

REFERENCE TITLE: **business reporting; contracts; tax disclosures**

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

# **HB 2325**

Introduced by  
Representative Chabin

**AN ACT**

**AMENDING TITLE 44, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 35; RELATING TO BUSINESS REPORTING.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Title 44, Arizona Revised Statutes, is amended by adding  
3 chapter 35, to read:

4 CHAPTER 35  
5 BUSINESS REPORTING  
6 ARTICLE 1. GENERAL PROVISIONS

7 44-7801. Definitions

8 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "CONSULTING SERVICES" MEANS WORK THAT A PERSON OTHER THAN A REGULAR  
10 EMPLOYEE OF A STATE CONTRACTING AGENCY OR LOCAL CONTRACTING AGENCY DOES FOR  
11 OR ON BEHALF OF THE AGENCY IN RETURN FOR COMPENSATION PROVIDED UNDER THE  
12 TERMS OF A PUBLIC CONTRACT. THE WORK MAY INCLUDE:

13 (a) PERFORMING OR PROVIDING RESEARCH, ANALYSIS, ASSESSMENTS, DATA  
14 PROCESSING OR COMPUTER PROGRAMMING, TRAINING OR EDUCATION, ACCOUNTING, AUDITS  
15 OR EVALUATIONS, TREATMENT OR SECURITY.

16 (b) GIVING PROFESSIONAL ADVICE OR RECOMMENDATIONS.

17 (c) DESIGNING BUSINESS OR COMMUNICATIONS PROCESSES, PROCEDURES,  
18 METHODS OR STRATEGIES.

19 (d) OTHER WORK RELATED TO THE FUNCTIONS OF THE STATE CONTRACTING  
20 AGENCY OR LOCAL CONTRACTING AGENCY.

21 2. "CONTRACT" MEANS ANY EXPENDITURE OF PUBLIC MONIES OF AT LEAST  
22 TWENTY-FIVE THOUSAND DOLLARS FOR THE PURPOSE OF ESTABLISHING AN AGREEMENT  
23 OUTLINING A TRANSACTION BETWEEN AN ENTITY AND A GOVERNMENT BODY TO PERFORM A  
24 SPECIFIC SERVICE FOR COMPENSATION.

25 3. "CONTRACTING AGENCY" MEANS ANY AGENCY OF THIS STATE OR A LOCAL  
26 GOVERNMENT UNIT THAT AWARDS CONTRACTS.

27 4. "CONTRACTOR" MEANS ANY PERSON OTHER THAN A REGULAR EMPLOYEE OF A  
28 STATE CONTRACTING AGENCY OR LOCAL CONTRACTING AGENCY WHO PERFORMS WORK FOR OR  
29 ON BEHALF OF THE AGENCY IN RETURN FOR COMPENSATION PROVIDED UNDER THE TERMS  
30 OF A PUBLIC CONTRACT.

31 5. "CORPORATE PARENT" MEANS ANY PERSON, ASSOCIATION, CORPORATION,  
32 JOINT VENTURE, PARTNERSHIP OR OTHER ENTITY THAT OWNS OR CONTROLS FIFTY PER  
33 CENT OR MORE OF A RECIPIENT CORPORATION.

34 6. "CORPORATION":

35 (a) MEANS ANY ENTITY SUBJECT TO THE TAX LEVIED BY TITLE 43, CHAPTER 11  
36 OR BY SECTION 11 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

37 (b) DOES NOT INCLUDE QUALIFIED PERSONAL SERVICE CORPORATIONS AS  
38 DEFINED IN SECTION 448 OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED.

39 7. "DATE OF SUBSIDY" MEANS THE DATE THAT A GRANTING BODY PROVIDES THE  
40 INITIAL MONETARY VALUE OF A DEVELOPMENT SUBSIDY TO A RECIPIENT CORPORATION,  
41 EXCEPT IF THE SUBSIDY IS FOR:

42 (a) THE INSTALLATION OF NEW EQUIPMENT, THE DATE OF SUBSIDY IS THE DATE  
43 THE CORPORATION PUTS THE EQUIPMENT INTO SERVICE.

1 (b) IMPROVEMENTS TO PROPERTY, THE DATE OF SUBSIDY IS THE DATE THE  
2 IMPROVEMENTS ARE FINISHED, OR THE DATE THE CORPORATION OCCUPIES THE PROPERTY,  
3 WHICHEVER IS EARLIER.

4 8. "DEVELOPMENT SUBSIDY" MEANS ANY EXPENDITURE OF PUBLIC MONIES OF AT  
5 LEAST TWENTY-FIVE THOUSAND DOLLARS FOR THE PURPOSE OF STIMULATING ECONOMIC  
6 DEVELOPMENT IN THIS STATE, INCLUDING BONDS, GRANTS, LOANS, LOAN GUARANTEES,  
7 ENTERPRISE ZONES, EMPOWERMENT ZONES, TAX INCREMENT FINANCING, GRANTS, FEE  
8 WAIVERS, LAND PRICE SUBSIDIES, MATCHING MONIES, TAX ABATEMENTS, TAX  
9 EXEMPTIONS AND TAX CREDITS.

10 9. "DOING BUSINESS IN THIS STATE" MEANS ANY OF THE FOLLOWING:

11 (a) OWNING OR RENTING REAL OR TANGIBLE PERSONAL PROPERTY PHYSICALLY  
12 LOCATED IN THIS STATE.

13 (b) HAVING EMPLOYEES, AGENTS OR REPRESENTATIVES ACTING ON THE  
14 CORPORATION'S BEHALF IN THIS STATE.

15 (c) MAKING SALES OF TANGIBLE PERSONAL PROPERTY TO PURCHASERS THAT TAKE  
16 POSSESSION OF SUCH PROPERTY IN THIS STATE.

17 (d) PERFORMING SERVICES FOR CUSTOMERS LOCATED IN THIS STATE.

18 (e) PERFORMING SERVICES IN THIS STATE.

19 (f) EARNING INCOME FROM INTANGIBLE PROPERTY THAT HAS A BUSINESS SITUS  
20 IN THIS STATE.

21 (g) ENGAGING IN REGULAR AND SYSTEMATIC SOLICITATION OF SALES IN THIS  
22 STATE.

23 (h) BEING A PARTNER IN A PARTNERSHIP ENGAGED IN ANY OF THE ACTIVITIES  
24 STATED IN SUBDIVISIONS (a) THROUGH (g) OF THIS PARAGRAPH.

25 (i) BEING A MEMBER OF A LIMITED LIABILITY COMPANY ENGAGED IN ANY OF  
26 THE ACTIVITIES STATED IN SUBDIVISIONS (a) THROUGH (g) OF THIS PARAGRAPH.

27 10. "FULL-TIME POSITION" MEANS A POSITION IN WHICH AN INDIVIDUAL IS  
28 EMPLOYED BY A RECIPIENT CORPORATION FOR AT LEAST THIRTY-FIVE HOURS PER WEEK.

29 11. "GRANTING BODY" MEANS ANY AGENCY, BOARD, OFFICE, PUBLIC BENEFIT  
30 CORPORATION OR AUTHORITY OF THIS STATE OR A LOCAL GOVERNMENT UNIT THAT  
31 PROVIDES A DEVELOPMENT SUBSIDY.

32 12. "LOCAL GOVERNMENT UNIT" MEANS AN AGENCY, BOARD, COMMISSION, OFFICE,  
33 PUBLIC BENEFIT CORPORATION OR PUBLIC AUTHORITY OF A POLITICAL SUBDIVISION OF  
34 THIS STATE.

35 13. "PART-TIME POSITION" MEANS A POSITION IN WHICH AN INDIVIDUAL IS  
36 EMPLOYED BY A RECIPIENT CORPORATION FOR LESS THAN THIRTY-FIVE HOURS PER WEEK.

37 14. "PROJECT SITE" MEANS THE SITE OF A PROJECT FOR WHICH ANY  
38 DEVELOPMENT SUBSIDY IS PROVIDED.

39 15. "RECIPIENT CONTRACTOR" MEANS ANY PERSON, ASSOCIATION, CORPORATION,  
40 JOINT VENTURE, PARTNERSHIP OR OTHER ENTITY THAT IS AWARDED A CONTRACT BID.

41 16. "RECIPIENT CORPORATION" MEANS ANY PERSON, ASSOCIATION, CORPORATION,  
42 JOINT VENTURE, PARTNERSHIP OR OTHER ENTITY THAT RECEIVES A DEVELOPMENT  
43 SUBSIDY.

44 17. "SMALL BUSINESS" MEANS A CORPORATION WHOSE CORPORATE PARENT, AND  
45 ALL SUBSIDIARIES THEREOF, THAT EMPLOYED LESS THAN TWENTY FULL-TIME EMPLOYEES

1 OR HAD TOTAL GROSS RECEIPTS OF LESS THAN ONE MILLION DOLLARS DURING THE  
2 CALENDAR YEAR.

3 18. "STATE" MEANS AN AGENCY, BOARD, COMMISSION, OFFICE, PUBLIC BENEFIT  
4 CORPORATION OR PUBLIC BENEFIT AUTHORITY OF THIS STATE.

5 19. "SUBSIDY VALUE" MEANS THE FACE VALUE OF A DEVELOPMENT SUBSIDY  
6 PROVIDED TO A RECIPIENT CORPORATION.

7 20. "TAX EXPENDITURE" MEANS A STATUTORY PROVISION, HOWEVER DENOMINATED,  
8 THAT EXEMPTS CERTAIN PERSONS, PROPERTY, GOODS OR SERVICES, IN WHOLE OR IN  
9 PART, FROM THE OPERATION OF A TAX.

10 21. "TAX EXPENDITURE BUDGET" MEANS A COMPILATION OF INFORMATION ABOUT  
11 THIS STATE'S TAX EXPENDITURES THAT INCLUDES DATA FROM THE PREVIOUS, CURRENT  
12 AND UPCOMING FISCAL YEARS.

13 22. "TEMPORARY POSITION" MEANS A POSITION IN WHICH AN INDIVIDUAL IS  
14 HIRED FOR A SEASON OR FOR A LIMITED PERIOD OF TIME.

15 44-7802. Private enforcement action

16 IF A GRANTING BODY OR CONTRACTING AGENCY FAILS TO ENFORCE ANY PROVISION  
17 OF THIS CHAPTER, ANY INDIVIDUAL WHO PAID PERSONAL INCOME TAXES TO THIS STATE  
18 IN THE CALENDAR YEAR BEFORE THE YEAR IN DISPUTE, OR ANY ORGANIZATION  
19 REPRESENTING SUCH TAXPAYERS, MAY BRING A CIVIL ACTION IN STATE COURT TO  
20 COMPEL ENFORCEMENT UNDER THIS CHAPTER. THE COURT SHALL AWARD REASONABLE  
21 ATTORNEY FEES AND COSTS TO THE PREVAILING TAXPAYER OR ORGANIZATION.

22 44-7803. Public record disclosure

23 ALL RECORDS REQUIRED TO BE PREPARED OR MAINTAINED UNDER THIS CHAPTER,  
24 INCLUDING APPLICATIONS, COST ANALYSES, AUDITS, PROGRESS REPORTS AND ANY OTHER  
25 RECORDS, ARE SUBJECT TO DISCLOSURE UNDER TITLE 39, CHAPTER 1, ARTICLE 2.

26 44-7804. Preemption

27 THIS CHAPTER SHALL NOT BE CONSTRUED TO REQUIRE OR AUTHORIZE ANY  
28 RECIPIENT CORPORATION TO REDUCE WAGES OR BENEFITS ESTABLISHED UNDER ANY  
29 COLLECTIVE BARGAINING AGREEMENT OR STATE OR FEDERAL PREVAILING WAGE LAW.

30 44-7805. Applicability

31 THE REQUIREMENTS OF THIS CHAPTER ARE IN ADDITION TO ANY OTHER  
32 REQUIREMENT IN LAW EXCEPT WHERE SPECIFICALLY STATED.

