

1 SB122
2 149258-4
3 By Senators Holley, Marsh, Waggoner, Brewbaker, Allen, Ward,
4 Reed, Dial, Sanford, Scofield, Smith, Taylor, Williams, Ross,
5 Fielding, Blackwell, Bussman, Orr, Glover, Whatley and Beason
6 RFD: Fiscal Responsibility and Accountability
7 First Read: 05-FEB-13

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3
4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to the Legislative Department, to create
12 the Joint Committee on Legislative Operations, the House
13 Committee on House Administration, and the Senate Committee on
14 Senate Administration, to provide for the Chief of Legislative
15 Operations, to transfer to the committees functions from the
16 Legislative Council, the House Legislative Council, the entity
17 consisting of the Senate members elected to the Legislative
18 Council, the Joint Committee on Administrative Regulation
19 Review, the Joint Fiscal Committee, the Legislative Committee
20 on Public Accounts, the Legislative Building Authority, and
21 the Permanent Legislative Committee on Reapportionment and
22 abolish those entities, to assign additional administrative
23 functions to the committee, to delete a provision for an
24 automatic appropriation to the Legislature; to specify the
25 Alabama Law Institute is part of the Legislative Department,
26 to revise the membership of the governing council of the
27 institute, to grant additional authority to the council and

1 the president and director of the institute; to provide for
2 the continuation of the office of the President Pro Tempore of
3 the Senate; to amend Sections 8-6-53, 8-19C-3, 9-11-68,
4 9-11-69, 11-100-4, 16-5-8.3, 16-6B-11, 17-11-42, 29-1-22,
5 29-1-24, 29-2-52, 29-2-200, 29-2-201, 29-4-20, 29-4-22,
6 29-4-25, 29-4-30, 29-4-32, 29-4-35, 29-4-40, 29-4-42, 29-5-2,
7 29-5-3, 29-5-4, 29-5-13, 29-7-2, 29-7-4, 29-7-6, 29-7-10,
8 29-8-1, 29-8-2, 29-8-3, 29-8-4, 29-8-5, 30-3-8, 33-2-185,
9 34-14B-5, 36-7-24, 36-7-25, 36-13-30, 36-25-4.2, 38-7A-4,
10 40-2-9, 40-23-203, 41-5-3, 41-5-6, 41-5-9, 41-9-374, 41-9-715,
11 41-10-44.5, 41-16-27, 41-16-82, 41-19-3, 41-19-3.1, 41-20-4,
12 41-21-4, 41-21-7, 41-22-3, 41-22-22, 41-22-23, and 41-22-24,
13 Code of Alabama 1975; and to repeal Chapter 6 (commencing with
14 Section 29-6-1) of Title 29 of, and Sections 29-2-50, 29-2-51,
15 29-7-5, 41-5-18, and 41-5-19 of, the Code of Alabama 1975.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. (a) The Joint Committee on Legislative
18 Operations is hereby created. The joint committee consists of
19 eight members of the House, at least two of whom must be a
20 member of a minority party or an independent, elected by the
21 House, who shall constitute the House Committee on House
22 Administration, and eight members of the Senate, at least two
23 of whom must be a member of a minority party or an
24 independent, elected by the Senate, who shall constitute the
25 Senate Committee on Senate Administration. The House and
26 Senate members shall be elected at the 2013 Regular Session of
27 the Legislature and at the first regular session of each

1 quadrennium thereafter. Members of the joint committee may
2 serve on the joint committee during the term in which elected
3 and, if reelected to the same house without a break in service
4 to that house, during the succeeding legislative term until a
5 successor is elected as provided by law. No member may be
6 elected to more than two consecutive four-year terms. If a
7 vacancy occurs in its membership while the Legislature is not
8 in session, the joint committee may make temporary
9 appointments to fill the vacancy until the vacancy is filled
10 by an election of the House or Senate, as the case may be. If
11 this act does not become operative prior to adjournment sine
12 die of the 2013 Regular Session, the Speaker of the House and
13 the President Pro tempore of the Senate may appoint eight
14 members of the House of Representatives, two of whom shall be
15 a member of a minority party or an independent, and eight
16 members of the Senate, two of whom shall be a member of a
17 minority party or an independent, respectively, to serve on
18 the joint committee until members are elected at the 2014
19 Regular Session. The President of the Senate shall be a member
20 of the committee who may vote only in the case of a tie. At
21 its first meeting during each quadrennium and at such other
22 times as necessary, the committee shall elect a chair and vice
23 chair from among the membership of the committee, including
24 the Lieutenant Governor. To the extent possible, membership of
25 the committees shall be inclusive and reflect the racial,
26 gender, geographic, urban/rural, and economic diversity of the
27 state.

