

1 HB545
2 183337-2
3 By Representative Farley
4 RFD: Judiciary
5 First Read: 20-APR-17

8 SYNOPSIS: Under existing law, the Alabama Corrections
9 Institution Finance Authority is authorized to
10 issue bonds for prison construction purposes. The
11 authority is required to construct facilities using
12 plans and specifications of architects or
13 engineers, or both.

14 This bill would also allow the authority to
15 issue bonds up to \$100,000,000 to purchase,
16 renovate, and equip the existing Perry County
17 facility, the Julia Tutwiler Prison for Women and
18 existing regional or other prison facilities and
19 would require the competitive bidding of all
20 contracts for renovations.

21 This bill would require increased reporting
22 to the Joint Legislative Prison Committee.

23 This bill would provide for the creation of
24 capital improvement cooperative districts by
25 counties and municipalities for the renovation,
26 expansion, maintenance, and operation of county and
27 municipal jail facilities to house state inmates.

1 This bill would require the Department of
2 Corrections to contract with the capital
3 improvement cooperative districts for the housing
4 of minimum security state inmates for the rate of
5 \$30 per day per inmate.

6 This bill would also provide for disposal of
7 property not required for use by the Department of
8 Corrections and further provide for actions to be
9 taken upon payment of all bonds issued by the
10 authority.

11 This bill would provide for the pledge of a
12 portion of the proceeds of the one mill tax levied
13 by Section 40-8-3, Code of Alabama 1975, and to
14 pledge a portion of the proceeds of the tax on all
15 spirituous or vinous liquors levied by current law
16 to secure the authority's bonds.

17 This bill would provide for the medical
18 parole of certain inmates suffering from
19 life-threatening illnesses when death is imminent
20 and who meet certain criteria.

21 This bill would require the Department of
22 Corrections to annually identify all inmates who
23 have spent 30 or more days in an infirmary or under
24 a physician's care and provide that information to
25 the Board of Pardons and Paroles for consideration
26 of medical paroles by the board under certain
27 conditions.

1
2 A BILL
3 TO BE ENTITLED
4 AN ACT

5
6 Relating to prison reform; to amend Sections 14-2-1,
7 14-2-6, 14-2-12, 14-2-13.1, 14-2-16, 14-2-19, 14-2-21, and
8 14-2-28, Code of Alabama 1975, relating to the Alabama
9 Corrections Institution Finance Authority, to allow the
10 authority to issue up to \$100 million in bonds or other forms
11 of funding deemed optimal for the purpose of financing the
12 purchase, renovation, and equipping of the Perry County
13 facility, the Julia Tutwiler Prison for Women, and regional
14 and other prison facilities of the Department of Corrections
15 or the authority, and demolishing obsolete prison facilities;
16 to provide for contracts between the department and county and
17 municipal capital improvement cooperative districts for the
18 housing of state inmates; to provide for a direct
19 appropriation from the Legislature to the cooperative district
20 for costs associated with housing the inmates; to revise the
21 membership of the authority; to authorize the authority to
22 dispose of property not required for Department of Corrections
23 purposes; to require reporting to the Joint Legislative Prison
24 Committee; to further provide for actions to be taken upon
25 payment of all bonds issued by the authority; to amend Section
26 29-2-20, Code of Alabama 1975, to revise the membership of the
27 Joint Legislative Prison Committee; to amend Sections

1 28-3-201, 28-3-202, 28-3-204, and 40-8-3, Code of Alabama
2 1975, relating to allocation of a portion of the proceeds of
3 the one mill tax and the tax on all spirituous or vinous
4 liquors provided therein as a second and third priority
5 security for the authority's bonds; to amend Section 38-4-12,
6 Code of Alabama 1975, relating to the priority of the use of
7 the one mill tax; to define certain terms; to require the
8 Department of Corrections to annually identify all inmates who
9 have spent 30 or more days in an infirmary or under a
10 physician's care and provide that information to the Board of
11 Pardons and Paroles for consideration of medical paroles by
12 the board under certain conditions; to provide for the medical
13 parole of identified inmates under certain conditions; and to
14 require the board to report certain information relating to
15 medical parole to certain legislative committees.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. (a) This act shall be known and cited as
18 the Bridge Connecting Law Enforcement, Corrections, and
19 Communities Act of 2017.

20 (b) This act shall be construed to facilitate
21 communication and collaboration between the Department of
22 Corrections and Alabama communities and to bridge any gaps
23 between law enforcement, the department, and communities.

24 Section 2. The Alabama Corrections Institution
25 Finance Authority shall report to the Joint Legislative Prison
26 Committee on any plans for the demolition or disposal of any
27 existing prison facilities pursuant to this act. In addition,

1 the Department of Corrections shall report to the Joint
2 Legislative Prison Committee and the Chairs of the House Ways
3 and Means General Fund Committee and the Senate Finance and
4 Taxation General Fund Committee on the total population of the
5 prison system, the exact number of inmates per facility, the
6 operational cost per facility, the medical and mental health
7 state of the inmates in each facility, and a detailed
8 accounting of all funds expended by the Department of
9 Corrections. This report shall be made annually beginning on
10 the first day of the regular session of the Legislature.

11 Section 3. Sections 14-2-1, 14-2-6, 14-2-12,
12 14-2-13.1, 14-2-16, 14-2-19, 14-2-21, and 14-2-28, Code of
13 Alabama 1975, are amended to read as follows:

14 "§14-2-1.

15 "For the purposes of this chapter, the following
16 terms shall have the meanings respectively ascribed to them by
17 this section:

18 "(1) AUTHORITY. The public corporation organized
19 pursuant to the provisions of this chapter.

20 "(2) COMMISSION. The Building Commission created by
21 Section 41-9-140 and its successors as the state agency for
22 awarding construction contracts and supervising construction.

23 "(3) DEPARTMENT. The Alabama Department of
24 Corrections created by Section 14-1-1.1 and its successors as
25 the state agency responsible for supervising and controlling
26 the operation of the correctional institutions of the state.

27 "(4) STATE. The State of Alabama.

1 "(5) BONDS. The bonds issued under the provisions of
2 this chapter.