33 ARTICLE 2. APPLICANT AND RECIPIENT CORPORATION REPORTING

34 44-7821. Application for development subsidies

35 A. EACH GRANTING BODY AND THE APPLICANT FOR A DEVELOPMENT SUBSIDY  
36 SHALL COMPLETE AN APPLICATION FOR THE SUBSIDY ON A FORM PREPARED BY THE  
37 DEPARTMENT OF COMMERCE. THE INFORMATION REQUIRED ON THE APPLICATION SHALL  
38 INCLUDE THE FOLLOWING:

39 1. AN APPLICATION TRACKING NUMBER FOR THE GRANTING BODY AND THE  
40 PROJECT.

41 2. THE NAME, STREET AND MAILING ADDRESS AND TELEPHONE NUMBER OF THE  
42 CHIEF OFFICER OF THE GRANTING BODY.

43 3. THE NAME, STREET AND MAILING ADDRESS AND TELEPHONE NUMBER OF THE  
44 CHIEF OFFICER OF THE APPLICANT'S CORPORATE PARENT.

- 1           4. THE NAME, STREET AND MAILING ADDRESS AND TELEPHONE NUMBER OF THE  
2 CHIEF OFFICER OF THE APPLICANT.
- 3           5. THE NAME, STREET AND MAILING ADDRESS AND TELEPHONE NUMBER OF THE  
4 GRANTING AGENCY OFFICIAL RESPONSIBLE FOR MONITORING THE SUBSIDY.
- 5           6. THE STREET ADDRESS OF THE PROJECT SITE.
- 6           7. THE NAME, TYPE AND DESCRIPTION OF THE DEVELOPMENT SUBSIDY.
- 7           8. THE THREE-DIGIT NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM  
8 NUMBER OF THE PROJECT SITE.
- 9           9. THE TOTAL NUMBER OF INDIVIDUALS EMPLOYED BY THE APPLICANT AT THE  
10 PROJECT SITE ON THE DATE OF THE APPLICATION, SPECIFIED BY FULL-TIME,  
11 PART-TIME AND TEMPORARY POSITIONS.
- 12          10. THE TOTAL NUMBER OF INDIVIDUALS EMPLOYED IN THIS STATE BY THE  
13 APPLICANT'S CORPORATE PARENT AND ALL SUBSIDIARIES OF THE APPLICANT'S  
14 CORPORATE PARENT AS OF DECEMBER 31 OF THE PRIOR FISCAL YEAR SPECIFIED BY  
15 FULL-TIME, PART-TIME AND TEMPORARY POSITIONS.
- 16          11. THE DEVELOPMENT SUBSIDY OR SUBSIDIES THAT THE APPLICANT IS APPLYING  
17 FOR WITH THE GRANTING BODY AND THE VALUE OF THE SUBSIDY OR SUBSIDIES.
- 18          12. THE NAME OF ANY OTHER GRANTING BODY FROM WHICH THE APPLICANT IS  
19 SEEKING OR HAS OBTAINED DEVELOPMENT SUBSIDIES.
- 20          13. THE AGGREGATE VALUE OF ALL DEVELOPMENT SUBSIDIES THAT THE APPLICANT  
21 HAS REQUESTED OR RECEIVED FROM ALL SOURCES.
- 22          14. THE NUMBER OF NEW JOBS TO BE CREATED BY THE APPLICANT AT THE  
23 PROJECT SITE SPECIFIED BY FULL-TIME, PART-TIME AND TEMPORARY POSITIONS.
- 24          15. THE AVERAGE HOURLY WAGE TO BE PAID TO ALL CURRENT AND NEW EMPLOYEES  
25 AT THE PROJECT SITE SPECIFIED BY FULL-TIME, PART-TIME AND TEMPORARY POSITIONS  
26 AND ENUMERATED BY WAGE GROUPS AS FOLLOWS:
  - 27           (a) SIX DOLLARS OR LESS AN HOUR.
  - 28           (b) SIX DOLLARS AND ONE CENT TO SEVEN DOLLARS AN HOUR.
  - 29           (c) SEVEN DOLLARS AND ONE CENT TO EIGHT DOLLARS AN HOUR.
  - 30           (d) EIGHT DOLLARS AND ONE CENT TO NINE DOLLARS AN HOUR.
  - 31           (e) NINE DOLLARS AND ONE CENT TO TEN DOLLARS AN HOUR.
  - 32           (f) TEN DOLLARS AND ONE CENT TO ELEVEN DOLLARS AN HOUR.
  - 33           (g) ELEVEN DOLLARS AND ONE CENT TO TWELVE DOLLARS AN HOUR.
  - 34           (h) TWELVE DOLLARS AND ONE CENT TO THIRTEEN DOLLARS AN HOUR.
  - 35           (i) THIRTEEN DOLLARS AND ONE CENT TO FOURTEEN DOLLARS AN HOUR.
  - 36           (j) FOURTEEN DOLLARS AND ONE CENT OR MORE AN HOUR.
- 37          16. THE TYPE AND AMOUNT OF HEALTH CARE COVERAGE TO BE PROVIDED BY THE  
38 APPLICANT WITHIN NINETY DAYS OF COMMENCEMENT OF EMPLOYMENT AT THE PROJECT  
39 SITE, INCLUDING ANY COSTS TO BE BORNE BY THE EMPLOYEES.
- 40          17. THE NUMBER OF CURRENT EMPLOYEES WHO ARE PROVIDED HEALTH BENEFITS.
- 41          18. THE NUMBER OF CURRENT EMPLOYEES AND ANTICIPATED NEW EMPLOYEES  
42 REPRESENTED BY A COLLECTIVE BARGAINING AGREEMENT.
- 43          19. FOR PROJECT SITES LOCATED IN A METROPOLITAN STATISTICAL AREA, AS  
44 DEFINED BY THE UNITED STATES OFFICE OF MANAGEMENT AND BUDGET, THE AVERAGE  
45 HOURLY WAGE PAID TO NONMANAGERIAL EMPLOYEES IN THIS STATE FOR THE INDUSTRIES

1 INVOLVED AT THE PROJECT AS ESTABLISHED BY THE UNITED STATES BUREAU OF LABOR  
2 STATISTICS.

3 20. FOR PROJECT SITES LOCATED OUTSIDE OF METROPOLITAN STATISTICAL  
4 AREAS, THE AVERAGE WEEKLY WAGE PAID TO NONMANAGERIAL EMPLOYEES IN THE COUNTY  
5 FOR INDUSTRIES INVOLVED AT THE PROJECT SITE, AS ESTABLISHED BY THE UNITED  
6 STATES DEPARTMENT OF COMMERCE.

7 21. WHETHER OR NOT THE PROJECT WILL BE LEED CERTIFIED AND THE PROJECT'S  
8 RATING, IF APPLICABLE.

9 22. THE START AND END DATES FOR THE DEVELOPMENT SUBSIDY.

10 23. THE PROJECT SITE'S PROXIMITY TO MASS TRANSIT, A REGIONAL RAIL LINE  
11 OR A MAJOR HIGHWAY OFF-RAMP.

12 24. A STATEMENT AS TO WHETHER THE DEVELOPMENT SUBSIDY MAY REDUCE  
13 EMPLOYMENT AT ANY OTHER WORK SITE CONTROLLED BY THE APPLICANT, OR ITS  
14 CORPORATE PARENT, IN THIS STATE OR IN ANY OTHER STATE RESULTING FROM  
15 AUTOMATION, MERGER, ACQUISITION, CORPORATE RESTRUCTURING OR OTHER BUSINESS  
16 ACTIVITY.

17 25. A STATEMENT CONFIRMING THE SUBSIDY APPLICANT'S PAST LEGAL  
18 COMPLIANCE, INCLUDING COMPLIANCE WITH MINIMUM WAGE, EMPLOYEE RIGHTS AND  
19 AFFIRMATIVE ACTION LAWS.

20 26. A STATEMENT AS TO WHETHER OR NOT THE PROJECT INVOLVES THE  
21 RELOCATION OF WORK FROM ANOTHER ADDRESS AND THE NUMBER AND THE LOCATION OF  
22 JOBS TO BE RELOCATED.

23 27. THE PROJECTED NET TAX REVENUE ACCRUING TO THE LOCAL GOVERNMENTAL  
24 UNIT AS A RESULT OF THE DEVELOPMENT SUBSIDY.

25 28. INCLUSION OF ANY MATERIAL DOCUMENTS THAT ARE NECESSARY TO ENSURE  
26 THE SUBSIDY IS REASONABLY CRAFTED AND GEARED TOWARDS ITS PUBLIC INTEREST  
27 WITHIN A COFINANCED OR LEVERAGED PROJECT, SUCH AS INSURANCE POLICIES, RATING  
28 AGENCY REPORTS OR OTHER PERTINENT DOCUMENTS.

29 29. THE PROJECTED SUBSIDY VALUE.

30 30. A CERTIFICATION BY THE CHIEF OFFICER OF THE APPLICANT AS TO THE  
31 ACCURACY OF THE APPLICATION.

32 B. IF THE GRANTING BODY APPROVES THE APPLICATION, IT SHALL SEND A COPY  
33 OF THE APPLICATION TO THE DEPARTMENT OF COMMERCE WITHIN FIFTEEN DAYS AFTER  
34 THE APPROVAL. IF THE APPLICATION IS NOT APPROVED, THE GRANTING BODY SHALL  
35 RETAIN THE APPLICATION IN ITS RECORDS.

36 C. BEFORE GRANTING A DEVELOPMENT SUBSIDY, EACH LOCAL GOVERNMENTAL UNIT  
37 SHALL PROVIDE PUBLIC NOTICE AND A HEARING REGARDING THE DEVELOPMENT SUBSIDY.  
38 A PUBLIC HEARING AND NOTICE UNDER THIS SUBSECTION IS NOT REQUIRED IF A  
39 HEARING AND NOTICE REGARDING THE DEVELOPMENT SUBSIDY IS OTHERWISE REQUIRED BY  
40 LAW.

41 44-7822. Application for contract bid

42 A. EACH CONTRACTING AGENCY AND THE APPLICANT FOR A CONTRACT BID SHALL  
43 COMPLETE AN APPLICATION FOR THE CONTRACT ON A FORM PREPARED BY THE DEPARTMENT  
44 OF ADMINISTRATION. THE INFORMATION REQUIRED ON THE APPLICATION SHALL INCLUDE  
45 THE FOLLOWING:

