

092435216

SENATE BILL NO. 936

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Science and Technology
on February 18, 2009)

(Patron Prior to Substitute—Senator Cuccinelli)

A *BILL to amend and reenact § 30-133 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-1115.1, relating to duties of the Auditor of Public Accounts; budget transparency provisions.*

Be it enacted by the General Assembly of Virginia:

1. That § 30-133 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-1115.1 as follows:

§ 2.2-1115.1 Standard vendor accounting information.

A. The Division, Virginia Information Technologies Agency, and the State Comptroller shall develop and maintain data standards for use by all agencies and institutions for payments and purchases of goods and services pursuant to §§ 2.2-1115 and 2.2-2012. Such standards shall include at a minimum vendor number, name, address, and tax identification number; commodity code, order number, invoice number, receipt information, and other information necessary to appropriately and consistently identify all suppliers of goods, commodities, and other services to the Commonwealth. The Division, Virginia Information Technologies Agency, and the State Comptroller shall annually review and update these standards to provide the Commonwealth information to monitor all procurement of goods and services and to implement adequate controls to pay only authorized providers of goods and services to the Commonwealth.

B. The Division and the Virginia Information Technologies Agency shall submit these standards to the Information Technology Investment Board in accordance with § 2.2-2458 for approval as statewide technical and data standards for information technology.

§ 30-133. Duties and powers generally.

A. The Auditor of Public Accounts shall audit all the accounts of every state department, officer, board, commission, institution or other agency handling any state funds. In the performance of such duties and the exercise of such powers he may employ the services of certified public accountants, provided the cost thereof shall not exceed such sums as may be available out of the appropriation provided by law for the conduct of his office.

B. The Auditor of Public Accounts shall review the information required in § 2.2-1501 to determine that state agencies are providing and reporting appropriate information on financial and performance measures, and the Auditor shall review the accuracy of the management systems used to accumulate and report the results. The Auditor shall report annually to the General Assembly the results of such audits and make recommendations, if indicated, for new or revised accountability or performance measures to be implemented for the agencies audited.

C. The Auditor of Public Accounts shall prepare, by November 1, a summary of the results of all of the audits and other oversight responsibilities performed for the most recently ended fiscal year. The Auditor of Public Accounts shall present this summary to the Senate Finance, House Appropriations and House Finance Committees on the day the Governor presents to the General Assembly the Executive Budget in accordance with §§ 2.2-1508 and 2.2-1509 or at the direction of the respective Chairman of the Senate Finance, House Appropriations or House Finance Committees at one of their committee meetings prior to the meeting above.

D. As part of his normal oversight responsibilities, the Auditor of Public Accounts shall incorporate into his audit procedures and processes a review process to ensure that the Commonwealth's payments to counties, cities, and towns under Chapter 35.1 (§ 58.1-3523 et seq.) of Title 58.1 are consistent with the provisions of § 58.1-3524. The Auditor of Public Accounts shall report to the Governor and the Chairman of the Senate Finance Committee annually any material failure by a locality or the Commonwealth to comply with the provisions of Chapter 35.1 of Title 58.1.

E. The Auditor of Public Accounts when called upon by the Governor shall examine the accounts of any institution maintained in whole or in part by the Commonwealth and, upon the direction of the Comptroller, shall examine the accounts of any officer required to settle his accounts with him; and upon the direction of any other state officer at the seat of government he shall examine the accounts of any person required to settle his accounts with such officer.

F. Upon the written request of any member of the General Assembly, the Auditor of Public Accounts shall furnish the requested information and provide technical assistance upon any matter requested by such member.

G. In compliance with the provisions of the federal Single Audit Act Amendments of 1996, Public

60 Law 104-156, the Joint Legislative Audit and Review Commission may authorize the Auditor of Public
61 Accounts to audit biennially the accounts pertaining to federal funds received by state departments,
62 officers, boards, commissions, institutions or other agencies.

63 H. 1. The Auditor of Public Accounts shall compile and maintain on its Internet website a searchable
64 database providing certain state expenditure, revenue, and demographic information as described in this
65 subsection. In maintaining the database, the Auditor of Public Accounts shall work with and coordinate
66 his efforts with the Joint Legislative Audit and Review Commission in obtaining, summarizing, and
67 compiling the information to avoid duplication of efforts. The database shall be updated each year by
68 October 15 to provide the information required in this subsection for the 10 most recently ended fiscal
69 years of the Commonwealth.

70 The online database shall be made available to citizens of the Commonwealth to allow public access
71 to historical revenue collections and appropriations with related demographic information, to the extent
72 that the information is available and provided to the Auditor of Public Accounts. All state departments,
73 courts officers, boards, commissions, institutions, or other agencies of the Commonwealth shall furnish
74 all information requested by the Auditor of Public Accounts and shall cooperate with him to the fullest
75 extent.