1 (b) Within 10 days after the whole membership of the
2 Joint Committee on Legislative Operations is determined:

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

12 (2) 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 (3) 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 (c) Members of the Joint Committee on Legislative
4 Operations, House Committee on House Administration, and
5 Senate Committee on Senate Administration shall receive
6 expenses for attendance of each meeting of the respective
7 committee or any subcommittee thereof as provided for in
8 Amendment 871 to the Constitution of Alabama of 1901. The
9 President of the Senate and Speaker of the House shall adopt
10 such rules as are necessary to implement Amendment 871 for
11 operation of the committees prior to the committees commencing
12 operations.

13 (d) The Joint Committee on Legislative Operations,
14 the House Committee on House Administration, and the Senate
15 Committee on Senate Administration may provide for the
16 appointment of subcommittees to facilitate its work.

17 (e) Members of the Joint Committee on Legislative
18 Operations, House Committee on House Administration, and
19 Senate Committee on Senate Administration may participate in a
20 meeting of the respective committee by means of telephone
21 conference, video conference, or similar communications
22 equipment by means of which all persons participating in the
23 meeting may hear each other at the same time and members of
24 the public may simultaneously listen to the meeting.
25 Participation by such means shall constitute presence in
26 person at a meeting for all purposes.

1 (f) Any decision of the Joint Committee on
2 Legislative Operations shall be by a majority vote of the
3 committee members from the Senate and a majority vote of the
4 committee members from the House of Representatives.

5 (g) All decisions of the Joint Committee on
6 Legislative Operations, the House Committee on House
7 Administration, or the Senate Committee on Senate
8 Administration shall be reduced to writing and shall be
9 published on the website of the Legislature.

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

18 (i) In those quadrenniums in which the United States
19 official decennial census is released and while the
20 Legislature is actually involved in the reapportionment
21 process, the Joint Committee on Legislative Operations shall
22 have a Subcommittee on Reapportionment which shall be composed
23 of 10 members as follows: Five members of the House of
24 Representatives appointed by the Speaker of the House and five
25 members of the Senate appointed by the Lieutenant Governor.
26 Upon the completion of the reapportionment process, the
27 subcommittee shall be dissolved.

1 Section 2. (a) The Joint Committee on Legislative
2 Operations shall succeed to and is vested with all the powers
3 of the Legislative Council, the Joint Committee on
4 Administrative Regulation Review, the Legislative Committee on
5 Public Accounts, the Joint Fiscal Committee, the Permanent
6 Legislative Committee on Reapportionment, and the Legislative
7 Building Authority.

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

11 (c) The Senate Committee on Senate Administration
12 succeeds to and is vested with all the powers previously
13 exercised by the members of the Senate elected to the
14 Legislative Council.

15 (d) A reference in any law to any entity set forth
16 in subsection (a), (b), or (c) the powers of which are
17 succeeded to by the Joint Committee on Legislative Operations,
18 the House Committee on House Administration, or the Senate
19 Committee on Senate Administration shall be deemed a reference
20 to the Joint Committee on Legislative Operations, the House
21 Committee on House Administration, or the Senate Committee on
22 Senate Administration.

23 (e) All funds, papers, and property of any entity
24 set forth in subsection (a), (b), or (c) the powers of which
25 are succeeded to by the Joint Committee on Legislative
26 Operations, the House Committee on House Administration, and
27 the Senate Committee on Senate Administration shall be

1 transferred to the Joint Committee on Legislative Operations,
2 the House Committee on House Administration, or the Senate
3 Committee on Senate Administration upon the election of
4 members to the respective committee.

5 Section 3. In addition to the powers to which the
6 Joint Committee on Legislative Operations succeeds pursuant to
7 Section 2, the joint committee shall be responsible for the
8 personnel, accounting, and purchasing functions of the
9 Legislative Department specified in this section. The joint
10 committee shall:

11 (1) (A) Provide a process by which the Director of
12 Human Resources shall make available to the Director of the
13 Legislative Reference Service, Director of the Legislative
14 Fiscal Office, the Speaker of the House, the President Pro
15 tempore of the Senate, and the Director of the Alabama Law
16 Institute, respectively, a roster of applicants for
17 employment, accompanied by the written application for each,
18 for persons to be hired. In consultation with the Directors of
19 Legislative Reference Service, Legislative Fiscal Office, and
20 the Alabama Law Institute and the Speaker of the House and the
21 President Pro tempore of the Senate, the committee shall
22 establish the salary schedules and other issues related to
23 compensation for employees of the Legislative Reference
24 Service, Legislative Fiscal Office, Alabama Law Institute, the
25 Speaker of the House, and the President Pro tempore of the
26 Senate.

1 (B) The terms of employment for all staff of the
2 Legislative Department shall be as uniform as practical.

3 (C) Recommendations for hiring of the director of
4 the Alabama Law Institute shall be made to the President of
5 the Institute, who shall have final hiring authority for the
6 director.

7 (D) After being employed, employees of the
8 Legislative Reference Service, Legislative Fiscal Office,
9 Alabama Law Institute, Speaker of the House, and President Pro
10 tempore of the Senate shall be under the direction and control
11 of the Director of the Legislative Reference Service, Director
12 of the Legislative Fiscal Office, Director of the Alabama Law
13 Institute, Speaker of the House, and President Pro tempore of
14 the Senate, respectively.

15 (2) Approve budgets, provide accounting services,
16 make purchases, and provide general administrative services
17 for the Legislative Department, and all agencies and entities
18 therein.

19 (3) Allocate space in the Alabama State House,
20 including to the Senate and the House of Representatives.
21 After the joint committee allocates space to the Senate or
22 House of Representatives, the space shall be assigned to
23 various uses of the respective house as determined pursuant to
24 the rules of the house.

25 (4) Maintain a website of legislative expenditures
26 that includes, but is not limited to, the names, salaries, and
27 expense of the officers and employees of the Legislative

1 Department and any contracts entered into by the joint
2 committee for the benefit of any entity or agency of the
3 Legislative Department. This requirement may be met through
4 publication of the required information on a site that
5 discloses this information on a statewide basis for other
6 state government entities.

7 (5) Maintain the computer operations of the
8 Legislature, including management and control of the
9 Legislative Data Center.

10 (6) Operate the Reapportionment Office.

11 (7) Provide security for the Alabama State House,
12 the Senate, the House of Representatives, and those portions
13 of the State Capitol under the control of the Legislature, the
14 House of Representatives, or the Senate.

15 (8) Reduce and contain the cost associated with the
16 operation and maintenance of the Legislative Department to the
17 fullest extent reasonably possible and practical. In
18 accomplishing the reduction, the joint committee, to the
19 fullest extent possible, shall look for methods to save public
20 funds and contain costs.

21 Section 4. (a) The Joint Committee on Legislative
22 Operations shall employ a person as the Chief of Legislative
23 Operations who shall perform the work of the committee under
24 the general supervision of the committee and such other
25 employees as the committee determines necessary and proper to
26 perform the functions assigned to the committee. The Chief of

1 Legislative Operations shall serve as Secretary of the
2 committee without any additional compensation.

3 (b) The Joint Committee on Legislative Operations
4 may annually review the performance of the Director of the
5 Legislative Reference Service, Director of the Legislative
6 Fiscal Office, Chief Examiner of Public Accounts, and Alabama
7 Law Institute.

8 (c) The Director of the Legislative Reference
9 Service, Director of the Legislative Fiscal Office, and
10 Director of the Alabama Law Institute shall annually review
11 the performance of each employee subject to his or her
12 supervision and report thereon to the Chief of Legislative
13 Operations.

14 (d) The Chief of Legislative Operations shall review
15 all budget requests for the Legislative Reference Service,
16 Legislative Fiscal Office, Alabama Law Institute, and other
17 legislative functions as directed by the Joint Committee on
18 Legislative Operations and shall report thereon to the joint
19 committee for approval.

