

2016 Regular Session

HOUSE BILL NO. 298

BY REPRESENTATIVE IVEY

BUDGETARY PROCEDURES: Establishes the Louisiana fiscal transparency website as a source of information for state expenditures

1 AN ACT

2 To enact Chapter 3 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 39:440 through 443, relative to state agency expenditure reporting;
4 to provide for the establishment and maintenance of a government fiscal
5 transparency website; to provide for reporting requirements by state agencies; to
6 provide for audits; to provide for penalties; to provide for an effective date; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Chapter 3 of Subtitle I of Title 39 of the Louisiana Revised Statutes of
10 1950, to be comprised of R.S. 39:440 through 443, is hereby enacted to read as follows:

11 CHAPTER 3. LOUISIANA FISCAL TRANSPARENCY WEBSITE

12 §440. Louisiana Fiscal Transparency Website; establishment and maintenance

13 A. The state treasurer shall establish and maintain the Louisiana Fiscal
14 Transparency Website, hereinafter referred to as "Louisiana Checkbook", according
15 to the provisions of this Chapter. Louisiana Checkbook shall serve as a site available
16 for the public to access state government expenditures made in each fiscal year and
17 shall be available on the website of the state treasurer.

18 B. State agencies shall provide information, or any other assistance as
19 required by the treasurer, pursuant to the requirements of this Chapter. The treasurer
20 shall assess each state agency for any costs incurred as a result of the establishment

1 or maintenance of Louisiana Checkbook. The treasurer shall distribute the costs
2 between the state agencies on a pro rata share of their total appropriation in the fiscal
3 year in which costs are incurred. Each state agency shall reimburse the state
4 treasurer for any assessed costs.

5 C. The state treasurer may promulgate rules according to the Administrative
6 Procedure Act that are necessary for the implementation of this Chapter.

7 D. For purposes of this Section, "agency" has the same meaning as that
8 ascribed in R.S. 39:2.

9 §441. State agency reporting requirements

10 A. State agencies shall report to the state treasurer by the twentieth day of
11 each month, in a form and manner as prescribed by the treasurer, information on all
12 expenditures made by the agency in the previous month that is necessary to fulfill
13 the requirements of R.S. 39:442. Reports shall not include expenditures in the
14 aggregate, but shall be an itemized list of expenditures.

15 B. Each state agency shall display on its website a link to the Louisiana
16 Checkbook website.

17 §442. Louisiana Checkbook reporting requirements

18 A. The Louisiana Checkbook website shall include the following:

19 (1) A searchable database of all state expenditures reported by state agencies.

20 (2) Ability for the public to search expenditures by the following:

21 (a) State agency.

22 (b) Category of expense.

23 (c) Vendor or contractor.

24 (3) Ability to aggregate expenditures by:

25 (a) State agency.

26 (b) Category of expense.

27 (c) Vendor or contractor.

28 (4) Ability for the public to download information from the website.

1 B. For each expenditure by a state agency, Louisiana Checkbook shall
2 include the following information:

3 (1) The amount of the expenditure.

4 (2) The date of the payment of the expenditure.

5 (3) The vendor or contractor to which the expenditure was paid.

6 (4) The state agency that made the expenditure, including the name, phone
7 number, electronic mail address, and physical address of an agency contact.

8 C. The website shall graphically present the information on the website
9 regarding state agency expenditures, including charts and graphs, to provide a better
10 understanding and organization of the information.

11 §443. Compliance with the requirements of Louisiana Checkbook.

12 A.(1) The legislative auditor shall perform periodic and unscheduled audits
13 of each state agency to ensure that the agencies are in compliance with this Chapter.
14 The auditor shall report to the state treasurer and the Joint Legislative Committee on
15 the Budget any findings of state agencies that are not in compliance with the
16 requirements of this Chapter.

17 (2) In the event the legislative auditor determines that any expenditures were
18 negligently omitted from monthly reporting to the treasurer, a penalty of five
19 hundred dollars per omission, not to exceed ten thousand dollars per agency per audit
20 shall be assessed. Any fines collected pursuant to this Section shall be available to
21 the legislative auditor for the costs of the audits required in this Section.

22 B. In addition to the provision of Subsection A of this Section, in the event
23 that a state agency does not report monthly information to the state treasurer as
24 required in this Chapter for three consecutive months, the state treasurer is
25 authorized and directed to withhold fifteen percent of any warrants drawn on the
26 state treasury by the state agency until such time as the state agency reports the
27 information required.

28 Section 2. This Act shall become effective upon signature by the governor or, if not
29 signed by the governor, upon expiration of the time for bills to become law without signature

1 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
2 vetoed by the governor and subsequently approved by the legislature, this Act shall become
3 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 298 Original

2016 Regular Session

Ivey

Abstract: Requires the state treasurer to establish and maintain "Louisiana Checkbook", a Louisiana fiscal transparency website as a source of information for state expenditures.

Proposed law requires the state treasurer to establish and maintain a Louisiana fiscal transparency website as a source of information for state expenditures named "Louisiana Checkbook".

Proposed law requires state agencies to provide information to the treasurer and further requires that the costs of the website be distributed among the state agencies on a pro rata share of their total appropriations in the fiscal year in which costs are incurred.

Proposed law requires the website to include the following information:

- (1) A searchable database of all state expenditures reported by state agencies.
- (2) Ability to search and aggregate expenditures by state agency, category of expense, and vendor or contractor.
- (3) Ability to download information from the website.

Proposed law further requires the reporting of the following for each expenditure by a state agency:

- (1) The amount of the expenditure.
- (2) The date of the payment of the expenditure.
- (3) The vendor or contractor to which the expenditure was paid.
- (4) The state agency that made the expenditure, including the name, phone number, electronic mail address, and physical address of an agency contact.

Proposed law requires the legislative auditor to do periodic and unscheduled audits of each state agency for the purpose of determining if the agency is in compliance with proposed law. Further requires the auditor to report any state agencies that are not in compliance to the Joint Legislative Committee on the Budget and the state treasurer.

Proposed law also requires that if the legislative auditor determines that expenditures were negligently omitted from reporting to the treasurer, a penalty of \$500 per omission, not to exceed \$10,000 per agency per audit shall be assessed. Further requires any fines collected to be available for the legislative auditor for the audit costs.

Proposed law requires that if an agency does not report expenditure information to the treasurer in three consecutive months, the treasurer is authorized and directed to withhold 15% of any warrants drawn on the state treasury by the agency until the agency reports the information.

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

(Adds R.S. 39:440-443)