

1 SB262
2 213625-2
3 By Senator Waggoner
4 RFD: Governmental Affairs
5 First Read: 24-FEB-22

8 SYNOPSIS: Under existing law, the Secretary of State
9 is required to compile, maintain, publish, and
10 update weekly a centralized database of appointees
11 and vacancies of state boards, commissions, and
12 task forces on the website of the Secretary of
13 State.

14 This bill would revise the mechanism for the
15 Secretary of State to be notified when there is a
16 vacancy on a board, commission, or task force.

17 This bill would require the Secretary of
18 State to include on the website duties and legal
19 authority of a board, commission, or task force and
20 to make the website searchable.

21 This bill would require the Secretary of
22 State to annually report the membership and
23 viability status of each board to the Legislature
24 and recommend that the Sunset Committee review and
25 introduce legislation to terminate any nonviable
26 board during the next regular session.

1 This bill would require the Secretary of
2 State to maintain on its website a centralized
3 database of information relating to all temporary
4 task forces and study commissions, including notice
5 of meetings, task force membership, and final
6 reports.

7 This bill would also require the Department
8 of Examiners of Public Accounts, in lieu of the
9 Alabama Law Institute, to review appointment
10 expiration dates for statutory authority and
11 compliance and would also require the department to
12 examine and summarize compliance in board audits.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 Relating to the Secretary of State; to amend Section
19 36-14-17, Code of Alabama 1975; to provide further for the
20 Secretary of State to maintain and update on its website
21 information relating to each board, commission, and task force
22 and its membership and appointing authorities; to require the
23 Secretary of State to annually report board membership and
24 viability status to the Legislature and recommend Sunset
25 Committee review for nonviable boards; to require the
26 Department of Examiners of Public Accounts to review
27 appointment expiration dates for statutory authority and

1 compliance; and to require the department to examine and
2 summarize compliance in board audits.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. Section 36-14-17 of the Code of Alabama
5 1975, is amended to read as follows:

6 "§36-14-17.

7 "(a) As used in this section, the following words
8 have the following meanings:

9 "(1) BOARD. A state board, commission, committee,
10 permanent task force, or similar multi-member entity created
11 by executive order of the Governor or by law and having
12 statewide or regional jurisdiction or application.

13 "(2) VACANCY. A vacancy in an existing board, or a
14 new, unfilled board position.

15 ~~"(b) (1) By December 4, 2006, the chair of an~~
16 ~~existing board or the appointing authority for the members of~~
17 ~~a newly created board shall provide the Secretary of State, in~~
18 ~~an electronic format prepared and distributed by the Secretary~~
19 ~~of State, the following data pertaining to the board:~~

20 "(b) (1) Not later than April 3, 2023, the Secretary
21 of State shall establish and maintain on the official website
22 of the Secretary of State accurate, detailed, and up-to-date
23 information regarding every board that includes, at a minimum,
24 all of the following information:

25 "a. The name of the board, its mailing address,
26 telephone number, and ~~e-mail~~ email address.

1 "b. A brief description of the board's mission and
2 duties.

3 ~~"b.c.~~ The name of each appointee to the board.

4 ~~"c.d.~~ The date of appointment, term of appointment,
5 and expiration date of the term of appointment of each
6 appointee.

7 ~~"d.e.~~ The name and position of the appointing
8 authority of each appointee.

9 "f. The statutory authority for board appointments.

10 "(2) The website shall be searchable, at a minimum,
11 by board, by appointing authority, and by terms and expiration
12 date of appointments.

13 "(3) Not later than 30 days after a new board is
14 created, the Secretary of State shall update the website to
15 include the information described in subdivision (1).

16 ~~"(2) The Alabama Law Institute shall review the~~
17 ~~expiration dates for statutory authority and compliance and~~
18 ~~report discrepancies to the chair or appointing authority.~~

19 ~~"(c) (1) The Secretary of State shall provide for~~
20 ~~annual updating of the required data and shall annually~~
21 ~~arrange for the publication on the website of the Secretary of~~
22 ~~State of the compiled data from each board by January 4 of~~
23 ~~each year.~~

24 ~~" (2) Paper copies of the compilation shall, upon~~
25 ~~request, be made available by the Secretary of State to any~~
26 ~~interested person at cost and copies shall be available in the~~

1 ~~office of the Secretary of State for viewing by interested~~
2 ~~persons during regular business hours.~~

3 ~~"(d)(1) (c)~~ The chair of an existing board shall
4 notify the Secretary of State by electronic means of a vacancy
5 as follows:

6 "(1) For a vacancy scheduled to occur on the board
7 as a result of the expiration of a term, at least 45 days
8 before the vacancy occurs.