- 1           1. AN APPLICATION TRACKING NUMBER FOR THE CONTRACTING AGENCY AND THE  
2 CONTRACT.
- 3           2. THE NAME, STREET AND MAILING ADDRESS AND TELEPHONE NUMBER OF THE  
4 CHIEF OFFICER OF THE CONTRACTING AGENCY.
- 5           3. THE NAME, STREET AND MAILING ADDRESS AND TELEPHONE NUMBER OF THE  
6 CHIEF OFFICER OF THE APPLICANT'S CORPORATE PARENT.
- 7           4. THE NAME, STREET AND MAILING ADDRESS AND TELEPHONE NUMBER OF THE  
8 CHIEF OFFICER OF THE APPLICANT.
- 9           5. THE NAME, STREET AND MAILING ADDRESS, EMPLOYER AND EMPLOYMENT  
10 CATEGORY OR JOB DESCRIPTION OF EACH PERSON THAT WILL PROVIDE CONSULTING  
11 SERVICES UNDER THE CONTRACT, INCLUDING SUBCONTRACTORS.
- 12           6. THE NAME, STREET AND MAILING ADDRESS AND TELEPHONE NUMBER OF THE  
13 CONTRACTING AGENCY OFFICIAL RESPONSIBLE FOR MONITORING THE CONTRACT.
- 14           7. THE THREE-DIGIT NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM  
15 NUMBER OF THE ENTITY APPLYING FOR A BID.
- 16           8. THE TYPE OF SERVICE REQUIRED BY CONTRACT.
- 17           9. THE TOTAL NUMBER OF INDIVIDUALS EMPLOYED BY THE APPLICANT ON THE  
18 DATE OF THE APPLICATION SPECIFIED BY FULL-TIME, PART-TIME AND TEMPORARY  
19 POSITIONS.
- 20           10. THE TOTAL NUMBER OF INDIVIDUALS EMPLOYED IN THIS STATE BY THE  
21 APPLICANT'S CORPORATE PARENT AND ALL SUBSIDIARIES OF THE APPLICANT'S  
22 CORPORATE PARENT AS OF DECEMBER 31 OF THE PRIOR FISCAL YEAR SPECIFIED BY  
23 FULL-TIME, PART-TIME AND TEMPORARY POSITIONS.
- 24           11. THE BIDS THE APPLICANT IS APPLYING FOR WITH THE CONTRACTING AGENCY  
25 AND THE VALUE OF THE CONTRACT OR CONTRACTS.
- 26           12. THE NAME OF ANY OTHER CONTRACTING AGENCIES FROM WHICH THE APPLICANT  
27 IS SEEKING OR HAS OBTAINED BIDS.
- 28           13. THE AGGREGATE VALUE OF ALL BIDS THE APPLICANT HAS REQUESTED OR  
29 RECEIVED FROM ALL SOURCES.
- 30           14. THE NUMBER OF CONTRACTORS OR SUBCONTRACTORS NEEDED TO PERFORM THE  
31 REQUIRED SERVICES SPECIFIED BY FULL-TIME, PART-TIME AND TEMPORARY POSITIONS.
- 32           15. THE TYPES OF SERVICES THE CONTRACTOR, SUBCONTRACTOR AND ANY  
33 CONTRACT EMPLOYEES WILL PROVIDE UNDER THE CONTRACT.
- 34           16. THE AVERAGE HOURLY WAGE TO BE PAID TO EACH CONTRACTOR,  
35 SUBCONTRACTOR AND CONTRACT EMPLOYEE SPECIFIED BY FULL-TIME, PART-TIME AND  
36 TEMPORARY POSITIONS AND ENUMERATED BY WAGE GROUPS AS FOLLOWS:  
37           (a) SIX DOLLARS OR LESS AN HOUR.  
38           (b) SIX DOLLARS AND ONE CENT TO SEVEN DOLLARS AN HOUR.  
39           (c) SEVEN DOLLARS AND ONE CENT TO EIGHT DOLLARS AN HOUR.  
40           (d) EIGHT DOLLARS AND ONE CENT TO NINE DOLLARS AN HOUR.  
41           (e) NINE DOLLARS AND ONE CENT TO TEN DOLLARS AN HOUR.  
42           (f) TEN DOLLARS AND ONE CENT TO ELEVEN DOLLARS AN HOUR.  
43           (g) ELEVEN DOLLARS AND ONE CENT TO TWELVE DOLLARS AN HOUR.  
44           (h) TWELVE DOLLARS AND ONE CENT TO THIRTEEN DOLLARS AN HOUR.  
45           (i) THIRTEEN DOLLARS AND ONE CENT TO FOURTEEN DOLLARS AN HOUR.

- 1 (j) FOURTEEN DOLLARS AND ONE CENT OR MORE AN HOUR.  
2 17. THE NUMBER OF HOURS EACH PERSON, INCLUDING EACH SUBCONTRACTOR AND  
3 CONTRACT EMPLOYEES, IS EXPECTED TO WORK IN PROVIDING CONSULTING SERVICES TO  
4 THE CONTRACTING AGENCY UNDER THE TERMS OF THE CONTRACT.  
5 18. THE TOTAL COMPENSATION OF EACH CONTRACTOR AND SUBCONTRACTOR.  
6 19. THE TYPE AND AMOUNT OF HEALTH CARE COVERAGE TO BE PROVIDED BY THE  
7 APPLICANT WITHIN NINETY DAYS OF COMMENCEMENT OF THE CONTRACT, INCLUDING ANY  
8 COSTS TO BE BORNE BY THE EMPLOYEES.  
9 20. THE NUMBER OF CONTRACTORS OR SUBCONTRACTORS ASSOCIATED WITH THE  
10 CONTRACT REPRESENTED BY A COLLECTIVE BARGAINING AGREEMENT.  
11 21. FOR APPLICANTS BASED IN A METROPOLITAN STATISTICAL AREA, AS DEFINED  
12 BY THE UNITED STATES OFFICE OF MANAGEMENT AND BUDGET, THE AVERAGE HOURLY WAGE  
13 PAID TO NONMANAGERIAL EMPLOYEES IN THIS STATE FOR THE INDUSTRIES INVOLVED AT  
14 THE PROJECT, AS ESTABLISHED BY THE UNITED STATES BUREAU OF LABOR STATISTICS.  
15 22. FOR APPLICANTS BASED OUTSIDE OF METROPOLITAN STATISTICAL AREAS, THE  
16 AVERAGE WEEKLY WAGE PAID TO NONMANAGERIAL EMPLOYEES IN THE COUNTY FOR  
17 INDUSTRIES INVOLVED AT THE PROJECT, AS ESTABLISHED BY THE UNITED STATES  
18 DEPARTMENT OF COMMERCE.  
19 23. THE START AND END DATES FOR THE CONTRACT.  
20 24. A STATEMENT CONFIRMING THE APPLICANT'S PAST LEGAL COMPLIANCE,  
21 INCLUDING COMPLIANCE WITH MINIMUM WAGE, EMPLOYEE RIGHTS AND AFFIRMATIVE  
22 ACTION LAWS.  
23 25. THE PROJECTED SAVINGS ACCRUING TO THE CONTRACTING AGENCY.  
24 26. THE PROJECTED TOTAL COST OF THE CONTRACT.  
25 27. A CERTIFICATION BY THE CHIEF OFFICER OF THE APPLICANT AS TO THE  
26 ACCURACY OF THE APPLICATION.  
27 B. IF THE CONTRACTING AGENCY APPROVES THE BID, IT SHALL SEND A COPY OF  
28 THE BID TO DEPARTMENT OF ADMINISTRATION WITHIN FIFTEEN DAYS AFTER THE  
29 APPROVAL. IF THE APPLICATION IS NOT APPROVED, THE CONTRACTING AGENCY SHALL  
30 RETAIN THE APPLICATION IN ITS RECORDS.  
31 C. BEFORE APPROVING A CONTRACT BID, EACH CONTRACTING AGENCY SHALL  
32 PROVIDE PUBLIC NOTICE AND A HEARING REGARDING THE CONTRACT BID. A PUBLIC  
33 HEARING AND NOTICE UNDER THIS SUBSECTION IS NOT REQUIRED IF A HEARING AND  
34 NOTICE REGARDING THE CONTRACT BID IS OTHERWISE REQUIRED BY LAW.  
35 ARTICLE 3. REPORTS ON SUBSIDIES AND CONTRACTS  
36 44-7831. Establishment of measurable standards  
37 A. BEFORE ENTERING INTO A PUBLIC CONTRACT, A CONTRACTING AGENCY SHALL  
38 ESTABLISH MEASURABLE STANDARDS FOR ASSESSING THE QUALITY OF THE GOODS OR  
39 SERVICES, PERSONAL SERVICES, PERSONAL PROPERTY, PUBLIC IMPROVEMENTS, PUBLIC  
40 WORKS, ALTERATIONS, REPAIRS OR MAINTENANCE THAT A CONTRACTOR WILL PROVIDE OR  
41 PERFORM UNDER THE CONTRACT. THE CONTRACTING AGENCY MAY DEVELOP THE QUALITY  
42 STANDARDS APPLICABLE TO THE PUBLIC CONTRACT IN COOPERATION WITH OR AS A  
43 RESULT OF NEGOTIATIONS WITH THE CONTRACTOR TO WHICH THE CONTRACTING AGENCY  
44 HAS AWARDED THE PUBLIC CONTRACT. UNLESS THE CONTRACTING AGENCY FOR GOOD  
45 CAUSE SPECIFIES OTHERWISE, THE QUALITY STANDARDS MAY NOT BE LESS THAN THE

1 HIGHEST STANDARDS PREVALENT IN THE INDUSTRY OR BUSINESS MOST CLOSELY INVOLVED  
2 IN PROVIDING THE APPROPRIATE GOODS OR SERVICES, PERSONAL SERVICES, PERSONAL  
3 PROPERTY, PUBLIC IMPROVEMENTS, PUBLIC WORKS, ALTERATIONS, REPAIRS OR  
4 MAINTENANCE.

5 B. IF A CONTRACTING AGENCY PERFORMS A COST ANALYSIS BEFORE A  
6 PROCUREMENT FOR GOODS OR SERVICES WITH AN ESTIMATED CONTRACT PRICE THAT  
7 EXCEEDS TWENTY-FIVE THOUSAND DOLLARS, THAT ANALYSIS IS SUBJECT TO DISCLOSURE  
8 UNDER TITLE 39, CHAPTER 1, ARTICLE 2. THE CONTRACTING AGENCY SHALL PROVIDE A  
9 COMPARISON OF THE FINDINGS OF THE COST ANALYSIS WITH THE ACTUAL COST OF THE  
10 CONTRACT IN THE REPORTS PRESCRIBED IN SECTION 44-7833.

11 44-7832. Reports on economic development subsidies; civil  
12 penalty

13 A. EACH GRANTING BODY AND THE RECIPIENT CORPORATION SHALL ANNUALLY  
14 COMPLETE A REPORT REGARDING THE DEVELOPMENT SUBSIDY ON A FORM PREPARED BY THE  
15 DEPARTMENT OF COMMERCE NO LATER THAN THIRTY DAYS AFTER THE START OF THE  
16 FISCAL YEAR. THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION:

- 17 1. THE APPLICATION TRACKING NUMBER.
- 18 2. THE NAME, STREET AND MAILING ADDRESS AND TELEPHONE NUMBER OF THE  
19 CHIEF OFFICER OF THE GRANTING BODY.
- 20 3. THE NAME, STREET AND MAILING ADDRESS AND TELEPHONE NUMBER OF THE  
21 CHIEF OFFICER OF THE RECIPIENT CORPORATION.
- 22 4. THE NAME, STREET AND MAILING ADDRESS AND TELEPHONE NUMBER OF THE  
23 GRANTING BODY OFFICIAL RESPONSIBLE FOR MONITORING THE SUBSIDY.
- 24 5. A SUMMARY OF THE NUMBER OF JOBS REQUIRED, CREATED AND LOST  
25 SPECIFIED BY FULL-TIME, PART-TIME AND TEMPORARY POSITIONS.
- 26 6. THE NAME, TYPE AND DESCRIPTION OF THE DEVELOPMENT SUBSIDY.
- 27 7. THE AVERAGE HOURLY WAGE TO BE PAID TO ALL CURRENT AND NEW EMPLOYEES  
28 AT THE PROJECT SITE SPECIFIED BY FULL-TIME, PART-TIME AND TEMPORARY POSITIONS  
29 AND ENUMERATED BY WAGE GROUPS AS FOLLOWS:
  - 30 (a) SIX DOLLARS OR LESS AN HOUR.
  - 31 (b) SIX DOLLARS AND ONE CENT TO SEVEN DOLLARS AN HOUR.
  - 32 (c) SEVEN DOLLARS AND ONE CENT TO EIGHT DOLLARS AN HOUR.
  - 33 (d) EIGHT DOLLARS AND ONE CENT TO NINE DOLLARS AN HOUR.
  - 34 (e) NINE DOLLARS AND ONE CENT TO TEN DOLLARS AN HOUR.
  - 35 (f) TEN DOLLARS AND ONE CENT TO ELEVEN DOLLARS AN HOUR.
  - 36 (g) ELEVEN DOLLARS AND ONE CENT TO TWELVE DOLLARS AN HOUR.
  - 37 (h) TWELVE DOLLARS AND ONE CENT TO THIRTEEN DOLLARS AN HOUR.
  - 38 (i) THIRTEEN DOLLARS AND ONE CENT TO FOURTEEN DOLLARS AN HOUR.
  - 39 (j) FOURTEEN DOLLARS AND ONE CENT OR MORE AN HOUR.
- 40 8. THE LOCATION OF ALL EMPLOYEES BY ZIP CODE.
- 41 9. THE TYPE AND AMOUNT OF HEALTH CARE COVERAGE PROVIDED TO THE  
42 EMPLOYEES AT THE PROJECT SITE, INCLUDING ANY COSTS BORNE BY THE EMPLOYEES.
- 43 10. THE NUMBER OF CURRENT EMPLOYEES REPRESENTED BY A COLLECTIVE  
44 BARGAINING AGREEMENT.

