

HB0178S02 compared with HB0178S01

~~{deleted text}~~ shows text that was in HB0178S01 but was deleted in HB0178S02.

Inserted text shows text that was not in HB0178S01 but was inserted into HB0178S02.

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Senator ~~{Allen M. Christensen}~~ Daniel Hemmert proposes the following substitute bill:

~~{HEALTH CARE CHARGES}~~ TRANSPARENCY WEBSITE

AMENDMENTS

2019 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brad M. Daw

Senate Sponsor: Allen M. Christensen

LONG TITLE

General Description:

This bill ~~{creates provisions regarding health care price data}~~ relates to certain websites administered by the state auditor.

Highlighted Provisions:

This bill:

- ▶ amends certain reporting requirements;
- ▶ requires the state auditor to create and maintain a health care price transparency tool that is accessible by the public;
- ▶ makes the state auditor responsible for administering the Utah Public Finance Website;

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- ▶ modifies provisions relating to the administration of the Utah Public Finance Website;
- ▶ amends the composition of the Utah Transparency Advisory Board;
- ▶ provides a sunset date; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

4-21-106, as enacted by Laws of Utah 2018, Chapter 393

4-22-107, as last amended by Laws of Utah 2017, Chapter 221 and renumbered and amended by Laws of Utah 2017, Chapter 345

11-13-603, as renumbered and amended by Laws of Utah 2016, Chapter 382

17D-3-107, as last amended by Laws of Utah 2018, Chapter 173

26-33a-106.1, as last amended by Laws of Utah 2017, Chapter 419

26-33a-106.5, as last amended by Laws of Utah 2016, Chapters 74 and 222

53B-8a-103, as last amended by Laws of Utah 2018, Chapter 306

53D-1-103, as last amended by Laws of Utah 2017, Chapter 221

53E-3-705, as renumbered and amended by Laws of Utah 2018, Chapter 1

63A-3-103, as last amended by Laws of Utah 2017, Chapter 56

63E-2-109, as last amended by Laws of Utah 2017, Chapter 221

63H-4-108, as last amended by Laws of Utah 2017, Chapter 221

63H-5-108, as last amended by Laws of Utah 2017, Chapter 221

63H-6-103, as last amended by Laws of Utah 2017, Chapter 221

63H-7a-803, as last amended by Laws of Utah 2017, Chapters 221 and 430

63H-8-204, as last amended by Laws of Utah 2017, Chapter 221

63I-1-267, as last amended by Laws of Utah 2017, Chapter 192

63I-2-263, as last amended by Laws of Utah 2018, Chapters 38, 95, 382, and 469

ENACTS:

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67-3-11, Utah Code Annotated 1953

RENUMBERS AND AMENDS:

63A-1-201, (Renumbered from 63A-3-401, as last amended by Laws of Utah 2018,
Chapter 173)

63A-1-202, (Renumbered from 63A-3-402, as last amended by Laws of Utah 2018,
Chapter 415)

63A-1-203, (Renumbered from 63A-3-403, as last amended by Laws of Utah 2018,
Chapter 95)

63A-1-204, (Renumbered from 63A-3-404, as last amended by Laws of Utah 2014,
Chapters 75, 185, and 387)

63A-1-205, (Renumbered from 63A-3-405, as last amended by Laws of Utah 2018,
Chapter 173)

63A-1-206, (Renumbered from 63A-3-406, as enacted by Laws of Utah 2013, Chapter
435)

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

Section 1. Section 4-21-106 is amended to read:

4-21-106. Exemption from certain operational requirements.

- (1) The council is exempt from:
 - (a) Title 51, Chapter 5, Funds Consolidation Act;
 - (b) Title 63A, Utah Administrative Services Code, except as provided in Subsection (2)(c);
 - (c) Title 63J, Chapter 1, Budgetary Procedures Act; and
 - (d) Title 67, Chapter 19, Utah State Personnel Management Act.
- (2) The council is subject to:
 - (a) Title 51, Chapter 7, State Money Management Act;
 - (b) Title 52, Chapter 4, Open and Public Meetings Act;
 - (c) Title 63A, [~~Chapter 3, Part 4~~] Chapter 1, Part 2, Utah Public Finance Website;
 - (d) Title 63G, Chapter 2, Government Records Access and Management Act;
 - (e) other Utah Code provisions not specifically exempted under Subsection 4-21-106(1); and

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(f) audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the legislative auditor pursuant to Section 36-12-15.

Section 2. Section 4-22-107 is amended to read:

4-22-107. Exemption from certain operational requirements.

(1) The commission is exempt from:

(a) Title 51, Chapter 5, Funds Consolidation Act;

(b) Title 51, Chapter 7, State Money Management Act;

(c) except as provided in Subsection (2), Title 63A, Utah Administrative Services Code;

(d) Title 63J, Chapter 1, Budgetary Procedures Act; and

(e) Title 67, Chapter 19, Utah State Personnel Management Act.

(2) The commission is subject to Title 63A, ~~[Chapter 3, Part 4]~~ Chapter 1, Part 2, Utah Public Finance Website.

Section 3. Section 11-13-603 is amended to read:

11-13-603. Taxed interlocal entity.

(1) Notwithstanding any other provision of law:

(a) the use of an asset by a taxed interlocal entity does not constitute the use of a public asset;

(b) a taxed interlocal entity's use of an asset that was a public asset before the taxed interlocal entity's use of the asset does not constitute a taxed interlocal entity's use of a public asset;

(c) an official of a project entity is not a public treasurer; and

(d) a taxed interlocal entity's governing board shall determine and direct the use of an asset by the taxed interlocal entity.

(2) A taxed interlocal entity is not subject to the provisions of Title 63G, Chapter 6a, Utah Procurement Code.

(3) (a) A taxed interlocal entity is not a participating local entity as defined in Section ~~[63A-3-401]~~ 63A-1-201.

(b) For each fiscal year of a taxed interlocal entity, the taxed interlocal entity shall provide:

(i) the taxed interlocal entity's financial statements for and as of the end of the fiscal

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year and the prior fiscal year, including:

(A) the taxed interlocal entity's statement of net position as of the end of the fiscal year and the prior fiscal year, and the related statements of revenues and expenses and of cash flows for the fiscal year; or

(B) financial statements that are equivalent to the financial statements described in Subsection (3)(b)(i)(A) and, at the time the financial statements were created, were in compliance with generally accepted accounting principles that are applicable to taxed interlocal entities; and

(ii) the accompanying auditor's report and management's discussion and analysis with respect to the taxed interlocal entity's financial statements for and as of the end of the fiscal year.

(c) The taxed interlocal entity shall provide the information described in Subsection (3)(b):

(i) in a manner described in Subsection ~~[63A-3-405(3)]~~ 63A-1-205(3); and

(ii) within a reasonable time after the taxed interlocal entity's independent auditor delivers to the taxed interlocal entity's governing board the auditor's report with respect to the financial statements for and as of the end of the fiscal year.

(d) Notwithstanding Subsections (3)(b) and (c) or a taxed interlocal entity's compliance with one or more of the requirements of Title 63A, Chapter 3, Division of Finance:

(i) the taxed interlocal entity is not subject to Title 63A, Chapter 3, Division of Finance; and

(ii) the information described in Subsection (3)(b)(i) or (ii) does not constitute public financial information as defined in Section ~~[63A-3-401]~~ 63A-1-201.

(4) (a) A taxed interlocal entity's governing board is not a governing board as defined in Section 51-2a-102.

(b) A taxed interlocal entity is not subject to the provisions of Title 51, Chapter 2a, Accounting Reports from Political Subdivisions, Interlocal Organizations, and Other Local Entities Act.

(5) Notwithstanding any other provision of law, a taxed interlocal entity is not subject to the following provisions:

(a) Part 4, Governance;

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- (b) Part 5, Fiscal Procedures for Interlocal Entities;
- (c) Subsection 11-13-204(1)(a)(i) or (ii)(J);
- (d) Subsection 11-13-206(1)(f);
- (e) Subsection 11-13-218(5)(a);
- (f) Section 11-13-225;
- (g) Section 11-13-226; or
- (h) Section 53-2a-605.

(6) (a) In addition to having the powers described in Subsection 11-13-204(1)(a)(ii), a taxed interlocal entity may, for the regulation of the entity's affairs and conduct of its business, adopt, amend, or repeal bylaws, policies, or procedures.

(b) Nothing in Part 4, Governance, or Part 5, Fiscal Procedures for Interlocal Entities, may be construed to limit the power or authority of a taxed interlocal entity.

(7) (a) A governmental law enacted after May 12, 2015, is not applicable to, is not binding upon, and does not have effect on a taxed interlocal entity unless the governmental law expressly states the section of governmental law to be applicable to and binding upon the taxed interlocal entity with the following words: "[Applicable section or subsection number] constitutes an exception to Subsection 11-13-603(7)(a) and is applicable to and binding upon a taxed interlocal entity."

