

1 HB36
2 171082-1
3 By Representatives McCutcheon, Hill (M), Garrett, Treadaway,
4 South, Weaver, Rowe, Fridy, Ledbetter, Wood, Whorton (R),
5 McMillan, Davis, Rich, Faust, Mooney, Moore (B), Beech and
6 Greer
7 RFD: Ways and Means General Fund
8 First Read: 09-SEP-15

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8 SYNOPSIS: This bill would create the permanent Joint
9 Legislative Committee on Taxpayer Accountability.

10 This bill would provide for the membership,
11 reimbursement, powers, and duties of the committee.

12 This bill would authorize the committee to
13 review and analyze expenditures and budget requests
14 by state agencies and departments and to make
15 reports and recommendations to the Legislature
16 under certain conditions.

17 This bill would allow the committee to
18 direct the Chief Examiner of Public Accounts to
19 conduct an audit, review, or examination of any
20 state agency or other entity under certain
21 conditions.

22 This bill would also require notice to the
23 committee before the Department of Finance could
24 modify or withhold the planned expenditure of funds
25 by state agencies and other entities, and would
26 prohibit certain interagency agreements unless

1 notice is also provided by the Governor to the
2 committee.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 To create the permanent Joint Legislative Committee
9 on Taxpayer Accountability; to provide for membership of the
10 committee; to provide for the reimbursement of expenses of
11 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 allow the Department of Finance to modify or withhold the
18 planned expenditure of funds upon notice to the committee; and
19 to prohibit certain interagency agreements unless certain
20 notice is also 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 Taxpayer Accountability.

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

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

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

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

5 (4) The Chair of the Senate Finance and Taxation
6 General Fund Committee.

7 (5) Four members of the Senate appointed by the
8 President Pro Tempore of the Senate.

9 (6) Four members of the House of Representatives
10 appointed by the Speaker of the House of Representatives.

11 (c) (1) Initial committee members shall be appointed
12 within 30 days of the effective date of this act. Successor
13 committee members shall be appointed at the commencement of
14 the 2019 Regular Legislative Session and each four years
15 thereafter.

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

21 (d) Each member of the committee shall receive
22 reimbursement of any applicable expenses related to the work
23 of the committee pursuant to Amendment 871 to the Constitution
24 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 monthly at a date and
22 time determined at the call of the chair, with reasonable
23 efforts made to set such meetings at a time that coincides
24 with meetings called by the Contract Review Oversight
25 Committee.

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

4 (h) Action by the committee must be approved by a
5 majority of the House members of the committee and a majority
6 of the Senate members of the committee.

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

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

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

21 Section 3. The committee shall have the following
22 powers and duties:

23 (1) To review and analyze expenditures by state
24 agencies, departments, bureaus, boards, commissions,
25 authorities, or other entities, and to make reports and
26 recommendations to the Legislature as to whether funds are

1 expended for the programs or purposes for which they were
2 appropriated by the Legislature.

3 (2) To review and analyze budget proposals and
4 requests from state agencies, departments, bureaus, boards,
5 commissions, authorities, and other entities to better
6 understand the details of the entity's expenditures and budget
7 appropriation requests, and to hold public hearings on any
8 matter deemed necessary by the committee upon the call of the
9 chair or a majority of committee members.

10 (3) To work in cooperation with the various state
11 agencies and entities to evaluate the effectiveness and
12 efficiency of operations and programs of state agencies,
13 departments, bureaus, boards, commissions, authorities, or
14 other entities.

15 (4) To offer formal suggestions and recommendations
16 to state agencies, departments, bureaus, boards, commissions,
17 authorities, or other state entities regarding potential
18 cost-savings, improved efficiencies, and the correction of any
19 operational deficiencies identified by the committee.

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

25 (6) To take other action as may be necessary or
26 convenient to effectively and efficiently accomplish the

1 purposes of and perform the duties identified and set forth
2 under this act.

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

5 "§41-19-10.

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

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

17 "(c) The Department of Finance shall:

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

24 "(2) Approve the operations plan if satisfied that
25 it meets the requirements under subdivision (1) of this
26 subsection; otherwise, the Department of Finance shall require
27 revision of the operations plan in whole or in part; and

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

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

18 "(e) Appropriation transfers or changes as between
19 objects of expenditures within a program may be made only by
20 the Director of Finance. Appropriation transfers or changes
21 between programs within an agency/department may be made only
22 by the Governor and shall be reported to the Legislature
23 quarterly. No transfers shall be made between
24 agencies/departments except pursuant to interagency agreements
25 executed for purposes of accomplishing objectives for which
26 the funds involved were appropriated. An agency or department
27 may not enter into an interagency agreement transferring

1 employees, programs, professional contracts, personal
2 property, or equipment, except upon notice to the Joint
3 Legislative Committee on Taxpayer Accountability prior to
4 execution of the interagency agreement. Interagency agreements
5 may not be used to effectuate policy changes, including, but
6 not limited to, the creation of new programs unless the
7 Governor provides notice to the Joint Legislative Committee on
8 Taxpayer Accountability.

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

15 Section 5. This act shall become effective
16 immediately following its passage and approval by the
17 Governor, or its otherwise becoming law.