

REFERENCE TITLE: procurement; information content provider; prohibition

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1135

Introduced by
Senator Rogers

AN ACT

AMENDING SECTION 41-2511, ARIZONA REVISED STATUTES; RELATING TO THE
PROCUREMENT CODE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 41-2511, Arizona Revised Statutes, is amended to
3 read:

4 41-2511. Authority of the director

5 A. Except as otherwise provided in this chapter, the director may
6 adopt rules, consistent with this chapter, governing the procurement and
7 management of all materials, services and construction to be procured by
8 this state and the disposal of materials.

9 B. The director shall serve as the central procurement officer of
10 this state.

11 C. Except as otherwise provided in this chapter, the director
12 shall, in accordance with rules adopted under this chapter:

13 1. Procure or supervise the procurement of all materials, services
14 and construction needed by this state.

15 2. Establish guidelines for the management of all inventories of
16 materials belonging to this state.

17 3. Sell, trade or otherwise dispose of surplus materials belonging
18 to this state.

19 4. Establish and maintain programs for the inspection, testing and
20 acceptance of materials, services and construction.

21 5. Establish and maintain programs to ensure procurement compliance
22 with this chapter and applicable rules.

23 6. Establish and maintain a mandatory procurement training and
24 certification program to ensure consistency in procurement practices for
25 those authorized to perform procurement functions under this chapter.

26 7. Employ staff as necessary to perform the duties prescribed in
27 this chapter.

28 8. Establish procurement offices as the director determines
29 necessary to maintain an effective and efficient program of procurement
30 administration.

31 9. Provide consultation to state agency management in all aspects
32 of procurement to increase efficiency and economy in state agencies by
33 improving the methods of procurement with full recognition of the
34 requirements and needs of management.

35 10. Enter into agreements with any state government unit or
36 political subdivision of this state or agency of a political subdivision
37 of this state to furnish procurement administration services and
38 facilities of the department. Unless monies have been appropriated by the
39 legislature for this purpose, any agreement shall provide for
40 reimbursement to this state of the actual cost of the services and
41 facilities furnished, as determined by the director.

42 11. Enter into agreements with the attorney general for dedicated
43 legal resources to support any state governmental unit in procurement
44 legal matters, including negotiations, protests and appeals.

1 12. BEGINNING ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS
2 SECTION, TERMINATE OR DIRECT ANY STATE GOVERNMENT UNIT OR POLITICAL
3 SUBDIVISION OF THIS STATE TO TERMINATE ANY EXISTING CONTRACT BETWEEN THIS
4 STATE OR A POLITICAL SUBDIVISION OF THIS STATE AND A CONTRACTOR THAT IS AN
5 INFORMATION CONTENT PROVIDER AS DEFINED IN 47 UNITED STATES CODE SECTION
6 230 AND THAT HAS ENGAGED IN TARGETED CENSORSHIP OR THAT IS A QUALIFIED
7 MARKETPLACE PLATFORM AS DEFINED IN SECTION 41-1002 AND THAT HAS ENGAGED IN
8 TARGETED CENSORSHIP. STATE GOVERNMENT UNITS AND POLITICAL SUBDIVISIONS OF
9 THIS STATE MAY NOT CONTRACT WITH AN INFORMATION CONTENT PROVIDER AS
10 DEFINED IN 47 UNITED STATES CODE SECTION 230 THAT HAS ENGAGED IN TARGETED
11 CENSORSHIP OR WITH A QUALIFIED MARKETPLACE PLATFORM AS DEFINED IN SECTION
12 41-1002 THAT HAS ENGAGED IN TARGETED CENSORSHIP. FOR THE PURPOSES OF THIS
13 PARAGRAPH, "TARGETED CENSORSHIP":

14 (a) MEANS DELETING OR PLACING A DISCLAIMER ON ANY FORM OF FREE
15 SPEECH THAT IS UNEQUALLY APPLIED BASED ON A PARTICULAR BELIEF THAT IS
16 EXPRESSED IN ANY FORM, INCLUDING WORDS, ART, MULTIMEDIA, INTERNET
17 PLATFORMS OR COMPUTER OR PHONE APPLICATIONS.

18 (b) DOES NOT INCLUDE THE DELETION OF DIRECT THREATS TO HARM ANOTHER
19 PERSON OR A PUBLIC ENTITY, PORNOGRAPHY THAT VIOLATES THE LAW OR ANY
20 SUBJECT MATTER THAT THE USER HAS SET THE USER'S SETTINGS TO INCLUDE.