

REFERENCE TITLE: procurement; information content provider; prohibition

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

# **SB 1107**

Introduced by  
Senators Rogers: Borrelli, Kern

AN ACT

AMENDING SECTION 41-2511, ARIZONA REVISED STATUTES; RELATING TO THE  
PROCUREMENT CODE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2511, Arizona Revised Statutes, is amended to  
3 read:

4 41-2511. Authority of the director

5 A. Except as otherwise provided in this chapter, the director may  
6 adopt rules, consistent with this chapter, governing the procurement and  
7 management of all materials, services and construction to be procured by  
8 this state and the disposal of materials.

9 B. The director shall serve as the central procurement officer of  
10 this state.

11 C. Except as otherwise provided in this chapter, the director  
12 shall, in accordance with rules adopted under this chapter:

13 1. Procure or supervise the procurement of all materials, services  
14 and construction needed by this state.

15 2. Establish guidelines for the management of all inventories of  
16 materials belonging to this state.

17 3. Sell, trade or otherwise dispose of surplus materials belonging  
18 to this state.

19 4. Establish and maintain programs for the inspection, testing and  
20 acceptance of materials, services and construction.

21 5. Establish and maintain programs to ensure procurement compliance  
22 with this chapter and applicable rules.

23 6. Establish and maintain a mandatory procurement training and  
24 certification program to ensure consistency in procurement practices for  
25 those authorized to perform procurement functions under this chapter.

26 7. Employ staff as necessary to perform the duties prescribed in  
27 this chapter.

28 8. Establish procurement offices as the director determines  
29 necessary to maintain an effective and efficient program of procurement  
30 administration.

31 9. Provide consultation to state agency management in all aspects  
32 of procurement to increase efficiency and economy in state agencies by  
33 improving the methods of procurement with full recognition of the  
34 requirements and needs of management.

35 10. Enter into agreements with any state government unit or  
36 political subdivision of this state or agency of a political subdivision  
37 of this state to furnish procurement administration services and  
38 facilities of the department. Unless monies have been appropriated by the  
39 legislature for this purpose, any agreement shall provide for  
40 reimbursement to this state of the actual cost of the services and  
41 facilities furnished, as determined by the director.

42 11. Enter into agreements with the attorney general for dedicated  
43 legal resources to support any state governmental unit in procurement  
44 legal matters, including negotiations, protests and appeals.

1           12. BEGINNING ON THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS  
2 SECTION, TERMINATE OR DIRECT ANY STATE GOVERNMENT UNIT OR POLITICAL  
3 SUBDIVISION OF THIS STATE TO TERMINATE ANY EXISTING CONTRACT BETWEEN THIS  
4 STATE OR A POLITICAL SUBDIVISION OF THIS STATE AND A CONTRACTOR THAT IS AN  
5 INFORMATION CONTENT PROVIDER OR THAT IS A QUALIFIED MARKETPLACE PLATFORM.  
6 STATE GOVERNMENT UNITS AND POLITICAL SUBDIVISIONS OF THIS STATE MAY NOT  
7 CONTRACT WITH AN INFORMATION CONTENT PROVIDER OR WITH A QUALIFIED  
8 MARKETPLACE PLATFORM. FOR THE PURPOSES OF THIS PARAGRAPH:

9           (a) "INFORMATION CONTENT PROVIDER" MEANS AN INFORMATION CONTENT  
10 PROVIDER AS DEFINED IN 47 UNITED STATES CODE SECTION 230 THAT HAS ENGAGED  
11 IN TARGETED CENSORSHIP.

12           (b) "QUALIFIED MARKETPLACE PLATFORM" MEANS A QUALIFIED MARKETPLACE  
13 PLATFORM AS DEFINED IN SECTION 41-1002 THAT HAS ENGAGED IN TARGETED  
14 CENSORSHIP.

15           (c) "TARGETED CENSORSHIP":

16           (i) MEANS DELETING OR PLACING A DISCLAIMER ON ANY FORM OF FREE  
17 SPEECH THAT IS UNEQUALLY APPLIED BASED ON A PARTICULAR BELIEF THAT IS  
18 EXPRESSED IN ANY FORM, INCLUDING WORDS, ART, MULTIMEDIA, INTERNET  
19 PLATFORMS OR COMPUTER OR TELEPHONE APPLICATIONS.

20           (ii) DOES NOT INCLUDE DELETING DIRECT THREATS TO HARM ANOTHER  
21 PERSON OR A PUBLIC ENTITY, PORNOGRAPHY THAT VIOLATES THE LAW OR ANY  
22 SUBJECT MATTER THAT THE USER HAS SET THE USER'S SETTINGS TO INCLUDE.