

2018 Second Extraordinary Session

HOUSE BILL NO. 5

BY REPRESENTATIVES IVEY, GAROFALO, AND STOKES

BUDGETARY PROCEDURES: Establishes the Louisiana Checkbook website to provide transparency of state fiscal information (Item #32)

1 AN ACT

2 To amend and reenact R.S. 39:6(C) and to enact Subpart F of Part II of Chapter 1 of Subtitle
3 I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S.
4 39:89.1 through 89.3, relative to state expenditure reporting; to provide for the duties
5 of the commissioner of administration; to provide for the establishment and
6 maintenance of the Louisiana Checkbook as a government fiscal transparency
7 website; to provide for the information to be included on the website; to provide for
8 implementation; to provide for an effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 39:6(C) is hereby amended and reenacted and Subpart F of Part II
11 of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised
12 of R.S. 39:89.1 through 89.3, is hereby enacted to read as follows:

13 §6. Duties of commissioner

14 * * *

15 C.(+) The commissioner of administration shall establish and maintain the
16 Louisiana Checkbook as a website to post reports of state spending as provided in
17 R.S. 39:89.1 et seq. ~~The reports shall include the nature and amount of~~
18 ~~appropriations for the executive branch of state government contained in the General~~
19 ~~Appropriation Act and other acts for each budget unit, annual salaries and total~~
20 ~~compensation of statewide elected officials and cabinet-level positions in the~~
21 ~~executive branch of state government, and the total number in the table of~~

1 B. The division of administration shall provide reports to the Joint
2 Legislative Committee on the Budget and the state treasurer regarding the Louisiana
3 Checkbook on a quarterly basis in Fiscal Years 2018-2019 through 2021-2022 and
4 upon request thereafter. The reports shall include but not be limited to the
5 following:

6 (1) The disclosure of any agency that has not provided information required
7 to be posted on the website.

8 (2) Additions, removals, or modifications to the content or format of the
9 website.

10 (3) Information regarding the usage of the website, including the number of
11 visitors to the website in the previous quarter and the number of visitors to the
12 website in the previous twelve months.

13 C. All agencies, boards, commissions, departments, and institutions of higher
14 education of the state are directed to furnish information, reports, aid, services, and
15 assistance as may be requested by the commissioner of administration in the
16 performance of the commissioner's responsibilities as set forth in this Part without
17 any cost or charge.

18 D. The contents of the website shall include features such as visual
19 simplicity, charts and graphs, a mobile and tablet mode, the ability to download data,
20 and the ability to share information on social media.

21 §89.2. Contents of Louisiana Checkbook

22 A. The Louisiana Checkbook shall include an expenditure database that is
23 electronically searchable by the public at no cost and that contains reporting of
24 expenditures by each budget unit in the executive budget, including institutions of
25 higher education. Information on the Louisiana Checkbook shall be updated at least
26 monthly. The Louisiana Checkbook shall present information in the database in a
27 manner that is intuitive to members of the general public, including graphical
28 representations.

29 (1) The database shall, at a minimum, allow users to:

1 (a) Search and aggregate expenditures by individual and multiple budget
2 units and programs.

3 (b) Search and aggregate payments to individual vendors and governmental
4 entities, including the total amount of state payments issued to individual vendors
5 and governmental entities.

6 (c) Search and aggregate expenditures and payments from multiple fiscal
7 years.

8 (d) Search and aggregate expenditures by category.

9 (e) Download information yielded by a search of the database.

10 (2) The database shall include expenditures by category and shall include:

11 (a) Details of expenses charged to credit, debit, or other purchase cards and
12 related fees to the extent available from the card issuer.

13 (b) Mandated interagency payments, such as fees to the legislative auditor,
14 annual payments to the office of risk management, and contributions to retirement
15 systems and benefits plans.

16 (c) Revenue sharing and aid to other levels of government, including
17 minimum foundation program transfers.

18 (3) Where available, for each expenditure, the database shall include the
19 following information:

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

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

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

23 (d) A standardized descriptive title of the type and purpose of each
24 expenditure.

25 (e) The manner of payment, including check, warrant, credit, debit, or other
26 purchase card.

27 (f) The funding source, including the categorical code and the state fund or
28 account from which the expenditure is accounted.

1 (g) Where applicable, a link to additional information on the contract
2 available through the contracts database.