- 1           11. WHETHER THE PROJECT WAS LEED CERTIFIED AND THE RATING, IF  
2      APPLICABLE.
- 3           12. THE START AND END DATES AND SCHEDULE FOR THE DEVELOPMENT SUBSIDY.
- 4           13. THE PROJECT SITE'S PROXIMITY TO MASS TRANSIT, REGIONAL RAIL LINE OR  
5      A MAJOR HIGHWAY OFF-RAMP.
- 6           14. THE COMPARISON OF THE TOTAL EMPLOYMENT IN THIS STATE BY THE  
7      DEVELOPMENT SUBSIDY RECIPIENT'S CORPORATE PARENT ON THE DATE OF THE  
8      APPLICATION AND THE DATE OF THE REPORT SPECIFIED BY FULL-TIME, PART-TIME AND  
9      TEMPORARY POSITIONS.
- 10          15. A STATEMENT AS TO WHETHER THE USE OF THE DEVELOPMENT SUBSIDY DURING  
11      THE PREVIOUS FISCAL YEAR HAS REDUCED EMPLOYMENT AT ANY OTHER SITE CONTROLLED  
12      BY THE DEVELOPMENT SUBSIDY RECIPIENT'S CORPORATION, OR ITS CORPORATE PARENT,  
13      IN THIS STATE OR IN ANY OTHER STATE AS A RESULT OF AUTOMATION, MERGER,  
14      ACQUISITION, CORPORATE RESTRUCTURING OR OTHER BUSINESS ACTIVITY.
- 15          16. A STATEMENT AS TO WHETHER ANY AFFORDABLE HOUSING HAS BEEN DISPLACED  
16      BY THE PROJECT.
- 17          17. A STATEMENT AS TO WHETHER OR NOT THE PROJECT HAS INVOLVED THE  
18      RELOCATION OF WORK FROM ANOTHER ADDRESS AND THE NUMBER AND LOCATION OF THE  
19      JOBS TO BE RELOCATED.
- 20          18. THE IDENTIFICATION OF ALL SOURCES OF PUBLIC AND PRIVATE FINANCING  
21      RELATING TO THE PROJECT.
- 22          19. THE INCLUSION OF ANY COST ANALYSIS OR FEASIBILITY STUDY THAT MAY  
23      HAVE BEEN CONDUCTED BY THIS STATE OR THE GRANTING BODY BEFORE THE SUBSIDY WAS  
24      AWARDED.
- 25          20. THE INCLUSION OF ANY MATERIAL DOCUMENTS THAT ARE NECESSARY TO  
26      ENSURE THE SUBSIDY IS REASONABLY CRAFTED AND GEARED TOWARDS ITS PUBLIC  
27      INTEREST WITHIN A COFINANCED OR LEVERAGED PROJECT, SUCH AS INSURANCE  
28      POLICIES, RATING AGENCY REPORTS OR OTHER PERTINENT DOCUMENTS.
- 29          21. THE NET TAX REVENUE ACCRUING TO THE LOCAL GOVERNMENTAL UNIT AS A  
30      RESULT OF THE DEVELOPMENT SUBSIDY.
- 31          22. THE TOTAL SUBSIDY VALUE.
- 32          23. THE RECORD OF ANY ACTION THE GRANTING BODY HAS TAKEN AGAINST THE  
33      DEVELOPMENT SUBSIDY RECIPIENT FOR POTENTIAL NONCOMPLIANCE.
- 34          24. A SIGNED CERTIFICATION BY THE CHIEF OFFICER OF THE RECIPIENT  
35      CORPORATION AS TO THE ACCURACY OF THE PROGRESS REPORT.
- 36            B. THE GRANTING BODY SHALL FILE THE REPORT SPECIFIED IN SUBSECTION A  
37      WITH THE DEPARTMENT OF COMMERCE FOR EACH PROJECT FOR WHICH A DEVELOPMENT  
38      SUBSIDY HAS BEEN GRANTED NO LATER THAN SIXTY DAYS AFTER THE START OF THE  
39      FISCAL YEAR.
- 40            C. AFTER AN INITIAL REPORT ON A PROJECT FOR WHICH A DEVELOPMENT  
41      SUBSIDY WAS GRANTED HAS BEEN FILED, THE GRANTING BODY SHALL INDICATE IN EACH  
42      SUBSEQUENT ANNUAL PROGRESS REPORT WHETHER THE RECIPIENT CORPORATION IS STILL  
43      IN COMPLIANCE WITH ITS JOB CREATION, WAGE AND BENEFIT GOALS AND WHETHER THE  
44      RECIPIENT CORPORATION'S CORPORATE PARENT IS STILL IN COMPLIANCE WITH ITS  
45      STATE EMPLOYMENT REQUIREMENTS.

1 D. THE GRANTING BODY AND THE RECIPIENT CORPORATION SHALL COMPILE AND  
2 FILE ANNUAL REPORTS AS SPECIFIED IN SUBSECTIONS A, B AND C FOR THE DURATION  
3 OF THE DEVELOPMENT SUBSIDY OR FOR FIVE YEARS, WHICHEVER PERIOD IS GREATER.

4 E. IN ADDITION TO THE REPORTING REQUIREMENTS OF SUBSECTIONS A, B, C  
5 AND D, NO LATER THAN FIFTEEN DAYS AFTER THE SECOND ANNIVERSARY OF THE DATE OF  
6 SUBSIDY, THE GRANTING BODY SHALL FILE WITH THE DEPARTMENT OF COMMERCE A  
7 TWO-YEAR PROGRESS REPORT INCLUDING THE SAME INFORMATION AS REQUIRED UNDER  
8 SUBSECTION A. THE RECIPIENT CORPORATION SHALL CERTIFY AS TO THE ACCURACY OF  
9 THE REPORT. THE GRANTING BODY SHALL STATE IN THE TWO-YEAR REPORT WHETHER THE  
10 RECIPIENT CORPORATION HAS ACHIEVED ITS JOB CREATION, WAGE AND BENEFIT GOALS  
11 AND WHETHER THE RECIPIENT CORPORATION'S CORPORATE PARENT IS STILL IN  
12 COMPLIANCE WITH ITS STATE EMPLOYMENT REQUIREMENTS.

13 F. THE DEPARTMENT OF COMMERCE SHALL COMPILE AND PUBLISH ALL DATA FROM  
14 THE PROGRESS REPORTS IN BOTH WRITTEN AND ELECTRONIC FORMAT. THE REPORT SHALL  
15 BE INCLUDED ON THE DEPARTMENT OF COMMERCE'S WEBSITE. THE WEBSITE SHALL  
16 PROVIDE AN EASILY ACCESSIBLE, SEARCHABLE DATABASE OF THE SPECIFIED DATA.

17 G. THE GRANTING BODY SHALL PROVIDE A FINAL REPORT AT THE CONCLUSION OF  
18 EACH DEVELOPMENT SUBSIDY THAT SHALL CONTAIN THE INFORMATION DESCRIBED IN  
19 SUBSECTION A IN WRITTEN FORM AVAILABLE TO THE PUBLIC AND THROUGH ITS WEBSITE.  
20 THE GRANTING BODY'S WEBSITE SHALL PROVIDE AN EASILY ACCESSIBLE, SEARCHABLE  
21 DATABASE OF THE SPECIFIED DATA.

22 H. THE GRANTING BODY AND THE DEPARTMENT OF COMMERCE SHALL HAVE ACCESS  
23 AT ALL REASONABLE TIMES TO THE PROJECT SITE AND THE RECORDS OF THE RECIPIENT  
24 CORPORATION IN ORDER TO MONITOR THE PROJECT AND TO PREPARE PROGRESS REPORTS.  
25 A RECIPIENT CORPORATION THAT FAILS TO PROVIDE THE GRANTING BODY WITH THE  
26 INFORMATION REQUIRED UNDER THIS SECTION WITHIN THIRTY DAYS AFTER THE START OF  
27 THE FISCAL YEAR OR ACCESS REQUIRED UNDER THIS SECTION IS SUBJECT TO A CIVIL  
28 PENALTY OF NOT LESS THAN FIVE HUNDRED DOLLARS PER DAY.

29 44-7833. Reports on contracts: civil penalty

30 A. EACH CONTRACTING AGENCY AND THE RECIPIENT CONTRACTOR SHALL ANNUALLY  
31 COMPLETE A REPORT REGARDING THE CONTRACT ON A FORM PREPARED BY THE DEPARTMENT  
32 OF ADMINISTRATION NO LATER THAN THIRTY DAYS AFTER THE START OF THE FISCAL  
33 YEAR. THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION:

34 1. AN APPLICATION TRACKING NUMBER FOR THE CONTRACTING AGENCY FOR THE  
35 SERVICE.

36 2. THE NAME, STREET AND MAILING ADDRESS AND TELEPHONE NUMBER OF THE  
37 CHIEF OFFICER OF THE CONTRACTING AGENCY.

38 3. THE NAME, STREET AND MAILING ADDRESS AND TELEPHONE NUMBER OF THE  
39 CHIEF OFFICER OF THE RECIPIENT CONTRACTOR'S CORPORATE PARENT.

40 4. THE NAME, STREET AND MAILING ADDRESS AND TELEPHONE NUMBER OF THE  
41 CHIEF OFFICER OF THE RECIPIENT CONTRACTOR.

42 5. THE NAME, STREET AND MAILING ADDRESS, EMPLOYER AND EMPLOYMENT  
43 CATEGORY OR JOB DESCRIPTION OF EACH PERSON THAT PROVIDED CONSULTING SERVICES  
44 UNDER THE CONTRACT, INCLUDING SUBCONTRACTORS.

