

# HOUSE BILL No. 1004

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 5-14; IC 34-30-2.

**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.

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**Turner, Welch, Noe**

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January 12, 2011, read first time and referred to Committee on Ways and Means.

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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:*

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

4 **Chapter 3.5. Access to Financial Data for State Agencies**

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

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

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

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



1           (2) state owned property.  
 2           The web site must be electronically searchable by the public.  
 3           (b) The data base must include for each state agency:  
 4               (1) the amount, date, payer, and payee of expenditures;  
 5               (2) a listing of state expenditures by:  
 6                    (A) personal services;  
 7                    (B) other operating expenses; or  
 8                    (C) total operating expenses;  
 9               to reflect how the funds were appropriated in the state budget  
 10              act;  
 11              (3) a listing of state fund balances; and  
 12              (4) a listing of property owned by the state.  
 13           Sec. 3. To the extent possible, the auditor of state shall present  
 14           information in the data base established under this chapter in a  
 15           manner that is searchable and intuitive to users. The auditor of  
 16           state shall enhance and organize the presentation of the  
 17           information through the use of graphic representations, including  
 18           pie charts, if the auditor of state considers graphics appropriate.  
 19           Sec. 4. (a) The auditor of state may not allow public access  
 20           under this section to:  
 21               (1) a payee's address, other than the county in which the  
 22               payee is located;  
 23               (2) personal information that is protected under state or  
 24               federal law or rule; or  
 25               (3) information that is protected as a trade secret under state  
 26               or federal law or by rule.  
 27           (b) The auditor of state may make information protected under  
 28           subsection (a) available in an aggregate format only.  
 29           Sec. 5. The auditor of state and employees of the auditor of state  
 30           are immune from any civil liability for posting confidential  
 31           information under section 4 of this chapter if the auditor of state  
 32           or an employee of the auditor of state posted the information in  
 33           reliance on a determination made by a state agency about the  
 34           confidentiality of information relating to the agency's expenditures  
 35           or fund balances.  
 36           Sec. 6. To the extent any information required to be in the data  
 37           base is collected or maintained by a state agency, the state agency  
 38           shall provide that information to the auditor of state for inclusion  
 39           in the data base.  
 40           Sec. 7. The auditor of state may not charge a fee for access to  
 41           the data base.  
 42           Sec. 8. Except as provided in section 9 of this chapter, a state

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

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

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

- 10 (1) the state; or
- 11 (2) a state agency.

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

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

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

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

27 **Chapter 3.6. Access to Financial Data for State Educational**  
28 **Institutions**

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

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

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

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

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

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1           (2) a listing of state expenditures by:  
 2               (A) personal services;  
 3               (B) other operating expenses; or  
 4               (C) total operating expenses;  
 5           to reflect how the funds were appropriated in the state budget  
 6           act;  
 7           (3) a listing of state fund balances; and  
 8           (4) a listing of property owned by the educational institution.  
 9           Sec. 4. To the extent possible, the commission shall present  
 10          information in the data base established under this chapter in a  
 11          manner that is searchable and intuitive to users.  
 12          Sec. 5. (a) The commission may not allow public access under  
 13          this section to:  
 14               (1) a payee's address, other than the county in which the  
 15               payee is located;  
 16               (2) personal information that is protected under state or  
 17               federal law or rule; or  
 18               (3) information that is protected as a trade secret under state  
 19               or federal law or by rule.  
 20          (b) The commission may make information protected under  
 21          subsection (a) available in an aggregate format only.  
 22          Sec. 6. Employees of the commission are immune from any civil  
 23          liability for posting confidential information under section 5 of this  
 24          chapter if an employee of the office posted the information in  
 25          reliance on a determination made by a state educational institution  
 26          about the confidentiality of information relating to the educational  
 27          institution's expenditures or fund balances.  
 28          Sec. 7. To the extent any information required to be in the data  
 29          base is collected or maintained by a state educational institution,  
 30          the state educational institution shall provide that information to  
 31          the office for inclusion in the data base.  
 32          Sec. 8. The commission may not charge a fee for access to the  
 33          data base.  
 34          Sec. 9. Except as provided in section 10 of this chapter, a state  
 35          educational institution shall cooperate with and provide  
 36          information to the office as necessary to implement and administer  
 37          this chapter.  
 38          Sec. 10. This chapter does not require a state educational  
 39          institution to record information or expend resources for the  
 40          purpose of computer programming to make information  
 41          reportable under this chapter.  
 42          Sec. 11. The office of technology established by IC 4-13.1-2-1

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

- 4 (1) the state; or
- 5 (2) a state educational institution.

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

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

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

17 Chapter 3.7. Access to Financial Data for Local Schools

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

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

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

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

- 30 (1) the amount, date, payer, and payee of expenditures;
- 31 (2) a listing of expenditures by:
  - 32 (A) personal services;
  - 33 (B) other operating expenses; or
  - 34 (C) total operating expenses;
- 35 (3) a listing of fund balances;
- 36 (4) a listing of property owned by the public school; and
- 37 (5) the report required under IC 6-1.1-33.5-7.

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

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

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- 1           (1) a payee's address, other than the county in which the
- 2           payee is located;
- 3           (2) personal information that is protected under state or
- 4           federal law or rule; or
- 5           (3) information that is protected as a trade secret under state
- 6           or federal law or by rule.

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

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

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

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

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

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

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

- 31           (1) the state; or
- 32           (2) a public school.

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

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

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

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1 **under IC 5-14-6.**

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

5 **Chapter 3.8. Access to Financial Data for Local Units**

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

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

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

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

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

18 **(2) a listing of state expenditures by:**

19 **(A) personal services;**

20 **(B) other operating expenses; or**

21 **(C) total operating expenses;**

22 **(3) a listing of fund balances;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 20 (1) the state; or
- 21 (2) a political subdivision.

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

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

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

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

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

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1 **Indiana for posting certain confidential information).**  
2 SECTION 7. IC 34-30-2-14.9 IS ADDED TO THE INDIANA  
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE UPON PASSAGE]: **Sec. 14.9. IC 5-14-3.7-6, and**  
5 **IC 5-14-3.8-6 (Concerning the office of management and budget**  
6 **for posting certain confidential information).**  
7 SECTION 8. **An emergency is declared for this act.**

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