3 (4) The expenditure database shall not include the following:

4 (a) The addresses or telephone numbers of payees.

5 (b) Tax payment or refund data that include confidential taxpayer
6 information, such as the social security number or federal tax identification number
7 of any individual or business.

8 (c) Payments of state assistance to individual recipients.

9 (d) Protected health information as the term is defined under the federal
10 Health Insurance Portability and Accountability Act of 1996.

11 (e) Information subject to attorney-client privilege.

12 (f) Secure information that would reveal undercover or intelligence
13 operations by law enforcement.

14 (g) Any information that is confidential under state or federal law, rule, or
15 regulation.

16 B.(1) The Louisiana Checkbook shall include a contracts database that is
17 electronically searchable by the public at no cost and that contains the following
18 information for each contract:

19 (a) Contract amount.

20 (b) A brief description of the purpose of the contract.

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

22 (d) The name of the contracting agency.

23 (e) The name of the contractor.

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

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

26 (a) Search and aggregate records by agency.

27 (b) Search and aggregate contracts by contractor.

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

1 (3) The Louisiana Checkbook shall provide access to, or integrate into, the
2 Louisiana Checkbook information from the reports on contracts required by law
3 including:

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

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

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

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

12 C.(1) The Louisiana Checkbook shall include an employment and salary
13 database that is electronically searchable by the public at no cost and that contains
14 information on all state employees, including the following:

15 (a) The name of the agency.

16 (b) The name of the employee.

17 (c) The job title.

18 (d) The salary of the employee.

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

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

23 (a) Search and aggregate records by agency.

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

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

26 (3) The Louisiana Checkbook shall contain information regarding the
27 number of authorized positions and the number of vacant positions for each
28 institution of higher education and each budget unit contained in the General
29 Appropriation Act and the Ancillary Appropriation Act.

1 D.(1) The Louisiana Checkbook shall include a boards and commissions
2 database that is electronically searchable by the public at no cost and that contains
3 the membership information, employee information, and financial and budget
4 information required by R.S. 49:1302 and R.S. 24:513.2.

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

6 (a) Search and aggregate records by agency.

7 (b) Search and aggregate expenditures and payments from multiple fiscal
8 years.

9 (c) Search and aggregate expenditures by category.

10 (d) Search and aggregate expenditures by individual and multiple agencies.

11 (e) Download information yielded by a search of the database.

12 (3) The Louisiana Checkbook shall include a link or incorporate the annual
13 reports submitted to the legislature by the legislative auditor on boards, commissions,
14 and like entities under R.S. 24:513.2(E).

15 E.(1) The Louisiana Checkbook shall include access to the state debt
16 database to be established and maintained by the state treasurer. The database shall
17 be electronically searchable by the public at no cost and shall contain information on
18 state debt, including the following:

19 (a) Amounts and categories of state debt, such as pensions, post-employment
20 benefit obligations, and capital construction.

21 (b) Amounts and categories of local debt backed by the full faith and credit
22 of the state.

23 (c) Annual costs of debt service by category and budget unit.

24 (d) Sources of funding for state debt obligations.

25 (e) The per capita costs of state debt.

26 (f) National and other state comparisons of Louisiana's debt.

27 (g) Information used to determine the state's net state tax supported debt.

28 (2) All agencies, boards, commissions, and departments of the state are
29 directed to furnish information, reports, aid, services, and assistance to the extent

1 allowed by state and federal law and regulations as may be requested by the state
2 treasurer in the performance of the treasurer's responsibilities as set forth in this
3 Subsection without any cost or charge.

4 F.(1) The Louisiana Checkbook shall include access to a dedicated funds
5 database that is electronically searchable by the public at no cost and that contains
6 the electronic database of reports supported by appropriations from dedicated funds
7 required by R.S. 49:308.5(B).

8 (2) The Louisiana Checkbook shall include access to the report on special
9 funds prepared by the state treasurer as required by R.S. 49:308.3(E).

10 G. The Louisiana Checkbook shall include the Louisiana Performance
11 Accountability System, the electronic performance database that tracks performance
12 standards, interim quarterly performance targets, and actual performance information
13 for executive branch departments and agencies required under the Louisiana
14 Government Performance and Accountability Act, R.S. 39:87.1 et seq.

