

1 STATE DATA PORTAL AMENDMENTS

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Deidre M. Henderson

5 House Sponsor: Steve Eliason

6

7 LONG TITLE

8 General Description:

9 This bill modifies provisions related to the availability of public information and the
10 duties of the Utah Transparency Advisory Board.

11 Highlighted Provisions:

12 This bill:

12a **H→ ► modifies the composition of the Utah Transparency Advisory board; ←H**

13 ► directs the Utah Transparency Advisory Board to analyze ways to make the
14 information on the Utah Public Finance Website more relevant to citizens;

15 ► directs the Utah Transparency Advisory Board to identify and prioritize public
16 information in the possession of a state agency or political subdivision that may be
17 appropriate for publication on the public information website;

18 ► directs the ~~S→ [Division of Finance]~~ **Department of Administrative Services** ←S to:

19 • by certain dates, modify the public information website to include a single point
20 of access for all Government Records Access and Management requests for

21 executive agencies, ~~S→ [political subdivisions, and special districts]~~ **school districts, charter**
21a **schools, public transit districts, counties, municipalities, local districts, and special service**
21b **districts** ←S ; and

22 • modify the public information website to include links to already existing public
23 information, provide multiple download options, provide additional public
24 information when identified, and include technical elements that the Utah
25 Transparency Advisory Board identifies as useful to a citizen using the website;
26 and

27 ► makes technical changes.

S.B. 70



28 **Money Appropriated in this Bill:**

29 None

30 **Other Special Clauses:**

31 None

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **63A-3-403**, as last amended by Laws of Utah 2013, Chapters 84 and 310

35 **63A-3-404**, as last amended by Laws of Utah 2009, Chapter 310



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

38 Section 1. Section **63A-3-403** is amended to read:

39 **63A-3-403. Utah Transparency Advisory Board -- Creation -- Membership --**
40 **Duties.**

41 (1) There is created within the department the Utah Transparency Advisory Board
42 comprised of members knowledgeable about public finance or providing public access to
43 public information.

44 (2) The board consists of:

45 (a) an individual appointed by the director of the Division of Finance;

46 (b) an individual appointed by the executive director of the Governor's Office of
47 Management and Budget;

48 (c) an individual appointed by the governor on advice from the Legislative Fiscal
49 Analyst;

50 (d) one member of the Senate, appointed by the governor on advice from the president
51 of the Senate;

52 (e) one member of the House of Representatives, appointed by the governor on advice
53 from the speaker of the House of Representatives;

54 (f) an individual appointed by the director of the Department of Technology Services;

55 (g) the director of the Division of Archives created in Section **63A-12-101** or the
56 director's designee;

57 (h) an individual who is a member of the State Records Committee created in Section
58 **63G-2-501**, appointed by the governor;

- 59 (i) an individual representing counties, appointed by the governor;
- 60 (j) an individual representing municipalities, appointed by the governor; ~~Ĥ~~→ [and]
- 60a **(k) an individual representing special districts, appointed by the governor; and**
- 61 ~~[(4)]~~ **(l)** ←Ĥ two individuals who are members of the public and who have knowledge,
- 62 expertise, or experience in matters relating to the board's duties under Subsection (10),
- 63 appointed by the board members identified in Subsections (2)(a) through ~~Ĥ~~→ ~~[(j)]~~ **(k)** ←Ĥ .
- 64 (3) The board shall:
- 65 (a) advise the division on matters related to the implementation and administration of
- 66 this part;
- 67 (b) develop plans, make recommendations, and assist in implementing the provisions
- 68 of this part;
- 69 (c) determine what public financial information shall be provided by participating state
- 70 and local entities, if the public financial information:
- 71 (i) only includes records that:
- 72 (A) are classified as public under Title 63G, Chapter 2, Government Records Access
- 73 and Management Act;
- 74 (B) are an accounting of money, funds, accounts, bonds, loans, expenditures, or
- 75 revenues, regardless of the source; and
- 76 (C) are owned, held, or administered by the participating state or local entity that is
- 77 required to provide the record; and
- 78 (ii) is of the type or nature that should be accessible to the public via a website based
- 79 on considerations of:
- 80 (A) the cost effectiveness of providing the information;
- 81 (B) the value of providing the information to the public; and
- 82 (C) privacy and security considerations;
- 83 (d) evaluate the cost effectiveness of implementing specific information resources and
- 84 features on the website;
- 85 (e) establish size or budget thresholds to identify those local entities that qualify as
- 86 participating local entities as defined in this part, giving special consideration to the budget and
- 87 resource limitations of an entity with a current annual budget of less than \$10,000,000;
- 88 (f) require participating local entities to provide public financial information in
- 89 accordance with the requirements of this part, with a specified content, reporting frequency,