(b) Sections 11-13-601 through 11-13-608 constitute an exception to Subsection (7)(a) and are applicable to and binding upon a taxed interlocal entity.

Section 4. Section 17D-3-107 is amended to read:

17D-3-107. Annual budget and financial reports requirements.

(1) Upon agreement with the commission, the state auditor may modify:

(a) for filing a budget, a requirement in Subsection 17B-1-614(2) or 17B-1-629(3)(d);

or

(b) for filing a financial report, a requirement in Section 17B-1-639.

(2) Beginning on July 1, 2019, a conservation district is a participating local entity, as that term is defined in Section ~~[63A-3-401]~~ [63A-1-201], and subject to Title 63A, ~~[Chapter 3, Part 4]~~ [Chapter 1, Part 2], Utah Public Finance Website.

Section ~~[11-13-225]~~ 5. Section **26-33a-106.1** is amended to read:

26-33a-106.1. Health care cost and reimbursement data.

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(1) The committee shall, as funding is available:

(a) establish a plan for collecting data from data suppliers, as defined in Section 26-33a-102, to determine measurements of cost and reimbursements for risk-adjusted episodes of health care;

(b) share data regarding insurance claims and an individual's and small employer group's health risk factor and characteristics of insurance arrangements that affect claims and usage with the Insurance Department, only to the extent necessary for:

(i) risk adjusting; and

(ii) the review and analysis of health insurers' premiums and rate filings; and

(c) assist the Legislature and the public with awareness of, and the promotion of, transparency in the health care market by reporting on:

(i) geographic variances in medical care and costs as demonstrated by data available to the committee; and

(ii) rate and price increases by health care providers:

(A) that exceed the Consumer Price Index - Medical as provided by the United States Bureau of Labor Statistics;

(B) as calculated yearly from June to June; and

(C) as demonstrated by data available to the committee;

(d) provide on at least a monthly basis, enrollment data collected by the committee to a not-for-profit, broad-based coalition of state health care insurers and health care providers that are involved in the standardized electronic exchange of health data as described in Section 31A-22-614.5, to the extent necessary:

(i) for the department or the Medicaid Office of the Inspector General to determine insurance enrollment of an individual for the purpose of determining Medicaid third party liability;

(ii) for an insurer that is a data supplier, to determine insurance enrollment of an individual for the purpose of coordination of health care benefits; and

(iii) for a health care provider, to determine insurance enrollment for a patient for the purpose of claims submission by the health care provider; ~~and~~

(e) coordinate with the State Emergency Medical Services Committee to publish data regarding air ambulance charges under Section 26-8a-203[-]; and

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(f) share data collected under this chapter with the state auditor for use in the health care price transparency tool described in Section 67-3-11.

(2) (a) The Medicaid Office of Inspector General shall annually report to the Legislature's Health and Human Services Interim Committee regarding how the office used the data obtained under Subsection (1)(d)(i) and the results of obtaining the data.

(b) A data supplier shall not be liable for a breach of or unlawful disclosure of the data obtained by an entity described in Subsection (1)(b).

(3) The plan adopted under Subsection (1) shall include:

- (a) the type of data that will be collected;
- (b) how the data will be evaluated;
- (c) how the data will be used;
- (d) the extent to which, and how the data will be protected; and
- (e) who will have access to the data.

Section ~~{2}~~6. Section **26-33a-106.5** is amended to read:

26-33a-106.5. Comparative analyses.

(1) The committee may publish compilations or reports that compare and identify health care providers or data suppliers from the data it collects under this chapter or from any other source.

(2) (a) Except as provided in Subsection (7)(c), the committee shall publish compilations or reports from the data it collects under this chapter or from any other source which:

- (i) contain the information described in Subsection (2)(b); and
- (ii) compare and identify by name at least a majority of the health care facilities, health care plans, and institutions in the state.

(b) Except as provided in Subsection (7)(c), the report required by this Subsection (2) shall:

- (i) be published at least annually; [~~and~~]
- (ii) list, as determined by the committee, the median paid amount for at least the top 50 medical procedures performed in the state by volume;
- (iii) describe the methodology approved by the committee to determine the amounts described in Subsection (2)(b)(ii); and

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~~[(ii)]~~ (iv) contain comparisons based on at least the following factors:

- (A) nationally or other generally recognized quality standards;
- (B) charges; and
- (C) nationally recognized patient safety standards.

(3) (a) The committee may contract with a private, independent analyst to evaluate the standard comparative reports of the committee that identify, compare, or rank the performance of data suppliers by name.

(b) The evaluation described in this Subsection (3) shall include a validation of statistical methodologies, limitations, appropriateness of use, and comparisons using standard health services research practice.

(c) The independent analyst described in Subsection (3)(a) shall be experienced in analyzing large databases from multiple data suppliers and in evaluating health care issues of cost, quality, and access.

(d) The results of the analyst's evaluation shall be released to the public before the standard comparative analysis upon which it is based may be published by the committee.

(4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the committee, with the concurrence of the department, shall adopt by rule a timetable for the collection and analysis of data from multiple types of data suppliers.

(5) The comparative analysis required under Subsection (2) shall be available~~[-(a)]~~ free of charge and easily accessible to the public~~[-and]~~.

~~[(b) on the Health Insurance Exchange either directly or through a link.]~~

(6) (a) The department shall include in the report required by Subsection (2)(b), or include in a separate report, comparative information on commonly recognized or generally agreed upon measures of cost and quality identified in accordance with Subsection (7), for:

- (i) routine and preventive care; and
- (ii) the treatment of diabetes, heart disease, and other illnesses or conditions as determined by the committee.

(b) The comparative information required by Subsection (6)(a) shall be based on data collected under Subsection (2) and clinical data that may be available to the committee, and shall compare:

- (i) ~~[beginning December 31, 2014,]~~ results for health care facilities or institutions;

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(ii) [~~beginning December 31, 2014,~~] results for health care providers by geographic regions of the state;

(iii) [~~beginning July 1, 2016,~~] a clinic's aggregate results for a physician who practices at a clinic with five or more physicians; and

(iv) [~~beginning July 1, 2016,~~] a geographic region's aggregate results for a physician who practices at a clinic with less than five physicians, unless the physician requests physician-level data to be published on a clinic level.

(c) The department:

(i) may publish information required by this Subsection (6) directly or through one or more nonprofit, community-based health data organizations;

(ii) may use a private, independent analyst under Subsection (3)(a) in preparing the report required by this section; and

(iii) shall identify and report to the Legislature's Health and Human Services Interim Committee by July 1, 2014, and every July 1 thereafter until July 1, 2019, at least three new measures of quality to be added to the report each year.

(d) A report published by the department under this Subsection (6):

(i) is subject to the requirements of Section 26-33a-107; and

(ii) shall, prior to being published by the department, be submitted to a neutral, non-biased entity with a broad base of support from health care payers and health care providers in accordance with Subsection (7) for the purpose of validating the report.

(7) (a) The Health Data Committee shall, through the department, for purposes of Subsection (6)(a), use the quality measures that are developed and agreed upon by a neutral, non-biased entity with a broad base of support from health care payers and health care providers.

(b) If the entity described in Subsection (7)(a) does not submit the quality measures, the department may select the appropriate number of quality measures for purposes of the report required by Subsection (6).

(c) (i) For purposes of the reports published on or after July 1, 2014, the department may not compare individual facilities or clinics as described in Subsections (6)(b)(i) through (iv) if the department determines that the data available to the department can not be appropriately validated, does not represent nationally recognized measures, does not reflect the

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mix of cases seen at a clinic or facility, or is not sufficient for the purposes of comparing providers.

(ii) The department shall report to the Legislature's Health and Human Services Interim Committee prior to making a determination not to publish a report under Subsection (7)(c)(i).

Section 7. Section 53B-8a-103 is amended to read:

53B-8a-103. Creation of Utah Educational Savings Plan -- Powers and duties of plan -- Certain exemptions.

(1) There is created the Utah Educational Savings Plan, which may also be known and do business as:

(a) the Utah Educational Savings Plan Trust; or

(b) another related name.

(2) The plan:

(a) is a non-profit, self-supporting agency that administers a public trust;

(b) shall administer the various programs, funds, trusts, plans, functions, duties, and obligations assigned to the plan:

(i) consistent with sound fiduciary principles; and

(ii) subject to review of the board; and

(c) shall be known as and managed as a qualified tuition program in compliance with Section 529, Internal Revenue Code, that is sponsored by the state.

