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SENATE BILL NO. 585

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on General Laws and Technology
on January 30, 2008)

(Patron Prior to Substitute—Senator Cuccinelli)

A BILL to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 37.1, consisting of a sections numbered 2.2-3714.1 and 2.2-3714.2, relating to creating a searchable database website of revenues, budget items, expenditures of the Commonwealth, and other spending data.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 37.1, consisting of sections numbered 2.2-3714.1 and 2.2-3714.2 as follows:

CHAPTER 37.1.

SEARCHABLE DATABASE WEBSITE OF REVENUES, BUDGET ITEMS, AND EXPENDITURES.

§ 2.2-3714.1. Definitions.

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.

"Director" means the Director of the Virginia Enterprise Applications Program within the Office of the Secretary of Technology.

"Entity or recipient" 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 nonprofits, (vii) grantees, (viii) contractors, and (ix) a county, city, town, or other local government entity. The term shall not include a recipient of state assistance who is an individual.

"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 or deductions.

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

"Searchable database website" means a website that allows the public at no cost to search and aggregate information for individual or specific revenues, appropriations, or expenditures, including but not limited to:

1. The name and principal location or residence of the entity or recipient of funds;
2. The amount of funds expended;
3. The funding or expending agency;
4. The funding source of the revenue expended;
5. The program/activity of the expenditure;
6. A descriptive purpose for the funding action or expenditure;
7. Any state audit or report relating to the entity or recipient of funds or the program/activity or agency;
8. Disbursements by state agencies of funds deposited in the state treasury;
9. Bond debt payments;
10. Salaries and wages for all public employees, without disclosing individual employee names, including, but not limited to, compensation paid to directors or other heads of state agencies;
11. Commodities including, but not limited to, amounts paid to the entity or recipient;
12. Capital outlay including, but not limited to, amounts paid to the entity or recipient;
13. Debt service including, but not limited to, amounts of bond interest paid and sources of funds paid for individual bond issues;
14. Aid to counties, cities, towns, or other local government entities including, but not limited to, for individually identifiable aid programs;
15. Other assistance and benefits;
16. Capital improvements including, but not limited to, amounts of bond principal paid and sources of funds paid for individual bond issues;
17. Receipts or deposits by any state agency into the general fund and other funds established under law;
18. 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;
19. Agency earnings including, but not limited to, amounts collected by each agency for merchandise sold, services performed, licenses and permits issued, or regulations;

60 20. Revenue for the use of money and property including, but not limited to, amounts received for
61 compensation for the use of state-owned money and property;

62 21. Gifts, donations, and federal grants including, but not limited to, amounts received from public
63 or private entities to support a specific function or other governmental activity;

64 22. Other revenue including, but not limited to, receipts not classified elsewhere;

65 23. Nonrevenue receipts including, but not limited to, all receipts that do not constitute reportable
66 revenue;

67 24. Annual bonded indebtedness that shall include, but not be limited to, the amount of the total
68 original obligation stated in terms of principal and interest, the term of the obligation, the source of
69 funding for repayment of the obligation, the amounts of principal and interest previously paid to reduce
70 the obligation, the balance remaining of the obligation, any refinancing of the obligation, and the
71 statute or act of the General Assembly authorizing the issuance of such bonds; and

72 25. All proposed appropriations of the budget and all proposed amendments to the general
73 appropriation act submitted by the Governor pursuant to subsections A and E of § 2.2-1509. The
74 "searchable database website" shall also include all data in agency budgets, actual or proposed, that
75 form the basis or reconcile with such proposed appropriations or amendments.

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

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

80 § 2.2-3714.2. Director to maintain searchable database website.

81 A. The Director shall maintain and update a searchable database website. The website shall be made
82 available in a format designed to encourage the greatest amount of use by the general public. The
83 website shall provide access to all levels of budget spending in state government. However, any
84 information that is required by law or court order to be kept confidential shall not be subject to
85 disclosure, provided that nothing herein shall be construed or interpreted to prohibit from disclosure
86 data or statistics so classified as to prevent the identification of a person or any confidential
87 information.