90 and form;

91 (g) require a participating local entity's website to be accessible by link or other direct
92 route from the Utah Public Finance Website if the participating local entity does not use the
93 Utah Public Finance Website; ~~[and]~~

94 (h) determine the search methods and the search criteria that shall be made available to
95 the public as part of a website used by a participating local entity under the requirements of this
96 part, which criteria may include:

- 97 (i) fiscal year;
- 98 (ii) expenditure type;
- 99 (iii) name of the agency;
- 100 (iv) payee;
- 101 (v) date; and
- 102 (vi) amount[-]; and

103 (i) analyze ways to improve the information on the Utah Public Finance Website so the
104 information is more relevant to citizens, including through the use of:

- 105 (i) infographics that provide more context to the data; and
- 106 (ii) geolocation services, if possible.

107 (4) The board shall annually elect a chair and a vice chair from its members.

108 (5) (a) Each member shall serve a two-year term.

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

111 (6) To accomplish its duties, the board~~[-(a) may meet as many as eight times during~~
112 ~~2013; and (b) shall, after 2013,]~~ shall meet as it determines necessary.

113 (7) Reasonable notice shall be given to each member of the board before any meeting.

114 (8) A majority of the board constitutes a quorum for the transaction of business.

115 (9) A member may not receive compensation or benefits for the member's service, but
116 may receive per diem and travel expenses in accordance with:

117 (a) Section 63A-3-106;

118 (b) Section 63A-3-107; and

119 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and
120 63A-3-107.

121 (10) (a) As used in ~~[this Subsection]~~ Subsections (10) and (11):

122 (i) "Information website" means a single Internet website containing public information
123 or links to public information.

124 (ii) "Public information" means records of state or local government that are classified
125 as public under Title 63G, Chapter 2, Government Records Access and Management Act.

126 (b) The board shall:

127 (i) study the establishment of an information website and develop recommendations for
128 its establishment;

129 (ii) develop recommendations about how to make public information more readily
130 available to the public through the information website;

131 (iii) develop standards to make uniform the format and accessibility of public
132 information posted to the information website; and

133 ~~[(iv) no later than November 30, 2013, report the board's recommendations and
134 standards developed under Subsections (10)(b)(i) through (iii) to the executive director and the
135 Legislative Management Committee.]~~

136 (iv) identify and prioritize public information in the possession of a state agency or
137 political subdivision that may be appropriate for publication on the information website.

138 (c) In fulfilling its duties under Subsection (10)(b), the board shall be guided by
139 principles that encourage:

140 (i) (A) the establishment of a standardized format of public information that makes the
141 information more easily accessible by the public;

142 (B) the removal of restrictions on the reuse of public information;

143 (C) minimizing limitations on the disclosure of public information while appropriately
144 safeguarding sensitive information; and

145 (D) balancing factors in favor of excluding public information from an information
146 website against the public interest in having the information accessible on an information
147 website;

148 (ii) (A) permanent, lasting, open access to public information; and

149 (B) the publication of bulk public information;

150 (iii) the implementation of well-designed public information systems that ensure data
151 quality, create a public, comprehensive list or index of public information, and define a process

152 for continuous publication of and updates to public information;

153 (iv) the identification of public information not currently made available online and the
154 implementation of a process, including a timeline and benchmarks, for making that public
155 information available online; and

156 (v) accountability on the part of those who create, maintain, manage, or store public
157 information or post it to an information website.