3 "(6) FACILITIES. Such term includes any one or more
4 of the following:

5 "a. Prisons;

6 "b. Buildings and enclosures for housing, containing
7 or supervising prisoners; and

8 "c. Any facilities necessary or useful in connection
9 with prisons, buildings or enclosures, including, without
10 limiting the generality of the foregoing, hospitals, offices,
11 correctional officers' quarters and residences, warehouses,
12 garages, storage facilities, abattoirs, cold storage plants,
13 canning plants, laundries and manufacturing plants for the
14 employment of prison labor.

15 "(7) KILBY PROPERTY. Such term includes all of the
16 real property commonly referred to as Kilby prison property,
17 embracing not only the real property owned by the state on
18 which Kilby prison is located, but also all real property
19 owned by the state used in connection with Kilby prison and
20 adjacent thereto, all located in sections 2, 3, 10, 11, 21,
21 22, 26, 27, 28, 29, 30, 33, 34, and 35 in township 17, range
22 18 in Montgomery County, Alabama, together with all personal
23 property owned by the state and used in connection with Kilby
24 prison and the real property adjacent thereto.

25 "(8) PERRY COUNTY FACILITY. The Perry County
26 Correctional Center, including all real property, buildings
27 and improvements located at the facility in Perry County.

1 "(9) NET PROCEEDS OF THE ONE MILL TAX. The portion
2 of the proceeds of the tax levied under Section 40-8-3 at the
3 rate of \$.10 on each \$100 of the assessed value of taxable
4 property, remaining after payment of one percent of the
5 proceeds thereof to the Alabama Historical Commission for the
6 purposes set forth therein.

7 "§14-2-6.

8 "The applicants named in the application and their
9 respective successors in office shall constitute the members
10 of the authority. The Governor shall be the president of the
11 authority, the Commissioner of Corrections shall be the
12 vice-president of the authority and the Director of Finance
13 shall be the secretary of the authority. In addition, two
14 members of the House of Representatives appointed by the
15 Speaker of the House and two members of the Senate appointed
16 by the President Pro Tempore of the Senate shall be members of
17 the authority. The State Treasurer shall be the treasurer and
18 custodian of the funds of the authority, but shall not be a
19 member of the authority. The members of the authority shall
20 constitute all the members of the board of directors of the
21 authority, which shall be the governing body of the authority.
22 A majority of the members of the said board of directors shall
23 constitute a quorum for the transaction of business. Should
24 any person holding any state office named in this section
25 cease to hold such office by reason of death, resignation,
26 expiration of his term of office or for any other reason, then
27 his successor in office shall take his place as a member,

1 officer or director, as the case may be, of the authority. No
2 member, officer or director of the authority shall draw any
3 salary in addition to that now authorized by law for any
4 service he may render or for any duty he may perform in
5 connection with the authority. No member, officer, director or
6 employee of the authority shall be personally liable for any
7 debt, obligation or liability of the authority.

8 "§14-2-12.

9 "(a) For the purpose of providing funds for the
10 acquisition of sites, for the construction, reconstruction,
11 alteration and improvement of facilities, for the procurement
12 and installation of equipment therefor and for payment of
13 obligations incurred and the principal of and interest on any
14 temporary loans made for any of the said purposes, the
15 authority is hereby authorized, from time to time, to sell and
16 issue, in addition to all bonds heretofore authorized to be
17 issued by the authority, its bonds in such aggregate principal
18 amounts as may be determined by the corporation to be
19 necessary for the said purposes but not to exceed \$25,000,000,
20 plus an additional seven million five hundred thousand dollars
21 (\$7,500,000) pursuant to Act 97-950, in aggregate principal
22 amount.

23 "(b) In addition to the authorization provided in
24 subsection (a), the authority is hereby authorized, from time
25 to time, to sell and issue its bonds in amounts determined by
26 the authority to be necessary for the acquisition,
27 construction, reconstruction, alteration, and improvement of

1 facilities. Additional bonds may be issued to provide for
2 additional bedspace by improving properties currently owned by
3 the Department of Corrections or the authority. The total
4 additional bonds authorized by this subsection shall not
5 exceed \$60 million.

6 "(c) (1) In addition to any other authorization
7 provided in this chapter, the authority is hereby authorized,
8 from time to time, to sell and issue its bonds in amounts
9 determined by the authority to be necessary for the purchase,
10 renovation, and improvement of the existing Perry County
11 facility, the Julia Tutwiler Prison for Women, and any other
12 prison facility owned and operated by the Department of
13 Corrections or the Alabama Corrections Institution Finance
14 Authority and deemed feasible by the department, and for the
15 procurement of equipment thereof. The total additional bonds
16 authorized by this subsection shall not exceed one hundred
17 million dollars (\$100,000,000). Bonds authorized by this
18 subsection shall be sold as provided in Section 14-2-16.

19 "(2) The authority shall hire or contract with
20 businesses or individuals which reflect the racial and ethnic
21 diversity of the state, and the authority shall hire or
22 contract with attorneys, fiscal advisors, trustees, paying
23 agents, investment bankers, banks, and underwriters which
24 reflect the racial and ethnic diversity of the state.

25 "(3) The bonding authority provided herein must file
26 a report in concise, simple language to each legislator
27 between the first and the twelfth legislative day of each

1 legislative session which shall reflect the date of the
2 issuance of the bonds, total amount of the bonds, maturity
3 date, schedule of payments, including interest and principal,
4 amount of attorney fees, architect fees and bond attorney
5 fees, discount points and all other costs incurred in the
6 issuance of and sale of the bonds herein authorized, and to
7 what person, firm, corporation, company, or other entity to
8 which any such fees or money is to be or has been paid.

9 "~~(e)~~ (d) Any monetary transactions completed
10 pursuant to Act 2010-729 shall be fully disclosed to the
11 public.

12 "~~(d)~~ (e) Any bonds issued pursuant to this section
13 shall be sold by competitive bid if practical and economically
14 feasible as determined by the authority.

15 "~~(e)~~ (f) The authority is strongly encouraged to
16 utilize businesses and companies in all aspects of the bond
17 and construction portions of this chapter that reflect the
18 racial and ethnic diversity of the state.

19 "§14-2-13.1.

