

1 HB89
2 195695-2
3 By Representative Shedd
4 RFD: Boards, Agencies and Commissions
5 First Read: 05-MAR-19

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8 SYNOPSIS: Under existing law, the expenditures of
9 self-sustaining state professional licensing
10 boards, agencies, and commissions are not required
11 to be published on the searchable public Internet
12 database maintained by the Comptroller.

13 This bill would require those
14 self-sustaining state professional licensing
15 boards, agencies, and commissions to either publish
16 their expenditure information on the Internet
17 database maintained by the Comptroller or publish
18 their expenditure and revenue information on the
19 public website of the board, agency, or commission.

20
21 A BILL
22 TO BE ENTITLED
23 AN ACT
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25 To amend Section 41-4-65 of the Code of Alabama
26 1975, relating to the online database of state expenditures
27 maintained by the Comptroller; to require each self-sustaining

1 professional licensing board, agency, or commission previously
2 exempted from posting expenditures through the online database
3 to either post the information on the online database of the
4 Comptroller or post their expenditure and revenue information
5 on the public website of the board, agency, or commission.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7 Section 1. Section 41-4-65 of the Code of Alabama
8 1975, is amended to read as follows:

9 "§41-4-65.

10 "(a) In this section, state entity shall mean, the
11 State of Alabama, a political subdivision, an agency, board,
12 commission, or department of the state, the State Board of
13 Education, a public college or trade school, or a public
14 university, except that the term shall not mean a county, a
15 municipal corporation, a county board of education, a city
16 board of education, or, unless otherwise provided in Section 2
17 of the act adding this amendatory language, a professional
18 licensure agency board that is self-sustaining by its own
19 revenues and fees.

20 "(b) The Comptroller shall establish and post on the
21 Internet a database of state expenditures, including contracts
22 and grants, that are electronically searchable by the public,
23 except as provided by subsection (d). The database shall
24 include all of the following:

25 "(1) The amount, date, payor, and payee of
26 expenditures.

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

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

5 "b. To the extent maintained by the state entity
6 accounting systems in a reportable format, class and item
7 levels.

8 "(c) To the extent possible, the Comptroller shall
9 present information in the database established under this
10 section in a manner that is searchable and intuitive to users.
11 The Comptroller shall enhance and organize the presentation of
12 the information through the use of graphical representations,
13 such as pie charts, as the Comptroller considers appropriate.
14 At a minimum, the database shall allow users to:

15 "(1) Search state funding by any element of the
16 information.

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

19 "(3) Download information yielded by a search of the
20 database.

21 "(d) The Comptroller may not allow public access
22 under this section to a payee's address, except that the
23 Comptroller may allow public access under this section to
24 information identifying the county in which the payee is
25 located. The Comptroller may not allow public access under
26 this section to information that is identified by a state
27 entity as excepted from required disclosure as confidential.

1 The Comptroller, or an officer or employee of the
2 Comptroller's office, shall be immune from any civil liability
3 for posting confidential information under this section if the
4 Comptroller, officer, or employee posted the information in
5 reliance on a determination made by a state entity about the
6 confidentiality of information relating to the expenditures of
7 the agency.

8 "(e) To the extent any information required to be in
9 the database is already being collected or maintained by a
10 state entity, the state entity shall provide that information
11 to the Comptroller for inclusion in the database.

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

14 "(g) Except as provided by subsection (h), a state
15 entity shall cooperate with and provide information to the
16 Comptroller as necessary to implement and administer this
17 section.

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

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

26 "(j) Each state entity that maintains a generally
27 accessible Internet site or for which a generally accessible

1 Internet site is maintained shall include a link on the
2 entity's Internet site to the state expenditure database
3 established by this section.

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

6 "(l) Any vendor, contractor, or other supplier to
7 any state entity may notify the Comptroller in writing that
8 its prices or costs, or both, should be held confidential.
9 Upon receipt of such written notification, the Comptroller
10 shall not post the prices or costs, or both, specified in the
11 notification unless and until the Comptroller shall
12 investigate whether the prices or costs, or both, claimed in
13 the notification to be confidential should be protected from
14 posting. Such investigation shall include a hearing where the
15 vendor, contractor, or other supplier can present
16 justification for holding the information confidential. The
17 Comptroller's ruling on confidentiality shall be based on a
18 standard of reasonableness. The Comptroller's ruling shall be
19 subject to review by the courts."

