

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009

A Bill

HOUSE BILL 1053

4
5 By: Representatives Greenberg, Carter, Lea
6
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For An Act To Be Entitled

9 AN ACT CONCERNING THE CREATION OF A STATE
10 DATABASE CONTAINING INFORMATION ON STATE
11 EXPENDITURES; AND FOR OTHER PURPOSES.
12

Subtitle

13 THE OPEN CHECKBOOKS IN GOVERNMENT ACT.
14
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code Title 25, Chapter 1 is amended to add an
20 additional subchapter to read as follows:
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22 25-1-401. Short title.

23 This subchapter shall be known and may be cited as the "Open Checkbooks
24 in Government Act".
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26 25-1-402. Definitions.

27 As used in this section:

28 (1) "Expenditure of state funds" means the disbursement or
29 transfer of funds, whether appropriated or nonappropriated, from any source
30 by any office, department, agency, division, bureau, commission, or board of
31 the state;

32 (2) "Public meetings" means the same as defined at § 25-19-
33 103(4);

34 (3) "Searchable website" means an Internet site that:

35 (A) Allows the public to access information identified in
36 this act without a fee or charge to the public for the access;



1 (B) Provides keyword search capability to provide the
 2 public with the ability to find, aggregate, and display information with
 3 relative ease;

4 (C) Provides the ability to programmatically search and
 5 access all data in a structured machine readable format, including without
 6 limitation extensible markup language, via a web-services application
 7 programming interface; and

8 (D) Is easily indexed by commercial search engines; and

9 (4) "State agency" means a board, commission, department,
 10 division, institution, and other office of state government whether located
 11 within the legislative, executive, or judicial branch of government and
 12 includes state-supported colleges and universities.

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 14 25-1-403. Development of website.

15 (a) The Department of Finance and Administration shall develop and
 16 operate a searchable website that shall include information on expenditures
 17 of state funds and bond proceeds.

18 (b) With regard to disbursement of funds, the searchable website shall
 19 include without limitation:

20 (1) The name and principal location of the entity or recipients
 21 of the funds, excluding release of information relating to an individual's
 22 place of residence, the identity of recipients of state or federal assistance
 23 payments, and other information rendered confidential by state or federal law
 24 relating to privacy rights;

25 (2) The amount of state funds expended;

26 (3) A descriptive purpose of the funding action or expenditure;

27 (4) The general source of authority for the expenditure,
 28 including without limitation legislative appropriation line item or bond
 29 issue;

30 (5)(A) The specific source of authority for the expenditure,
 31 including without limitation a grant, contract, subcontract, or the general
 32 discretion of the agency director.

33 (B) If the authority is a grant, contract, or subcontract,
 34 the website entry shall include a grant or contract number or similar
 35 information that clearly identifies the document;

36 (6) The funding or expending agency;

1 (7) The type of transaction; and

2 (8) Other information deemed relevant by the department.

3 (c)(1) An electronic copy of each grant, contract, subcontract, and
4 purchase order executed on or after the effective date of the website shall
5 be posted on the searchable web site.

6 (2) If the department determines that electronic copies of
7 grants, contracts, subcontracts, and purchase orders could be better
8 administered by another state agency, the department may cooperate with the
9 state agency to accomplish the requirements of this subsection.

10 (d) The department shall update the searchable website as soon as
11 possible after each expenditure is made, grant awarded, or contract or
12 subcontract executed.

13 (e) The searchable website shall be given a universal resource locator
14 or Internet protocol address that:

15 (1) Is unique; and

16 (2) To the extent practicable, uses simple and nontechnical
17 terms that will enhance the searchable website’s accessibility to members of
18 the public.

19 (f)(1) The searchable website shall contain a listing of all public
20 meetings, including without limitation the following information:

21 (A) The dates of all public meetings; and

22 (B) The locations of all public meetings.

23 (2) Each state agency shall notify the department of the date
24 and location of all public meetings.

25 (g) Each state agency that maintains a generally accessible Internet
26 site or for which a generally accessible Internet site is maintained shall
27 prominently display a link on its Internet site to the searchable website.

28 (h) Each state agency shall cooperate with the department in compiling
29 and providing all information necessary to comply with this subchapter.

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31 25-1-404. Disclosure of confidential information.

32 Nothing in this subchapter shall permit or require the disclosure of
33 trade secrets or other proprietary information, including without limitation
34 confidential vendor information or other information rendered confidential by
35 state or federal law.

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1 25-1-405. Rules.

2 (a) The Department of Finance and Administration shall promulgate
3 rules to implement this section.

4 (b) The rules shall include without limitation:

5 (1) A form for a state agency to provide information required by
6 this subchapter; and

7 (2) Timelines for a state agency to report information required
8 by this subchapter.

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