

**Second Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 16-0795.01 Ed DeCecco x4216

HOUSE BILL 16-1230

HOUSE SPONSORSHIP

Dore, Rankin, Lebsack, Klingenschmitt, Van Winkle, Wist, Arndt, Brown, Nordberg

SENATE SPONSORSHIP

(None),

House Committees

Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE INCLUSION OF A COUNTY'S FINANCIAL INFORMATION**
102 **IN THE STATE'S FINANCIAL INFORMATION DATABASE, WHICH IS**
103 **KNOWN AS THE TRANSPARENCY ONLINE PROJECT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

Under current law, the chief information officer (officer) publishes information about state revenues and expenditures in a web-based system, which is known as the transparency online project (TOP). The bill requires the officer to include county revenue and expenditure data in the TOP.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

No later than 30 days after the end of its fiscal year, a county is required to provide the officer with a database that:

- ! Identifies all revenue received by the county;
- ! Identifies all expenditures made by county agencies; and
- ! Is in an electronic format approved the officer.

This information should not include any information that is not a public record or that is confidential. The officer is required to separately include the most recent revenue and expenditure data for each county in the TOP and to archive past county information. In some instances, the officer may aggregate a county's data.

If a county fails to provide the required database to the officer for more than 90 days after the deadline, then the executive director of the department of local affairs shall consider the county's lack of transparency as an adverse factor when making grants from the local government severance tax fund.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 24-72.4-101, **add** (4)
3 as follows:

4 **24-72.4-101. Legislative declaration.** (4) THE GENERAL
5 ASSEMBLY FURTHER FINDS AND DECLARES THAT THE WEB-BASED SYSTEM,
6 KNOWN AS THE TRANSPARENCY ONLINE PROJECT, HAS MADE STATE
7 GOVERNMENT MORE TRANSPARENT AND ACCOUNTABLE AND THAT
8 COUNTY TAXPAYERS ARE ENTITLED TO THE SAME ACCESS TO
9 INFORMATION. NOW, THEREFORE, IT IS THE INTENT OF THE GENERAL
10 ASSEMBLY TO EXPAND THE SYSTEM TO INCLUDE REVENUE AND
11 EXPENDITURE DATA FOR COUNTIES.

12 **SECTION 2.** In Colorado Revised Statutes, **amend** 24-72.4-102
13 as follows:

14 **24-72.4-102. Definitions.** As used in this article, unless the
15 context otherwise requires:

16 (1) "Challenger" means an individual who challenges an exclusion
17 of information from the web-based system by sending written notice to

1 a state agency in accordance with section 24-72.4-103 (2) (a).

2 ~~(1.2)~~ (2) "Chief information officer" means the chief information
3 officer appointed pursuant to section 24-37.5-103.

4 (3) "COUNTY" MEANS ANY COUNTY IN THE STATE AND INCLUDES
5 A CITY AND COUNTY.

6 ~~(1.3)~~ (4) "Online database" means the searchable, online revenue
7 and expenditure database developed, maintained, and made publicly
8 available by the department of transportation pursuant to section
9 24-72.4-105.

10 (5) "SPENDING AGENCY" MEANS ANY COUNTY OFFICE, UNIT,
11 DEPARTMENT, BOARD, COMMISSION, OR INSTITUTION THAT IS RESPONSIBLE
12 FOR ANY PARTICULAR EXPENDITURES OR REVENUES, AS IDENTIFIED BY THE
13 COUNTY FOR PURPOSES OF THE "LOCAL GOVERNMENT BUDGET LAW OF
14 COLORADO", PART 1 OF ARTICLE 1 OF TITLE 29, C.R.S.

15 ~~(1.4)~~ (6) "State agency" means any department, division, board,
16 bureau, commission, institution, or agency of the state for which account
17 balances are maintained on the state's official book of record.

18 ~~(1.6)~~ (7) "State's official book of record" means the electronic
19 database commonly known as the Colorado financial reporting system
20 that is maintained by the office of information technology on behalf of the
21 state controller pursuant to the authority set forth in section 24-30-202.

