

1 HB252
2 195842-1
3 By Representative Pringle
4 RFD: Fiscal Responsibility
5 First Read: 20-MAR-19

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, the expenditures of
9 self-sustaining state professional licensing
10 boards, agencies, and commissions are not required
11 to be published on the searchable public Internet
12 database maintained by the Comptroller and
13 contracts for personal and professional services
14 entered into by those boards, agencies, and
15 commissions are not subject to review by the
16 Contract Review Permanent Legislative Oversight
17 Committee.

18 This bill would require previously exempted
19 self-sustaining state professional licensing
20 boards, agencies, and commissions to publish their
21 expenditure information on the public website of
22 the board, agency, or commission.

23 This bill would also subject certain
24 contracts for personal and professional services of
25 self-sustaining state professional licensing
26 boards, agencies, and commissions to review by the
27 Contract Review Permanent Legislative Oversight

1 Committee in the same manner as required for other
2 state agencies.

3
4 A BILL
5 TO BE ENTITLED
6 AN ACT

7
8 Relating to professional licensing boards, agencies,
9 and commissions; to require each self-sustaining board,
10 agency, or commission previously exempted from posting
11 expenditures through the searchable public Internet database
12 of the Comptroller, to post the information on the public
13 website of the board, agency, or commission; and to subject
14 personal and professional service contracts of those boards,
15 agencies, and commissions to review by the Contract Review
16 Permanent Legislative Oversight Committee.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. (a) (1) For the purposes of this section,
19 a licensing board is a state professional licensing board,
20 agency, or commission that is self-sustaining by its own
21 revenues and fees, the expenditures of which are not required
22 to be published on the searchable public Internet database
23 maintained by the Comptroller pursuant to Section 41-4-65,
24 Code of Alabama 1975.

25 (2) The expenditures, including contracts and
26 grants, of each licensing board shall be published on the
27 website of the licensing board. The published expenditures

1 shall be electronically searchable by the public, except as
2 provided by subdivision (4), and shall include all of the
3 following:

4 a. The amount, date, payor, and payee of
5 expenditures.

6 b. A listing of state expenditures by both of the
7 following:

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

10 2. To the extent maintained by the licensing board
11 accounting systems in a reportable format, class and item
12 levels.

13 (3) To the extent possible, the licensing board
14 shall present expenditure information in a manner that is
15 searchable and intuitive to users and shall enhance and
16 organize the presentation of the information through the use
17 of graphical representations, such as pie charts, as the
18 licensing board considers appropriate.

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

1 liability for posting confidential information under this
2 section if the licensing board, or officer or employee of the
3 licensing board, posted the information in reliance on a
4 determination made by the licensing board about the
5 confidentiality of information relating to the expenditures of
6 the licensing board.

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, the licensing board shall
10 include that information on the website.

11 (6) The licensing board may not charge a fee to the
12 public to access any information required to be published on
13 the licensing board website pursuant to this section.

14 (7) The Alabama Department of Finance, after
15 consultation with each licensing board, shall prominently
16 include a link to that portion of the website of each
17 licensing board, that includes the expenditure information
18 required to be published by this section on the public home
19 page of the State of Alabama.

20 (8) The home page of the website of each licensing
21 board shall include a prominent link to the expenditure
22 information required to be published by this section.

23 (9) Each licensing board may adopt rules to
24 implement and administer this section.

25 (10) Any vendor, contractor, or other supplier to
26 any licensing board may notify the licensing board in writing
27 that its prices or costs, or both, should be held

1 confidential. Upon receipt of such written notification, the
2 licensing board may not post the prices or costs, or both,
3 specified in the notification unless and until the licensing
4 board investigates whether the prices or costs, or both,
5 claimed in the notification to be confidential should be
6 protected from posting. The investigation shall include a
7 hearing where the vendor, contractor, or other supplier may
8 present justification for holding the information
9 confidential. The ruling of the licensing board on
10 confidentiality shall be based on a standard of reasonableness
11 and shall be subject to review by the courts.

12 (b) Each contract for personal or professional
13 services, as defined in Section 29-2-41.2, Code of Alabama
14 1975, entered into by a licensing board shall be reviewed by
15 the Contract Review Permanent Legislative Oversight Committee
16 in the same manner as the personal and professional services
17 contracts of state departments are reviewed by the committee
18 pursuant to Article 3, commencing with Section 29-2-40,
19 Chapter 2, Title 29, Code of Alabama 1975.

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