9 ~~"(2) The chair of an existing board shall give~~
10 ~~electronic notification to the Secretary of State of each~~
11 ~~vacancy occurring as a result of a newly created board~~
12 ~~position and of every other~~ For a vacancy occurring for any
13 reason other than the expiration of a term, as soon as
14 possible and in any case within 15 days after the occurrence
15 of the vacancy.

16 ~~"(3) The appointing authority for a newly created~~
17 ~~board shall give electronic notification to the Secretary of~~
18 ~~State of all vacancies on the new board within 15 days after~~
19 ~~the creation of the board.~~

20 "(d) Notification of the appointment of board
21 members of a newly created board shall be provided
22 electronically to the Secretary of State within five business
23 days of appointment as follows:

24 "(1) For an appointing authority who is a member of
25 the Legislature, the Clerk of the House or the Secretary of
26 the Senate, as appropriate, shall notify the Secretary of
27 State of the appointment.

1 "(2) For any other appointing authority, the
2 appointing authority shall notify the Secretary of State of
3 the appointment.

4 "(e) The chair of each board shall be responsible
5 for ensuring all relevant information is transmitted to the
6 Secretary of State in a timely manner.

7 "(f) Not more than 30 days after a board is
8 sunsetting, abolished, or terminated, the Secretary of State
9 shall remove the board from the website as an active board,
10 but may retain the board information for archival purposes.

11 ~~"(4) (g) The Secretary of State shall publish weekly~~
12 ~~maintain on the website of the Secretary of State a list of~~
13 ~~all current vacancies of which the Secretary of State has been~~
14 ~~notified. A copy of the listing shall be made available upon~~
15 ~~request at the office of the Secretary of State to any~~
16 ~~interested person during regular business hours.~~

17 "(h) The Secretary of State, on or before the tenth
18 legislative day of each regular session of the Legislature,
19 shall submit a report detailing the membership and viability
20 status of each board to the Chairs of the House Boards,
21 Agencies, and Commissions Committee and the Senate
22 Governmental Affairs Committee. If the annual report reveals
23 that a board has been inactive for five or more years, the
24 Secretary of State shall recommend that the Sunset Committee
25 call the board for review, pursuant to the Alabama Sunset Law
26 of 1981, and introduce a bill to terminate the board during
27 the next regular session.

1 "~~(e)~~ (i) The Secretary of State may adopt necessary
2 rules to implement and administer this section."

3 Section 2. (a) As used in this section, "temporary
4 task force" means a task force, study commission, or similar
5 multi-member entity created by executive order of the Governor
6 or by law charged with a specific duty or duties and having a
7 temporary duration.

8 (b) (1) Not later than November 1, 2022, the
9 Secretary of State shall establish and maintain on the
10 official website of the Secretary of State accurate, detailed,
11 and up-to-date information regarding every temporary task
12 force that includes, at a minimum, all of the following
13 information:

14 a. The name of the temporary task force, a brief
15 description of its mission and duties, and the date the task
16 force expires.

17 b. The name of each appointee to the temporary task
18 force.

19 c. A link to the legislative act or executive order
20 creating the temporary task force.

21 d. Notice of all meetings of the temporary task
22 force.

23 e. All final reports and other documents produced by
24 the temporary task force.

25 (2) The website shall be searchable, at a minimum,
26 by the name of the temporary task force and by the year the
27 task force was created.

1 (c) The Secretary of State shall maintain the
2 information described in subsection (b) for expired temporary
3 task forces for archival purposes.

4 (d) Notification of the appointment of temporary
5 task force members shall be provided electronically to the
6 Secretary of State within five business days of appointment as
7 follows:

8 (1) For an appointing authority who is a member of
9 the Legislature, the Clerk of the House or the Secretary of
10 the Senate, as appropriate, shall notify the Secretary of
11 State of the appointment.

12 (2) For any other appointing authority, the
13 appointing authority shall notify the Secretary of State of
14 the appointment.

15 (e) The chair of each temporary task force shall be
16 responsible for ensuring that any final report is transmitted
17 to the Secretary of State no later than the day the temporary
18 task force is dissolved.

19 Section 3. (a) For purposes of this section, "board"
20 means a board defined in Section 36-14-17, Code of Alabama
21 1975.

22 (b) The Department of Examiners of Public Accounts
23 shall review the expiration dates of terms of board members
24 for statutory authority and compliance and report
25 discrepancies to the chair of the board or appointing
26 authority of a board member.

1 (c) The Department of Examiners of Public Accounts,
2 in preparing audits of boards for Sunset reports, or for any
3 other purpose, shall examine and summarize compliance by the
4 board with Section 36-14-17, Code of Alabama 1975.

5 Section 4. This act shall become effective on June
6 1, 2022, following its passage and approval by the Governor,
7 or its otherwise becoming law.