

1 HB199  
2 115013-1  
3 By Representatives Ball, McCutcheon, Canfield, Hill, Wood and  
4 McClurkin  
5 RFD: Government Operations  
6 First Read: 12-JAN-10

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8 SYNOPSIS: Current law requires the Comptroller to  
9 establish and post on the Internet a database of  
10 state expenditures, including contracts and grants  
11 that are electronically searchable by the public.

12 This bill would also require subcontracts  
13 and purchase orders to be posted on the database of  
14 state expenditures.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT

19  
20 To amend Act 2009-750, 2009 Regular Session, now  
21 appearing as Section 41-4-65, Code of Alabama 1975, relating  
22 to the Internet database for state expenditures; and to  
23 provide further requirements to be posted on the database.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Act 2009-751, 2009 Regular Session, now  
26 appearing as Section 41-4-65, Code of Alabama 1975, is amended  
27 to read as follows:

1           "§41-4-65.

2           "(a) In this section, state entity shall mean, the  
3 State of Alabama, a political subdivision, an agency, board,  
4 commission, or department of the state, the State Board of  
5 Education, a public college or trade school, or a public  
6 university, except that the term shall not mean a county, a  
7 municipal corporation, a county board of education, a city  
8 board of education, or a professional licensure agency board  
9 that is self-sustaining by its own revenues and fees.

10           "(b) The Comptroller shall establish and post on the  
11 Internet a database of state expenditures, including  
12 contracts, subcontracts, purchase orders, and grants, that are  
13 electronically searchable by the public, except as provided by  
14 subsection (d). The database shall include all of the  
15 following:

16           "(1) The amount, date, payor, and payee of  
17 expenditures.

18           "(2) A listing of state expenditures by each of the  
19 following:

20           "a. The object of the expense with links to the  
21 warrant or check register level.

22           "b. To the extent maintained by the state entity  
23 accounting systems in a reportable format, class and item  
24 levels.

25           "(c) To the extent possible, the Comptroller shall  
26 present information in the database established under this  
27 section in a manner that is searchable and intuitive to users.

1 The Comptroller shall enhance and organize the presentation of  
2 the information through the use of graphical representations,  
3 such as pie charts, as the Comptroller considers appropriate.  
4 At a minimum, the database shall allow users to:

5 "(1) Search state funding by any element of the  
6 information.

7 "(2) Ascertain through a single search the total  
8 amount of state funding awarded to a person by a state entity.

9 "(3) Download information yielded by a search of the  
10 database.

11 "(d) The Comptroller may not allow public access  
12 under this section to a payee's address, except that the  
13 Comptroller may allow public access under this section to  
14 information identifying the county in which the payee is  
15 located. The Comptroller may not allow public access under  
16 this section to information that is identified by a state  
17 entity as excepted from required disclosure as confidential.  
18 The Comptroller, or an officer or employee of the  
19 Comptroller's office, shall be immune from any civil liability  
20 for posting confidential information under this section if the  
21 Comptroller, officer, or employee posted the information in  
22 reliance on a determination made by a state entity about the  
23 confidentiality of information relating to the expenditures of  
24 the agency.

25 "(e) To the extent any information required to be in  
26 the database is already being collected or maintained by a

1 state entity, the state entity shall provide that information  
2 to the Comptroller for inclusion in the database.

3 "(f) The Comptroller may not charge a fee to the  
4 public to access the database.

5 "(g) Except as provided by subsection (h), a state  
6 entity shall cooperate with and provide information to the  
7 Comptroller as necessary to implement and administer this  
8 section.

9 "(h) This section does not require a state entity to  
10 record information or expend resources for the purpose of  
11 computer programming or other additional actions necessary to  
12 make information reportable under this section.

13 "(i) The Alabama Department of Finance, after  
14 consultation with the Comptroller, shall prominently include a  
15 link to the database established under this section on the  
16 public home page of the State of Alabama.

17 "(j) Each state entity that maintains a generally  
18 accessible Internet site or for which a generally accessible  
19 Internet site is maintained shall include a link on the  
20 entity's Internet site to the state expenditure database  
21 established by this section.

22 "(k) The Comptroller shall establish procedures and  
23 adopt rules to implement and administer this section.

24 "(l) Any vendor, contractor, or other supplier to  
25 any state entity may notify the Comptroller in writing that  
26 its prices or costs, or both, should be held confidential.  
27 Upon receipt of such written notification, the Comptroller

1 shall not post the prices or costs, or both, specified in the  
2 notification unless and until the Comptroller shall  
3 investigate whether the prices or costs, or both, claimed in  
4 the notification to be confidential should be protected from  
5 posting. Such investigation shall include a hearing where the  
6 vendor, contractor, or other supplier can present  
7 justification for holding the information confidential. The  
8 Comptroller's ruling on confidentiality shall be based on a  
9 standard of reasonableness. The Comptroller's ruling shall be  
10 subject to review by the courts."

11 Section 2. This act shall become effective on  
12 October 1, 2010, following its passage and approval by the  
13 Governor, or its otherwise becoming law.