- 1           6. THE NAME, STREET AND MAILING ADDRESS AND TELEPHONE NUMBER OF THE  
2 CONTRACTING AGENCY OFFICIAL RESPONSIBLE FOR MONITORING THE CONTRACT.
- 3           7. THE THREE-DIGIT NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM  
4 NUMBER OF THE ENTITY THAT RECEIVED THE BID.
- 5           8. THE PROCEDURE THE CONTRACTING AGENCY USED TO SOLICIT AND AWARD THE  
6 CONTRACT. THE RECORD SHOULD NOTE WHETHER THE PROCEDURE INVOLVED COMPETITIVE  
7 BIDDING OR COMPETITIVE PROPOSALS AND SUMMARIZE THE EXTENT TO WHICH THE  
8 PROCEDURE SOUGHT TO SOLICIT AND SUCCEEDED IN SOLICITING BIDS OR PROPOSALS  
9 FROM MINORITIES, WOMEN OR EMERGING SMALL BUSINESSES.
- 10          9. THE TYPE OF SERVICE REQUIRED BY CONTRACT.
- 11          10. THE TOTAL NUMBER OF INDIVIDUALS EMPLOYED BY THE RECIPIENT  
12 CONTRACTOR ON THE DATE OF THE APPLICATION AND THE DATE OF THE REPORT  
13 SPECIFIED BY FULL-TIME, PART-TIME AND TEMPORARY POSITIONS.
- 14          11. THE TOTAL NUMBER OF INDIVIDUALS EMPLOYED IN THIS STATE BY THE  
15 RECIPIENT CONTRACTOR'S CORPORATE PARENT AND ALL SUBSIDIARIES OF THE RECIPIENT  
16 CONTRACTOR'S CORPORATE PARENT AS OF DECEMBER 31 OF THE PRIOR FISCAL YEAR,  
17 SPECIFIED BY FULL-TIME, PART-TIME AND TEMPORARY POSITIONS.
- 18          12. THE BIDS THE RECIPIENT CONTRACTOR APPLIED FOR WITH THE CONTRACTING  
19 AGENCY AND THE VALUE OF THE CONTRACT OR CONTRACTS.
- 20          13. THE NAME OF ANY OTHER CONTRACTING AGENCIES FROM WHICH THE RECIPIENT  
21 CONTRACTOR IS SEEKING OR HAS OBTAINED BIDS.
- 22          14. THE AGGREGATE VALUE OF ALL BIDS THE RECIPIENT CONTRACTOR HAS  
23 REQUESTED OR RECEIVED FROM ALL SOURCES.
- 24          15. THE NUMBER OF CONTRACTORS, SUBCONTRACTORS AND CONTRACT EMPLOYEES  
25 WHO PERFORMED REQUIRED SERVICES SPECIFIED BY FULL-TIME, PART-TIME AND  
26 TEMPORARY POSITIONS.
- 27          16. THE TYPES OF SERVICES THE CONTRACTOR, SUBCONTRACTOR AND ANY  
28 CONTRACT EMPLOYEES PROVIDE UNDER THE CONTRACT.
- 29          17. THE AVERAGE HOURLY WAGE PAID TO EACH CONTRACTOR, SUBCONTRACTOR, AND  
30 CONTRACT EMPLOYEE SPECIFIED BY FULL-TIME, PART-TIME AND TEMPORARY POSITIONS  
31 AND ENUMERATED BY WAGE GROUPS AS FOLLOWS:
  - 32           (a) SIX DOLLARS OR LESS AN HOUR.
  - 33           (b) SIX DOLLARS AND ONE CENT TO SEVEN DOLLARS AN HOUR.
  - 34           (c) SEVEN DOLLARS AND ONE CENT TO EIGHT DOLLARS AN HOUR.
  - 35           (d) EIGHT DOLLARS AND ONE CENT TO NINE DOLLARS AN HOUR.
  - 36           (e) NINE DOLLARS AND ONE CENT TO TEN DOLLARS AN HOUR.
  - 37           (f) TEN DOLLARS AND ONE CENT TO ELEVEN DOLLARS AN HOUR.
  - 38           (g) ELEVEN DOLLARS AND ONE CENT TO TWELVE DOLLARS AN HOUR.
  - 39           (h) TWELVE DOLLARS AND ONE CENT TO THIRTEEN DOLLARS AN HOUR.
  - 40           (i) THIRTEEN DOLLARS AND ONE CENT TO FOURTEEN DOLLARS AN HOUR.
  - 41           (j) FOURTEEN DOLLARS AND ONE CENT OR MORE AN HOUR.
- 42          18. THE NUMBER OF HOURS EACH PERSON, INCLUDING EACH SUBCONTRACTOR,  
43 WORKS IN PROVIDING CONSULTING SERVICES TO THE CONTRACTING AGENCY UNDER THE  
44 TERMS OF THE CONTRACT.

- 1           19. THE TOTAL COMPENSATION OF EACH CONTRACTOR, SUBCONTRACTOR AND ANY  
2 CONTRACT EMPLOYEES.
- 3           20. A SUMMARY OF EACH AMENDMENT TO THE CONTRACT THAT CHANGED THE  
4 CONTRACT TERM, THE CONTRACT PRICE OR THE ESTIMATED TOTAL VALUE OF THE  
5 CONTRACT.
- 6           21. A SUMMARY OF THE NATURE OF THE CONSULTING SERVICES PROVIDED UNDER  
7 THE CONTRACT ALONG WITH THE IDENTITY OF EACH PERSON PROVIDING CONSULTING  
8 SERVICES UNDER THE CONTRACT, INCLUDING THE IDENTITY OF SUBCONTRACTORS.
- 9           22. THE TYPE AND AMOUNT OF HEALTH CARE COVERAGE PROVIDED BY THE  
10 RECIPIENT CONTRACTOR WITHIN NINETY DAYS OF COMMENCEMENT OF THE CONTRACT,  
11 INCLUDING ANY COSTS TO BE BORNE BY THE EMPLOYEES.
- 12           23. THE NUMBER OF CONTRACTORS OR SUBCONTRACTORS ASSOCIATED WITH THE  
13 CONTRACT REPRESENTED BY A COLLECTIVE BARGAINING AGREEMENT.
- 14           24. FOR RECIPIENT CONTRACTORS BASED IN A METROPOLITAN STATISTICAL AREA,  
15 AS DEFINED BY THE UNITED STATES OFFICE OF MANAGEMENT AND BUDGET, THE AVERAGE  
16 HOURLY WAGE PAID TO NONMANAGERIAL EMPLOYEES IN THIS STATE FOR THE INDUSTRIES  
17 INVOLVED AT THE PROJECT, AS ESTABLISHED BY THE UNITED STATES BUREAU OF LABOR  
18 STATISTICS.
- 19           25. FOR RECIPIENT CONTRACTORS BASED OUTSIDE OF METROPOLITAN STATISTICAL  
20 AREAS, THE AVERAGE WEEKLY WAGE PAID TO NONMANAGERIAL EMPLOYEES IN THE COUNTY  
21 FOR INDUSTRIES INVOLVED AT THE PROJECT, AS ESTABLISHED BY THE UNITED STATES  
22 DEPARTMENT OF COMMERCE.
- 23           26. THE START AND END DATES FOR THE CONTRACT.
- 24           27. A STATEMENT CONFIRMING THE RECIPIENT CONTRACTOR'S PAST LEGAL  
25 COMPLIANCE, INCLUDING COMPLIANCE WITH MINIMUM WAGE, EMPLOYEE RIGHTS AND  
26 AFFIRMATIVE ACTION LAWS.
- 27           28. THE SAVINGS ACCRUED TO THE CONTRACTING AGENCY.
- 28           29. THE TOTAL COST OF CONTRACT.
- 29           30. THE INCLUSION OF ANY COST ANALYSIS, IF PREVIOUSLY CONDUCTED BY THE  
30 CONTRACTING AGENCY.
- 31           31. A COMPARISON OF THE ACTUAL COST WITH THE FINDINGS OF A COST  
32 ANALYSIS, IF PREVIOUSLY CONDUCTED BY THE CONTRACTING AGENCY.
- 33           32. A COPY OF THE CONTRACT AND ANY REVISIONS OR AMENDMENTS.
- 34           33. A CERTIFICATION BY THE CHIEF OFFICER OF THE RECIPIENT CONTRACTOR AS  
35 TO THE ACCURACY OF THE REPORT.
- 36           B. EACH CONTRACTING AGENCY SHALL FILE THE REPORT SPECIFIED IN  
37 SUBSECTION A OF THIS SECTION WITH THE DEPARTMENT OF ADMINISTRATION FOR EACH  
38 CONTRACT NO LATER THAN SIXTY DAYS AFTER THE START OF THE FISCAL YEAR.
- 39           C. AFTER AN INITIAL REPORT ON A CONTRACT HAS BEEN FILED, THE  
40 CONTRACTING AGENCY SHALL INDICATE IN EACH SUBSEQUENT ANNUAL PROGRESS REPORT  
41 WHETHER THE RECIPIENT CONTRACTOR IS STILL IN COMPLIANCE WITH ITS SAVINGS,  
42 WAGE AND BENEFIT GOALS AND HAS MET THE MEASURABLE STANDARDS SET BY THE AGENCY  
43 PURSUANT TO SECTION 44-7831.
- 44           D. THE CONTRACTING AGENCY AND THE RECIPIENT CORPORATION SHALL COMPILE  
45 AND FILE ANNUAL REPORTS AS SPECIFIED IN SUBSECTIONS A, B AND C OF THIS

1 SECTION FOR THE DURATION OF THE CONTRACT OR FOR FIVE YEARS, WHICHEVER PERIOD  
2 IS GREATER.

3 E. IN ADDITION TO THE REPORTING REQUIREMENTS OF SUBSECTIONS A, B, C  
4 AND D OF THIS SECTION, NO LATER THAN FIFTEEN DAYS AFTER THE SECOND  
5 ANNIVERSARY OF THE DATE OF CONTRACT, THE CONTRACTING AGENCY SHALL FILE WITH  
6 THE DEPARTMENT OF ADMINISTRATION A TWO-YEAR PROGRESS REPORT INCLUDING THE  
7 SAME INFORMATION AS REQUIRED UNDER SUBSECTION A OF THIS SECTION. THE  
8 RECIPIENT CONTRACTOR SHALL CERTIFY AS TO THE ACCURACY OF THE REPORT. THE  
9 CONTRACTING AGENCY SHALL STATE IN THE TWO-YEAR REPORT WHETHER THE RECIPIENT  
10 CONTRACTOR HAS ACHIEVED ITS SAVINGS, WAGE, AND BENEFIT GOALS AND HAS MET THE  
11 MEASURABLE STANDARDS SET BY THE AGENCY PURSUANT TO SECTION 44-7831.

12 F. THE DEPARTMENT OF ADMINISTRATION SHALL COMPILE AND PUBLISH ALL DATA  
13 FROM THE PROGRESS REPORTS IN BOTH WRITTEN AND ELECTRONIC FORMAT. THE REPORT  
14 SHALL BE INCLUDED ON THE DEPARTMENT OF ADMINISTRATION'S WEBSITE. THE WEBSITE  
15 SHALL PROVIDE AN EASILY ACCESSIBLE, SEARCHABLE DATABASE OF THE SPECIFIED  
16 DATA.

17 G. THE CONTRACTING AGENCY SHALL PROVIDE A FINAL REPORT AT THE  
18 CONCLUSION OF EACH CONTRACT THAT CONTAINS THE INFORMATION DESCRIBED IN  
19 SUBSECTION A OF THIS SECTION IN WRITTEN FORM AVAILABLE TO THE PUBLIC AND  
20 THROUGH ITS WEBSITE. THE CONTRACTING AGENCY'S WEBSITE SHALL PROVIDE AN EASILY  
21 ACCESSIBLE, SEARCHABLE DATABASE OF THE SPECIFIED DATA.

22 H. A RECIPIENT CONTRACTOR THAT FAILS TO PROVIDE THE CONTRACTING AGENCY  
23 WITH THE INFORMATION REQUIRED UNDER THIS SECTION WITHIN THIRTY DAYS AFTER THE  
24 START OF THE FISCAL YEAR IS SUBJECT TO A CIVIL PENALTY OF NOT LESS THAN FIVE  
25 HUNDRED DOLLARS PER DAY.

26 44-7834. Contract audits

27 A. THE AUDITOR GENERAL MAY AUDIT A RECIPIENT CONTRACTOR'S PERFORMANCE  
28 UNDER A PUBLIC CONTRACT WITH A STATE CONTRACTING AGENCY. THE AUDIT SHALL USE  
29 GENERALLY ACCEPTED ACCOUNTING PRINCIPLES AND MAY:

30 1. EXAMINE THE RECIPIENT CONTRACTOR'S BOOKS, PAPERS, CORRESPONDENCE  
31 AND OTHER RECORDS RELATED TO THE PUBLIC CONTRACT.

32 2. ASSESS WHETHER THE RECIPIENT CONTRACTOR HAS MET THE QUALITY  
33 STANDARDS SET FORTH IN THE CONTRACT PURSUANT TO SECTION 44-7831.

34 3. DETERMINE WHETHER THE RECIPIENT CONTRACTOR HAS MET COMMERCIAL  
35 STANDARDS OF GOOD FAITH AND FAIR DEALING IN THE CONTRACTOR'S COURSE OF  
36 DEALING WITH THE CONTRACTING AGENCY.

