

TRANSPARENCY IN GOVERNMENT FINANCE

2008 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne L. Niederhauser

House Sponsor: _____

LONG TITLE

Committee Note:

The Revenue and Taxation Interim Committee recommended this bill.

General Description:

This bill modifies the Utah Administrative Services Code by providing that certain public financial information be made available on the Internet.

Highlighted Provisions:

This bill:

- ▶ provides for definitions;
- ▶ creates a website for the purpose of providing public financial information which shall be administered by the Division of Finance;
- ▶ requires the state and certain other government entities to provide public financial information for the website;
- ▶ provides that the website shall be searchable, specifies the content of the website, and provides for website accessibility;
- ▶ creates the Utah Transparency Advisory Board to advise the division on website implementation and administration and to develop plans, make recommendations, and evaluate the cost effectiveness of implementing certain information resources on the website; and
- ▶ provides for board membership and other duties.

Monies Appropriated in this Bill:



28 None

29 **Other Special Clauses:**

30 None

31 **Utah Code Sections Affected:**

32 ENACTS:

33 **63A-3-401**, Utah Code Annotated 1953

34 **63A-3-402**, Utah Code Annotated 1953



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

37 Section 1. Section **63A-3-401** is enacted to read:

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

39 **63A-3-401. Definitions -- Website -- Establishment and administration.**

40 (1) As used in this part:

41 (a) "Board" means the Utah Transparency Advisory Board created under Section
42 63A-3-402.

43 (b) "Participating government agency" means:

44 (i) the state of Utah, including its executive, legislative, and judicial branches, its
45 departments, divisions, agencies, boards, commissions, councils, committees, and institutions;

46 (ii) a county of the first, second, third, or fourth class, as defined by Section 17-50-501;

47 (iii) a city of the first, second, third, or fourth class, as defined by Section 10-2-301;

48 (iv) a local district under Title 17B, Limited Purpose Local Government Entities -
49 Local Districts, that has an annual budget of \$1 million or more;

50 (v) a special service district under Title 17A, Chapter 2, Part 13, Utah Special Service
51 District Act, that has an annual budget of \$1 million or more;

52 (vi) a state institution of higher education as defined under Section 53B-3-102;

53 (vii) a school district that has an annual budget of \$1 million or more; and

54 (viii) a charter school that has an annual budget of \$1 million or more.

55 (c) "Public financial information" means records that:

56 (i) are classified as public under Title 63, Chapter 2, Government Records Access and
57 Management Act;

58 (ii) are an accounting of monies, funds, accounts, bonds, loans, expenditures, or

59 revenues, regardless of the source;

60 (iii) are owned, held, or administered by a participating government agency; and

61 (iv) are designated for inclusion on the website as determined by the board.

62 (d) "Website" means the Utah Public Finance Website created under this section.

63 (2) There is created the Utah Public Finance Website to be administered by the
64 Division of Finance.

65 (3) The website shall consist of an Internet website provided to assist Utah taxpayers to
66 view, understand, and track the use of taxpayer dollars by making public revenue and
67 expenditures available on the Internet.

68 (4) After consultation with the board, the chief information officer established under
69 Section 63F-1-201 may make rules to require a participating government agency to:

70 (a) provide public financial information for inclusion on the website under this part
71 with a specified frequency and form; or

72 (b) provide public financial information via the participating government agency's own
73 website with a specified frequency and form, provided that the participating government
74 agency's website is accessible by link or other direct route from the website established under
75 this part.

76 (5) The division, with the technical assistance of the Department of Technology
77 Services, shall establish the website which shall:

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

79 (b) subject to the provisions of Title 63, Chapter 2, Government Records Access and
80 Management Act, allow the public to view public financial information beginning with
81 information not later than the fiscal year that begins July 1, 2007;

82 (c) allow the public to search the website data by fiscal year, expenditure type, name of
83 the agency, payee, date, amount, and any other criteria approved by the advisory committee;

84 (d) provide access to financial reports, financial audits, budgets, and other financial
85 documents that are used to allocate, appropriate, spend, and account for the government funds
86 as determined by the advisory committee;

