. 15

On page 14, line 10, after "website." insert the following:

"The schedule and the fiscal information requested from local auditees shall be subject to the approval of the Legislative Audit Advisory Council. After approval, local auditees shall furnish the information requested by the auditor in the format specified by the auditor."

AMENDMENT NO. 16

On page 14, line 15, after "transfer" delete the remainder of the line and line 16, and insert "three million five hundred thousand dollars from the state general fund to the fund on July"

AMENDMENT NO. 17

On page 16, delete lines 18 and 19 and insert "data points that are relevant to the purposes of this Subpart and that are collected in each state agency information system."

AMENDMENT NO. 18

On page 19, at the end of line 23, change "month" to "quarter"

AMENDMENT NO. 19

On page 20, delete lines 3 through 11, and insert:

"Section 6. Notwithstanding any other provision of law to the contrary, between July 1, 2023, and June 30, 2024, after deposits required pursuant to R.S. 39:100.61, the state treasurer is directed to deposit three million five hundred thousand dollars of recurring state general fund revenue as recognized by the Revenue Estimating Conference in excess of the official forecast at the beginning of Fiscal Year 2023-2024 into the Louisiana Transparency Fund.

Section 7.(A) This Section, Section 2, Section 5, and Section 6 of this Act shall become effective upon signature of this Act by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and subsequently approved by the legislature, this Section, Section 2, Section 5, and Section 6 of this Act shall become effective on the day following such approval.

(B) The provisions of Section 1 shall become effective if and when a deposit is made into the Louisiana Transparency Fund.

(C) The provisions of Sections 3 and 4 of this Act shall become effective on July 1, 2026, or the day after the commissioner of administration and the legislative auditor report to the legislature that the transition is complete, whichever is earlier."

Respectfully submitted,

Representative Barry Ivey

Senator Sharon Hewitt

Representative John M. Stefanski

Senator Franklin J. Foil

Representative Scott McKnight

Senator Barry Milligan

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)]

CONFERENCE COMMITTEE REPORT DIGEST

HB 597

2023 Regular Session

Ivey

Keyword and oneliner of the instrument as it left the House

LEGISLATIVE AUDITOR: Provides for a portal to provide comprehensive financial and other information to the public

Report adopts Senate amendments to:

1. Specify that the datasets provided to the legislative auditor by the commissioner of administration meet the information requirements for the transparency portal and website only for the state agencies that are included in the LaGov statewide enterprise resource planning system.
2. Make technical changes.

Report amends the bill to:

1. Change effective date provisions and provide relative to deposits into the fund.
2. Remove certain components in the required data.
3. Authorize the legislative auditor, with the approval of the Legislative Audit Advisory Council, to require the production of additional information.
4. Require the auditor to establish a schedule to include local auditee information on the portal, subject to approval of the Legislative Audit Advisory Council.
5. Change the amount the state treasurer is required to deposit into the fund from two million dollars to three million five hundred thousand dollars and changes the date of the first transfer to July 1, 2024.
6. Make technical changes.

Digest of the bill as proposed by the Conference Committee

Present law provides for the La. 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 La. Fiscal Transparency Website as a centralized, searchable website, to be known as "La. 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.

Proposed law revises present law and provides that the commissioner instead maintains the information as datasets and provides for the transfer of those datasets to the legislative auditor for La. Transparency Portal. Provides that the datasets provided to the legislative auditor by the commissioner of administration pursuant to present and proposed law meet the information requirements for the transparency portal and website for the state agencies that are included in the LaGov statewide enterprise resource planning system. Proposed law removes the legislative branch and the judicial branch from requirements for submission of information to the commissioner of administration. Further provides for the powers and duties of the legislative auditor relative to the La. Transparency portal. Proposed law provides requirements for the portal, including:

- (1) Requires all agencies, boards, commissions, departments, institutions of higher education, legislature, and judiciary to furnish information, reports, aid, services, and assistance necessary for the portal (website) as may be requested.
- (2) Requires all state agencies which do not maintain data on LaGov to report to the auditor the required information in the dataset for inclusion on the website in the time and manner required by the auditor.

Further requires the portal to present information to the public and provide certain functions and information. Requires the following databases which shall include specific content and be electronically searchable within specific parameters outlined for each:

- (1) An expenditure database containing reporting of expenditures by each budget unit in the executive budget.
- (2) A budget database for each branch of government that includes current and past fiscal years and proposed appropriations and capital outlay bills.
- (3) A contract database for all state contracts.
- (4) An employment and payroll database.

- (5) A report database containing certain reports required by law.
- (6) A boards and commissions database.
- (7) A state debt database with information regarding debt by agency, debt categories, debt sources, debt obligations, per capita debt, and debt comparisons.
- (8) An incentives database with information regarding incentive expenditure programs administered by state agencies.
- (9) A dedicated funds database with information regarding appropriations from dedicated funds and the state treasurer's report on special funds.
- (10) A performance database including information provided by the executive branch through the La. Performance Accountability System.

Imposes reporting and information sharing requirements upon state agencies and state contractors in order to fulfill the requirements of proposed law.

Provides protection for information not subject to disclosure pursuant to present law.

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

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

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

Requires that the auditor make available on the website, all audits performed as authorized by a state agency contract, expenditure, or incentive expenditure.

Further requires the auditor to establish a schedule to include fiscal information regarding local auditees in the portal, subject to approval by the Legislative Audit Advisory Council.

Proposed law establishes the La. Transparency Fund to provide monies to fund the development and maintenance of the La. Transparency Portal and the auditor's duties and responsibilities related thereto. Requires the treasurer to annually deposit into the fund \$3.5 million. Unencumbered monies remain in the fund and the monies are subject to appropriation and use by the Legislative Budgetary Control Council for the purposes specified in proposed law. Provides for a deposit into the fund if the Revenue Estimating Conference recognizes additional monies.

Proposed law provides that the commissioner of administration has until July 1, 2025, to include any information in a dataset required by present law that is not included as of July 1, 2023. Provides that prior to July 1, 2026, the auditor is not required to include any information on the portal for any agency which does not maintain data on LaGov. Provides for the commissioner of administration and the legislative auditor to develop a transition plan from La. Fiscal Transparency Website to the La. Transparency Portal and to report progress quarterly to the legislature.

Provides that provisions relative to the fund and provisions for the transition are effective upon signature of governor or lapse of time for gubernatorial action; provides that the proposed law provisions for the auditor's duties and the La. Transparency Portal are effective when monies are deposited into the fund; and provides that revisions to the La. Fiscal Transparency Website (DOA) become effective on July 1, 2026, or the day after the commissioner of administration and the legislative auditor report to the legislature that the transition is complete, whichever is earlier.

(Amends title of Subpart D of Part I of Chapter I of Subtitle I of Title 39, R.S. 39:16.1(4), 16.2, 16.3(A)(1), (3)(intro. para.), and (5) and (D), 16.4(A)(1), 16.5(A)(1) and (B)(intro. para.) and (4)(intro. para.), 16.6(A)(1) and (C)(7), 16.8(A) and (C), 16.10(A)(1) and (3) and (C)(3), 16.12(A), and 16.13(C); adds R.S. 24:513(D)(7) and R.S. 24:571- 586 and R.S. 39:16.10(C)(8) and (9); repeals R.S. 39:16.3(B), 16.4(B), 16.5(B)(1), (2), and (3) and (D), 16.6(B), 16.7, 16.8(B), 16.9, 16.10(B), 16.11, 16.13(D)(2), and 16.14)