37 4. EXAMINE OTHER ISSUES THAT THE AUDITOR GENERAL DEEMS GERMANE TO  
38 ASSESSING THE RECIPIENT CONTRACTOR'S PERFORMANCE UNDER THE CONTRACT.

39 B. A STATE CONTRACTING AGENCY MAY REQUEST THE AUDITOR GENERAL TO AUDIT  
40 A CONTRACTOR'S PERFORMANCE UNDER A PUBLIC CONTRACT FOR ANY REASON AND AT ANY  
41 TIME THE PUBLIC CONTRACT IS IN EFFECT OR FOR A PERIOD OF SIX YEARS AFTER THE  
42 DATE ON WHICH THE PUBLIC CONTRACT TERMINATES.

43 C. THE TERMS OF A PUBLIC CONTRACT SHALL REQUIRE A RECIPIENT CONTRACTOR  
44 TO KEEP BOOKS, PAPERS AND OTHER RECORDS AND TO DOCUMENT THE CONTRACTOR'S  
45 PERFORMANCE UNDER THE TERMS OF THE PUBLIC CONTRACT, WITH PARTICULAR REFERENCE

1 TO THE CONTRACTOR'S COMPLIANCE WITH THE QUALITY STANDARDS SET FORTH IN THE  
2 CONTRACT IN AS MUCH DETAIL AS WILL ENABLE THE AUDITOR GENERAL TO CONDUCT AN  
3 AUDIT UNDER THIS SECTION. THE RECIPIENT CONTRACTOR SHALL KEEP THE RECORDS  
4 DESCRIBED IN THIS SUBSECTION FOR A PERIOD OF NO LESS THAN SIX YEARS AFTER THE  
5 DATE ON WHICH THE PUBLIC CONTRACT TERMINATES.

6 D. A LOCAL CONTRACTING AGENCY SHALL DESIGNATE A PERSON TO AUDIT  
7 CONTRACTOR PERFORMANCE UNDER A PUBLIC CONTRACT WITH THE LOCAL CONTRACTING  
8 AGENCY. THE PERSON THE LOCAL CONTRACTING AGENCY DESIGNATES TO CONDUCT THE  
9 AUDIT SHALL DO SO IN ACCORDANCE WITH THE STANDARDS PRESCRIBED IN THIS SECTION  
10 AND SHALL FOLLOW AS CLOSELY AS PRACTICABLE THE PROCEDURES EMPLOYED BY THE  
11 AUDITOR GENERAL.

12 E. THE CONTRACTING AGENCY AND THE RECIPIENT CONTRACTOR SHALL COOPERATE  
13 WITH THE AUDITING AGENCY IN ALL RESPECTS AND SHALL PERMIT FULL ACCESS TO ALL  
14 INFORMATION THAT THE AUDITING AGENCY DEEMS NECESSARY FOR A TRUE AND COMPLETE  
15 REVIEW.

16 ARTICLE 4. UNIFIED REPORTING

17 44-7841. Unified tax expenditure budget

18 A. NO LATER THAN SIXTY DAYS AFTER THE END OF THE FISCAL YEAR,  
19 DEPARTMENT OF REVENUE SHALL COMPILE A TAX EXPENDITURE BUDGET FOR THE PREVIOUS  
20 FISCAL YEAR AND PRESENT THE TAX EXPENDITURE BUDGET, INCLUDING AN ANALYSIS OF  
21 TAX EXPENDITURES, TO THE GOVERNOR AND THE LEGISLATURE. THE TAX EXPENDITURE  
22 BUDGET SHALL REPORT ON TAX EXPENDITURES WITH REVENUE IMPACTS OF AT LEAST FIVE  
23 THOUSAND DOLLARS IN THE AGGREGATE FOR A SPECIFIC TAX EXPENDITURE AND SHALL  
24 INCLUDE:

25 1. THE AMOUNT OF UNCOLLECTED STATE TAX REVENUES RESULTING FROM EVERY  
26 TAX CREDIT, ABATEMENT, EXEMPTION AND REDUCTION PROVIDED BY THIS STATE OR A  
27 LOCAL GOVERNMENTAL UNIT, INCLUDING GROSS RECEIPTS, INCOME, SALES, USE, RAW  
28 MATERIALS, EXCISE, PROPERTY, UTILITY AND INVENTORY TAXES.

29 2. THE NAME OF EACH CORPORATE TAXPAYER THAT CLAIMED ANY TAX CREDIT,  
30 ABATEMENT, EXEMPTION OR REDUCTION UNDER PARAGRAPH 1 OF THIS SUBSECTION AND  
31 THE DOLLAR AMOUNT RECEIVED BY EACH CORPORATION.

32 3. A PROJECTION OF THE COSTS OF TAX EXPENDITURES FOR ALL SIGNIFICANT  
33 GENERAL FUND REVENUE SOURCES.

34 4. THE IDENTIFICATION OF EACH TAX EXPENDITURE AND ITS STATUTORY BASIS,  
35 PURPOSE, YEAR OF ENACTMENT AND DATE OF REPEAL, IF ANY.

36 5. THE IDENTIFICATION, TO THE EXTENT POSSIBLE, OF THE BENEFICIARIES OF  
37 EACH TAX EXPENDITURE, INCLUDING THE NUMBER OF BUSINESSES THAT USED THE TAX  
38 EXPENDITURE AND THE NUMBER OF BUSINESSES THAT POTENTIALLY QUALIFIED FOR BUT  
39 FAILED TO USE THE TAX EXPENDITURE.

40 6. THE IDENTIFICATION OF ANY UNINTENDED CONSEQUENCES OF THE TAX  
41 EXPENDITURE THAT HAVE COME TO THE ATTENTION OF THE DEPARTMENT.

42 7. AN ESTIMATE OF TOTAL STATE REVENUE DISTRIBUTED FOR TAX EXPENDITURES  
43 IN THE CURRENT FISCAL YEAR.

44 8. AN ESTIMATE OF TOTAL STATE REVENUE TO BE DISTRIBUTED FOR TAX  
45 EXPENDITURES IN THE UPCOMING FISCAL YEAR.

1           9. ALL STATE APPROPRIATED EXPENDITURES FOR ECONOMIC DEVELOPMENT,  
2 INCLUDING LINE ITEM BUDGETS FOR EVERY STATE FUNDED ENTITY CONCERNED WITH  
3 ECONOMIC DEVELOPMENT, INCLUDING THE DEPARTMENT OF COMMERCE, THE DEPARTMENT OF  
4 ECONOMIC SECURITY, UNIVERSITY RESEARCH PROGRAMS, WORKFORCE INVESTMENT BOARDS,  
5 ECONOMIC DEVELOPMENT COMMISSIONS, INDUSTRIAL DEVELOPMENT AUTHORITIES,  
6 REGIONAL DEVELOPMENT AUTHORITIES AND FINANCE AUTHORITIES.

7           10. A COMPREHENSIVE PRESENTATION OF THE COSTS OF ALL DEVELOPMENT  
8 SUBSIDIES TO THIS STATE DURING THE PRIOR FISCAL YEAR, AN ESTIMATE OF THE  
9 ANTICIPATED COSTS OF DEVELOPMENT SUBSIDIES FOR THE CURRENT FISCAL YEAR AND AN  
10 ESTIMATE OF THE COSTS OF ALL DEVELOPMENT SUBSIDIES FOR THE FISCAL YEAR OF THE  
11 REQUESTED BUDGET, INCLUDING:

12           (a) THE TOTAL COST TO THIS STATE OF TAX EXPENDITURES RESULTING FROM  
13 THE DEVELOPMENT SUBSIDIES, THE COSTS FOR EACH CATEGORY OF TAX EXPENDITURE AND  
14 THE AMOUNTS OF TAX EXPENDITURES BY GEOGRAPHICAL AREA.

15           (b) THE COST TO THIS STATE OF ALL APPROPRIATED EXPENDITURES FOR  
16 DEVELOPMENT SUBSIDIES, INCLUDING LINE ITEM BUDGETS FOR EVERY STATE FUNDED  
17 ENTITY CONCERNED WITH ECONOMIC DEVELOPMENT.

18           B. ANY TAX CREDIT, ABATEMENT, EXEMPTION OR REDUCTION RECEIVED BY A  
19 CORPORATION OF LESS THAN FIVE THOUSAND DOLLARS EACH SHALL NOT BE ITEMIZED.  
20 THE DEPARTMENT OF REVENUE SHALL REPORT AN AGGREGATE DOLLAR AMOUNT OF THE  
21 EXPENDITURES AND THE NUMBER OF COMPANIES SO AGGREGATED FOR EACH TAX  
22 EXPENDITURE.

23           C. THE DEPARTMENT OF REVENUE MAY REQUEST FROM A STATE AGENCY OR A  
24 LOCAL GOVERNMENT AGENCY OFFICIAL INFORMATION NECESSARY TO COMPLETE THE TAX  
25 EXPENDITURE BUDGET REQUIRED BY THIS SECTION. AN AGENCY OR OFFICIAL SHALL  
26 COMPLY WITH A REQUEST MADE PURSUANT TO THIS SECTION BY THE DEPARTMENT.

27           D. BEFORE THE CONCLUSION OF ANY TAX EXPENDITURE UNDER SUBSECTION A,  
28 PARAGRAPH 1 OF A VALUE OF AT LEAST FIVE THOUSAND DOLLARS, THE DEPARTMENT OF  
29 REVENUE SHALL SUBMIT A REPORT TO THE LEGISLATURE AND GOVERNOR TO ASSESS  
30 WHETHER TO REAPPRAISE THE PARTICULAR TAX CREDIT, ABATEMENT, EXEMPTION OR  
31 REDUCTION THAT INCLUDES:

32           1. A STATEMENT OF THE PURPOSE SERVED BY THE TAX EXPENDITURE.

33           2. AN APPRAISAL OF THE TAX EXPENDITURE'S EFFECTIVENESS IN SERVING ITS  
34 PURPOSE.

35           3. AN EVALUATION OF WHETHER THE TAX EXPENDITURE SERVES A PUBLIC NEED.

36           4. AN EVALUATION OF WHETHER OTHER STATUTES HAVE ENHANCED OR IMPEDED  
37 THE TAX EXPENDITURE'S EFFECTIVENESS IN SERVING ITS PURPOSE.

38           5. AN APPRAISAL OF WHETHER THE TAX EXPENDITURE PROMOTES ECONOMIC  
39 GROWTH AND DEVELOPMENT.

40           6. AN ESTIMATE OF THE AMOUNT OF REVENUE LOST EACH FISCAL YEAR BECAUSE  
41 OF THE TAX EXPENDITURE.

42           7. A RECOMMENDATION AS TO WHETHER THE TAX EXPENDITURE SHOULD BE  
43 ALLOWED TO EXPIRE, BE RENEWED OR BE REPEALED.

44           8. ANY OTHER RELEVANT INFORMATION.

1 E. THE DEPARTMENT OF REVENUE SHALL COMPILE AND PUBLISH ALL DATA FROM  
2 THE REPORT IN BOTH WRITTEN AND ELECTRONIC FORMAT. THE REPORT SHALL BE  
3 INCLUDED ON THE DEPARTMENT OF REVENUE'S WEBSITE. THE WEBSITE SHALL PROVIDE  
4 AN EASILY ACCESSIBLE, SEARCHABLE DATABASE OF THE SPECIFIED DATA.

5 44-7842. Unified reporting of contracts

6 A. EACH CONTRACTING AGENCY SHALL PROVIDE A COMPREHENSIVE REPORT TO THE  
7 DEPARTMENT OF ADMINISTRATION NO LATER THAN THREE MONTHS AFTER THE END OF THE  
8 FISCAL YEAR DETAILING:

9 1. THE TOTAL NUMBER OF CONTRACTS THAT THE CONTRACTING AGENCY AWARDED  
10 IN THE PREVIOUS FISCAL YEAR ALONG WITH THE TOTAL EXPENDITURES FOR ALL OF THE  
11 CONTRACTS UP UNTIL THE DATE ON WHICH THE AGENCY PRODUCED THE REPORT,  
12 INCLUDING CONTRACTS FOR:

- 13 (a) CONSULTING SERVICES.
- 14 (b) CONSTRUCTION.
- 15 (c) EQUIPMENT.
- 16 (d) GRANTS.
- 17 (e) LEASES.
- 18 (f) MISCELLANEOUS SERVICES.
- 19 (g) PRINTING.
- 20 (h) REPAYMENT AGREEMENTS.
- 21 (i) INTERGOVERNMENTAL AGREEMENTS.
- 22 (j) GOODS.

