

1 HOUSE BILL NO. 444

2 INTRODUCED BY T. BURNETT

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4 A BILL FOR AN ACT ENTITLED: "AN ACT CREATING THE MONTANA PUBLIC FINANCE WEBSITE;
5 REQUIRING THE ESTABLISHMENT OF A WEBSITE FROM WHICH THE GENERAL PUBLIC CAN SEARCH,
6 RETRIEVE, AND DOWNLOAD INFORMATION ABOUT THE STATE FINANCES, INCLUDING STATE ENTITY
7 BUDGETS, REVENUE, APPROPRIATIONS, AND EXPENDITURES BY EXECUTIVE, LEGISLATIVE, AND
8 JUDICIAL BRANCH AGENCIES AND THE UNIVERSITY SYSTEM; PROVIDING FOR DEPARTMENT OF
9 ADMINISTRATION DUTIES AND RULEMAKING AUTHORITY; AND AMENDING SECTION 2-17-532, MCA."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

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13 **NEW SECTION. Section 1. Legislative intent.** (1) The legislature finds that state taxpayers have a right
14 to know how the state raises and spends tax dollars and to know the results that are achieved from those
15 expenditures. Therefore, it is the intent of the legislature to direct the department to create and maintain a free,
16 searchable, web-based system as provided for in [sections 1 through 6] that will allow easy access to detailed
17 information on budgets, revenue, appropriations, and expenditures of state taxpayer money.

18 (2) The legislature recognizes the large amount of data already available through government websites
19 and intends for the Montana public finance website to provide a single portal to assist the people of Montana in
20 accessing the data in a simplified manner.

21 (3) It is the intent of the legislature to provide public finance detail in a comprehensive searchable
22 database available from the website and to build that capacity as state entities enhance, upgrade, or replace
23 existing databases in order to provide as much detailed information as possible, including information on
24 individual transactions if possible.

25 (4) Further, it is the intent of the legislature to provide data from the state entity that is the recognized
26 authoritative source of the public financial information.

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28 **NEW SECTION. Section 2. Definitions.** As used in [sections 1 through 6], the following definitions
29 apply:

30 (1) "Board" means the information technology board created under 2-15-1021.

1 (2) "Department" means the department of administration.

2 (3) "Public financial information" means records that are to be made available on the website as required
3 by [sections 1 through 6] and means the term as defined by rule under [section 4].

4 (4) "State entity" means the state of Montana, including its executive, legislative, and judicial branches
5 and its departments, divisions, agencies, boards, commissions, councils, committees, and institutions, including
6 the Montana university system.

7 (5) "Website" means the Montana public finance website.

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9 **NEW SECTION. Section 3. Montana public finance website.** (1) There is a Montana public finance
10 website administered by the department.

11 (2) The website must:

12 (a) permit Montana citizens to view and track the use of taxpayer dollars by centralizing and making
13 accessible on the internet public financial information from participating state entities;

14 (b) allow a person who has internet access to use the website without paying a fee;

15 (c) allow the public to search public financial information on the website using criteria established by the
16 board;

17 (d) provide access to financial reports, financial audits, budgets, or other financial documents that are
18 used to allocate, appropriate, spend, and account for the government funds;

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

20 (f) be directly accessible through a link from the main page of the official state website and by a link from
21 each state entity to the website;

22 (g) contain forms for making public information requests or requests for downloadable extracts from the
23 website;

24 (h) provide a method to gather citizen feedback and comments regarding the website;

25 (i) include other links, features, tutorials, or search functions that will assist the public in obtaining and
26 reviewing public financial information; and

27 (j) include means for individuals to download data sets in comma separated value or other common
28 formats.

29 (3) The public finance information that must be included as it becomes available is:

30 (a) state employee wages and benefits;

- 1 (b) state entity expenses, including date, state entity, vendor, amount, identification of contract, and
2 purchase category;
- 3 (c) state entity budgets;
- 4 (d) a list of contracts by state entity, branch, and division as available;
- 5 (e) a list of grants;
- 6 (f) a list of leases;
- 7 (g) a list of state employees who are registered lobbyists;
- 8 (h) information on pension soundness;
- 9 (i) published audits; and
- 10 (j) published reports.

