Conference Engrossed

FILED

KEN BENNETT
SECRETARY OF STATE

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

CHAPTER 288

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)

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

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

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

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

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

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

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

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

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

C. The database shall include the following information:

1. Annual receipts of revenues, including:

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

(b) Taxes.

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

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

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

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

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

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

(b) Contractual services and cooperative agreements.

(c) Commodities.

(d) Capital outlay.

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

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

D. Expenditure data shall list:

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

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

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

4. The date and amount of each payment.

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

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

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

E. The database shall not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

3. A STATE UNIVERSITY.

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

CHAPTER 46

GOVERNMENTAL REPORTING OF INFORMATION

ARTICLE 1. GENERAL PROVISIONS

41-4601. Definitions

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

2. "LOCAL GOVERNMENT" MEANS:

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

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

C. A STATE UNIVERSITY.

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

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

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

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

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

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

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

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

41-4603. Reporting of public funding for public communications

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

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

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

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

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

Sec. 3. Legislative intent

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

APPROVED BY THE GOVERNOR MAY 10, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 10, 2010.

Passed the House March 11, 2010

by the following vote: 52 Ayes,

6 Nays, 1 Not Voting

1 vacancy

Speaker of the House

Pro Tempore

Chief Clerk of the House

Passed the Senate April 19, 20 10

by the following vote: 26 Ayes,

1 Nays, 3 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

_____ day of _____, 20_____

at _____ o'clock _____M.

_____
Secretary to the Governor

Approved this _____day of

_____

at _____o'clock _____M.

_____
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this _____ day of _____, 20_____

at _____ o'clock _____M.

_____
Secretary of State

H.B. 2282

HOUSE FINAL PASSAGE
as per Joint Conference

Passed the House April 28, 2010

by the following vote: 32 Ayes,

27 Nays, 1 Not Voting

Speaker of the House

Cheryl Laube
Chief Clerk of the House

SENATE FINAL PASSAGE
as per Joint Conference

Passed the Senate April 28, 2010

by the following vote: 27 Ayes,

3 Nays, 0 Not Voting

President of the Senate

Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

29 day of April, 2010

at 11:50 o'clock A. M.

Secretary to the Governor

Approved this 10 day of

May, 2010

at 11:45 o'clock A. M.

Janice K. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 10th day of May, 2010

at 4:10 o'clock P. M.

Ken Bennett
Secretary of State

H.B. 2282