22 ~~(1.8)~~ (8) "Unstructured data field" means a data element in the
23 state's official book of record for which the content is not selected from
24 a predetermined set of options and the preparer of the transaction is
25 allowed to enter any combination of characters or symbols.

26 ~~(2)~~ (9) "Web-based system" means the searchable web-based
27 system that provides access to:

1 (a) Descriptions of revenues and expenditures recorded in the
2 state's official book of record that, in accordance with executive order
3 007-09, is developed and maintained by the chief information officer, in
4 consultation with the state controller; AND

5 (b) DESCRIPTIONS OF REVENUES AND EXPENDITURES THAT A
6 COUNTY PROVIDES TO THE CHIEF INFORMATION OFFICER.

7 **SECTION 3.** In Colorado Revised Statutes, 24-72.4-103, **amend**
8 (1) (j); and **add** (1) (k) as follows:

9 **24-72.4-103. Web-based system - enhancements - procedure**
10 **for challenging exclusions.** (1) The chief information officer shall
11 modify the web-based system to meet the following requirements:

12 (j) The web-based system shall include a link to the on-line
13 database; AND

14 (k) THE WEB-BASED SYSTEM SHALL INCLUDE COUNTY
15 EXPENDITURE AND REVENUE DATA IN ACCORDANCE WITH SECTION
16 24-72.4-106.

17 **SECTION 4.** In Colorado Revised Statutes, 24-72.4-104, **amend**
18 (1) as follows:

19 **24-72.4-104. Information in web-based system - limit on duty.**
20 (1) The chief information officer and the state controller may reasonably
21 rely upon representations by a state agency OR COUNTY in determining
22 what information to include in the web-based system, and neither the
23 chief information officer nor the state controller shall have a duty to
24 independently review the information for compliance with this article
25 prior to posting the information on the web-based system.

26 **SECTION 5.** In Colorado Revised Statutes, **add** 24-72.4-106 as
27 follows:

1 **24-72.4-106. County - revenue and expenditure data -**

2 **inclusion.** (1) (a) NO LATER THAN THIRTY DAYS FOLLOWING THE
3 BEGINNING OF A FISCAL YEAR THAT BEGINS ON OR AFTER JANUARY 1,
4 2018, EACH COUNTY SHALL PROVIDE THE CHIEF INFORMATION OFFICER
5 WITH A COPY OF THE BUDGET ADOPTED FOR THE FISCAL YEAR.

6 (b) NO LATER THAN THIRTY DAYS FOLLOWING THE END-OF-THE
7 YEAR AUDIT OF A COUNTY'S REVENUES AND EXPENDITURES FOR A FISCAL
8 YEAR THAT BEGINS ON OR AFTER JANUARY 1, 2017, THE COUNTY SHALL
9 PROVIDE THE CHIEF INFORMATION OFFICER WITH A DATABASE THAT
10 IDENTIFIES ALL:

11 (I) REVENUE RECEIVED BY THE COUNTY; AND

12 (II) EXPENDITURES MADE BY EACH SPENDING AGENCY.

13 (c) A COUNTY SHALL SUBMIT THE INFORMATION REQUIRED BY THIS
14 SUBSECTION (1) IN A FORMAT APPROVED BY THE CHIEF INFORMATION
15 OFFICER, WHICH FORMAT ALLOWS THE CHIEF INFORMATION OFFICER TO
16 COMPLY WITH THE REQUIREMENTS OF SUBSECTION (3) OF THIS SECTION.

17 (d) A COUNTY MAY PROVIDE THE CHIEF INFORMATION OFFICER
18 WITH THE BUDGET FOR THE FISCAL YEAR THAT BEGINS ON JANUARY 1,
19 2017, OR THE REVENUE AND EXPENDITURE DATA SPECIFIED IN PARAGRAPH

20 (b) OF THIS SUBSECTION (1) FOR THE FISCAL YEAR THAT BEGINS ON
21 JANUARY 1, 2016. THE CHIEF INFORMATION OFFICER SHALL INCLUDE THE
22 INFORMATION IN THE WEB-BASED SYSTEM, AS OTHERWISE SET FORTH IN
23 SUBSECTION (3) OF THIS SECTION.

