

## HOUSE BILL NO. 444

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A BILL FOR AN ACT ENTITLED: "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 THE UNIVERSITY SYSTEM; AND PROVIDING FOR DEPARTMENT OF~~  
~~ADMINISTRATION DUTIES AND RULEMAKING AUTHORITY; AND AMENDING SECTION 2-17-532, MCA."~~

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

NEW SECTION. **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 ~~if possible~~.

(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.

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

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

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

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

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

9        (B) THE TERM DOES NOT INCLUDE the Montana university system.

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

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

14       (2) The website must:

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

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

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

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

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

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

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

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

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

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

1 formats.

2 (3) The public finance information that must be included as it becomes available IN A COST-EFFECTIVE  
3 MANNER is:

4 (a) state employee wages and benefits;

5 (b) state entity expenses, including date, state entity, vendor, amount, ~~identification of contract,~~ and  
6 purchase category;

7 (c) state entity budgets;

8 (d) a list of contracts by state entity, branch, and division as available;

9 (e) a list of grants;

10 (f) a list of leases;

11 (g) a list of state employees who are registered lobbyists;

12 (h) information on pension soundness;

13 (i) published audits; and

14 (j) published reports.

15 (4) (a) A participating state entity shall permit the public to view the state entity's available public financial  
16 information through the website beginning with information that is available for the fiscal year ending June 30,  
17 2012.

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

20  
21 NEW SECTION. Section 4. Department duties -- rulemaking. (1) After consultation with the board,  
22 the department shall adopt rules to:

23 (a) identify public financial information for inclusion on the website;

24 (b) provide standards and protocols regarding public financial information, either uniformly for all state  
25 entities or on an entity-by-entity basis; and

26 (c) establish procedures for obtaining, submitting, reporting, storing, and providing public financial  
27 information on the website, which may include a specified reporting frequency and form.

28 (2) The department shall:

29 (a) establish and maintain the website, including the provision of equipment, resources, and personnel  
30 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.

**NEW SECTION.** **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 ~~only~~ 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;

~~(i)~~(II) the interest of the public in accessing the information;

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

~~(iii)~~(IV) privacy and security considerations; AND

(E) EVALUATE THE COST-EFFECTIVENESS OF IMPLEMENTING SPECIFIC INFORMATION RESOURCES AND FEATURES

1 ON THE WEBSITE.

2  
3 NEW SECTION. Section 6. No change in right to privacy or right to know. [Sections 1 through 6]  
4 are not intended to expand or restrict the individual right of privacy or the public right to know or to change the  
5 rights and obligations of persons, state entities, or local governments that are otherwise provided by law.

6  
7 ~~Section 7. Section 2-17-532, MCA, is amended to read:~~

8 ~~"2-17-532. Establishment. (1) The department shall establish and maintain appropriate electronic~~  
9 ~~access systems for state agencies to use to provide direct electronic access to information and services by~~  
10 ~~citizens, businesses, and other government entities. State agencies shall establish electronic access systems~~  
11 ~~that meet minimum technical standards established by the department. Agencies involved in communicating~~  
12 ~~information or providing services to the public shall use these systems to provide appropriate information to the~~  
13 ~~public, including but not limited to:~~

14 ~~—— (a) descriptions of agency functions, including contact information;~~

15 ~~—— (b) agency program services provided to citizens, businesses, and other government entities;~~

16 ~~—— (c) environmental assessments;~~

17 ~~—— (d) rulemaking notices;~~

18 ~~—— (e) board vacancy notices as required by 2-15-201;~~

19 ~~—— (f) agency reports mandated by statute;~~

20 ~~—— (g) parks reports required by 23-1-110;~~

21 ~~—— (h) requests for bids or proposals; and~~

22 ~~—— (i) public meeting notices and agendas; and~~

23 ~~—— (j) public financial information as provided in [sections 1 through 6].~~

24 ~~—— (2) The purpose of electronic access systems is to encourage the practice of providing for direct citizen,~~  
25 ~~business, and other government entity access to state computerized information and services."~~

26  
27 NEW SECTION. Section 7. Codification instruction. [Sections 1 through 6] are intended to be codified  
28 as an integral part of Title 2, chapter 17, and the provisions of Title 2, chapter 17, apply to [sections 1 through 6].

29 - END -