11 (4) (a) A participating state entity shall permit the public to view the state entity's available public financial
12 information through the website beginning with information that is available for the fiscal year ending June 30,
13 2012.

14 (b) By October 1, 2012, the website must be operational and permit public access to state entities'
15 available public financial information.

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17 **NEW SECTION. Section 4. Department duties -- rulemaking.** (1) After consultation with the board,
18 the department shall adopt rules to:

- 19 (a) identify public financial information for inclusion on the website;
- 20 (b) provide standards and protocols regarding public financial information, either uniformly for all state
21 entities or on an entity-by-entity basis; and
- 22 (c) establish procedures for obtaining, submitting, reporting, storing, and providing public financial
23 information on the website, which may include a specified reporting frequency and form.

24 (2) The department shall:

- 25 (a) establish and maintain the website, including the provision of equipment, resources, and personnel
26 as necessary;
- 27 (b) maintain an offline archive of all information posted to the website as dictated by existing database
28 archive policies and by applicable record retention schedules;
- 29 (c) coordinate and process the receipt and posting of public financial information from state entities; and
- 30 (d) provide guidance to the head of each state entity to ensure compliance with this section, including

1 recommendations on how a state entity's existing information technology capabilities and future information
2 technology project development may be integrated with or otherwise support the website.

3 (3) The department and each state entity shall ensure that information protected under Article II, section
4 10, of the Montana constitution concerning the right to privacy cannot be accessed at or through the website.

5 (4) The department shall regularly report on the progress of the website to the legislative finance
6 committee.

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8 **NEW SECTION. Section 5. Board duties.** (1) The board shall:

9 (a) advise the department on matters related to the implementation and administration of [sections 1
10 through 6];

11 (b) develop plans, make recommendations, and assist in implementing the provisions of [sections 1
12 through 6];

13 (c) recommend which public financial information must be provided by participating state entities. The
14 public financial information may include only records that are:

15 (i) classified as public under state law;

16 (ii) an accounting of money, funds, accounts, bonds, loans, expenditures, or revenue, regardless of the
17 source; and

18 (iii) owned, held, or administered by the state entity that is required to provide the record.

19 (d) recommend which public financial information is of the type or nature that may be made accessible
20 to the public through a website based on considerations of:

21 (i) the interest of the public in accessing the information;

22 (ii) the value of providing the information to the public; and

23 (iii) privacy and security considerations.

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25 **NEW SECTION. Section 6. No change in right to privacy or right to know.** [Sections 1 through 6]

26 are not intended to expand or restrict the individual right of privacy or the public right to know or to change the
27 rights and obligations of persons, state entities, or local governments that are otherwise provided by law.

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29 **Section 7.** Section 2-17-532, MCA, is amended to read:

30 **"2-17-532. Establishment.** (1) The department shall establish and maintain appropriate electronic

1 access systems for state agencies ~~to use~~ to provide direct electronic access to information and services by
2 citizens, businesses, and other government entities. State agencies shall establish electronic access systems
3 that meet minimum technical standards established by the department. Agencies involved in communicating
4 information or providing services to the public shall use these systems to provide appropriate information to the
5 public, including but not limited to:

- 6 (a) descriptions of agency functions, including contact information;
- 7 (b) agency program services provided to citizens, businesses, and other government entities;
- 8 (c) environmental assessments;
- 9 (d) rulemaking notices;
- 10 (e) board vacancy notices as required by 2-15-201;
- 11 (f) agency reports mandated by statute;
- 12 (g) parks reports required by 23-1-110;
- 13 (h) requests for bids or proposals; ~~and~~
- 14 (i) public meeting notices and agendas; and
- 15 (j) public financial information as provided in [sections 1 through 6].

16 (2) The purpose of electronic access systems is to encourage the practice of providing for direct citizen,
17 business, and other government entity access to state computerized information and services."
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19 **NEW SECTION. Section 8. Codification instruction.** [Sections 1 through 6] are intended to be codified
20 as an integral part of Title 2, chapter 17, and the provisions of Title 2, chapter 17, apply to [sections 1 through 6].

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