20 Section 2. (a) For the purposes of this section, a
21 licensing board is a state professional licensing board,
22 agency, or commission that is self-sustaining by its own
23 revenues and fees. The expenditures of each licensing board,
24 at the option of the licensing board, shall either be
25 published on the searchable public Internet database
26 maintained by the Comptroller pursuant to Section 41-4-65,
27 Code of Alabama 1975, or published along with all revenue

1 received on the website of the licensing board pursuant to
2 subsection (b). The option of the licensing board shall be
3 made annually and entered upon the minutes of the board.

4 (b) (1) In any year that a licensing board does not
5 opt to publish expenditures on the searchable public Internet
6 database maintained by the Comptroller pursuant to Section
7 41-4-65, Code of Alabama 1975, the expenditures, including
8 contracts and grants, and all sources of revenue of that
9 licensing board shall be published on the website of the
10 licensing board. The published expenditures and revenue shall
11 be electronically searchable by the public, except as provided
12 by subdivision (3), and shall include all of the following:

13 a. The amount, date, payor, and payee of
14 expenditures.

15 b. The amount, date, and source of revenue received.

16 c. A listing of state expenditures by both of the
17 following:

18 1. The object of the expense with links to the
19 warrant or check register level.

20 2. To the extent maintained by the licensing board
21 accounting systems in a reportable format, class and item
22 levels.

23 (2) To the extent possible, the licensing board
24 shall present expenditure and revenue information in a manner
25 that is searchable and intuitive to users and shall enhance
26 and organize the presentation of the information through the

1 use of graphical representations, such as pie charts, as the
2 licensing board considers appropriate.

3 (3) The licensing board may not allow public access
4 under this subsection to the address of a payee or source,
5 except that the licensing board may allow public access under
6 this subsection to information identifying the county in which
7 the payee or source is located. The licensing board may not
8 allow public access under this subsection to information that
9 is identified by the licensing board as exempt from required
10 disclosure as confidential. The licensing board, or an officer
11 or employee of the licensing board, shall be immune from any
12 civil liability for posting confidential information under
13 this subsection if the licensing board, or officer or employee
14 of the licensing board, posted the information in reliance on
15 a determination made by the licensing board about the
16 confidentiality of information relating to the expenditures of
17 or revenue received by the licensing board.

18 (4) To the extent any information required to be
19 published on the website is already being collected or
20 maintained by the licensing board, the licensing board shall
21 include that information on the website.

22 (5) The licensing board may not charge a fee to the
23 public to access any information required to be published on
24 the licensing board website pursuant to this subsection.

25 (6) The Alabama Department of Finance, after
26 consultation with each licensing board, shall prominently
27 include a link to that portion of the website of each

1 licensing board, that includes the expenditure and revenue
2 information required to be published by this subsection on the
3 public home page of the State of Alabama.

4 (7) The home page of the website of each licensing
5 board shall include a prominent link to the expenditure and
6 revenue information required to be published by this
7 subsection.

8 (8) Each licensing board may adopt rules to
9 implement and administer this subsection.

10 (9) Any vendor, contractor, or other supplier to any
11 licensing board may notify the licensing board in writing that
12 its prices or costs, or both, should be held confidential.
13 Upon receipt of such written notification, the licensing board
14 may not post the prices or costs, or both, specified in the
15 notification unless and until the licensing board investigates
16 whether the prices or costs, or both, claimed in the
17 notification to be confidential should be protected from
18 posting. The investigation shall include a hearing where the
19 vendor, contractor, or other supplier may present
20 justification for holding the information confidential. The
21 ruling of the licensing board on confidentiality shall be
22 based on a standard of reasonableness and shall be subject to
23 review by the courts.

24 Section 3. This act shall become effective on the
25 first day of the third month following its passage and
26 approval by the Governor, or its otherwise becoming law.