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

81 2. The database shall contain the following for each of the 10 most recently ended fiscal years of the
82 Commonwealth:

83 a. Major categories of spending by each secretariat and for major agencies;

84 b. The number of full-time state employees;

85 c. Total fiscal year revenues from state taxes, fees, and other charges, and total fiscal year revenues
86 from state taxes, fees, and other charges computed on a per capita basis and as a percentage of personal
87 income in the Commonwealth;

88 d. With regard to state taxes, fees, and other charges computed on a per capita basis and as a
89 percentage of personal income, a comparison of such statistics for Virginia with the same statistics for
90 other states;

91 e. Total fiscal year revenues from federal sources, including the major categories of spending for
92 such revenues;

93 f. Total population and total population by various age groups including, but not limited to,
94 school-age population and the population of persons 65 years of age and older;

95 g. Student enrollment in grades K through 12;

96 h. Enrollment in public institutions of higher education of the Commonwealth;

97 i. Enrollment in private institutions of higher education in the Commonwealth;

98 j. The annual prison population;

99 k. Virginia adjusted gross income and Virginia taxable income by various age groups;

100 l. The number of citizens in the Commonwealth receiving food stamps;

101 m. The number of driver's licenses issued;

102 n. The number of registered motor vehicles;

103 o. The number of full-time private sector employees;

104 p. The number of households;

105 q. The number of prepaid tuition contracts outstanding pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of
106 Title 23 and the estimated total liability under such contracts; ~~and~~

107 r. *Any state audit or report relating to the programs or activities of an agency;*

108 s. *Information on capital outlay payments including, but not limited to, project title, funding date,*
109 *completion date, appropriations, year-to-date expenditures, and unexpended appropriations;*

110 t. *Annual bonded indebtedness that shall include, but not be limited to, the amount of the total*
111 *original obligation stated in terms of principal and interest, the term of the obligation, the amounts of*
112 *principal and interest previously paid to reduce the obligation, the balance remaining of the obligation,*
113 *and any refinancing of the obligation; and*

114 u. Other data as the Auditor deems appropriate relating to the Commonwealth of Virginia.

115 3. *The Auditor of Public Accounts shall incorporate into the database the following additional*
116 *elements as they become available through improved enterprise applications or other systems:*

117 a. *Commodities including, but not limited to, line item expenditures;*

118 b. *Virginia Performs data as it directly relates to funding actions or expenditures;*

119 c. *Descriptive purpose for funding action or expenditure;*

120 d. *Statute or act of General Assembly authorizing the issuance of bonds; and*

121 e. *Copies of actual grants and contracts.*

122 4. By October 15 of each year, the Auditor shall also produce a paper copy or a computer file
123 containing the information described in this subsection and shall distribute the copy or file to
124 newspapers of general circulation in the Commonwealth. The distribution shall include the address of the
125 Internet website for the searchable database.

126 I. As a part of audits conducted pursuant to subsection A, the Auditor of Public Accounts shall
127 review compliance with requirements established pursuant to the provisions of § 2.2-519 and the
128 requirements of the Virginia Debt Collection Act (§ 2.2-4800 et seq.).

129 2. That on or before July 1, 2009, the Governor, Secretary of Technology, and Chief Information
130 Officer shall take all steps necessary to provide the searchable database as referred to in § 30-133
131 of the Code of Virginia as a hyperlinked icon located within the Online Services section of the
132 Official Commonwealth of Virginia home page.

133 3. That the Department of General Services, the Virginia Information Technologies Agency, and
134 the State Comptroller shall submit to the Information Technology Investment Board the standards
135 required pursuant to § 2.2-1115.1 of this act by December 1, 2009. The Department of General
136 Services and the Virginia Information Technologies Agency shall undertake to use these standards
137 in the Commonwealth's enterprise electronic procurement system upon approval by the
138 Information Technology Investment Board and make the standards available for use by all
139 agencies and institutions by July 1, 2010. After July 1, 2010, the Department of General Services
140 shall provide purchasing data from the Commonwealth's enterprise electronic procurement system,
141 to the extent it is available, at least quarterly for inclusion in the Auditor of Public Accounts'
142 searchable database established pursuant to § 30-133 of the Code of Virginia. All agencies and
143 institutions that use the standards developed pursuant to this act that have not previously reported
144 data to the Auditor of Public Accounts through the Commonwealth's enterprise electronic
145 procurement system shall, to the extent practicable, provide such data to the Auditor of Public
146 Accounts at least quarterly beginning after July 1, 2010.

147 4. The Department of General Services, the Virginia Information Technologies, and the State
148 Comptroller shall make available to the Auditor of Public Accounts additional elements and
149 information to be incorporated into the database as they become available as a result of the
150 implementation of improvements to enterprise applications or other system developments that have
151 been funded through appropriations.