



April 8, 2009

**ENGROSSED
HOUSE BILL No. 1280**

DIGEST OF HB 1280 (Updated April 7, 2009 12:24 pm - DI 58)

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

Synopsis: State budget and spending information on Internet. Provides that the state auditor shall begin work to post state expenditures and account balances on the Internet not later than July 1, 2009. Requires state agencies to provide information to the auditor of state and to develop links on agency Internet web sites to the auditor's expenditure Internet web site. Requires the auditor of state and the office of technology to initially complete the design of the Internet web site and establish and post the required information for all state agencies other than state educational institutions. Requires the auditor of state and the office of technology to provide to each state educational institution a description of the data fields and data transfer standards and protocols developed during the initial phase. Requires the auditor of state to submit a report to the legislative council that specifies the cost that would be required for each state educational institution to comply with the requirements of the bill. Provides that the legislative council may determine whether a state educational institution can provide the required information without expending resources. Provides that the auditor shall report the progress of posting state expenditures and account balances on the Internet to the state board of finance and the legislative council.

Effective: Upon passage.

Welch, Turner, Pearson, Michael

(SENATE SPONSORS — HERSHMAN, BRODEN)

January 13, 2009, read first time and referred to Committee on Ways and Means.
February 19, 2009, amended, reported — Do Pass.
February 23, 2009, read second time, amended, ordered engrossed.
February 24, 2009, engrossed. Read third time, passed. Yeas 97, nays 0.

SENATE ACTION

March 2, 2009, read first time and referred to Committee on Tax and Fiscal Policy.
April 7, 2009, amended, reported favorably — Do Pass.

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April 8, 2009

First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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ENGROSSED HOUSE BILL No. 1280

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and 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**
5 **Sec. 1. 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 government, the judicial branch of state**
10 **government, and state educational institutions.**

11 **Sec. 2. Not later than July 1, 2009, the auditor of state shall**
12 **begin to work with the office of technology established by**
13 **IC 4-13.1-2-1 to establish and post on the Internet a data base web**
14 **site of state expenditures and account balances, including**
15 **expenditures for contracts and grants, that is electronically**
16 **searchable by the public. The data base must include for each state**
17 **agency:**

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- 1 (1) the amount, date, payer, and payee of expenditures;
- 2 (2) a listing of state expenditures by:
 - 3 (A) personal services;
 - 4 (B) other operating expenses; or
 - 5 (C) total operating expenses;
- 6 to reflect how the funds were appropriated in the state budget
- 7 act; and
- 8 (3) a listing of state account balances.

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

- 16 (1) search and aggregate state funding by each element of the
- 17 data on the Internet web site;
- 18 (2) ascertain through a single search the total amount of state
- 19 funding awarded or paid to a person by a state agency; and
- 20 (3) download information yielded by a search of the data base.

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

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

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

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

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

42 **Sec. 7. The auditor of state may not charge a fee for access to**

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the data base.

Sec. 8. Except as provided in section 9 of this chapter, a state 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 in the data base 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 data base established under this chapter.

Sec. 12. (a) 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 other than state educational institutions.

(b) After completing the initial phase described in subsection (a), the auditor of state and the office of technology shall provide to each state educational institution a description of the data fields and data transfer standards and protocols developed during the initial phase. After consulting with each state educational institution, the auditor of state and the office of technology shall estimate the cost of including each state educational institution's data on the Internet web site. The auditor of state shall submit a report to the legislative council that specifies the cost, if any, that would be required for each state educational institution to comply with this chapter. The report to the legislative council must be in an electronic format under IC 5-14-6.

(c) After receiving the report required by subsection (b), the legislative council may determine whether a state educational institution can provide the information required by this chapter without expending resources as described in section 9 of this chapter. A state educational institution shall comply with the determination of the legislative council.

Sec. 13. Not later than November 1, 2010, the auditor of state shall provide a report to the state board of finance and the legislative council that details the state expenditures and account balances contained in the data base created under this chapter and the progress the auditor has made to comply with this chapter. The

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1 **report must include all state expenditures and account balances not**
2 **contained in the data base with a detailed summary explaining why**
3 **the state expenditures and account balances are not contained in**
4 **the data base. The report to the legislative council must be in an**
5 **electronic format under IC 5-14-6.**

6 SECTION 2. IC 34-30-2-14.6 IS ADDED TO THE INDIANA
7 CODE AS A NEW SECTION TO READ AS FOLLOWS
8 [EFFECTIVE UPON PASSAGE]: **Sec. 14.6. IC 5-14-3.5-5**
9 **(Concerning the auditor of state and employees of the auditor of**
10 **state for posting confidential information).**

11 SECTION 3. **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 1280, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Replace the effective dates in SECTIONS 1 through 2 with "[EFFECTIVE UPON PASSAGE]".

Page 1, line 11, delete "Beginning July 1, 2010, the auditor of state shall" and insert "**Not later than July 1, 2009, the auditor of state shall begin to**".

Page 3, between lines 12 and 13, begin a new paragraph and insert: "**Sec. 12. Not later than November 1, 2010, the auditor of state shall provide a report to the state board of finance that details the state expenditures contained in the database created under this chapter and the progress the auditor has made to comply with this chapter.**".

Page 3, after line 17, begin a new paragraph and insert: "SECTION 3. **An emergency is declared for this act.**".

and when so amended that said bill do pass.

(Reference is to HB 1280 as introduced.)

CRAWFORD, Chair

Committee Vote: yeas 20, nays 0.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1280 be amended to read as follows:

Page 1, line 14, delete "expenditures," and insert "**expenditures and account balances,**".

Page 1, line 17, after "expenditures;" delete "and".

Page 2, line 6, delete "act." and insert "**act; and**".

Page 2, between lines 6 and 7, begin a new line block indented and insert:

"(3) a listing of state account balances."

Page 2, line 34, delete "expenditures." and insert "**expenditures or account balances.**".

Page 3, delete lines 13 through 17, begin a new paragraph and insert:

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"Sec. 12. Not later than November 1, 2010, the auditor of state shall provide a report to the state board of finance and the legislative council that details the state expenditures and account balances contained in the data base created under this chapter and the progress the auditor has made to comply with this chapter. The report must include all state expenditures and account balances not contained in the data base with a detailed summary explaining why the state expenditures and account balances are not contained in the data base. The report to the legislative council must be in an electronic format under IC 5-14-6."

(Reference is to HB 1280 as printed February 20, 2009.)

WELCH

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred House Bill No. 1280, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, between lines 15 and 16, begin a new paragraph and insert:

"Sec. 12. (a) 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 other than state educational institutions.

(b) After completing the initial phase described in subsection (a), the auditor of state and the office of technology shall provide to each state educational institution a description of the data fields and data transfer standards and protocols developed during the initial phase. After consulting with each state educational institution, the auditor of state and the office of technology shall estimate the cost of including each state educational institution's data on the Internet web site. The auditor of state shall submit a report to the legislative council that specifies the cost, if any, that would be required for each state educational institution to comply with this chapter. The report to the legislative council must be in an electronic format under IC 5-14-6.

(c) After receiving the report required by subsection (b), the legislative council may determine whether a state educational institution can provide the information required by this chapter without expending resources as described in section 9 of this

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chapter. A state educational institution shall comply with the determination of the legislative council."

Page 3, line 16, delete "Sec. 12." and insert "**Sec. 13.**"

and when so amended that said bill do pass.

(Reference is to HB 1280 as reprinted February 24, 2009.)

HERSHMAN, Chairperson

Committee Vote: Yeas 11, Nays 0.

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