15 H. The Louisiana Checkbook shall include or provide access to the revenue
16 and expenditure data on federal, state, and local fiscal matters maintained by the state
17 Department of Education on its website.

18 I. The Louisiana Checkbook shall include or provide access to the following
19 information related to revenues on which state expenditures are based:

20 (1) The official forecast and the incentive expenditure forecast adopted by
21 the Revenue Estimating Conference.

22 (2) The tax exemption budget prepared by the Louisiana Department of
23 Revenue under R.S. 47:1517.

24 (3) The Annual Tax Collection Report prepared by the Department of
25 Revenue.

26 (4) Monthly reports provided by the Department of Revenue on net
27 collections and distributions and severance tax collections and distributions.

28 (5) Louisiana Economic Development's website for economic development
29 incentives.

1 J. The commissioner of administration may include other databases or
 2 templates and interfaces with new or existing databases and reports to provide
 3 additional fiscal transparency to the public.

4 §89.3. Implementation

5 A. The commissioner of administration shall substantially implement the
 6 Louisiana Checkbook no later than July 1, 2019.

7 B. Prior to the full implementation of the Louisiana Checkbook, the
 8 commissioner of administration shall submit a quarterly report to the state treasurer
 9 and the Joint Legislative Committee on the Budget indicating the status of the
 10 implementation of the Louisiana Checkbook and the estimated completion dates of
 11 components of the Louisiana Checkbook.

12 Section 2. This Act shall become effective upon signature by the governor or, if not
 13 signed by the governor, upon expiration of the time for bills to become law without signature
 14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 16 effective on the day following such approval.

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 5 Reengrossed

2018 Second Extraordinary Session

Ivey

Abstract: Establishes the Louisiana Checkbook as a centralized, searchable website to provide information, to provide fiscal transparency, and allow the public to obtain fiscal information regarding the state.

Present law requires the commissioner of administration (commissioner) to establish and maintain a website to post reports of state spending of the executive branch of state government contained in the General Appropriation Act and other acts for each budget unit.

Proposed law requires that the expenditure database provide reports of state spending of all budget units contained in the executive budget.

Proposed law designates the website as the Louisiana Checkbook (checkbook) and requires the website to be searchable, to have an easily identifiable Internet address, and a dedicated link that is prominently displayed on the home page of certain state government websites.

Proposed law requires that the website include features such as visual simplicity, charts and graphs, a mobile and tablet mode, and the ability to download data and share information on social media.

Present law requires the commissioner to consult with the Joint Legislative Committee on the Budget (JLCB) in the development and specifications of the database to be used for the website.

Proposed law deletes present law and instead requires the division of administration to prepare quarterly reports for three fiscal years to the JLCB regarding content changes, website usage, and disclosure of any agencies that do not provide information required by law.

Proposed law directs all agencies, boards, commissions, departments, and institutions of higher education of the state and its political subdivisions to furnish information, reports, aid, services, and assistance as the commissioner requests, all without any cost or charge.

Content

Proposed law requires the checkbook to contain the following types of information:

- (1) Expenditure Data
- (2) Contracts
- (3) State Employment and Salaries
- (4) Boards and Commissions
- (5) Public Debt and Pensions
- (6) Dedicated Funds
- (7) Performance Measurements
- (8) Education Expenditure Data
- (9) Revenues and Credits

Proposed law authorizes the commissioner to include other databases, or templates and interfaces with existing databases and reports, to provide additional fiscal transparency.

Expenditure Data

Proposed law requires that the checkbook include an expenditure database that is electronically searchable and contains expenditures by each budget unit contained in the executive budget. The database shall allow users to search and aggregate expenditures across multiple fiscal years by budget unit and program, by individual vendor, and by expenditure category. Users shall also be able to download information from any database search.

Proposed law specifies that the database shall include expenditures by category and shall include details of expenses charged to credit, debit, and purchase cards and related fees, mandated interagency payments, contributions to retirement systems and benefits plans, and revenue sharing and aid to other levels of government, including minimum foundation program transfers.

Proposed law requires certain information for each expenditure where available, including the name of the entity making the expenditure, the name of the recipient, the type and purpose, the manner of payment, the source, and, for contracts, a link to information in the contracts database.

Proposed law specifies that certain information not be included, such as addresses, tax payment data, payments of state assistance, protected health information, information subject to attorney-client privilege, information related to undercover or intelligence operations by law enforcement, and information that is confidential under state or federal laws, rules, and regulations.

