

1 HB257  
2 165747-2  
3 By Representatives Knight, Hubbard and McCutcheon  
4 RFD: Internal Affairs  
5 First Read: 12-MAR-15

1 ENGROSSED

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4 A BILL  
5 TO BE ENTITLED  
6 AN ACT  
7

8 To create the permanent Joint Legislative Committee  
9 on Government Oversight and Accountability; to provide for  
10 membership of the committee; to provide for the compensation  
11 of members; to provide for the powers and duties of the  
12 committee; to specify time frames for meetings held by the  
13 committee; to allow the committee to request audits of certain  
14 state agencies and other entities under certain conditions; to  
15 authorize the committee to hold public hearings under certain  
16 conditions; to amend Section 41-19-10, Code of Alabama 1975,  
17 to authorize the Department of Finance to modify the planned  
18 expenditure of funds upon advice and consent of the committee;  
19 and to prohibit certain interagency agreements unless certain  
20 notice is provided to the committee.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. (a) There is created a permanent Joint  
23 Legislative Committee on Government Oversight and  
24 Accountability.

25 (b) The committee shall consist of the following  
26 members:

1                   (1) The Chair of the House Education Ways and Means  
2 Committee.

3                   (2) The Chair of the House General Fund Ways and  
4 Means Committee.

5                   (3) The Chair of the Senate Finance and Taxation  
6 Education Committee.

7                   (4) The Chair of the Senate Finance and Taxation  
8 General Fund Committee.

9                   (5) Four members of the Senate appointed by the  
10 President Pro Tempore of the Senate.

11                   (6) Four members of the House of Representatives  
12 appointed by the Speaker of the House of Representatives.

13                   (c) (1) Initial committee members shall be appointed  
14 within 30 days of the effective date of this act. Successor  
15 committee members shall be appointed at the 2019 regular  
16 legislative session and each four years thereafter.

17                   (2) Members of the committee may serve on the  
18 committee during the term in which appointed and, if  
19 reappointed to the same house without a break in service to  
20 that house, during the succeeding legislative term until his  
21 or her successor is appointed.

22                   (d) Each member of the committee shall receive  
23 compensation and an expense allowance pursuant to Amendment  
24 871 to the Constitution of Alabama of 1901.

25                   (e) Upon the initial appointment of committee  
26 members and at the first regular session of each quadrennium  
27 of the Legislature thereafter, the President Pro Tempore of

1 the Senate and the Speaker of the House of Representatives  
2 shall select a Senate member of the committee and a House  
3 member of the committee, respectively, to serve as co-chairs  
4 of the committee. The co-chairs shall alternate acting as  
5 chair and vice-chair of the committee every two years, with  
6 the co-chair from the House of Representatives acting as chair  
7 during the first two years of a quadrennium, and the co-chair  
8 from the Senate acting as chair during the last two years of  
9 the quadrennium.

10 (f) (1) The appointments by the President Pro Tempore  
11 of the Senate and the Speaker of the House of Representatives  
12 shall be made so that each political party is represented in  
13 approximately the same proportion as the party is represented  
14 in both the House and the Senate.

15 (2) The membership of the committee shall be  
16 inclusive and reflect the racial, gender, geographic,  
17 urban/rural, and economic diversity of the state.

18 (g) (1) The committee may meet, act, and conduct its  
19 business during the sessions of the Legislature or any recess  
20 thereof, and in the interim period between sessions.

21 (2) The committee shall meet at the call of the  
22 chair and shall meet monthly at a time that coincides with  
23 meetings called by the Contract Review Oversight Committee.

24 (3) The last meeting of the committee for a fiscal  
25 year shall be a public hearing in which the actions of the  
26 committee during the fiscal year are reviewed.

1           (h) Action by the committee must be approved by a  
2 majority of the members of the House and a majority of the  
3 members of the Senate.

4           Section 2. (a) The Secretary of the Senate and the  
5 Clerk of the House of Representatives shall each provide a  
6 staff member to provide administrative and clerical support to  
7 the committee.

8           (b) The Director of the Legislative Reference  
9 Service, the Director of the Legislative Fiscal Office, the  
10 Director of the Alabama Law Institute, and the Chief Examiner  
11 of Public Accounts shall provide assistance as necessary at  
12 the committee's request.

13           (c) All state agencies, departments, boards,  
14 commissions, authorities, or other entities that receive any  
15 type of appropriation from the Legislature shall cooperate  
16 fully with the committee and shall produce any documents or  
17 other information requested by the committee.

18           Section 3. The committee shall have the following  
19 powers and duties:

20           (1) To provide continuous legislative oversight of  
21 all state government operations.

22           (2) To review expenditures by state agencies,  
23 departments, bureaus, boards, commissions, authorities, or  
24 other entities and investigate, in detail, whether funds are  
25 expended for the programs or purposes for which they were  
26 appropriated by the Legislature.

1           (3) To evaluate the effectiveness and efficiency of  
2 operations and programs of state agencies, departments,  
3 bureaus, boards, commissions, authorities, or other entities.

