

AN ACT

ENTITLED, An Act to bring transparency to state spending by requiring the Bureau of Finance and Management to create a website making certain state government information available to the public.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. Terms used in this Act mean:

- (1) "Searchable website," a website that allows the public to search and aggregate the information identified in section 2 of this Act, including requirements that the website offer the public the ability to efficiently search and display data, and ascertain the total amounts of revenues and expenditures of:
 - (a) Funds established within the state treasury in an aggregate or summary form in a manner determined by the commissioner;
 - (b) Compensation paid to public employees employed by state agencies; and
 - (c) Bond debt;
- (2) "Agency," any department, division, agency, bureau, commission, court, board, or any other unit or body, however designated, of the state government and any other entity or instrumentality delegated statutory authority by the Legislature to issue bonds and to collect revenue for the purpose of repaying bonds issued under authority delegated by statute; and
- (3) "Commissioner," the commissioner of the Bureau of Finance and Management.

Section 2. The Bureau of Finance and Management shall develop a searchable website which shall be accessible by the public at no cost. The website shall be operational by July 1, 2009, and shall include:

- (1) Annual expenditures, as determined by the commissioner and as available within the

central accounting system and state payroll system, shall include, but not be limited to:

- (a) Disbursements by any state agency from funds established within the state treasury;
 - (b) Bond debt payments;
 - (c) Salaries and wages including, but not limited to, compensation paid to individual employees of state agencies;
 - (d) Contractual services including, but not limited to, amounts paid to individual vendors;
 - (e) Commodities including, but not limited to, amounts paid to individual vendors;
 - (f) Capital outlay including, but not limited to, amounts paid to individual vendors;
 - (g) Debt service including, but not limited to, amounts of bond interest paid and sources of funds paid for individual bond issues;
 - (h) Aid to local units including, but not limited to, amounts paid to individual units of government for individually identifiable aid programs;
 - (i) Other assistance and benefits; and
 - (j) Capital improvements including, but not limited to, amounts of bond principal paid and sources of funds paid for individual bond issues; and
- (2) Annual revenues, as determined by the commissioner and as available within the central accounting system, that shall include, but not be limited to:
- (a) Receipts or deposits by any state agency into funds established within the state treasury;
 - (b) Taxes including, but not limited to, compulsory contributions imposed by the state for the purpose of financing services;
 - (c) Agency earnings including, but not limited to, amounts collected by each agency for merchandise sold, services performed, licenses and permits issued, or

regulation;

- (d) Revenue for the use of money and property including, but not limited to, amounts received for compensation for the use of state-owned money and property;
 - (e) Gifts, donations, and federal grants including, but not limited to, amounts received from public and private entities to aid in support of a specific function or other governmental activity;
 - (f) Other revenue including, but not limited to, receipts not classified elsewhere; and
 - (g) Nonrevenue receipts including, but not limited to, all receipts that do not constitute reportable revenue; and
- (3) Annual bonded indebtedness which shall include, but not be limited to, the amount of the total original obligation stated in terms of principal and interest, the term of the obligation, the source of funding for repayment of the obligation, the amounts of principal and interest previously paid to reduce the obligation, the balance remaining of the obligation, any refinancing of the obligation, and the cited statutory authority to issue such bonds; and
- (4) Any other relevant information specified by the commissioner or the Auditor General.

Section 3. In addition to the requirements set forth in section 2 of this Act, the single website shall include data for fiscal year 2004 and each fiscal year thereafter; the website shall be designed so that such data shall be retained on the single website for not less than ten years and shall include data for the most recent fiscal years; the data that is available in the central accounting system and state payroll system shall be available on the single website as soon as possible, but not later than forty-five days after the last day of the preceding fiscal year; and the commissioner shall develop policies and procedures to make data available from any other source.

Section 4. The commissioner is not required to provide information on the initial website that

is not available in the central accounting system and the state payroll system at the time of initial implementation of the website, nor is the commissioner required to disclose information which is considered confidential by state or federal law.

Section 5. After implementation of the initial website, the Auditor General shall advise the commissioner on incorporating additional information from any other source of information available to the commissioner.

Section 6. All state agencies shall cooperate with the commissioner and Auditor General in providing such assistance as may be requested for the achievement of its purpose.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1233

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1233
File No. _____
Chapter No. _____

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State