20 "It is hereby further provided that no refunding
21 bonds as provided for by Section 14-2-13 shall be issued
22 unless the present value of all debt service on the refunding
23 bonds (computed with a discount rate equal to the true
24 interest rate of the refunding bonds and taking into account
25 all underwriting discount and other issuance expenses) shall
26 not be greater than ~~95~~ 98% percent of the present value of all
27 debt service on the bonds to be refunded (computed using the

1 same discount rate and taking into account the underwriting
2 discount and other issuance expenses originally applicable to
3 such bonds) determined as if such bonds to be refunded were
4 paid and retired in accordance with the schedule of maturities
5 (considering mandatory redemption as a scheduled maturity)
6 provided at the time of their issuance. Provided further that
7 the average maturity of the refunding bonds, as measured from
8 the date of issuance of such refunding bonds, shall not exceed
9 by more than three years the average maturity of the bonds to
10 be refunded, as also measured from such date of issuance, with
11 the average maturity of any principal amount of bonds to be
12 determined by multiplying the principal of each maturity by
13 the number of years (including any fractional part of a year)
14 intervening between such date of issuance and each such
15 maturity, taking the sum of all such products, and then
16 dividing such sum by the aggregate principal amount of bonds
17 for which the average maturity is to be determined.

18 "§14-2-16.

19 "Bonds of the authority may be sold at such price or
20 prices and at such time or times as the board of directors of
21 the authority may consider advantageous, either at public sale
22 or private sale. Bonds of the authority sold by competitive
23 bid must be sold, whether on sealed bids or at public auction,
24 to the bidder whose bid reflects the lowest effective
25 borrowing cost to the authority for the bonds being sold;
26 provided, that if no bid acceptable to the authority is
27 received, it may reject all bids. Notice of each such sale by

1 competitive bids shall be given by publication in either a
2 financial journal or a financial newspaper published in the
3 City of New York, New York, and also by publication in a
4 newspaper published in the State of Alabama, each of which
5 notices must be published at least one time not less than 10
6 days before the date for the sale. The board of directors may
7 fix the terms and conditions under which such sale may be
8 held; provided, that such terms and conditions shall not
9 conflict with any of the requirements of this chapter. The
10 authority may pay out of the proceeds of the sale of its bonds
11 all expenses, including capitalized interest during a period
12 not to exceed ~~one year~~ three years from the date of issuance
13 of such bonds, publication and printing charges, attorneys'
14 fees and other expenses which said board of directors may deem
15 necessary and advantageous in connection with the
16 authorization, advertisement, sale, execution and issuance of
17 such bonds. Neither a public hearing nor consent of the State
18 Department of Finance or any other department or agency of the
19 state shall be a prerequisite to the issuance or sale of bonds
20 by the authority.

21 "§14-2-19.

22 "(a) All proceeds derived from the sale of any
23 bonds, except refunding bonds, sold by the authority,
24 remaining after payment of the expenses of issuance thereof,
25 shall be turned over to the State Treasurer, shall be carried
26 in a special account to the credit of the authority, and shall

1 be subject to be drawn on by the authority solely for the
2 purposes of:

3 "(1) Acquiring land for and constructing,
4 reconstructing and equipping thereon one or more facilities;

5 "(2) Constructing additional improvements on
6 property currently owned by the Department of Corrections or
7 the authority in order to provide for additional bedspace;

8 "(3) Paying all reasonable and necessary expenses
9 incidental thereto, including filing, recording, surveying,
10 legal and engineering fees and expenses;

11 "(4) Paying the interest which will accrue on the
12 said bonds during the period required for the construction and
13 equipment of the said facilities and for a period not
14 exceeding six months after the completion thereof; and

15 "(5) Paying the principal of and interest on all
16 then outstanding notes theretofore issued by the authority
17 pursuant to the provisions of Section 14-2-10.

18 "(6) Purchasing, renovating, and equipping the
19 existing Perry County facility, the Julia Tutwiler Prison for
20 Women, and one or more existing prison facilities.

21 "The balance of the said proceeds thereafter
22 remaining, unless required for the construction of other
23 facilities by the authority as shall be determined by
24 resolution of its board of directors within six months after
25 completion of the facilities for which the bonds were issued,
26 shall be set aside as additional security for the bonds or
27 shall be used to pay, purchase or redeem bonds as may be

1 provided in the proceedings authorizing their issuance. The
2 reasonable and necessary expenses incident to the construction
3 of any facility shall, if deemed advisable by the authority,
4 include all or any part of the expense of providing temporary
5 facilities, during the construction of a new facility, for any
6 penal or correctional institution facility which is demolished
7 or rendered unserviceable as such.

8 "(b) All proceeds from the sale of refunding bonds
9 issued by the authority that remain after paying the expenses
10 of their issuance may be used only for the purpose of
11 refunding the principal of and any unpaid and accrued interest
12 on the outstanding bonds of the authority for the refunding of
13 which the refunding bonds are authorized to be issued,
14 together with any premium that may be necessary to be paid in
15 order to redeem or retire such outstanding bonds.

16 "§14-2-21.

17 "(a) The principal of, premium, if any, and interest
18 on the bonds of the authority shall be secured, first, by any
19 or all of the following, as the authority may determine:

20 "(1) The rent and revenue for the use of one or more
21 facilities of the authority;

22 "(2) The net rent or sale proceeds from the Kilby
23 property;

24 "(3) Any bond proceeds remaining unexpended upon
25 completion of all facilities to be constructed with such bond
26 proceeds and the payment of the cost thereof;

1 "(4) Any insurance proceeds which the authority may
2 receive by reason of its ownership of any of the facilities;
3 ~~and~~

4 "(5) Any mortgage upon or security interest in one
5 or more facilities of the authority, granted in connection
6 with the issuance of such bonds; and

7 "(6) Operational savings realized from the
8 consolidation of prison facilities as a result of this
9 amendatory act.

10 "(b) To such extent and to such extent only as the
11 revenues described in subsection (a) may not be sufficient to
12 pay at their respective maturities the principal of and
13 interest on the bonds of the authority, there is irrevocably
14 pledged and appropriated, as a second priority security, so
15 much of the portion of the net proceeds of the one mill tax
16 allocated to the Department of Human Resources under Section
17 38-4-12 as may be necessary, when added to the amounts
18 described in subsection (a), for the purpose of providing
19 funds to enable the authority to pay at their respective
20 maturities and due dates the principal of and interest on the
21 bonds that may be issued by it under this article at any time.
22 The revenues pledged by this subsection shall be limited to
23 the payment of debt service on the bonds authorized by this
24 amendatory act, including debt service on any refunding bonds
25 issued to refund the bonds authorized by this amendatory act.