(3) The plan may:

(a) make and enter into contracts necessary for the administration of the plan payable from plan money, including:

(i) contracts for goods and services; and

(ii) contracts to engage personnel, with demonstrated ability or expertise, including consultants, actuaries, managers, counsel, and auditors for the purpose of rendering professional, managerial, and technical assistance and advice;

(b) adopt a corporate seal and change and amend the corporate seal;

(c) invest money within the program, administrative, and endowment funds in accordance with the provisions under Section 53B-8a-107;

(d) enter into agreements with account owners, any institution of higher education, any federal or state agency, or other entity as required to implement this chapter;

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(e) solicit and accept any grants, gifts, legislative appropriations, and other money from the state, any unit of federal, state, or local government, or any other person, firm, partnership, or corporation for deposit to the administrative fund, endowment fund, or the program fund;

(f) make provision for the payment of costs of administration and operation of the plan;

(g) carry out studies and projections to advise account owners regarding:

(i) present and estimated future higher education costs; and

(ii) levels of financial participation in the plan required to enable account owners to achieve their educational funding objective;

(h) participate in federal, state, local governmental, or private programs;

(i) create public and private partnerships, including investment or management relationships with other 529 plans or entities;

(j) promulgate, impose, and collect administrative fees and charges in connection with transactions of the plan, and provide for reasonable service charges;

(k) procure insurance:

(i) against any loss in connection with the property, assets, or activities of the plan; and

(ii) indemnifying any member of the board from personal loss or accountability arising from liability resulting from a member's action or inaction as a member of the plan's board;

(l) administer outreach efforts to:

(i) market and publicize the plan and the plan's products to existing and prospective account owners; and

(ii) encourage economically challenged populations to save for post-secondary education;

(m) adopt, trademark, and copyright names and materials for use in marketing and publicizing the plan and the plan's products;

(n) administer the funds of the plan;

(o) sue and be sued in the plan's own name;

(p) own institutional accounts in the plan to establish and administer:

(i) scholarship programs; or

(ii) other college savings incentive programs, including programs designed to enhance the savings of low income account owners investing in the plan; and

(q) have and exercise any other powers or duties that are necessary or appropriate to

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carry out and effectuate the purposes of this chapter.

(4) (a) Except as provided in Subsection (4)(b), the plan is exempt from the provisions of Title 63G, Chapter 2, Government Records Access and Management Act.

(b) (i) The annual audited financial statements of the plan described in Section 53B-8a-111 are public records.

(ii) Financial information that is provided by the plan to the Division of Finance and posted on the Utah Public Finance Website in accordance with Section ~~[63A-3-402]~~ 63A-1-202 is a public record.

Section 8. Section 53D-1-103 is amended to read:

53D-1-103. Application of other law.

(1) The office, board, and nominating committee are subject to:

(a) Title 52, Chapter 4, Open and Public Meetings Act; and

(b) Title 63A, ~~[Chapter 3, Part 4]~~ Chapter 1, Part 2, Utah Public Finance Website.

(2) Subject to Subsection 63E-1-304(2), the office may participate in coverage under the Risk Management Fund, created in Section 63A-4-201.

(3) The office and board are subject to Title 63G, Chapter 2, Government Records Access and Management Act.

(4) (a) In making rules under this chapter, the director is subject to and shall comply with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, except as provided in Subsection (4)(b).

(b) Subsections 63G-3-301(6) and (7) and Section 63G-3-601 do not apply to the director's making of rules under this chapter.

(5) Title 63G, Chapter 7, Governmental Immunity Act of Utah, applies to a board member to the same extent as it applies to an employee, as defined in Section 63G-7-102.

(6) (a) A board member, the director, and an office employee or agent are subject to:

(i) Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act; and

(ii) other requirements that the board establishes.

(b) In addition to any restrictions or requirements imposed under Subsection (6)(a), a board member, the director, and an office employee or agent may not directly or indirectly acquire an interest in the trust fund or receive any direct benefit from any transaction dealing with trust fund money.

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(7) (a) Except as provided in Subsection (7)(b), the office shall comply with Title 67, Chapter 19, Utah State Personnel Management Act.

(b) (i) Upon a recommendation from the director after the director's consultation with the executive director of the Department of Human Resource Management, the board may provide that specified positions in the office are exempt from Section 67-19-12 and the career service provisions of Title 67, Chapter 19, Utah State Personnel Management Act, as provided in Subsection 67-19-15(1), if the board determines that exemption is required for the office to fulfill efficiently its responsibilities under this chapter.

(ii) The director position is exempt from Section 67-19-12 and the career service provisions of Title 67, Chapter 19, Utah State Personnel Management Act, as provided in Subsection 67-19-15(1).

(iii) (A) After consultation with the executive director of the Department of Human Resource Management, the director shall set salaries for positions that are exempted under Subsection (7)(b)(i), within ranges that the board approves.

(B) In approving salary ranges for positions that are exempted under Subsection (7)(b)(i), the board shall consider salaries for similar positions in private enterprise and other public employment.

(8) The office is subject to legislative appropriation, to executive branch budgetary review and recommendation, and to legislative and executive branch review.

Section 9. Section 53E-3-705 is amended to read:

53E-3-705. School plant capital outlay report.

(1) The State Board of Education shall prepare an annual school plant capital outlay report of all school districts, which includes information on the number and size of building projects completed and under construction.

(2) A school district or charter school shall prepare and submit an annual school plant capital outlay report in accordance with Section ~~{63A-3-402.~~

~~63A-3-103. Duties of director of division -- Application to institutions of higher education:~~

~~(1) The director of the Division of Finance shall:~~

~~(a) define fiscal procedures relating to approval and allocation of funds;~~

~~(b) provide for the accounting control of funds;~~

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- ~~—— (c) promulgate rules that:~~
- ~~—— (i) establish procedures for maintaining detailed records of all types of leases;~~
- ~~—— (ii) account for all types of leases in accordance with generally accepted accounting principles;~~
- ~~—— (iii) require the performance of a lease with an option to purchase study by state agencies prior to any lease with an option to purchase acquisition of capital equipment; and~~
- ~~—— (iv) require that the completed lease with an option to purchase study be approved by the director of the Division of Finance;~~
- ~~—— (d) if the department operates the Division of Finance as an internal service fund agency in accordance with Section 63A-1-109.5, submit to the Rate Committee established in Section 63A-1-114:~~
- ~~—— (i) the proposed rate and fee schedule as required by Section 63A-1-114; and~~
- ~~—— (ii) other information or analysis requested by the Rate Committee;~~
- ~~—— (e) oversee the Office of State Debt Collection;~~
- ~~—— (f) publish the state's current constitutional debt limit on the } 63A-3-402 63A-1-202.~~

Section 10. Section 63A-1-201, which is renumbered from Section 63A-3-401 is renumbered and amended to read:

Part 2. Utah Public Finance Website~~}, created in Section 63A-3-402; and~~

~~(g) prescribe other fiscal functions required by law or under the constitutional authority of the governor to transact all executive business for the state.~~

~~(2) (a) Institutions of higher education are subject to the provisions of Title 63A, Chapter 3, Part 1, General Provisions, and Title 63A, Chapter 3, Part 2, Accounting System, only to the extent expressly authorized or required by the State Board of Regents under Title 53B, State System of Higher Education.~~

~~(b) Institutions of higher education shall submit financial data for the past fiscal year conforming to generally accepted accounting principles to the director of the Division of Finance.~~

~~(3) The Division of Finance shall prepare financial statements and other reports in accordance with legal requirements and generally accepted accounting principles for the state auditor's examination and certification:~~

~~(a) not later than 60 days after a request from the state auditor; and~~

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~~(b) at the end of each fiscal year:~~

~~63E-2-109. State statutes:~~

~~(1) Except as specifically modified in its authorizing statute, each independent corporation shall be exempt from the statutes governing state agencies, including:~~

~~(a) Title 51, Chapter 5, Funds Consolidation Act;~~

~~(b) Title 51, Chapter 7, State Money Management Act;~~

~~(c) except as provided in Subsection (2), Title 63A, Utah Administrative Services Code;~~

~~(d) Title 63G, Chapter 3, Utah Administrative Rulemaking Act;~~

~~(e) Title 63G, Chapter 4, Administrative Procedures Act;~~

~~(f) Title 63G, Chapter 6a, Utah Procurement Code;~~

~~(g) Title 63J, Chapter 1, Budgetary Procedures Act;~~

~~(h) Title 63J, Chapter 2, Revenue Procedures and Control Act; and~~

~~(i) Title 67, Chapter 19, Utah State Personnel Management Act.~~

~~(2) Except as specifically modified in its authorizing statute, each independent corporation shall be subject to:~~

~~(a) Title 52, Chapter 4, Open and Public Meetings Act;~~

~~(b) Title 63A, Chapter 3, Part 4, Utah Public Finance Website; and~~

~~(c) Title 63G, Chapter 2, Government Records Access and Management Act.~~

~~(3) Each independent corporation board may adopt its own policies and procedures governing its:~~

~~(a) funds management;~~

~~(b) audits; and~~

~~(c) personnel.~~

~~63H-4-108. Relation to certain acts -- Participation in Risk Management Fund:~~

~~(1) The authority is exempt from:~~

~~(a) Title 51, Chapter 5, Funds Consolidation Act;~~

~~(b) except as provided in Subsection (2), Title 63A, Utah Administrative Services Code;~~

