

STATE TAX COMMISSION REPORT ON TAX PROVISIONS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel K. Briscoe

Senate Sponsor: _____

LONG TITLE

General Description:

This bill requires the State Tax Commission to make a report to the Legislature on certain tax provisions and provide that report to the Utah Transparency Advisory Board to be posted on the Utah Public Finance Website.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ requires the State Tax Commission to make a report to the Legislature on certain tax provisions;
- ▶ provides procedures and requirements for the report; and
- ▶ requires the State Tax Commission to provide the report to the Utah Transparency Advisory Board to be posted on the Utah Public Finance Website.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63A-3-402, as last amended by Laws of Utah 2011, Chapters 46 and 417

ENACTS:



28 **59-1-214**, Utah Code Annotated 1953

29

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

31 Section 1. Section **59-1-214** is enacted to read:

32 **59-1-214. Commission report to Legislature -- Contents -- Commission to provide**
33 **report to Utah Transparency Advisory Board for posting on Utah Public Finance**
34 **Website.**

35 (1) "Designated tax provision" means:

36 (a) the residential exemption described in Section 59-2-103;

37 (b) the veteran's exemption described in Section 59-2-1104;

38 (c) property tax relief described in Chapter 2, Part 12, Property Tax Relief;

39 (d) a tax credit allowable against a tax imposed under:

40 (i) Chapter 7, Corporate Franchise and Income Taxes; or

41 (ii) Chapter 10, Individual Income Tax Act;

42 (e) a subtraction from adjusted gross income described in Section 59-10-114; or

43 (f) a sales and use tax exemption described in Section 59-12-104.

44 (2) Subject to the other provisions of this section, the commission shall, on or before
45 February 1 of each year, provide to the Legislature a report on each designated tax provision
46 containing:

47 (a) the statutory authority for the designated tax provision;

48 (b) a description of the persons that receive a benefit as a result of the designated tax
49 provision;

50 (c) a statement of the actual revenue lost to the state as a result of the designated tax
51 provision or an estimate of the revenue lost to the state as a result of the designated tax
52 provision if the actual revenue lost to the state cannot be determined; and

53 (d) the number of persons that claimed a benefit under the designated tax provision.

54 (3) The commission shall include the most current data available to the commission in
55 the report required by Subsection (2).

56 (4) The commission shall, on or before March 1 of each year, provide the report
57 required by this section to the Utah Transparency Advisory Board to be posted to the Utah
58 Public Finance Website in accordance with Section 63A-3-402.

59 (5) The commission may not include information in a report required by this section if
60 including the information in the report violates Section 59-1-403 or 59-1-404.

61 Section 2. Section **63A-3-402** is amended to read:

62 **63A-3-402. Utah Public Finance Website -- Establishment and administration --**
63 **Records disclosure.**

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

66 (2) The Utah Public Finance Website shall:

67 (a) permit Utah taxpayers to:

68 (i) view, understand, and track the use of taxpayer dollars by making public financial
69 information available on the Internet for participating state entities' and participating local
70 entities, using the Utah Public Finance Website; and

71 (ii) link to websites administered by participating local entities that do not use the Utah
72 Public Finance Website for the purpose of providing participating local entities' public
73 financial information as required by this part and by rule under Section 63A-3-404;

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

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

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

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

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

82 (g) include other links, features, or functionality that will assist the public in obtaining
83 and reviewing public financial information, as may be established by rule under Section
84 63A-3-404; and

85 (h) include a link to school report cards published on the State Board of Education's
86 website pursuant to Section 53A-1-1112.

87 (3) The division shall:

88 (a) establish and maintain the website, including the provision of equipment, resources,
89 and personnel as is necessary;

90 (b) maintain an archive of all information posted to the website;

91 (c) coordinate and process the receipt and posting of public financial information from
92 participating state entities;

93 (d) coordinate and regulate the posting of public financial information by participating
94 local entities; and

95 (e) provide staff support for the advisory committee.

96 (4) (a) A participating state entity shall permit the public to view the participating
97 entity's public financial information via the website, beginning with information that is
98 generated not later than the fiscal year that begins July 1, 2008, except that public financial
99 information for an institution of higher education shall be provided beginning with information
100 generated for the fiscal year beginning July 1, 2009.

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

102 (i) be operational; and

103 (ii) permit public access to participating state entities' public financial information,
104 except as provided in Subsection (4)(c).

105 (c) An institution of higher education that is a participating state entity shall submit the
106 entity's public financial information at a time allowing for inclusion on the website no later
107 than May 15, 2010.

108 (d) The report the State Tax Commission submits to the Legislature each year in
109 accordance with Section 59-1-214 shall be posted to the Utah Public Finance Website.

110 (5) (a) The Utah Educational Savings Plan, created in Section 53B-8a-103, shall
111 provide the following financial information to the division for posting on the Utah Public
112 Finance Website:

113 (i) administrative fund expense transactions from its general ledger accounting system;
114 and

115 (ii) employee compensation information.

116 (b) The plan is not required to submit other financial information to the division,
117 including:

118 (i) revenue transactions;

119 (ii) account owner transactions; and

120 (iii) fiduciary or commercial information, as defined in Section 53B-12-102.

121 (6) A person who negligently discloses a record that is classified as private, protected,
122 or controlled by Title 63G, Chapter 2, Government Records Access and Management Act, is
123 not criminally or civilly liable for an improper disclosure of the record if the record is disclosed
124 solely as a result of the preparation or publication of the Utah Public Finance Website.

Legislative Review Note
as of 2-2-12 9:12 AM

Office of Legislative Research and General Counsel