

30 implementing certain information resources on the website;

31 ▶ provides that the Division of Finance, in connection with the board, may make rules
32 to:

33 • determine what public financial information must be made available on the
34 Internet;

35 • require specific reporting obligations that are required of participating entities,
36 including the frequency and form of submission of the information; and

37 • establish minimum website capability requirements; and

38 ▶ provides for board membership and other duties.

39 **Monies Appropriated in this Bill:**

40 None

41 **Other Special Clauses:**

42 This bill provides an immediate effective date.

43 **Utah Code Sections Affected:**

44 AMENDS:

45 **52-4-202**, as last amended by Laws of Utah 2007, Chapters 45 and 249

46 **52-4-302**, as last amended by Laws of Utah 2007, Chapter 249

47 ENACTS:

48 **63A-3-401**, Utah Code Annotated 1953

49 **63A-3-402**, Utah Code Annotated 1953

50 **63A-3-403**, Utah Code Annotated 1953

51 **63A-3-404**, Utah Code Annotated 1953



53 *Be it enacted by the Legislature of the state of Utah:*

54 Section 1. Section **52-4-202** is amended to read:

55 **52-4-202. Public notice of meetings -- Emergency meetings.**

56 (1) A public body shall give not less than 24 hours public notice of each meeting
57 including the meeting:

- 58 (a) agenda;
- 59 (b) date;
- 60 (c) time; and
- 61 (d) place.

62 (2) (a) In addition to the requirements under Subsection (1), a public body which holds
63 regular meetings that are scheduled in advance over the course of a year shall give public notice
64 at least once each year of its annual meeting schedule as provided in this section.

65 (b) The public notice under Subsection (2)(a) shall specify the date, time, and place of
66 the scheduled meetings.

67 (3) (a) Public notice shall be satisfied by:

68 (i) posting written notice:

69 (A) at the principal office of the public body, or if no principal office exists, at the
70 building where the meeting is to be held; and

71 (B) beginning [~~April 1, 2008~~] October 1, 2008 and except as provided in Subsection
72 (3)(b), on the Utah Public Notice Website created under Section 63F-1-701; and

73 (ii) providing notice to:

74 (A) at least one newspaper of general circulation within the geographic jurisdiction of
75 the public body; or

76 (B) a local media correspondent.

77 (b) A public body of a municipality under Title 10, Utah Municipal Code, a local district
78 under Title 17B, Limited Purpose Local Government Entities - Local Districts, a special service
79 district under Title 17A, Chapter 2, Part 13, Utah Special Service District Act, or a dependent
80 district under Title 17A, Chapter 3, Dependent Districts, is encouraged, but not required, to
81 post written notice on the Utah Public Notice Website, if the municipality or district has a
82 current annual budget of less than \$1 million.

83 (c) A public body is in compliance with the provisions of Subsection (3)(a)(ii) by
84 providing notice to a newspaper or local media correspondent under the provisions of
85 Subsection 63F-1-701(4)(d).

86 (4) A public body is encouraged to develop and use additional electronic means to
87 provide notice of its meetings under Subsection (3).

88 (5) (a) The notice requirement of Subsection (1) may be disregarded if:

89 (i) because of unforeseen circumstances it is necessary for a public body to hold an
90 emergency meeting to consider matters of an emergency or urgent nature; and

91 (ii) the public body gives the best notice practicable of:

92 (A) the time and place of the emergency meeting; and

93 (B) the topics to be considered at the emergency meeting.

94 (b) An emergency meeting of a public body may not be held unless:

95 (i) an attempt has been made to notify all the members of the public body; and

96 (ii) a majority of the members of the public body approve the meeting.

97 (6) (a) A public notice that is required to include an agenda under Subsection (1) shall
98 provide reasonable specificity to notify the public as to the topics to be considered at the
99 meeting. Each topic shall be listed under an agenda item on the meeting agenda.

100 (b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding
101 member of the public body, a topic raised by the public may be discussed during an open
102 meeting, even if the topic raised by the public was not included in the agenda or advance public
103 notice for the meeting.