26 "(c) To such extent and to such extent only as the
27 revenues described in subsections (a) and (b) may not be

1 sufficient to pay at their respective maturities the principal
2 of and interest on the bonds of the authority, there is
3 irrevocably pledged and appropriated, as a third priority
4 security, so much of the net proceeds of the tax levied on
5 spirituous or vinous liquors allocated to the Public Welfare
6 Trust Fund under Sections 28-3-201, 28-3-202, and 28-3-204, as
7 may be necessary, when added to the amounts described in
8 subsections (a) and (b), for the purpose of providing funds to
9 enable the authority to pay at their respective maturities and
10 due dates the principal of and interest on the bonds that may
11 be issued by it under this article at any time. The revenues
12 pledged by this subsection shall be limited to the payment of
13 debt service on the bonds authorized by this amendatory act,
14 including debt service on any refunding bonds issued to refund
15 the bonds authorized by this amendatory act.

16 "(d) In the event that revenues pledged by
17 subsection (b) or (c) are used to pay debt service on bonds
18 authorized by this amendatory act, including debt service on
19 refunding bonds issued to refund the bonds authorized by this
20 amendatory act, the Legislature shall provide for the
21 reimbursement of the amount used for those debt service
22 payments to the Department of Human Resources.

23 "(e) The authority shall have authority to transfer
24 and assign any lease of any of the facilities and any lease or
25 mortgage of the Kilby property as security for the payment of
26 such principal, premium, if any, and interest. The bonds may
27 be issued under, and secured by, a resolution which may, but

1 need not, provide for an indenture of trust covering one or
2 more facilities of the authority. Such resolution or such
3 indenture of trust may contain any provision or agreement
4 customarily contained in instruments securing evidences of
5 indebtedness, including, without limiting the generality of
6 the foregoing, provisions respecting the collection and
7 application of any receipts pledged to the payment of bonds,
8 the terms to be incorporated in lease agreements respecting
9 the facilities, the maintenance and insurance thereof, the
10 creation and maintenance of reserve and other special funds
11 from such receipts and the rights and remedies available in
12 the event of default to the holders of the bonds or to the
13 trustee for the holders of the bonds or under any indenture of
14 trust, all as the authority may deem advisable and as shall
15 not be in conflict with the provisions of this chapter;
16 provided, however, that in making such agreements or
17 provisions the authority shall not have the power to obligate
18 itself except with respect to its facilities, the Kilby
19 property and the application of the receipts which it is
20 authorized in this chapter to pledge.

21 "§14-2-28.

22 "(a) All facilities constructed by the authority
23 shall be constructed according to plans and specifications of
24 architects or engineers, or both, selected by the department.
25 Such plans and specifications shall be approved by the
26 department and by the commission. All work in the construction
27 of facilities, or any part thereof, which is determined by the

1 commission to be suitable and proper for construction by
2 prison labor under force account shall be performed by such
3 prison labor under such supervision and directions as shall be
4 ordered by the department. All construction of facilities or
5 any part thereof which the commission shall determine not to
6 be suitable and proper for construction by prison labor shall
7 be done under the supervision and direction of the commission
8 following award for each part of the work to the lowest
9 responsible bidder after advertising for, receipt and public
10 opening of sealed bids. Each such invitation for bids and the
11 bidding documents applicable thereto shall be so arranged that
12 any alternates shall constitute cumulative deductions from the
13 base bid rather than additions thereto. In determining the
14 lowest bidder if funds are insufficient to construct the
15 facility on the lowest base bid, then the commission may
16 proceed to consider the bids upon the basis of the base bids
17 of all bidders minus the respective reductions stated for the
18 first alternate. If the lowest bid so determined is not then
19 within the funds available, the commission shall proceed to
20 consider the base bid minus the first and second alternates
21 together to determine the lowest bid and in like manner
22 throughout all alternates, if need be, so that in no event
23 shall there be any discretion as to which alternate or
24 alternates will be used in determining the lowest responsible
25 bidder. If no bid deemed acceptable by the commission and the
26 authority is received, all bids may be rejected, in which
27 event bids may again from time to time be invited and acted on

1 as provided in this section. All such contracts shall be lump
2 sum contracts. All contracts for the entire work on a facility
3 shall be awarded at the same time, but notice to proceed may
4 be withheld until prior work under another contract has
5 progressed to a point where the joint or following work can
6 best be coordinated for the earliest completion of the entire
7 project in a sound and workmanlike manner. Each contract shall
8 be executed by the authority upon the determination of the
9 commission as to the lowest bidder. Payments made by the
10 authority under the construction contracts shall be upon the
11 contractor's written sworn request only if endorsed as
12 approved by the commission or in any lesser amount the
13 commission shall endorse as having been then earned on said
14 contract. After the contracts for a facility have been
15 awarded, such construction cost estimate shall be revised and
16 all extras on the contracts shall be awarded within the funds
17 available. The authority shall pay to the commission as a part
18 of the cost of constructing the facility such sums for the
19 services of its employees as may be mutually agreed between
20 the department and the commission.

21 "(b) All projects awarded using bond proceeds
22 authorized by this amendatory act shall comply with the
23 provisions of Title 39."

24 Section 4. (a) Separate and apart from the power
25 granted to the authority in regard to the Kilby property in
26 Sections 14-2-26 and 14-2-27, Code of Alabama 1975, and in
27 addition to those powers, the authority shall have the power

1 to sell, convey, and lease all or any part of any real and
2 personal property now or hereafter owned by it, together with
3 the improvements thereon and ancillary thereto, that is not
4 being used by the department as a facility, and the sale of
5 which will not impair the outstanding obligations of the
6 authority, and as an aid to the sale or lease, to cause to be
7 prepared by competent real estate experts a land use map and
8 plan. The authority may lease or sell lands and property owned
9 by it without going through the Lands Division or in any other
10 way complying with the provisions of Title 9, Chapter 15,
11 Article 3, Code of Alabama 1975. The authority must have duly
12 adopted written policies and procedures governing the sale or
13 lease of the property which invoke open competition and
14 produce the best price, to include obtaining an appraisal,
15 advertising the sale or lease, and conducting the sale by
16 public auction or publicly sought sealed bid. No such sale or
17 lease shall be made except at public offering, on sealed bids
18 or at auction, and upon such published notice as the authority
19 shall determine to be necessary or desirable in order to
20 attract the greatest interest from prospective bidders.

21 (b) The award of any property offered for sale or
22 lease shall be made to the highest responsible bidder unless
23 all bids shall be rejected as inadequate and other public
24 offering shall be made upon notice republished as prescribed
25 above. Any sale shall be for all cash. Each deed or lease to
26 effectuate any sale or lease shall be signed in the name of

1 the authority by its president, to which the seal of the
2 authority shall be affixed and attested by its secretary.

3 (c) The proceeds of each sale or lease of any such
4 property shall be used first to pay the reasonable and
5 necessary expenses of the sale or lease, and the balance
6 remaining shall be paid to the State Treasurer and held by him
7 or her in a special account and disbursed on order of the
8 authority for either of the following purposes:

9 (1) To pay for such services, goods, repairs,
10 renovations, construction, demolition, or other activities in
11 or about facilities as may be deemed necessary by the board of
12 the authority in the exercise of its sole discretion, to
13 further the purposes of the authority or the department,
14 including developing of a master plan for the use of the real
15 or personal property that is owned by or which may be acquired
16 by the authority for its statutory purposes, the preparation
17 for sale or lease, or the preservation of, facilities or
18 excess unimproved property owned for the authority; or

19 (2) To pay the principal of, and interest on, its
20 bonds at maturity or upon refunding or redemption.

21 (d) The department shall maintain all facilities not
22 being used for the purposes designated in Section 14-2-1(6),
23 Code of Alabama 1975, and designated for sale, lease,
24 demolition, or other disposition, so long as title thereto is
25 held by the authority, to enable the authority to achieve the
26 best possible price or other result upon the sale, lease, or
27 other disposition thereof.

1 (e) Upon request of the authority, the department
2 shall convey to the authority any real and personal property
3 to which the department holds title and acquired with proceeds
4 of the authority's bonds or income thereon.

5 Section 5. (a) (1) A county or municipality,
6 individually, or in concert with another county or
7 municipality may form a capital improvement cooperative
8 district as provided under Chapter 99B of Title 11, Code of
9 Alabama 1975, to oversee the construction or renovation of
10 county or municipal jail facilities to house state inmates and
11 to operate and maintain the jail facility for the housing of
12 state inmates.

13 (2) Inmates eligible for housing under subdivision
14 (1) shall include only those inmates identified by the
15 Department of Corrections as being in good health with no
16 significant medical or mental health problems. The district
17 may decline to house any inmate identified by the department.

18 (b) Within 90 days of the effective date of this
19 act, counties and municipalities desiring to house state
20 inmates shall notify the Department of Corrections of the
21 intent to form a capital improvement cooperative district for
22 that purpose.

23 (c) (1) The Department of Corrections shall annually
24 contract with a cooperative district for the housing of state
25 inmates at the rate of thirty dollars (\$30) per day per
26 inmate, to be adjusted annually by the cumulative percentage
27 change in the Consumer Price Index for All Urban Consumers

1 (CPI-U) available from the Bureau of Labor Statistics of the
2 United States Department of Labor. The cooperative district
3 may not receive additional compensation for the housing of a
4 state inmate other than the amount provided in this
5 subdivision, except that the cooperative district may charge
6 an inmate for personal items sold by the district.

7 (2) In addition to the rate provided in subdivision
8 (1), the department shall contract to pay an additional one
9 dollar and seventy-five cents (\$1.75) per day per inmate for
10 costs associated with the feeding of inmates required by state
11 law, to be adjusted annually by the cumulative percentage
12 change in the Consumer Price Index for All Urban Consumers
13 (CPI-U) available from the Bureau of Labor Statistics of the
14 United States Department of Labor.

15 (3) The contract shall include the number of inmates
16 to be housed in the jail facility of the capital improvement
17 cooperative district. A contract under this subsection shall
18 be for a minimum of three years, with two additional one-year
19 options.

20 (d) (1) The department shall be responsible for all
21 health care costs, including routine and emergency care,
22 associated with the state inmates housed in the jail facility
23 of the cooperative district.

24 (2) Notwithstanding subdivision (1), if an inmate
25 develops a condition requiring ongoing medical or mental
26 health treatment or rehabilitation programs, the district may
27 transfer the inmate to the custody of the department.

1 (e) A capital improvement cooperative district
2 housing state inmates in a county or municipal jail facility
3 shall have all powers prescribed in Chapter 99B of Title 11,
4 Code of Alabama 1975, including the power to sell and issue
5 bonds.

6 (f) All personnel of a capital improvement
7 cooperative district operating and maintaining a jail facility
8 are immune from civil liability in the execution of the duties
9 of his or her office, to the extent provided in the
10 Constitution of Alabama of 1901 and Section 36-1-12, Code of
11 Alabama 1975.

12 (g) The Department of Corrections shall pay thirty
13 dollars (\$30), to be adjusted annually by the cumulative
14 percentage change in the Consumer Price Index for All Urban
15 Consumers (CPI-U) available from the Bureau of Labor
16 Statistics of the United States Department of Labor, per day
17 for each inmate placed into a county jail or a jail facility
18 of a cooperative district due to a parole violation until the
19 inmate is transferred to a state facility.

20 Section 6. Prior to the determination of which
21 existing regional or other prison facilities should be
22 renovated and prior to the closing of a prison or correctional
23 facility, the Department of Corrections shall consider the
24 following:

25 (1) The number of inmates that may be housed in a
26 county or municipal jail operated by a capital improvement
27 cooperative district as provided in Section 5.

1 (2) Whether the facility has any bonded indebtedness
2 that a governmental entity has undertaken or incurred to serve
3 the existing facility.

4 Section 7. A person or entity submitting a proposal
5 for a project under this act shall disclose both of the
6 following:

7 (1) The names of all lobbyists, attorneys, or other
8 professionals or professional firms hired or retained by the
9 person or entity on or after January 1, 2014.

