

NOTE: The governor signed this measure on 4/21/2016.

An Act

HOUSE BILL 16-1230

BY REPRESENTATIVE(S) Dore, Rankin, Lebsock, Klingenschmitt, Van Winkle, Wist, Arndt, Brown, Nordberg, Conti, Court, Priola, Windholz;
also SENATOR(S) Cooke, Crowder, Grantham, Heath, Hill, Kefalas, Lambert, Martinez Humenik, Roberts.

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

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

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

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

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

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

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

(1) "Challenger" means an individual who challenges an exclusion of information from the web-based system by sending written notice to a state agency in accordance with section 24-72.4-103 (2) (a).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24-72.4-106. County - revenue and expenditure data - inclusion. (1) (a) NO LATER THAN THIRTY DAYS FOLLOWING THE BEGINNING OF A

FISCAL YEAR THAT BEGINS ON OR AFTER JANUARY 1, 2018, EACH COUNTY SHALL PROVIDE THE CHIEF INFORMATION OFFICER WITH A COPY OF THE BUDGET ADOPTED FOR THE FISCAL YEAR.

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

(I) REVENUE RECEIVED BY THE COUNTY; AND

(II) EXPENDITURES MADE BY EACH SPENDING AGENCY.

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

(d) A COUNTY MAY PROVIDE THE CHIEF INFORMATION OFFICER WITH THE BUDGET FOR THE FISCAL YEAR THAT BEGINS ON JANUARY 1, 2017, OR THE REVENUE AND EXPENDITURE DATA SPECIFIED IN PARAGRAPH (b) OF THIS SUBSECTION (1) FOR THE FISCAL YEAR THAT BEGINS ON JANUARY 1, 2016. THE CHIEF INFORMATION OFFICER SHALL INCLUDE THE INFORMATION IN THE WEB-BASED SYSTEM, AS OTHERWISE SET FORTH IN SUBSECTION (3) OF THIS SECTION.

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

(a) NOT A PUBLIC RECORD OR THAT IS EXEMPT FROM DISCLOSURE PURSUANT TO THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF THIS TITLE, OR PURSUANT TO PART 3 OF ARTICLE 72 OF THIS TITLE; OR

(b) CONFIDENTIAL PURSUANT TO STATE OR FEDERAL LAW.

(3) THE CHIEF INFORMATION OFFICER SHALL SEPARATELY INCLUDE THE MOST RECENT BUDGET AND THE MOST RECENT REVENUE AND EXPENDITURE DATA FOR EACH COUNTY IN THE WEB-BASED SYSTEM IN A DATA FORMAT THAT IS SIMILAR TO THAT FOR THE STATE REVENUE AND

EXPENDITURES. THE CHIEF INFORMATION OFFICER SHALL ARCHIVE PAST AVAILABLE COUNTY INFORMATION IN THE SAME LOCATION AS STATE ARCHIVED REVENUE AND EXPENDITURE DATA IS STORED. THE CHIEF INFORMATION OFFICER MAY AGGREGATE A COUNTY'S DATA IF:

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

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

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

(5) IF A COUNTY FAILS TO PROVIDE THE REQUIRED DATABASE TO THE CHIEF INFORMATION OFFICER FOR MORE THAN NINETY DAYS AFTER A DEADLINE SET IN SUBSECTION (1) OF THIS SECTION AND SUBSECTION (4) OF THIS SECTION DOES NOT APPLY, THEN THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LOCAL AFFAIRS MAY CONSIDER THE COUNTY'S LACK OF TRANSPARENCY AS AN ADVERSE FACTOR WHEN MAKING GRANTS IN ACCORDANCE WITH SECTION 39-29-110 (1) (b), C.R.S., IN THE NEXT STATE FISCAL YEAR.

SECTION 6. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 10, 2016, if adjournment sine die is on May 11, 2016); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless

approved by the people at the general election to be held in November 2016 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Dickey Lee Hullinghorst
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Bill L. Cadman
PRESIDENT OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Effie Ameen
SECRETARY OF
THE SENATE

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO