

1 HB147
2 147110-3
3 By Representative Wren
4 RFD: State Government
5 First Read: 05-FEB-13

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8 SYNOPSIS: Under existing law, the Legislative Council,
9 the House members of the Legislative Council, the
10 members of the Senate elected to the Legislative
11 Council, the Joint Committee on Administrative
12 Regulation Review, the Legislative Committee on
13 Public Accounts, the Joint Fiscal Committee, the
14 Legislative Building Authority, the Permanent
15 Legislative Committee on Reapportionment, the
16 Legislative Reference Service, and the Legislative
17 Fiscal Office have statutorily imposed functions
18 with regard to supervising certain staff services
19 and performing specified legislative functions.
20 This bill would abolish those entities, create a
21 Joint Committee on Legislative Operations, the
22 House Committee on House Administration, the Senate
23 Committee on Senate Administration, and the
24 Legislative Services Agency and transfer the
25 functions of the entities to the joint committee,
26 the two single house committees, and the agency.

1 The bill, among other things, would provide
2 for the membership of the committees; assign the
3 agency the responsibility of recommending persons
4 for employment by the Examiners of Public Accounts
5 and the Alabama Law Institute, establishing their
6 salaries, and additional responsibilities for
7 budgeting, accounting, and general administrative
8 functions for all entities in the Legislative
9 Department; provide for the appointment by the
10 committee of the Director of Legislative Services;
11 and require the agency to maintain a website
12 listing legislative expenditures that would include
13 the names and salaries of and any expenses paid to
14 employees in the Legislative Department and any
15 contracts into which the agency enters on behalf of
16 any entity in the Legislative Department.

17 Existing law also provides for additional
18 funding for the Legislature when available funds
19 are less than a specified amount. This bill would
20 repeal that provision.

21 Under existing law, the Alabama Law
22 Institute has such members, officers, and
23 committees as determined by the Board of
24 Commissioners of the Alabama State Bar. The
25 institute also has a governing council consisting
26 of ex officio, appointed, and elected positions.

1 This bill would specify that the institute
2 is a part of the Legislative Department, would
3 transfer powers previously granted to the Alabama
4 State Bar to the council, would revise the
5 membership of the council, would specify the
6 director would be appointed by the President of the
7 Alabama Law Institute, and would authorize the
8 director to employ the staff for the institute.
9

10 A BILL
11 TO BE ENTITLED
12 AN ACT

13
14 Relating to the Legislative Department, to create
15 the Joint Committee on Legislative Operations, the House
16 Committee on House Administration, the Senate Committee on
17 Senate Administration, and the Legislative Services Agency; to
18 provide for the Director of Legislative Services; to transfer
19 to the committees and agency functions from the Legislative
20 Council, the House Legislative Council, the entity consisting
21 of the Senate members elected to the Legislative Council, the
22 Joint Committee on Administrative Regulation Review, the Joint
23 Fiscal Committee, the Legislative Committee on Public
24 Accounts, the Legislative Building Authority, the Permanent
25 Legislative Committee on Reapportionment, the Legislative
26 Reference Service, and the Legislative Fiscal Office; and
27 abolish those entities; to assign additional administrative

1 functions to the agency, to delete a provision for an
2 automatic appropriation to the Legislature; to specify the
3 Alabama Law Institute is part of the Legislative Department,
4 to revise the membership of the governing council of the
5 institute, and to grant additional authority to the council
6 and the president and director of the institute; to add
7 Chapter 5A (commencing with Section 29-5A-1) to Title 29 of
8 the Code of Alabama 1975; to amend Sections 8-6-53, 8-19C-3,
9 9-11-68, 9-11-69, 11-100-4, 16-5-8.3, 16-6B-11, 17-11-42,
10 29-1-22, 29-1-24, 29-4-20, 29-4-22, 29-4-25, 29-4-30, 29-4-32,
11 29-4-35, 29-4-40, 29-4-42, 29-8-1, 29-8-2, 29-8-3, 29-8-4,
12 29-8-5, 30-3-8, 33-2-185, 34-14B-5, 36-7-24, 36-7-25,
13 36-13-30, 36-25-4.2, 38-7A-4, 40-2-9, 40-23-203, 41-5-3,
14 41-5-6, 41-5-9, 41-9-374, 41-9-715, 41-10-44.5, 41-16-27,
15 41-16-82, 41-19-3, 41-19-3.1, 41-20-4, 41-21-4, 41-21-7,
16 41-22-3, 41-22-22, 41-22-23, and 41-22-24, Code of Alabama
17 1975; and to repeal Article 4 (commencing with Section
18 29-2-50) of Chapter 2, Article 11 (commencing with Section
19 29-2-200) of Chapter 2, Chapter 5 (commencing with Section
20 29-5-1), Chapter 6 (commencing with Section 29-6-1), and
21 Chapter 7 (commencing with Section 29-7-1) of Title 29 of, and
22 Sections 41-5-18 and 41-5-19 of, the Code of Alabama 1975.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Chapter 5A (commencing with Section
25 29-5A-1) is added to Title 29 of the Code of Alabama 1975, to
26 read as follows:

27 Chapter 5A. Legislative Operations.

1 Article 1. General provisions and definitions.

2 §29-5A-1.

3 In this chapter, the following terms have the
4 following meanings:

5 (1) AGENCY. The Legislative Services Agency created
6 in Article 3.

7 (2) COMMITTEE. The Joint Committee on Legislative
8 Operations.

9 (3) DIRECTOR. The Director of Legislative Services.

10 Article 2. Joint Committee on Legislative
11 Operations.

12 §29-5A-10.

13 (a) The Joint Committee on Legislative Operations is
14 hereby created. The joint committee consists of the Speaker of
15 the House and five members of the House, at least two of whom
16 must be a member of a minority party or an independent,
17 elected by the House, who shall constitute the House Committee
18 on House Administration, and the President Pro tempore of the
19 Senate and five members of the Senate, at least two of whom
20 must be a member of a minority party or an independent,
21 elected by the Senate, who shall constitute the Senate
22 Committee on Senate Operations.

23 (b) The House and Senate members shall be elected at
24 the 2013 Regular Session of the Legislature and at the first
25 regular session of each quadrennium thereafter. Members of the
26 joint committee, whether elected or holding membership by
27 virtue of office, may serve on the joint committee during the

1 term in which elected or qualified and, if reelected to the
2 same house without a break in service to that house, during
3 the succeeding legislative term until a successor is elected
4 or qualified as provided by law. If a vacancy occurs in its
5 membership while the Legislature is not in session, the joint
6 committee may make temporary appointments to fill the vacancy
7 until the vacancy is filled by an election of the House or
8 Senate, as the case may be.

9 (c) If this chapter does not become operative prior
10 to adjournment sine die of the 2013 Regular Session, the
11 Speaker of the House and the President Pro tempore of the
12 Senate may each appoint five members of the House of
13 Representatives, two of whom shall be a member of a minority
14 party or an independent, and five members of the Senate, two
15 of whom shall be a member of a minority party or an
16 independent, respectively, to serve on the joint committee
17 until members are elected at the 2014 Regular Session.

18 (d) The President of the Senate shall be a
19 non-voting member of the committee.

20 (e) At its first meeting during each quadrennium and
21 at such other times as necessary, the committee shall elect a
22 chair and vice chair from among the membership of the
23 committee.

24 (f) To the extent possible, membership of the
25 committees shall be inclusive and reflect the racial,
26 geographic, urban/rural, and economic diversity of the state.

27 §29-5A-11.

1 (a) Within 10 days after the whole membership of the
2 Joint Committee on Legislative Operations is determined, the
3 joint committee shall convene at a place and time designated
4 by the President of the Senate in written notice given to each
5 member to select a chair and vice chair from the membership.
6 The joint committee shall meet thereafter at the request of
7 the chair or as its members shall determine, in both cases
8 upon written notice to each member of the committee. If the
9 chair declines to call a meeting or is unable to call a
10 meeting, the Speaker of the House or the President Pro tempore
11 may call a meeting of the committee.

12 (b) The House Committee on House Administration
13 shall convene at a time and place designated by the Speaker of
14 the House in written notice given to each member of the
15 committee to select a chair and vice chair of the committee.
16 The committee shall meet thereafter at the request of the
17 chair or as its members shall determine, in both cases upon
18 written notice to each member of the committee. If the chair
19 declines to call a meeting or is unable to call a meeting, the
20 Speaker of the House may call a meeting of the committee.

21 (c) The Senate Committee on Senate Administration
22 shall convene at a time and place designated by the President
23 Pro tempore in written notice given to each member of the
24 committee to select a chair and vice chair of the committee.
25 The committee shall meet thereafter at the request of the
26 chair or as its members shall determine, in both cases upon
27 written notice to each member of the committee. If the chair

1 declines to call a meeting or is unable to call a meeting, the
2 President Pro tempore may call a meeting of the committee.

3 §29-5A-12.

4 Members of the Joint Committee on Legislative
5 Operations, House Committee on House Administration, and
6 Senate Committee on Senate Administration shall receive
7 expenses for attendance of each meeting of the respective
8 committee or any subcommittee thereof as provided for in
9 Amendment 871 to the Constitution of Alabama of 1901. The
10 President of the Senate and Speaker of the House shall adopt
11 such rules as are necessary to implement Amendment 871 for
12 operation of the committees prior to the committees commencing
13 operations.

14 §29-5A-13.

15 The Joint Committee on Legislative Operations, the
16 House Committee on House Administration, and the Senate
17 Committee on Senate Administration may provide for the
18 appointment of subcommittees to facilitate its work.

19 §29-5A-14.

20 Members of the Joint Committee on Legislative
21 Operations, House Committee on House Administration, and
22 Senate Committee on Senate Administration may participate in a
23 meeting of the respective committee by means of telephone
24 conference, video conference, or similar communications
25 equipment by means of which all persons participating in the
26 meeting may hear each other at the same time and members of
27 the public may simultaneously listen to the meeting.

1 Participation by such means shall constitute presence in
2 person at a meeting for all purposes.

3 §29-5A-15.

4 (a) Any decision of the Joint Committee on
5 Legislative Operations shall be by a majority vote of the
6 committee members from the Senate and a majority vote of the
7 committee members from the House of Representatives.

8 (b) All decisions of the Joint Committee on
9 Legislative Operations, the House Committee on House
10 Administration, or the Senate Committee on Senate
11 Administration shall be reduced to writing and shall be
12 published on the website of the Legislature.

13 (c) The Joint Committee on Legislative Operations,
14 House Committee on House Administration, and Senate Committee
15 on Senate Administration shall be subject to the Alabama Open
16 Meetings Act, Chapter 25A (commencing with Section 36-25A-1)
17 of Title 36 of the Code of Alabama 1975, except as otherwise
18 provided in Section 29-5A-14 and except that a meeting may be
19 called on the same notice as a meeting of a committee of the
20 House or Senate under the rules of the House or Senate.

21 §29-5A-16.

22 (a) The Joint Committee on Legislative Operations
23 shall succeed to and is vested with all the powers of the
24 Legislative Council, the Joint Committee on Administrative
25 Regulation Review, the Legislative Committee on Public
26 Accounts, and the Joint Fiscal Committee.

1 (b) The House Committee on House Administration
2 succeeds to and is vested with all the powers previously
3 exercised by the House Members of the Legislative Council.

4 (c) The Senate Committee on Senate Administration
5 succeeds to and is vested with all the powers previously
6 exercised by the members of the Senate elected to the
7 Legislative Council.

8 (d) A reference in any law to any entity set forth
9 in subsection (a), (b), or (c) the powers of which are
10 succeeded to by the Joint Committee on Legislative Operations,
11 the House Committee on House Administration, or the Senate
12 Committee on Senate Administration shall be deemed a reference
13 to the Joint Committee on Legislative Operations, the House
14 Committee on House Administration, or the Senate Committee on
15 Senate Administration.

16 (e) All funds, papers, and property of any entity
17 set forth in subsection (a), (b), or (c) the powers of which
18 are succeeded to by the Joint Committee on Legislative
19 Operations, the House Committee on House Administration, and
20 the Senate Committee on Senate Administration shall be
21 transferred to the Joint Committee on Legislative Operations,
22 the House Committee on House Administration, or the Senate
23 Committee on Senate Administration upon the election of
24 members to the respective committee.

25 §29-5A-17.

26 The Director of the Legislative Services Agency
27 shall serve as secretary of the committee without salary other

1 than the compensation as the Director of the Legislative
2 Services Agency. The Legislative Services Agency shall provide
3 whatever staff assistance the committee deems appropriate.

4 §29-5A-18.

5 The committee shall have the following powers and
6 duties:

7 (1) It shall suggest research studies to the agency
8 and receive reports at such times as it may require, not less
9 than each three months, on work performed by the agency.

10 (2) It shall examine or cause to be examined the
11 effect of constitutional provisions and statutes of the State
12 of Alabama and the effectiveness of operation of state and
13 local government in Alabama.

14 (3) It shall prepare suggestions for legislation, in
15 the form of bills or otherwise, that in its opinion the
16 welfare of the State of Alabama demands, and it shall submit
17 these suggestions to the Legislature at each session.

18 (4) It shall report at each session of the
19 Legislature the activities and accomplishments of the agency
20 and the agency.

21 Article 3. Legislative Services Agency.

22 §29-5A-20.

23 (a) There is hereby created the Legislative Services
24 Agency which shall be under the supervision, direction, and
25 control of an officer designated the Director of Legislative
26 Services. The director shall be appointed by the committee and
27 shall receive the compensation and benefits established by the

1 committee, payable as the compensation of other state
2 employees.

3 (b) The agency succeeds to and is vested with all of
4 the functions of the Legislative Reference Service, the
5 Legislative Fiscal Office, the Joint Permanent Committee on
6 Reapportionment, the Legislative Building Authority, and the
7 Secretary of the Senate and the Chief Clerk of the House with
8 respect to payroll, accounting, purchasing, and operations of
9 the Legislative Data Center. A reference in any law to the
10 Legislative Reference Service, Legislative Fiscal Office,
11 Joint Permanent Committee on Reapportionment, the Legislative
12 Building Authority, or the Secretary of the Senate and the
13 Chief Clerk of the House with respect to payroll, accounting,
14 purchasing, and operations of the Legislative Data Center
15 shall be deemed a reference to the agency.

16 (c) On October 1, 2013, all papers, books,
17 materials, furnishings, funds, personnel, and property of the
18 Legislative Reference Service, Legislative Fiscal Office,
19 Joint Permanent Committee on Reapportionment, the Legislative
20 Building Authority, and the Secretary of the Senate and the
21 Chief Clerk of the House with respect to payroll, accounting,
22 purchasing, and operations of the Legislative Computer Center,
23 shall be deemed a reference to the agency are transferred to
24 the agency.

25 §29-5A-21.

26 The agency shall consist of three divisions as
27 follows:

1 (1) The Legal Division, which shall be headed by a
2 Deputy Director of Legislative Services, Legal. The Deputy
3 Director of Legislative Services, Legal, shall be appointed by
4 and serve at the pleasure of the director and shall receive
5 the compensation determined by the committee. The Legal
6 Division succeeds to and is vested with all the powers
7 previously performed by the Legislative Reference Service. A
8 reference in any law to the Legislative Reference Service
9 shall be deemed a reference to the Legal Division.

10 (2) The Fiscal Division, which shall be headed by a
11 Deputy Director of Legislative Services, Fiscal. The Deputy
12 Director of Legislative Services, Fiscal, shall be appointed
13 by and serve at the pleasure of the director and shall receive
14 the compensation determined by the committee. The Fiscal
15 Division succeeds to and is vested with all the powers
16 previously performed by the Legislative Fiscal Office. A
17 reference in any law to the Legislative Fiscal Office shall be
18 deemed a reference to the Fiscal Division.

19 (3) The Administrative Division, which shall be
20 headed by a Deputy Director of Legislative Services,
21 Administrative. The Deputy Director of Legislative Services,
22 Administrative, shall be appointed by and serve at the
23 pleasure of the director and shall receive the compensation
24 determined by the committee.

25 §29-5A-22.

26 The director shall hire professional staff necessary
27 to effectuate the purposes of this chapter. The employees

1 shall be exempt from the merit system. The director shall
2 determine their compensation and benefits and supervise the
3 performance of their duties.

4 Article 4. Legal Division.

5 §29-5A-30.

6 The Legal Division shall be under the supervision,
7 direction, and control of an officer designated as Deputy
8 Director of Legislative Services, Legal, who shall be
9 appointed as provided in Article 3.

10 §29-5A-31.

11 (a) The Deputy Director of Legislative Services,
12 Legal, shall have all of the following powers and duties:

13 (1) To respond to questions concerning the
14 organization and administration of state government or the
15 operation of constitutional or statutory law.

16 (2) To render assistance in the drafting of bills
17 and amendments to bills.

18 (3) To make studies and reports on problems of state
19 and local government in Alabama, either upon request or on his
20 or her own initiative.

21 (4) To conduct a continuous analysis of the scope,
22 effect, and methods of federal, state, and local government
23 operations in Alabama and make those recommendations to the
24 commission as he or she determines to be appropriate.

25 (5) To prepare, when directed by the Legislature, a
26 compilation or code of the statutes of Alabama.

1 (6) To act as Code Commissioner in determining the
2 content of the code and any supplements thereto and to prepare
3 an annual codification bill to adopt changes to the code
4 enacted at prior sessions of the Legislature.

5 (7) To enter into a printing contract on behalf of
6 the State of Alabama, when approved and directed by the
7 commission, to publish the official code of the statutes of
8 Alabama.

9 (b) Requests for assistance under subdivisions (1)
10 and (3) of subsection (a) shall be prepared only for a member
11 of the Legislature or the Lieutenant Governor, or a person
12 authorized by a member of the Legislature or by the Lieutenant
13 Governor. Requests for assistance under subdivision (2) of
14 subsection (a) shall be prepared only for a member of the
15 Legislature, the Lieutenant Governor, or the Governor, or a
16 person authorized by a member of the Legislature, by the
17 Lieutenant Governor, or by the Governor. A request for
18 assistance made by a member of the committee or a person
19 authorized by a member of the committee shall be given
20 priority over any other request. A request for assistance made
21 by a member of the Legislature or a person authorized by a
22 member of the Legislature shall be given priority over any
23 other requests other than by members of the committee. The
24 Deputy Director of Legislative Services, Legal, may respond to
25 other requests for assistance, including, but not limited to,
26 requests from other state governments, as he or she determines
27 to be in the best interests of the state.

1 (c) (1) Communications concerning a request for
2 assistance between the Deputy Director of Legislative
3 Services, Legal, and each officer and employee of the Legal
4 Division and an individual authorized by this section to make
5 a request for assistance shall be privileged and confidential.
6 When responding to a request for assistance, the Deputy
7 Director of Legislative Services, Legal, and each officer and
8 employee of the Legal Division shall maintain this privilege.
9 All requests for assistance and the contents thereof,
10 including, but not limited to, the fact a request was made,
11 any materials related to the request, and any work product
12 related to or arising from the request, shall be confidential
13 and privileged until this privilege is waived. The privilege
14 is waived when the Legal Division receives instructions to
15 release the material from the member of the Legislature in
16 whose name the request for assistance was made, or the
17 Lieutenant Governor for a request for assistance made in the
18 name of the Lieutenant Governor, or the Governor for a request
19 for assistance made in the name of the Governor.

20 (2) The introduction of a bill prepared by the Legal
21 Division is a waiver of the privilege imposed by this
22 subsection only with respect to the contents of the bill.

23 (3) The advertising of a local bill by synopsis or
24 in a form less than in its entirety is not, in and of itself,
25 a waiver of the privilege for the purposes of this subsection.

26 (d) In order that the purposes of this article shall
27 be best served, each department and agency of State of Alabama

1 government shall furnish to the Legal Division copies of all
2 monthly, quarterly, annual, biennial, quadrennial, and other
3 regular reports which it is required by law to prepare for
4 other agents or officials of the state government and copies
5 of all printed publications that it issues. Each department or
6 agency of State of Alabama government shall comply with
7 requests for supplementary reports made by the Legal Division
8 and approved by the committee. Each department and agency of
9 State of Alabama government shall make its internal records
10 available to the Legal Division upon request.

11 §29-5A-32.

12 (a) The Code Commissioner for the Code of Alabama
13 1975, in compiling the contents of the code and any cumulative
14 supplement and replacement volume to the code, may not alter
15 the sense, meaning, or effect of any act. The Code
16 Commissioner, in compiling the contents of the code and any
17 supplement and replacement volume to the code, may perform all
18 of the following editorial functions:

19 (1) Change the wording of descriptive headings and
20 catchlines.

21 (2) Change hierarchy units as specified in an act to
22 appropriate code hierarchy.

23 (3) Change reference numbers to conform with
24 renumbered hierarchy units, or make corrections in reference
25 numbers if the correction can be made without substantive
26 change in the law.

1 (4) Substitute the proper hierarchy unit for the
2 terms "this act," "the preceding section," and the like.

3 (5) Remove language that is surplusage, including
4 "of the Code of Alabama 1975," "of this section," and the like
5 when such language follows a designated hierarchy unit.

6 (6) Substitute "this title," "this chapter," or
7 other hierarchy designation in place of reference to the
8 specific unit, if the reference is within that unit.

9 (7) Translate dates to the appropriate month, day,
10 and year.

11 (8) Change words when directed by law.

12 (9) Substitute the name of any agency, officer, or
13 instrumentality of the state or of a political subdivision
14 whose name is changed by law or to which powers, duties, and
15 responsibilities have been transferred by law, for the name
16 which the agency, officer, or instrumentality previously used
17 or of the agency which was previously vested with the same
18 powers and charged with the same duties and responsibilities.

19 (10) Divide, consolidate, and rearrange hierarchy
20 units and parts of hierarchy units.

21 (11) If any section or part of a section of the Code
22 of Alabama 1975, is amended by more than one act at the same
23 session of the Legislature, incorporate into one or more code
24 sections the section as amended or altered by the several
25 acts, if each of the amendments, changes, or alterations are
26 not in substantive conflict and can be given effect and
27 incorporated in the code section or code sections in a manner

1 which will make the code section or code sections
2 intelligible.

3 (12) Resolve nonsubstantive conflicts between
4 multiple acts.

5 (13) Change capitalization, spelling, and
6 punctuation for the purpose of uniformity and consistency.

7 (14) Correct manifest grammatical, clerical, and
8 typographical errors, including, but not limited to, by means
9 of the addition or deletion of language.

10 (b) (1) Upon the adoption and incorporation of the
11 annual cumulative supplement and each replacement volume into
12 the Code of Alabama by statute, that supplement or replacement
13 volume shall be considered as part of the entire Code of
14 Alabama and shall be considered for statutory construction
15 purposes in the same manner as all other portions of the code.

16 (2) This adoption and incorporation by statute shall
17 constitute a continuous systematic codification of the entire
18 Code of Alabama 1975, for purposes of Section 85 of the
19 Constitution of Alabama of 1901. Such a statute is a law that
20 adopts a code for the purposes of Section 45 of the
21 Constitution of Alabama of 1901.

22 (c) The Legislature finds and declares that this
23 section is declaratory of, and does not constitute a change
24 in, the law existing since the amendment of Section 29-7-6 by
25 Act 93-618 of the 1993 Regular Session designating the
26 Director of the Legislative Reference Service as the Code
27 Commissioner.

1 §29-5A-33.

2 (a) Whenever any provision of this code contains a
3 preprinted form that contains language which indicates the
4 year of application or execution as "19__," the language shall
5 be deemed to mean either a year beginning with the numbers 19
6 or 2 as the case may be.

7 (b) The Code Commissioner, when and as deemed
8 appropriate, shall implement editorial changes to such
9 language to conform the preprinted form to the applicable
10 date.

11 §29-5A-34.

12 (a) For the purposes of this section, "joint
13 legislative operations" means those activities,
14 responsibilities, and procedures of the Legislature as an
15 institution of government including, but not limited to,
16 activities, responsibilities, and procedures involving the
17 enactment and codification of legislation, the process by
18 which administrative regulations are adopted, relations with
19 the other branches of government, and internal operations of
20 the Legislature as a whole including, but not limited to,
21 joint rules, legislative compensation, and joint activities of
22 the two houses. The term does not include activities,
23 responsibilities, or procedures involving only one house of
24 the Legislature, such as matters relating to the rules,
25 liabilities, or employees of the particular house.

26 (b) In addition to the reporting requirement in
27 Section 36-15-21.1, whenever litigation required to be

1 reported under Section 36-15-21.1 concerns joint legislative
2 operations, the state official who is a party to the
3 litigation shall promptly notify the chair of the committee
4 and the Deputy Director of Legislative Services, Legal.

5 §29-5A-35.

6 (a) The Code Commissioner shall prepare an official
7 recompilation of the Constitution of Alabama of 1901, as
8 amended. This official recompilation may not make any
9 substantive change to any existing operative constitutional
10 provision.

11 (b) The official recompilation shall include all of
12 the following:

13 (1) The removal of all expressly repealed sections
14 or amendments, or portions thereof.

15 (2) The insertion of expressly identified amendatory
16 language contained in a particular constitutional amendment
17 into the identified location and the deletion of the language
18 being amended and replaced; and the retention of the original
19 article and section number or amendment number.

20 (3) The relocation of various constitutional
21 amendments applicable to the entire state in the appropriate
22 article of the constitution based upon a logical sequence and
23 the particular subject or topic.

24 (4) The grouping of various constitutional
25 amendments applicable to the entire state in the same location
26 in the document based upon a logical sequence and the
27 particular subject or topic.

1 (5) The grouping of local constitutional amendments
2 in the same location in the document based upon a particular
3 subject or topic or by county.

4 (6) The elimination of constitutional provisions or
5 amendments, including portions of such provisions or
6 amendments, that have lapsed or have been invalidated,
7 directly or indirectly, by decision of a court of last resort.

8 (7) The inclusion, after the text of a relocated
9 provision, of the official constitutional amendment number
10 assigned to that provision at the time of ratification.

11 (8) Other editorial changes necessary to accurately
12 reflect the current status of the constitution in a logical
13 manner.

14 (c) The Code Commissioner, upon completion, shall
15 instruct the official Code Publisher to publish the official
16 recompilation.

17 (d) The recompiled constitution published under this
18 section shall be known as and cited as the Official
19 Recompilation of the Constitution of Alabama of 1901, as
20 amended.

21 (e) In the event of a conflict between the official
22 recompilation published under this section and the
23 Constitution of Alabama of 1901, or any amendments to the
24 Constitution of Alabama of 1901, the Constitution of Alabama
25 of 1901, or the amendments thereto, or both, shall prevail
26 over the official recompilation.

27 §29-5A-36.

1 (a) The Legislature recognizes that language used in
2 reference to individuals with disabilities shapes and reflects
3 society's attitudes towards people with disabilities. Many of
4 the terms currently used diminish the humanity and natural
5 condition of having a disability. Certain terms are demeaning
6 and create an invisible barrier to inclusion as equal
7 community members. The Legislature finds it necessary to
8 clarify preferred language for new and revised laws by
9 requiring the use of terminology that puts the person before
10 the disability.

11 (b) The Code Commissioner is directed to avoid all
12 references to: Disabled, developmentally disabled, mentally
13 disabled, mentally ill, mentally retarded, handicapped,
14 cripple, crippled, deaf-mute, deaf-dumb, dumb, and mute in any
15 new statute or resolution and to change such references when
16 appropriate in any existing statute or resolution as sections
17 and provisions including these references are otherwise
18 amended by law.

19 (c) The Code Commissioner is directed to replace
20 terms referenced in subsection (b) in the Code of Alabama
21 1975, when such replacement is appropriate with the following
22 revised terminology: Individuals with disabilities,
23 individuals with developmental disabilities, and individuals
24 who are deaf or hard of hearing.

25 (d) (1) No statute or resolution is invalid because
26 the statute or resolution is not in compliance with this
27 section.

1 (2) No statute or resolution is invalid because of a
2 change in terminology implemented by the Code Commissioner
3 under this section.

4 (e) Changes in terminology shall not be made by the
5 Code Commissioner if such change may legally impair the
6 statute or its implementation or interpretation.

7 (f) (1) All action of an administrative agency
8 creating new rules or amending existing rules shall be
9 formulated in accordance with this section.

10 (2) No agency rule is invalid because the rule is
11 not in compliance with this section.

12 §29-5A-37.

13 The Code Commissioner, pursuant to Section 29-5A-32,
14 shall change all references to the Department of Mental Health
15 and Mental Retardation in Title 22, and elsewhere as found in
16 this code, to the Department of Mental Health. Code changes
17 shall be made at a time determined appropriate by the Code
18 Commissioner.

19 Article 5. Fiscal Division.

20 §29-5A-40.

21 The Fiscal Division shall be under the supervision,
22 direction, and control of an officer designated as the Deputy
23 Director of Legislative Services, Fiscal.

24 §29-5A-41.

25 The Deputy Director of Legislative Services, Fiscal,
26 is authorized to secure information, data, estimates, and
27 statistics directly from the various departments, agencies,

1 institutions, and establishments of the executive branch of
2 government and the regulatory agencies and commissions of the
3 state. All such departments, agencies, establishments,
4 institutions, regulatory agencies, and commissions shall
5 furnish the Deputy Director of Legislative Services, Fiscal,
6 any available material which the officer determines to be
7 necessary in the performance of the duties and functions of
8 the officer. The officer is also authorized, upon agreement
9 with the head of any such department, agency, establishment,
10 or regulatory agency or commission, to utilize its services,
11 facilities, and personnel, with or without reimbursement; and
12 the head of each such department, agency, establishment,
13 institution, or regulatory agency or commission is authorized
14 to provide the bureau such services, facilities, and
15 personnel.

16 §29-5A-42.

17 In carrying out the duties and functions of the
18 Fiscal Division and for the purposes of coordinating the
19 operations of the division with those of other legislative
20 agencies with a view to utilizing most effectively the
21 information, services, and capabilities of all such agencies
22 in carrying out the various responsibilities assigned to each,
23 the Deputy Director of Legislative Services, Fiscal, is
24 authorized to obtain information, data, estimates, and
25 statistics developed by the Legal Division and the Examiners
26 of Public Accounts and, upon agreement with them, to utilize

1 their services, facilities, and personnel, with or without
2 reimbursement.

3 §29-5A-43.

4 It shall be the duty and function of the Fiscal
5 Division to provide to the Committees on Ways and Means of the
6 House and to the Committees on Finance and Taxation of the
7 Senate information that will assist the committees in the
8 discharge of all matters within their jurisdictions,
9 including:

10 (1) Information with respect to the budget,
11 appropriation bills, and other bills authorizing or providing
12 budget authority or tax expenditures.

13 (2) Information with respect to revenues, receipts,
14 estimated future revenues and receipts, and changing revenue
15 conditions.

16 (3) Such related information as such committees may
17 request.

18 §29-5A-44.

19 At the request of any committee of the House of
20 Representatives or the Senate, any joint committee of the
21 Legislature, or any member of the House or Senate, the Fiscal
22 Division shall provide to such committee or joint committee
23 any information compiled in carrying out subdivisions (1) and
24 (2) of Section 29-5A-43 and, to the extent practicable, such
25 additional information related to the foregoing as may be
26 requested.

27 §29-5A-45.

1 (a) Every general bill creating, eliminating, or
2 affecting in any way, a state or local program, service,
3 function, or revenue source and which thereby requires the
4 expenditure of county or municipal funds or thereby decreases
5 or increases revenue collections by any county or
6 municipality, before any vote is taken thereon in the Senate
7 or House of Representatives, shall have endorsed thereon or
8 attached thereto an estimate made by the Deputy Director of
9 Legislative Services, Fiscal, of the amount of money involved
10 therein, and the anticipated increase in county or municipal
11 spending or the decrease in county or municipal revenue
12 collections under the bill. In the event that insufficient
13 data is available to formulate an estimate of the amount of
14 money involved therein, the officer shall note such fact on
15 such endorsement or attachment which shall constitute
16 compliance herewith.

17 (b) A fiscal note provided under this section shall
18 be endorsed on the bill or attached thereto, and may be
19 printed on the calendar of bills on third reading immediately
20 following the title of the bill.

21 (c) The Deputy Director of Legislative Services,
22 Fiscal, is authorized to secure information, data, estimates,
23 and statistics directly from the employees and officials of
24 the various departments, agencies, institutions,
25 establishments, boards, and commissions of the county and
26 municipal governments of the state which are necessary for the
27 officer to fulfill the duties and functions imposed by this

1 section. The employees and officials of all such departments,
2 agencies, institutions, establishments, boards, and
3 commissions shall furnish the officer any available material
4 which the officer determines to be necessary in the
5 performance of the duties and functions required by this
6 section.

7 §29-5A-46.

8 (a) For the purposes of this section, the following
9 terms have the following meanings:

10 (1) BUDGET PROCESS. The entire process by which
11 funds are appropriated and expended, including, but not
12 limited to, revenue estimating, legislative budget hearings,
13 appropriations, allotment, and expenditure of funds.

14 (2) REVENUE SOURCES. Any receipt of funds by the
15 state, including, but not limited to, tax receipts, fee
16 receipts, transfers, interest income, transfers between state
17 agencies or funds, or gifts or grants from other
18 instrumentalities.

19 (b) In addition to the reporting requirement in
20 Section 36-15-21.1, whenever litigation required to be
21 reported under Section 36-15-21.1 concerns the budget process
22 or any revenue source, the state official who is a party to
23 the litigation shall promptly notify the chair of the
24 committee and the Deputy Director of Legislative Services,
25 Fiscal.

26 Article 6. Administrative Division.

27 §29-5A-70.

1 The Administrative Division shall be under the
2 supervision, direction, and control of an officer designated
3 the Deputy Director of Legislative Services, Administrative,
4 who shall be appointed as provided in Article 3.

5 §29-5A-71.

6 (a) The Deputy Director of Legislative Services,
7 Administrative, shall have the duty and responsibility to
8 provide for the personnel, accounting, purchasing, and
9 management functions of the Legislative Department specified
10 in this section.

11 (b) In carrying out the responsibilities under
12 subsection (a), the Deputy Director of Legislative Services,
13 Administration shall do all of the following:

14 (1) (A) Employ a Director of Human Resources and
15 establish a process by which the Director of Human Resources
16 shall make available to the Director of Legislative Services,
17 the Chief Examiner of Public Accounts, and the Director of the
18 Alabama Law Institute, respectively, a roster of applicants
19 for employment, accompanied by the written application for
20 each, for persons to be hired by, and establish the salaries,
21 benefits, and terms of employment for employees for, the
22 Legislative Services Agency, Department of Examiners of Public
23 Accounts, and Alabama Law Institute, all of whom, after
24 employment, shall be under the direction and control of the
25 Director of Legislative Services, Chief Examiner of Public
26 Accounts, and Director of the Alabama Law Institute,
27 respectively.

1 (B) Ensure that the benefits and terms of employment
2 for all staff of the Legislative Department are as uniform as
3 practical.

4 (C) Make recommendations for hiring of the director
5 of the Alabama Law Institute to the President of the
6 Institute, who shall have final hiring authority for the
7 director.

8 (2) Prepare budgets, provide accounting services,
9 make purchases, and provide general administrative services
10 for the Legislative Department, and all agencies and entities
11 therein.

12 (3) Allocate space in the Alabama State House,
13 including to the Senate and the House of Representatives.
14 After the joint committee allocates space to the Senate or
15 House of Representatives, the space shall be assigned to
16 various uses of the respective house as determined pursuant to
17 the rules of the house.

18 (4) Maintain a website of legislative expenditures
19 that includes, but is not limited to, the names, salaries, and
20 expense of the officers and employees of the Legislative
21 Department and any contracts entered into for the benefit of
22 any entity or agency of the Legislative Department. This
23 requirement may be met through publication of the required
24 information on a site that discloses this information on a
25 statewide basis for other state government entities.

26 (5) Employ a Director of Technology who shall
27 oversee and maintain the computer operations of the

1 Legislature, including management and control of the
2 Legislative Data Center.

3 (6) Operate a reapportionment office.

4 (7) Provide security for the Alabama State House,
5 the Senate, the House of Representatives, and those portions
6 of the State Capitol under the control of the Legislature, the
7 House of Representatives, or the Senate.

8 (c) The Administrative Division, in addition to any
9 other duties:

10 (1) Shall make a continuous study of the
11 reapportionment problems in Alabama seeking solutions thereto,
12 and shall seek expertise, when deemed necessary, from among
13 knowledgeable state officials and employees, academic
14 personnel and others involved in demographic studies and other
15 census matters.

16 (2) Shall make such reports of its investigations,
17 findings, and recommendations to the Legislature at any time,
18 during any regular or special session of the Legislature, as
19 it may deem necessary.

20 (3) Shall engage in such activities as it deems
21 necessary for the preparation and formulation of a
22 reapportionment plan for the next ensuing reapportionment and
23 each reapportionment thereafter, and readjustment or
24 alteration of Senate and House districts and of congressional
25 districts of the state.

26 (4) Shall have authority to employ consultants,
27 technicians, attorneys, and any other experts needed to

1 prepare maps and make professional appearances to support any
2 plan of reapportionment adopted by the Legislature. Such
3 expenses of the committee shall be paid out of any funds
4 appropriated by the Legislature for the use of the agency.

5 (5) May make and sign any agreements and to do and
6 perform any acts that may be necessary, desirable, or proper
7 to carry out the purposes and objectives of this subsection.

8 (6) May complete any contract executed and conduct
9 any business undertaken or commenced by the Legislature
10 pertaining to or connected with the reapportionment and
11 readjustment or alteration of Senate and House and
12 congressional districts prior to the enactment of this
13 article, and the same shall be completed and conducted in the
14 same manner and under the same terms and conditions and with
15 the same effect as if completed and conducted by the
16 Legislature.

17 (7) May hold public hearings on the subjects covered
18 by this subsection.

19 (8) May request and receive from any court,
20 department, division, board or bureau, commission, or agency
21 of the state or any political subdivision thereof such
22 assistance and data as will enable it to properly carry out
23 its powers and duties hereunder.

24 (d) In addition to the powers and duties specified
25 in subsections (a), (b), and (c) the agency shall be vested
26 with absolute title and control of the State House property
27 and, through the administrative division, shall provide for

1 the management and supervision, administration, improvement,
2 equipping, operation, and maintenance of the State House
3 property. For purposes of this section, State House property
4 means the real property bordered by Union Street, McDowell Lee
5 Lane, Ripley Street, and Washington Avenue and the building
6 parking deck, and improvements located thereon.

7 (e) The Alabama Building Renovation Finance
8 Authority shall annually calculate that portion of the amount
9 necessary to pay the principal and interest on any bonds
10 issued by the authority that would have been paid from charges
11 for space in the Alabama State House but for the enactment of
12 Article 11 (commencing with Section 29-2-200) of Chapter 2 and
13 this article and certify that amount to the state Comptroller.
14 The amount so certified is appropriated from the General Fund
15 to the authority. The state Comptroller shall issue a warrant
16 in that amount to the authority. The payment of the amount
17 shall be used exclusively to satisfy that portion of the
18 payment of the principal and interest on bonds issued by the
19 authority that is attributable to the Alabama State House. The
20 state Comptroller may disburse this amount in 12 equal monthly
21 payments.

22 §29-5A-72.

23 (a) The Administrative Division succeeds to and is
24 vested with all the authority over the functions assigned to
25 the division under Section 29-5A-71 that were previously
26 performed by the Secretary of the Senate, the Clerk of the
27 House of Representatives, and the Legislative Building

1 Authority. A reference in any provision of law to any of the
2 foregoing with regard to those functions shall be deemed a
3 reference to the division.

4 (b) On October 1, 2013, all personnel and all
5 papers, books, materials, furnishings, funds, and property of
6 the Secretary of the Senate, Clerk of the House of
7 Representatives, and the Legislative Building Authority
8 related to the functions and responsibilities assigned to
9 Legislative Services Agency and the Administrative Division by
10 this chapter are transferred to the division.

11 Section 2. The Joint Committee on Legislative
12 Operations may implement this act in whole or in part in
13 stages and at the times it deems appropriate and shall have
14 all powers necessary and convenient to totally implement this
15 act.

16 Section 3. Sections 8-6-53, 8-19C-3, 9-11-68,
17 9-11-69, 11-100-4, 16-5-8.3, 16-6B-11, 17-11-42, 29-1-22,
18 29-1-24, 29-4-20, 29-4-22, 29-4-25, 29-4-30, 29-4-32, 29-4-35,
19 29-4-40, 29-4-42, 29-8-1, 29-8-2, 29-8-3, 29-8-4, 29-8-5,
20 30-3-8, 33-2-185, 34-14B-5, 36-7-24, 36-7-25, 36-13-30,
21 36-25-4.2, 38-7A-4, 40-2-9, 40-23-203, 41-5-3, 41-5-6, 41-5-9,
22 41-9-374, 41-9-715, 41-10-44.5, 41-16-27, 41-16-82, 41-19-3,
23 41-19-3.1, 41-20-4, 41-21-4, 41-21-7, 41-22-3, 41-22-22,
24 41-22-23, and 41-22-24, Code of Alabama 1975, are amended to
25 read as follows:

26 "§8-6-53.

1 "(a) The Securities Commission shall select a chair
2 and may adopt rules for conducting its proceedings.

3 "(b) The commission shall meet quarterly on a date
4 it designates and may meet at other times it deems necessary,
5 or when called by the chair or by any two members. Any three
6 members shall constitute a quorum for transacting commission
7 business.

8 "(c) Complete minutes of each meeting shall be kept
9 and filed in the office of the commission and shall be
10 available for public inspection during reasonable office
11 hours.

12 "(d) The commission shall report annually to the
13 Governor, to the legislature, and to the ~~state Legislative~~
14 ~~Council~~ Joint Committee on Legislative Operations. The report
15 shall contain the minutes of each meeting held during the
16 year, legislative recommendations, a summary of violations of
17 Article 1 of this chapter, actions taken for those violations,
18 and other data and information deemed necessary or
19 appropriate.

20 "(e) Each member of the commission shall have
21 unrestricted access to all offices and records under the
22 jurisdiction of the commission.

23 "(f) The commission, or a majority of the
24 commission, may exercise any power or perform any act that the
25 director is authorized to perform under this chapter.

26 "§8-19C-3.

1 "(a) The commission shall have the authority to
2 charge a residential subscriber a fee every two years payable
3 to the commission for each notice for inclusion on the
4 database established pursuant to this chapter. The commission
5 shall also have the authority to charge a person or entity
6 desiring to make telephone solicitations a fee per year
7 payable to the commission for access to, or for paper or
8 electronic copies of the database established pursuant to this
9 chapter. Any fee established by the commission shall be
10 subject to the approval of the ~~Legislative Council~~ Joint
11 Committee on Legislative Operations.

12 "(b) The commission shall update its "no sales
13 solicitation calls" listing upon receipt of initial consumer
14 subscriptions or renewals and provide this listing for a fee,
15 pursuant to subsection (a).

16 "(c) All fees collected under this chapter shall be
17 deposited into a separate fund in the State Treasury to be
18 expended by the commission for the implementation and
19 administration of this chapter. At the end of each fiscal
20 year, unexpended monies remaining in the fund shall not revert
21 to any other fund of the state, but shall remain available for
22 appropriation. The Legislature shall annually appropriate from
23 the fund the amount necessary for the administration of this
24 chapter to the commission subject to the provisions, terms,
25 conditions, and limitations of the Budget and Financial
26 Control Act, Sections 41-4-80 et seq., Sections 41-19-1 et
27 seq., and any other provisions of this chapter.

1 "§9-11-68.

2 "Beginning with the license year October 1, 2010,
3 and each license year thereafter, those license fees and
4 issuance fees specified in Act 2007-418 shall be subject to a
5 possible cost adjustment based on the following procedure: By
6 the end of November of 2009, and each November thereafter, the
7 Director of the Division of Wildlife and Freshwater Fisheries
8 of the Department of Conservation and Natural Resources, with
9 the approval of the Commissioner of the Department of
10 Conservation and Natural Resources, may submit to the Chair of
11 the Advisory Board of Conservation and Natural Resources, a
12 recommendation of an increase in both the license fees and
13 issuance fees for the licenses, based on the percentage
14 increase in the Consumer Price Index for All Urban Consumers
15 (CPI-U) (All Items - U.S. City Average) maintained by the U.S.
16 Department of Labor, Bureau of Labor Statistics, for the
17 immediately preceding yearly period of October to October,
18 rounded down to the nearest nickel. The recommendation shall
19 be subject to the approval of the Advisory Board of
20 Conservation and Natural Resources on or before the end of
21 March of each year. If the increase is approved by the
22 Advisory Board of Conservation and Natural Resources, the
23 board through its secretary, by the end of March of each year,
24 shall submit the board's recommendation to the Chair of the
25 ~~Legislative Council~~ Joint Committee on Legislative Operations,
26 for the ~~Legislative Council's~~ committee's review and approval.
27 In the event the recommendation is not disapproved by the

1 ~~Legislative Council~~ committee by the end of April of each
2 year, the recommendation of the board shall be deemed to be
3 approved. In the event one or more years elapses during which
4 there is no adjustment as provided for herein, the same
5 procedure may be followed to obtain a net cumulative increase
6 since the previous increase.

7 "§9-11-69.

8 "Beginning with the license year October 1, 2010,
9 and each license year thereafter, those license fees and
10 issuance fees specified in Sections 9-11-53.1, 9-11-53.5, and
11 9-11-55.2, shall be subject to a cost adjustment based on the
12 following procedure: By the end of November of 2009, and each
13 November thereafter, the Director of the Division of Marine
14 Resources of the Department of Conservation and Natural
15 Resources, with the approval of the Commissioner of the
16 Department of Conservation and Natural Resources, may submit
17 to the Chair of the Advisory Board of Conservation and Natural
18 Resources a recommendation of an increase in both the license
19 fees and issuance fees for the licenses based on the
20 percentage increase in the Consumer Price Index for All Urban
21 Consumers (CPI-U) (All Items - U.S. City Average) maintained
22 by the U.S. Department of Labor, Bureau of Labor Statistics,
23 for the immediately preceding yearly period of October to
24 October, rounded down to the nearest nickel. Such
25 recommendation shall be subject to the approval of the
26 Advisory Board of Conservation and Natural Resources on or
27 before the end of March of each year. If the increase is

1 approved by the advisory board, the board through its
2 secretary, by the end of March of each year, shall submit the
3 board's recommendation to the ~~Legislative Council~~ Joint
4 Committee on Legislative Operations for the ~~Legislative~~
5 ~~Council's~~ committee review and approval. In the event the
6 recommendation is not approved by the ~~Legislative Council~~
7 committee by the end of April of each year, the recommendation
8 of the board shall be deemed to be approved. In the event one
9 or more years elapses during which there is no adjustment as
10 provided for herein, the same procedure may be followed to
11 obtain a net cumulative increase since the previous increase.

12 "§11-100-4.

13 "(a) Any city, county, or entities or authorities
14 thereof may apply to the State Director of Finance for state
15 assistance payments for any eligible facilities. The city,
16 county, or entities or authorities thereof shall file an
17 initial application with the Director of Finance, which shall
18 be in writing and shall describe: (i) the eligible facilities;
19 (ii) the need for ~~said~~ the facilities or the benefit
20 therefrom; and (iii) the financing thereof, including the
21 principal and interest payments for the bonds.

22 "(b) The Director of Finance shall promptly review
23 such initial application and shall notify the applicant of any
24 additional information that may be necessary.

25 "(c) After reviewing the initial application and
26 upon reasonable notice to the applicant, the Director of
27 Finance shall hold a public hearing on the application and

1 maintain an official record of such hearing. ~~He~~ The Director
2 of Finance shall give notice of the time, place and purpose of
3 the public hearing by publication one time in a newspaper of
4 general circulation within the boundaries of the applicant,
5 not less than 10 days prior to the hearing.

6 "(d) Within 90 days after such public hearing, the
7 Director of Finance shall: (i) determine whether the
8 facilities described in the initial application are eligible
9 facilities; (ii) notify the applicant of its determination;
10 and (iii) if ~~said~~ the facilities are determined to be
11 eligible, approve such application and immediately certify the
12 same to the Governor and ~~Joint Legislative Council of the~~
13 ~~Alabama Legislature~~ the Joint Committee on Legislative
14 Operations.

15 "(e) After the initial application has been
16 approved, the city, county, or entities or authorities thereof
17 must establish a base number of convention delegates which
18 shall be computed by taking an annual average number of
19 convention delegates attending national and regional meetings
20 in ~~said~~ the city, county, or the entity's or authority's
21 region over the previous five-year period. For purposes of
22 determining such base number, each county, city, or entity or
23 authority thereof is hereby authorized to require each hotel
24 or motel to report quarterly to it the total number of
25 convention delegates in attendance for any national or
26 regional convention or meeting which utilizes 50 or more room
27 nights per meeting. The city, county, or entity or authority

1 thereof shall then file an annual application with the
2 Director of Finance, which shall estimate: (i) the number of
3 additional delegates, over and above the base average number,
4 who will patronize the eligible facilities during the year;
5 (ii) their estimated expenditures; (iii) the estimated
6 additional state lodging tax revenues to be derived as a
7 result of the expenditures (taking into consideration the
8 investment multiplier); (iv) the expected additional expense,
9 if any, to the state; and (v) any other matters prescribed by
10 the Director of Finance. The descriptions required by (i),
11 (ii), and (iii) shall be supported by statistical surveys
12 satisfactory to the Director of Finance.

13 "(f) The Director of Finance shall review all such
14 annual applications, determine the amount of state assistance
15 payments that would be required under such estimates, as
16 determined in paragraph (i) of this section, and shall include
17 in the proposed budget to the Governor, a line item
18 appropriation in such amount, and certify such amount to the
19 State Legislature; provided, however, that in no fiscal year
20 shall the entire amount budgeted for all eligible facilities
21 exceed \$3,000,000.

22 "(g) From the net proceeds of the state transient
23 occupancy tax proceeds levied pursuant to Section 40-26-1, the
24 provisions of Section 40-26-20 to the contrary
25 notwithstanding, the Legislature shall appropriate annually
26 such amount as it deems necessary and desirable to satisfy all
27 such projected state assistance payments for the next fiscal

1 year. In the first full fiscal year after May 11, 1989, this
2 amount shall not exceed \$500,000; in the second fiscal year
3 after May 11, 1989, this amount shall not exceed \$1,000,000;
4 in the third fiscal year after May 11, 1989, this amount shall
5 not exceed \$2,000,000; in the fourth fiscal year after May 11,
6 1989, this amount shall not exceed \$3,000,000; and in no
7 subsequent fiscal year shall the amount budgeted ever exceed
8 \$3,000,000. Such amounts shall be credited to the Convention
9 Facilities Fund established pursuant to Section 11-100-5.

10 "(h) Each city, county, or entity or authority
11 thereof that has filed an annual application for assistance
12 payments for the current fiscal year shall file a request for
13 state assistance payments with the State Department of Finance
14 within 30 days after the end of each quarter during said
15 fiscal year. The quarterly request shall include the actual
16 number of delegates that patronized eligible facilities during
17 the preceding quarter, the average number of days attendance
18 for such delegates, and signed documentation from an executive
19 of each group or association attesting to the number of
20 delegates and the average number of days attendance. The
21 quarterly request shall also include the delegates' average
22 expenditures, the delegates' total estimated expenditures,
23 taking into consideration the investment multiplier, the total
24 estimated additional state lodging tax revenues generated and
25 the amount of state assistance payments requested by the city,
26 county or entity or authority thereof for such quarter. The
27 investment multiplier for each city, county or entity or

1 authority thereof shall be determined by the Director of
2 Finance with due consideration given to the opinion of the
3 International Association of Convention and Visitor Bureaus as
4 to what the investment multiplier should be for such city,
5 county, or entity or authority thereof. The investment
6 multiplier, as determined by the Director of Finance, shall be
7 not greater than five.

8 "(i) The amount of any state assistance payments to
9 which each city, county, or entity or authority thereof having
10 filed an annual application hereunder shall be entitled, shall
11 be an amount equal to two-thirds of the total sum of
12 additional state transient occupancy tax revenue, if any,
13 generated in connection with such city, county, or entity's or
14 authority's eligible facility for the preceding quarter, as
15 determined in paragraph (h) of this section. The maximum
16 amount of any city, county, or entity's or authority's state
17 assistance payments for any quarter shall be limited to 50
18 percent of the bond debt service requirements, including
19 principal and interest, for the quarter for which such state
20 assistance payments have been requested.

21 "(j) In any fiscal year in which approved state
22 assistance payments exceed the maximum allowed under Section
23 11-100-4(g), all participating cities, counties, and entities
24 or authorities thereof shall receive a pro rata share of the
25 amount they would be due to receive otherwise hereunder. In
26 the event state assistance payments are set aside in the
27 Convention Facilities Fund and are unclaimed at the end of the

1 fiscal year, such remaining funds shall revert to the fund to
2 which the taxes would have otherwise been originally
3 deposited.

4 "§16-5-8.3.

5 "It is the intent of the Legislature that all
6 two-year and four-year institutions of higher education in the
7 state comply with the intent of subsection (e) of Section
8 16-5-8 and the guidelines developed pursuant to it (unless
9 otherwise exempted by subsection (e) of Section 16-5-8). In
10 the event of noncompliance by any institution governed by a
11 board of trustees established by the constitution with the
12 statewide articulation agreement as provided in subsection (e)
13 of Section 16-5-8, no other two-year or four-year institution
14 shall be required to comply with the statewide articulation
15 agreement. These two-year and four-year institutions shall
16 continue to comply with all other provisions of Section
17 16-5-8. The Alabama Commission on Higher Education shall
18 notify the ~~Legislative Council~~ Joint Committee on Legislative
19 Operations, the governing body of each four-year institution,
20 and the State Board of Education within 30 days of any failure
21 to comply with subsection (e) of Section 16-5-8 or guidelines.

22 "§16-6B-11.

23 "(a) The Legislature finds that the excessive
24 paperwork required of teachers and other public education
25 employees hinders the prime responsibility of public
26 education: The education of the children of Alabama. The
27 Legislature also finds that excessive and time-consuming

1 reporting requirements levied on school systems requires
2 automation in order to for timely reporting to occur. The
3 Legislature further finds that the excessive paperwork
4 required of teachers has become so burdensome that teachers do
5 not have adequate time to prepare lesson plans or to devote
6 individual attention to those students who require special
7 assistance. The Legislature further finds that, for teachers
8 to have time to teach, it is imperative that all unnecessary
9 paperwork be eliminated from our public schools and necessary
10 paperwork be automated to the maximum practical extent.

11 "(b) The Paperwork Reduction Committee is created.
12 The membership of the committee shall consist of twenty
13 persons as follows:

14 "(1) Ten members appointed by the Governor,
15 including the chair of the committee and at least five members
16 who are administrators or supervisors in a public school
17 system. The chair of the committee shall call a meeting of the
18 committee within 15 calendar days after June 11, 2001, and the
19 committee shall determine rules and begin deliberations.

20 "(2) Ten persons appointed by the Executive
21 Secretary of the Alabama Education Association.

22 "(c) The terms of office of the members of the
23 committee shall commence on July 1, 2001, and continue through
24 January 31, 2002. Thereafter, a new committee shall be
25 appointed at the beginning of any new gubernatorial
26 administration to serve from July 1 through March 31 of the
27 year following appointment.

1 "(d) (1) The committee shall study the paperwork
2 required of public school employees and prepare a report on
3 how to reduce and automate that paperwork.

4 "(2) The State Department of Education shall provide
5 all necessary assistance, including clerical support, to the
6 committee in order for the committee to perform its work.

7 "(3) The State Superintendent of Education shall
8 timely provide any information, reports, and documents to the
9 committee from the State Department of Education and any local
10 board of education, as requested by the committee.

11 "(4) The report or reports of the committee and any
12 recommendations of the committee shall be delivered to the
13 State Superintendent of Education and the Legislative Council
14 not later than the first day of the applicable regular session
15 of the Legislature.

16 "(5) Any action or inaction by the State
17 Superintendent of Education, any local board of education, or
18 any local superintendent of education in implementing the
19 prior recommendations of the committee shall be reported in
20 writing by the committee to the ~~Legislative Council~~ Joint
21 Committee on Legislative Operations.

22 "(6) Upon the recommendation of the committee, the
23 ~~Legislative Council~~ Joint Committee on Legislative Operations
24 may require that further paperwork reduction and automation be
25 implemented by the State Superintendent of Education and local
26 education officials, if not in conflict with this code or the
27 Constitution of Alabama of 1901.

1 "(7) The State Superintendent of Education shall
2 expeditiously implement the recommendations of the ~~Legislative~~
3 ~~Council~~ Joint Committee on Legislative Operations.

4 "§17-11-42.

5 "(a) If the committee determines a secure electronic
6 means may be established for conducting overseas absentee
7 voting, the Secretary of State shall promulgate rules proposed
8 by the committee to provide that option to eligible overseas
9 voters. The Secretary of State may veto any rule proposed by
10 the committee, may resubmit any vetoed proposed rule to the
11 committee, and may provide an alternative rule for
12 consideration by the committee. In the event that the
13 Secretary of State and the committee are unable to jointly
14 recommend a rule, or are unable to agree on a rule, the
15 Secretary of State shall submit both the proposed rule of the
16 committee and the proposed rule of the Secretary of State to
17 the Joint Committee on ~~Administrative Regulation Review~~
18 Legislative Operations for comment. The Joint Committee on
19 ~~Administrative Regulation Review~~ Legislative Operations, after
20 review, shall return the proposed rules, with comments, to the
21 Secretary of State. The Secretary of State shall proceed to
22 adopt a rule pursuant to the Alabama Administrative Procedure
23 Act. The rules for conducting overseas absentee voting by
24 secure remote electronic transmission shall authorize the
25 absentee election manager, as defined in Section 17-11-2, to
26 accept requests for absentee ballots and voted absentee
27 ballots from overseas voters and provide a process for

1 verifying the identity of a voter, ensuring the security of
2 the transmission, accepting a voted ballot, and recording each
3 ballot received.

4 "(b) Before overseas absentee voting may be
5 conducted pursuant to this article, the committee, among other
6 factors, shall consider all of the following:

7 "(1) A timetable and process for notifying eligible
8 overseas voters of the availability of voting an absentee
9 ballot by secure remote electronic transmission.

10 "(2) Detailed instructions to be given eligible
11 overseas voters regarding voting by secure remote electronic
12 transmission.

13 "(3) A timetable for the conduct of elections
14 utilizing the electronic transmission of absentee ballots.

15 "(4) A method of providing blank ballots to overseas
16 voters.

17 "(5) A method and criteria for returning overseas
18 voted absentee ballots to the absentee election manager.

19 "(6) Procedures for ensuring the physical security
20 of the remote voting site for receipt and transmission of
21 blank and voted absentee ballots.

22 "(c) Pursuant to subsection (a), the Secretary of
23 State, by rule adopted pursuant to the Alabama Administrative
24 Procedure Act, shall establish minimum criteria to ensure the
25 secure remote electronic transmission of election materials
26 including, but not limited to:

1 "(1) The use of encrypted information, including,
2 but not limited to, ballots, passwords, and both public and
3 private encryption keys.

4 "a. A public or private key encryption methodology
5 shall include key generation under the control of the
6 Secretary of State.

7 "b. A password protected private key shall be held
8 secure by the county appointing board and never transmitted or
9 otherwise divulged by any means.

10 "c. A password protected private key that is unique
11 for each eligible overseas voter to digitally sign the ballot
12 for transmission and storage before decryption by the
13 canvassing board.

14 "(2) The capability for auditing the secure remote
15 voting application source code, and the capability for this
16 application to be executed on a clean computer which, at a
17 minimum, has a baseline operating system on its hard disk and
18 no other software or driver installed.

19 "(3) The capability to secure access to and from the
20 overseas voter and the voting server or the voting database
21 platform, or both.

22 "(4) The verification of the authenticity of the
23 identity of the overseas voter before granting access to the
24 transmission of election material.

25 "(5) The capability for the overseas voter to
26 determine that the secure transmission of election material
27 was successful.

1 "(6) The capability for the absentee election
2 manager to segregate rejected ballots before decryption.

3 "(7) The capability to record election material
4 received by secure transmission.

5 "(8) The capability for the absentee election
6 manager to produce a marked paper ballot for each vote cast by
7 secure transmission.

8 "§29-1-22.

9 "~~(a) For the fiscal year 1984-1985, and every year~~
10 ~~thereafter, there is hereby appropriated from any funds~~
11 ~~available in the State Treasury as determined by the budget~~
12 ~~officer for legislative services the amounts as prescribed~~
13 ~~herein. There is hereby appropriated a quarterly amount of~~
14 ~~\$2,000,000.00 for all legislative costs, including personnel,~~
15 ~~office equipment, data processing and any expenditures~~
16 ~~incidental thereto. In any quarter, whenever unexpended funds~~
17 ~~fall below a balance of five percent of the aforementioned~~
18 ~~quarterly appropriation, an additional sum of \$500,000.00 is~~
19 ~~hereby appropriated. Any moneys appropriated to the~~
20 ~~Legislative Department and any agency therein which are~~
21 ~~unexpended or unencumbered at the end of each fiscal year~~
22 ~~shall revert to the funds from which the appropriations were~~
23 ~~made be continuously re-appropriated to the Legislative~~
24 ~~Department and, except any money re-appropriated to the~~
25 ~~Speaker of the House or President Pro tempore of the Senate,~~
26 ~~are subject to re-allocation by the Joint Committee on~~
27 ~~Legislative Operations.~~

1 "(b) The Legislature will annually present its
2 budget through the ~~Clerk of the House of Representatives and~~
3 ~~the Secretary of the Senate~~ Chief of Legislative Operations.
4 ~~Said~~ The presentation shall include statements of previous
5 expenditures and projected costs on forms as prescribed by the
6 Finance Director and be made before the ~~interim committee on~~
7 ~~finances and budgets~~ Joint Committee on Legislative
8 Operations.

9 "§29-1-24.

10 "(a) This section may be referred to as the Ozone
11 Transport Oversight Act of 1997.

12 "(b) The Legislature of the State of Alabama finds
13 all of the following:

14 "(1) The Federal Clean Air Act, as amended, 42
15 U.S.C. 7401 et seq., contains a comprehensive regulatory
16 scheme for the control of emissions from mobile and stationary
17 sources.

18 "(2) Ozone and other air pollutants have declined
19 substantially during the past 25 years throughout the United
20 States due to implementation of the Clean Air Act, and
21 additional air quality improvements will result as the 1990
22 Clean Air Act Amendments are implemented.

23 "(3) The Northeast Ozone Transport Commission
24 ("OTC"), in an effort to remedy the serious ozone
25 nonattainment conditions prevailing in urbanized areas of the
26 Northeast, has proposed emission control requirements for
27 stationary and mobile sources more stringent than those

1 applicable to states outside of the Northeast Ozone Transport
2 Region ("OTR"), including a petition to the U.S. Environmental
3 Protection Agency ("EPA") concerning Low-Emitting Vehicle
4 emission control requirements, and a Memorandum of
5 Understanding concerning stationary source emission control
6 requirements.

7 "(4) The OTC's initiatives, together with other
8 local emission control actions, will help northeastern states
9 to attain the national ambient air quality standard for ozone.

10 "(5) In response to concerns raised by certain
11 northeastern states about the interstate transport of ozone,
12 the U.S. EPA has convened the Ozone Transport Assessment Group
13 ("OTAG"), involving representatives from 25 states to the west
14 and south of the Northeast OTR, including Alabama, to consider
15 means to reduce the atmospheric transport of ozone.

16 "(6) OTAG will develop recommendations in 1997 for
17 emission control actions in states outside of the Northeast
18 that may form the basis for U.S. EPA enforcement actions under
19 the Clean Air Act, including the preparation and submission of
20 state implementation plans calling for control actions in
21 Alabama not specifically mandated by the Clean Air Act
22 Amendments of 1990.

23 "(7) Computer modeling studies prepared by OTAG
24 indicate all of the following:

25 "a. Ozone nonattainment is caused predominantly by
26 local emission sources in densely populated urbanized areas.

1 "b. Emissions originating in Alabama do not
2 contribute significantly to ozone nonattainment in other
3 states or regions.

4 "c. Extreme emission controls imposed locally or in
5 upwind areas would not permit some urban areas to demonstrate
6 attainment of the current national ozone standard.

7 "(8) Emission controls for stationary and mobile
8 sources under consideration by OTAG for states outside the
9 Northeast are more stringent and more costly than those
10 mandated by the Clean Air Act Amendments of 1990, and could
11 impair the competitiveness of businesses and industries in
12 Alabama, with negligible environmental benefits, and with
13 adverse effects on employment and income in Alabama.

14 "(9) The emission control requirements under
15 consideration by OTAG could impede economic development, to
16 the detriment of the well-being of the citizens of Alabama and
17 its economy.

18 "(10) Legislative oversight of proposed actions of
19 OTAG, and related actions of U.S. EPA directly or indirectly
20 affecting the citizens and economy of Alabama, is in the
21 public interest.

22 "(c) (1) The Director of the Department of
23 Environmental Management shall provide periodic reports to the
24 Legislature on progress in the decision-making process of the
25 Ozone Transport Assessment Group ("OTAG") convened by the U.S.
26 Environmental Protection Agency, and shall submit any OTAG
27 decisions or recommendations, together with an explanation

1 thereof, as expeditiously as practicable to the Legislature
2 for review and consideration.

3 "(2) Within a reasonable time following receipt of
4 the OTAG decisions or recommendations, the appropriate Senate
5 and House Committees on Commerce, Transportation and Utilities
6 of the Legislature shall convene public hearings to receive
7 comments from agencies of government and other interested
8 parties on the prospective economic and environmental impacts
9 of the decisions or recommendations, including impacts on
10 energy use, the environment, economic development,
11 transportation fuel costs, and industrial competitiveness.

12 "(d) (1) Upon the issuance of a request by the U.S.
13 EPA for submission of a state implementation plan for Alabama
14 related to ozone attainment, the Director of the Department of
15 Environmental Management shall notify the Lieutenant Governor,
16 the Speaker of the House, the Chair of the Senate Commerce,
17 Transportation and Utilities Committee, and the Chair of the
18 House Commerce, Transportation and Utilities Committee of the
19 request, and shall provide them with a copy of any state
20 implementation plan prepared pursuant to the request, not less
21 than 60 days prior to the submission of the state
22 implementation plan to U.S. EPA.

23 "(2) Within a reasonable time following receipt of
24 the state implementation plan, the Senate and House Committees
25 on Commerce, Transportation and Utilities of the Legislature
26 shall convene public hearings to receive comments from
27 agencies of government and other interested parties on the

1 prospective economic and environmental impacts of the state
2 implementation plan, including impacts on energy use, the
3 environment, economic development, transportation fuel costs,
4 and industrial competitiveness.

5 "(3) After completing the hearings required by
6 subdivision (2) of subsection (c) and subdivision (2) of this
7 subsection, the Senate and House Commerce, Transportation, and
8 Utilities Committees will make a recommendation to the Joint
9 Committee on ~~Administrative Regulation Review~~ Legislative
10 Operations regarding the action it should take while
11 performing its review of the revision to the plan.

12 "§29-4-20.

13 "(a) The subordinate officers of the Senate consist
14 of the Secretary of the Senate and an Assistant Secretary of
15 the Senate. The Secretary of the Senate shall be a full-time
16 employee, elected as provided by law, and compensated as
17 provided in this chapter.

18 "~~(b) The Secretary of the Senate, after serving in~~
19 ~~that capacity for nine successive years, shall attain~~
20 ~~continuing service status and may be removed only for cause by~~
21 ~~a vote of a majority of the members elected to the Senate~~
22 ~~after 10 days' notice of the intention to vote thereon~~
23 ~~together with a written notice of the cause for such removal.~~
24 ~~The service herein provided shall begin on the date of the~~
25 ~~original election to such office, whether such original~~
26 ~~election occurred prior to May 1, 1973, or otherwise. The~~
27 ~~Secretary of the Senate, after attaining continuing service~~

1 ~~status, shall not participate in political activities such as~~
2 ~~are prohibited by the Merit System Act in Section 36-26-38.~~

3 ~~"(c) (b)~~ The Assistant Secretary of the Senate shall
4 serve only while the Legislature is in session. The Assistant
5 Secretary of the Senate shall be elected by a majority vote of
6 the Senate.

7 ~~"(d) (c)~~ Nothing herein shall prohibit the Assistant
8 Secretary of the Senate from being employed as a legislative
9 employee when the Legislature is not in session, but in no
10 event shall he or she be paid or receive compensation for more
11 than one employment at any one time.

12 ~~"(e) (d) The~~ With the approval of the Senate
13 Committee on Senate Administration, the Secretary of the
14 Senate may appoint an administrative assistant. The
15 administrative assistant to the Secretary shall serve at the
16 pleasure of the Secretary and shall be paid from funds
17 appropriated to the Legislature an amount fixed by the
18 ~~Secretary~~ committee in accordance with that of comparable
19 positions established under the State Merit System pay plan.

20 ~~"(f) (e) The~~ With the approval of the Senate
21 Committee on Senate Administration, the Secretary of the
22 Senate may employ a chief clerk who shall be a full-time
23 employee. The chief clerk shall serve at the pleasure of the
24 Secretary of the Senate and shall be paid from funds
25 appropriated to the Legislature an amount fixed by the
26 ~~Secretary~~ committee in accordance with that of comparable
27 positions established under the State Merit System pay plan.

1 "§29-4-22.

2 "(a) The compensation, benefits, and terms of
3 employment of the Secretary of the Senate ~~shall receive an~~
4 ~~annual salary of such amount as has heretofore or as may~~
5 ~~hereafter be fixed by law,~~ and the Assistant Secretary of the
6 Senate shall be determined, and may be adjusted from time to
7 time, by the Senate Committee on Senate Administration, and
8 shall be payable as the salaries of other state officers or
9 employees are paid.

10 "(b) ~~The compensation of the Assistant Secretary of~~
11 ~~the Senate shall be fixed by the Secretary of the Senate. The~~
12 President Pro tempore of the Senate shall submit an evaluation
13 of the performance of the Secretary of the Senate and the
14 Assistant Secretary of the Senate to the membership of the
15 Senate within the first five legislative days of each regular
16 session.

17 "§29-4-25.

18 "(a) ~~The elected members of the Legislative Council~~
19 ~~of the Senate of the State of Alabama~~ Senate Committee on
20 Senate Administration shall regulate, with the advice of the
21 Secretary of the Senate, the employees of the Senate, except
22 pages, and fix the exact number and compensation of employees
23 who may be employed by the Senate in each category of
24 employment and the exact amount of each legislative employee
25 classification compensation. Following their employment by the
26 elected members of the Legislative Council of the Senate of

1 the State of Alabama, all Senate employees shall be under the
2 control and supervision of the Secretary of the Senate.

3 "(b) The Senate Committee on Senate Administration
4 may use the Director of Human Resources in employing personnel
5 pursuant to this section.

6 "~~(c) The elected members of the Legislative Council~~
7 ~~of the Senate of the State of Alabama~~ Senate Committee on
8 Senate Administration may delegate such powers and duties as
9 herein conferred upon it to the Secretary of the Senate.

10 "§29-4-30.

11 "(a) The subordinate officers of the House of
12 Representatives consist of the Clerk of the House of
13 Representatives and an Assistant Clerk of the House of
14 Representatives. The Clerk of the House of Representatives
15 shall be a full-time employee, elected as provided by law, and
16 compensated as provided in this chapter.

17 "~~(b) The Clerk of the House of Representatives,~~
18 ~~after serving in that capacity for nine successive years,~~
19 ~~shall attain continuing service status and may be removed only~~
20 ~~for cause by a vote of a majority of the members elected to~~
21 ~~the House of Representatives after 10 days' notice of the~~
22 ~~intention to vote thereon together with a written notice of~~
23 ~~the cause for such removal. The service herein provided shall~~
24 ~~begin on the date of the original election to such office,~~
25 ~~whether such original election occurred prior to May 20, 1996,~~
26 ~~or otherwise. The Clerk of the House of Representatives, after~~
27 ~~attaining continuing service status, shall not participate in~~

1 ~~political activities such as are prohibited by the Merit~~
2 ~~System Act in Section 36-26-38.~~

3 "~~(c)~~ (b) The Assistant Clerk of the House of
4 Representatives shall serve only while the Legislature is in
5 session. The Assistant Clerk of the House of Representatives
6 shall be appointed by the Clerk of the House of
7 Representatives with the approval of the Speaker of the House.

8 "~~(d)~~ (c) Nothing herein shall prohibit the Assistant
9 Clerk of the House of Representatives from being employed as a
10 legislative employee when the Legislature is not in session,
11 but in no event shall he or she be paid or receive
12 compensation for more than one employment at any one time.

13 "~~(e)~~ (d) ~~The~~ With the approval of the House
14 Committee on House Administration, Clerk of the House of
15 Representatives may appoint an administrative assistant. The
16 administrative assistant to the Clerk shall serve at the
17 pleasure of the Clerk and shall be paid from funds
18 appropriated to the Legislature an amount fixed by the ~~Clerk~~
19 committee in accordance with that of comparable positions
20 established under the State Merit System pay plan.

21 "~~(f)~~ (e) ~~The~~ With the approval of the House
22 Committee on House Administration, the Clerk of the House of
23 Representatives may employ a chief clerk who shall be a
24 full-time employee. The chief clerk shall serve at the
25 pleasure of the Clerk of the House of Representatives and
26 shall be paid from funds appropriated to the Legislature an
27 amount fixed by the ~~Clerk of the House of Representatives~~

1 committee in accordance with that of comparable positions
2 established under the State Merit System pay plan.

3 "§29-4-32.

4 "(a) The compensation, benefits, and terms of
5 employment of the Clerk of the House of Representatives and
6 the Assistant Clerk of the House of Representatives shall be
7 determined by the House Committee on House Administration,
8 ~~shall receive an annual salary of such amount as has~~
9 ~~heretofore or as may hereafter be fixed by law, and be payable~~
10 as the salaries of other state officers or employees are paid.

11 "(b) ~~The compensation of the Assistant Clerk of the~~
12 ~~House of Representatives shall be fixed by the Clerk of the~~
13 ~~House of Representatives. The Speaker of the House of~~
14 Representatives shall submit an evaluation of the performance
15 of the Clerk of the House of Representatives and the Assistant
16 Clerk of the House of Representatives to the membership of the
17 House of Representatives within the first five legislative
18 days of each regular session.

19 "§29-4-35.

20 "(a) ~~The members of the Legislative Council of the~~
21 ~~House of Representatives House Committee on House~~
22 Administration shall regulate, with the advice of the Clerk of
23 the House of Representatives, the employees of the House of
24 Representatives, except pages, and fix the exact number and
25 compensation of employees who may be employed by the House of
26 Representatives in each category of employment and the exact
27 amount of each legislative employee classification

1 compensation. Following their employment by the ~~members of the~~
2 ~~Legislative Council of the House of Representatives~~ committee,
3 all employees of the House of Representatives shall be under
4 the control and supervision of the Clerk of the House of
5 Representatives.

6 "(b) The House Committee on House Administration may
7 use the Director of Human Resources in employing personnel
8 pursuant to this section.

9 "(c) The members of the Legislative Council of the
10 House of Representatives House Committee on House
11 Administration may delegate such powers and duties as herein
12 conferred upon it to the Clerk of the House of
13 Representatives.

14 "§29-4-40.

15 "(a) ~~Within the authority delegated by the elected~~
16 ~~members of the Legislative Council from the Senate and the~~
17 ~~members of the Legislative Council from the House of~~
18 ~~Representatives to the~~ The Secretary of the Senate and the
19 Clerk of the House of Representatives, ~~respectively, the~~
20 ~~Secretary of the Senate and the Clerk of the House of~~
21 ~~Representatives~~ shall furnish to each joint committee for
22 which staff assistance is not provided in the act creating the
23 joint committee, the staff assistance reasonably necessary to
24 enable the committee to perform its assigned function.

25 "(b) Staff furnished pursuant to this section shall
26 be compensated as other legislative staff at rates approved by
27 the ~~elected members of the Legislative Council of the Senate~~

1 ~~and members of the Legislative Council of the House of~~
2 ~~Representatives~~ Joint Committee on Legislative Administration.

3 "(c) For purposes of this section, staff assistance
4 includes, but is not limited to, secretaries, consultants, and
5 technical or professional persons.

6 "§29-4-42.

7 "Actions under this article requiring the approval
8 of the ~~elected members of the Legislative Council from the~~
9 ~~Senate~~ Senate Committee on Senate Administration and the
10 ~~members of the Legislative Council from the House of~~
11 ~~Representatives~~ House Committee on House Administration may be
12 taken only if approved by both a majority vote of the ~~elected~~
13 ~~members of the Legislative Council from the Senate and a~~
14 ~~majority vote of the members of the Legislative Council from~~
15 ~~the House of Representatives~~ respective committees.

16 "§29-8-1.

17 "(a) The ~~Board of Commissioners of the Alabama State~~
18 ~~Bar may organize, create and establish a state law institute~~
19 ~~to be known as the Alabama Law Institute~~ is created in the
20 Legislative Department as an official advisory law revision
21 and law reform agency of the State of Alabama.

22 "(b) The institute shall have such members,
23 officers, and committees as the ~~Board of Commissioners of the~~
24 ~~Alabama State Bar~~ council of the institute may direct.

25 "(c) The ~~governing body of the institute shall be a~~
26 ~~council~~ shall be composed of ex officio, appointed, members
27 and elected members, as follows:

1 ~~"(1) One justice of the Supreme Court of Alabama,~~
2 ~~selected by the justices thereof.~~

3 ~~"(2) One judge of the Court of Civil Appeals of~~
4 ~~Alabama, selected by the judges thereof.~~

5 ~~"(3) One judge of the Court of Criminal Appeals of~~
6 ~~Alabama, selected by the judges thereof.~~

7 ~~"(4) One circuit court judge, selected by the~~
8 ~~Association of Circuit Court Judges.~~

9 ~~"(5) One federal judge residing in Alabama, selected~~
10 ~~by the federal judges residing in Alabama.~~

11 ~~"(6) (1) The Attorney General of the State of~~
12 ~~Alabama or his or her designee.~~

13 ~~"(7) (2) The legal advisor to the Governor of~~
14 ~~Alabama or his or her designee.~~

15 ~~"(8) (3) The ~~Chairman~~ Chairs of the Judiciary~~
16 ~~Committees of the Senate and House of Representatives, ~~or any~~~~
17 ~~attorney appointed by either of them who is a member of the~~
18 ~~Judiciary Committee provided the chair is not the President of~~
19 ~~the Alabama Law Institute.~~

20 ~~"(9) (4) The President ~~and Secretary~~ of the Alabama~~
21 ~~State Bar.~~

22 ~~"(5) The Secretary of the Alabama State Bar.~~

23 ~~"~~(10)~~ (6) The ~~chairman~~ chair of the junior bar~~
24 ~~section of the Alabama State Bar.~~

25 ~~"(11) The Dean of the University of Alabama School~~
26 ~~of Law.~~

1 ~~"(12) The Dean of the Cumberland School of Law of~~
2 ~~Samford University.~~

3 ~~"(13) The dean of each privately operated law school~~
4 ~~in the State of Alabama whose graduates are admitted as~~
5 ~~candidates for examination and admission to the Alabama State~~
6 ~~Bar.~~

7 ~~"(14) The Dean of the Miles College Law School.~~

8 ~~"(15) The President and Secretary of the Alabama Law~~
9 ~~Institute.~~

10 ~~"(16) (7) The attorney members of the Legislative~~
11 ~~Council of Alabama, together with the Secretary of the~~
12 ~~Legislative Council Joint Committee on Legislative Operations.~~

13 ~~"(17) (8) Not less than three nor more than six~~
14 ~~attorney members appointed by the Governor of Alabama for~~
15 ~~terms to run concurrently with the term of the Governor.~~

16 ~~"(9) The Speaker of the House.~~

17 ~~"(10) The President Pro Tempore of the Senate.~~

18 ~~"(18) The Director of the Continuing Legal Education~~
19 ~~Program sponsored by the Alabama State Bar, the University of~~
20 ~~Alabama Law School and the Cumberland School of Law of Samford~~
21 ~~University.~~

22 ~~"(19) All elected members of the American Law~~
23 ~~Institute who reside in Alabama.~~

24 ~~"(d) The elected membership shall consist of two~~
25 ~~(11) Two members who shall be elected from the members of the~~
26 ~~faculty of the University of Alabama School of Law, two~~
27 ~~members who shall be elected from the members of the faculty~~

1 of the Cumberland Law School of Samford University, two
2 members elected from the members of the faculty of the Thomas
3 Goode Jones School of Law at Faulkner University, and six
4 practicing attorneys elected from each congressional district
5 in the state.

6 "(12) Such other members as the President of the
7 Alabama Law Institute may determine.

8 "~~(e) The term of office of the members of the~~
9 ~~judiciary who are ex officio members of the council shall be~~
10 ~~four years. (d) The other ex officio members shall hold their~~
11 ~~positions during their respective terms of office. The terms~~
12 ~~of office of the elected members of the council shall be four~~
13 ~~years. The terms of office of the first elected members shall~~
14 ~~be fixed and determined by the Board of Commissioners of the~~
15 ~~Alabama State Bar and their successors shall be elected for~~
16 ~~terms of four years under such rules as the Board of~~
17 ~~Commissioners may adopt. Elected members of the council shall~~
18 ~~be eligible for reelection.~~

19 "~~(f)~~ (e) Vacancies in the elected membership created
20 by death, resignation, l or otherwise than by the expiration of
21 the terms of office shall be filled by the council under such
22 rules as it may adopt. Vacancies occurring through the
23 expiration of terms of office shall be filled by election by
24 the council under such rules as it may adopt.

25 "§29-8-2.

26 "(a) The members of the Governing Council of the
27 Alabama Law Institute shall serve without any compensation for

1 services as such. The council ~~may employ and fix and pay~~
2 ~~reasonable compensation to the director of the institute and~~
3 ~~his assistants,~~ and may pay honoraria to members of the
4 ~~council~~ State Bar who perform professional services for the
5 institute, as authorized by the council.

6 "(b) The President of the Alabama Law Institute
7 shall appoint the director.

8 "§29-8-3.

9 "~~The Board of Commissioners of the Alabama State Bar~~
10 council shall adopt a plan or plans of membership in the
11 Alabama Law Institute so designed as to encourage and invite
12 the cooperation of all members of the legal profession in the
13 work of the institute.

14 "§29-8-4.

15 "The general purposes of the Alabama Law Institute
16 shall be to promote and encourage the clarification and
17 simplification of the law of Alabama to secure the better
18 administration of justice and to carry on scholarly legal
19 research and scientific legal work. To that end it shall be
20 the duty of the Alabama Law Institute to:

21 "(1) Consider needed improvements in both
22 substantive and adjective law and to make recommendations
23 concerning the same to the ~~Legislature~~ chairs and members of
24 the House Judiciary Committee and the Senate Judiciary
25 Committee.

1 "(2) Examine and study the law of Alabama and
2 Alabama jurisprudence and statutes with a view of discovering
3 defects and inequities and of recommending needed reforms.

4 "(3) Receive and consider suggestions from ~~judges,~~
5 ~~justices, public officials, lawyers,~~ members of the Alabama
6 State Legislature and the public generally as to defects and
7 anachronisms in the law.

8 "(4) Recommend ~~from time to time~~ such changes in the
9 law as it deems necessary to modify or eliminate antiquated
10 and inequitable rules of law, and to bring the law of the
11 state, both civil and criminal, into harmony with ~~modern~~ legal
12 conditions and opinions.

13 "(5) Render ~~biennial~~ annual reports to the
14 Legislature through the president of the institute and, if it
15 deems so advisable, ~~to~~ accompany its reports with proposed
16 bills to carry out any of its recommendations.

17 "(6) Recommend the repeal of obsolete statutes and
18 to suggest needed amendments, additions, and repeals.

19 "(7) Organize and conduct ~~an annual meeting~~ meetings
20 as needed within the state for scholarly discussions of
21 current problems in Alabama law, bringing together
22 representatives of the Legislature, practicing attorneys,
23 members of the bench and bar, and representatives of the law
24 teaching profession and periodically conduct training and
25 continuing education programs for public officials, including
26 providing educational material.

1 "~~(8) Devise and carry out, through the facilities of~~
2 ~~the Legislative Reference Service and the director and~~
3 ~~employees thereof, In cooperation with the Code Commissioner,~~
4 ~~develop and implement a plan for continuous code ~~revisions~~~~
5 ~~revision.~~

6 "§29-8-5.

7 "The Alabama Law Institute, in submitting reports to
8 the Legislature through the president, shall act solely in an
9 advisory capacity. ~~Its reports, studies and recommended~~
10 ~~publications shall be printed and shall be distributed by the~~
11 ~~Secretary of State in the same manner as acts of the~~
12 ~~Legislature.~~

13 "§30-3-8.

14 "(a) The Department of Human Resources, Child
15 Support Enforcement Division, may establish a program for the
16 publication, in newspapers with general circulation throughout
17 the state, of a listing of 10 child support obligors in any
18 county who are delinquent in their support payments. Each
19 publication shall display photographs of and information about
20 the 10 obligors in any county who are liable for support
21 arrearages and whose whereabouts are unknown to child support
22 agencies. Each publication shall list a toll-free telephone
23 number for the division that may be called to report
24 information regarding the whereabouts of any of the obligors
25 displayed in the publication. The department may include any
26 other information in the publication that it considers
27 appropriate.

1 "(b) Prior to any publication or public listing, the
2 Department of Human Resources shall send to each obligor whose
3 name will be published pursuant to this section a notice by
4 regular mail to the obligor's last known address. The notice
5 shall state that the obligor may avoid being included in the
6 publication pursuant to this section by doing all of the
7 following within 90 days after receipt of notice:

8 "(1) Making a child support payment to the
9 Department of Human Resources, Child Support Enforcement
10 Division, that is at least equal to the amount of support the
11 obligor is required to pay each month under the support order
12 or a percentage of child support arrears owed by the obligor,
13 whichever amount is greater.

14 "(2) Providing the division with the obligor's
15 current address.

16 "(3) Providing the division with verification from
17 each of the obligor's current employers of the obligor's
18 current wages, salary, and other compensation.

19 "(4) Providing the division with verification that
20 the obligor has arranged for withholding from the obligor's
21 wages, salary, or other compensation to pay support and for
22 payment of arrearages.

23 "(c) The division shall determine whether any
24 obligor whose name will be published has met all of the
25 conditions of subsection (b). If the division determines that
26 an obligor has done so, the division shall remove the obligor

1 from the list of obligors before making the final selection of
2 obligors for publication.

3 "(d) The Department of Human Resources, Child
4 Support Enforcement Division, shall distribute for publication
5 and post on the DHR website at a minimum of twice a year or
6 monthly as deemed appropriate by the division, the obligors
7 who are to appear in publication.

8 "(e) The Department of Human Resources, Child
9 Support Enforcement Division, shall adopt rules and
10 regulations pursuant to the Alabama Administrative Procedure
11 Act for the operation of the program. The rules shall specify
12 the following:

13 "(1) Criteria for the division to use in reviewing
14 the names of obligors for publication and for selecting the
15 delinquent obligors to be included in the publication.

16 "(2) Criteria for providing the notice specified in
17 subsection (b).

18 "(3) Notification that the obligor is responsible
19 for all costs for the publication.

20 "(4) The department must design a system of
21 safeguards which protect innocent parties. Such safeguards and
22 procedures must be approved by the ~~Legislative Council~~ Joint
23 Committee on Legislative Operations within one year of
24 passage.

25 "(5) Any other criteria necessary for the operation
26 of the program.

1 "(f) The Department of Human Resources and its
2 employees and agents and any newspaper publishing any
3 information pursuant to this section shall be immune from any
4 civil or criminal liability that might otherwise be imposed or
5 incurred in carrying out the provisions of this section.

6 "§33-2-185.

7 "Docks facilities revenue bonds and refunding bonds
8 may be sold by the department from time to time in series,
9 and if sold in more than one series may all be authorized in
10 one initial order of the director with the pledges therefor
11 made in such initial order, notwithstanding that details
12 applicable to each series may be specified in the respective
13 orders under which such series are issued. Each series of the
14 docks facilities revenue bonds or refunding bonds may be sold
15 at public or private sale, as determined by the director, at
16 such price or prices as the director shall determine, and if
17 sold at public sale either on sealed bids or at public
18 auction, to the bidder whose bid reflects the lowest true
19 interest cost to the department for the series of the docks
20 facilities revenue bonds or refunding bonds being sold,
21 computed from the date of those at the time being sold to
22 their respective maturities and taking into account any
23 premium or discount named in the bid therefor; provided, that
24 if in the event of public sale of the docks facilities revenue
25 bonds or refunding bonds no bid acceptable to the department
26 is received it may reject all bids. Notice or summary notice
27 of each public sale shall be given by publication in either a

1 financial journal or a financial newspaper published in the
2 City of New York, New York, and also by publication in a
3 newspaper published in the state which is customarily
4 published not less than five days during each calendar week,
5 each of which notices or summary notices must be published at
6 least one time not less than 10 days prior to the date fixed
7 for the sale. The director may fix the terms and conditions
8 under which each such sale may be held; provided, that such
9 terms and conditions shall not conflict with any of the
10 requirements of this article. At least thirty (30) days prior
11 to the publication of notice or summary notice of the public
12 sale, the department shall notify the Governor, the Lieutenant
13 Governor, the Speaker of the House of Representatives and the
14 members of the ~~Legislative Council~~ Joint Committee on
15 Legislative Operations of the proposed use of the bond
16 proceeds from the sale of bond. Approval by the Governor of
17 the terms and conditions under which any of the docks
18 facilities revenue bonds or refunding bonds may be issued
19 shall be requisite to their validity. The Governor's approval
20 shall be in writing and shall be entered on the order of the
21 director in which the series of the docks facilities revenue
22 bonds or refunding bonds proposed to be issued are authorized
23 or sold. Such approval by the Governor may be shown on any
24 series of the docks facilities revenue bonds or refunding
25 bonds by a facsimile of his signature printed or otherwise
26 reproduced thereon when authorization of such action is
27 contained in the approval signed by him. Neither a public

1 hearing nor consent by the Department of Finance of the state
2 or any other department or agency shall be a prerequisite to
3 the issuance of any of the docks facilities revenue bonds or
4 refunding bonds.

5 "§34-14B-5.

6 "The applicant shall pay to the Building Commission
7 a registration or renewal fee of three hundred dollars (\$300)
8 per calendar year; provided, however, that the registration or
9 renewal fee may be adjusted by the Building Commission as may
10 be necessary to cover the costs and expenses of performing the
11 duties of the Building Commission as required by this chapter,
12 it being intended that the registration and renewal fees shall
13 not produce a profit to the State of Alabama. Prior to any
14 adjustment to the registration or renewal fee, the Building
15 Commission shall certify to the ~~Legislative Council of the~~
16 ~~Legislature~~ Joint Committee on Legislative Operations that the
17 adjustment is necessary in order to comply with the provisions
18 of this chapter. All moneys received by the Building
19 Commission pursuant to this chapter shall be used to
20 administer this chapter.

21 "§36-7-24.

22 "(a) The departments and agencies of the State of
23 Alabama are hereby authorized to prepay to employees of those
24 departments and agencies an amount of money to be determined
25 by the appointing authority of the various departments and
26 agencies to pay necessary travel expenses for any one period
27 of travel for such employees on authorized official state

1 business inside or outside the State of Alabama. Such payment
2 shall be made in accordance with rules and regulations
3 promulgated by the state Comptroller and approved by the Chief
4 Examiner of Public Accounts. Provided, that the state
5 Comptroller, in accordance with the procedure provided above,
6 shall establish the maximum amount that may be prepaid for any
7 officer or employee for any one period of travel.

8 "(b) The Department of Examiners of Public Accounts
9 shall examine the expenditure of funds used in accordance with
10 subsection (a) annually and report its findings to the Joint
11 ~~Legislative~~ Committee on ~~Public Accounts~~ Legislative
12 Operations.

13 "§36-7-25.

14 "(a) The state Comptroller, with the approval of the
15 Chief Examiner of Public Accounts, may adopt rules and
16 regulations to provide for the prepayment of travel expenses
17 for state officers and employees traveling on authorized
18 official state business. No traveler shall have expenses for
19 any one period of travel prepaid ~~for him~~ in excess of any
20 amount established according to the rules and regulations
21 provided above, provided, that the amount of expenses
22 authorized to be prepaid for any one period of travel may vary
23 based on the needs of the various state departments and
24 agencies.

25 "(b) The Department of Examiners of Public Accounts
26 shall examine the expenditure of funds used in accordance with
27 subsection (a) annually and report its findings to the Joint

1 ~~Legislative~~ Committee on ~~Public Accounts~~ Legislative
2 Operations.

3 "§36-13-30.

4 "There is hereby created in the State Treasury a
5 fund to be known as the Governor's Contingency Fund. ~~Said~~ The
6 fund shall be expended under the direction of the Governor, at
7 ~~his~~ the discretion of the Governor, and shall be accounted for
8 by ~~him~~ the Governor to the Legislature at each session;
9 provided, however, that the Governor shall file with the
10 ~~Legislative Council~~ Joint Committee on Legislative Operations
11 on a monthly basis a list of all expenditures made ~~by him~~ from
12 ~~said~~ the fund.

13 "§36-25-4.2.

14 "(a) At the beginning of each legislative
15 quadrennium, the State Ethics Commission shall provide for and
16 administer training programs on the State Ethics Law for
17 members of the Legislature, state constitutional officers,
18 cabinet officers, executive staff, municipal mayors, council
19 members and commissioners, county commissioners, and
20 lobbyists.

21 "(1) The training program for legislators shall be
22 held at least once at the beginning of each quadrennium for
23 members of the Legislature. An additional training program
24 shall be held if any changes are made to this chapter, and
25 shall be held within three months of the effective date of the
26 changes. The time and place of the training programs shall be
27 determined by the Executive Director of the State Ethics

1 Commission and the ~~Legislative Council~~ Joint Committee on
2 Legislative Operations. Each legislator must attend the
3 training programs. The State Ethics Commission shall also
4 provide a mandatory program for any legislator elected in a
5 special election within three months of the date that the
6 legislator assumes office.

7 "(2) The training program for the state
8 constitutional officers, cabinet members, and executive staff,
9 as determined by the Governor, shall be held within the first
10 30 days after the Governor has been sworn into office. An
11 additional training program shall be held if any changes are
12 made to this chapter, and shall be held within three months of
13 the effective date of the changes. The specific date of the
14 training program shall be established by the Executive
15 Director of the State Ethics Commission with the advice of the
16 Governor and other constitutional officers.

17 "(3) The training program for lobbyists shall be
18 held four times annually as designated by the Executive
19 Director of the State Ethics Commission, the first of which
20 shall be held within the first 30 days of the year. Each
21 lobbyist must attend a training program within 90 days of
22 registering as a lobbyist. A lobbyist who fails to attend a
23 training program shall not be allowed to lobby the
24 Legislature, Executive Branch, Judicial Branch, public
25 officials, or public employees. After attending one training
26 program, a lobbyist shall not be required to attend an
27 additional training program unless any changes are made to

1 this chapter. Such additional mandatory training program shall
2 be held within three months of the effective date of the
3 changes.

4 "(4) All municipal mayors, council members and
5 commissioners, county commissioners, and members of any local
6 board of education in office as of January 1, 2011, shall
7 obtain training within 120 days of that date. Thereafter, all
8 municipal mayors, council members and commissioners, and
9 county commissioners shall obtain training within 120 days of
10 being sworn into office. Training shall be available online
11 and may be conducted either online or in person. Evidence of
12 completion of the training shall be provided to the commission
13 via an electronic reporting system provided on the official
14 website. The scheduling of training opportunities for
15 municipal mayors, council members and commissioners, and
16 county commissioners shall be established by the Executive
17 Director of the State Ethics Commission with the advice and
18 assistance of the Alabama League of Municipalities and the
19 Association of County Commissions of Alabama. Any provision of
20 this section to the contrary notwithstanding, the training for
21 county commissioners required by this subdivision shall be
22 satisfied by the successful completion of the 10-hour course
23 on ethical requirements of public officials provided by the
24 Alabama Local Government Training Institute established
25 pursuant to Article 2 of Chapter 3 of Title 11. The Alabama
26 Local Government Training Institute shall quarterly provide

1 written notice to the State Ethics Commission the names of
2 those county commissioners completing the institute's program.

3 "(b) The curriculum of each session and faculty for
4 the training program shall be determined by the Executive
5 Director of the State Ethics Commission. The curriculum shall
6 include, but not be limited to, a review of the current law, a
7 discussion of actual cases and advisory opinions on which the
8 State Ethics Commission has ruled, and a question and answer
9 period for attendees. The faculty for the training program may
10 include the staff of the State Ethics Commission, members of
11 the faculties of the various law schools in the state, and
12 other persons deemed appropriate by the Executive Director of
13 the State Ethics Commission and shall include experts in the
14 field of ethics law, persons affected by the ethics law, and
15 members of the press and media.

16 "(c) Except as provided herein, attendance at any
17 session of the training program shall be mandatory, except in
18 the event the person is suffering a catastrophic illness.

19 "(d) This section shall not preclude the penalizing,
20 prosecution, or conviction of any member of the Legislature,
21 any public official, or public employee prior to such person
22 attending a mandatory training program.

23 "(e) All public employees required to file the
24 Statement of Economic Interests required by Section 36-25-14,
25 no later than May 1, 2011, shall participate in an online
26 educational review of the Alabama Ethics Law provided on the
27 official website of the commission. Employees hired after

1 January 1, 2011, shall have 90 days to comply with this
2 subsection. Evidence of completion of the educational review
3 shall be provided to the commission via an electronic
4 reporting system provided on the official website.

5 "§38-7A-4.

6 "The commission may publicize and hold public
7 hearings and review suggestions from parents of children
8 utilizing child care services, providers of the services, and
9 other interested parties, including representatives of
10 nongovernmental entities, child development specialists, and
11 professionals in child care related fields. The commission
12 shall make an annual written report to the ~~Legislative Council~~
13 Joint Committee on Legislative Operations, the Governor, and
14 the Department of Human Resources of its findings and
15 recommendations in regard to issues affecting licensed child
16 day care. The report shall be made available to the public
17 upon the payment of reasonable costs for providing a copy
18 thereof.

19 "§40-2-9.

20 "The Department of Revenue is hereby authorized to
21 prepay to employees of the department an amount of money to be
22 determined by the Commissioner of Revenue to pay necessary
23 travel expenses for such employees on authorized official
24 state business outside the State of Alabama. Such payment
25 shall be made in accordance with rules and regulations
26 promulgated by the Commissioner of Revenue and approved by the
27 Governor and the Chief Examiner of Public Accounts. No

1 traveler shall have expenses prepaid in excess of four
2 thousand dollars (\$4,000) for any one period of travel, nor
3 shall the expenses so prepaid exceed twenty thousand dollars
4 (\$20,000) in the aggregate for all travelers at any time.

5 "The Department of Examiners of Public Accounts
6 shall examine the expenditure of funds used in accordance with
7 this section annually and report its findings to the
8 ~~Legislative~~ Joint Committee on ~~Public Accounts~~ Legislative
9 Operations.

10 "\$40-23-203.

11 "(a) The commission shall make a preliminary written
12 report of its recommended implementation plan regarding
13 necessary systems and programs within three months of the
14 initial meeting of the commission. The preliminary report
15 approved by the commission shall be distributed for comment to
16 the department, all Alabama counties and municipalities, the
17 Business Council of Alabama, and the Alabama Retail
18 Association. The report shall also be posted on the website of
19 the Department of Revenue at all times during the comment
20 period with information about how persons or entities can
21 provide comment to the commission. Any comments from persons,
22 entities, and organizations shall be submitted in writing to
23 the commission within 45 days of the date distributed and
24 posted. The commission shall review all written comments and
25 make changes to its preliminary report as it deems
26 appropriate.

1 "(b) The commission shall make and file with the
2 Legislature a final written report of its recommended
3 implementation and administrative supervision of needed
4 systems, programs, and procedures necessary to bring the state
5 into compliance with the agreement no later than the fifth
6 legislative day of the 2012 Regular Session of the
7 Legislature. The report shall include proposed plans and
8 estimated costs for implementation of the systems identified
9 and developed pursuant to Section 40-23-202.

10 "(c) If ratified and approved by the ~~Legislative~~
11 ~~Council~~ Joint Committee on Legislative Operations, the
12 recommendations of the commission shall be implemented and
13 administered only in the event that federal legislation
14 adopting the Streamline Sales and Use Tax Agreement or the
15 general concepts of the agreement which include a requirement
16 that remote sellers collect and remit sales and use taxes to
17 member states, becomes law.

18 "§41-5-3.

19 "(a) The affairs of the department shall be
20 administered by a Chief Examiner, whose actions shall be
21 supervised and controlled by ~~a Legislative~~ the Joint Committee
22 on ~~Public Accounts~~ Legislative Operations. The Chief Examiner
23 shall be selected and appointed by the ~~Legislative~~ Joint
24 Committee on ~~Public Accounts~~ Legislative Operations to serve
25 ~~for a term of seven years and until his~~ a successor is
26 appointed and qualified. ~~The first of such terms shall~~
27 ~~commence on October 1, 1947, and such officer shall be~~

1 ~~eligible for reappointment to such office for such subsequent~~
2 ~~term of like duration as shall be deemed appropriate by the~~
3 ~~Legislative Committee on Public Accounts.~~ Vacancies in the
4 office of Chief Examiner arising from any cause shall be
5 filled by the ~~Legislative Committee on Public Accounts~~
6 committee, the person so appointed to hold office for the
7 unexpired term of ~~his~~ the predecessor. Every appointment of
8 the Chief Examiner shall be subject to confirmation by the
9 Senate at the first regular or special session of the
10 Legislature held thereafter; provided, however, that this
11 shall not affect the right or authority of the Chief Examiner
12 to act pending senatorial confirmation or rejection.

13 " (b) The Chief Examiner may be removed from office
14 through impeachment proceedings instituted before the Supreme
15 Court by the ~~Legislative~~ Joint Committee on ~~Public Accounts~~
16 Legislative Operations, the Governor or by charges preferred
17 by not less than 15 members of the Legislature for any of the
18 causes enumerated in Section 173 of the Constitution of
19 Alabama 1901, such proceedings to be conducted in accordance
20 with the provisions of Sections 36-11-7 through 36-11-12.

21 "§41-5-6.

22 "The Chief Examiner shall be the executive and
23 administrative head of the department and shall have the power
24 and duty to do all of the following:

25 "(1) Exercise general supervision of and make
26 regulations for the ~~government~~ governance of the department^{7, L}

1 subject to review by the Joint Committee on Legislative
2 Operations.

3 "(2) Prescribe uniform rules pertaining to
4 investigations, examinations, audits and departmental
5 hearings~~;~~.

6 "(3) Supervise the fiscal affairs and
7 responsibilities of the department as the Joint Committee on
8 Legislative Operations shall provide~~;~~.

9 "(4) Appoint and remove the staff, officers~~,~~ and
10 employees of the department, subject to the ~~provisions of the~~
11 ~~Merit System Act and the rules and regulations issued pursuant~~
12 ~~thereto~~ procedures established by the Joint Committee on
13 Legislative Operations~~;~~.

14 "~~(5) Keep an accurate and complete record of all~~
15 ~~departmental proceedings, record and file all bonds, reports~~
16 ~~and other documents and assume responsibility for the custody~~
17 ~~and preservation of all papers and documents of the~~
18 ~~department;~~

19 "~~(6)~~ (5) Make recommendations and an annual report to
20 the Governor and to the ~~Legislative~~ Joint Committee on ~~Public~~
21 ~~Accounts~~ Legislative Operations concerning the condition,
22 operation, functioning and findings of the department~~;~~.

23 "~~(7)~~ (6) Invoke any legal, equitable or special
24 remedy for the enforcement of orders or the provisions of this
25 chapter~~;~~.

1 "~~(8)~~(7) Exercise any other power necessary to
2 expedite the making of thorough and accurate audits of the
3 accounts of all persons receiving or disbursing public funds~~;~~.

4 "~~(9)~~(8) Examine and audit the books, accounts and
5 records of all state and county offices, officers, bureaus,
6 boards, commissions, corporations, departments and agencies~~;~~.

7 "~~(10)~~(9) Prepare, except with respect to county
8 boards of education, such bookkeeping, accounting and
9 reporting systems, procedures, records and forms as may be
10 necessary to install a uniform system of accounting and
11 reporting in the various state and county offices~~;~~.

12 "~~(11)~~(10) Report to the ~~Legislative~~ Joint Committee
13 on ~~Public Accounts~~ Legislative Operations and the Governor
14 every expenditure or contract found to have been made in
15 violation of law~~;~~.

16 "~~(12)~~(11) Prepare, for use by the county boards of
17 education, such bookkeeping, accounting and reporting systems,
18 procedures, records and forms as may be necessary to the
19 installation of a uniform system of accounting and reporting
20 by the several county boards of education, install such
21 bookkeeping, accounting and reporting systems in and for such
22 county boards of education and exercise and maintain
23 continuing supervision thereof~~;~~and.

24 "~~(13)~~(12) Prepare and furnish to the chairmen of the
25 county commissions of the several counties of the state a
26 fiscal statement of each county, as of the end of each fiscal
27 year, said statement showing receipts, disbursements,

1 outstanding indebtedness and securities owned of and by each
2 of the several counties.

3 "§41-5-9.

4 "(a) The salary of the Chief Examiner of ~~public~~
5 ~~accounts~~ Public Accounts shall be fixed from time to time by
6 the ~~Legislative~~ Joint Committee on ~~Public Accounts~~ Legislative
7 Operations.

8 "~~(b) The salary of the assistant chief examiner~~
9 ~~shall be fixed by the Chief Examiner at an amount not to~~
10 ~~exceed \$1,000.00 less than the amount fixed by the Legislative~~
11 ~~Committee on Public Accounts as the salary for the Chief~~
12 ~~Examiner.~~

13 "~~(c)~~ (b) The compensation for the Chief Examiner and
14 the assistant chief examiner shall be paid out of funds
15 appropriated to the Department of Examiners of Public Accounts
16 and in the same manner as salaries of other officers and
17 employees are paid.

18 "§41-9-374.

19 "(a) From funds appropriated to the commission, the
20 commission shall:

21 "(1) Reimburse members of the commission who are not
22 members of the Legislature for their necessary expenses in
23 performing the duties of their offices.

24 "(2) Pay the cost of printing the commission's
25 reports.

1 "(3) Pay the dues of this state to the National
2 Conference of Commissioners on Uniform State Laws upon
3 approval of the Joint Committee on Legislative Operations.

4 "(b) The amount of expenses and dues shall be
5 certified to the state Comptroller by the chair of the
6 commission, and the state Comptroller shall draw warrants and
7 the State Treasurer shall pay the warrants for these purposes.

8 "~~(c) For performing their duty as a member of the~~
9 ~~commission, members of the commission who are members of the~~
10 ~~Legislature shall receive, from funds appropriated to the~~
11 ~~Legislature, the same compensation, expenses, and travel~~
12 ~~allowances as members of the Legislative Council receive for~~
13 ~~travel out-of-state on Legislative Council business.~~

14 "§41-9-715.

15 "(a) There is continuously appropriated out of funds
16 in the State Treasury, not otherwise appropriated, the sum of
17 not less than \$200,000, for the operation of the commission,
18 which funds shall be disbursed in accordance with a financial
19 management system approved by the ~~Legislative Council~~ Joint
20 Committee on Legislative Operations.

21 "(b) The commission may accept any surplus property
22 from other government agencies and shall be exempt from paying
23 the surplus property surcharge of the Alabama Department of
24 Economic and Community Affairs.

25 "§41-10-44.5.

26 "The criteria promulgated by the authority for the
27 selection of approved companies shall be subject to prior

1 approval by the ~~Legislative Council~~ Joint Committee on
2 Legislative Operations. The ~~Legislative Council~~ Joint
3 Committee on Legislative Operations shall approve or
4 disapprove the general criteria proposed by the authority
5 within 30 days after the submission of ~~said~~ the criteria to
6 the ~~Legislative Council~~ Joint Committee on Legislative
7 Operations. The authority shall report quarterly to the
8 ~~Legislative Council~~ Joint Committee on Legislative Operations
9 on each project approved pursuant to such criteria, the amount
10 of the financing provided to each approved company, the
11 projected value of the tax incentives granted to each approved
12 company, and any other specific information requested by the
13 ~~Legislative Council~~ Joint Committee on Legislative Operations.

14 "§41-16-27.

15 "(a) When purchases are required to be made through
16 competitive bidding, award shall, except as provided in
17 subsection (f), be made to the lowest responsible bidder
18 taking into consideration the qualities of the commodities
19 proposed to be supplied, their conformity with specifications,
20 the purposes for which required, the terms of delivery,
21 transportation charges and the dates of delivery provided,
22 that the awarding authority may at any time within 30 days
23 after the bids are opened negotiate and award the contract to
24 anyone, provided he secures a price at least five percent
25 under the low acceptable bid. The award of such a negotiated
26 contract shall be subject to approval by the Director of
27 Finance and the Governor, except in cases where the awarding

1 authority is a two-year or four-year college or university
2 governed by a board. The awarding authority or requisitioning
3 agency shall have the right to reject any bid if the price is
4 deemed excessive or quality of product inferior. Awards are
5 final only after approval of the Purchasing Agent.

6 "(b) The awarding authority may award multiple
7 purchase contracts resulting from a single invitation-to-bid
8 where the specifications of the items of personal property
9 intended to be purchased by a requisitioning agency or
10 agencies are determined, in whole or in part, by technical
11 compatibility and operational requirements. In order to make
12 multiple awards under this provision, the awarding authority
13 must include in the invitation-to-bid a notice that multiple
14 awards may be made and the specific technical compatibility or
15 operational requirements necessitating multiple awards.
16 Multiple awards of purchase contracts with unique technical
17 compatibility or operational specifications shall be made to
18 the lowest responsible bidder complying with the unique
19 technical compatibility or operational specifications. The
20 requisitioning agency shall provide the awarding authority
21 with the information necessary for it to determine the
22 necessity for the award of multiple purchase contracts under
23 this provision.

24 "This subsection (b) shall not apply to contracts
25 for the purchase of personal property for which a service or
26 service contract, whether subject to competitive bidding under
27 this article or not, is necessary to utilize the personal

1 property throughout the period of utilization of the personal
2 property.

3 "(c) Each bid, with the name of the bidder, shall be
4 entered on a record. Each record, with the successful bid
5 indicated thereon and with the reasons for the award if not
6 awarded to the lowest bidder shall, after award of the order
7 or contract, be open to public inspection.

8 "(d) The Purchasing Agent in the purchase of or
9 contract for personal property or contractual services shall
10 give preference, provided there is no sacrifice or loss in
11 price or quality, to commodities produced in Alabama or sold
12 by Alabama persons, firms, or corporations.

13 "(e) (1) Contracts for the purchase of personal
14 property or contractual services other than personal services
15 shall be let by competitive bid for periods not greater than
16 five years ~~and current contracts existing on February 28,~~
17 ~~2006, may be extended or renewed for an additional two years~~
18 ~~with a 90-day notice of such extension or renewal given to the~~
19 ~~Legislative Council~~, however, any contract that generates
20 funds or will reduce annual costs by awarding the contract for
21 a longer term than a period of three years which is let by or
22 on behalf of a state two-year or four-year college or
23 university may be let for periods not greater than 10 years.
24 Any contract awarded pursuant to this section for terms of
25 less than 10 years may be extended for a period not to exceed
26 10 years from the initial awarding of the contract provided
27 that the terms of the contract shall not be altered or

1 renegotiated during the period for which the contract is
2 extended.

3 "(2) For purchases of personal property made on or
4 after January 1, 2010, in instances in which the awarding
5 authority determines that the total cost of ownership over the
6 expected life of the item or items, including acquisition
7 costs plus sustaining costs, and including specifically life
8 cycle costs, can be reasonably ascertained from industry
9 recognized and accepted sources, the lowest responsible bid
10 may be determined to be the bid offering the lowest life cycle
11 costs and otherwise meeting all of the conditions and
12 specifications contained in the invitation to bid. To utilize
13 this provision to determine the lowest responsible bidder, the
14 awarding authority must include a notice in the invitation to
15 bid that the lowest responsible bid may be determined by using
16 life cycle costs and identify the industry recognized and
17 accepted sources that will be applicable to such an
18 evaluation.

19 "(3) Industry recognized and accepted sources may be
20 provided by rules adopted pursuant to the Alabama
21 Administrative Procedure Act by the Green Fleets Review
22 Committee if the review committee is established and enacted
23 at the 2009 Regular Session. If the Green Fleets Review
24 Committee is not enacted at the 2009 Regular Session, the
25 Permanent Joint Legislative Committee on Energy Policy may
26 adopt rules providing industry recognized and accepted
27 sources, pursuant to the Alabama Administrative Procedure Act.

1 "(f) Contracts for the purchase of services for
2 receiving, processing, and paying claims for services rendered
3 recipients of the Alabama Medicaid program authorized under
4 Section 22-6-7 which are required to be competitively bid may
5 be awarded to the bidder whose proposal is most advantageous
6 to the state, taking into consideration cost factors, program
7 suitability factors (technical factors) including
8 understanding of program requirements, management plan,
9 excellence of program design, key personnel, corporate or
10 company resources and designated location, and other factors
11 including financial condition and capability of the bidder,
12 corporate experience and past performance and priority of the
13 business to insure the contract awarded is the best for the
14 purposes required. Each of these criteria shall be given
15 relative weight value as designated in the invitation to bid,
16 with price retaining the most significant weight.
17 Responsiveness to the bid shall be scored for each designated
18 criteria. If, for reasons cited above, the bid selected is not
19 from the lowest bidding contractor, the Alabama Medicaid
20 Agency shall present its reasons for not recommending award to
21 the low bidder to the Medicaid Interim Committee. The
22 committee shall evaluate the findings of the Alabama Medicaid
23 Agency and must, by resolution, approve the action of the
24 awarding authority before final awarding of any such contract.
25 The committee shall also hear any valid appeals against the
26 recommendation of the Alabama Medicaid Agency from the low bid
27 contractor(s) whose bid was not selected.

1 "(g) Notwithstanding the requirements under Sections
2 41-16-20, 41-16-21, and this section, contractual services and
3 purchases of personal property regarding the athletic
4 department, food services, and transit services negotiated on
5 behalf of two-year and four-year colleges and universities may
6 be awarded without competitive bidding provided that no state
7 revenues, appropriations, or other state funds are expended or
8 committed and when it is deemed by the respective board that
9 financial benefits will accrue to the institution, except that
10 in the cases where an Alabama business entity as defined by
11 this section is available to supply the product or service
12 they will have preference unless the product or service
13 supplied by a foreign corporation is substantially different
14 or superior to the product or service supplied by the Alabama
15 business entity. However, the terms and conditions of any of
16 the services or purchases which are contracted through
17 negotiation without being competitively bid and the name and
18 address of the recipient of such a contract shall be
19 advertised in a newspaper of general circulation in the
20 municipality in which the college or university is located
21 once a week for two consecutive weeks commencing no later than
22 10 days after the date of the contract. For the purposes of
23 this section, the term Alabama business entity shall mean any
24 sole proprietorship, partnership, or corporation organized in
25 the State of Alabama.

26 "(h) (1) For purchases of motor vehicles by the state
27 made on or after January 1, 2010, the lowest responsible bid

1 may be determined to be a bid offering the lowest life cycle
2 costs, if it is determined that the total cost of ownership
3 over the expected life of a motor vehicle, including
4 acquisition costs plus maintenance costs, including
5 specifically life cycle costs, can be reasonably ascertained
6 from industry recognized and accepted sources. The lowest
7 responsible bid shall otherwise meet all of the conditions and
8 specifications contained in the invitation to bid. To utilize
9 this provision to determine the lowest responsible bidder, the
10 state must include a notice in the invitation to bid that the
11 lowest responsible bid may be determined by using life cycle
12 costs and identify the industry recognized and accepted
13 sources that will be applicable to such an evaluation.

14 "(2) Industry recognized and accepted sources may be
15 provided by rules adopted pursuant to the Alabama
16 Administrative Procedure Act by the Green Fleets Review
17 Committee if the review committee is established and enacted
18 at the 2009 Regular Session. If the Green Fleets Review
19 Committee is not enacted at the 2009 Regular Session, the
20 Permanent Joint Legislative Committee on Energy Policy may
21 adopt rules providing industry recognized and accepted sources
22 pursuant to the Alabama Administrative Procedure Act.

23 "(i) When a single invitation-to-bid specifies a set
24 of deliverables that would be capable of division into
25 separate, independent contracts, the awarding authority, at
26 its discretion, may award a secondary contract for any subset
27 of such deliverables, not to exceed 20 percent of the original

1 contract value, to any Alabama business certified under the
2 Federal HUBZone program whose properly submitted responsible
3 bid does not exceed five percent of the lowest responsible
4 bid. In order to make a secondary award under this provision,
5 the awarding authority shall include in the invitation-to-bid
6 a notice that a secondary award may be made.

7 "§41-16-82.

8 "(a) This article shall only apply in cases where
9 the proposed grant or proposed contract at issue exceeds five
10 thousand dollars (\$5,000).

11 "(b) All persons who, for the purpose of direct
12 financial gain, submit a proposal, bid, contract, or grant
13 proposal to the State of Alabama, shall include a disclosure
14 statement developed by the Attorney General and approved by
15 the ~~Legislative Council~~ Joint Committee on Legislative
16 Operations. The disclosure statement shall not be required for
17 contracts for gas, water, and electric services where no
18 competition exists, or where rates are fixed by law or
19 ordinance. In circumstances where a contract is awarded by
20 competitive bid, the disclosure statement shall be required
21 only from the person receiving the contract and shall be
22 submitted within 10 days of the award.

23 "§41-19-3.

24 "It is the purpose of this chapter to establish a
25 comprehensive system for budgeting and financial management
26 which furthers the capacity of the Governor and the
27 Legislature to plan and finance the services which they

1 determine the state will provide for citizens. The system
2 shall include procedures for all of the following:

3 "(1) The orderly establishment, continuing review,
4 and periodic revision of the program and financial goals and
5 policies of the state.

6 "(2) The development, coordination, and review of
7 long-range program and financial plans that will implement
8 established state goals and policies.

9 "(3) The preparation, coordination, analysis, and
10 enactment of a budget, organized to focus on state services
11 and their costs, that authorizes the implementation of
12 policies and plans in the succeeding budget period.

13 "(4) The evaluation of alternatives to existing
14 policies, plans, and procedures that offer potential for more
15 efficient or effective state services.

16 "(5) The regular appraisal and reporting of program
17 performance.

18 "To this end, each Governor shall develop a
19 four-year strategic plan for presentation to the Legislature
20 prior to the first day of the second regular legislative
21 session in each term of office. The plan shall include
22 program, long-range revenue and expenditure plans for the
23 quadrennium, improvements in the state infrastructure
24 requiring capital outlay, and recommended steps to reduce the
25 cost of operation of state government. ~~In addition, the plan~~
26 ~~shall include a pilot phase of implementation for~~
27 ~~performance-based budgeting with one or more state agencies.~~

1 ~~The Joint Fiscal Committee and the Governor shall jointly~~
2 ~~select state agencies to participate in said pilot phase for~~
3 ~~the 1996-97 fiscal year.~~

4 "§41-19-3.1.

