For An Act To Be Entitled

AN ACT TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION TO PUBLISH A DATABASE OF STATE GOVERNMENT EXPENDITURES.

Subtitle

THE ARKANSAS FINANCIAL TRANSPARENCY ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code Title 25, Chapter 1 is amended to add an additional subchapter to read as follows:

SUBCHAPTER 4 – ARKANSAS FINANCIAL TRANSPARENCY ACT

25-1-401. Title.
This subchapter shall be known and may be cited as the "Arkansas Financial Transparency Act".

25-1-402. Legislative intent.
The General Assembly finds that:

(1) Information technology has evolved to allow unprecedented levels of accessibility to financial information;
(2) Information technology allowing access to expenditure information via the Internet now exists and is available to state government; and

(3) Access to expenditures on an ongoing and regular basis will:
   (A) Assist citizens and members of the General Assembly in overseeing the operation of state government in Arkansas; and
   (B) Allow for a higher degree of accountability and efficiency in the workings of all branches of state government.

As used in this section:

(1)(A) "Expenditure data" means information provided by a state agency regarding the spending of public funds that adequately identifies the purpose, amount, payor, and vendor, if such disclosure is permissible under the Arkansas Freedom of Information Act of 1967, § 25-19-101 et seq., and federal laws or regulations.

(B) "Expenditure data" does not include expenses of pending litigation;

(2)(A) “State agency” means any agency, department, authority, board, commission, bureau, council, or other agency of the state excluding institutions of higher education.

(B) "State agency" includes without limitation:
   (i) The offices of the Governor, Lieutenant Governor, Attorney General, Secretary of State, Treasurer of State, Auditor of State and Commissioner of State Lands;
   (ii) Legislative commissions, bureaus, and offices;
   (iii) Judicial offices;
   (iv) Constitutional offices, commissions and departments that receive a state appropriation for the expenditure of state funds, special revenues, or federal funds; and
   (v) The Arkansas Lottery Commission;

(3) “Vendor” means an entity that:
   (A) Provides goods and services within its normal business operations;
   (B) May provide similar goods and services to many different purchasers; and
(C) Operates in a competitive environment; and

(4) "Website" means a site on the Internet:
   (A) Identifiable by a specific Uniform Resource Locator;
   (B) Accessible to the public at no cost; and
   (C) Requiring no information of the user.

25-1-404. Duties of Department of Finance and Administration.
(a) The Department of Finance and Administration shall:
   (1) Establish standards and criteria for each state agency to
       report financial expenditures;
   (2) Develop and maintain a database of financial information as
       set forth in this subchapter; and
   (3) Develop a website presenting expenditure data for each state
       agency that shall:
       (A) Report expenditure data in a common format;
       (B) Include expenditures of state government, whether held
           in the State Treasury or commercial bank accounts;
       (C) Allow searches of financial data in common format; and
       (D)(i) Be updated on a regular basis to present
           expenditure data for the current fiscal year and prior year’s annual
           expenditures, starting with the 2013 fiscal year.
           (ii) The website shall retain expenditure data for
                each state fiscal year, starting with the 2013 fiscal year, until ten (10)
                such years are available, after which the website shall retain at least ten
                (10) years of expenditure data.
   (b) Revenue shall be reported at the state agency level by:
       (1) The source of funding, including without limitation
donations and gifts;
       (2) General ledger codes as defined by rule of the department;

   and

   (3) Year to date.

   (c) A state agency shall report information on expenditures by:
       (1) Budget classification;
       (2) General ledger code as defined by rule of the department;
       (3) Year to date; and
       (4) Vendor.
(d) A state agency shall report information on compensation of state employees by:
   (1) Agency;
   (2) Employee name;
   (3) Title;
   (4) Position number; and
   (5) Annual salary.

(e) A state agency shall report information on bonded indebtedness by the:
   (1) Original obligation amount or principal;
   (2) Original interest rate;
   (3) Statutory authority for the debt;
   (4) Issuance date and description, including without limitation whether the current issuance is an original issue or a reissue of indebtedness;
   (5) Term of the obligation;
   (6) Source of funding for repayment; and
   (7) Remaining principal.

(f) Information regarding payments to city and county governments shall be provided in a manner prescribed by rule of the department.

(g) A state agency shall report information on contracts by the:
   (1) Date of contract;
   (2) Vendor;
   (3) Estimated total contract value; and
   (4) Type of contract, whether professional services, commodities, capital outlay, or other type of contract.

(h) The department may promulgate rules to implement this section, including without limitation rules concerning the reporting of additional information under this section.


(a) Each state agency shall:
   (1) Cooperate with the Department of Finance and Administration in meeting the requirements of this subchapter; and
   (2) Take actions necessary to provide information under this
subchapter.

   (b)(1) The department shall report annually to the Legislative Council the name of each state agency failing to provide information under this subchapter.

   (2) A copy of the report under subdivision (b)(1) of this section shall be posted on the website required by this subchapter immediately after presentation to the Legislative Council.

   (c) The Arkansas Lottery Commission shall pay the costs of providing expenditure information for the commission in the common format determined by the department.

SECTION 2. TEMPORARY LANGUAGE. NOT TO BE CODIFIED.

   (a) The website established by this act shall be operational and able to meet the requirements of this act by July 1, 2012.

   (b) The Department of Finance and Administration shall report to the Legislative Council no later than April 1, 2012, on efforts to comply with this act.

/s/J. Dismang

APPROVED: 03/17/2011