

CHAPTER 439

GOVERNMENT - STATE

HOUSE BILL 09-1288

BY REPRESENTATIVE(S) Nikkel, Acree, Apuan, Bradford, Casso, Court, Frangas, Gardner B., Gardner C., Kerr J., King S., Lambert, Liston, Massey, May, McKinley, McNulty, Murray, Priola, Sonnenberg, Stephens, Summers, Swalm, Tipton, Vigil, Baumgardner, Ferrandino, Gerou, Kefalas, Labuda, Looper, Marostica, Pommer, Rice, Roberts, Schafer S., Todd, Vaad, Waller, Middleton, Pace;
also SENATOR(S) Kopp, Brophy, Harvey, Kester, Lundberg, Mitchell, Penry, Renfro, Scheffel, Schultheis, Spence, Cadman, Carroll M., Gibbs, Heath, King K., Sandoval, Tochtrop, White.

AN ACT

CONCERNING THE CREATION OF A SEARCHABLE DATABASE WEB SITE RELATED TO STATE FINANCES.

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

SECTION 1. Title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 72.4
Revenue and Expenditure
Web-based System

24-72.4-101. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DECLARES THAT:

(a) TAXPAYERS SHOULD BE ABLE TO EASILY ACCESS THE DETAILS OF THE STATE'S FINANCES, INCLUDING HOW MUCH REVENUE THE STATE RECEIVES AND HOW THAT REVENUE IS SPENT;

(b) ON APRIL 2, 2009, THE GOVERNOR ISSUED AN EXECUTIVE ORDER THAT CREATED THE TRANSPARENCY ONLINE PROJECT;

(c) THE TRANSPARENCY ONLINE PROJECT IS A FREE, SEARCHABLE WEB-BASED SYSTEM PROVIDING EASY ACCESS TO INFORMATION ABOUT THE STATE'S REVENUES AND EXPENDITURES;

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

(d) THE TRANSPARENCY ONLINE PROJECT IS AN IMPORTANT FIRST STEP IN PROVIDING A MORE TRANSPARENT AND ACCOUNTABLE STATE GOVERNMENT; AND

(e) THE PURPOSE OF THIS LEGISLATION IS TO IMPROVE THE SYSTEM CREATED BY THE EXECUTIVE ORDER.

(2) NOW, THEREFORE, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE WEB-BASED SYSTEM ESTABLISHED BY THE GOVERNOR'S EXECUTIVE ORDER BE MODIFIED AS SET FORTH IN THIS ARTICLE.

24-72.4-102. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CHIEF INFORMATION OFFICER" MEANS THE CHIEF INFORMATION OFFICER APPOINTED PURSUANT TO SECTION 24-37.5-103.

(2) "WEB-BASED SYSTEM" MEANS THE SEARCHABLE WEB-BASED SYSTEM THAT PROVIDES ACCESS TO 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.

24-72.4-103. Web-based system - enhancements. (1) NO LATER THAN JANUARY 1, 2010, THE CHIEF INFORMATION OFFICER SHALL MODIFY THE WEB-BASED SYSTEM TO MEET THE FOLLOWING REQUIREMENTS:

(a) THE STATE EXPENDITURES AND REVENUES DATA INCLUDED IN THE WEB-BASED SYSTEM SHALL BE THE EXPENDITURE AND REVENUE DATA INCLUDED IN THE STATE FINANCIAL SYSTEM DATABASE, COMMONLY KNOWN AS THE FINANCIAL DATA WAREHOUSE, CREATED BY THE OFFICE OF INFORMATION TECHNOLOGY ON BEHALF OF THE STATE CONTROLLER PURSUANT TO THE AUTHORITY SET FORTH IN SECTION 24-30-202; EXCEPT THAT, REGARDLESS OF THE FORM OF THE DATA IN THE FINANCIAL DATA WAREHOUSE, WHERE ACCESS TO EACH INDIVIDUAL TRANSACTION IS LIKELY TO HINDER, RATHER THAN FOSTER, THE GOAL OF ACCOUNTABILITY AND TRANSPARENCY, THE SYSTEM MAY PROVIDE ACCESS TO AGGREGATED INFORMATION;

(b) THE WEB-BASED SYSTEM SHALL BE ACCESSIBLE FROM THE WEB SITE MAINTAINED BY THE STATE, AND EACH STATE AGENCY WITH A WEB SITE SHALL PROVIDE A LINK ON THE WEB SITE HOME PAGE TO THE SYSTEM;

(c) THE INFORMATION ON THE WEB-BASED SYSTEM SHALL BE UPDATED EVERY FIVE BUSINESS DAYS TO INCLUDE NEW EXPENDITURE AND REVENUE DATA;

(d) THE WEB-BASED SYSTEM SHALL BE AVAILABLE FOR DOWNLOAD IN A STRUCTURED DATA FORMAT, SUCH AS EXTENSIBLE MARKUP LANGUAGE;

(e) THE WEB-BASED SYSTEM SHALL INCLUDE A METHOD FOR USERS TO PROVIDE FEEDBACK ABOUT THE SYSTEM;

(f) THE WEB-BASED SYSTEM SHALL INCLUDE ARCHIVED REVENUE AND EXPENDITURE DATA FOR THE TEN PRIOR STATE FISCAL YEARS; EXCEPT THAT NO DATA

SHALL BE REQUIRED FOR ANY STATE FISCAL YEAR PRIOR TO JULY 1, 2009, AND, FOR THE 2009-10 STATE FISCAL YEAR ONLY, NO STATE REVENUE DATA SHALL BE REQUIRED TO BE ARCHIVED; AND

(g) THE WEB-BASED SYSTEM SHALL NOT INCLUDE THE FOLLOWING INFORMATION:

(I) ANY INFORMATION THAT IS NOT A PUBLIC RECORD; OR

(II) ANY INFORMATION THAT IS CONFIDENTIAL PURSUANT TO STATE OR FEDERAL LAW.

SECTION 2. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: June 4, 2009