

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

2
3
4
5
6
7
8 SYNOPSIS: This bill would create the Joint Legislative
9 Committee on Government Oversight and
10 Accountability to provide continuous legislative
11 oversight of all state government operations.

12 This bill would provide for the membership,
13 compensation, powers, and duties of the committee.

14 This bill would authorize the committee to
15 review expenditures by state agencies and other
16 entities and investigate, in detail, whether funds
17 are expended for the programs or purposes for which
18 they were appropriated by the Legislature.

19 This bill would authorize the committee to
20 offer formal suggestions to state agencies and
21 other entities to correct operational deficiencies
22 identified by the committee and would allow the
23 committee to direct the Chief Examiner of Public
24 Accounts to conduct an audit, review, or
25 examination of any state agency or other entity
26 under certain conditions.

1 This bill would also authorize the
2 Department of Finance to modify the planned
3 expenditure of funds by state agencies and other
4 entities upon advice and consent of the Joint
5 Legislative Committee on Government Oversight and
6 Accountability and would prohibit certain
7 interagency agreements unless notice is provided by
8 the Governor to the committee.

9
10 A BILL
11 TO BE ENTITLED
12 AN ACT

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

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. (a) There is created a permanent Joint
2 Legislative Committee on Government Oversight and
3 Accountability.

4 (b) The committee shall consist of the following
5 members:

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

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

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

12 (4) The Chair of the Senate Finance and Taxation
13 General Fund Committee.

14 (5) Four members of the Senate appointed by the
15 President Pro Tempore of the Senate.

16 (6) Four members of the House of Representatives
17 appointed by the Speaker of the House of Representatives.

18 (c) (1) Initial committee members shall be appointed
19 within 30 days of the effective date of this act. Successor
20 committee members shall be appointed at the 2019 regular
21 legislative session and each four years thereafter.

22 (2) Members of the committee may serve on the
23 committee during the term in which appointed and, if
24 reappointed to the same house without a break in service to
25 that house, during the succeeding legislative term until his
26 or her successor is appointed.

1 (d) Each member of the committee shall receive
2 compensation and an expense allowance pursuant to Amendment
3 871 to the Constitution of Alabama of 1901.

4 (e) Upon the initial appointment of committee
5 members and at the first regular session of each quadrennium
6 of the Legislature thereafter, the President Pro Tempore of
7 the Senate and the Speaker of the House of Representatives
8 shall select a Senate member of the committee and a House
9 member of the committee, respectively, to serve as co-chairs
10 of the committee. The co-chairs shall alternate acting as
11 chair and vice-chair of the committee every two years, with
12 the co-chair from the House of Representatives acting as chair
13 during the first two years of a quadrennium, and the co-chair
14 from the Senate acting as chair during the last two years of
15 the quadrennium.

16 (f) (1) The appointments by the President Pro Tempore
17 of the Senate and the Speaker of the House of Representatives
18 shall be made so that each political party is represented in
19 approximately the same proportion as the party is represented
20 in both the House and the Senate.

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

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

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

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

7 (h) Action by the committee must be approved by a
8 majority of the members of the House and a majority of the
9 members of the Senate.

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

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

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

24 Section 3. The committee shall have the following
25 powers and duties:

26 (1) To provide continuous legislative oversight of
27 all state government operations.

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

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

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

11 (5) To report important and relevant information
12 discovered by the committee through the course of its review
13 and investigation to the President Pro Tempore of the Senate
14 and the Speaker of the House of Representatives.

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

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

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

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

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

9 "§41-19-10.

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

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

21 "(c) The Department of Finance shall:

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

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

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

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

23 "(e) Appropriation transfers or changes as between
24 objects of expenditures within a program may be made only by
25 the Director of Finance. Appropriation transfers or changes
26 between programs within an agency/department may be made only
27 by the Governor and shall be reported to the Legislature

1 quarterly. No transfers shall be made between
2 agencies/departments except pursuant to interagency agreements
3 executed for purposes of accomplishing objectives for which
4 the funds involved were appropriated. An agency or department
5 may not enter into an interagency agreement transferring
6 employees, programs, professional contracts, personal
7 property, or equipment, unless the Governor provides 30 days'
8 notice to the Joint Legislative Committee on Government
9 Oversight and Accountability prior to execution of the
10 interagency agreement. Interagency agreements may not be used
11 to effectuate policy changes, including, but not limited to,
12 the creation of new programs unless the Governor provides 30
13 days' notice to the Joint Legislative Committee on Government
14 Oversight and Accountability.

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

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