

Regular Session, 2011

SENATE BILL NO. 213

BY SENATOR MICHOT

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 relative to the governmental portal; to provide for
7 outsourcing of certain portal services; to provide for an effective date; and to provide
8 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 (2) "Portal" means any centralized electronic information system or
9 collection of websites and applications by which public information shall be
10 disseminated or collected, or transactions shall be conducted, via the Internet,
11 dial-in modem, continuous link, or other electronic medium.

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

15 §19. Portal functions and duties

16 A. In connection with the portal, the commissioner of administration
17 shall have the following duties:

18 (1) To sponsor an online electronic portal in order to provide electronic
19 access to public information and to permit the conduct of electronic
20 transactions with government for members of the public and business.

21 (2) To promote the use of electronic commerce for information access
22 and electronic transactions within the state in cooperation with the division of
23 administration.

24 (3) To provide appropriate oversight of the outsourced portal manager's
25 contract.

26 (4) To approve value-added charges paid by online users for services
27 provided by the portal.

28 (5) To explore with the portal manager ways of expanding and
29 improving the amount and kind of electronic public information and electronic

1 transactions provided, increasing the utility and form of the electronic public
2 information and electronic transactions provided, and, where appropriate,
3 implement such changes as are necessary to be consistent with the provisions of
4 this Subpart.

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

8 (7) To foster the principle of a user-supported portal for interactions
9 with government throughout the state.

10 (8) To accept gifts, donations, and grants, if any, for the furtherance of
11 the portal in Louisiana.

12 B. All agencies shall 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 shall be specified pursuant to a contract or contracts between the
16 portal or its manager and such agency.

17 D. The portal is intended to be supported primarily through value-added
18 charges paid by users for transactions conducted through the portal and not
19 primarily through appropriated dollars. The portal is authorized to charge
20 users as the commissioner of administration shall approve. The commissioner
21 of administration may also approve classes of transactions for which nothing is
22 to be charged and may also establish classes of governmental users that shall
23 not be charged, or whose charge shall be reduced.

24 §20. Outsourced portal manager; duties and rights

25 A. The commissioner of administration shall use a competitive bid
26 process to contract with a private entity to serve as outsourced portal manager
27 after developing criteria and specifications for the portal manager's
28 qualifications and duties.

29 B. The commissioner of administration shall negotiate and enter into a

1 **contract with the portal manager to develop, operate, manage, maintain, and**
2 **expand the portal.**

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

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

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

10 **(3) Submit to the commissioner of administration quarterly unaudited**
11 **portal financial reports, an annual financial audit by an independent audit firm,**
12 **an annual portal operations report, and any other portal information**
13 **reasonably requested by the commissioner of administration.**

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

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

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

20 **(7) Primarily fund ongoing portal operations through online transactions**
21 **for which a value-added charge is collected.**

22 **D. As a private entity, the portal manager shall not be subject to the**
23 **Louisiana Procurement Code in its operation of the portal.**

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

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

DIGEST

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 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.

Approving value-added charges paid by online users for services provided by the portal.

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

Proposed law provides that the portal is intended to be supported primarily through value-added charges paid by users for transactions conducted through the portal and not primarily through appropriated dollars and the portal is authorized to charge users as the commissioner of administration shall approve.

Proposed law provides that 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)