

Regular Session, 2011

SENATE BILL NO. 213

BY SENATORS MICHOT AND CHEEK

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

INTERNET. Establishes the Louisiana Enhanced Governmental Access Portal within the division of administration and provides its functions and duties. (gov sig)

1 AN ACT  
2 To enact Subpart E of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes  
3 of 1950, to be comprised of R.S. 39:17 through 20, relative to governmental portal  
4 services; to establish the Louisiana Enhanced Governmental Access Portal within the  
5 division of administration; to provide for the duties and functions of the  
6 commissioner of administration and chief information officer relative to the  
7 governmental portal; to provide for outsourcing of certain portal services; to provide  
8 for an effective date; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Subpart E of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised  
11 Statutes of 1950, to be comprised of R.S. 39:17 through 20, is hereby enacted to read as  
12 follows:

13 **SUBPART E. LOUISIANA ENHANCED**

14 **GOVERNMENTAL ACCESS PORTAL**

15 **§17. Louisiana Enhanced Governmental Access Portal**

16 **The legislature hereby establishes the Louisiana Enhanced**  
17 **Governmental Access Portal, a public instrumentality carrying out an essential**

1 governmental function within the division of administration.

2 §18. Definitions

3 As used in this Subpart, the following words and phrases shall mean:

4 (1) "Agency" means any agency, board, commission, public  
5 instrumentality, or political subdivision of the state, or any of the foregoing  
6 entities acting on behalf of the state, that stores, gathers, or generates public  
7 information or conducts public transactions.

8 (1.1) "CIO" means the chief information officer, head of the office of  
9 information technology within the division of administration.

10 (2) "Portal" means any centralized electronic information system or  
11 collection of websites and applications by which public information shall be  
12 disseminated or collected, or transactions shall be conducted, via the Internet,  
13 dial-in modem, continuous link, or other electronic medium.

14 (3) "Value-added charge" means the amount assessed and collected by  
15 the portal from users of certain portal services to support its outsourced  
16 operation so as not to require appropriated funds.

17 §19. Portal functions and duties

18 A. The CIO, under the direction of the commissioner of administration,  
19 shall have the following duties relative to the oversight and operation of the  
20 state of Louisiana's governmental portal:

21 (1) To provide oversight of the agencies within the division of  
22 administration which supply and ensure electronic access to public information  
23 and to permit the conduct of electronic transactions with government for  
24 members of the public and business.

25 (2) To promote the use of electronic commerce for information access  
26 and electronic transactions within the state in cooperation with the division of  
27 administration.

28 (3) To provide appropriate oversight of any contracts relative to the  
29 operation of the state's portal.

1           (4) To explore with the portal manager ways of expanding and  
2           improving the amount and kind of electronic public information and electronic  
3           transactions provided, increasing the utility and form of the electronic public  
4           information and electronic transactions provided, and, where appropriate,  
5           implement such changes as are necessary to be consistent with the provisions of  
6           this Subpart.

7           (5) To serve in an advisory capacity to the division of administration and  
8           other state agencies regarding the dissemination to and collection of electronic  
9           state data for residents and businesses.

10          (6) To foster the principle of a user-supported portal for interactions  
11          with government throughout the state.

12          B. All agencies may participate with the portal in providing assistance  
13          and cooperation to achieve the purpose of this Subpart.

14          C. Electronic services and public information to be provided by or to  
15          any agency may be specified pursuant to a contract or contracts between the  
16          portal or its manager and such agency.

17          D. Nothing in this Subpart shall be construed to affect the availability  
18          of public records in accordance with the Public Records Law as provided by  
19          R.S. 44:1, et seq.

20          E. The commissioner of administration shall recommend any value-  
21          added charges for transactions or classes of transactions conducted through the  
22          portal for the review and approval of the Joint Legislative Committee on the  
23          Budget.

24          F. Nothing herein shall apply to postsecondary education institution  
25          portals used to support faculty and students, nor to the Louisiana State  
26          University Health Electronic Health Record program established to provide  
27          patients and their treating medical team with access to patient medical  
28          information.