104 (c) Except as provided in Subsection (5), relating to emergency meetings, a public body
105 may not take final action on a topic in an open meeting unless the topic is:

106 (i) listed under an agenda item as required by Subsection (6)(a); and

107 (ii) included with the advance public notice required by this section.

108 Section 2. Section **52-4-302** is amended to read:

109 **52-4-302. Suit to void final action -- Limitation -- Exceptions.**

110 (1) (a) Any final action taken in violation of Section 52-4-201, 52-4-202, or 52-4-207 is
111 voidable by a court of competent jurisdiction.

112 (b) A court may not void a final action taken by a public body for failure to comply with
113 the posting written notice requirements under Subsection 52-4-202(3)(a)(i)(B) if:

114 (i) the posting is made for a meeting that is held before April 1, 2009; or
 115 ~~[(i)]~~ (ii) (A) the public body otherwise complies with the provisions of Section
 116 52-4-202; and
 117 ~~[(i)]~~ (B) the failure was a result of unforeseen Internet hosting or communication
 118 technology failure.

119 (2) Except as provided under Subsection (3), a suit to void final action shall be
 120 commenced within 90 days after the date of the action.

121 (3) A suit to void final action concerning the issuance of bonds, notes, or other
 122 evidences of indebtedness shall be commenced within 30 days after the date of the action.

123 Section 3. Section **63A-3-401** is enacted to read:

124 **Part 4. Utah Transparency Advisory Board**

125 **63A-3-401. Definitions.**

126 As used in this part:

127 (1) "Board" means the Utah Transparency Advisory Board created under Section
 128 63A-3-403.

129 (2) "Division" means the Division of Finance of the Department of Administrative
 130 Services.

131 (3) "Participating state entity" means the state of Utah, including its executive,
 132 legislative, and judicial branches, its departments, divisions, agencies, boards, commissions,
 133 councils, committees, and institutions.

134 (4) "Public financial information" means records that are required to be made available
 135 on the Utah Public Finance Website as required by this part.

136 Section 4. Section **63A-3-402** is enacted to read:

137 **63A-3-402. Utah Public Finance Website -- Establishment and administration.**

138 (1) There is created the Utah Public Finance Website to be administered by the Division
 139 of Finance with the technical assistance of the Department of Technology Services.

140 (2) The Utah Public Finance Website shall:

141 (a) permit Utah taxpayers to view, understand, and track the use of taxpayer dollars by

142 making participating state entities' public financial information available on the Internet;

143 (b) allow a person who has Internet access to use the website without paying a fee;

144 (c) allow the public to search public financial information on the Utah Public Finance
145 Website using those criteria established by the board;

146 (d) provide access to financial reports, financial audits, budgets, or other financial
147 documents that are used to allocate, appropriate, spend, and account for the government funds,
148 as may be established by rule under Section 63A-3-404;

149 (e) have a unique and simplified website address;

150 (f) be directly accessible via a link from the main page of the official state website; and

151 (g) include other links, features, or functionality that will assist the public in obtaining
152 and reviewing public financial information, as may be established by rule under Section
153 63A-3-404.

154 (3) The division shall be responsible for:

155 (a) establishing and maintaining the website, including the provision of equipment,
156 resources, and personnel as is necessary;

157 (b) maintaining an archive of all information posted to the website;

158 (c) coordinating and processing the receipt and posting of public financial information
159 from participating state entities; and

160 (d) providing staff support for the advisory committee.

161 (4) (a) A participating state entity shall permit the public to view the participating state
162 entity's public financial information via the website, beginning with information that is generated
163 not later than the fiscal year that begins July 1, 2008.

164 (b) Not later than May 15, 2009, the website shall:

165 (i) be operational; and

166 (ii) permit public access to participating state entities' public financial information.

167 Section 5. Section **63A-3-403** is enacted to read:

168 **63A-3-403. Utah Transparency Advisory Board -- Creation -- Membership --**
169 **Duties.**

170 (1) There is created within the division the Utah Transparency Advisory Board
171 comprised of seven members knowledgeable about public finance or providing public access to
172 public financial information as follows:

173 (a) one member designated by the director of the Division of Finance;
174 (b) one member designated by the director of the Governor's Office of Planning and
175 Budget;

176 (c) one member appointed by the governor on advice from the Judicial Council;
177 (d) one member appointed by the governor on advice from the Legislative Fiscal

178 Analyst;

179 (e) one member of the Senate, appointed by the governor on advice from the president
180 of the Senate;

181 (f) one member of the House of Representatives, appointed by the governor on advice
182 from the speaker of the House of Representatives; and

183 (g) one member designated by the director of the Department of Technology Services.

