



AN ACT CREATING THE MONTANA PUBLIC FINANCE WEBSITE; REQUIRING THE ESTABLISHMENT OF A WEBSITE FROM WHICH THE GENERAL PUBLIC CAN SEARCH, RETRIEVE, AND DOWNLOAD INFORMATION ABOUT THE STATE FINANCES, INCLUDING STATE ENTITY BUDGETS, REVENUE, APPROPRIATIONS, AND EXPENDITURES BY EXECUTIVE, LEGISLATIVE, AND JUDICIAL BRANCH AGENCIES; AND PROVIDING FOR DEPARTMENT OF ADMINISTRATION DUTIES AND RULEMAKING AUTHORITY.

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

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

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

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

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

Section 2. Definitions. As used in [sections 1 through 6], the following definitions apply:

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

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

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

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

(b) The term does not include the Montana university system.

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

Section 3. Montana public finance website. (1) There is a Montana public finance website administered by the department.

(2) The website must:

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

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

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

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

(e) have a unique and simplified website address;

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

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

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

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

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

(3) The public finance information that must be included as it becomes available in a cost-effective

manner is:

- (a) state employee wages and benefits;
- (b) state entity expenses, including date, state entity, vendor, amount, and purchase category;
- (c) state entity budgets;
- (d) a list of contracts by state entity, branch, and division as available;
- (e) a list of grants;
- (f) a list of leases;
- (g) a list of state employees who are registered lobbyists;
- (h) information on pension soundness;
- (i) published audits; and
- (j) published reports.

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

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

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

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

(2) The department shall:

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

(b) maintain an offline archive of all information posted to the website as dictated by existing database archive policies and by applicable record retention schedules;

(c) coordinate and process the receipt and posting of public financial information from state entities; and
(d) provide guidance to the head of each state entity to ensure compliance with this section, including recommendations on how a state entity's existing information technology capabilities and future information technology project development may be integrated with or otherwise support the website.

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

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

Section 5. Board duties. (1) The board shall:

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

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

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

(i) classified as public under state law;

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

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

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

(i) the cost-effectiveness of providing the information;

(ii) the interest of the public in accessing the information;

(iii) the value of providing the information to the public; and

(iv) privacy and security considerations; and

(e) evaluate the cost-effectiveness of implementing specific information resources and features on the website.

Section 6. No change in right to privacy or right to know. [Sections 1 through 6] are not intended to expand or restrict the individual right of privacy or the public right to know or to change the rights and obligations of persons, state entities, or local governments that are otherwise provided by law.

Section 7. Codification instruction. [Sections 1 through 6] are intended to be codified as an integral part of Title 2, chapter 17, and the provisions of Title 2, chapter 17, apply to [sections 1 through 6].

- END -

I hereby certify that the within bill,
HB 0444, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2011.

President of the Senate

Signed this _____ day
of _____, 2011.

HOUSE BILL NO. 444

INTRODUCED BY T. BURNETT, GREEF, WALKER, MILLER, RANDALL, CUFFE, C. SMITH,
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