~~(c) Title 63G, Chapter 6a, Utah Procurement Code;~~

~~(d) Title 63J, Chapter 1, Budgetary Procedures Act; and~~

~~(e) Title 67, Chapter 19, Utah State Personnel Management Act.~~

~~(2) The authority is subject to Title 63A, Chapter 3, Part 4, Utah Public Finance Website.~~

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~~(3) The authority is subject to audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the legislative auditor general pursuant to Section 36-12-15.~~

~~(4) Subject to the requirements of Subsection 63E-1-304(2), the authority may participate in coverage under the Risk Management Fund created by Section 63A-4-201.~~

~~63H-5-108. Relation to certain acts:~~

~~(1) The authority is exempt from:~~

~~(a) Title 51, Chapter 5, Funds Consolidation Act;~~

~~(b) except as provided in Subsection (2), Title 63A, Utah Administrative Services Code;~~

~~(c) Title 63G, Chapter 6a, Utah Procurement Code;~~

~~(d) Title 63J, Chapter 1, Budgetary Procedures Act; and~~

~~(e) Title 67, Chapter 19, Utah State Personnel Management Act.~~

~~(2) The authority is subject to:~~

~~(a) Title 63A, Chapter 3, Part 4, Utah Public Finance Website; and~~

~~(b) audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the legislative auditor general pursuant to Section 36-12-15.~~

~~63H-6-103. Utah State Fair Corporation -- Legal status -- Powers.~~

~~(1) There is created an independent public nonprofit corporation known as the "Utah State Fair Corporation."~~

~~(2) The board shall file articles of incorporation for the corporation with the Division of Corporations and Commercial Code.~~

~~(3) The corporation, subject to this chapter, has all powers and authority permitted nonprofit corporations by law.~~

~~(4) The corporation shall:~~

~~(a) manage, supervise, and control:~~

~~(i) all activities relating to the annual exhibition described in Subsection (4)(j); and~~

~~(ii) except as otherwise provided by statute, all state expositions, including setting the time, place, and purpose of any state exposition;~~

~~(b) for public entertainment, displays, and exhibits or similar events:~~

~~(i) provide, sponsor, or arrange the events;~~

~~(ii) publicize and promote the events; and~~

~~(iii) secure funds to cover the cost of the exhibits from:~~

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- ~~(A) private contributions;~~
- ~~(B) public appropriations;~~
- ~~(C) admission charges; and~~
- ~~(D) other lawful means;~~
- ~~(c) acquire and designate exposition sites;~~
- ~~(d) use generally accepted accounting principles in accounting for the corporation's assets, liabilities, and operations;~~
- ~~(e) seek corporate sponsorships for the state fair park or for individual buildings or facilities within the fair park;~~
- ~~(f) work with county and municipal governments, the Salt Lake Convention and Visitor's Bureau, the Utah Travel Council, and other entities to develop and promote expositions and the use of the state fair park;~~
- ~~(g) develop and maintain a marketing program to promote expositions and the use of the state fair park;~~
- ~~(h) in accordance with provisions of this part, operate and maintain the state fair park, including the physical appearance and structural integrity of the state fair park and the buildings located at the state fair park;~~
- ~~(i) prepare an economic development plan for the state fair park;~~
- ~~(j) hold an annual exhibition that:~~
 - ~~(i) is called the state fair or a similar name;~~
 - ~~(ii) promotes and highlights agriculture throughout the state;~~
 - ~~(iii) includes expositions of livestock, poultry, agricultural, domestic science, horticultural, floricultural, mineral and industrial products, manufactured articles, and domestic animals that, in the corporation's opinion will best stimulate agricultural, industrial, artistic, and educational pursuits and the sharing of talents among the people of Utah;~~
 - ~~(iv) includes the award of premiums for the best specimens of the exhibited articles and animals;~~
 - ~~(v) permits competition by livestock exhibited by citizens of other states and territories of the United States; and~~
 - ~~(vi) is arranged according to plans approved by the board;~~

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~~(k) fix the conditions of entry to the annual exhibition described in Subsection (4)(j); and
(l) publish a list of premiums that will be awarded at the annual exhibition described in Subsection (4)(j) for the best specimens of exhibited articles and animals.~~

~~(5) In addition to the annual exhibition described in Subsection (4)(j), the corporation may hold other exhibitions of livestock, poultry, agricultural, domestic science, horticultural, floricultural, mineral and industrial products, manufactured articles, and domestic animals that, in the corporation's opinion, will best stimulate agricultural, industrial, artistic, and educational pursuits and the sharing of talents among the people of Utah.~~

~~(6) The corporation may:~~

~~(a) employ advisers, consultants, and agents, including financial experts and independent legal counsel, and fix their compensation;~~

~~(b) (i) participate in the state's Risk Management Fund created under Section 63A-4-201; or~~

~~(ii) procure insurance against any loss in connection with the corporation's property and other assets, including mortgage loans;~~

~~(c) receive and accept aid or contributions of money, property, labor, or other things of value from any source, including any grants or appropriations from any department, agency, or instrumentality of the United States or Utah;~~

~~(d) hold, use, loan, grant, and apply that aid and those contributions to carry out the purposes of the corporation, subject to the conditions, if any, upon which the aid and contributions were made;~~

~~(e) enter into management agreements with any person or entity for the performance of the corporation's functions or powers;~~

~~(f) establish whatever accounts and procedures as necessary to budget, receive, and disburse, account for, and audit all funds received, appropriated, or generated;~~

~~(g) subject to Subsection (8), lease any of the facilities at the state fair park;~~

~~(h) sponsor events as approved by the board; and~~

~~(i) enter into one or more agreements to develop the state fair park.~~

~~(7) (a) Except as provided in Subsection (7)(c), as an independent agency of Utah, the corporation is exempt from:~~

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- ~~(i) Title 51, Chapter 5, Funds Consolidation Act;~~
- ~~(ii) Title 51, Chapter 7, State Money Management Act;~~
- ~~(iii) Title 63A, Utah Administrative Services Code;~~
- ~~(iv) Title 63G, Chapter 6a, Utah Procurement Code;~~
- ~~(v) Title 63J, Chapter 1, Budgetary Procedures Act; and~~
- ~~(vi) Title 67, Chapter 19, Utah State Personnel Management Act.~~

~~(b) The board shall adopt policies parallel to and consistent with:~~

- ~~(i) Title 51, Chapter 5, Funds Consolidation Act;~~
- ~~(ii) Title 51, Chapter 7, State Money Management Act;~~
- ~~(iii) Title 63A, Utah Administrative Services Code;~~
- ~~(iv) Title 63G, Chapter 6a, Utah Procurement Code; and~~
- ~~(v) Title 63J, Chapter 1, Budgetary Procedures Act.~~

~~(c) The corporation shall comply with:~~

- ~~(i) the provisions of Title 63A, Chapter 3, Part 4, Utah Public Finance Website; and~~
- ~~(ii) the legislative approval requirements for new facilities established in Subsection~~

~~63A-5-104(3).~~

~~(8) (a) Before the corporation executes a lease described in Subsection (6)(g) with a term of 10 or more years, the corporation shall:~~

- ~~(i) submit the proposed lease to the State Building Board for the State Building Board's approval or rejection; and~~
- ~~(ii) if the State Building Board approves the proposed lease, submit the proposed lease to the Executive Appropriations Committee for the Executive Appropriation Committee's review and recommendation in accordance with Subsection (8)(b).~~

~~(b) The Executive Appropriations Committee shall review a proposed lease submitted in accordance with Subsection (8)(a) and recommend to the corporation that the~~

~~corporation:~~

- ~~(i) execute the proposed sublease; or~~
- ~~(ii) reject the proposed sublease.~~

~~63H-7a-803. Relation to certain acts -- Participation in Risk Management Fund.~~

~~(1) The Utah Communications Authority is exempt from:~~

~~(a) except as provided in Subsection (3), Title 63A, Utah Administrative Services Code;~~

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~~(b) Title 63G, Chapter 4, Administrative Procedures Act; and~~

~~(c) Title 67, Chapter 19, Utah State Personnel Management Act.~~

~~(2) (a) The board shall adopt budgetary procedures, accounting, and personnel and human resource policies substantially similar to those from which they have been exempted in Subsection (1):~~

~~(b) The authority, the board, and the committee members are subject to Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.~~

~~(c) The authority is subject to Title 52, Chapter 4, Open and Public Meetings Act.~~

~~(d) The authority is subject to Title 63G, Chapter 6a, Utah Procurement Code.~~

~~(e) The authority is subject to Title 63J, Chapter 1, Budgetary Procedures Act.~~

~~(3) (a) Subject to the requirements of Subsection 63E-1-304(2), the administration may participate in coverage under the Risk Management Fund created by Section 63A-4-201.~~

~~(b) The authority is subject to Title 63A, Chapter 3, Part 4, Utah Public Finance Website:~~

~~63H-8-204. Relation to certain acts:~~

~~(1) The corporation is exempt from:~~

~~(a) Title 51, Chapter 5, Funds Consolidation Act;~~

~~(b) Title 51, Chapter 7, State Money Management Act;~~

~~(c) except as provided in Subsection (2), Title 63A, Utah Administrative Services Code;~~

~~(d) Title 63G, Chapter 6a, Utah Procurement Code;~~

~~(e) Title 63J, Chapter 1, Budgetary Procedures Act;~~

~~(f) Title 63J, Chapter 2, Revenue Procedures and Control Act; and~~

~~(g) Title 67, Chapter 19, Utah State Personnel Management Act.~~

~~(2) The corporation shall comply with:~~

~~(a) Title 52, Chapter 4, Open and Public Meetings Act;~~

~~(b) Title 63A, Chapter 3, Part 4, Utah Public Finance Website; and~~

~~(c) Title 63G, Chapter 2, Government Records Access and Management Act.~~

~~63A-3-401. Definitions.~~

~~}~~

~~63A-3-401.~~

63A-1-201. Definitions.

