

Conference Engrossed

State of Arizona
House of Representatives
Forty-ninth Legislature
Second Regular Session
2010

HOUSE BILL 2282

AN ACT

AMENDING SECTION 41-725, ARIZONA REVISED STATUTES; AMENDING TITLE 41, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 46; RELATING TO REVENUES AND EXPENDITURES OF GOVERNMENT MONIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-725, Arizona Revised Statutes, is amended to
3 read:

4 41-725. Comprehensive database of receipts and expenditures of
5 state monies; definition

6 A. On or before January 1, 2011, the department shall establish and
7 maintain an official internet website that is electronically searchable by
8 the public at no cost and that contains a comprehensive database of receipts
9 and expenditures of state monies.

10 B. The department must present information in the database in a manner
11 that is intuitive to members of the general public, including graphical
12 representations. The database must allow users to:

13 1. Search and aggregate payments by individual budget units and
14 programs.

15 2. Search and aggregate payments by individual vendors, including the
16 total amount of state funding awarded by all budget units to individual
17 vendors.

18 3. Download information yielded by a search of the database.

19 4. ACCESS ELECTRONIC VERSIONS OF CONTRACTS THAT RELATE TO
20 EXPENDITURES.

21 C. The database shall include the following information:

22 1. Annual receipts of revenues, including:

23 (a) Receipts or deposits by each state budget unit into funds
24 established in the state treasury.

25 (b) Taxes.

26 (c) Earnings by each budget unit, including amounts collected for
27 merchandise sold, services performed and licenses, certifications and permits
28 issued.

29 (d) Revenue from the use of publicly owned money or property,
30 including leases and licenses.

31 (e) Gifts, donations and grants received, including amounts received
32 from the federal government.

33 (f) Any other type of public revenue, however denominated or derived,
34 deposited into the state treasury.

35 2. Annual expenditures and disbursements of state revenues by each
36 state budget unit from funds established in the state treasury, as
37 applicable, including:

38 (a) Bond payments, debt service and redemption charges and fees.

39 (b) Contractual services and cooperative agreements.

40 (c) Commodities.

41 (d) Capital outlay.

42 (e) Revenue sharing and other aid to other levels of government,
43 including tribal governments.

44 (f) Any other expenditure or disbursement of state revenue from the
45 state treasury, however denominated or structured.

1 D. Expenditure data shall list:

2 1. The manner of payment, including check or warrant or credit, debit
3 or other purchase card.

4 2. The funding source, including categorical codes and the state
5 accounts the expenditure is appropriated from.

6 3. A standardized descriptive title of the type and purpose of the
7 transaction.

8 4. The date and amount of each payment.

9 5. The state agency or budget unit making the payment.

10 6. The name of the person or entity receiving the payment, including
11 to the extent practical a parent entity of the recipient if the recipient is
12 owned by another entity.

13 7. The primary location of performance under the contract, including
14 the county, city or town and legislative district.

15 E. The database shall not include:

16 1. Tax payment or refund data that include confidential taxpayer
17 information.

18 2. Data relating to payments of state assistance to individual
19 recipients.

20 3. Payees' addresses or telephone numbers, but the department may
21 allow public access in the database to information identifying the county in
22 which the payee is located.

23 4. Work product in anticipation of litigation or information subject
24 to attorney-client privilege.

25 5. Any other information that is designated by law as confidential or
26 preapproved as confidential by the department pursuant to rule. The
27 department and any officer or employee of the department:

28 (a) May rely on a determination made by a budget unit regarding
29 confidentiality of information relating to the budget unit's expenditures.

30 (b) Are immune from civil liability for posting confidential
31 information under this section if the posting is in reliance on the budget
32 unit's determination relating to confidentiality.

