

1 SB255  
2 110266-3  
3 By Senator Means  
4 RFD: Governmental Affairs  
5 First Read: 14-JAN-10

1 SB255

2  
3  
4 ENROLLED, An Act,

5 To amend Section 36-15-1, Code of Alabama 1975, to  
6 eliminate the requirement that the Attorney General print and  
7 distribute paper copies of his or her official opinions; and  
8 to require the Attorney General to post on the Internet and,  
9 upon request of any public official, to e-mail electronic  
10 copies of those opinions.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Section 36-15-1, Code of Alabama 1975, is  
13 amended to read as follows:

14 "§36-15-1.

15 "The Attorney General shall keep his or her office  
16 at the capital city and perform the following duties:

17 "(1)a. He or she shall give his or her opinion in  
18 writing, or otherwise, on any question of law connected with  
19 the interests of the state or with the duties of any of the  
20 departments, when required by the Governor, Secretary of  
21 State, Auditor, Treasurer, Superintendent of Education,  
22 Commissioner of Agriculture and Industries, Director of  
23 Department of Finance, Comptroller, State Health Officer,  
24 Public Service Commissioners, Commissioner of Conservation and  
25 Natural Resources, or the Director of the Department of

1 Revenue or any other officer or department of the state when  
2 it is made, by law, his or her duty so to do, and he or she  
3 shall also give his or her opinion to the Chairman of the  
4 Judiciary Committee of either house, when required, upon any  
5 matter under the consideration of the committee.

6 "b. The Attorney General shall give his or her  
7 opinion, in writing or otherwise, as to any question of law  
8 connected with the duties of the following county or city  
9 officers when requested so to do in writing: Judge of probate,  
10 clerk of the circuit court, sheriff, city and county boards of  
11 education, county commission, register of the circuit court,  
12 tax collector, tax assessor, mayor or chief executive officer  
13 of any incorporated municipality, city council or like  
14 governing body of any incorporated municipality, or any other  
15 officer required to collect, disburse, handle, or account for  
16 public funds.

17 "c. Any officer or governing body of a municipality  
18 or county or officer or governing body of any other elected or  
19 appointed body shall submit with the request for an opinion a  
20 resolution adopted by the governing body setting forth the  
21 facts showing the nature and character of the question which  
22 makes the advice or opinion sought necessary to the present  
23 performance of some official act that the officer or governing  
24 body must immediately perform.

1           "d. An officer or governing body shall not submit  
2 moot, private, or personal questions in which the state,  
3 county, or public is not materially or primarily interested to  
4 the Attorney General, and any officer shall submit, with  
5 request for an opinion, a certificate setting forth the facts  
6 showing the nature and character of the question which makes  
7 the advice sought necessary to present performance of some  
8 official act that the officer must immediately perform.

9           "(2) He or she shall attend, on the part of the  
10 state, to all criminal cases pending in the Supreme Court or  
11 Court of Criminal Appeals, and to all civil actions in which  
12 the state is a party in the Supreme Court or Court of Civil  
13 Appeals. He or she shall also attend to all cases other than  
14 criminal that may be pending in the courts of this state, in  
15 which the state may be in any manner concerned, and shall  
16 appear in the courts of other states or of the United States,  
17 in any case in which the state may be interested in the  
18 result.

19           "(3) He or she shall post on the Internet  
20 searchable, electronic copies of the written official opinions  
21 rendered by him or her pursuant to subdivision (1). On a  
22 timely basis, he or she shall also send electronic copies of  
23 the opinions to any public official who has asked to receive  
24 them and who has provided a working e-mail address for that  
25 purpose.

1           "(4) He or she shall, in the month of October of the  
2 last year of his or her term of office, compile a report,  
3 which shall include suggestions for the suppression of crime  
4 and the improvement of the criminal administration as he or  
5 she may deem proper. Such report shall also contain a  
6 statement of the number of criminal cases disposed of in the  
7 entire state for the past four years, as shown by reports of  
8 district attorneys; and, taking each character of cases  
9 separately, it shall show the number disposed of in each  
10 judicial circuit and in each criminal court or other court or  
11 territory having a separate district attorney, the number of  
12 convictions, the number of acquittals, the number of nolle  
13 prosequis entered, the number of cases which were abated or  
14 otherwise disposed of, the number of sentences to death, the  
15 number of sentences to the penitentiary, the number of other  
16 sentences, including fines imposed, and the totals under each  
17 head above mentioned. One copy of the report shall be retained  
18 in the permanent files of the office of the Attorney General,  
19 and one copy of the report shall be transmitted to the  
20 Governor, the Clerk of the House of Representatives, and the  
21 Secretary of the Senate, and two copies of the report shall be  
22 transmitted to the Department of Archives and History. The  
23 expense of printing and binding all of the reports provided  
24 for in this section shall be paid by the state in the same

1 manner as is now or hereafter may be provided for printing and  
2 binding for the state.