88 Notwithstanding any provision of Chapter 20.1 (§ 2.2-2005 et seq.) or any other law, the Director
89 shall develop the data format and data standards for all data transmitted to the Director for inclusion
90 on the searchable database website. In developing the data format and data standards, the Director
91 shall consult with the Chief Information Officer overseeing the operations of the Virginia Information
92 Technologies Agency. The data standards shall include standards for using the descriptor "private
93 entity" in appropriate circumstances in describing certain information for purposes of including such
94 information on the searchable database website, which information if otherwise specifically named,
95 referenced, or described would disclose confidential information. The Director shall provide such data
96 format and data standards to agencies of the Commonwealth by January 1, 2009.

97 By July 1, 2011, every agency shall begin to transmit or make available to the Director all data that
98 is required by the Director to be included in the searchable database website, and shall transmit or
99 make available such data in the data format and data standards developed by the Director. Additionally,
100 by such date, any person or entity who has contracted with the Commonwealth to disburse or otherwise
101 administer state funds on behalf of the Commonwealth shall begin to transmit or make available to the
102 Director the data that is required to be included in the searchable database website, using the data
103 format and data standards developed by the Director.

104 All agencies shall provide to the Director all data that is required to be included in the searchable
105 database website not later than 30 days after the data becomes available to the agency, and shall
106 cooperate with the Director to the fullest extent. Data received by an agency from the federal
107 government or any other entity that is (i) required to be included in the searchable database website,
108 and (ii) not transmitted to the agency using the data format and data standards developed by the
109 Director, shall be converted by the agency into such data format and data standards for purposes of
110 providing the Director with the required data for the searchable database website.

111 The Director shall identify agencies that maintain revenue, appropriations, expenditure, proposed
112 budget, or general appropriation act information in a format (a) similar to the data format and data
113 standards developed by the Director or (b) that can easily be converted to the data format and data
114 standards developed by the Director for purposes of developing a pilot searchable database website that
115 shall be operational and searchable by the public no later than July 1, 2009.

116 Effective July 2, 2011, the searchable database website shall be updated for each fiscal year not
117 later than 60 days following the close of the fiscal year. The searchable database website shall also be
118 updated to include the data supporting the Virginia Performs Internet website. In addition, the Director
119 may update the searchable database website as new data becomes available.

120 By July 2, 2011, the searchable database website shall be updated for fiscal years of the
121 Commonwealth that ended prior to July 1, 2008. The Director shall include the past performance

122 *outcomes achieved for funding actions or expenditures. The Director shall ensure that all data added to*
123 *the searchable database website remains accessible to the public in perpetuity.*

124 *All agencies shall ensure that the acquisition or procurement development, modification, or*
125 *enhancement of application systems can support the data format and data standards developed by the*
126 *Director. The Director shall provide guidance to agency heads to ensure compliance with this*
127 *subsection.*

128 *B. For purposes of reporting information and implementing the searchable database website pursuant*
129 *to this section, the Director shall include all appropriated funds and other sources of funds under the*
130 *control of state-supported institutions of higher education, except for the activity of private gifts,*
131 *including endowment funds and unrestricted gifts referenced in § 23-9.2, provided that nothing herein*
132 *shall be construed or interpreted to prohibit from disclosure data or statistics so classified as to prevent*
133 *the identification of a person or any confidential information. The exclusion hereunder for the activity of*
134 *private gifts, including endowment funds and unrestricted gifts referenced in § 23-9.2, shall not affect*
135 *the public access to such records unless otherwise specifically exempted by law.*

136 *C. The Director shall coordinate his responsibilities under this section with local governments or*
137 *other political subdivisions of the Commonwealth that also maintain a searchable database website or*
138 *are considering developing a searchable database website for purposes of promoting uniformity and*
139 *consistency among governmental database websites.*

140 *D. In maintaining the searchable database website, the Director, the Auditor of Public Accounts and*
141 *the Joint Legislative Audit and Review Commission shall work together to coordinate efforts in*
142 *obtaining, summarizing, and compiling information in order to avoid duplication of efforts.*

143 *E. The Director shall not be considered in compliance with this section if the data required for the*
144 *searchable database website is not available in a searchable and aggregate manner or the public is*
145 *redirected to other government websites, unless each of those sites has information from all agencies*
146 *and each category of information required can be searched electronically by field in a single search.*
147 *However, nothing in this section shall require any agency to create or compile data solely for the*
148 *purposes of complying with this section.*