33 F. Each budget unit shall cooperate with the department as necessary
34 to implement and administer this section. Each budget unit shall provide to
35 the department any additional data in a manner and schedule prescribed by the
36 department that are required to be included in the database. The database
37 shall be updated within thirty days after the end of each fiscal year and may
38 be updated as new data become available. The data shall be retained in the
39 database for at least ten full fiscal years.

40 G. The governor, secretary of state, state treasurer and legislature
41 shall include a link to the database under this section in their individual
42 official websites. Each budget unit that maintains a generally accessible
43 internet website, or for which a generally accessible website is maintained,
44 shall include a link on that website to the database under this section.

1 H. ON OR BEFORE JANUARY 1, 2013, EACH LOCAL GOVERNMENT SHALL ESTABLISH
2 AND MAINTAIN AN OFFICIAL INTERNET WEBSITE THAT IS ACCESSIBLE TO THE PUBLIC AT
3 NO COST AND THAT CONTAINS A COMPREHENSIVE REPORTING OF ALL REVENUES AND
4 EXPENDITURES OVER FIVE THOUSAND DOLLARS OF LOCAL MONIES IN AS NEARLY AS
5 PRACTICABLE THE SAME MANNER AND CONSISTENT WITH THE PROVISIONS OF SUBSECTIONS
6 B THROUGH E. A LINK TO THIS DATA SHALL BE DISPLAYED IN A PROMINENT PLACE ON
7 THE LOCAL GOVERNMENT'S OFFICIAL INTERNET WEBSITE. THE DATA SHALL BE UPDATED
8 NO LESS FREQUENTLY THAN EVERY THREE MONTHS AND MAY BE UPDATED AS NEW DATA
9 BECOMES AVAILABLE. THE DATA SHALL BE RETAINED AND ACCESSIBLE ON THE WEBSITE
10 FOR AT LEAST THREE FISCAL YEARS.

11 I. FOR THE PURPOSES OF THIS SECTION "LOCAL GOVERNMENT" MEANS:

12 1. A COUNTY, CITY OR TOWN WITH A POPULATION OF MORE THAN TWENTY-FIVE
13 HUNDRED PERSONS.

14 2. ANY COMMUNITY COLLEGE DISTRICT AND SCHOOL DISTRICT HAVING A STUDENT
15 COUNT OF MORE THAN SIX HUNDRED PUPILS.

16 3. A STATE UNIVERSITY.

17 Sec. 2. Title 41, Arizona Revised Statutes, is amended by adding
18 chapter 46, to read:

19 CHAPTER 46

20 GOVERNMENTAL REPORTING OF INFORMATION

21 ARTICLE 1. GENERAL PROVISIONS

22 41-4601. Definitions

23 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

24 1. "AGENCY WEBSITE" MEANS A WEBSITE THAT IS CONNECTED TO THE INTERNET
25 AND THAT IS OWNED, OPERATED OR FUNDED BY A LOCAL GOVERNMENT.

26 2. "LOCAL GOVERNMENT" MEANS:

27 A. A COUNTY, CITY OR TOWN WITH A POPULATION OF MORE THAN TWENTY-FIVE
28 HUNDRED PERSONS.

29 B. ANY COMMUNITY COLLEGE DISTRICT AND SCHOOL DISTRICT HAVING A STUDENT
30 COUNT OF MORE THAN SIX HUNDRED PUPILS.

31 C. A STATE UNIVERSITY.

32 41-4602. Comprehensive internet web portal of local
33 governments; civil penalty

34 THE DEPARTMENT OF ADMINISTRATION SHALL ESTABLISH AN INTERNET WEB PORTAL
35 THAT PROVIDES A LIST OF ALL LOCAL GOVERNMENTS WITH JURISDICTION OVER ANY
36 ADDRESS ENTERED BY A USER. EACH LISTING SHALL BE LINKED TO AN AGENCY WEBSITE
37 MAINTAINED BY EACH LOCAL GOVERNMENT THAT SHALL PRIMARILY CONTAIN THE
38 FOLLOWING INFORMATION:

39 1. THE NAME OF THE LOCAL GOVERNMENT'S GOVERNING BOARD WITH OFFICIAL
40 CONTACT INFORMATION FOR EACH BOARD MEMBER, INCLUDING A PHONE NUMBER FOR
41 DIRECT CONTACT BY CONSTITUENTS.

42 2. THE NAME AND CONTACT INFORMATION FOR THE ADMINISTRATIVE HEAD OF THE
43 LOCAL GOVERNMENT.

1 3. INFORMATION FOR HOW THE GOVERNING BOARD AND ADMINISTRATIVE HEAD OF
2 THE LOCAL GOVERNMENT ARE SELECTED, INCLUDING DATES OF THE NEXT ELECTION, IF
3 ANY, DURATIONS OF TERMS AND NAMES AND CONTACT INFORMATION OF APPOINTING
4 AUTHORITIES, AS APPLICABLE.

5 4. INFORMATION ON TAXES OR FEES CONTROLLED BY THE LOCAL GOVERNMENT AND
6 PROPOSED CHANGES IN THE TAXES OR FEES.

7 5. INFORMATION ON SPECIAL ELECTIONS, WHICH SHALL BE POSTED AT LEAST
8 NINETY DAYS IN ADVANCE OF THE ELECTION DATE.

9 6. A LINK TO THE OFFICIAL INTERNET WEBSITE REQUIRED BY SECTION 41-725.

10 41-4603. Reporting of public funding for public communications

11 A. EVERY LOCAL GOVERNMENT SHALL REPORT TO THE DEPARTMENT OF
12 ADMINISTRATION ALL EXPENDITURES FOR COMMUNICATIONS THAT PROMOTE AN INDIVIDUAL
13 ELECTED PUBLIC OFFICIAL AND THAT INCLUDE THE OFFICIAL'S NAME OR PHYSICAL
14 LIKENESS. THIS SUBSECTION DOES NOT APPLY TO COMMUNICATIONS THAT ARE REQUIRED
15 BY STATUTE, ORDINANCE OR RULE AND ACTIVITIES THAT ARE CONDUCTED IN THE NORMAL
16 COURSE OF THE LOCAL GOVERNMENT'S OPERATIONS, INCLUDING ROUTINE COMMUNICATIONS
17 SUCH AS REGULAR AGENDAS, NOTICES, REGULAR REPORTS AND MINUTES OF MEETINGS.

18 B. THE DEPARTMENT SHALL MAINTAIN A SEARCHABLE DATABASE OF THESE
19 EXPENDITURES, INCLUDING THE TYPE OF MEDIUM AND TOTAL EXPENDITURES.

20 41-4604. Debt reporting by governmental entity; enforcement;
21 civil penalty

22 A. ALL LOCAL GOVERNMENTS SHALL REPORT TO THE DEPARTMENT OF REVENUE ALL
23 INCURRED DEBT, INCLUDING DATE OF ISSUE, PURPOSE, ORIGINAL AMOUNT, CURRENT
24 BALANCE, INTEREST PAID TO DATE AND INTEREST PAID IN THE LATEST FULL FISCAL
25 YEAR ACCORDING TO A SCHEDULE DETERMINED BY THE DEPARTMENT OF REVENUE.

26 B. THE DEPARTMENT OF REVENUE SHALL MAINTAIN AN ONLINE ACCESSIBLE AND
27 SEARCHABLE DATABASE AND, SUBJECT TO APPROVAL BY THE JOINT LEGISLATIVE BUDGET
28 COMMITTEE, MAY REQUIRE ADDITIONAL INFORMATION NOT LISTED IN THIS SECTION.

29 Sec. 3. Legislative intent

30 It is the intent of the legislature that when the technology becomes
31 readily available, the state and local government transparency websites will
32 allow users to cross-link expenditures associated with contracts or
33 subcontracts to the actual language of the contract or subcontract.