

REFERENCE TITLE: state expenditures; searchable database; transparency

State of Arizona
Senate
Forty-eighth Legislature
Second Regular Session
2008

SB 1235

Introduced by
Senator O'Halleran; Representatives Mason, Tobin

AN ACT

AMENDING TITLE 41, CHAPTER 4, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-725; RELATING TO STATE FINANCIAL DISCLOSURE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 41, chapter 4, article 3, Arizona Revised Statutes,
3 is amended by adding section 41-725, to read:

4 41-725. Full disclosure of state contracts; searchable database

5 A. ON OR BEFORE JANUARY 1, 2013, THE DEPARTMENT SHALL ESTABLISH AND
6 MAINTAIN AN OFFICIAL INTERNET WEBSITE THAT IS ELECTRONICALLY SEARCHABLE BY
7 THE PUBLIC AT NO COST AND THAT CONTAINS A COMPREHENSIVE DATABASE OF CONTRACTS
8 BETWEEN ALL STATE BUDGET UNITS, AS DEFINED IN SECTION 35-101, AND PRIVATE
9 PROVIDERS OF GOODS AND SERVICES.

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 CONTRACTS BY INDIVIDUAL BUDGET UNITS AND
14 PROGRAMS.

15 2. SEARCH AND AGGREGATE CONTRACTS BY INDIVIDUAL CONTRACTORS, INCLUDING
16 THE TOTAL AMOUNT OF STATE FUNDING AWARDED BY ALL BUDGET UNITS TO INDIVIDUAL
17 CONTRACTORS.

18 3. DOWNLOAD INFORMATION YIELDED BY A SEARCH OF THE DATABASE.

19 C. THE DATABASE SHALL INCLUDE THE FOLLOWING INFORMATION WITH RESPECT
20 TO INDIVIDUAL CONTRACTS:

21 1. THE MANNER OF PAYMENT, INCLUDING CHECK OR WARRANT OR CREDIT, DEBIT
22 OR OTHER PURCHASE CARD.

23 2. THE FUNDING SOURCE, INCLUDING CATEGORICAL CODES AND THE STATE
24 ACCOUNTS THE EXPENDITURE IS APPROPRIATED FROM.

25 3. A STANDARDIZED DESCRIPTIVE TITLE OF THE TYPE AND PURPOSE OF THE
26 TRANSACTION.

27 4. THE DATE AND AMOUNT OF EACH PAYMENT.

28 5. THE BUDGET UNIT MAKING THE PAYMENT.

29 6. THE NAME OF THE CONTRACTOR RECEIVING THE PAYMENT, INCLUDING A
30 PARENT ENTITY OF THE RECIPIENT IF THE RECIPIENT IS OWNED BY ANOTHER ENTITY.

31 7. THE PRIMARY LOCATION OF PERFORMANCE UNDER THE CONTRACT, INCLUDING
32 THE COUNTY, CITY OR TOWN AND LEGISLATIVE DISTRICT.

33 D. THE DATABASE SHALL NOT INCLUDE:

34 1. INDIVIDUAL CONTRACTS, OR ANY SERIES OF PAYMENTS TO THE SAME
35 CONTRACTOR, CUMULATING LESS THAN TWENTY-FIVE THOUSAND DOLLARS IN A FISCAL
36 YEAR.

37 2. TAX PAYMENT OR REFUND DATA THAT INCLUDE CONFIDENTIAL TAXPAYER
38 INFORMATION.

39 3. DATA RELATING TO PAYMENTS OF STATE ASSISTANCE TO INDIVIDUAL
40 RECIPIENTS.

41 4. PAYEES' ADDRESSES OR TELEPHONE NUMBERS, BUT THE DEPARTMENT MAY
42 ALLOW PUBLIC ACCESS IN THE DATABASE TO INFORMATION IDENTIFYING THE COUNTY IN
43 WHICH THE PAYEE IS LOCATED.

1 5. ANY OTHER INFORMATION THAT IS DESIGNATED BY LAW AS CONFIDENTIAL OR
2 IDENTIFIED BY THE BUDGET UNIT AS EXCEPTED FROM REQUIRED DISCLOSURE. THE
3 DEPARTMENT AND ANY OFFICER OR EMPLOYEE OF THE DEPARTMENT:

4 (a) MAY RELY ON A DETERMINATION MADE BY A BUDGET UNIT REGARDING
5 CONFIDENTIALITY OF INFORMATION RELATING TO THE BUDGET UNIT'S EXPENDITURES.

6 (b) ARE IMMUNE FROM CIVIL LIABILITY FOR POSTING CONFIDENTIAL
7 INFORMATION UNDER THIS SECTION IF THE POSTING IS IN RELIANCE ON THE BUDGET
8 UNIT'S DETERMINATION RELATING TO CONFIDENTIALITY.

9 E. EACH BUDGET UNIT SHALL COOPERATE WITH THE DEPARTMENT AS NECESSARY
10 TO IMPLEMENT AND ADMINISTER THIS SECTION. EACH BUDGET UNIT SHALL PROVIDE TO
11 THE TREASURER ALL DATA THAT ARE REQUIRED TO BE INCLUDED IN THE DATABASE
12 WITHIN THIRTY DAYS AFTER THE DATA BECOME AVAILABLE TO THE BUDGET UNIT. THE
13 DATABASE SHALL BE UPDATED WITHIN THIRTY DAYS AFTER THE END OF EACH FISCAL
14 YEAR AND MAY BE UPDATED AS NEW DATA BECOME AVAILABLE. THE DATA SHALL BE
15 RETAINED IN THE DATABASE FOR AT LEAST TEN FULL FISCAL YEARS.

16 F. THE GOVERNOR, SECRETARY OF STATE, STATE TREASURER AND LEGISLATURE
17 SHALL INCLUDE A LINK TO THE DATABASE UNDER THIS SECTION IN THEIR INDIVIDUAL
18 OFFICIAL WEBSITES. EACH BUDGET UNIT THAT MAINTAINS A GENERALLY ACCESSIBLE
19 INTERNET WEBSITE, OR FOR WHICH A GENERALLY ACCESSIBLE WEBSITE IS MAINTAINED,
20 SHALL INCLUDE A LINK ON THAT WEBSITE TO THE DATABASE UNDER THIS SECTION.

21 Sec. 2. Initial deployment of database; report

22 A. The department of administration may initiate the searchable
23 database of state contracts under section 41-725, Arizona Revised Statutes,
24 as added by this act, in phases as necessary to ensure its orderly and
25 effective development.

26 B. On or before July 1, 2009, the department shall submit a written
27 report to the governor, the president of the senate and the speaker of the
28 house of representatives on the progress and plans for the full
29 implementation of the database. The report shall include details of the
30 development of the database, encountered and anticipated costs and necessary
31 changes in accounting, reporting, procurement and other administrative
32 practices to ensure that required governmental information becomes available
33 in a timely, standardized, uniform and meaningful format from all budget
34 units as required by law and that will be useful to the public.