February 15, 2011

HOUSE BILL No. 1004

DIGEST OF HB 1004 (Updated February 11, 2011 4:39 pm - DI 92)

Citations Affected: IC 5-14; IC 34-30.

Synopsis: Access to state financial data. Requires the auditor of state and the office of management and budget to work with the office of technology to establish and post on the Internet a web site with a data base of: (1) state expenditures and fund balances; (2) property owned by the state; and (3) expenditures and fund balances for educational institutions, local governments, and local schools.

Effective: Upon passage.

Turner, Welch, Noe, McNamara

January 12, 2011, read first time and referred to Committee on Ways and Means.
February 14, 2011, reported — Do Pass.

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February 15, 2011

First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1004

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-14-3.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 3.5. Access to Financial Data for State Agencies

Sec. 1. (a) As used in this chapter, "state agency" means an authority, a board, a branch, a commission, a committee, a department, a division, or another instrumentality of government, including the administrative branch of state government, the legislative branch of state government, and the judicial branch of state government.

(b) The term does not include a state educational institution.

Sec. 2. (a) Not later than July 1, 2011, the auditor of state shall begin to work with the office of technology established by IC 4-13.1-2-1 to establish and post on the Internet a web site containing a data base that lists all:

(1) state expenditures and fund balances, including expenditures for contracts, grants, and leases; and

(2) state owned property.

The web site must be electronically searchable by the public.

(b) The data base must include for each state agency:

(1) the amount, date, payer, and payee of expenditures;

(2) a listing of state expenditures by:

(A) personal services;

(B) other operating expenses; or

(C) total operating expenses;

to reflect how the funds were appropriated in the state budget act;

(3) a listing of state fund balances; and

(4) a listing of property owned by the state.

Sec. 3. To the extent possible, the auditor of state shall present information in the data base established under this chapter in a manner that is searchable and intuitive to users. The auditor of state shall enhance and organize the presentation of the information through the use of graphic representations, including pie charts, if the auditor of state considers graphics appropriate.

Sec. 4. (a) The auditor of state may not allow public access under this section to:

(1) a payee's address, other than the county in which the payee is located;

(2) personal information that is protected under state or federal law or rule; or

(3) information that is protected as a trade secret under state or federal law or by rule.

(b) The auditor of state may make information protected under subsection (a) available in an aggregate format only.

Sec. 5. The auditor of state and employees of the auditor of state are immune from any civil liability for posting confidential information under section 4 of this chapter if the auditor of state or an employee of the auditor of state posted the information in reliance on a determination made by a state agency about the confidentiality of information relating to the agency's expenditures or fund balances.

Sec. 6. To the extent any information required to be in the data base is collected or maintained by a state agency, the state agency shall provide that information to the auditor of state for inclusion in the data base.

Sec. 7. The auditor of state may not charge a fee for access to the data base.

Sec. 8. Except as provided in section 9 of this chapter, a state

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agency shall cooperate with and provide information to the auditor of state as necessary to implement and administer this chapter.

Sec. 9. This chapter does not require a state agency to record information or expend resources for the purpose of computer programming to make information reportable under this chapter.

Sec. 10. The office of technology established by IC 4-13.1-2-1 shall work with the auditor of state to include a link on the Internet web site established under this chapter to the Internet web site of each Internet web site operated by:

(1) the state; or

(2) a state agency.

Sec. 11. Each state agency shall include a link on the agency's Internet web site to the Internet web site established under this chapter.

Sec. 12. The auditor of state and the office of technology shall initially complete the design of the Internet web site and establish and post the information required under this chapter for all state agencies.

Sec. 13. Not later than July 1, 2012, the auditor of state shall provide a report to the state board of finance and the legislative council that details the progress the auditor has made to comply with this chapter. The report to the legislative council must be in an electronic format under IC 5-14-6.

SECTION 2. IC 5-14-3.6 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 3.6. Access to Financial Data for State Educational Institutions

Sec. 1. As used in this chapter, "commission" refers to the commission for higher education of the state of Indiana established by IC 21-18-2.

Sec. 2. As used in this chapter, "state educational institution" has the meaning set forth in IC 21-7-13-32.