As used in this part:

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(1) "Board" means the Utah Transparency Advisory Board created under Section ~~63A-3-403~~ 63A-1-203.

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

(3) (a) "Independent entity," except as provided in Subsection (3)(c), means the same as that term is defined in Section 63E-1-102.

(b) "Independent entity" includes an entity that is part of an independent entity described in this Subsection (3), if the entity is considered a component unit of the independent entity under the governmental accounting standards issued by the Governmental Accounting Standards Board.

(c) "Independent entity" does not include the Utah State Retirement Office created in Section 49-11-201.

(4) "Participating local entity" means each of the following local entities:

(a) a county;

(b) a municipality;

(c) a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts;

(d) a special service district under Title 17D, Chapter 1, Special Service District Act;

(e) a housing authority under Title 35A, Chapter 8, Part 4, Housing Authorities;

(f) a school district;

(g) a charter school;

(h) except for a taxed interlocal entity as defined in Section 11-13-602:

(i) an interlocal entity as defined in Section 11-13-103;

(ii) a joint or cooperative undertaking as defined in Section 11-13-103; and

(iii) any project, program, or undertaking entered into by interlocal agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation Act;

(i) except for a taxed interlocal entity as defined in Section 11-13-602, an entity that is part of an entity described in Subsections (4)(a) through (h), if the entity is considered a component unit of the entity described in Subsections (4)(a) through (h) under the governmental accounting standards issued by the Governmental Accounting Standards Board; and

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(j) a conservation district under Title 17D, Chapter 3, Conservation District Act.

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

(b) "Participating state entity" includes an entity that is part of an entity described in Subsection (5)(a), if the entity is considered a component unit of the entity described in Subsection (5)(a) under the governmental accounting standards issued by the Governmental Accounting Standards Board.

(6) "Public financial information" means records that are required to be made available on the Utah Public Finance Website, a participating local entity's website, or an independent entity's website as required by this part, and as the term "public financial information" is defined by rule under Section ~~63A-3-404~~.

~~63A-3-402. Utah~~ ~~[63A-3-404]~~ 63A-1-204.

Section 11. Section 63A-1-202, which is renumbered from Section 63A-3-402 is renumbered and amended to read:

~~63A-3-402].~~ **63A-1-202. Utah Public Finance Website -- Establishment and administration -- Records disclosure -- Exceptions.**

(1) There is created the Utah Public Finance Website to be administered by the ~~[Division of Finance with the technical assistance of the Department of Technology Services.]~~ state auditor.

(2) The Utah Public Finance Website shall:

(a) permit Utah taxpayers to:

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

(ii) link to websites administered by participating local entities or independent entities that do not use the Utah Public Finance Website for the purpose of providing participating local entities' or independent entities' public financial information as required by this part and by rule under Section ~~[63A-3-404]~~ 63A-1-204;

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

(c) allow the public to search public financial information on the Utah Public Finance

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Website using criteria established by the board;

(d) provide access to financial reports, financial audits, budgets, or other financial documents that are used to allocate, appropriate, spend, and account for government funds, as may be established by rule under Section ~~[63A-3-404]~~ 63A-1-204;

(e) have a unique and simplified website address;

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

(g) include other links, features, or functionality that will assist the public in obtaining and reviewing public financial information, as may be established by rule under Section ~~[63A-3-404]~~ 63A-1-204; and

(h) include a link to school report cards published on the State Board of Education's website under Section 53E-5-211.

(3) (a) The ~~[division]~~ state auditor shall:

~~[(a)]~~ (i) establish and maintain the website, including the provision of equipment, resources, and personnel as necessary;

~~[(b)]~~ (ii) maintain an archive of all information posted to the website;

~~[(c)]~~ (iii) coordinate and process the receipt and posting of public financial information from participating state entities; and

~~[(d)]~~ (iv) coordinate and regulate the posting of public financial information by participating local entities and independent entities ~~[-, and]~~

~~[(e)]~~ (b) The department shall provide staff support for the advisory committee.

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

(i) institution of higher education shall be provided beginning with information generated for the fiscal year beginning July 1, 2009; and

(ii) independent entity shall be provided beginning with information generated for the entity's fiscal year beginning in 2014.

(b) No later than May 15, 2009, the website shall:

(i) be operational; and

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

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except as provided in Subsections (4)(c) and (d).

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

(d) No later than the first full quarter after July 1, 2014, an independent entity shall submit the entity's public financial information for inclusion on the Utah Public Finance Website or via a link to its own website on the Utah Public Finance Website.

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

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

(ii) employee compensation information.

(b) The plan is not required to submit other financial information to the [division] state auditor, including:

(i) revenue transactions;

(ii) account owner transactions; and

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

(6) (a) The following independent entities shall each provide administrative expense transactions from its general ledger accounting system and employee compensation information to the [division] state auditor for posting on the Utah Public Finance Website or via a link to a website administered by the independent entity:

(i) the Utah Capital Investment Corporation, created in Section 63N-6-301;

(ii) the Utah Housing Corporation, created in Section 63H-8-201; and

(iii) the School and Institutional Trust Lands Administration, created in Section 53C-1-201.

(b) For purposes of this part, an independent entity described in Subsection (6)(a) is not required to submit to the [division] state auditor, or provide a link to, other financial information, including:

(i) revenue transactions of a fund or account created in its enabling statute;

(ii) fiduciary or commercial information related to any subject if the disclosure of the

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information:

- (A) would conflict with fiduciary obligations; or
- (B) is prohibited by insider trading provisions;
- (iii) information of a commercial nature, including information related to:
 - (A) account owners, borrowers, and dependents;
 - (B) demographic data;
 - (C) contracts and related payments;
 - (D) negotiations;
 - (E) proposals or bids;
 - (F) investments;
 - (G) the investment and management of funds;
 - (H) fees and charges;
 - (I) plan and program design;
 - (J) investment options and underlying investments offered to account owners;
 - (K) marketing and outreach efforts;
 - (L) lending criteria;
 - (M) the structure and terms of bonding; and
 - (N) financial plans or strategies; and
- (iv) information protected from public disclosure by federal law.
- (7) (a) As used in this Subsection (7):
 - (i) "Local education agency" means a school district or a charter school.
 - (ii) "New school building project" means:
 - (A) the construction of a school or school facility that did not previously exist in a local education agency; or
 - (B) the lease or purchase of an existing building, by a local education agency, to be used as a school or school facility.
 - (iii) "School facility" means a facility, including a pool, theater, stadium, or maintenance building, that is built, leased, acquired, or remodeled by a local education agency regardless of whether the facility is open to the public.
 - (iv) "Significant school remodel" means a construction project undertaken by a local education agency with a project cost equal to or greater than \$2,000,000, including:

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(A) the upgrading, changing, alteration, refurbishment, modification, or complete substitution of an existing school or school facility in a local education agency; or

(B) the addition of a school facility.

(b) For each new school building project or significant school remodel, the local education agency shall:

(i) prepare an annual school plant capital outlay report; and

(ii) submit the report:

(A) to the [division] state auditor for publication on the Utah Public Finance Website; and

(B) in a format, including any raw data or electronic formatting, prescribed by applicable [division] policy established by the state auditor.

(c) The local education agency shall include in the capital outlay report described in Subsection (7)(b)(i) the following information as applicable to each new school building project or significant school remodel:

(i) the name and location of the new school building project or significant school remodel;

(ii) construction and design costs, including:

(A) the purchase price or lease terms of any real property acquired or leased for the project or remodel;

(B) facility construction;

(C) facility and landscape design;

(D) applicable impact fees; and

(E) furnishings and equipment;

(iii) the gross square footage of the project or remodel;

(iv) the year construction was completed; and

(v) the final student capacity of the new school building project or, for a significant school remodel, the increase or decrease in student capacity created by the remodel.

(d) (i) For a cost, fee, or other expense required to be reported under Subsection (7)(c), the local education agency shall report the actual cost, fee, or other expense.

(ii) The [division] state auditor may require that a local education agency provide further itemized data on information listed in Subsection (7)(c).

