

Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

SENATE ENROLLED ACT No. 126

AN ACT to amend the Indiana Code concerning state and local administration.

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

SECTION 1. IC 5-11-13-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.5. This chapter does not apply to a hospital organized under IC 16-22-2, IC 16-22-8, or IC 16-23-1.**

SECTION 2. IC 5-14-3.7-3, AS AMENDED BY P.L.84-2014, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. (a) The department, working with the office of technology established by IC 4-13.1-2-1 or another organization that is part of a state educational institution, the state board of accounts established by IC 5-11-1-1, the department of local government finance established under IC 6-1.1-30-1.1, and the office of management and budget established by IC 4-3-22-3, shall post on the Indiana transparency Internet web site a data base that lists expenditures and fund balances, including expenditures for contracts, grants, and leases, for public schools. The web site must be electronically searchable by the public.

(b) The data base must include for public schools:

- (1) the amount, date, payer, and payee of expenditures;
- (2) a listing of expenditures **by: specifically identifying those for:**

(A) personal services;

SEA 126 — Concur



(B) other operating expenses or ~~(C)~~ total operating expenses;
and

(C) debt service, including lease payments, related to debt;

(3) a listing of fund balances, **specifically identifying balances in funds that are being used for accumulation of money for future capital needs;**

(4) a listing of real and personal property owned by the public school;

(5) the report required under IC 6-1.1-33.5-7; and

(6) information for evaluating the fiscal health of each school corporation in the format required by section 16(b) of this chapter.

SECTION 3. IC 5-14-3.8-3, AS AMENDED BY P.L.84-2014, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2017]: Sec. 3. The department, working with the office of technology established by IC 4-13.1-2-1, or another organization that is part of a state educational institution, the office of management and budget established by IC 4-3-22-3, and the state board of accounts established by IC 5-11-1-1, shall post on the Indiana transparency Internet web site the following:

(1) The financial reports required by IC 5-11-1-4.

(2) The report on expenditures per capita prepared under IC 6-1.1-33.5-7.

(3) A listing of the property tax rates certified by the department.

(4) An index of audit reports prepared by the state board of accounts.

(5) Local development agreement reports prepared under IC 4-33-23-10 and IC 4-33-23-17.

(6) Information for evaluating the fiscal health of a political subdivision in the format required by section 8(b) of this chapter.

(7) A listing of expenditures specifically identifying those for:

(A) personal services;

**(B) other operating expenses or total operating expenses;
and**

(C) debt service, including lease payments, related to debt.

(8) A listing of fund balances, specifically identifying balances in funds that are being used for accumulation of money for future capital needs.

~~(7)~~ **(9)** Any other financial information deemed appropriate by the department.

SECTION 4. IC 5-14-3.9 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

SEA 126 — Concur



Chapter 3.9. Financial and Operational Summary of a Political Subdivision

Sec. 1. As used in this chapter, "department" refers to the department of local government finance established by IC 6-1.1-30-1.1.

Sec. 2. As used in this chapter, "political subdivision" means a county, township, city, town, school corporation, library district, fire protection district, public transportation corporation, local hospital authority or corporation, local airport authority district, special service district, special taxing district, or other separate local governmental entity that may sue and be sued.

Sec. 3. As used in this chapter, "summary" means the financial and operational summary required by this chapter.

Sec. 4. This chapter applies only to a political subdivision that has an Internet web site. This chapter does not require a political subdivision to establish an Internet web site.

Sec. 5. (a) After July 31, 2017, the department shall publish an annual summary of each political subdivision on the Indiana transparency Internet web site on the dates determined by the department.

(b) A political subdivision shall prominently display on the main Internet web page of the political subdivision's Internet web site the link provided by the department to the Indiana transparency Internet web site established under IC 5-14-3.7.

Sec. 6. The department shall determine the information to be disclosed in the summary that the department considers necessary to reflect the financial condition and operations of the political subdivision, which may include the following:

- (1)** Information disclosed under IC 5-14-3.7 or IC 5-14-3.8.
- (2)** Total operating budget.
- (3)** Approximate number of full-time and part-time employees.
- (4)** Outstanding indebtedness and interest paid on indebtedness.
- (5)** Disbursements.
- (6)** Assessed valuation and tax rates.
- (7)** Revenue from all sources.

Sec. 7. (a) Subject to the requirements of this section, the department shall determine the form of the summary, which must be presented in a manner that:

- (1)** can be conveniently and easily accessed from a single web page; and



(2) is commonly known as an Internet dashboard.

(b) The summary must be in a form that is concise and reasonably easy to understand.

Sec. 8. (a) This section applies only to a school corporation.

(b) The summary must include the educational performance information of each school in the school corporation. The department of education (established by IC 20-19-3-1) shall determine the contents of the educational performance information.

SECTION 5. IC 16-22-3-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. (a) The state board of accounts:

(1) shall approve or prescribe the manner in which the hospital records are kept;

(2) except as provided in subsection (c), shall audit the records of the hospital; and

(3) may approve forms for use by all hospitals or groups of hospitals.