184 (2) The board shall:

185 (a) advise the division on matters related to the implementation and administration of
186 this part;

187 (b) develop plans, make recommendations, and assist in implementing the provisions of
188 this part;

189 (c) determine what public financial information shall be provided by participating state
190 entities, provided that the public financial information:

191 (i) only includes records that:

192 (A) are classified as public under Title 63, Chapter 2, Government Records Access and
193 Management Act;

194 (B) are an accounting of monies, funds, accounts, bonds, loans, expenditures, or
195 revenues, regardless of the source; and

196 (C) are owned, held, or administered by the participating state entity that is required to
197 provide the record; and

198 (ii) is of the type or nature that should be accessible to the public via a website based on
199 considerations of:

200 (A) the cost effectiveness of providing the information;

201 (B) the value of providing the information to the public; and

202 (C) privacy and security considerations; and

203 (d) evaluate the cost effectiveness of implementing specific information resources and
204 features on the website.

205 (3) The board shall annually elect a chair and a vice chair from its members.

206 (4) (a) Each member shall serve a two year term.

207 (b) When a vacancy occurs in the membership for any reason, the replacement shall be
208 appointed for the remainder of the unexpired term.

209 (5) The board shall meet as it determines necessary to accomplish its duties.

210 (6) Reasonable notice shall be given to each member of the board prior to any meeting.

211 (7) A majority of the board constitutes a quorum for the transaction of business.

212 (8) (a) (i) Members who are not government employees shall receive no compensation
213 or benefits for their services, but may receive per diem and expenses incurred in the
214 performance of the member's official duties at the rates established by the Division of Finance
215 under Sections 63A-3-106 and 63A-3-107.

216 (ii) Members may decline to receive per diem and expenses for their service.

217 (b) (i) State government officer and employee members who do not receive salary, per
218 diem, or expenses from their agency for their service may receive per diem and expenses
219 incurred in the performance of their official duties from the board at the rates established by the
220 Division of Finance under Sections 63A-3-106 and 63A-3-107.

221 (ii) State government officer and employee members may decline to receive per diem
222 and expenses for their service.

223 Section 6. Section **63A-3-404** is enacted to read:

224 **63A-3-404. Rulemaking authority.**

225 (1) After consultation with the board, and in accordance with Title 63, Chapter 46a,

226 Utah Administrative Rulemaking Act, the Division of Finance shall make rules to:

227 (a) require participating state entities to provide public financial information for
228 inclusion on the Utah Public Finance Website;

229 (b) define, either uniformly for all participating state entities, or on an entity by entity
230 basis, the term "public financial information" using the standards provided in Subsection
231 63A-3-403(2)(c); and

232 (c) establish procedures for obtaining, submitting, reporting, storing, and providing
233 public financial information on the Utah Public Finance Website, which may include a specified
234 reporting frequency and form.

235 (2) After consultation with the board, and in accordance with Title 63, Chapter 46a,
236 Utah Administrative Rulemaking Act, the Division of Finance may make rules to:

237 (a) require a participating state entity to list certain expenditures made by a person
238 under a contract with the entity; and

239 (b) if a list is required under Subsection (2)(a), require the following information to be
240 included:

241 (i) the name of the participating state entity making the expenditure;

242 (ii) the name of the person receiving the expenditure;

243 (iii) the date of the expenditure;

244 (iv) the amount of the expenditure;

245 (v) the purpose of the expenditure;

246 (vi) the name of each party to the contract;

247 (vii) an electronic copy of the contract; or

248 (viii) any other criteria designated by rule.

249 **Section 7. Effective date.**

250 If approved by two-thirds of all the members elected to each house, this bill takes effect
251 upon approval by the governor, or the day following the constitutional time limit of Utah
252 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
253 the date of veto override.