Contract Information

Present law requires the commissioner to maintain a website to post specified information regarding state contracts, including the contract amount, a description of the contract, the dates of the contract, the name of the contracting agency, and the name and location of the contractor.

Proposed law requires that the checkbook include an electronically searchable contract database containing information similar to what is required in present law.

Proposed law requires certain information related to contracts that is required under present law to also be made available on the checkbook including the following:

- (a) An annual report of all professional, personal, consulting, social services, and other contracts over which the office of state procurement has authority, including a report of all contracts awarded without competitive bidding, and information on contracts contained in the annual report. (R.S. 39:1357)
- (b) A report at the end of each month submitted to the JLCB summarizing each contract awarded that month over which the office of state procurement has power and authority.
- (c) The annual report the commissioner prepares on the progress of the Hudson Initiative, including the total number and dollar value of contracts awarded to small entrepreneurships and the number of contracts that included a good faith small entrepreneurship subcontracting plan.
- (d) The annual report the commissioner prepares on the progress of the Veteran Initiative, including the total number and dollar value of contracts awarded to veteran and service-connected disabled veteran-owned small entrepreneurships and the number of contracts that included a good faith subcontracting plan for such entrepreneurships.

State Employment and Salaries

Proposed law requires that the checkbook contain an electronically searchable employment and salary database. The database shall contain salary and compensation information for all state employees.

Proposed law requires the database to allow users to search and aggregate records by agency and job title and to download information yielded by a search of the database.

Proposed law requires that the checkbook contain information regarding the number of authorized positions and the number of vacant positions for each budget unit contained in the General Appropriation Act and the Ancillary Appropriation Act.

Boards and Commissions

Present law requires boards, commissions, and like entities to submit certain information regarding membership, salaries, and financial and budget information to the commissioner (R.S. 49:1302) and the legislative auditor (R.S. 24:513.2).

Proposed law requires that the checkbook contain an electronically searchable database of the membership, employee, and financial and budget information that boards, commissions, and like entities are required to submit to the commissioner and to the legislative auditor.

Proposed law requires that the checkbook provide access to the annual report that the legislative auditor is required to submit under present law (R.S. 24:513.2(E)) to the legislature on financial and personnel information on boards, commissions, and like entities.

Public Debt and Pensions

Proposed law requires that the checkbook contain access to an electronically searchable state debt database, to be established and maintained by the state treasurer. The database shall include information on public debt and pensions, including amounts and categories of state debt, amounts and categories of local debt backed by the state, costs of debt service, and sources of funding. Requires all agencies, boards, commissions, and departments of the state to furnish information, reports, aid, services, and assistance to the extent allowed by law, as may be requested by the treasurer to comply with proposed law, all without any cost or charge.

Dedicated Funds

Present law (R.S. 49:308.5(B)) requires the commissioner to provide access to an electronic database of annual reports of all entities and activities supported by special treasury funds.

Proposed law requires that the checkbook include access to an electronically searchable dedicated funds database that includes the database required by present law.

Present law (R.S. 49:308.3(E)) requires the state treasurer to submit an annual report to the JLCB and the legislative fiscal office a report on special treasury funds.

Proposed law requires that the checkbook provide access to the report required under present law.

Performance Measurements

Proposed law requires that the checkbook include or provide access to the La. 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 La. Government Performance and Accountability Act.

Education Spending

Proposed law requires that the checkbook include or provide access to the revenue and expenditure data on federal, state, and local fiscal matters maintained by the Dept. of Education on its website.

Revenues and Credits

Proposed law requires that the checkbook include or provide access to certain information related to revenues on which expenditures are based, including the official forecast and the incentive expenditure forecast adopted by the Revenue Estimating Conference; reports on tax collection and tax exemptions prepared by the Dept. of Revenue; and the La. Economic Development's website for economic development incentives.

Implementation

Proposed law requires the commissioner to substantially implement the checkbook no later than July 1, 2019. Requires the commissioner of administration to report to the state treasurer and the JLCB quarterly on the status of implementation of the checkbook and the estimated completion dates of its components prior to full implementation.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 39:6(C); Adds R.S. 39:89.1-89.3)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Delete the requirement that the commissioner of administration take steps to fully implement the LaGov system by Oct. 1, 2021.
2. Make technical changes.