

Representative Joel K. Briscoe proposes the following substitute bill:

STATE TAX COMMISSION REPORT ON TAX PROVISIONS

2014 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 Revenue and Taxation Interim Committee on certain tax provisions and provide the report to the Division of Finance 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 Revenue and Taxation Interim Committee on certain tax provisions;
- ▶ provides procedures and requirements for the report; and
- ▶ requires the State Tax Commission to provide the report to the Division of Finance to be posted on the Utah Public Finance Website.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 [63A-3-402](#), as last amended by Laws of Utah 2011, Chapters 46 and 417

27 ENACTS:

28 [59-1-214](#), Utah Code Annotated 1953



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 Revenue and Taxation Interim Committee --**
33 **Contents -- Commission to provide report to Division of Finance for posting on Utah**
34 **Public Notice Website.**

35 (1) "Designated tax provision" means:

36 (a) a property tax exemption provided in:

37 (i) Section [59-2-1104](#); or

38 (ii) Section [59-2-1106](#);

39 (b) a property tax abatement provided in Section [59-2-1107](#);

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

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

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

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

44 (e) a subtraction from adjusted gross income described in Section [59-10-114](#); or

45 (f) a sales and use tax exemption described in Section [59-12-104](#).

46 (2) Subject to the other provisions of this section, the commission shall, on or before
47 the October interim meeting:

48 (a) prepare a written report on each designated tax provision; and

49 (b) present the report to the Revenue and Taxation Interim Committee.

50 (3) The report shall contain:

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

52 (b) a description of the designated tax provision;

53 (c) the year the designated tax provision was enacted;

54 (d) a description of the purpose, rationale, or objective of the designated tax provision;

55 (e) a description of the class of persons who receive a benefit from the designated tax
56 provision;

57 (f) a statement of:

58 (i) the actual revenue lost to the state or political subdivisions as a result of the
59 designated tax provision; or

60 (ii) if the actual revenue lost to the state or political subdivisions cannot be determined
61 or may not be disclosed in accordance with Section 59-1-403 or 59-1-404, an estimate of the
62 revenue lost to the state or political subdivisions as a result of the designated tax provision;

63 (g) a statement of:

64 (i) the number of persons who claimed a benefit under the designated tax provision; or

65 (ii) if the number of persons who claimed a benefit under the designated tax provision
66 cannot be determined or may not be disclosed in accordance with Section 59-1-403 or
67 59-1-404, an estimate of the number of persons who claimed a benefit under the designated tax
68 provision;

69 (h) subject to Subsection (3)(j), for each designated tax provision, an assessment of the
70 extent to which the designated tax provision achieves its purpose, rationale, or objective; and

71 (i) recommendations on how a designated tax provision may be effectively analyzed
72 and evaluated, if the commission determines that there is not sufficient information to assess
73 whether the designated tax provision achieves its purpose, rationale, or objective.

74 (4) The commission shall include the most current data available to the commission in
75 the report required by this section.

76 (5) The commission shall, on or before the October interim meeting, provide the report
77 required by this section to the Division of Finance to be posted to the Utah Public Finance
78 Website in accordance with Section 63A-3-402.

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

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

82 **63A-3-402. Utah Public Finance Website -- Establishment and administration --**
83 **Records disclosure.**

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

86 (2) The Utah Public Finance Website shall:

87 (a) permit Utah taxpayers to:

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

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

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

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

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

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

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

102 (g) include other links, features, or functionality that will assist the public in obtaining
103 and reviewing public financial information, as may be established by rule under Section
104 [63A-3-404](#); and

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

107 (3) The division shall:

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

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

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

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

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

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

119 information for an institution of higher education shall be provided beginning with information
120 generated for the fiscal year beginning July 1, 2009.

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

122 (i) be operational; and

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

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

128 (d) The division shall post the report the State Tax Commission provides to the
129 division in accordance with Section 59-1-214 to the Utah Public Finance Website.

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

133 (i) administrative fund expense transactions from its general ledger accounting system;
134 and

135 (ii) employee compensation information.

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

138 (i) revenue transactions;

139 (ii) account owner transactions; and

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

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