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(e) (i) No later than May 15, 2015, a local education agency shall provide the ~~[division]~~ state auditor a school plant capital outlay report for each new school building project and significant school remodel completed on or after July 1, 2004, and before May 13, 2014.

(ii) For a new school building project or significant school remodel completed after May 13, 2014, the local education agency shall provide the school plant capital outlay report described in this Subsection (7) to the ~~[division]~~ state auditor annually by a date designated by the ~~[division]~~ state auditor.

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

~~{ — 63A-3-403. Utah }~~ Section 12. Section 63A-1-203, which is renumbered from Section 63A-3-403 is renumbered and amended to read:

~~[63A-3-403].~~ 63A-1-203. Utah Transparency Advisory Board -- Creation -- Membership -- Duties.

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

(2) The board consists of:

(a) the state auditor or the state auditor's designee;

~~[(a)]~~ (b) an individual appointed by the executive director of the ~~[Division of Finance]~~ department;

~~[(b)]~~ (c) an individual appointed by the executive director of the Governor's Office of Management and Budget;

~~[(c)]~~ (d) an individual appointed by the governor on advice from the Legislative Fiscal Analyst;

~~[(d)]~~ (e) one member of the Senate, appointed by the governor on advice from the president of the Senate;

~~[(e)]~~ (f) one member of the House of Representatives, appointed by the governor on advice from the speaker of the House of Representatives;

~~[(f)]~~ (g) an individual appointed by the director of the Department of Technology

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Services;

~~[(g)]~~ [(h)] the director of the Division of Archives and Records Service created in Section 63A-12-101 or the director's designee;

~~[(h)]~~ [(i)] an individual who is a member of the State Records Committee created in Section 63G-2-501, appointed by the governor;

~~[(i)]~~ [(j)] an individual representing counties, appointed by the governor;

~~[(j)]~~ [(k)] an individual representing municipalities, appointed by the governor;

~~[(k)]~~ [(l)] an individual representing special districts, appointed by the governor;

~~[(l)]~~ [(m)] an individual representing the State Board of Education, appointed by the State Board of Education; and

~~[(m)]~~ [(n)] ~~[two individuals]~~ [one individual] who ~~[are members]~~ [is a member] of the public and who ~~[have]~~ [has] knowledge, expertise, or experience in matters relating to the board's duties under Subsection (10), appointed by the board members identified in Subsections (2)(a) through ~~[(l)]~~ [(m)].

(3) The board shall:

(a) advise the ~~[division]~~ [state auditor and the department] on matters related to the implementation and administration of this part;

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

(c) determine what public financial information shall be provided by a participating state entity, independent entity, and participating local entity, if the public financial information:

(i) only includes records that:

(A) are classified as public under Title 63G, Chapter 2, Government Records Access and Management Act, or, subject to any specific limitations and requirements regarding the provision of financial information from the entity described in Section ~~[(63A-3-402)]~~ [63A-1-202], if an entity is exempt from Title 63G, Chapter 2, Government Records Access and Management Act, records that would normally be classified as public if the entity were not exempt from Title 63G, Chapter 2, Government Records Access and Management Act;

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

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

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

(A) the cost effectiveness of providing the information;

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

(C) privacy and security considerations;

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

(e) require participating local entities to provide public financial information in accordance with the requirements of this part, with a specified content, reporting frequency, and form;

(f) require an independent entity's website or a participating local entity's website to be accessible by link or other direct route from the Utah Public Finance Website if the independent entity or participating local entity does not use the Utah Public Finance Website;

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

(i) fiscal year;

(ii) expenditure type;

(iii) name of the agency;

(iv) payee;

(v) date; and

(vi) amount; and

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

(i) infographics that provide more context to the data; and

(ii) geolocation services, if possible.

(4) Every two years, the board shall elect a chair and a vice chair from its members.

(5) (a) (i) The term of a member appointed for an unexpired two-year term before May 8, 2018, shall be extended by two years from the date of the original appointment.

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(ii) Each member appointed on or after May 8, 2018, shall serve a four-year term.

(b) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for a four-year term.

(6) To accomplish its duties, the board shall meet as it determines necessary.

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

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

(9) (a) A member who is not a legislator may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses as allowed in:

(i) Section 63A-3-106;

(ii) Section 63A-3-107; and

(iii) rules made by the Division of Finance according to Sections 63A-3-106 and 63A-3-107.

(b) Compensation and expenses of a member who is a legislator are governed by Section 36-2-2 and Legislative Joint Rules, Title 5, Legislative Compensation and Expenses.

(10) (a) As used in Subsections (10) and (11):

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

(ii) "Public information" means records of state government, local government, or an independent entity that are classified as public under Title 63G, Chapter 2, Government Records Access and Management Act, or, subject to any specific limitations and requirements regarding the provision of financial information from the entity described in Section ~~63A-3-402~~ 63A-1-202, if an entity is exempt from Title 63G, Chapter 2, Government Records Access and Management Act, records that would normally be classified as public if the entity were not exempt from Title 63G, Chapter 2, Government Records Access and Management Act.

(b) The board shall:

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

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

(iii) develop standards to make uniform the format and accessibility of public

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information posted to the information website; and

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

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

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

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

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

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

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

(B) the publication of bulk public information;

(iii) the implementation of well-designed public information systems that ensure data quality, create a public, comprehensive list or index of public information, and define a process for continuous publication of and updates to public information;

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

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

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

(i) is approved by the Legislative Management Committee;

(ii) does not require further legislative appropriation; and

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

(11) The department shall, in consultation with the board and as funding allows, modify the information website described in Subsection (10) to:

(a) by January 1, 2015, serve as a point of access for Government Records Access and

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Management requests for executive agencies;

(b) by January 1, 2016, serve as a point of access for Government Records Access and

Management requests for:

(i) school districts;

(ii) charter schools;

(iii) public transit districts created under Title 17B, Chapter 2a, Part 8, Public Transit

District Act;

(iv) counties; and

(v) municipalities;

(c) by January 1, 2017, serve as a point of access for Government Records Access and

Management requests for:

(i) local districts under Title 17B, Limited Purpose Local Government Entities - Local Districts; and

(ii) special service districts under Title 17D, Chapter 1, Special Service District Act;

(d) except as provided in Subsection (12)(a), provide link capabilities to other existing repositories of public information, including maps, photograph collections, legislatively required reports, election data, statute, rules, regulations, and local ordinances that exist on other agency and political subdivision websites;

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

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

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

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

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

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~~{63A-3-404. Rulemaking}~~ Section 13. Section 63A-1-204, which is renumbered from Section 63A-3-404 is renumbered and amended to read:

~~63A-3-404.~~ 63A-1-204. Rulemaking authority.

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

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

(b) define, either uniformly for all participating state entities, or on an entity by entity basis, the term "public financial information" using the standards provided in Subsection ~~[63A-3-403(3)(c)]~~ 63A-1-203(3)(c); and

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

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

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

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

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

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

(iii) the date of the expenditure;

(iv) the amount of the expenditure;

(v) the purpose of the expenditure;

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

(vii) an electronic copy of the contract; or

(viii) any other criteria designated by rule.

~~{63A-3-405. Participation}~~ Section 14. Section 63A-1-205, which is renumbered from Section 63A-3-405 is renumbered and amended to read:

~~63A-3-405.~~ 63A-1-205. Participation by local entities.

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(1) (a) On or before May 15, 2010, the following participating local entities, in accordance with the board's policies, shall provide public financial information through the Utah Public Finance Website or the participating local entity's own website and provide a link to the participating local entity's website through the Utah Public Finance Website:

(i) school districts;

(ii) charter schools; and

(iii) public transit districts created under Title 17B, Chapter 2a, Part 8, Public Transit District Act.

(b) Participating local entities subject to this Subsection (1) shall permit information that is generated not later than the fiscal year that begins July 1, 2009, to be accessible via the website.

(2) (a) On or before May 15, 2011, the following participating local entities, in accordance with the board's policies, shall provide public financial information through the Utah Public Finance Website or the participating local entity's own website and provide a link to the participating local entity's website through the Utah Public Finance Website:

(i) counties;

(ii) municipalities;

(iii) local districts under Title 17B, Limited Purpose Local Government Entities - Local Districts, that are not already required to report; and

(iv) special service districts under Title 17D, Chapter 1, Special Service District Act.

(b) Participating local entities subject to this Subsection (2) shall permit information that is generated not later than the fiscal year that begins July 1, 2010, to be accessible via the website.

(3) (a) On or before May 15, 2013, an interlocal entity that is a participating local entity in accordance with the board's policies, shall, subject to Subsection (3)(b), provide public financial information through the Utah Public Finance Website or the interlocal entity's own website and provide a link to the interlocal entity's website through the Utah Public Finance Website.

(b) A participating local entity subject to this Subsection (3) shall provide public financial information that is generated on or after the fiscal year that begins July 1, 2012, to be accessible via the website.