23 2. THE TOTAL WORKFORCE OF THE CONTRACTING AGENCY.

24 3. THE TOTAL NUMBER OF PERSONS, INCLUDING SUBCONTRACTORS, THAT  
25 PROVIDED CONSULTING SERVICES TO THE AGENCY.

26 4. A CALCULATION OF CONTRACTORS AS A PERCENTAGE OF TOTAL AGENCY  
27 WORKFORCE.

28 5. THE TOTAL NUMBER OF MINORITIES, WOMEN OR EMERGING SMALL BUSINESSES  
29 THAT PROVIDED CONSULTING SERVICES TO THE CONTRACTING AGENCY.

30 6. THE TOTAL NUMBER OF BIDS OR PROPOSALS THE CONTRACTING AGENCY  
31 RECEIVED IN CONNECTION WITH EACH CONTRACT.

32 7. A DESCRIPTION OF THE TYPES OF CONTRACTS THE CONTRACTING AGENCY  
33 AWARDED.

34 8. THE FREQUENCY OF CONTRACTS AWARDED DURING THE PREVIOUS FISCAL YEAR  
35 ARRANGED BY THE NUMBER OF BIDS OR PROPOSALS AND THE SOURCE SELECTION METHOD.

36 9. THE NUMBER OF CONTRACTS NOT APPROVED BY THE CONTRACTING AGENCY  
37 DURING THE PREVIOUS FISCAL YEAR, THE REASONS FOR DISAPPROVAL ARRANGED BY  
38 CONTRACTING AGENCY AND SOURCE SELECTION METHOD AND THE NUMBER AND OUTCOME OF  
39 BID PROTESTS.

40 10. THE TOTAL COMPENSATION THE CONTRACTING AGENCY PAID TO EACH PERSON  
41 INCLUDING SUBCONTRACTORS, THAT PROVIDED CONSULTING SERVICES TO THE  
42 CONTRACTING AGENCY UNDER ALL CONTRACTS THE CONTRACTING AGENCY AWARDED TO THE  
43 PERSON.

44 11. THE AVERAGE WAGES PAID.



1 D. THE DEPARTMENT OF REVENUE SHALL COMPILE AND PUBLISH ALL DATA FROM  
2 THE REPORT IN BOTH WRITTEN AND ELECTRONIC FORMAT. THE REPORT SHALL BE  
3 INCLUDED ON THE DEPARTMENT OF REVENUE'S WEBSITE. THE WEBSITE SHALL PROVIDE  
4 AN EASILY ACCESSIBLE, SEARCHABLE DATABASE OF THE SPECIFIED DATA.

5 E. IF A POLITICAL SUBDIVISION THAT COLLECTS PROPERTY TAXES FAILS TO  
6 SUBMIT ITS REPORTS TO THE DEPARTMENT OF REVENUE WITHIN THE PRESCRIBED TIME,  
7 THE DEPARTMENT OF REVENUE SHALL NOTIFY THE STATE COMPTROLLER AND THE  
8 COMPTROLLER SHALL WITHHOLD FURTHER TAX REDUCTIONS OR ABATEMENTS TO THE  
9 DELINQUENT POLITICAL SUBDIVISION UNTIL THE POLITICAL SUBDIVISION FILES ITS  
10 REPORTS WITH THE DEPARTMENT OF REVENUE.

11 ARTICLE 5. CORPORATE TAX DISCLOSURE

12 44-7851. Tax disclosure statement; applicability

13 THE FOLLOWING CORPORATIONS, IF DOING BUSINESS IN THIS STATE, SHALL FILE  
14 WITH THE SECRETARY OF STATE THE STATEMENT DESCRIBED IN SECTION 44-7852:

15 1. ALL PUBLICLY TRADED CORPORATIONS, INCLUDING CORPORATIONS TRADED ON  
16 FOREIGN STOCK EXCHANGES.

17 2. ALL CORPORATIONS WITH FIFTY PER CENT OR MORE OF THE VOTING STOCK OF  
18 WHICH IS OWNED, DIRECTLY OR INDIRECTLY, BY A PUBLICLY TRADED CORPORATION.

19 44-7852. Tax disclosure statement; content

20 A. A TAX DISCLOSURE STATEMENT SHALL BE FILED ANNUALLY IN AN ELECTRONIC  
21 FORMAT SPECIFIED BY THE SECRETARY OF STATE NO MORE THAN THIRTY DAYS FOLLOWING  
22 THE FILING OF THE TAX RETURN REQUIRED BY TITLE 43, CHAPTER 11 OR, IN THE CASE  
23 OF A CORPORATION NOT REQUIRED TO FILE SUCH A TAX RETURN, WITHIN NINETY DAYS  
24 OF THE FILING OF SUCH CORPORATION'S FEDERAL TAX RETURN, INCLUDING THE  
25 CORPORATION'S INCLUSION IN A FEDERAL CONSOLIDATED RETURN. THE TAX DISCLOSURE  
26 STATEMENT SHALL CONTAIN THE INFORMATION SPECIFIED IN SUBSECTIONS B, C, D AND  
27 E OF THIS SECTION AND THE FOLLOWING INFORMATION:

28 1. THE NAME OF THE CORPORATION AND THE STREET ADDRESS OF ITS PRINCIPAL  
29 EXECUTIVE OFFICE.

30 2. THE NAME OF ANY CORPORATION THAT OWNS, DIRECTLY OR INDIRECTLY,  
31 FIFTY PER CENT OR MORE OF THE VOTING STOCK OF THE CORPORATION AND THE STREET  
32 ADDRESS OF THE FORMER CORPORATION'S PRINCIPAL EXECUTIVE OFFICE, IF DIFFERENT  
33 FROM PARAGRAPH 1 OF THIS SUBSECTION.

34 3. THE CORPORATION'S FOUR-DIGIT NORTH AMERICAN INDUSTRY CLASSIFICATION  
35 SYSTEM CODE NUMBER.

36 4. A UNIQUE CODE NUMBER THAT IS ASSIGNED BY THE SECRETARY OF STATE TO  
37 IDENTIFY THE CORPORATION AND THAT WILL REMAIN CONSTANT FROM YEAR TO YEAR.

38 B. THE FOLLOWING INFORMATION REPORTED ON OR USED IN PREPARING THE  
39 CORPORATION'S TAX RETURN FILED UNDER TITLE 43, CHAPTER 11, OR, IN THE CASE OF  
40 A CORPORATION INCLUDED IN A STATE CONSOLIDATED TAX RETURN, REPORTED ON OR  
41 USED IN PREPARING THE STATE CONSOLIDATED TAX RETURN FILED UNDER SECTION  
42 43-947, OR, IN THE CASE OF A CORPORATION NOT REQUIRED TO FILE A TAX RETURN  
43 UNDER TITLE 43, CHAPTER 11, THE INFORMATION THAT WOULD BE REQUIRED TO BE  
44 REPORTED ON OR USED IN PREPARING THE TAX RETURN WERE THE CORPORATION REQUIRED  
45 TO FILE SUCH A RETURN:

- 1           1. ARIZONA GROSS INCOME AS DEFINED BY SECTION 43-1101.
- 2           2. ARIZONA TAXABLE INCOME BEFORE NET OPERATING LOSS SUBTRACTION OR
- 3           APPORTIONMENT.
- 4           3. PROPERTY, PAYROLL AND SALES APPORTIONMENT FACTORS.
- 5           4. CALCULATED OVERALL APPORTIONMENT FACTOR IN THIS STATE.
- 6           5. TOTAL BUSINESS INCOME APPORTIONED TO THIS STATE.
- 7           6. NET OPERATING LOSS PURSUANT TO SECTION 43-1123.
- 8           7. TOTAL NONBUSINESS INCOME AND THE AMOUNT OF NONBUSINESS INCOME
- 9           ALLOCATED TO THE STATE.
- 10          8. TOTAL ARIZONA TAXABLE INCOME.
- 11          9. TOTAL TAX BEFORE CREDITS.
- 12          10. TAX CREDITS CLAIMED WITH EACH CREDIT INDIVIDUALLY ENUMERATED.
- 13          11. TAX DUE.
- 14          12. TAX PAID.
- 15          13. AMOUNT OF TAX PAID UNDER PROTEST, IF ANY.
- 16          C. THE FOLLOWING IS ADDITIONAL INFORMATION:
- 17           1. TOTAL DEDUCTIONS TAKEN ON THE FEDERAL RETURN FOR MANAGEMENT
- 18           SERVICES FEES, FOR RENT AND FOR ROYALTY, INTEREST, LICENSE FEE AND SIMILAR
- 19           PAYMENTS FOR THE USE OF INTANGIBLE PROPERTY PAID TO ANY AFFILIATED ENTITY
- 20           THAT IS NOT INCLUDED IN THE STATE CONSOLIDATED INCOME TAX RETURN, IF ANY,
- 21           THAT INCLUDES THE CORPORATION AND THE NAMES AND PRINCIPAL EXECUTIVE OFFICE
- 22           ADDRESSES OF THE ENTITIES TO WHICH THE PAYMENTS WERE MADE.
- 23           2. A DESCRIPTION OF THE SOURCE OF ANY NONBUSINESS INCOME REPORTED ON
- 24           THE RETURN AND THE IDENTIFICATION OF THE STATE TO WHICH SUCH INCOME WAS
- 25           REPORTED.
- 26           3. A LISTING OF ALL CORPORATIONS INCLUDED IN THE CONSOLIDATED TAX
- 27           RETURN THAT INCLUDES THE CORPORATION, IF SUCH A RETURN IS FILED, AND THE
- 28           CORPORATIONS' STATE IDENTIFICATION NUMBER ASSIGNED UNDER THIS SECTION.
- 29           4. FULL-TIME-EQUIVALENT EMPLOYMENT OF THE CORPORATION IN THIS STATE ON
- 30           THE LAST DAY OF THE TAXABLE YEAR FOR WHICH THE RETURN IS BEING FILED AND FOR
- 31           THE THREE PREVIOUS TAXABLE YEARS.
- 32           5. IN THE CASE OF A PUBLICLY TRADED CORPORATION INCORPORATED IN THE
- 33           UNITED STATES OR AN AFFILIATE OF SUCH A PUBLICLY TRADED CORPORATION, PROFITS
- 34           BEFORE TAX REPORTED ON THE SECURITIES AND EXCHANGE COMMISSION FORM 10-K FOR
- 35           THE CORPORATION OR THE CONSOLIDATED GROUP OF WHICH THE CORPORATION IS A
- 36           MEMBER FOR THE CORPORATE FISCAL YEAR THAT CONTAINS THE LAST DAY OF THE
- 37           TAXABLE YEAR FOR WHICH THE RETURN IS FILED.
- 38           6. ACCUMULATED TAX CREDIT CARRYOVERS, ENUMERATED BY CREDIT.
- 39          D. THE FOLLOWING INFORMATION REPORTED ON OR USED IN PREPARING THE
- 40          CORPORATION'S TAX RETURN FILED UNDER TITLE 43, CHAPTER 11, OR, IN THE CASE OF
- 41          A CORPORATION NOT REQUIRED TO FILE A TAX RETURN UNDER TITLE 43, CHAPTER 11,
- 42          THE INFORMATION THAT WOULD BE REQUIRED TO BE REPORTED ON OR USED IN PREPARING
- 43          THE TAX RETURN WERE THE CORPORATION REQUIRED TO FILE SUCH A RETURN:
- 44           1. ARIZONA GROSS INCOME OF THE UNITARY GROUP OF WHICH THE CORPORATION
- 45           IS A MEMBER.

