

**RETIREMENT SYSTEM TRANSPARENCY REQUIREMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lincoln Fillmore**

House Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**General Description:**

This bill amends provisions related to the public disclosure of information by employers participating in the Utah Retirement System.

**Highlighted Provisions:**

This bill:

- ▶ defines terms; and
- ▶ requires certain employers that participate in the Utah Retirement System to disclose employee compensation information through the Utah Public Finance Website or the employer's own website, if the employer is not currently required to disclose the information.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63A-1-201**, as renumbered and amended by Laws of Utah 2019, Chapter 370

**63A-1-202**, as last amended by Laws of Utah 2019, Chapter 214 and renumbered and amended by Laws of Utah 2019, Chapter 370



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

29 Section 1. Section **63A-1-201** is amended to read:

30 **63A-1-201. Definitions.**

31 As used in this part:

32 (1) "Board" means the Utah Transparency Advisory Board created under Section  
33 **63A-1-203**.

34 (2) "Department" means the Department of Administrative Services.

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

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

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

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

44 (a) a county;

45 (b) a municipality;

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

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

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

50 (f) a school district;

51 (g) a charter school;

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

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

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

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

57 (i) except for a taxed interlocal entity as defined in Section **11-13-602**, an entity that is  
58 part of an entity described in Subsections (4)(a) through (h), if the entity is considered a

59 component unit of the entity described in Subsections (4)(a) through (h) under the  
 60 governmental accounting standards issued by the Governmental Accounting Standards Board;  
 61 and

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

63 (5) (a) "Participating state entity" means the state of Utah, including [~~its~~] the state's  
 64 executive, legislative, and judicial branches, [~~its~~] departments, divisions, agencies, boards,  
 65 commissions, councils, committees, and institutions.

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

70 (6) "Public financial information" means records that are required to be made available  
 71 on the Utah Public Finance Website, a participating local entity's website, or an independent  
 72 entity's website as required by this part, and as the term "public financial information" is  
 73 defined by rule [~~under~~] in accordance with Section [63A-1-204](#).

74 (7) (a) "URS-participating employer" means an entity that:

75 (i) is a participating entity, as that term is defined in Section [49-11-102](#); and

76 (ii) is not required to report public financial information under this part as:

77 (A) an independent entity;

78 (B) a participating local entity; or

79 (C) a participating state entity.

80 (b) "URS-participating employer" does not include the Utah State Retirement Office  
 81 created in Section [49-11-201](#).

82 Section 2. Section **63A-1-202** is amended to read:

83 **63A-1-202. Utah Public Finance Website -- Establishment and administration --**  
 84 **Records disclosure -- Exceptions.**

85 (1) There is created the Utah Public Finance Website to be administered by the state  
 86 auditor.

87 (2) The Utah Public Finance Website shall:

88 (a) permit Utah taxpayers to:

89 (i) view, understand, and track the use of taxpayer dollars by making public financial

90 information available on the Internet for participating state entities, independent entities, ~~and~~  
91 participating local entities, and URS-participating employers, using the Utah Public Finance  
92 Website; and

93 (ii) link to websites administered by participating local entities ~~[or]~~, independent  
94 entities, or URS-participating employers that do not use the Utah Public Finance Website for  
95 the purpose of providing ~~[participating local entities' or independent entities']~~ public financial  
96 information as required by this part and by rule ~~[under]~~ in accordance with Section 63A-1-204;

97 (b) allow a person ~~[who]~~ that has Internet access to use the website without paying a  
98 fee;

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

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

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

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

106 (g) include other links, features, or functionality that will assist the public in obtaining  
107 and reviewing public financial information, as may be established by rule under Section  
108 63A-1-204; and

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

111 (3) (a) The state auditor shall:

112 (i) establish and maintain the website, including the provision of equipment, resources,  
113 and personnel as necessary;

114 (ii) maintain an archive of all information posted to the website;

115 (iii) coordinate and process the receipt and posting of public financial information from  
116 participating state entities; and

117 (iv) coordinate and regulate the posting of public financial information by participating  
118 local entities and independent entities.

119 (b) The department shall provide staff support for the advisory committee.

120 (4) (a) A participating state entity and each independent entity shall permit the public

121 to view the entity's public financial information via the website, beginning with information  
122 that is generated not later than the fiscal year that begins July 1, 2008, except that public  
123 financial information for an:

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

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

128 (b) [~~No later than May 15, 2009, the~~] The website shall:

129 (i) be operational; and

130 (ii) permit public access to participating state entities' public financial information,  
131 except as provided in Subsections (4)(c) and (d).