Sec. 3. (a) Not later than July 1, 2011, the commission shall begin to work with the office of technology established by IC 4-13.1-2-1 to establish a web site containing a data base that lists state expenditures and fund balances, including expenditures for contracts, grants, and leases for state educational institutions. The web site must be electronically searchable by the public.

(b) The listings must include for each state educational institution:

(1) the amount, date, payer, and payee of expenditures;

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(2) a listing of state expenditures by:
(A) personal services;
(B) other operating expenses; or
(C) total operating expenses;
to reflect how the funds were appropriated in the state budget act;
(3) a listing of state fund balances; and
(4) a listing of property owned by the educational institution.

Sec. 4. To the extent possible, the commission shall present information in the data base established under this chapter in a manner that is searchable and intuitive to users.

Sec. 5. (a) The commission may not allow public access under this section to:
(1) a payee's address, other than the county in which the payee is located;
(2) personal information that is protected under state or federal law or rule; or
(3) information that is protected as a trade secret under state or federal law or by rule.

(b) The commission may make information protected under subsection (a) available in an aggregate format only.

Sec. 6. Employees of the commission are immune from any civil liability for posting confidential information under section 5 of this chapter if an employee of the office posted the information in reliance on a determination made by a state educational institution about the confidentiality of information relating to the educational institution's expenditures or fund balances.

Sec. 7. To the extent any information required to be in the data base is collected or maintained by a state educational institution, the state educational institution shall provide that information to the office for inclusion in the data base.

Sec. 8. The commission may not charge a fee for access to the data base.

Sec. 9. Except as provided in section 10 of this chapter, a state educational institution shall cooperate with and provide information to the office as necessary to implement and administer this chapter.

Sec. 10. This chapter does not require a state educational institution to record information or expend resources for the purpose of computer programming to make information reportable under this chapter.

Sec. 11. The office of technology established by IC 4-13.1-2-1

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shall work with the commission to include a link on the Internet web site established under this chapter to the Internet web site of each Internet web site operated by:

(1) the state; or

(2) a state educational institution.

Sec. 12. Each state educational institution shall include a link on the state educational institution's Internet web site to the data base established under this chapter.

Sec. 13. Not later than July 1, 2012, the commission shall provide a report to the state board of finance and the legislative council on the progress the commission has made to comply with this chapter. The report to the legislative council must be in an electronic format under IC 5-14-6.

SECTION 3. IC 5-14-3.7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 3.7. Access to Financial Data for Local Schools

Sec. 1. As used in this chapter, "office" means the office of management and budget established by IC 4-3-22-3.

Sec. 2. As used in this chapter, "public school" has the meaning set forth in IC 20-18-2-15.

Sec. 3. (a) Not later than July 1, 2011, the office shall begin to work with the office of technology established by IC 4-13.1-2-1 and the department of education established by IC 20-19-3-1to establish and post on the Internet a web site containing a data base that lists expenditures and fund balances, including expenditures for contracts, grants, and leases, for public schools. The web site must be electronically searchable by the public.

(b) The data base must include for public schools:

(1) the amount, date, payer, and payee of expenditures;

(2) a listing of expenditures by:

(A) personal services;

(B) other operating expenses; or

(C) total operating expenses;

(3) a listing of fund balances;

(4) a listing of property owned by the public school; and

(5) the report required under IC 6-1.1-33.5-7.

Sec. 4. To the extent possible, the office shall present information in the data base established under this chapter in a manner that is searchable and intuitive to users.

Sec. 5. (a) The office may not allow public access under this section to:

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(1) a payee's address, other than the county in which the payee is located;

(2) personal information that is protected under state or federal law or rule; or

(3) information that is protected as a trade secret under state or federal law or by rule.

(b) The office may make information protected under subsection (a) available in an aggregate format only.

Sec. 6. Employees of the office are immune from any civil liability for posting confidential information under section 5 of this chapter if an employee of the office posted the information in reliance on a determination made by a public school about the confidentiality of information relating to the educational institution's expenditures or fund balances.

Sec. 7. To the extent any information required to be in the data base is collected or maintained by a public school, the public school shall provide that information to the office for inclusion in the data base.

Sec. 8. The office may not charge a fee for access to the data base.

Sec. 9. Except as provided in section 10 of this chapter, a public school shall cooperate with and provide information to the office as necessary to implement and administer this chapter.

