HB27
171082-1
By Representative Knight
RFD: Ways and Means General Fund
First Read: 03-AUG-15
SYNOPSIS: This bill would create the permanent Joint Legislative Committee on Taxpayer Accountability. This bill would provide for the membership, reimbursement, powers, and duties of the committee. This bill would authorize the committee to review and analyze expenditures and budget requests by state agencies and departments and to make reports and recommendations to the Legislature under certain conditions.

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

This bill would also require notice to the committee before the Department of Finance could modify or withhold the planned expenditure of funds by state agencies and other entities, and would prohibit certain interagency agreements unless
notice is also provided by the Governor to the committee.

A BILL

TO BE ENTITLED

AN ACT

To create the permanent Joint Legislative Committee on Taxpayer Accountability; to provide for membership of the committee; to provide for the reimbursement of expenses of members; to provide for the powers and duties of the committee; to specify time frames for meetings held by the committee; to allow the committee to request audits of certain state agencies and other entities under certain conditions; to authorize the committee to hold public hearings under certain conditions; to amend Section 41-19-10, Code of Alabama 1975, to allow the Department of Finance to modify or withhold the planned expenditure of funds upon notice to the committee; and to prohibit certain interagency agreements unless certain notice is also provided to the committee.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) There is created a permanent Joint Legislative Committee on Taxpayer Accountability.

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

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

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

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

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

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

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

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

(d) Each member of the committee shall receive reimbursement of any applicable expenses related to the work of the committee pursuant to Amendment 871 to the Constitution of Alabama of 1901.

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

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

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

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

(2) The committee shall meet monthly at a date and time determined at the call of the chair, with reasonable efforts made to set such meetings at a time that coincides with meetings called by the Contract Review Oversight Committee.
(3) The last meeting of the committee for a fiscal year shall be a public hearing in which the actions of the committee during the fiscal year are reviewed.

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

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

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

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

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

(1) To review and analyze expenditures by state agencies, departments, bureaus, boards, commissions, authorities, or other entities, and to make reports and 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.

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

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

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

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

(6) To take other action as may be necessary or
convenient to effectively and efficiently accomplish the
purposes of and perform the duties identified and set forth
under this act.

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

"§41-19-10.

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

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

"(c) The Department of Finance shall:

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

"(2) Approve the operations plan if satisfied that
it meets the requirements under subdivision (1) of this
subsection; otherwise, the Department of Finance shall require
revision of the operations plan in whole or in part; and
"(3) Modify or withhold the planned expenditures at any time during the appropriation period if the Department of Finance finds that such expenditures are greater than those necessary to execute the programs at the level authorized by the Governor and the Legislature or that the revenues and resources will be insufficient to meet the authorized expenditure levels. The department, upon notice to the Joint Legislative Committee on Taxpayer Accountability, may approve, modify, or withhold the planned expenditure of funds if the department finds that the expenditures are greater than necessary to execute the programs at the level authorized by the Governor and the Legislature.

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

"(e) Appropriation transfers or changes as between objects of expenditures within a program may be made only by the Director of Finance. Appropriation transfers or changes between programs within an agency/department may be made only by the Governor and shall be reported to the Legislature quarterly. No transfers shall be made between agencies/departments except pursuant to interagency agreements executed for purposes of accomplishing objectives for which the funds involved were appropriated. An agency or department may not enter into an interagency agreement transferring
employees, programs, professional contracts, personal property, or equipment, except upon notice to the Joint Legislative Committee on Taxpayer Accountability prior to execution of the interagency agreement. Interagency agreements may not be used to effectuate policy changes, including, but not limited to, the creation of new programs unless the Governor provides notice to the Joint Legislative Committee on Taxpayer Accountability.

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

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