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

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

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

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

143 (ii) employee compensation information.

144 (b) The plan is not required to submit other financial information to the state auditor,  
145 including:

146 (i) revenue transactions;

147 (ii) account owner transactions; and

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

149 (6) (a) The following independent entities shall each provide administrative expense  
150 transactions from ~~[its]~~ the independent entity's general ledger accounting system and employee  
151 compensation information to the state auditor for posting on the Utah Public Finance Website

152 or via a link to a website administered by the independent entity:

153 (i) the Utah Housing Corporation, created in Section [63H-8-201](#); and

154 (ii) the School and Institutional Trust Lands Administration, created in Section  
155 [53C-1-201](#).

156 (b) The Utah Capital Investment Corporation, an independent entity created in Section  
157 [63N-6-301](#), shall provide the following information to the division for posting on the Utah  
158 Public Finance Website or via a link to a website administered by the independent entity for  
159 each fiscal year ending on or after June 30, 2015:

160 (i) aggregate compensation information for full-time and part-time employees,  
161 including benefit information;

162 (ii) aggregate business travel expenses;

163 (iii) aggregate expenses related to the Utah Capital Investment Corporation's allocation  
164 manager; and

165 (iv) aggregate administrative, operating, and finance costs.

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

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

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

172 (A) would conflict with fiduciary obligations; or

173 (B) is prohibited by insider trading provisions;

174 (iii) information of a commercial nature, including information related to:

175 (A) account owners, borrowers, and dependents;

176 (B) demographic data;

177 (C) contracts and related payments;

178 (D) negotiations;

179 (E) proposals or bids;

180 (F) investments;

181 (G) the investment and management of funds;

182 (H) fees and charges;

- 183 (I) plan and program design;
- 184 (J) investment options and underlying investments offered to account owners;
- 185 (K) marketing and outreach efforts;
- 186 (L) lending criteria;
- 187 (M) the structure and terms of bonding; and
- 188 (N) financial plans or strategies; and
- 189 (iv) information protected from public disclosure by federal law.
- 190 (7) (a) As used in this Subsection (7):
- 191 (i) "Local education agency" means a school district or a charter school.
- 192 (ii) "New school building project" means:
- 193 (A) the construction of a school or school facility that did not previously exist in a local
- 194 education agency; or
- 195 (B) the lease or purchase of an existing building, by a local education agency, to be
- 196 used as a school or school facility.
- 197 (iii) "School facility" means a facility, including a pool, theater, stadium, or
- 198 maintenance building, that is built, leased, acquired, or remodeled by a local education agency
- 199 regardless of whether the facility is open to the public.
- 200 (iv) "Significant school remodel" means a construction project undertaken by a local
- 201 education agency with a project cost equal to or greater than \$2,000,000, including:
- 202 (A) the upgrading, changing, alteration, refurbishment, modification, or complete
- 203 substitution of an existing school or school facility in a local education agency; or
- 204 (B) the addition of a school facility.
- 205 (b) For each new school building project or significant school remodel, the local
- 206 education agency shall:
- 207 (i) prepare an annual school plant capital outlay report; and
- 208 (ii) submit the report:
- 209 (A) to the state auditor for publication on the Utah Public Finance Website; and
- 210 (B) in a format, including any raw data or electronic formatting, prescribed by
- 211 applicable policy established by the state auditor.
- 212 (c) The local education agency shall include in the capital outlay report described in
- 213 Subsection (7)(b)(i) the following information as applicable to each new school building

214 project or significant school remodel:

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

217 (ii) construction and design costs, including:

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

220 (B) facility construction;

221 (C) facility and landscape design;

222 (D) applicable impact fees; and

223 (E) furnishings and equipment;

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

225 (iv) the year construction was completed; and

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

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

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

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

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

239 (8) A URS-participating employer shall provide employee compensation information  
240 for each fiscal year ending on or after June 30, 2021:

241 (a) to the state auditor for posting on the Utah Public Finance Website; or

242 (b) (i) through the URS-participating employer's own website; and

243 (ii) via a link to the website described in Subsection (8)(b)(i), submitted to the state  
244 auditor for posting on the Utah Public Finance Website.



245            [(8)] (9) [~~A person~~] An individual who negligently discloses a record that is classified  
246 as private, protected, or controlled by Title 63G, Chapter 2, Government Records Access and  
247 Management Act, is not criminally or civilly liable for an improper disclosure of the record if  
248 the record is disclosed solely as a result of the preparation or publication of the Utah Public  
249 Finance Website.