

1 **RETIREMENT SYSTEM TRANSPARENCY AMENDMENTS**

2 2022 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: James A. Dunnigan**

5 Senate Sponsor: Lincoln Fillmore

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions relating to the Utah Public Finance Website.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ modifies the definition of a URS-participating employer in relation to the Utah
13 Public Finance Website.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 None

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **67-3-12**, as last amended by Laws of Utah 2021, Chapter 398 and renumbered and
21 amended by Laws of Utah 2021, Chapter 84 and last amended by Coordination
22 Clause, Laws of Utah 2021, Chapter 398

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

25 Section 1. Section **67-3-12** is amended to read:

26 **67-3-12. Utah Public Finance Website -- Establishment and administration --**
27 **Records disclosure -- Exceptions.**



28 (1) As used in this section:

29 (a) (i) Subject to Subsections (1)(a)(ii) and (iii), "independent entity" means the same
30 as that term is defined in Section [63E-1-102](#).

31 (ii) "Independent entity" includes an entity that is part of an independent entity
32 described in Subsection (1)(a)(i), if the entity is considered a component unit of the
33 independent entity under the governmental accounting standards issued by the Governmental
34 Accounting Standards Board.

35 (iii) "Independent entity" does not include the Utah State Retirement Office created in
36 Section [49-11-201](#).

37 (b) "Local education agency" means a school district or charter school.

38 (c) "Participating local entity" means:

39 (i) a county;

40 (ii) a municipality;

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

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

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

45 (vi) a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District
46 Act;

47 (vii) except for a taxed interlocal entity as defined in Section [11-13-602](#):

48 (A) an interlocal entity as defined in Section [11-13-103](#);

49 (B) a joint or cooperative undertaking as defined in Section [11-13-103](#); or

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

52 (viii) except for a taxed interlocal entity as defined in Section [11-13-602](#), an entity that
53 is part of an entity described in Subsections (1)(c)(i) through (vii), if the entity is considered a
54 component unit of the entity described in Subsections (1)(c)(i) through (vii) under the
55 governmental accounting standards issued by the Governmental Accounting Standards Board;
56 or

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

58 (d) (i) "Participating state entity" means the state of Utah, including its executive,

59 legislative, and judicial branches, its departments, divisions, agencies, boards, commissions,
60 councils, committees, and institutions.

61 (ii) "Participating state entity" includes an entity that is part of an entity described in
62 Subsection (1)(d)(i), if the entity is considered a component unit of the entity described in
63 Subsection (1)(d)(i) under the governmental accounting standards issued by the Governmental
64 Accounting Standards Board.

65 (e) "Public finance website" or "website" means the website established by the state
66 auditor in accordance with this section.

67 (f) "Public financial information" means each record that is required under this section
68 or by rule made by the Office of the State Auditor under Subsection ~~[(8)]~~ (9) to be made
69 available on the public finance website, a participating local entity's website, or an independent
70 entity's website.

71 (g) "Qualifying entity" means:

72 (i) an independent entity;

73 (ii) a participating local entity;

74 (iii) a participating state entity;

75 (iv) a local education agency;

76 (v) a state institution of higher education as defined in Section [53B-3-102](#);

77 (vi) the Utah Educational Savings Plan created in Section [58B-8a-103](#);

78 (vii) the Utah Housing Corporation created in Section [63H-8-201](#);

79 (viii) the School and Institutional Trust Lands Administration created in Section
80 [53C-1-201](#);

81 (ix) the Utah Capital Investment Corporation created in Section [63N-6-301](#); or

82 (x) a URS-participating employer.

83 (h) (i) "URS-participating employer" means an entity that:

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

85 (B) is not required to report public financial information under this section as a
86 qualifying entity described in Subsections (1)(g)(i) through (ix).

87 (ii) "URS-participating employer" does not include:

88 (A) the Utah State Retirement Office created in Section [49-11-201](#); ~~[or]~~

89 (B) an insurer that is subject to the disclosure requirements of Section [31A-4-113](#); or

90 ~~(B)~~ (C) a withdrawing entity.

91 (i) (i) "Withdrawing entity" means an entity that elects to withdraw from participation
92 in a system or plan under Title 49, Chapter 11, Part 6, Procedures and Records.

93 (ii) "Withdrawing entity" includes a withdrawing entity, as that term is defined in
94 Sections [49-11-623](#) and [49-11-624](#).

95 (2) The state auditor shall establish and maintain a public finance website in
96 accordance with this section.

97 (3) The website shall:

98 (a) permit Utah taxpayers to:

99 (i) view, understand, and track the use of taxpayer dollars by making public financial
100 information available on the Internet for participating state entities, independent entities,
101 participating local entities, and URS-participating employers, using the website; and

102 (ii) link to websites administered by participating local entities, independent entities, or
103 URS-participating employers that do not use the website for the purpose of providing public
104 financial information as required by this section and by rule made under Subsection ~~(8)~~ (9);

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

106 (c) allow the public to search public financial information on the website;

107 (d) provide access to financial reports, financial audits, budgets, or other financial
108 documents that are used to allocate, appropriate, spend, and account for government funds, as
109 may be established by rule made in accordance with Subsection (9);

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

111 (f) be guided by the principles described in Subsection [63A-16-202\(2\)](#);

112 (g) include other links, features, or functionality that will assist the public in obtaining
113 and reviewing public financial information, as may be established by rule made under
114 Subsection (9); and

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

117 (4) The state auditor shall:

118 (a) establish and maintain the website, including the provision of equipment, resources,
119 and personnel as necessary;

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

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

123 (d) coordinate and regulate the posting of public financial information by participating
124 local entities and independent entities.

125 (5) A qualifying entity shall permit the public to view the qualifying entity's public
126 financial information by posting the public financial information to the public finance website
127 in accordance with rules made under Subsection (9).

128 (6) The content of the public financial information posted to the public finance website
129 is the responsibility of the qualifying entity posting the public financial information.

130 (7) A URS-participating employer shall provide employee compensation information
131 for each fiscal year ending on or after June 30, 2022:

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

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

134 (ii) via a link to the website described in Subsection (7)(b)(i), submitted to the state
135 auditor for posting on the Utah Public Finance Website.

136 (8) (a) A qualifying entity may not post financial information that is classified as
137 private, controlled, or protected under Title 63G, Chapter 2, Government Records Access and
138 Management Act, to the public finance website.

139 (b) An individual who negligently discloses financial information that is classified as
140 private, protected, or controlled by Title 63G, Chapter 2, Government Records Access and
141 Management Act, is not criminally or civilly liable for an improper disclosure of the financial
142 information if the financial information is disclosed solely as a result of the preparation or
143 publication of the website.

144 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
145 Office of the State Auditor:

146 (a) shall make rules to:

147 (i) establish which records a qualifying entity is required to post to the public finance
148 website; and

149 (ii) establish procedures for obtaining, submitting, reporting, storing, and posting
150 public financial information on the public finance website; and

151 (b) may make rules governing when a qualifying entity is required to disclose an

152 expenditure made by a person under contract with the qualifying entity, including the form and
153 content of the disclosure.

154 (10) The rules made under Subsection (9) shall only require a URS-participating
155 employer to provide employee compensation information for each fiscal year ending on or after
156 June 30, 2022:

157 (a) to the state auditor for posting on the public finance website; or

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

159 (ii) via a link to the website described in Subsection (10)(b)(i), submitted to the state
160 auditor for posting on the public finance website.