10 (2) The names of all current or past elected
11 officials or family members as defined in Section 36-25-1(15),
12 Code of Alabama 1975, associated in any manner with the person
13 or entity submitting the proposal or associated in any manner
14 with a subcontractor of the person or entity on or after
15 January 1, 2014.

16 Section 8. Section 29-2-20, Code of Alabama 1975, is
17 amended to read as follows:

18 "§29-2-20.

19 "(a) A permanent legislative committee, known as the
20 Joint Legislative Prison Committee, which shall be composed of
21 ~~eight~~ 12 members, two of whom shall be ex officio members and
22 ~~six~~ 10 of whom shall be appointed members, ~~three~~ five each to
23 be appointed by the President of the Senate and Speaker of the
24 House, who shall both serve as the ex officio members, shall
25 be formed to assist in realizing the recommendations of the
26 Legislative Prison Task Force and examine all aspects of the
27 operations of the Department of Corrections. The four

1 additional members appointed on or after the effective date of
2 the act adding this amendatory language shall include two
3 members from the majority party and two members from the
4 minority party. The chairman of the committee shall be
5 selected by and from among the membership. The committee shall
6 make diligent inquiry and a full examination of Alabama's
7 present and long term prison needs and they shall file reports
8 of their findings and recommendations to the Alabama
9 Legislature not later than the fifteenth legislative day of
10 each regular session that the committee continues to exist.

11 " (b) The committee shall study and address mental
12 health issues for prisoners reentering the community after a
13 term of imprisonment in order to streamline the sharing of
14 critical mental health information and in order to address
15 barriers to accessing mental health treatment for such
16 prisoners. The committee shall report such findings to the
17 Legislature no later than April 20, 2016, and shall work in
18 conjunction with the following in studying and addressing such
19 issues:

- 20 " (1) Department of Corrections;
- 21 " (2) Board of Pardons and Paroles;
- 22 " (3) Department of Mental Health;
- 23 " (4) Administrative Office of Courts;
- 24 " (5) Office of Prosecution Services;
- 25 " (6) Office of the Attorney General;
- 26 " (7) Alabama Law Enforcement Agency;
- 27 " (8) Association of County Commissions of Alabama;

- 1 "(9) Alabama Probate Judges Association;
2 "(10) Alabama Sheriffs' Association;
3 "(11) Alabama Criminal Defense Lawyers Association;
4 "(12) Alabama Circuit Judges' Association;
5 "(13) Department of Public Health;
6 "(14) Office of the Governor;
7 "(15) Alabama District Attorneys Association;
8 "(16) Alabama Drug Abuse Task Force; ~~and~~
9 "(17) Alabama Crime Victims Compensation Commission;

10 and

11 "~~(17)~~ (18) Any other advocacy groups as determined
12 by the committee.

13 "(c) The committee shall study and address issues
14 related to felony restitution collection in order to improve
15 rates of collection for restitution obligations in felony
16 cases and establish best practices relating to a defendant's
17 ability to pay obligations owed. The committee shall report
18 such findings to the Legislature no later than April 20, 2016,
19 and shall work in conjunction with the following in studying
20 and addressing such issues:

- 21 "(1) Department of Corrections;
22 "(2) Board of Pardons and Paroles;
23 "(3) Administrative Office of Courts;
24 "(4) Office of Prosecution Services;
25 "(5) Office of the Attorney General;
26 "(6) Alabama Law Enforcement Agency;
27 "(7) Alabama Criminal Defense Lawyers Association;

1 "(8) Alabama Circuit Judges' Association;
2 "(9) Association of County Commissions of Alabama;
3 "(10) Alabama Sheriffs' Association;
4 "(11) Alabama Crime Victims Compensation Commission;
5 "(12) The Alabama Circuit Clerk's Association;
6 "(13) Two crime victims' rights advocates designated
7 by the Attorney General;

8 "(14) Two members from the Alabama District
9 Attorneys Association, of which one shall be from a largely
10 populated metropolitan judicial circuit and the other shall be
11 from a small, rurally populated judicial circuit; and

12 "(15) Any other advocacy groups as determined by the
13 committee.

14 "(d) The committee shall study and address capacity
15 issues within the Department of Corrections to include, but
16 not limited to, the issue of design capacity and operational
17 or functional capacity, as well as the construction of new
18 prison facilities and the renovation of current correctional
19 facilities as they relate to prison overcrowding and public
20 safety. The committee shall report such findings to the
21 Legislature no later than April 20, 2016, and shall work in
22 conjunction with the following in studying and addressing such
23 issues:

- 24 "(1) Department of Corrections;
- 25 "(2) Board of Pardons and Paroles;
- 26 "(3) Department of Mental Health;
- 27 "(4) Department of Public Health;

- 1 "(5) Administrative Office of Courts;
- 2 "(6) Office of Prosecution Services;
- 3 "(7) Office of the Attorney General;
- 4 "(8) Alabama Law Enforcement Agency;
- 5 "(9) Alabama Drug Abuse Task Force;
- 6 "(10) Alabama Criminal Defense Lawyers Association;
- 7 "(11) Alabama Circuit Judges' Association;
- 8 "(12) Association of County Commissions of Alabama;
- 9 "(13) Two members from the Alabama Sheriffs'

10 Association, of which one shall be from a largely populated
11 metropolitan judicial circuit and the other shall be from a
12 small, rurally populated judicial circuit; and

13 "(14) Two members from the Alabama District
14 Attorneys Association, of which one shall be from a largely
15 populated metropolitan judicial circuit and the other shall be
16 from a small, rurally populated judicial circuit.

17 "(e) The studies and collaborating partners provided
18 for in this section shall reflect the racial, gender,
19 geographic, urban/rural, and economic diversity of the state."

20 Section 9. Section 40-8-3, Code of Alabama 1975, is
21 amended to read as follows:

22 "§40-8-3.

23 "There is hereby levied for the purpose and upon the
24 property hereinafter named and not specifically exempted from
25 taxation annual taxes, as follows:

1 "(1) For the maintenance of the public schools of
2 this state, \$.30 on each \$100 of the assessed value of taxable
3 property.

