

**STATE DATA PORTAL AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Deidre M. Henderson**

House Sponsor: Steve Eliason

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to the availability of public information and the duties of the Utah Transparency Advisory Board.

**Highlighted Provisions:**

This bill:

- ▶ modifies the composition of the Utah Transparency Advisory board;
- ▶ directs the Utah Transparency Advisory Board to analyze ways to make the information on the Utah Public Finance Website more relevant to citizens;
- ▶ directs the Utah Transparency Advisory Board to identify and prioritize public information in the possession of a state agency or political subdivision that may be appropriate for publication on the public information website;
- ▶ directs the Department of Administrative Services to:
  - by certain dates, modify the public information website to include a single point of access for all Government Records Access and Management requests for executive agencies, school districts, charter schools, public transit districts, counties, municipalities, local districts, and special service districts; and
  - modify the public information website to include links to already existing public information, provide multiple download options, provide additional public information when identified, and include technical elements that the Utah Transparency Advisory Board identifies as useful to a citizen using the website;
- and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**63A-3-403**, as last amended by Laws of Utah 2013, Chapters 84 and 310**63A-3-404**, as last amended by Laws of Utah 2009, Chapter 310

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*Be it enacted by the Legislature of the state of Utah:*Section 1. Section **63A-3-403** is amended to read:**63A-3-403. 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) an individual appointed by the **director of the Division of Finance**;

(b) an individual appointed by the **executive director of the Governor's Office of Management and Budget**;

(c) **an individual appointed by the governor on advice from the Legislative Fiscal Analyst**;

(d) one member of the **Senate**, appointed by the governor on advice from the president of the Senate;

(e) one member of the **House** of Representatives, appointed by the governor on advice from the speaker of the House of Representatives;

(f) an individual appointed by the director of the **Department of Technology Services**;

(g) the director of the **Division of Archives** created in Section **63A-12-101** or the

58 director's designee;

59 (h) an individual who is a member of the State Records Committee created in Section  
60 63G-2-501, appointed by the governor;

61 (i) an individual representing counties, appointed by the governor;

62 (j) an individual representing municipalities, appointed by the governor; ~~and~~

63 (k) an individual representing special districts, appointed by the governor; and

64 ~~[(k)]~~ (l) two individuals who are members of the public and who have knowledge,  
65 expertise, or experience in matters relating to the board's duties under Subsection (10),  
66 appointed by the board members identified in Subsections (2)(a) through ~~[(j)]~~ (k).

67 (3) The board shall:

68 (a) advise the division on matters related to the implementation and administration of  
69 this part;

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

72 (c) determine what public financial information shall be provided by participating state  
73 and local entities, if the public financial information:

74 (i) only includes records that:

75 (A) are classified as public under Title 63G, Chapter 2, Government Records Access  
76 and Management Act;

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

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

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

83 (A) the cost effectiveness of providing the information;

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

85 (C) privacy and security considerations;

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

(e) establish size or budget thresholds to identify those local entities that qualify as participating local entities as defined in this part, giving special consideration to the budget and resource limitations of an entity with a current annual budget of less than \$10,000,000;

(f) 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;

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

(h) determine the search methods and the search criteria that shall be made available to the public as part of a website used by 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

(i) 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) The board shall annually elect a chair and a vice chair from its members.

(5) (a) Each member shall serve a two-year term.

(b) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the remainder of the unexpired term.

114 (6) To accomplish its duties, the board~~[(a) may meet as many as eight times during~~  
115 ~~2013; and (b) shall, after 2013,]~~ shall meet as it determines necessary.

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

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

118 (9) A member may not receive compensation or benefits for the member's service, but  
119 may receive per diem and travel expenses in accordance with:

120 (a) Section 63A-3-106;

121 (b) Section 63A-3-107; and

122 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and  
123 63A-3-107.

124 (10) (a) As used in ~~[this Subsection]~~ Subsections (10) and (11):

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

127 (ii) "Public information" means records of state or local government that are classified  
128 as public under Title 63G, Chapter 2, Government Records Access and Management Act.

129 (b) The board shall:

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

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

134 (iii) develop standards to make uniform the format and accessibility of public  
135 information posted to the information website; and

136 ~~[(iv) no later than November 30, 2013, report the board's recommendations and~~  
137 ~~standards developed under Subsections (10)(b)(i) through (iii) to the executive director and the~~  
138 ~~Legislative Management Committee.]~~

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

141 (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 Management requests for executive agencies;

170 (b) by January 1, 2016, serve as a point of access for Government Records Access and  
171 Management requests for:  
172 (i) school districts;  
173 (ii) charter schools;  
174 (iii) public transit districts created under Title 17B, Chapter 2a, Part 8, Public Transit  
175 District Act;  
176 (iv) counties; and  
177 (v) municipalities;  
178 (c) by January 1, 2017, serve as a point of access for Government Records Access and  
179 Management requests for:  
180 (i) local districts under Title 17B, Limited Purpose Local Government Entities - Local  
181 Districts; and  
182 (ii) special service districts under Title 17D, Chapter 1, Special Service District Act;  
183 (d) except as provided in Subsection (12)(a), provide link capabilities to other existing  
184 repositories of public information, including maps, photograph collections, legislatively  
185 required reports, election data, statute, rules, regulations, and local ordinances that exist on  
186 other agency and political subdivision websites;  
187 (e) provide multiple download options in different formats, including nonproprietary,  
188 open formats where possible;  
189 (f) provide any other public information that the board, under Subsection (10),  
190 identifies as appropriate for publication on the information website; and  
191 (g) incorporate technical elements the board identifies as useful to a citizen using the  
192 information website.  
193 (12) (a) The department, in consultation with the board, shall establish by rule any  
194 restrictions on the inclusion of maps and photographs, as described in Subsection (11)(d), on  
195 the website described in Subsection (10) if the inclusion would pose a potential security  
196 concern.  
197 (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.

Section 2. Section **63A-3-404** is amended to read:

**63A-3-404. Rulemaking authority.**

(1) After consultation with the board, and in accordance with Title 63G, Chapter 3,  
Utah Administrative Rulemaking Act, the Division of Finance 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**~~[(2)]~~**(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 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.



