

1 HB124
2 195842-3
3 By Representative Pringle
4 RFD: State Government
5 First Read: 02-FEB-21
6 PFD: 01/26/2021

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8 SYNOPSIS: Under existing law, the expenditures of
9 self-sustaining state professional licensing
10 boards, agencies, and commissions and certain
11 interscholastic athletic organizations are not
12 required to be published on the searchable public
13 Internet database maintained by the Comptroller and
14 contracts for personal and professional services
15 entered into by those boards, agencies, commissions
16 and organizations are not subject to review by the
17 Contract Review Permanent Legislative Oversight
18 Committee.

19 This bill would require previously exempted
20 self-sustaining state professional licensing
21 boards, agencies, and commissions and certain
22 interscholastic athletic organizations to publish
23 their expenditure information on the public website
24 of the board, agency, or commission, or on the
25 website of the Comptroller for a reasonable fee.

26 This bill would also subject certain
27 contracts for personal and professional services of

1 self-sustaining state professional licensing
2 boards, agencies, and commissions and certain
3 interscholastic athletic organizations to review by
4 the Contract Review Permanent Legislative Oversight
5 Committee in the same manner as required for other
6 state agencies.

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8 A BILL
9 TO BE ENTITLED
10 AN ACT

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12 Relating to professional licensing boards, agencies,
13 and commissions and certain interscholastic athletic
14 organizations; to require each self-sustaining board, agency,
15 or commission previously exempted from posting expenditures
16 through the searchable public Internet database of the
17 Comptroller, to post the information on the public website of
18 the board, agency, or commission, or on the website of the
19 Comptroller for a reasonable fee; to require certain
20 interscholastic athletic organizations to post expenditure
21 information on the searchable public Internet database of the
22 Comptroller or on the public website of the organization; and
23 to subject personal and professional service contracts of
24 those boards, agencies, commissions, and organizations to
25 review by the Contract Review Permanent Legislative Oversight
26 Committee.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. (a) (1) For the purposes of this section,
2 a licensing board is a state professional licensing board,
3 agency, or commission that is self-sustaining by its own
4 revenues and fees, the expenditures of which are not required
5 to be published on the searchable public Internet database
6 maintained by the Comptroller pursuant to Section 41-4-65,
7 Code of Alabama 1975. Also for purposes of this section, an
8 interscholastic athletic organization is a high school
9 athletic organization or association operating in the state
10 whose member schools and institutions include more than 25
11 percent of the public schools of the state, which receives
12 public funds in any form, whose member schools and
13 institutions make use of public facilities, and whose
14 employees may participate in the Retirement Systems of
15 Alabama.

16 (2) The expenditures, including contracts and
17 grants, of each licensing board or interscholastic athletic
18 organization shall be published on the website of the
19 licensing board or interscholastic athletic organization. The
20 published expenditures shall be electronically searchable by
21 the public, except as provided by subdivision (4), and shall
22 include all of the following:

23 a. The amount, date, payor, and payee of
24 expenditures.

25 b. A listing of state expenditures by both of the
26 following:

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

3 2. To the extent maintained by the licensing board
4 or interscholastic athletic organization accounting systems in
5 a reportable format, class and item levels.

6 (3) To the extent possible, the licensing board or
7 interscholastic athletic organization shall present
8 expenditure information in a manner that is searchable and
9 intuitive to users and shall enhance and organize the
10 presentation of the information through the use of graphical
11 representations, such as pie charts, as the licensing board or
12 interscholastic athletic organization considers appropriate.

13 (4) The licensing board or interscholastic athletic
14 organization may not allow public access under this section to
15 the address of a payee, except that the licensing board or
16 interscholastic athletic organization may allow public access
17 under this section to information identifying the county in
18 which the payee is located. The licensing board or
19 interscholastic athletic organization may not allow public
20 access under this section to information that is identified by
21 the licensing board or interscholastic athletic organization
22 that is exempt from required disclosure as confidential. The
23 licensing board, interscholastic athletic organization, or an
24 officer or employee of the licensing board or interscholastic
25 athletic organization, shall be immune from any civil
26 liability for posting confidential information under this
27 section if the licensing board, interscholastic athletic

1 organization, or officer or employee of the licensing board or
2 interscholastic athletic organization posted the information
3 in reliance on a determination made by the licensing board or
4 interscholastic athletic organization about the
5 confidentiality of information relating to the expenditures of
6 the licensing board or interscholastic athletic organization.

7 (5) To the extent any information required to be
8 published on the website is already being collected or
9 maintained by the licensing board or interscholastic athletic
10 organization, the licensing board or interscholastic athletic
11 organization shall include that information on the website.

12 (6) The licensing board or interscholastic athletic
13 organization may not charge a fee to the public to access any
14 information required to be published on the licensing board or
15 interscholastic athletic organization website pursuant to this
16 section.

17 (7) The Alabama Department of Finance, after
18 consultation with each licensing board or interscholastic
19 athletic organization, shall prominently include a link to
20 that portion of the website of each licensing board or
21 interscholastic athletic organization, that includes the
22 expenditure information required to be published by this
23 section on the website of the Comptroller. Alternatively, a
24 licensing board or interscholastic athletic organization may
25 publish expenditure information required to be published by
26 this section on the website maintained by the Comptroller
27 pursuant to Section 41-4-65, Code of Alabama 1975.

1 Notwithstanding subsection (h) of Section 41-4-65, Code of
2 Alabama 1975, the Comptroller may charge a licensing board or
3 interscholastic athletic organization a reasonable fee for
4 publishing expenditure information pursuant to this
5 subdivision.

6 (8) The home page of the website of each licensing
7 board or interscholastic athletic organization shall include a
8 prominent link to the expenditure information required to be
9 published by this section.

10 (9) Each licensing board or interscholastic athletic
11 organization may adopt rules to implement and administer this
12 section.

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

1 be based on a standard of reasonableness and shall be subject
2 to review by the courts.

3 (b) Each contract for personal or professional
4 services, as defined in Section 29-2-41.2, Code of Alabama
5 1975, entered into by a licensing board or interscholastic
6 athletic organization shall be reviewed by the Contract Review
7 Permanent Legislative Oversight Committee in the same manner
8 as the personal and professional services contracts of state
9 departments are reviewed by the committee pursuant to Article
10 3, commencing with Section 29-2-40, Chapter 2, Title 29, Code
11 of Alabama 1975.

12 Section 2. This act shall become effective on the
13 first day of the third month following its passage and
14 approval by the Governor, or its otherwise becoming law.