

1 HB45
2 128651-3
3 By Representative Sanderford
4 RFD: Boards, Agencies and Commissions
5 First Read: 01-MAR-11
6 PFD: 02/25/2011

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2 ENROLLED, An Act,

3 Relating to the Alabama Sunset Law; to continue the
4 existence and functioning of the Polygraph Examiners Board
5 with certain modifications; to amend Sections 34-25-4 and
6 34-25-21, Code of Alabama 1975, so as to authorize the board
7 to establish the qualifications of consultants by rule; and to
8 require that applicants for licensure be United States
9 citizens or legally present in the United States.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Pursuant to the Alabama Sunset Law, the
12 Sunset Committee recommends the continuance of the Polygraph
13 Examiners Board, with the additional recommendations for
14 statutory change as set out in Section 3.

15 Section 2. The existence and functioning of the
16 Polygraph Examiners Board, created and functioning pursuant to
17 Sections 34-25-1 to 34-25-36, inclusive, Code of Alabama 1975,
18 is continued, and those code sections are expressly preserved.

19 Section 3. Sections 34-25-4 and 34-25-21 of the Code
20 of Alabama 1975, are amended to read as follows:

21 "§34-25-4.

22 "(a) There is established a Polygraph Examiners
23 Board consisting of five voting members who are citizens of
24 the United States and residents of the state for at least two
25 years prior to appointment, all of whom shall have been

1 engaged for a period of four consecutive years in their
2 profession as polygraph examiners prior to appointment to the
3 board and engaged at the time of appointment as an active
4 polygraph examiner. No board members may be employed by the
5 same person or agency. Three of the board members shall be
6 qualified polygraph examiners of a governmental law
7 enforcement agency, and two of the board members shall be
8 qualified polygraph examiners and Alabama residents in the
9 commercial field. Two advisory consultants, who shall possess
10 qualifications as established by rule of the board, shall be
11 appointed to assist the board members. The board members and
12 advisory consultants shall be appointed by the Governor of the
13 State of Alabama for a term of four years. Any vacancy in an
14 unexpired term shall be filled by appointment of the Governor,
15 with the advice and consent of the Senate, for the unexpired
16 term. In appointing members to the board, the Governor shall
17 select those persons whose appointments, to the extent
18 possible, ensure that the membership of the board is inclusive
19 and reflects the racial, gender, urban/rural, and economic
20 diversity of the state. On April 11, 1989, all terms of
21 current board members and advisory consultants shall expire.
22 The Governor shall appoint new board members and advisory
23 consultants in accordance with this chapter. Immediately after
24 May 12, 2003, the board shall notify the Governor of the
25 vacancies on the board and the Governor shall immediately

1 appoint qualified persons to fill those vacancies in
2 accordance with this chapter.

3 "(b) The board may fix the number of its full-time
4 employees, who shall be employed pursuant to the Merit System.
5 The board may engage temporary services for the investigation
6 of applications or to investigate complaints filed against
7 examiners. The board shall fix the compensation for any
8 temporary employees. Temporary employees of the board are not
9 covered under the Retirement Systems of Alabama. Any current
10 full-time employee of the board shall be transferred to the
11 Department of Public Safety on April 11, 1989. All benefits,
12 including retirement, of any current full-time employee of the
13 board who is transferred to the Department of Public Safety in
14 accordance with this chapter, shall be retroactive back to the
15 original date of employment upon payment of necessary
16 contributions as required by the Employees' Retirement System.

17 "(c) On or after April 11, 1989, and within 30 days
18 of the appointments by the Governor, this new board shall meet
19 and elect a chair from among the members of the board. The
20 board shall meet at three-month intervals, or at any other
21 time as necessary.

22 "(d) The vote of a majority of the board members is
23 sufficient for passage of any business or proposal which comes
24 before the board.

1 "(e) All documents, records, functions, and
2 responsibilities currently housed at the Board of Polygraph
3 Examiners' Office shall be transferred to the Department of
4 Public Safety in a section to be determined by the Director of
5 the Department of Public Safety and under the supervision of
6 the Department of Public Safety in conjunction with the
7 board."

8 "§34-25-21.

9 "(a) A person is qualified to receive a license as
10 an examiner:

11 "(1) Who is at least 21 years of age;

12 "(2) Who is a citizen of the United States or, if
13 not a citizen of the United States, who is a person who is
14 legally present in the United States with appropriate
15 documentation from the federal government;

16 "(3) Who establishes that he or she is a person of
17 honesty, truthfulness, integrity, and moral fitness;

18 "(4) Who has not been convicted of a felony or a
19 misdemeanor involving moral turpitude;

20 "(5) Who holds a baccalaureate degree from a
21 regionally accredited college or university, and/or recognized
22 by the board or, in lieu thereof, has five consecutive years
23 of active investigative experience immediately preceding his
24 or her application;

1 "(6) Who is a graduate of a polygraph examiners'
2 course approved by the board and has satisfactorily completed
3 not less than six months of internship training; and

4 "(7) Who, when required by this chapter, passed an
5 examination conducted by the board, or under its supervision,
6 to determine his or her competency to obtain a license to
7 practice as an examiner.

8 "(b) Prior to the issuance of a license, the
9 applicant must furnish to the board evidence of a surety bond
10 or insurance policy in an amount to be determined by the
11 board. The surety bond or insurance policy shall be on the
12 condition that the obligor therein will pay to the extent of
13 the face amount of such surety bond or insurance policy all
14 judgments which may be recovered against the licensee by
15 reason of any wrongful or illegal acts committed by him or her
16 in the course of his or her examinations."

17 Section 4. The Legislature concurs in the
18 recommendations of the Sunset Committee as provided in
19 Sections 1, 2, and 3.

20 Section 5. This act shall become effective
21 immediately upon its passage and approval by the Governor, or
22 its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 29-MAR-11.

Greg Pappas
Clerk

Senate	<hr/> 14-APR-11 <hr/>	Amended and Passed
House	<hr/> 21-APR-11 <hr/>	Concurred in Sen- ate Amendment