- 1           2. ARIZONA TAXABLE INCOME OF THE UNITARY GROUP OF WHICH THE
- 2 CORPORATION IS A MEMBER BEFORE NET OPERATING LOSS SUBTRACTIONS OR
- 3 APPORTIONMENT.
- 4           3. PROPERTY, PAYROLL AND SALES APPORTIONMENT FACTORS OF THE
- 5 CORPORATION AS CALCULATED ON THE COMBINED REPORT.
- 6           4. CALCULATED OVERALL APPORTIONMENT FACTOR IN THIS STATE FOR THE
- 7 CORPORATION AS CALCULATED ON THE COMBINED REPORT.
- 8           5. TOTAL BUSINESS INCOME OF THE CORPORATION APPORTIONED TO THIS STATE.
- 9           6. NET OPERATING LOSS PURSUANT TO SECTION 43-1123, IF ANY, OF THE
- 10 CORPORATION APPORTIONED TO THIS STATE.
- 11           7. TOTAL NONBUSINESS INCOME OF THE CORPORATION AND THE AMOUNT OF
- 12 NONBUSINESS INCOME ALLOCATED TO THIS STATE.
- 13           8. TOTAL ARIZONA TAXABLE INCOME OF THE CORPORATION.
- 14           9. TOTAL TAX BEFORE CREDITS.
- 15           10. TAX DUE.
- 16           11. TAX PAID.
- 17           12. AMOUNT OF TAX PAID UNDER PROTEST, IF ANY.
- 18           E. THE FOLLOWING IS ADDITIONAL INFORMATION:
- 19           1. TOTAL DEDUCTIONS TAKEN ON THE FEDERAL RETURN FOR MANAGEMENT
- 20 SERVICES FEES, FOR RENT AND FOR ROYALTY, INTEREST, LICENSE FEE AND SIMILAR
- 21 PAYMENTS FOR THE USE OF INTANGIBLE PROPERTY PAID TO ANY AFFILIATED ENTITY
- 22 THAT IS NOT INCLUDED IN THE UNITARY COMBINED GROUP THAT INCLUDES THE
- 23 CORPORATION AND THE NAMES AND PRINCIPAL OFFICE ADDRESSES OF THE ENTITIES TO
- 24 WHICH THE PAYMENTS WERE MADE.
- 25           2. A DESCRIPTION OF THE SOURCE OF ANY NONBUSINESS INCOME REPORTED ON
- 26 THE RETURN AND THE IDENTIFICATION OF THE STATE TO WHICH SUCH INCOME WAS
- 27 REPORTED.
- 28           3. A LISTING OF ALL CORPORATIONS INCLUDED IN THE UNITARY GROUP THAT
- 29 INCLUDES THE CORPORATION, THE CORPORATION'S STATE IDENTIFICATION NUMBER
- 30 ASSIGNED UNDER THIS SECTION, IF APPLICABLE, AND A LISTING OF ALL VARIATIONS
- 31 IN THE UNITARY GROUP THAT INCLUDES THE CORPORATION USED IN FILING CORPORATE
- 32 INCOME OR FRANCHISE TAX RETURNS IN ANY OF THE FOLLOWING STATES:
- 33           (a) ALASKA.
- 34           (b) ARIZONA
- 35           (c) CALIFORNIA.
- 36           (d) COLORADO.
- 37           (e) HAWAII.
- 38           (f) IDAHO.
- 39           (g) ILLINOIS.
- 40           (h) KANSAS.
- 41           (i) MAINE.
- 42           (j) MINNESOTA.
- 43           (k) MONTANA.
- 44           (l) NEBRASKA.
- 45           (m) NEW HAMPSHIRE.

- 1 (n) NORTH DAKOTA.
- 2 (o) OREGON.
- 3 (p) UTAH.
- 4 (q) VERMONT.

5 4. FULL-TIME-EQUIVALENT EMPLOYMENT OF THE CORPORATION IN THIS STATE ON  
6 THE LAST DAY OF THE TAXABLE YEAR FOR WHICH THE RETURN IS BEING FILED AND FOR  
7 THE THREE PREVIOUS TAXABLE YEARS.

8 5. IN THE CASE OF A PUBLICLY-TRADED CORPORATION INCORPORATED IN THE  
9 UNITED STATES OR THE AFFILIATE OF SUCH A PUBLICLY-TRADED CORPORATION, PROFITS  
10 BEFORE TAX REPORTED ON THE SECURITIES AND EXCHANGE COMMISSION FORM 10-K FOR  
11 THE CORPORATION OR THE CONSOLIDATED GROUP OF WHICH THE CORPORATION IS A  
12 MEMBER FOR THE CORPORATE FISCAL YEAR THAT CONTAINS THE LAST DAY OF THE  
13 TAXABLE YEAR FOR WHICH THE RETURN IS FILED.

14 6. ACCUMULATED TAX CREDIT CARRYOVERS, ENUMERATED BY CREDIT.  
15 44-7853. Alternative statement option for corporations not  
16 required to file tax return

17 IN LIEU OF THE STATEMENT DESCRIBED IN SECTION 44-7852, A CORPORATION  
18 DOING BUSINESS IN THIS STATE BUT NOT REQUIRED TO FILE A TAX RETURN UNDER  
19 TITLE 43, CHAPTER 11 MAY ELECT TO FILE A STATEMENT WITH THE SECRETARY OF  
20 STATE ON A FORM SPECIFIED BY THE SECRETARY OF STATE CONTAINING THE FOLLOWING  
21 INFORMATION:

- 22 1. THE INFORMATION SPECIFIED IN SECTION 44-7852, SUBSECTION A.
- 23 2. AN EXPLANATION OF WHY THE CORPORATION IS NOT REQUIRED TO FILE A  
24 CORPORATE INCOME TAX RETURN IN THIS STATE. THIS EXPLANATION MAY TAKE THE  
25 FORM OF CHECKING ONE OR MORE POSSIBLE EXPLANATIONS SPECIFIED ON THE FORM.
- 26 3. IDENTIFICATION OF WHICH OF THE FOLLOWING RANGES THE CORPORATION'S  
27 TOTAL GROSS RECEIPTS FROM SALES TO PURCHASERS IN THIS STATE FELL INTO THE  
28 TAXABLE YEAR FOR WHICH THIS STATEMENT IS FILED:
  - 29 (a) LESS THAN TEN MILLION DOLLARS.
  - 30 (b) AT LEAST TEN MILLION DOLLARS BUT LESS THAN FIFTY MILLION DOLLARS.
  - 31 (c) AT LEAST FIFTY MILLION DOLLARS BUT LESS THAN ONE HUNDRED MILLION  
32 DOLLARS.
  - 33 (d) AT LEAST ONE HUNDRED MILLION DOLLARS BUT LESS THAN TWO HUNDRED  
34 FIFTY MILLION DOLLARS.
  - 35 (e) AT LEAST TWO HUNDRED FIFTY MILLION DOLLARS.

36 44-7854. Supplemental information; statement  
37 ANY CORPORATION SUBMITTING A STATEMENT REQUIRED BY THIS ARTICLE MAY  
38 SUBMIT SUPPLEMENTAL INFORMATION THAT, IN THE CORPORATION'S SOLE JUDGMENT,  
39 COULD FACILITATE PROPER INTERPRETATION OF THE INFORMATION INCLUDED IN THE  
40 STATEMENT. THE MECHANISMS OF PUBLIC DISSEMINATION OF THE INFORMATION  
41 CONTAINED IN THE STATEMENTS SHALL ENSURE THAT ANY SUPPLEMENTAL INFORMATION BE  
42 PUBLICLY AVAILABLE AND THAT NOTIFICATION OF ITS AVAILABILITY SHALL BE MADE TO  
43 ANY PERSON SEEKING INFORMATION CONTAINED IN A STATEMENT.

1           44-7855. Amended tax disclosure statements: requirement

2           IF A CORPORATION FILES AN AMENDED TAX RETURN, THE CORPORATION SHALL  
3 FILE A REVISED STATEMENT WITHIN SIXTY CALENDAR DAYS AFTER THE AMENDED RETURN  
4 IS FILED. IF A CORPORATION'S TAX LIABILITY FOR A TAXABLE YEAR IS CHANGED AS  
5 THE RESULT OF AN UNCONTESTED AUDIT ADJUSTMENT OR FINAL DETERMINATION OF  
6 LIABILITY BY THE DEPARTMENT OF REVENUE OR BY A COURT OF LAW, THE CORPORATION  
7 SHALL FILE A REVISED STATEMENT WITHIN SIXTY CALENDAR DAYS AFTER THE FINAL  
8 DETERMINATION OF LIABILITY.

9           44-7856. Public access to tax disclosure statements

10          THE STATEMENTS REQUIRED UNDER THIS ARTICLE SHALL BE A PUBLIC RECORD.  
11 THE SECRETARY OF STATE SHALL MAKE ALL INFORMATION CONTAINED IN THE STATEMENTS  
12 REQUIRED UNDER THIS ARTICLE FOR ALL FILING CORPORATIONS AVAILABLE TO THE  
13 PUBLIC ON AN ONGOING BASIS IN THE FORM OF A SEARCHABLE DATABASE ACCESSIBLE  
14 THROUGH THE INTERNET. THE SECRETARY OF STATE SHALL MAKE AVAILABLE AND SET  
15 CHARGES FOR PROVIDING COPIES ON APPROPRIATE COMPUTER READABLE MEDIA OF THE  
16 ENTIRE DATABASE FOR STATEMENTS FILED DURING EACH CALENDAR YEAR AS WELL AS  
17 HARD COPIES OF AN INDIVIDUAL ANNUAL STATEMENT FOR A SPECIFIC CORPORATION. A  
18 STATEMENT FOR ANY CORPORATION FOR A PARTICULAR TAX YEAR SHALL NOT BE PUBLICLY  
19 AVAILABLE UNTIL THE FIRST DAY OF THE THIRD CALENDAR YEAR THAT FOLLOWS THE  
20 CALENDAR YEAR IN WHICH THE PARTICULAR TAX YEAR ENDS.

21          44-7857. Enforcing compliance

22          THE ACCURACY OF THE STATEMENTS REQUIRED UNDER THIS ARTICLE SHALL BE  
23 ATTESTED TO IN WRITING BY THE CHIEF OPERATING OFFICER OF THE CORPORATION AND  
24 SHALL BE SUBJECT TO AUDIT BY THE DEPARTMENT OF REVENUE AS THE AGENT OF THE  
25 SECRETARY OF STATE IN THE COURSE OF AND UNDER THE NORMAL PROCEDURES  
26 APPLICABLE TO CORPORATE INCOME TAX RETURN AUDITS. THE SECRETARY OF STATE  
27 SHALL DEVELOP AND IMPLEMENT AN OVERSIGHT AND PENALTY SYSTEM APPLICABLE TO  
28 BOTH THE CHIEF OPERATING OFFICER OF THE CORPORATION AND THE CORPORATION  
29 ITSELF TO ENSURE THAT CORPORATIONS DOING BUSINESS IN THIS STATE, INCLUDING  
30 THOSE NOT REQUIRED TO FILE A RETURN UNDER TITLE 43, CHAPTER 11, SHALL PROVIDE  
31 THE REQUIRED ATTESTATION AND DISCLOSURE STATEMENTS, RESPECTIVELY, IN A TIMELY  
32 AND ACCURATE MANNER. THE SECRETARY OF STATE SHALL PUBLISH THE NAME AND  
33 PENALTY IMPOSED ON ANY CORPORATION SUBJECT TO A PENALTY FOR FAILING TO FILE  
34 THE REQUIRED STATEMENT OR FILING AN INACCURATE STATEMENT. THE SECRETARY OF  
35 STATE SHALL ADOPT RULES TO IMPLEMENT THIS ARTICLE.