

1 SB113
2 115013-1
3 By Senators Orr, Sanford and Butler
4 RFD: Governmental Affairs
5 First Read: 12-JAN-10

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8 SYNOPSIS: Current law requires the Comptroller to
9 establish and post on the Internet a database of
10 state expenditures, including contracts and grants
11 that are electronically searchable by the public.

12 This bill would also require subcontracts
13 and purchase orders to be posted on the database of
14 state expenditures.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

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20 To amend Act 2009-750, 2009 Regular Session, now
21 appearing as Section 41-4-65, Code of Alabama 1975, relating
22 to the Internet database for state expenditures; and to
23 provide further requirements to be posted on the database.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Act 2009-751, 2009 Regular Session, now
26 appearing as Section 41-4-65, Code of Alabama 1975, is amended
27 to read as follows:

1 "§41-4-65.

2 "(a) In this section, state entity shall mean, the
3 State of Alabama, a political subdivision, an agency, board,
4 commission, or department of the state, the State Board of
5 Education, a public college or trade school, or a public
6 university, except that the term shall not mean a county, a
7 municipal corporation, a county board of education, a city
8 board of education, or a professional licensure agency board
9 that is self-sustaining by its own revenues and fees.

10 "(b) The Comptroller shall establish and post on the
11 Internet a database of state expenditures, including
12 contracts, subcontracts, purchase orders, and grants, that are
13 electronically searchable by the public, except as provided by
14 subsection (d). The database shall include all of the
15 following:

16 "(1) The amount, date, payor, and payee of
17 expenditures.

18 "(2) A listing of state expenditures by each of the
19 following:

20 "a. The object of the expense with links to the
21 warrant or check register level.

22 "b. To the extent maintained by the state entity
23 accounting systems in a reportable format, class and item
24 levels.

25 "(c) To the extent possible, the Comptroller shall
26 present information in the database established under this
27 section in a manner that is searchable and intuitive to users.

1 The Comptroller shall enhance and organize the presentation of
2 the information through the use of graphical representations,
3 such as pie charts, as the Comptroller considers appropriate.
4 At a minimum, the database shall allow users to:

5 "(1) Search state funding by any element of the
6 information.

7 "(2) Ascertain through a single search the total
8 amount of state funding awarded to a person by a state entity.

9 "(3) Download information yielded by a search of the
10 database.

11 "(d) The Comptroller may not allow public access
12 under this section to a payee's address, except that the
13 Comptroller may allow public access under this section to
14 information identifying the county in which the payee is
15 located. The Comptroller may not allow public access under
16 this section to information that is identified by a state
17 entity as excepted from required disclosure as confidential.
18 The Comptroller, or an officer or employee of the
19 Comptroller's office, shall be immune from any civil liability
20 for posting confidential information under this section if the
21 Comptroller, officer, or employee posted the information in
22 reliance on a determination made by a state entity about the
23 confidentiality of information relating to the expenditures of
24 the agency.

25 "(e) To the extent any information required to be in
26 the database is already being collected or maintained by a

1 state entity, the state entity shall provide that information
2 to the Comptroller for inclusion in the database.

3 "(f) The Comptroller may not charge a fee to the
4 public to access the database.

5 "(g) Except as provided by subsection (h), a state
6 entity shall cooperate with and provide information to the
7 Comptroller as necessary to implement and administer this
8 section.

9 "(h) This section does not require a state entity to
10 record information or expend resources for the purpose of
11 computer programming or other additional actions necessary to
12 make information reportable under this section.

13 "(i) The Alabama Department of Finance, after
14 consultation with the Comptroller, shall prominently include a
15 link to the database established under this section on the
16 public home page of the State of Alabama.

17 "(j) Each state entity that maintains a generally
18 accessible Internet site or for which a generally accessible
19 Internet site is maintained shall include a link on the
20 entity's Internet site to the state expenditure database
21 established by this section.

22 "(k) The Comptroller shall establish procedures and
23 adopt rules to implement and administer this section.

24 "(l) Any vendor, contractor, or other supplier to
25 any state entity may notify the Comptroller in writing that
26 its prices or costs, or both, should be held confidential.
27 Upon receipt of such written notification, the Comptroller

1 shall not post the prices or costs, or both, specified in the
2 notification unless and until the Comptroller shall
3 investigate whether the prices or costs, or both, claimed in
4 the notification to be confidential should be protected from
5 posting. Such investigation shall include a hearing where the
6 vendor, contractor, or other supplier can present
7 justification for holding the information confidential. The
8 Comptroller's ruling on confidentiality shall be based on a
9 standard of reasonableness. The Comptroller's ruling shall be
10 subject to review by the courts."

11 Section 2. This act shall become effective on
12 October 1, 2010, following its passage and approval by the
13 Governor, or its otherwise becoming law.