4 "(2) For the relief of needy Confederate soldiers
5 and sailors, resident citizens of Alabama and their widows,
6 and to secure the obligations of the Alabama Corrections
7 Institution Finance Authority as provided in Title 14, Chapter
8 2, \$.10 on each \$100 of the assessed value of taxable property
9 of which one percent of the gross amount collected will be
10 expended by the Alabama Historical Commission to provide for
11 capital improvements and maintenance at the Confederate
12 Memorial Park at Mountain Creek, Chilton County, Alabama.

13 "(3) For the use of the state and to raise revenue
14 therefor, \$.25 on each \$100 of the assessed value of taxable
15 property."

16 Section 10. Sections 28-3-201, 28-3-202, and
17 28-3-204, Code of Alabama 1975, are amended to read as
18 follows:

19 "§28-3-201.

20 "In addition to all other taxes of every kind now
21 imposed by law and in addition to any marked-up price
22 authorized or required by law, there is hereby levied and
23 shall be collected a tax at the rate of 10 percent upon the
24 selling price of all spirituous or vinous liquors sold by the
25 Alabama Alcoholic Beverage Control Board. The tax hereby
26 imposed shall be collected by the board from the purchaser at
27 the time the purchase price is paid. In computing the proceeds

1 of this tax, the board shall divide the total sales of
2 spirituous and vinous liquors made by it by a factor of 110
3 and multiply the quotient by 100 and by 10. An amount equal to
4 the quotient multiplied by 100 shall be deposited in the State
5 Treasury to the credit of the Alcoholic Beverage Control Board
6 Store Fund and an amount equal to the quotient multiplied by
7 10 shall be deposited in the State Treasury to ~~the credit of~~
8 ~~the Public Welfare Trust Fund and shall be used for general~~
9 ~~welfare purposes and is hereby appropriated therefor.~~ be
10 distributed as follows:

11 "(1) A sum equal to the amount necessary to pay the
12 principal of and interest on bonds issued by the Alabama
13 Corrections Institution Finance Authority as and to the extent
14 provided in Section 14-2-21 shall be distributed to the
15 authority.

16 "(2) The remainder shall be distributed to the
17 Public Welfare Trust Fund.

18 "§28-3-202.

19 "(a) Repealed by Acts 1986, No. 86-212, p. 264, §3.

20 "(b) Levy; collection; disposition of proceeds. In
21 addition to all other taxes of every kind now imposed by law
22 and in addition to any marked-up price authorized or required
23 by law, there is hereby levied and shall be collected a tax at
24 the rate of 10 percent upon the selling price of all
25 spirituous or vinous liquors sold by the board. The tax
26 imposed by this subsection shall be collected by the board
27 from the purchaser at the time the purchase price is paid. One

1 half of the proceeds derived from the tax shall be deposited
2 in the State Treasury to be distributed as follows: (1) a sum
3 equal to the amount necessary to pay the principal of and
4 interest on bonds issued by the Alabama Corrections
5 Institution Finance Authority as and to the extent provided in
6 Section 14-2-21 shall be distributed to the authority; and (2)
7 the remainder shall be distributed to the credit of the Public
8 Welfare Trust Fund and shall be used for general welfare
9 purposes and is hereby appropriated therefor. The remainder of
10 such proceeds from the tax levied by this subsection shall be
11 deposited in the State Treasury to the credit of a special
12 fund which shall be designated the Alabama Special Mental
13 Health Fund and shall be used only for mental health purposes,
14 including the prevention of mental illness, the care and
15 treatment of the mentally ill and the mentally deficient and
16 the acquisition, equipment, operation and maintenance of
17 facilities for mental health purposes.

18 "The markup as currently established by the board on
19 spirituous or vinuous liquors shall not be reduced by the
20 board for the purpose of absorbing the tax levied by this
21 subsection, it being the intention of this provision that the
22 said tax shall be passed on to the purchaser.

23 "§28-3-204.

24 "(a) Repealed by Acts 1986, No. 86-212, p. 264, §3.

25 "(b) Levy and collection. In addition to all other
26 taxes of every kind now imposed by law and in addition to any
27 marked-up price authorized or required by law, there is hereby

1 levied and shall be collected a tax at the rate of three
2 percent upon the selling price of all spirituous or vinous
3 liquors sold by the board.

4 "The board shall have the authority to examine the
5 books and records of any wine wholesaler to determine the
6 accuracy of any return required to be filed with the board.

7 "The markup as currently established by the board on
8 spirituous or vinous liquors shall not be reduced by the board
9 for the purpose of absorbing the tax levied in this
10 subsection, it being the intention of this provision that the
11 said tax shall be passed on to the purchaser.

12 "(c) Distribution of proceeds. One half of the
13 proceeds derived from the tax shall be deposited in the State
14 Treasury to be distributed as follows: (1) a sum equal to the
15 to the amount necessary to pay the principal of and interest
16 on bonds issued by the Alabama Corrections Institution Finance
17 Authority as and to the extent provided in Section 14-2-21
18 shall be distributed to the authority; and (2) the remainder
19 shall be distributed to the credit of the Public Welfare Trust
20 Fund and shall be used for general welfare purposes and is
21 hereby appropriated therefor. The remainder of such proceeds
22 from the tax levied by this section shall be deposited in the
23 State Treasury to the credit of a special fund which shall be
24 designated the Special Mental Health Fund and shall be used
25 only for mental health purposes, including the prevention of
26 mental illness, the care and treatment of the mentally ill and
27 the mentally deficient and the acquisition, equipment,

1 operation and maintenance of facilities for mental health
2 purposes."

3 Section 11. Section 38-4-12, Code of Alabama 1975,
4 is amended to read as follows:

5 "§38-4-12.