24 (2) A COUNTY SHALL NOT INCLUDE ANY INFORMATION UNDER
25 SUBSECTION (1) OF THIS SECTION THAT IS:

26 (a) NOT A PUBLIC RECORD OR THAT IS EXEMPT FROM DISCLOSURE
27 PURSUANT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE

1 72 OF THIS TITLE, OR PURSUANT TO PART 3 OF ARTICLE 72 OF THIS TITLE;

2 OR

3 (b) CONFIDENTIAL PURSUANT TO STATE OR FEDERAL LAW.

4 (3) THE CHIEF INFORMATION OFFICER SHALL SEPARATELY INCLUDE
5 THE MOST RECENT BUDGET AND THE MOST RECENT REVENUE AND
6 EXPENDITURE DATA FOR EACH COUNTY IN THE WEB-BASED SYSTEM IN A
7 DATA FORMAT THAT IS SIMILAR TO THAT FOR THE STATE REVENUE AND
8 EXPENDITURES. THE CHIEF INFORMATION OFFICER SHALL ARCHIVE PAST
9 AVAILABLE COUNTY INFORMATION IN THE SAME LOCATION AS STATE
10 ARCHIVED REVENUE AND EXPENDITURE DATA IS STORED. THE CHIEF
11 INFORMATION OFFICER MAY AGGREGATE A COUNTY'S DATA IF:

12 (a) ACCESS TO EACH INDIVIDUAL TRANSACTION IS LIKELY TO
13 HINDER, RATHER THAN FOSTER, THE GOAL OF ACCOUNTABILITY AND
14 TRANSPARENCY; OR

15 (b) AN INDIVIDUAL TRANSACTION INCLUDES INFORMATION THAT
16 IS ONLY PARTIALLY EXCLUDABLE UNDER SUBSECTION (2) OF THIS SECTION.

17 (4) SUBSECTION (1) OF THIS SECTION DOES NOT APPLY TO A
18 COUNTY THAT POSTS ITS BUDGET AND THE REVENUE AND EXPENDITURE
19 DATA REQUIRED BY PARAGRAPH (b) OF SUBSECTION (1) OF THIS SECTION
20 ON THE COUNTY WEBSITE. A COUNTY SHALL NOTIFY THE CHIEF
21 INFORMATION OFFICER THAT IT IS EXEMPT UNDER THIS SUBSECTION (4),
22 AND THE CHIEF INFORMATION OFFICER SHALL INCLUDE A LINK TO THE
23 COUNTY'S WEBSITE ON THE WEB-BASED SYSTEM.

24 (5) IF A COUNTY FAILS TO PROVIDE THE REQUIRED DATABASE TO
25 THE CHIEF INFORMATION OFFICER FOR MORE THAN NINETY DAYS AFTER A
26 DEADLINE SET IN SUBSECTION (1) OF THIS SECTION AND SUBSECTION (4) OF
27 THIS SECTION DOES NOT APPLY, THEN THE EXECUTIVE DIRECTOR OF THE

1 DEPARTMENT OF LOCAL AFFAIRS MAY CONSIDER THE COUNTY'S LACK OF
2 TRANSPARENCY AS AN ADVERSE FACTOR WHEN MAKING GRANTS IN
3 ACCORDANCE WITH SECTION 39-29-110(1)(b), C.R.S., IN THE NEXT STATE
4 FISCAL YEAR.

5 **SECTION 6. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly (August
8 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a
9 referendum petition is filed pursuant to section 1 (3) of article V of the
10 state constitution against this act or an item, section, or part of this act
11 within such period, then the act, item, section, or part will not take effect
12 unless approved by the people at the general election to be held in
13 November 2016 and, in such case, will take effect on the date of the
14 official declaration of the vote thereon by the governor.