29          §20. Outsourced portal manager; duties and rights

1           **A. The CIO, under the direction of the commissioner of administration,**  
2           **shall oversee a competitive bid process to contract with a private entity to serve**  
3           **as outsourced portal manager after developing criteria and specifications for**  
4           **the portal manager's qualifications and duties.**

5           **B. The commissioner of administration shall negotiate and enter into a**  
6           **contract with the portal manager to develop, operate, manage, maintain, and**  
7           **expand the portal.**

8           **C. In addition, the portal manager shall perform the following functions:**

9           **(1) Prepare an initial multi-year strategic portal business plan and**  
10           **update the plan yearly in consultation with and under the oversight of the**  
11           **commissioner of administration.**

12           **(2) Process, or arrange for the processing of all financial transactions**  
13           **involving use of the portal and portal operations, receive and disburse moneys**  
14           **in connection therewith, and keep accurate records of the same.**

15           **(3) Submit to the commissioner of administration quarterly unaudited**  
16           **portal financial reports, an annual financial audit by an independent audit firm,**  
17           **an annual portal operations report, and any other portal information**  
18           **reasonably requested by the commissioner of administration.**

19           **(4) Use its own employees or subcontractors for its performance.**

20           **(5) Use commercially reasonable procedures for the physical and**  
21           **electronic security of the portal and the transactions it conducts.**

22           **(6) Make the initial capital investment, in exchange for a multi-year**  
23           **contract, to capitalize the portal's operations and periodic expansions of service**  
24           **and such subsequent capital investments as it shall deem advisable.**

25           **(7) Fund ongoing portal operations through online transactions for**  
26           **which a value-added charge is collected.**

27           Section 2. This Act shall become effective upon signature by the governor or, if not  
28           signed by the governor, upon expiration of the time for bills to become law without signature  
29           by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jay R. Lueckel.

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#### DIGEST

Michot (SB 213)

Proposed law establishes the Louisiana Enhanced Governmental Access Portal, a public instrumentality carrying out an essential governmental function, within the division of administration.

Proposed law provides for certain duties the CIO, under the direction of the commissioner of administration, shall exercise relative to the government portal, including, among others:

Sponsoring an online electronic portal to provide electronic access to public information and to permit electronic transactions with government for members of the public and business.

Promoting the use of electronic commerce for information access and electronic transactions within the state.

Fostering the principle of a user-supported portal for interactions with government throughout the state.

Proposed law provides that the commissioner of administration shall recommend any charges for transactions or classes of transactions for the review and approval of the Joint Legislative Committee on the Budget. Excludes applicability of such provisions affecting the Public Records Law. Further excludes applicability of such provisions affecting postsecondary education institution portals used to support faculty and students or the LSU Health Electronic Health Record program.

Proposed law provides that the CIO, under the supervision of the commissioner of administration, shall use a competitive bid process to contract with a private entity to serve as outsourced portal manager after developing criteria and specifications for the portal manager's qualifications and duties.

Proposed law provides that the portal manager shall perform various functions, including:

Preparing an initial multi-year strategic portal business plan and update the plan yearly in consultation with and under the oversight of the commissioner of administration.

Submitting to the commissioner of administration quarterly unaudited portal financial reports, an annual financial audit by an independent audit firm, an annual portal operations report, and any other portal information reasonably requested by the commissioner of administration.

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

(Adds R.S. 39:17-20)

**Summary of Amendments Adopted by Senate****Committee Amendments Proposed by Senate Committee on Finance to the original bill.**

1. Adds definition of chief information officer (CIO).
2. Provides for oversight of the portal functions and duties by the CIO, under the direction of the commissioner of administration.
3. Excludes applicability of such provisions affecting the Public Records Law.
4. Provides that the commissioner of administration shall recommend any charges for transactions or classes of transactions for the review and approval of the Joint Legislative Committee on the Budget.
5. Excludes applicability of such provisions affecting postsecondary education institution portals used to support faculty and students or the LSU Health Electronic Health Record program.
6. Provides that the CIO, under the direction of the commissioner of administration, shall oversee the outsourced portal management.