4           (4) To ensure that laws are implemented and carried  
5 out as the Legislature intended.

6           (5) To report important and relevant information  
7 discovered by the committee through the course of its review  
8 and investigation to the President Pro Tempore of the Senate  
9 and the Speaker of the House of Representatives.

10          (6) To offer formal suggestions to state agencies,  
11 departments, bureaus, boards, commissions, authorities, or  
12 other entities to correct operational deficiencies identified  
13 by the committee. A state agency, department, bureau, board,  
14 commission, authority, or other entity shall respond to the  
15 committee's recommendations within a reasonable time and may  
16 propose suitable alternatives if the entity disagrees with the  
17 committee's recommendations.

18          (7) To direct the Chief Examiner of Public Accounts  
19 to conduct an audit, review, or examination of any state  
20 agency, department, bureau, board, commission, authority, or  
21 other entity or any program administered by a state or other  
22 entity, when necessary.

23          (8) To hold public hearings on any matter deemed  
24 necessary by the committee upon the call of the chair or a  
25 majority of committee members.

1           (9) To take other action as may be necessary or  
2 convenient to accomplish its purposes and perform its duties  
3 effectively and efficiently under this act.

4           Section 4. Section 41-19-10, Code of Alabama 1975,  
5 is amended to read as follows:

6           "§41-19-10.

7           "(a) Except as limited by policy decisions of the  
8 Governor, appropriations by the Legislature and other  
9 provisions of law, the several state agencies/departments  
10 shall have full authority for administering their program  
11 assignments and appropriations and shall be responsible for  
12 their proper management.

13           "(b) Each state agency/department shall prepare an  
14 annual plan for the operation of each of its assigned  
15 programs. The operations plan shall be prepared in the form  
16 and content and be transmitted on the date prescribed to the  
17 Department of Finance.

18           "(c) The Department of Finance shall:

19           "(1) Review each operations plan to determine that  
20 it is consistent with the policy decisions of the Governor and  
21 appropriations by the Legislature, that it reflects proper  
22 planning and efficient management methods and that  
23 appropriations have been made for the planned purpose and will  
24 not be exhausted before the end of the fiscal year;

25           "(2) Approve the operations plan if satisfied that  
26 it meets the requirements under subdivision (1) of this

1 subsection; otherwise, the Department of Finance shall require  
2 revision of the operations plan in whole or in part; and

3 "(3) ~~Modify or withhold the planned expenditures at~~  
4 ~~any time during the appropriation period if the Department of~~  
5 ~~Finance finds that such expenditures are greater than those~~  
6 ~~necessary to execute the programs at the level authorized by~~  
7 ~~the Governor and the Legislature or that the revenues and~~  
8 ~~resources will be insufficient to meet the authorized~~  
9 ~~expenditure levels. The department, after 30 days' upon notice~~  
10 ~~to the Joint Legislative Committee on Government Oversight and~~  
11 ~~Accountability, may approve, modify, or withhold the planned~~  
12 ~~expenditure of funds if the department finds that the~~  
13 ~~expenditures are greater than necessary to execute the~~  
14 ~~programs at the level authorized by the Governor and the~~  
15 ~~Legislature.~~

16 "(d) No state agency/department may increase  
17 salaries of its employees, employ additional employees or  
18 expend money or incur any obligations except in accordance  
19 with law and with a properly approved operations plan by the  
20 Director of Finance.

21 "(e) Appropriation transfers or changes as between  
22 objects of expenditures within a program may be made only by  
23 the Director of Finance. Appropriation transfers or changes  
24 between programs within an agency/department may be made only  
25 by the Governor and shall be reported to the Legislature  
26 quarterly. No transfers shall be made between  
27 agencies/departments except pursuant to interagency agreements



1 executed for purposes of accomplishing objectives for which  
2 the funds involved were appropriated. An agency or department  
3 may not enter into an interagency agreement transferring  
4 employees, programs, professional contracts, personal  
5 property, or equipment, unless the Governor provides ~~30 days~~<sup>1</sup>  
6 notice to the Joint Legislative Committee on Government  
7 Oversight and Accountability prior to execution of the  
8 interagency agreement. Interagency agreements may not be used  
9 to effectuate policy changes, including, but not limited to,  
10 the creation of new programs unless the Governor provides ~~30~~  
11 ~~days~~<sup>1</sup> notice to the Joint Legislative Committee on Government  
12 Oversight and Accountability.

13 "(f) The Department of Finance shall report  
14 quarterly to the Governor and the Legislature on the  
15 operations of each state agency/department, relating actual  
16 accomplishments to those planned and modifying, if necessary,  
17 the operations plan of any agency/department for the balance  
18 of the fiscal year."

19 Section 5. This act shall become effective  
20 immediately following its passage and approval by the  
21 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Internal Affairs  
..... . . . . 12-MAR-15

Read for the second time and placed  
on the calendar 1 amendment ..... . . . . 02-APR-15

Read for the third time and passed  
as amended..... . . . . 21-MAY-15

Yeas 75, Nays 19, Abstains 3

Jeff Woodard  
Clerk