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(4) A participating local entity that makes public financial information accessible via the Utah Public Finance Website on or after May 10, 2016, and that was not previously required to make financial information accessible via the website shall permit information that is generated on or after the first day of the participating local entity's fiscal year that includes January 1, 2017, to be accessible via the website.

(5) (a) Except as provided in Subsection (5)(b), a participating local entity described in Subsection (4) shall comply with the provisions of this part on or before January 1, 2017.

(b) A participating local entity described in Subsection (4) that has an annual budget of \$100,000 or less shall comply with the provisions of this part on or before July 1, 2017.

(6) Beginning on July 1, 2019, in accordance with the board's policies, a conservation district shall provide the district's public financial information that is generated for the district's fiscal year which includes July 1, 2018, through the Utah Public Finance Website or the district's own website and provide a link to the district's website through the Utah Public Finance Website.

~~{ 63A-3-406. }~~ Section 15. Section 63A-1-206, which is renumbered from Section 63A-3-406 is renumbered and amended to read:

[63A-3-406]. 63A-1-206. Submission of public financial information by a school district or charter school.

When submitting public financial information to the Utah Public Finance Website, a school district or charter school shall classify transactions in accordance with the uniform chart of accounts that school districts and charter schools are required to use for budgeting, accounting, financial reporting, and auditing purposes pursuant to rules adopted by the State Board of Education.

Section ~~{3}~~16. Section ~~{63I-1-267}~~63A-3-103 is amended to read:

~~{63I-1-267}~~63A-3-103. ~~{Repeal dates, Title 67.~~

~~———— (1) Section 67-1-15 is repealed December 31, 2027.~~

~~———— (2) Sections 67-1a-10 and 67-1a-11 creating the Commission on Civic and Character Education and establishing its duties are repealed on July 1, 2021.~~

~~———— (3) Section 67-3-11 is repealed July 1, 2024.~~

~~———— 63I-2-263. Repeal dates, Title 63A to Title 63N.~~

~~———— (1) On July 1, 2020:~~

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~~(a) Subsection 63A-3-403(5)(a)(i) is repealed; and~~
~~(b) in Subsection 63A-3-403(5)(a)(ii), the language that states "appointed on or after May 8, 2018," is repealed.~~

~~(2) Title 63C, Chapter 19, } Duties of director of division -- Application to institutions of higher education.~~

(1) The director of the Division of Finance shall:

(a) define fiscal procedures relating to approval and allocation of funds;

(b) provide for the accounting control of funds;

(c) promulgate rules that:

(i) establish procedures for maintaining detailed records of all types of leases;

(ii) account for all types of leases in accordance with generally accepted accounting principles;

(iii) require the performance of a lease with an option to purchase study by state agencies prior to any lease with an option to purchase acquisition of capital equipment; and

(iv) require that the completed lease with an option to purchase study be approved by the director of the Division of Finance;

(d) if the department operates the Division of Finance as an internal service fund agency in accordance with Section 63A-1-109.5, submit to the Rate Committee established in Section 63A-1-114:

(i) the proposed rate and fee schedule as required by Section 63A-1-114; and

(ii) other information or analysis requested by the Rate Committee;

(e) oversee the Office of State Debt Collection;

(f) publish the state's current constitutional debt limit on the Utah Public Finance Website, created in Section ~~[63A-3-402]~~ 63A-1-202; and

(g) prescribe other fiscal functions required by law or under the constitutional authority of the governor to transact all executive business for the state.

(2) (a) Institutions of higher education are subject to the provisions of Title 63A, Chapter 3, Part 1, General Provisions, and Title 63A, Chapter 3, Part 2, Accounting System, only to the extent expressly authorized or required by the State Board of Regents under Title 53B, State System of Higher Education.

(b) Institutions of higher education shall submit financial data for the past fiscal year

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conforming to generally accepted accounting principles to the director of the Division of Finance.

(3) The Division of Finance shall prepare financial statements and other reports in accordance with legal requirements and generally accepted accounting principles for the state auditor's examination and certification:

- (a) not later than 60 days after a request from the state auditor; and
- (b) at the end of each fiscal year.

Section 17. Section 63E-2-109 is amended to read:

63E-2-109. State statutes.

(1) Except as specifically modified in its authorizing statute, each independent corporation shall be exempt from the statutes governing state agencies, including:

- (a) Title 51, Chapter 5, Funds Consolidation Act;
- (b) Title 51, Chapter 7, State Money Management Act;
- (c) except as provided in Subsection (2), Title 63A, Utah Administrative Services

Code;

- (d) Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- (e) Title 63G, Chapter 4, Administrative Procedures Act;
- (f) Title 63G, Chapter 6a, Utah Procurement Code;
- (g) Title 63J, Chapter 1, Budgetary Procedures Act;
- (h) Title 63J, Chapter 2, Revenue Procedures and Control Act; and
- (i) Title 67, Chapter 19, Utah State Personnel Management Act.

(2) Except as specifically modified in its authorizing statute, each independent corporation shall be subject to:

- (a) Title 52, Chapter 4, Open and Public Meetings Act;
- (b) Title 63A, [~~Chapter 3, Part 4~~] Chapter 1, Part 2, Utah Public Finance Website; and
- (c) Title 63G, Chapter 2, Government Records Access and Management Act.

(3) Each independent corporation board may adopt its own policies and procedures governing its:

- (a) funds management;
- (b) audits; and
- (c) personnel.

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Section 18. Section **63H-4-108** is amended to read:

63H-4-108. Relation to certain acts -- Participation in Risk Management Fund.

(1) The authority is exempt from:

(a) Title 51, Chapter 5, Funds Consolidation Act;

(b) except as provided in Subsection (2), Title 63A, Utah Administrative Services

Code;

(c) Title 63G, Chapter 6a, Utah Procurement Code;

(d) Title 63J, Chapter 1, Budgetary Procedures Act; and

(e) Title 67, Chapter 19, Utah State Personnel Management Act.

(2) The authority is subject to Title 63A, [~~Chapter 3, Part 4~~] Chapter 1, Part 2, Utah

Public Finance Website.

(3) The authority is subject to audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the legislative auditor general pursuant to Section 36-12-15.

(4) Subject to the requirements of Subsection 63E-1-304(2), the authority may participate in coverage under the Risk Management Fund created by Section 63A-4-201.

Section 19. Section **63H-5-108** is amended to read:

63H-5-108. Relation to certain acts.

(1) The authority is exempt from:

(a) Title 51, Chapter 5, Funds Consolidation Act;

(b) except as provided in Subsection (2), Title 63A, Utah Administrative Services

Code;

(c) Title 63G, Chapter 6a, Utah Procurement Code;

(d) Title 63J, Chapter 1, Budgetary Procedures Act; and

(e) Title 67, Chapter 19, Utah State Personnel Management Act.

(2) The authority is subject to:

(a) Title 63A, [~~Chapter 3, Part 4~~] Chapter 1, Part 2, Utah Public Finance Website; and

(b) audit by the state auditor pursuant to Title 67, Chapter 3, Auditor, and by the legislative auditor general pursuant to Section 36-12-15.

Section 20. Section **63H-6-103** is amended to read:

63H-6-103. Utah State Fair Corporation -- Legal status -- Powers.

(1) There is created an independent public nonprofit corporation known as the "Utah

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State Fair Corporation."

(2) The board shall file articles of incorporation for the corporation with the Division of Corporations and Commercial Code.

(3) The corporation, subject to this chapter, has all powers and authority permitted nonprofit corporations by law.

(4) The corporation shall:

(a) manage, supervise, and control:

(i) all activities relating to the annual exhibition described in Subsection (4)(j); and

(ii) except as otherwise provided by statute, all state expositions, including setting the time, place, and purpose of any state exposition;

(b) for public entertainment, displays, and exhibits or similar events:

(i) provide, sponsor, or arrange the events;

(ii) publicize and promote the events; and

(iii) secure funds to cover the cost of the exhibits from:

(A) private contributions;

(B) public appropriations;

(C) admission charges; and

(D) other lawful means;

(c) acquire and designate exposition sites;

(d) use generally accepted accounting principles in accounting for the corporation's assets, liabilities, and operations;

(e) seek corporate sponsorships for the state fair park or for individual buildings or facilities within the fair park;

(f) work with county and municipal governments, the Salt Lake Convention and Visitor's Bureau, the Utah Travel Council, and other entities to develop and promote expositions and the use of the state fair park;

(g) develop and maintain a marketing program to promote expositions and the use of the state fair park;

(h) in accordance with provisions of this part, operate and maintain the state fair park, including the physical appearance and structural integrity of the state fair park and the buildings located at the state fair park;

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(i) prepare an economic development plan for the state fair park;

(j) hold an annual exhibition that:

(i) is called the state fair or a similar name;

(ii) promotes and highlights agriculture throughout the state;

(iii) includes expositions of livestock, poultry, agricultural, domestic science, horticultural, floricultural, mineral and industrial products, manufactured articles, and domestic animals that, in the corporation's opinion will best stimulate agricultural, industrial, artistic, and educational pursuits and the sharing of talents among the people of Utah;

(iv) includes the award of premiums for the best specimens of the exhibited articles and animals;

(v) permits competition by livestock exhibited by citizens of other states and territories of the United States; and

(vi) is arranged according to plans approved by the board;

(k) fix the conditions of entry to the annual exhibition described in Subsection (4)(j);

and

(l) publish a list of premiums that will be awarded at the annual exhibition described in Subsection (4)(j) for the best specimens of exhibited articles and animals.