158 (d) The department shall implement the board's recommendations, including the
159 establishment of an information website, to the extent that implementation:

160 (i) is approved by the Legislative Management Committee;

161 (ii) does not require further legislative appropriation; and

162 (iii) is within the department's existing statutory authority.

163 (11) The department shall, in consultation with the board ~~Ĥ→~~ **and as funding allows** ~~←Ĥ~~ ,
163a modify the information

164 website described in Subsection (10) to:

165 (a) by January 1, 2015, serve as a ~~Ŝ→~~ **[single]** ~~←Ŝ~~ point of access for Government Records
166 Access and Management requests for ~~Ŝ→~~ **[all]** ~~←Ŝ~~ executive agencies;

167 (b) by January 1, 2016, serve as a ~~Ŝ→~~ **[single]** ~~←Ŝ~~ point of access for Government Records
168 Access and Management requests for ~~Ŝ→~~ **[all-political-subdivisions]** :

168a **(i) school districts;**

168b **(ii) charter schools;**

168c **(iii) public transit districts created under Title 17B, Chapter 2a, Part 8, Public**
168d **Transit District Act;**

168e **(iv) counties; and**

168f **(v) municipalities** ~~←Ŝ~~ ;

169 (c) by January 1, 2017, serve as a ~~Ŝ→~~ **[single]** ~~←Ŝ~~ point of access for Government Records
170 Access and Management requests for ~~Ŝ→~~ **[all-special-districts]** :

170a **(i) local districts under Title 17B, Limited Purpose Local Government Entities-**

170b **Local Districts; and**

170c **(ii) special service districts under Title 17D, Chapter 1, Special Service District**

170d **Act** ~~←Ŝ~~ ;

171 (d) ~~Ŝ→~~ **except as provided in Subsection (12)(a),** ~~←Ŝ~~ provide link capabilities to other
171a existing repositories of public information,

172 including maps, photograph collections, legislatively required reports, election data, statute,

173 rules, regulations, and local ordinances that exist on other agency and political subdivision

174 websites;

175 (e) provide multiple download options in different formats, including nonproprietary,
176 open formats where possible;

177 (f) provide any other public information that the board, under Subsection (10),
178 identifies as appropriate for publication on the information website; and

179 (g) incorporate technical elements the board identifies as useful to a citizen using the
180 information website.

180a **§→ (12)(a) The department, in consultation with the board, shall establish by rule any**
180b **restrictions on the inclusion of maps and photographs, as described in Subsection (11)(d), on**
180c **the website described in Subsection (10) if the inclusion would pose a potential security**
180d **concern.**

180e **(b) The website described in Subsection (10) may not publish any record that is classified as**
180f **private, protected, or controlled under Title 63G, Chapter 2, Government Records Access and**
180g **Management Act.** ←§

181 Section 2. Section 63A-3-404 is amended to read:

182 **63A-3-404. Rulemaking authority.**

183 (1) After consultation with the board, and in accordance with Title 63G, Chapter 3,
184 Utah Administrative Rulemaking Act, the Division of Finance shall make rules to:

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

187 (b) define, either uniformly for all participating state entities, or on an entity by entity
188 basis, the term "public financial information" using the standards provided in Subsection
189 [63A-3-403](#)~~(2)~~(3)(c); and

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

193 (2) After consultation with the board, and in accordance with Title 63G, Chapter 3,
194 Utah Administrative Rulemaking Act, the Division of Finance may make rules to:

195 (a) require a participating state or local entity to list certain expenditures made by a
196 person under a contract with the entity; and

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

199 (i) the name of the participating state or local entity making the expenditure;

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

201 (iii) the date of the expenditure;

202 (iv) the amount of the expenditure;

203 (v) the purpose of the expenditure;

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

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

206 (viii) any other criteria designated by rule.

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Office of Legislative Research and General Counsel