(b) The governing board may use the calendar year or a fiscal year for maintaining hospital financial records. A hospital that receives a financial subsidy from the county for hospital operations, excluding mental health or ambulance services, during the preceding calendar or fiscal year must file with the county executive and the county fiscal body an annual report showing the income and expenses of the operating fund for the preceding calendar or fiscal year by major classification according to the chart of accounts approved by the state board of accounts. If the hospital uses a calendar year for maintaining financial records, the report must be filed not later than the last Monday in March of each year. If the hospital uses a fiscal year for maintaining financial records, the report must be filed not later than ninety (90) days after the close of the fiscal year. The annual report shall be published one (1) time. Hospital financial records may be kept in hard copy, on microfilm, or via another data system acceptable to the state board of accounts.

(c) A hospital may elect to have an audit required under subsection (a) performed by an independent certified public accounting firm that is experienced in hospital matters. The audit report must be kept on file at the hospital and a copy must be provided to the state board of accounts. The audit engagement by a certified public accounting firm must be performed pursuant to guidelines established by the state board of accounts.

(d) If a hospital elects to use an independent certified public



accounting firm under subsection (c), the hospital shall provide written notice to the state board of accounts not less than one hundred eighty (180) days before the beginning of the hospital's fiscal year in which the hospital elects to be audited by an independent certified public accounting firm. For that hospital fiscal year, and each following fiscal year until the hospital terminates the hospital's use of an independent certified public accounting firm, the hospital shall use an independent certified public accounting firm under subsection (c). A hospital shall terminate its use of an independent certified public accounting firm under subsection (c) by providing written notice to the state board of accounts not less than one hundred eighty (180) days before the beginning of the hospital's fiscal year in which the hospital elects not to be audited by an independent certified public accounting firm. For that hospital fiscal year, and each following fiscal year until the hospital elects to use an independent certified public accounting firm as provided under this subsection, the hospital must be audited by the state board of accounts for purposes of section 12(a)(2) of this chapter. For any fiscal year in which the hospital does not use an independent certified public accounting firm under subsection (c), the hospital shall be audited by the state board of accounts.

(e) Any information concerning the specific salaries paid to individual employees of a hospital may be withheld by the hospital from disclosure under IC 5-14-3. However, the information must be provided to the state board of accounts upon request. The state board of accounts shall maintain the confidentiality of the information as required under IC 5-14-3-6.5.

SECTION 6. IC 16-22-8-35.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 35.5. Any information concerning the specific salaries paid to individual employees of a hospital may be withheld by the hospital from disclosure under IC 5-14-3. However, the information must be provided to the state board of accounts upon request. The state board of accounts shall maintain the confidentiality of the information as required under IC 5-14-3-6.5.**

SECTION 7. IC 16-23-1-33.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 33.5. Any information concerning the specific salaries paid to individual employees of a hospital may be withheld by the hospital from disclosure under IC 5-14-3. However, the information must be provided to the entities described in section 33 of this chapter. Any entity shall maintain**



the confidentiality of the information as required under IC 5-14-3-6.5.

SECTION 8. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "legislative council" refers to the legislative council established by IC 2-5-1.1-1.

(b) As used in this SECTION, "committee" refers to the interim study committee on energy, utilities, and telecommunications established by IC 2-5-1.3-4(8).

(c) The legislative council is urged to assign to the committee during the 2016 legislative interim the topic of expanding the availability of open data in Indiana.

(d) If the topic described in subsection (c) is assigned to the committee, the committee shall consider, as part of its study, specific issues attendant to improving the quality, the impact, and the accessibility of open data in Indiana, including the following:

(1) Potential actions the state and local government units can take to make machine-readable data sets available and discoverable to the public in consistent and easily useable formats.

(2) The potential benefits to Indiana of making such open data available in terms of government transparency, accessibility, accountability, and public participation.

(3) The potential benefits to Indiana of making such open data available in terms of the performance, efficiency, and productivity of state and local government operations.

(4) The potential benefits to Indiana's economy of making open data available in terms of innovation, entrepreneurship, and economic growth.

(5) The need to protect the privacy, security, and confidentiality of information retained by state and local government in pursuing open data initiatives.

(6) The efforts undertaken by other state and local government units to pursue open data policies.

(e) If the topic described in subsection (c) is assigned to the committee, the committee shall issue a final report to the legislative council containing the committee's findings and recommendations, including any recommended legislation concerning the topic described in subsection (c) or the specific strategies described in subsection (d), in an electronic format under IC 5-14-6 not later than November 1, 2016.

(f) This SECTION expires December 31, 2016.

SECTION 9. An emergency is declared for this act.



President of the Senate

President Pro Tempore

Speaker of the House of Representatives

Governor of the State of Indiana

Date: _____ Time: _____

SEA 126 — Concur

