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SENATE BILL NO. 585

Offered January 9, 2008

Prefiled January 9, 2008

A *BILL* to amend the Code of Virginia by adding a section numbered 2.2-1501.1, relating to creating a searchable budget database website.

Patrons—Cuccinelli, Hurt, Martin, Newman, Obenshain, Petersen, Smith, Vogel and Wagner

Referred to Committee on General Laws and Technology

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-1501.1 as follows:

§ 2.2-1501.1. Department to maintain a searchable budget database website.

As used in this section, the term or phrase:

"Agency" means a state agency, department, office, authority, board, court, commission, bureau, division, institution, or institution of higher education. The term includes (i) individual state agencies and programs, as well as those programs and activities that cross agency lines, and (ii) all elective offices in the executive branch of government and legislature.

"Entity or recipients" means (i) a corporation, (ii) an association, (iii) a union, (iv) a limited liability company, (v) a limited liability partnership, (vi) any other legal business entity including non-profits, (vii) grantees, (viii) contractors, and (ix) a county, city, town, or other local government entity. The term shall not include an individual recipient of state assistance.

"Funding action or expenditure" means details on the type of state spending (grant, contract, appropriations, etc.). Where possible, a hyperlink to the actual grants or contracts shall be provided by the Director. Funding action or expenditure shall include tax exemptions, subtractions, deductions, or credits.

"Funding source" means the state account the expenditure is appropriated from.

"Searchable budget database website" means a website that allows the public at no cost to search and aggregate information for individual or specific appropriations or budget items as follows:

1. the name and principal location or residence of the entity or recipients of funds;
2. the amount of funds expended;
3. the funding or expending agency;
4. the funding source of the revenue expended;
5. the budget program/activity of the expenditure;
6. a descriptive purpose for the funding action or expenditure;
7. the expected performance outcome for the funding action or expenditure;
8. the past performance outcomes achieved for the funding action or expenditure;
9. any state audit or report relating to the entity or recipient of funds or the budget program/activity or agency; and
10. any other relevant information specified by the Department.

The searchable budget database website shall also include information for individual or specific appropriations or budget items relating to:

1. disbursements by state agencies of funds deposited in the state treasury;
2. bond debt payments;
3. salaries and wages including, but not limited to, compensation paid to directors or other heads of state agencies;
4. commodities including, but not limited to, amounts paid to the entity or recipients;
5. capital outlay including, but not limited to, amounts paid to the entity or recipients;
6. debt service including, but not limited to, amounts of bond interest paid and sources of funds paid for individual bond issues;
7. aid to counties, cities, towns, or other local government entities including, but not limited to, for individually identifiable aid programs;
8. other assistance and benefits; and
9. capital improvements including, but not limited to, amounts of bond principal paid and sources of funds paid for individual bond issues.

The searchable budget database website shall also allow the public at no cost to search and aggregate information for:

1. receipts or deposits by any state agency into the general fund and other funds established under law;

2. general fund or nongeneral fund taxes or fees including, but not limited to, compulsory contributions imposed by the state for the purpose of financing services;

3. state agency earnings including, but not limited to, amounts collected by each state agency for merchandise sold, services performed, licenses and permits issued, or regulation;

4. revenue for the use of money and property including, but not limited to, amounts received for compensation for the use of state-owned money and property;

5. gifts, donations, and federal grants including, but not limited to, amounts received from public and private entities to aid in support of a specific function or other governmental activity;

6. other revenue including, but not limited to, receipts not classified elsewhere;

7. non-revenue receipts including, but not limited to, all receipts that do not constitute reportable revenue; and

8. annual bonded indebtedness which shall include, but not be limited to, the amount of the total original obligation stated in terms of principal and interest, the term of the obligation, the source of funding for repayment of the obligation, the amounts of principal and interest previously paid to reduce the obligation, the balance remaining of the obligation, any refinancing of the obligation, and the cited statutory authority to issue such bonds.

"Shall" means the obligation or duty to perform; no discretion is granted.

"State audit or report" shall include any audit or report issued by the Comptroller, Auditor of Public Accounts, Joint Legislative and Audit Review Commission, a legislative committee, or any executive body relating to the entity or recipient of funds or the budget program/activity or agency.

B. By July 1, 2009, the Director shall develop and make publicly available a single, searchable budget database website, which shall include the data required under this section in the appropriation acts passed by the 2008 and 2009 Sessions of the General Assembly covering appropriations for the period July 1, 2008, through June 30, 2010.

C. Effective January 1, 2010, the searchable budget database website shall be updated for each fiscal year not later than 30 days following the close of the fiscal year. In addition, the Director may update the searchable budget database website as new data becomes available. All state agencies shall provide to the Director all data that is required to be included in the searchable budget database website not later than 30 days after the data becomes available to the agency, and shall cooperate with him to the fullest extent. The Director shall provide guidance to agency heads to ensure compliance with this section.

By July 1, 2011, the Director shall add data for biennial appropriation acts that appropriated the revenues of the Commonwealth for periods prior to July 1, 2008, to the searchable budget database website. The Director shall ensure that all data added to the searchable budget database website remains accessible to the public for a minimum of 10 years.

D. For purposes of reporting information and implementing the database pursuant to this section, the Director shall include all appropriated funds and other sources under the control of state-supported institutions of higher education, except for the activity of private gifts, including endowment funds and unrestricted gifts referenced in § 23-9.2. The exclusion of this activity shall not affect the public access to these records unless otherwise specifically exempted by law.

E. In maintaining the searchable database, the Director shall work with and coordinate his efforts with the Auditor of Public Accounts and the Joint Legislative Audit and Review Commission in obtaining, summarizing, and compiling the information to avoid duplication of efforts, including avoiding duplication of the data or other information maintained in the database required pursuant to subsection H of § 30-133.

F. The Director shall not be considered in compliance with this section if the data required for the searchable budget database website is not available in a searchable and aggregate manner or the public is redirected to other government websites, unless each of those sites has information from all agencies and each category of information required can be searched electronically by field in a single search.