Sec. 10. This chapter does not require a public school to record information or expend resources for the purpose of computer programming to make information reportable under this chapter.

Sec. 11. The office of technology established by IC 4-13.1-2-1 shall work with the office to include a link on the Internet web site established under this chapter to the Internet web site of each Internet web site operated by:

(1) the state; or

(2) a public school.

Sec. 12. Each public school shall include a link on the public school's Internet web site to the Internet web site established under this chapter.

Sec. 13. The office and the office of technology shall initially complete the design of the Internet web site and establish and post the information required under this chapter for all public schools.

Sec. 14. Not later than July 1, 2012, the office shall provide a report to the state board of finance and the legislative council on the progress the office has made to comply with this chapter. The report to the legislative council must be in an electronic format

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under IC 5-14-6.

SECTION 4. IC 5-14-3.8 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 3.8. Access to Financial Data for Local Units

Sec. 1. As used in this chapter, "office" means the office of management and budget established by IC 4-3-22-3.

Sec. 2. As used in this chapter, "political subdivision" has the meaning set forth in IC 5-11-10.5-1.

Sec. 3. (a) Not later than July 1, 2011, the office shall begin to work with the office of technology established by IC 4-13.1-2-1 to establish and post on the Internet a web site containing a data base that lists expenditures and fund balances, including expenditures for contracts, grants, and leases for each political subdivision. The web site must be electronically searchable by the public.

(b) The data base must include for each political subdivision:

(1) the amount, date, payer, and payee of expenditures;

(2) a listing of state expenditures by:

(A) personal services;

(B) other operating expenses; or

(C) total operating expenses;

(3) a listing of fund balances;

(4) a listing of property owned by the political subdivision; and

(5) the report required under IC 6-1.1-33.5-7.

Sec. 4. To the extent possible, the office shall present information in the data base established under this chapter in a manner that is searchable and intuitive to users.

Sec. 5. (a) The office may not allow public access under this section to:

(1) a payee's address, other than the county in which the payee is located;

(2) personal information that is protected under state or federal law or rule; or

(3) information that is protected as a trade secret under state or federal law or by rule.

(b) The office may make information protected under subsection (a) available in an aggregate format only.

Sec. 6. Employees of the office are immune from any civil liability for posting confidential information under section 5 of this chapter if an employee of the office posted the information in reliance on a determination made by a political subdivision about

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the confidentiality of information relating to the political subdivision's expenditures or fund balances.

Sec. 7. To the extent any information required to be in the data base is collected or maintained by a political subdivision, the political subdivision shall provide that information to the office for inclusion in the data base.

Sec. 8. The office may not charge a fee for access to the data base.

Sec. 9. Except as provided in section 10 of this chapter, a political subdivision shall cooperate with and provide information to the office as necessary to implement and administer this chapter.

Sec. 10. This chapter does not require a political subdivision to record information or expend resources for the purpose of computer programming to make information reportable under this chapter.

Sec. 11. The office of technology established by IC 4-13.1-2-1 shall work with the office to include a link on the Internet web site established under this chapter to the Internet web site of each Internet web site operated by:

(1) the state; or

(2) a political subdivision.

Sec. 12. Each political subdivision shall include a link on the political subdivision's Internet web site to the Internet web site established under this chapter.

Sec. 13. The office and the office of technology shall initially complete the design of the Internet web site and establish and post the information required under this chapter for all political subdivisions.

Sec. 14. Not later than July 1, 2012, the office shall provide a report to the state board of finance and the legislative council that details the progress the office has made to comply with this chapter. The report to the legislative council must be in an electronic format under IC 5-14-6.

SECTION 5. IC 34-30-2-14.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14.7. IC 5-14-3.5-5 (Concerning the auditor of state and employees of the auditor of state for posting certain confidential information).**

SECTION 6. IC 34-30-2-14.8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14.8. IC 5-14-3.6-6 (Concerning the commission for higher education of the state of**

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Indiana for posting certain confidential information).

SECTION 7. IC 34-30-2-14.9 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 14.9. IC 5-14-3.7-6, and IC 5-14-3.8-6 (Concerning the office of management and budget for posting certain confidential information).**

SECTION 8. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1004, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

ESPICH, Chair

Committee Vote: yeas 21, nays 0.

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