

1 SB221
2 205077-1
3 By Senators Livingston, Scofield, Allen, Whatley, Price,
4 Gudger, Stutts and Figures
5 RFD: Fiscal Responsibility and Economic Development
6 First Read: 20-FEB-20

SYNOPSIS: Under existing law, any person who for the purpose of financial gain submits a proposal, bid, contract, or grant proposal to the state is required to include a disclosure statement.

This bill would increase the minimum amount of the proposed contract for which a disclosure statement is required from five to fifteen thousand dollars; would allow the use of alternative disclosure statement forms; and would allow for the submission of a single annual disclosure statement for multiple proposals with the same state agency, department, or division.

This bill would allow for an alternative method of certifying the authenticity of a disclosure statement.

This bill would also exempt from the requirement of submission any disclosure statement that contains information otherwise prohibited from disclosure by state or federal law.

1 A BILL
2 TO BE ENTITLED
3 AN ACT
4

5 To amend Sections 41-16-82, 41-16-83, and 41-16-87,
6 Code of Alabama 1975, and to add Section 41-16-89 to the Code
7 of Alabama 1975, relating to public contracts; to increase the
8 minimum amount of the proposed contract for which a disclosure
9 statement is required from five to fifteen thousand dollars;
10 to allow the use of alternative disclosure statement forms; to
11 allow for the submission of a single annual disclosure
12 statement for multiple proposals with the same state agency,
13 department, or division; to allow an alternative method of
14 certifying the authenticity of a disclosure statement; and to
15 exempt from the requirement of submission any disclosure
16 statement containing information otherwise prohibited from
17 disclosure by state or federal law.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Sections 41-16-82, 41-16-83, and 41-16-87
20 of the Code of Alabama 1975, are amended to read as follows:

21 "§41-16-82.

22 "(a) This article shall only apply in cases where
23 the proposed grant or proposed contract at issue meets or
24 exceeds ~~five~~ fifteen thousand dollars ~~(\$5,000)~~ (\$15,000).

25 "(b) All persons who, for the purpose of direct
26 financial gain, submit a proposal, bid, contract, or grant
27 proposal to the State of Alabama, shall include a disclosure

1 statement that is identical to, or contains the same required
2 disclosures as, the disclosure statement developed by the
3 Attorney General and approved by the Legislative Council. The
4 disclosure statement shall not be required for contracts for
5 gas, water, and electric services where no competition exists,
6 or where rates are fixed by law or ordinance. In circumstances
7 where a contract is awarded by competitive bid, the disclosure
8 statement shall be required only from the person receiving the
9 contract and shall be submitted by that person within 10 days
10 of the award.

11 "(c) Any provision of this article to the contrary
12 notwithstanding, a person entering into multiple grants or
13 contracts with the same state agency, department, or division
14 during the same year may submit a single comprehensive annual
15 disclosure statement to that agency, department, or division.
16 The person entering into the grants or contracts with the
17 state shall have 30 days after any information contained in
18 the original annual disclosure statement becomes inaccurate or
19 incomplete to submit an amended annual disclosure statement.

20 "§41-16-83.

21 "(a) The information required on the disclosure
22 statement shall be made under oath and penalty as prescribed
23 herein and shall include, but not be limited to, the
24 following:

25 "(1) A list of the names and addresses of any public
26 official, ~~and~~ public employee, ~~and~~ or family ~~members~~ member of
27 the public official ~~and~~ or public employee, ~~7~~ who may have a

1 family relationship with the submitting person or his or her
2 immediate family members, ~~or his or her employees,~~ and who may
3 directly personally benefit financially from the contract,
4 proposal, request for proposal, invitation to bid, or grant
5 proposal.

6 "(2) A description of any financial benefit that may
7 be knowingly gained by any public official, public employee,
8 ~~and or family members~~ member of the public official ~~and or~~
9 public employee that may result either directly or indirectly
10 from the person or his or her immediate family members, or his
11 or her employees.

12 "(3) The names and addresses of any paid consultant
13 or lobbyist for the contract, proposal, request for proposal,
14 invitation to bid, or grant proposal.

15 "(b) ~~The~~ Except as provided in Section 41-16-89, the
16 State of Alabama shall not enter into any contract or
17 appropriate any public funds with any person who refuses to
18 provide information required by this section.

19 "(c) An unsworn certification meeting the
20 requirements of this section shall have the same effect as a
21 sworn statement if the certification is signed and all of the
22 following are included:

23 "a. A representation that the signer is authorized
24 to sign on behalf of vendor, if applicable.

25 "b. A declaration that the disclosure statement is
26 given under penalty of perjury in the jurisdiction in which it
27 is executed.

1 "c. The date and place of execution.

2 "§41-16-87.

3 "This article shall not apply to any ~~entity which~~
4 person who does not receive state funds under any grant or
5 contract."

6 Section 2. Section 41-16-89 is added to the Code of
7 Alabama 1975, as follows:

8 §41-16-89.

9 A completed disclosure statement that constitutes a
10 record, the public release of which is contrary to state or
11 federal law, is not required to be submitted to the state
12 agency, department, or division by the person receiving the
13 contract, and the state agency, department, or division
14 contracting with the person is not in violation of this
15 article for entering into a contract without receiving the
16 disclosure statement.

17 Section 3. This act shall become effective on the
18 first day of the third month following its passage and
19 approval by the Governor, or its otherwise becoming law.