(5) In addition to the annual exhibition described in Subsection (4)(j), the corporation may hold other exhibitions of livestock, poultry, agricultural, domestic science, horticultural, floricultural, mineral and industrial products, manufactured articles, and domestic animals that, in the corporation's opinion, will best stimulate agricultural, industrial, artistic, and educational pursuits and the sharing of talents among the people of Utah.

(6) The corporation may:

(a) employ advisers, consultants, and agents, including financial experts and independent legal counsel, and fix their compensation;

(b) (i) participate in the state's Risk Management Fund created under Section 63A-4-201; or

(ii) procure insurance against any loss in connection with the corporation's property and other assets, including mortgage loans;

(c) receive and accept aid or contributions of money, property, labor, or other things of value from any source, including any grants or appropriations from any department, agency, or

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instrumentality of the United States or Utah;

(d) hold, use, loan, grant, and apply that aid and those contributions to carry out the purposes of the corporation, subject to the conditions, if any, upon which the aid and contributions were made;

(e) enter into management agreements with any person or entity for the performance of the corporation's functions or powers;

(f) establish whatever accounts and procedures as necessary to budget, receive, and disburse, account for, and audit all funds received, appropriated, or generated;

(g) subject to Subsection (8), lease any of the facilities at the state fair park;

(h) sponsor events as approved by the board; and

(i) enter into one or more agreements to develop the state fair park.

(7) (a) Except as provided in Subsection (7)(c), as an independent agency of Utah, the corporation is exempt from:

(i) Title 51, Chapter 5, Funds Consolidation Act;

(ii) Title 51, Chapter 7, State Money Management Act;

(iii) Title 63A, Utah Administrative Services Code;

(iv) Title 63G, Chapter 6a, Utah Procurement Code;

(v) Title 63J, Chapter 1, Budgetary Procedures Act; and

(vi) Title 67, Chapter 19, Utah State Personnel Management Act.

(b) The board shall adopt policies parallel to and consistent with:

(i) Title 51, Chapter 5, Funds Consolidation Act;

(ii) Title 51, Chapter 7, State Money Management Act;

(iii) Title 63A, Utah Administrative Services Code;

(iv) Title 63G, Chapter 6a, Utah Procurement Code; and

(v) Title 63J, Chapter 1, Budgetary Procedures Act.

(c) The corporation shall comply with:

(i) the provisions of Title 63A, [~~Chapter 3, Part 4~~] Chapter 1, Part 2, Utah Public Finance Website; and

(ii) the legislative approval requirements for new facilities established in Subsection 63A-5-104(3).

(8) (a) Before the corporation executes a lease described in Subsection (6)(g) with a

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term of 10 or more years, the corporation shall:

(i) submit the proposed lease to the State Building Board for the State Building Board's approval or rejection; and

(ii) if the State Building Board approves the proposed lease, submit the proposed lease to the Executive Appropriations Committee for the Executive Appropriation Committee's review and recommendation in accordance with Subsection (8)(b).

(b) The Executive Appropriations Committee shall review a proposed lease submitted in accordance with Subsection (8)(a) and recommend to the corporation that the corporation:

(i) execute the proposed sublease; or

(ii) reject the proposed sublease.

Section 21. Section 63H-7a-803 is amended to read:

63H-7a-803. Relation to certain acts -- Participation in Risk Management Fund.

(1) The Utah Communications Authority is exempt from:

(a) except as provided in Subsection (3), Title 63A, Utah Administrative Services

Code;

(b) Title 63G, Chapter 4, Administrative Procedures Act; and

(c) Title 67, Chapter 19, Utah State Personnel Management Act.

(2) (a) The board shall adopt budgetary procedures, accounting, and personnel and human resource policies substantially similar to those from which they have been exempted in Subsection (1).

(b) The authority, the board, and the committee members are subject to Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.

(c) The authority is subject to Title 52, Chapter 4, Open and Public Meetings Act.

(d) The authority is subject to Title 63G, Chapter 6a, Utah Procurement Code.

(e) The authority is subject to Title 63J, Chapter 1, Budgetary Procedures Act.

(3) (a) Subject to the requirements of Subsection 63E-1-304(2), the administration may participate in coverage under the Risk Management Fund created by Section 63A-4-201.

(b) The authority is subject to Title 63A, [~~Chapter 3, Part 4~~] Chapter 1, Part 2, Utah Public Finance Website.

Section 22. Section 63H-8-204 is amended to read:

63H-8-204. Relation to certain acts.

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(1) The corporation is exempt from:

(a) Title 51, Chapter 5, Funds Consolidation Act;

(b) Title 51, Chapter 7, State Money Management Act;

(c) except as provided in Subsection (2), Title 63A, Utah Administrative Services

Code;

(d) Title 63G, Chapter 6a, Utah Procurement Code;

(e) Title 63J, Chapter 1, Budgetary Procedures Act;

(f) Title 63J, Chapter 2, Revenue Procedures and Control Act; and

(g) Title 67, Chapter 19, Utah State Personnel Management Act.

(2) The corporation shall comply with:

(a) Title 52, Chapter 4, Open and Public Meetings Act;

(b) Title 63A, [~~Chapter 3, Part 4~~] Chapter 1, Part 2, Utah Public Finance Website; and

(c) Title 63G, Chapter 2, Government Records Access and Management Act.

Section 23. Section **63I-1-267** is amended to read:

63I-1-267. Repeal dates, Title 67.

(1) Section 67-1-15 is repealed December 31, 2027.

(2) Sections 67-1a-10 and 67-1a-11 creating the Commission on Civic and Character

Education and establishing its duties are repealed on July 1, 2021.

(3) Section 67-3-11 is repealed July 1, 2024.

Section 24. Section **63I-2-263** is amended to read:

63I-2-263. Repeal dates, Title 63A to Title 63N.

(1) On July 1, 2020:

(a) Subsection [~~63A-3-403(5)(a)(i)~~] 63A-1-203(5)(a)(i) is repealed; and

(b) in Subsection [~~63A-3-403(5)(a)(ii)~~] 63A-1-203(5)(a)(ii), the language that states

"appointed on or after May 8, 2018," is repealed.

(2) Title 63C, Chapter 19, Higher Education Strategic Planning Commission is repealed July 1, 2020.

(3) Section 63H-7a-303 is repealed on July 1, 2022.

(4) On July 1, 2019:

(a) in Subsection 63J-1-206(2)(c)(i), the language that states " Subsection(2)(c)(ii) and" is repealed; and

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- (b) Subsection 63J-1-206(2)(c)(ii) is repealed.
- (5) Section 63J-4-708 is repealed January 1, 2023.
- (6) Subsection 63N-3-109(2)(f)(i)(B) is repealed July 1, 2020.
- (7) Section 63N-3-110 is repealed July 1, 2020.

Section ~~44~~25. Section **67-3-11** is enacted to read:

67-3-11. Health care price transparency tool -- Transparency tool requirements.

(1) The state auditor shall create a health care price transparency tool:

(a) subject to appropriations from the Legislature and any available funding from third-party sources;

(b) with technical support from the Public Employees' Benefit and Insurance Program created in Section 49-20-103, the Department of Health, and the Insurance Department; and

(c) in accordance with the requirements in Subsection (2).

(2) A health care price transparency tool created by the state auditor under this section shall:

(a) present health care price information for consumers in a manner that is clear and accurate;

(b) be available to the public in a user-friendly manner;

(c) incorporate existing data collected under Section 26-33a-106.1;

(d) group billing codes for common health care procedures;

(e) be updated on a regular basis; and

(f) be created and operated in accordance with all applicable state and federal laws.

(3) The state auditor may make the health care pricing data from the health care price transparency tool available to the public through an application program interface format if the data meets state and federal data privacy requirements.

(4) (a) Before making a health care price transparency tool available to the public, the state auditor shall:

(i) seek input from the Health Data Committee created in Section 26-1-7 on the overall accuracy and effectiveness of the reports provided by the health care price transparency tool;

and

(ii) establish procedures to give data providers a 30-day period to review pricing information before the state auditor publishes the information on the health care price

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transparency tool.

(b) If the state auditor complies with the requirements of Subsection (7)(a), the health care price transparency tool is not subject to the requirements of Section 26-33a-107.

(5) Each year in which a health care price transparency tool is operational, the state auditor shall report to the Health and Human Services Interim Committee before November 1 of that year:

(a) the utilization of the health care price transparency tool; and

(b) policy options for improving access to health care price transparency data.