5 "The Joint ~~Fiscal~~ Committee on Legislative
6 Operations shall serve in an advisory capacity to the Governor
7 in the development of the long-range program, revenue and
8 expenditure plans. The Joint ~~Fiscal~~ Committee on Legislative
9 Operations shall be aided by the Legislative Fiscal Office.
10 ~~Members of the Joint Fiscal Committee shall be compensated as~~
11 ~~provided for in Section 29-5-2.~~

12 "§41-20-4.

13 "(a) A select joint committee, known as the Sunset
14 Committee, shall be constituted as follows:

15 "(b) Three members of the House and three members of
16 the Senate shall be elected ~~in the same manner as the elected~~
17 ~~members of the Legislative Council~~ by the respective houses:
18 two from the Alabama Senate and two from the Alabama House of
19 Representatives shall be appointed by the presiding officer of
20 ~~said the~~ elected bodies; and the President Pro Tempore of the
21 Senate and the Speaker Pro Tem of the House of
22 Representatives. The chairman shall be elected from among the
23 members of the committee, alternating annually between a House
24 member and a Senate member. Any vacancy in the Sunset
25 Committee shall be filled through appointment by the presiding
26 officer of the elected body having the vacancy.

1 "(c) ~~Said~~ The select joint committee shall be
2 charged with the duty of assisting in the implementation of
3 the procedures of this chapter and shall be charged with the
4 duty of establishing administrative procedures which shall
5 facilitate the review and the evaluation procedure as provided
6 for in this chapter.

7 "(d) The Sunset committee shall submit its report
8 and any accompanying legislation to the offices of the speaker
9 and the president for distribution to legislators and the
10 Governor on or before the first legislative day of the ensuing
11 regular legislative session.

12 "(e) The Sunset committee members shall be entitled
13 to their usual legislative per diem and expenses for attending
14 meetings of the committee, which shall be paid from funds
15 appropriated for the payment of the expenses of the
16 Legislature. There shall be no limitation upon the number of
17 days the Sunset committee or any subcommittee thereof shall
18 meet; provided, however, the members shall be entitled to
19 payment only for the days they are actually engaged in
20 committee business.

21 "§41-21-4.

22 "(a) Any contract to publish the official code of
23 the statutes of Alabama under Section 29-7-6 may relate to any
24 medium or form of the code and shall not be subject to the
25 competitive bid laws of the state, including, but not limited
26 to, Article 2 (commencing with Section 41-16-20) and Article 3

1 (commencing with Section 41-16-50) of Chapter 16 of this
2 title.

3 "(b) A person under contract with the state to
4 publish the official code of the statutes of Alabama may sell
5 the code or any portion of the code, in any form or medium,
6 pursuant to the contract to any person, firm, or corporation
7 within or outside the state, if it is sold at prices
8 determined and fixed by the publisher and the ~~Legislative~~
9 ~~Council~~ Joint Committee on Legislative Operations.

10 "§41-21-7.

11 "The Code Commissioner may contract for the
12 preparation and publication of a compilation or abridgment in
13 any form or medium of those sections of the Code of Alabama
14 relating to a specific agency, department, institution,
15 bureau, board, commission, or subject which, in the opinion
16 of the ~~Legislative Council~~ Joint Committee on Legislative
17 Operations, is essential to the effective performance of the
18 duties of the agency, department, institution, bureau, board,
19 or commission requesting the publication. A contract for the
20 publication of a compilation or abridgment may be entered into
21 only after funds have been appropriated or are otherwise
22 available to the agency, department, institution, bureau,
23 board, or commission for the publication. The compilation may
24 be completely indexed and may include the annotations to the
25 sections of the code included in the compilation.

26 "§41-22-3.

1 "The following words and phrases when used in this
2 chapter shall, for the purpose of this chapter, have meanings
3 respectively ascribed to them in this section, except when the
4 context otherwise requires:

5 "(1) AGENCY. Every board, bureau, commission,
6 department, officer, or other administrative office or unit of
7 the state, including the Alabama Department of Environmental
8 Management, other than the Legislature and its agencies, the
9 Alabama State Port Authority, the courts, the Alabama Public
10 Service Commission, or the State Banking Department, whose
11 administrative procedures are governed by Sections 5-2A-8 and
12 5-2A-9. The term shall not include boards of trustees of
13 postsecondary institutions, counties, municipalities, or any
14 agencies of local governmental units, unless they are
15 expressly made subject to this chapter by general or special
16 law.

17 "(2) COMMITTEE. The Joint Committee on
18 ~~Administrative Regulation Review shall be the members of the~~
19 ~~Legislative Council~~ Legislative Operations.

20 "(3) CONTESTED CASE. A proceeding, including but not
21 restricted to ratemaking, price fixing, and licensing, in
22 which the legal rights, duties, or privileges of a party are
23 required by law to be determined by an agency after an
24 opportunity for hearing. The term shall not include
25 intra-agency personnel actions; shall not include those
26 hearings or proceedings in which the Alabama Board of Pardons
27 and Paroles considers the granting or denial of pardons,

1 paroles or restoration of civil and political rights or
2 remission of fines and forfeitures; and which are exempt from
3 Sections 41-22-12 through 41-22-21, relating to contested
4 cases.

5 "(4) LICENSE. The whole or part of any agency
6 franchise, permit, certificate, approval, registration,
7 charter, or similar form of permission required by law, but
8 not a license required solely for revenue purposes when
9 issuance of the license is merely a ministerial act.

10 "(5) LICENSING. The agency process respecting the
11 grant, denial, renewal, revocation, suspension, annulment,
12 withdrawal, or amendment of a license or imposition of terms
13 for the exercise of a license.

14 "(6) PARTY. Each person or agency named or admitted
15 as a party or properly seeking and entitled as a matter of
16 right, whether established by constitution, statute, or agency
17 regulation or otherwise, to be admitted as a party, or
18 admitted as an intervenor under Section 41-22-14. An agency
19 may by rule authorize limited forms of participation in agency
20 proceedings for persons who are not eligible to become
21 parties.

22 "(7) PERSON. Any individual, partnership,
23 corporation, association, governmental subdivision, or public
24 or private organization of any character other than an agency.

25 "(8) QUORUM. No less than a majority of the members
26 of a multimember agency shall constitute a quorum authorized

1 to act in the name of the agency, unless provided otherwise by
2 statute.

3 "(9) RULE. Each agency regulation, standard, or
4 statement of general applicability that implements,
5 interprets, or prescribes law or policy, or that describes the
6 organization, procedure, or practice requirements of any
7 agency and includes any form which imposes any requirement or
8 solicits any information not specifically required by statute
9 or by an existing rule or by federal statute or by federal
10 rule or regulation; provided, however, all forms shall be
11 filed with the secretary of the agency and with the
12 Legislative Reference Service and all forms, except
13 intergovernmental, interagency, and intra-agency forms which
14 do not affect the rights of the public and emergency forms
15 adopted pursuant to Section 41-22-5, shall be published in the
16 Agency Administrative Code. The term includes the amendment or
17 repeal of all existing rules, but does not include any of the
18 following:

19 "a. Statements concerning only the internal
20 management of an agency and not affecting private rights or
21 procedures available to the public.

22 "b. Declaratory rulings issued pursuant to Section
23 41-22-11.

24 "c. Intergovernmental, interagency, and intra-agency
25 memoranda, directives, manuals, or other communications which
26 do not substantially affect the legal rights of, or procedures
27 available to, the public or any segment thereof.

1 "d. Determinations, decisions, orders, statements of
2 policy, and interpretations that are made in contested cases.

3 "e. An order which is directed to a specifically
4 named person or to a group of specifically named persons which
5 does not constitute a general class, and the order is served
6 on the person or persons to whom it is directed by the
7 appropriate means applicable thereto. The fact that the named
8 person who is being regulated serves a group of unnamed
9 persons who will be affected does not make the order a rule.

10 "f. An order which applies to a specifically
11 described tract of real estate.

12 "g. Any rules or actions relating to any of the
13 following:

14 "1. The conduct of inmates of public institutions
15 and prisoners on parole.

16 "2. The curriculum of public educational
17 institutions or the admission, conduct, discipline, or
18 graduation of students of the institutions; provided, however,
19 that this exception shall not extend to rules or actions of
20 the State Department of Education.

21 "3. Opinions issued by the Attorney General of the
22 State of Alabama.

23 "4. The conduct of commissioned officers, warrant
24 officers, and enlisted persons in the military service.

25 "5. Advisory opinions issued by the Alabama Ethics
26 Commission.

1 "6. Hunting and fishing seasons or bag or creel
2 limits promulgated by the Commissioner of the Department of
3 Conservation and Natural Resources.

4 "h. Standards, specifications, codes, plans,
5 manuals, and publications used in the design, construction,
6 repair, and maintenance of highways, roads, and bridges under
7 the jurisdiction of the Department of Transportation.

8 "§41-22-22.

9 "~~(a) There shall be a joint standing legislative~~
10 ~~committee known as the Joint Committee on Administrative~~
11 ~~Regulation Review, to The Joint Committee on Legislative~~
12 ~~Operations shall review all agency rules. ~~The committee shall~~~~
13 ~~consist of the members of the Legislative Council, including~~
14 ~~any member of the Legislative Council temporarily serving in~~
15 ~~the place of a permanent member, and shall meet on the call of~~
16 ~~the chair. The chair may name subcommittees to meet and review~~
17 ~~agency rules and report to the full committee. A quorum of the~~
18 ~~committee shall be the same as a quorum for the Legislative~~
19 ~~Council as set forth in Section 29-6-3. Members of the~~
20 ~~committee shall receive the same compensation, expenses, and~~
21 ~~transportation allowances for meetings as they receive for~~
22 ~~attendance at meetings of the Legislative Council. All~~
23 ~~compensation and expenses authorized by this section shall be~~
24 ~~paid from funds appropriated to the use of the Legislative~~
25 ~~Council.~~

26 "(b) The committee shall do all of the following:

1 "(1) Maintain a continuous review of the statutory
2 authority on which each administrative rule is based, and
3 whenever the authority is eliminated or significantly changed
4 by repeal, amendment, or other factor, advise the agency
5 concerned of the fact.

6 "(2) Review administrative rules and advise the
7 agencies concerned of its findings.

8 "(3) Have the further duties prescribed in Section
9 41-22-23.

10 "(4) The committee shall determine and report
11 annually to the Legislature the total cost to the state
12 allocated to the implementation of this chapter.

13 "§41-22-23.

14 "(a) The notice required by subdivision (a)(1) of
15 Section 41-22-5 shall be given, in addition to the persons
16 therein named, to the chair of the legislative committee. The
17 agency shall furnish the committee with 33 copies of the
18 proposed rule or rules, and no rule, except an emergency rule
19 issued pursuant to subsection (b) of Section 41-22-5 shall be
20 effective until these copies are so furnished. Any member of
21 the Senate or House of Representatives who requests a copy of
22 proposed agency rules from the Chair of the Joint Committee on
23 ~~Administrative Regulation Review~~ Legislative Operations shall
24 be provided a copy and the agency proposing rules shall
25 furnish additional copies of the proposed rule or rules
26 immediately. The form of the proposed rule presented to the
27 committee shall be as follows: New language shall be

1 underlined and language to be deleted shall be typed and lined
2 through.

3 "(b) The committee shall study all proposed rules
4 and may hold public hearings thereon. In the event the
5 committee fails to give notice to the agency of either its
6 approval or disapproval of the proposed rule within 35 days
7 after filing of the adopted rule with the Legislative
8 Reference Service pursuant to Section 41-22-6, the committee
9 shall be deemed to have approved the proposed regulation for
10 the purposes of this section. In the event the committee
11 disapproves a proposed rule or any part thereof, it shall give
12 notice of the disapproval to the agency. Any disapproved rule
13 shall be suspended until the adjournment of the next regular
14 session of the Legislature following the date of disapproval
15 and suspension of the committee or until the Legislature shall
16 revoke, by joint resolution, the suspension of the committee.
17 The rule shall be reinstated on the adjournment of the
18 legislative session in the event the Legislature, by joint
19 resolution, fails to sustain the disapproval and suspension of
20 the committee.

21 "(c) The committee may propose an amendment to any
22 proposed rule and may disapprove the proposed rule and return
23 it to the agency with the suggested amendment. In the event
24 the agency accepts the rule as amended, the agency may
25 resubmit the rule as amended to the committee. In the event
26 the agency does not accept the amendment, the proposed amended

1 rule shall be submitted to the Legislature as disapproved, as
2 provided in Section 41-22-24.

3 "(d) An agency may withdraw a proposed rule by leave
4 of the committee. An agency may resubmit a rule so withdrawn
5 or returned under this section with minor modification. Such a
6 rule is a new filing and subject to this section but is not
7 subject to further notice as provided in subsection (a) of
8 Section 41-22-5.

9 "(e) The committee is authorized to review and
10 approve or disapprove any rule adopted prior to October 1,
11 1982.

12 "(f) A rule submitted to the committee which has an
13 economic impact shall be accompanied by a fiscal note prepared
14 by the agency in accordance with this subsection. Upon
15 receiving the fiscal note, the committee may require
16 additional information from the submitting agency, other state
17 agencies, or other sources. A state agency shall cooperate and
18 provide information to the committee. At a minimum, the fiscal
19 note submitted with a proposed rule shall include the
20 following:

21 "(1) A determination of the need for the regulation
22 and the expected benefit of the regulation.

23 "(2) A determination of the costs and benefits
24 associated with the regulation and an explanation of why the
25 regulation is considered to be the most cost effective,
26 efficient, and feasible means for allocating public and
27 private resources and for achieving the stated purpose.

1 "(3) The effect of the regulation on competition.

2 "(4) The effect of the regulation on the cost of
3 living and doing business in the geographical area in which
4 the regulation would be implemented.

5 "(5) The effect of the regulation on employment in
6 the geographical area in which the regulation would be
7 implemented.

8 "(6) The source of revenue to be used for
9 implementing and enforcing the regulation.

10 "(7) A conclusion on the short-term and long-term
11 economic impact upon all persons substantially affected by the
12 regulation, including an analysis containing a description of
13 which persons will bear the costs of the regulation and which
14 persons will benefit directly and indirectly from the
15 regulation.

16 "(8) The uncertainties associated with the
17 estimation of particular benefits and burdens and the
18 difficulties involved in the comparison of qualitatively and
19 quantitatively dissimilar benefits and burdens. A
20 determination of the need for the regulation shall consider
21 qualitative and quantitative benefits and burdens.

22 "(9) The effect of the regulation on the environment
23 and public health.

24 "(10) The detrimental effect on the environment and
25 public health if the regulation is not implemented.

1 "(g) In determining whether to approve or disapprove
2 proposed rules, the committee shall consider the following
3 criteria:

4 "(1) Would the absence of the rule or rules
5 significantly harm or endanger the public health, safety, or
6 welfare?

7 "(2) Is there a reasonable relationship between the
8 state's police power and the protection of the public health,
9 safety, or welfare?

10 "(3) Is there another, less restrictive method of
11 regulation available that could adequately protect the public?

12 "(4) Does the rule or do the rules have the effect
13 of directly or indirectly increasing the costs of any goods or
14 services involved and, if so, to what degree?

15 "(5) Is the increase in cost, if any, more harmful
16 to the public than the harm that might result from the absence
17 of the rule or rules?

18 "(6) Are all facets of the rulemaking process
19 designed solely for the purpose of, and so they have, as their
20 primary effect, the protection of the public?

21 "(7) Any other criteria the committee may deem
22 appropriate.

23 "§41-22-24.

24 "On the first day of each regular session of the
25 Alabama Legislature the chairman of the ~~committee~~ Joint
26 Committee on Legislative Operations shall submit a joint
27 resolution sustaining the disapproval under Section 41-22-23

1 by the joint committee of any proposed regulation to each
2 house of the Legislature ~~for their study~~. Such resolution with
3 the disapproved rule attached shall be referred by the Speaker
4 of the House or the Lieutenant Governor or both to an
5 appropriate committee or committees, other than the Joint
6 Committee on ~~Administrative Regulation Review~~ Legislative
7 Operations, for consideration and such committee or committees
8 ~~shall~~ may schedule hearings thereon, if requested by an
9 affected party or the submitting agency. The Legislature may,
10 by joint resolution, sustain the disapproval of the committee
11 under Section 41-22-23. In the event the Legislature fails to
12 sustain such committee disapproval by the adjournment of the
13 next regular session of the Legislature, the rule shall be
14 reinstated."

15 Section 4. Article 4 (commencing with Section
16 29-2-50) and Article 11 (commencing with Section 29-2-200) of
17 Chapter 2, Chapter 5 (commencing with Section 29-5-1), Chapter
18 6 (commencing with Section 29-6-1), Chapter 7 (commencing with
19 Section 29-7-1) of Title 29 of, and Sections 41-5-18 and
20 41-5-19 of, the Code of Alabama 1975 are repealed.

21 Section 5. The provisions of this act are severable.
22 If any part of this act is declared invalid or
23 unconstitutional, that declaration shall not affect the part
24 which remains.

25 Section 6. This act shall become effective
26 immediately following its passage and approval by the
27 Governor, or its otherwise becoming law. Sections 1 and 2 of

1 the act shall become operative on the effective date of this
2 act. Sections 3 and 4 of this act shall become operative
3 October 1, 2013.