87 (e) list, for each quarter of each calendar year, each expenditure made by a
88 governmental entity to a person under a contract by:

89 (i) name of the governmental entity making the expenditure;

- 90 (ii) name of the person receiving the expenditure;
- 91 (iii) date of the expenditure;
- 92 (iv) amount of the expenditure; and
- 93 (v) purpose of the expenditure;
- 94 (f) provide the name of each party to a contract for which the website lists an
- 95 expenditure and provide an electronic copy of the contract;
- 96 (g) have a unique and simplified website address;
- 97 (h) be directly accessible via a link from the main page of the official state website; and
- 98 (i) include other links, features, or functionality that will assist the public in obtaining
- 99 and reviewing information in relation to public finance posted on the website, as may be
- 100 approved by the advisory committee or the division.

- 101 (6) The division shall be responsible for:
- 102 (a) establishing and maintaining the website, including the provision of equipment,
- 103 resources, and personnel as is necessary;
- 104 (b) maintaining an archive of all information posted to the website;
- 105 (c) coordinating and processing the receipt and posting of public financial information
- 106 from participating government agencies; and
- 107 (d) providing staff support for the advisory committee.

108 Section 2. Section **63A-3-402** is enacted to read:

109 **63A-3-402. Utah Transparency Advisory Board -- Creation -- Membership --**

110 **Duties.**

111 (1) There is created within the division the Utah Transparency Advisory Board
112 comprising of up to nine members knowledgeable about public finance or providing public
113 access to public financial information as follows:

- 114 (a) one member designated by the director of the Division of Finance;
- 115 (b) one member designated by the director of the Governor's Office of Planning and

116 Budget;

117 (c) one member designated by the director of the Department of Information

118 Technology;

- 119 (d) one member designated by the Judicial Council;
- 120 (e) one member designated by the Legislative Fiscal Analyst;

- 121 (f) one member of the Senate, appointed by the president of the Senate;
122 (g) one member of the House of Representatives, appointed by the speaker of the
123 House of Representatives; and
124 (h) two additional members who shall each:
125 (i) serve one-year terms;
126 (ii) be designated by a majority of the board members appointed under Subsections
127 (1)(a) through (e); and
128 (iii) be a representative of a participating government agency.
129 (2) The board shall:
130 (a) advise the division on matters related to the implementation and administration of
131 this part;
132 (b) develop plans, make recommendations, and assist in implementing the provisions
133 of this part;
134 (c) determine what public financial information shall be provided on the website based
135 on considerations of:
136 (i) the cost effectiveness of providing the information;
137 (ii) the value of providing the information to the public; and
138 (iii) privacy and security considerations; and
139 (d) evaluate the cost effectiveness of implementing specific information resources on
140 the website.
141 (3) The committee shall annually elect a chair and a vice chair from its members.
142 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
143 appointed.
144 (5) The committee shall meet as it determines necessary to accomplish its duties.
145 (6) Reasonable notice shall be given to each member of the committee prior to any
146 meeting.
147 (7) A majority of the committee constitutes a quorum for the transaction of business.
148 (8) (a) (i) Members who are not government employees shall receive no compensation
149 or benefits for their services, but may receive per diem and expenses incurred in the
150 performance of the member's official duties at the rates established by the Division of Finance
151 under Sections 63A-3-106 and 63A-3-107.

- 152 (ii) Members may decline to receive per diem and expenses for their service.
153 (b) (i) State government officer and employee members who do not receive salary, per
154 diem, or expenses from their agency for their service may receive per diem and expenses
155 incurred in the performance of their official duties from the committee at the rates established
156 by the Division of Finance under Sections 63A-3-106 and 63A-3-107.
157 (ii) State government officer and employee members may decline to receive per diem
158 and expenses for their service.
159 (c) (i) Local government members who do not receive salary, per diem, or expenses
160 from the entity that they represent for their service may receive per diem and expenses incurred
161 in the performance of their official duties at the rates established by the Division of Finance
162 under Sections 63A-3-106 and 63A-3-107.
163 (ii) Local government members, if any, may decline to receive per diem and expenses
164 for their service.

Legislative Review Note
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Office of Legislative Research and General Counsel