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Replace line 18 on page 1 with the following:

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

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

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

"§40-18-379

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

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

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

(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) The committee shall hold an organizational meeting
36 by August 1, 2015, and shall therein elect a chair and
37 vice chair from among its members. Thereafter, the
38 committee shall meet at the call of the chair or any
39 majority of members thereof; provided that the
40 committee shall meet at least two times annually.

41 Other than the organizational meeting, such meetings
42 shall be held with the Secretary of Commerce in
43 attendance, or his or her designee. The committee may
44 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 (d) The committee shall adopt its own rules of
48 procedure for the transaction of committee business,

49 and a majority of the members present shall constitute
50 a quorum for the purpose of transacting or performing
51 authorized duties.

52 (e) The committee shall monitor and evaluate the
53 management process and standards used by the
54 Department of Commerce in the development of project
55 agreements and in the awarding of economic development
56 incentives as authorized by the laws of this state.

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

71 (f) The Department of Commerce shall provide to the
72 committee, upon request, an aggregated list of the

73 amounts and types of economic development incentives
74 awarded, as well as an analysis of the cost and
75 benefits of the incentives awarded. The Department of
76 Revenue shall assist the Department of Commerce in the
77 calculations required in this section.

78 (g) (1) The committee may request that a third-party
79 evaluation be conducted assessing the impacts of state
80 economic development incentives, in the form of an
81 annual Executive Report. Upon three referrals from the
82 Alabama Commission on Higher Education, the committee
83 shall designate the third party and shall determine
84 the form and contents of the Executive Report, which
85 may include historical economic incentives.

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

90 (3) An Executive Report provided to the committee
91 pursuant to this subsection shall not be considered a
92 public record under Article 3 of Chapter 12 of Title
93 36.

94 ~~(g)~~ (h) The committee shall make an annual report of
95 its findings and recommendations to the Legislature
96 during each regular session, and in its discretion may

97 submit additional reports from time to time, or at any
98 time.

99 ~~(h)~~ (i) In no event shall the Department of Commerce be
100 required to disclose matters which would cause it to
101 violate any nondisclosure agreement executed for a
102 project. In no event shall the Department of Commerce
103 be required to disclose matters which would cause the
104 ~~state~~ State of Alabama to be at a competitive
105 disadvantage in ongoing or future project
106 negotiations. The Department of Commerce shall not be
107 required under this article to disclose confidential
108 information to the committee that involves ongoing
109 project negotiations.

110 ~~(i)~~ (j) Meetings of the committee are exempt from
111 Chapter 25A of Title 36, provided that the minutes of
112 each meeting shall be made available for public
113 inspection. In order to balance the privacy needs of
114 economic development negotiations with openness to the
115 public, the committee may use code names in its
116 deliberations about various applicants and in the
117 minutes of its proceedings.

118 ~~(j)~~ (k) The membership of the committee shall be
119 inclusive and shall reflect the racial, gender,
120 geographic, urban/rural, and economic diversity of the

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AMENDMENT TO SB151

OFFERED BY FISCAL RESPONSIBILITY AND ECONOMIC DEVELOPMENT

OFFERED IN COMMITTEE BY TIM MELSON

121 state."

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