3 "(5) He or she shall keep and preserve, with proper  
4 indexes thereto, copies of all his or her official opinions  
5 and correspondence.

6 "(6) He or she shall keep, with proper index  
7 thereto, a docket of all civil actions and claims in which the  
8 state is in any manner concerned and to which he or she is  
9 required to give attention, showing the names and addresses of  
10 the parties, the nature and amount of the action or claim,  
11 when and in what court action was brought, and steps taken  
12 therein, and the final determination and result thereof, and,  
13 as to claims for collection, showing also when and from whom  
14 the claims were received and the name and address of any agent  
15 or attorney to whom sent for collection and the date thereof  
16 and, in all cases, the amount and date of each collection, the  
17 amount of commissions or other expenses deducted, if any, the  
18 net amount collected, when and to whom paid over, and the  
19 receipt of the officer therefor.

20 "(7) At such time as the Attorney General deems  
21 appropriate, the Attorney General shall carefully examine all  
22 of the general statutes now in force, or which hereafter may  
23 be enacted by the Legislature from time to time, as to their  
24 clarity and constitutional validity.

1           "(8) At such time as the Attorney General deems  
2 appropriate, the Attorney General may make a report in writing  
3 to the Governor and to the Chairman of the Judiciary Committee  
4 of the House of Representatives and of the Senate, pointing  
5 out the laws or parts of laws of Alabama which have been held  
6 invalid by courts of last resort since the last session of the  
7 Legislature, and also making suggestions as to inaccuracies,  
8 inadvertences, mistakes and omissions in statutes, which, in  
9 his or her opinion, should be corrected.

10           "(9) Upon the codification of the statutes provided  
11 for in Section 85 of the constitution, he or she shall advise  
12 with and assist the committees of the Senate and House of  
13 Representatives or the joint committee of the Legislature  
14 charged with the duty of examining and investigating the  
15 documents submitted by the code commission or any other agency  
16 provided by law for the preparation of a code of laws for  
17 submission to the Legislature.

18           "(10) He or she may, when requested to do so by the  
19 chief executive authority of any municipality in the State of  
20 Alabama, represent said municipality before the appellate  
21 courts of this state in any case appealed to such courts  
22 involving the constitutionality of a municipal ordinance.

23           "(11) When extradition papers are presented to the  
24 Governor by the executive authority of another state seeking  
25 to extradite a person from Alabama, or by the proper authority

1 of the State of Alabama seeking to extradite a person from  
2 another state, the extradition papers shall be submitted to  
3 the Attorney General for examination and shall be approved by  
4 him or her both as to form and legality before the papers are  
5 acted upon by the Governor, and, when requested so to do by  
6 the Governor, the Attorney General shall advise him or her as  
7 to his or her action thereon.

8 "(12) When requested so to do by the Governor, the  
9 Attorney General shall examine all bills, resolutions, and  
10 other documents submitted by the Legislature to the Governor  
11 for his or her consideration under Section 125 of the  
12 constitution, and advise him or her as to his or her action  
13 thereon.

14 "(13) The duties imposed by this section upon the  
15 Attorney General and his or her assistants shall be performed  
16 by the attorney general personally or by his or her assistants  
17 under his or her supervision, direction, and control.

18 "(14) Any statute to the contrary notwithstanding,  
19 no attorney shall represent the State of Alabama, or any  
20 agency, department, or instrumentality of the state in any  
21 litigation in any court or tribunal unless the attorney has  
22 been appointed as a deputy attorney general or assistant  
23 attorney general."



1                   Section 2. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

---

President and Presiding Officer of the Senate

---

Speaker of the House of Representatives

SB255

Senate 16-FEB-10

I hereby certify that the within Act originated in and passed the Senate.

McDowell Lee  
Secretary

---

House of Representatives  
Passed: 30-MAR-10

---

By: Senator Means