

1 SB215  
2 165668-1  
3 By Senator Holley  
4 RFD: Governmental Affairs  
5 First Read: 12-MAR-15

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under current law, the Contract Review  
9 Permanent Legislative Oversight Committee reviews  
10 certain contracts entered into by state agencies.

11 This bill would require state agencies to  
12 submit certain documents intended for mass  
13 publication to this committee for prior approval.

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT

18  
19 To amend Sections 29-2-40, 29-2-41, and 29-2-41.3,  
20 Code of Alabama 1975, relating to the Contract Review  
21 Permanent Legislative Oversight Committee and to provide for  
22 oversight by this committee of certain publications  
23 disseminated by state agencies.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Sections 29-2-40, 29-2-41, and 29-2-41.3,  
26 Code of Alabama 1975, are hereby amended to read as follows:

27 "§29-2-40.

1                   "There is hereby created the Contract and  
2                   Publication Review Permanent Legislative Oversight Committee.  
3                   Said committee shall be composed of the Chairman of the Senate  
4                   Finance and Taxation Committee and the Chairman of the House  
5                   Ways and Means Committee, and three additional members of the  
6                   Senate, to be appointed by the President of the Senate, and  
7                   three additional members of the House, to be appointed by the  
8                   Speaker of the House.

9                   "§29-2-41.

10                   "(a) Each member of the committee shall be entitled  
11                   to regular legislative compensation, per diem, and travel  
12                   expenses for each day he or she attends a meeting of the  
13                   committee, which shall be paid out of the funds appropriated  
14                   to the use of the Legislature, on warrants drawn on the state  
15                   Comptroller upon requisition signed by the committee's chair.  
16                   Members shall not receive additional compensation or per diem  
17                   when the Legislature is in session. The Department of  
18                   Examiners of Public Accounts shall furnish assistance and any  
19                   relevant information to the committee. The committee shall  
20                   have the responsibility of reviewing contracts for personal or  
21                   professional services with private entities or individuals to  
22                   be paid out of appropriated funds, federal or state, on a  
23                   state warrant issued as recompense for those services. Each  
24                   state department entering into a contract to be paid out of  
25                   appropriated funds, federal or state, on a state warrant which  
26                   is notified by the committee is required to submit to the  
27                   committee any proposed contract for personal or professional

1 services. Each contract shall be accompanied by an itemization  
2 of the total cost estimate of the contract. The department  
3 may, in lieu of the proposed contract, submit to the committee  
4 a letter of intent to contract. Such letter of intent to  
5 contract shall indicate the contracting parties, the services  
6 to be performed, an itemization of the total cost estimate of  
7 the contract, and such other information as the department may  
8 deem pertinent to the committee review of the contract. The  
9 committee shall review and comment where necessary on any such  
10 contract or letter of intent to contract within a reasonable  
11 time not to exceed 45 days after the department has submitted  
12 the contract or letter of intent to contract to the committee.  
13 Any contract made by the state or any of its agencies or  
14 departments in violation of this section and without prior  
15 review by the committee of either the contract or the letter  
16 of intent to contract shall be void ab initio. If the  
17 committee fails to review and comment upon any contract or  
18 letter of intent to contract within the aforementioned 45-day  
19 time period, such contract shall be deemed to have been  
20 reviewed in compliance with this section.

21 "Should the department elect to submit a letter of  
22 intent to contract in lieu of a proposed contract, as  
23 authorized in the preceding paragraph, the department shall be  
24 required to submit to the committee for its information the  
25 contract described in the letter of intent upon the execution  
26 of the contract.

1           "(b) In addition to the duties prescribed in  
2           subsection (a), the committee shall have the responsibility of  
3           reviewing all publications for mass distribution where postage  
4           and/or printing of such publication is to be paid out of  
5           appropriated funds, federal or state, on a state warrant  
6           issued as recompense for those services. Each publication  
7           shall be accompanied by an itemization of the total cost  
8           estimate of the publication. The department may, in lieu of  
9           the proposed publication, submit to the committee a letter of  
10           intent to produce such publication. Such letter of intent  
11           shall indicate the nature of the information to be  
12           disseminated, an itemization of the total cost estimate of the  
13           publication, and such other information as the department may  
14           deem pertinent to the committee review of the publication. The  
15           committee shall review and comment where necessary on any such  
16           publication or letter of intent to produce such publication  
17           within a reasonable time not to exceed 90 days after the  
18           department has submitted the publication or letter of intent  
19           to produce such publication to the committee. A report of any  
20           state agencies or departments producing a publication in  
21           violation of this subsection and without prior review by the  
22           committee of either the publication or the letter of intent to  
23           produce such publication shall be sent to the Chairs of the  
24           House Ways and Means Committee (Education and General Fund)  
25           and the Chairs of the Finance and Taxation Committees  
26           (Education and General Fund). If the committee fails to review  
27           and comment upon any publication or letter of intent to

1 produce such publication within the aforementioned 90-day time  
2 period, such publication shall be deemed to have been reviewed  
3 in compliance with this section.

4 "(c) The committee shall have the power to issue  
5 subpoenas for any witnesses and to require the production of  
6 any documents or contracts it feels it needs to examine in the  
7 conduct of its duties.

8 "The committee shall organize itself at the first  
9 meeting and elect from among its membership a chair and a  
10 vice-chair. The committee shall hold regular meetings at least  
11 once each month, the regular meetings to be held during the  
12 first week of each month."

13 "§29-2-41.3.

14 "(a) The following personal and/or professional  
15 services contracts shall be excluded from the terms of this  
16 article:

17 "(1) Contracts for insurance;

18 "(2) Contracts let by competitive bid;

19 "(3) Contracts entered into by public corporations  
20 and authorities;

21 "(4) Any contract the total amount of which does not  
22 exceed \$1,500.00, said total amount to include both  
23 compensation and reimbursement of expenses, except as provided  
24 in subsection (b).

25 "(b) The following publications shall be excluded  
26 from the terms of this article:

1                   "(1) Publications costing less than \$100 to produce  
2 and distribute; and

3                   "(2) Publications distributed solely via electronic  
4 means."

5                   Section 2. This act is effective October 1, 2015  
6 following its passage and approval by the Governor, or its  
7 otherwise becoming law.