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5 Replace line 18 on page 1 with the following:

6 Relating to economic development; to amend
7 Section 40-18-379, Code of Alabama 1975, to authorize
8 the Joint Legislative Advisory Committee on Economic
9 Development to cause to be conducted a certain
10 economic incentive evaluation; and to add Section

11

12 After line 23 on page 1 insert the following and
13 renumber the remaining sections accordingly:

14 Section 1. Section 40-18-379, Code of Alabama
15 1975, is amended to read as follows:

16 "§40-18-379

17 (a) There is hereby created a permanent Joint
18 Legislative Advisory Committee on Economic Incentives,
19 hereinafter referred to as the committee.

20 (b) The committee shall be comprised of all of the
21 following persons:

22 (1) The chairs of the House Ways and Means General
23 Fund and Education Fund committees.

24 (2) The chairs of the Senate Finance and Taxation

25 General Fund and Education Fund committees.

26 (3) The Speaker of the House, or his or her designee,
27 and two members of the House of Representatives to be
28 appointed by the Speaker of the House.

29 (4) The President Pro Tempore of the Senate, or his or
30 her designee, the chair of the Senate Committee on
31 Fiscal Responsibility and Economic Development or its
32 successor committee, if any.

33 (5) One member of the Senate to be appointed by the
34 President Pro Tempore of the Senate.

35 (c) (1) The committee shall hold an organizational
36 meeting by August 1, 2015, and shall therein elect a
37 chair and vice chair from among its members.

38 Thereafter, the committee shall meet at the call of
39 the chair or any majority of members thereof; provided
40 that the committee shall meet at least two times
41 annually. Other than the organizational meeting, such
42 meetings shall be held with the Secretary of Commerce
43 in attendance, or his or her designee. The committee
44 may meet, act, and conduct its business during the
45 sessions of the Legislature or any recess thereof, and
46 in the interim period between sessions.

47 (2) Beginning on the effective date of this act, in
48 the first year of each quadrennium, the committee

49 shall elect from its membership a chair and vice-chair

50 which shall rotate between members from the House and

51 Senate. The chair shall be elected from the House and

52 the vice-chair from the Senate to serve the first two

53 years of each quadrennium. Beginning with the third

54 January 1 of the quadrennium and to serve for the

55 remainder of the quadrennium, the vice-chair shall

56 become the chair, and the chair shall become the

57 vice-chair. If the chair becomes vacant, the

58 vice-chair shall serve as chair until a replacement

59 chair is elected. An election to fill a vacancy of the

60 chair or vice-chair shall occur at the next meeting of

61 the committee.

62 (d) The committee shall adopt its own rules of

63 procedure for the transaction of committee business,

64 and a majority of the members present shall constitute

65 a quorum for the purpose of transacting or performing

66 authorized duties.

67 (e) The committee shall monitor and evaluate the

68 management process and standards used by the

69 Department of Commerce in the development of project

70 agreements and in the awarding of economic development

71 incentives as authorized by the laws of this state.

72 The committee may provide recommendations to the

Secretary of Commerce regarding the same and shall act in an advisory role only. Such recommendations may include certain identified minimum standards to be set forth in project agreements and otherwise in the awarding of economic development incentives, as well as recommendations regarding the recruitment of certain industries to the various geographic regions of the state. The committee may also request from the Department of Commerce specific, non-confidential information on successfully negotiated and executed project agreements as well as non-confidential information on unsuccessful project agreement negotiations.

(f) The Department of Commerce shall provide to the committee, upon request, an aggregated list of the amounts and types of economic development incentives awarded, as well as an analysis of the cost and benefits of the incentives awarded. The Department of Revenue shall assist the Department of Commerce in the calculations required in this section.

(g) (1) The committee may request that a third-party evaluation be conducted assessing the impacts of state economic development incentives, in the form of an annual Executive Report. The committee shall designate

the third party and shall determine the form and
contents of the Executive Report, that may include
historical economic incentives.

(2) The Department of Commerce, the Department of Revenue, and the Department of Labor shall cooperate with, and timely provide requested data to, the chosen third party conducting the evaluation.

(3) An Executive Report provided to the committee pursuant to this subsection shall not be considered a public record under Article 3 of Chapter 12 of Title 36.

~~(g)~~ (h) The committee shall make an annual report of its findings and recommendations to the Legislature during each regular session, and in its discretion may submit additional reports from time to time, or at any time.

(h)(i) In no event shall the Department of Commerce be required to disclose matters which would cause it to violate any nondisclosure agreement executed for a project. In no event shall the Department of Commerce be required to disclose matters which would cause the ~~state~~State of Alabama to be at a competitive disadvantage in ongoing or future project negotiations. The Department of Commerce shall not be

121 required under this article to disclose confidential
122 information to the committee that involves ongoing
123 project negotiations.

124 ~~(i)~~ (j) Meetings of the committee are exempt from
125 Chapter 25A of Title 36, provided that the minutes of
126 each meeting shall be made available for public
127 inspection. In order to balance the privacy needs of
128 economic development negotiations with openness to the
129 public, the committee may use code names in its
130 deliberations about various applicants and in the
131 minutes of its proceedings.

132 ~~(j)~~ (k) The membership of the committee shall be
133 inclusive and shall reflect the racial, gender,
134 geographic, urban/rural, and economic diversity of the
135 state.

136 (1) Upon request of the chair, the Secretary of
137 the Senate and the Clerk of the House shall provide
138 clerical assistance as the committee requires."