6 "(a) Except as provided in subsection (b), there is
7 appropriated, beginning with the fiscal year ending September
8 30, 1998, ~~to the state department, for old age pension~~
9 ~~purposes,~~ out of the proceeds from the levy of the one mill
10 tax ~~for the relief of needy Confederate soldiers and sailors~~
11 ~~and their widows,~~ a sum not to exceed \$20,773,500 annually of
12 the surplus or residue from the tax after the payment in full
13 of the pensions to the widows of Confederate soldiers and
14 sailors to pay the principal of and interest on bonds issued
15 by the Alabama Corrections Institution Finance Authority as
16 and to the extent provided in Section 14-2-21, and then to the
17 State Department, for old-age pension purposes, other charges
18 against the fund set out in the laws authorizing the payment
19 of the pensions to the widows, and annually to the Department
20 of Revenue, as a first charge against the proceeds of the one
21 mill tax, funds for the annual costs of the Department of
22 Revenue for administering the tax. In making this
23 appropriation, it is declared to be the legislative policy
24 that the Department of Human Resources shall expend its
25 portion of the surplus or residue hereby appropriated and all
26 moneys received by it from the federal government as matching
27 funds for all funds expended for Confederate pensions or as

1 matching funds for the surplus or residue hereby appropriated
2 under this section, for old age pension purposes exclusively
3 insofar as is possible under existing laws and the rules and
4 regulations of the federal government and of the Department of
5 Human Resources in regard thereto, before any part thereof may
6 be expended for any other purposes of the Department of Human
7 Resources.

8 "(b) Beginning with the fiscal year ending September
9 30, 1997, all of the remaining surplus or residue from the tax
10 provided in (a) above, after deducting the amounts
11 appropriated to the Department of Human Resources and the
12 Department of Revenue under the annual appropriations act for
13 the fiscal year ending September 30, 1997, and under
14 subsection (a) of this section for each year thereafter, is
15 hereby appropriated to the State Veterans' Assistance Fund to
16 be expended for veterans' programs approved by the State Board
17 of Veterans' Affairs, including expenditures for emergencies
18 and needs in the state's veterans' nursing homes."

19 Section 12. (a) Beginning January 2, 2018, and every
20 six months thereafter until the annual reports begin on the
21 date on which the first bond issue payment is due, the
22 Commissioner of the Department of Corrections shall prepare a
23 report on the progress of prison renovation activities in the
24 state during the previous six-month period. The report shall
25 include, but not be limited to, expenditures, savings,
26 cost-analyses, and the number of agreements entered into,
27 including construction, architectural, and legal agreements.

1 (b) The Commissioner of the Department of
2 Corrections shall report his or her findings to the Joint
3 Legislative Prison Committee, the House Ways and Means General
4 Fund Committee, the Senate Committee on Finance and Taxation
5 General Fund, and any other appropriate House and Senate
6 Standing Committee.

7 Section 13. (a) For the purposes of this section,
8 the following terms shall have the following meanings:

9 (1) BOARD. The Board of Pardons and Paroles.

10 (2) GERIATRIC INMATE. A person 55 years of age or
11 older convicted in this state of a non-capital felony offense,
12 excluding a violent offense as defined in Section 12-25-32,
13 Code of Alabama 1975, or a sex offense as provided in Section
14 15-20A-5, Code of Alabama 1975, and sentenced to the
15 penitentiary, who suffers from a chronic life-threatening
16 infirmity, life-threatening illness, or chronic debilitating
17 disease related to aging, who poses a low risk to the
18 community, and who does not constitute a danger to himself or
19 herself or society.

20 (3) NECESSARY DAILY LIFE FUNCTION. Eating,
21 breathing, toileting, walking, or bathing.

22 (4) PERMANENTLY INCAPACITATED INMATE. A state inmate
23 who satisfies both of the following:

24 a. Requires assistance in order to perform two or
25 more necessary daily life functions or who is completely
26 immobile.

1 b. Has such limited physical or mental ability,
2 strength, or capacity that he or she poses an extremely low
3 risk of physical threat to others or to the community.

4 (5) TERMINALLY ILL INMATE. A state inmate who has an
5 incurable condition caused by illness or disease which would,
6 with reasonable medical judgment, produce death within 12
7 months, and who does not constitute a danger to himself or
8 herself or society.

9 (b) (1) The Board of Pardons and Paroles shall
10 establish a special medical parole docket and adopt the rules
11 for implementation pursuant to Section 15-22-24(e), Code of
12 Alabama 1975. For each person considered for medical parole,
13 the board shall determine whether the person is a geriatric
14 inmate, permanently incapacitated inmate, or terminally ill
15 inmate for purposes of placing the person on a special medical
16 parole docket to be considered for parole by the board.

17 (2) The Department of Corrections shall immediately
18 provide, upon request from the board, a list of geriatric,
19 permanently incapacitated, and terminally ill inmates who are
20 otherwise eligible for parole. By January 1 of each calendar
21 year, the Department of Corrections shall additionally
22 identify all inmates who have spent more than 30 or more days
23 in an infirmary or under a physician's care in the prior
24 calendar year, as well as all inmates suffering from a
25 life-threatening illness and whose death is imminent within
26 the year, who are otherwise parole eligible, and shall

1 immediately provide this information to the board to determine
2 if identified inmates are eligible for a medical parole.

3 (3) Upon a determination that the inmate is eligible
4 for a medical parole, the board shall place the inmate on a
5 special medical parole docket within 30 days pursuant to rules
6 adopted by the board for the board to consider the individual
7 for medical parole and in accordance with all provisions of
8 law regarding parole established by Article 2, Chapter 22,
9 Title 15, Code of Alabama 1975.

10 (b) Medical parole consideration shall be in
11 addition to any other release for which an inmate may be
12 eligible.

13 (c) In considering an inmate for medical parole, the
14 board may request that additional medical evidence be
15 produced, or that additional medical examinations be conducted
16 by the Department of Corrections.

17 (d) The board shall report annually to the Joint
18 Legislative Interim Prison Committee, House Judiciary
19 Sentencing Commission Subcommittee, and the Alabama Sentencing
20 Commission on the number of medical paroles granted, the
21 nature of the illnesses, diseases, and conditions of those
22 paroled, the number of inmates granted and denied medical
23 parole, and the number of cases granted medical parole, but
24 that could not be released. The report shall be made in a
25 manner that does not disclose any individual identifying
26 information for any particular inmate and shall be compliant

1 in all respects with the Health Insurance Portability and
2 Accountability Act.

3 Section 14. The provisions of this act are
4 severable. If any part of this act is declared invalid or
5 unconstitutional, that declaration shall not affect the part
6 which remains.

7 Section 15. This act shall become effective
8 immediately following its passage and approval by the
9 Governor, or its otherwise becoming law.