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3 HOUSE STATE GOVERNMENT COMMITTEE SUBSTITUTE FOR HB124

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8 SYNOPSIS: Under existing law, the expenditures of

9 self-sustaining state professional licensing boards

10 and commissions are not required to be published on

11 the searchable public Internet database maintained

12 by the Comptroller.

13 This bill would require previously exempted

14 self-sustaining state professional licensing boards

15 and commissions to publish their expenditure

16 information on the public website of the board or

17 commission, or on the website of the Comptroller

18 for a reasonable fee.

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20 A BILL

21 TO BE ENTITLED

22 AN ACT

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24 Relating to professional licensing boards and

25 commissions; to require each self-sustaining board or

26 commission previously exempted from posting expenditures

27 through the searchable public Internet database of the

1 Comptroller, to post the information on the public website of
2 the board or commission, or on the website of the Comptroller
3 for a reasonable fee.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. (a) For the purposes of this section, a
6 licensing board is a state professional licensing board or
7 commission that is self-sustaining by its own revenues and
8 fees, the expenditures of which are not required to be
9 published on the searchable public Internet database
10 maintained by the Comptroller pursuant to Section 41-4-65,
11 Code of Alabama 1975.

12 (b) The expenditures, including contracts and
13 grants, of each licensing board shall be published on the
14 website of the licensing board. The published expenditures
15 shall be electronically searchable by the public, except as
16 provided by subdivision (4), and shall include all of the
17 following:

18 (1) The amount, date, payor, and payee of
19 expenditures.

20 (2) A listing of state expenditures by both of the
21 following:

22 a. The object of the expense with links to the
23 warrant or check register level.

24 b. To the extent maintained by the licensing board
25 accounting systems in a reportable format, class and item
26 levels.

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

(4) The licensing board may not allow public access under this section to the address of a payee, except that the licensing board may allow public access under this section to information identifying the county in which the payee is located. The licensing board may not allow public access under this section to information that is identified by the licensing board that is exempt from required disclosure as confidential. The licensing board, or an officer or employee of the licensing board, shall be immune from any civil liability for posting confidential information under this section if the licensing board, or officer or employee of the licensing board, posted the information in reliance on a determination made by the licensing board about the confidentiality of information relating to the expenditures of the licensing board.

(5) To the extent any information required to be published on the website is already being collected or maintained by the licensing board, the licensing board shall include that information on the website.

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

(7) The Alabama Department of Finance, after consultation with each licensing board, shall prominently include a link to that portion of the website of each licensing board, that includes the expenditure information required to be published by this section on the website of the Comptroller. Alternatively, a licensing board may publish expenditure information required to be published by this section on the website maintained by the Comptroller pursuant to Section 41-4-65, Code of Alabama 1975. Notwithstanding subsection (h) of Section 41-4-65, Code of Alabama 1975, the Comptroller may charge a licensing board a reasonable fee for publishing expenditure information pursuant to this subdivision.

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

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

(10) Any vendor, contractor, or other supplier to any licensing board may notify the licensing board in writing that its prices or costs, or both, should be held confidential. Upon receipt of written notification, the licensing board may not post the prices or costs, or both, specified in the notification unless and until the licensing

1 board investigates whether the prices or costs, or both,
2 claimed in the notification to be confidential should be
3 protected from posting. The investigation shall include a
4 hearing where the vendor, contractor, or other supplier may
5 present justification for holding the information
6 confidential. The ruling of the licensing board on
7 confidentiality shall be based on a standard of reasonableness
8 and shall be subject to review by the courts.

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