

1 SB35
2 114966-3
3 By Senators Ross and Bedford
4 RFD: Finance and Taxation General Fund
5 First Read: 12-JAN-10
6 PFD: 11/17/2010

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 To amend Section 29-2-41, Code of Alabama 1975,
12 relating to the Contract Review Oversight Committee, to extend
13 the waiting period for the committee and provide that it would
14 be a felony to make a payment under a contract during the
15 waiting period; and in connection therewith would have as its
16 purpose or effect the requirement of a new or increased
17 expenditure of local funds within the meaning of Amendment 621
18 of the Constitution of Alabama of 1901, now appearing as
19 Section 111.05 of the Official Recompilation of the
20 Constitution of Alabama of 1901, as amended.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section 29-2-41, Code of Alabama 1975, is
23 amended to read as follows:

24 "§29-2-41.

25 "Each member of the committee shall be entitled to
26 regular legislative compensation, per diem, and travel
27 expenses for each day he or she attends a meeting of the

1 committee, which shall be paid out of the funds appropriated
2 to the use of the Legislature, on warrants drawn on the State
3 Comptroller upon requisition signed by the committee's chair.
4 Members shall not receive additional compensation or per diem
5 when the Legislature is in session. The Department of
6 Examiners of Public Accounts shall furnish assistance and any
7 relevant information to the committee. The committee shall
8 have the responsibility of reviewing contracts for personal
9 or professional services with private entities or individuals
10 to be paid out of appropriated funds, federal or state, on a
11 state warrant issued as recompense for those services. Each
12 state department entering into a contract to be paid out of
13 appropriated funds, federal or state, on a state warrant which
14 is notified by the committee is required to submit to the
15 committee any proposed contract for personal or professional
16 services. Each contract shall be accompanied by an itemization
17 of the total cost estimate of the contract. The department
18 may, in lieu of the proposed contract, submit to the committee
19 a letter of intent to contract. Such letter of intent to
20 contract shall indicate the contracting parties, the services
21 to be performed, an itemization of the total cost estimate of
22 the contract, and such other information as the department may
23 deem pertinent to the committee review of the contract. The
24 committee shall review and comment where necessary on any such
25 contract or letter of intent to contract within a reasonable
26 time not to exceed 45 days after the department has submitted
27 the contract or letter of intent to contract to the committee.

1 Any contract made by the state or any of its agencies or
2 departments in violation of this section and without prior
3 review by the committee of either the contract or the letter
4 of intent to contract shall be void ab initio. It shall be a
5 Class C felony for any person to knowingly and intentionally
6 make a payment under a contract in violation of this section
7 and without prior review by the committee of either the
8 contract or the letter of intent to contract. If the committee
9 fails to review and comment upon any contract or letter of
10 intent to contract within the aforementioned 45-day time
11 period, such contract shall be deemed to have been reviewed
12 in compliance with this section.

13 "Should the department elect to submit a letter of
14 intent to contract in lieu of a proposed contract, as
15 authorized in the preceding paragraph, the department shall be
16 required to submit to the committee for its information the
17 contract described in the letter of intent upon the execution
18 of the contract.

19 "The committee shall have the power to issue
20 subpoenas for any witnesses and to require the production of
21 any documents or contracts it feels it needs to examine in the
22 conduct of its duties.

23 "The committee shall organize itself at the first
24 meeting and elect from among its membership a chair and a
25 vice-chair. The committee shall hold regular meetings at least
26 once each month, the regular meetings to be held during the
27 first week of each month."

1 Section 2. Although this bill would have as its
2 purpose or effect the requirement of a new or increased
3 expenditure of local funds, the bill is excluded from further
4 requirements and application under Amendment 621, now
5 appearing as Section 111.05 of the Official Recompilation of
6 the Constitution of Alabama of 1901, as amended, because the
7 bill defines a new crime or amends the definition of an
8 existing crime.

9 Section 3. This act shall become effective
10 immediately following its passage and approval by the
11 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate committee on Finance and Taxation General Fund ..	12-JAN-10
Read for the second time and placed on the calen- dar	14-JAN-10
Read for the third time and passed as amended ...	04-FEB-10

Yeas 28
Nays 0

McDowell Lee
Secretary