20 Section 5. (a) In addition to the Chief of
21 Legislative Operations, the Joint Committee on Legislative
22 Operations shall employ a director of human resources who
23 shall handle the human resources related functions specified
24 in Section 3(1) for the Legislative Reference Service,
25 Legislative Fiscal Office, and Alabama Law Institute, and a
26 director of technology, who shall oversee the operations of
27 the Legislative Data Center and maintain all computer

1 guidelines of the Legislative Department and all agencies and
2 entities therein.

3 (b) In addition to the duties specified in Section 3
4 (1), the Director of Human Resources may provide services to
5 the Senate Committee on Senate Administration for employees of
6 the Senate or the House Committee on House Administration for
7 employees of the House of Representatives, or both, at the
8 request of the respective committee.

9 Section 6. Each entity in the Legislative Department
10 shall keep an accurate and complete record of all entity
11 proceedings, record and file all bonds, reports, and other
12 documents, and assume responsibility for the custody and
13 preservation of all papers and documents of the entity.

14 Section 6.5 (a) If the senator who is serving as the
15 President Pro tempore of the Senate on the date of the general
16 election at which members of the Senate are elected to
17 four-year terms is reelected to the Senate, the senator shall
18 continue to serve as President Pro tempore of the Senate until
19 a successor President Pro tempore is selected pursuant to
20 Section 48.01 of the Official Recompilation of the
21 Constitution of Alabama of 1901, as amended.

22 (b) If the senator serving as the President Pro
23 tempore of the Senate for any reason prior to election of a
24 President Pro tempore pursuant to Section 48.01 of the
25 Official Recompilation of the Constitution of Alabama of 1901,
26 as amended, then, with the approval of the Senate Committee on
27 Senate Administration, the Secretary of the Senate shall

1 perform the functions of the President Pro tempore until a
2 successor President Pro tempore is elected pursuant to Section
3 48.01 of the Official Recompilation of the Constitution of
4 Alabama of 1901, as amended.

5 Section 7. The Joint Committee on Legislative
6 Operations may implement this act in whole or in part in
7 stages and at the times it deems appropriate and shall have
8 all powers necessary and convenient to totally implement this
9 act.

10 Section 8. Sections 8-6-53, 8-19C-3, 9-11-68,
11 9-11-69, 11-100-4, 16-5-8.3, 16-6B-11, 17-11-42, 29-1-22,
12 29-1-24, 29-2-52, 29-2-200, 29-2-201, 29-4-20, 29-4-22,
13 29-4-25, 29-4-30, 29-4-32, 29-4-35, 29-4-40, 29-4-42, 29-5-2,
14 29-5-3, 29-5-4, 29-5-13, 29-7-2, 29-7-4, 29-7-6, 29-7-10,
15 29-8-1, 29-8-2, 29-8-3, 29-8-4, 29-8-5, 30-3-8, 33-2-185,
16 34-14B-5, 36-7-24, 36-7-25, 36-13-30, 36-25-4.2, 38-7A-4,
17 40-2-9, 40-23-203, 41-5-3, 41-5-6, 41-5-9, 41-9-374, 41-9-715,
18 41-10-44.5, 41-16-27, 41-16-82, 41-19-3, 41-19-3.1, 41-20-4,
19 41-21-4, 41-21-7, 41-22-3, 41-22-22, 41-22-23, and 41-22-24,
20 Code of Alabama 1975, are amended to read as follows:

21 "§8-6-53.

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

24 "(b) The commission shall meet quarterly on a date
25 it designates and may meet at other times it deems necessary,
26 or when called by the chair or by any two members. Any three

1 members shall constitute a quorum for transacting commission
2 business.

3 "(c) Complete minutes of each meeting shall be kept
4 and filed in the office of the commission and shall be
5 available for public inspection during reasonable office
6 hours.

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

15 "(e) Each member of the commission shall have
16 unrestricted access to all offices and records under the
17 jurisdiction of the commission.

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

21 "§8-19C-3.

22 "(a) The commission shall have the authority to
23 charge a residential subscriber a fee every two years payable
24 to the commission for each notice for inclusion on the
25 database established pursuant to this chapter. The commission
26 shall also have the authority to charge a person or entity
27 desiring to make telephone solicitations a fee per year

1 payable to the commission for access to, or for paper or
2 electronic copies of the database established pursuant to this
3 chapter. Any fee established by the commission shall be
4 subject to the approval of the ~~Legislative Council~~ Joint
5 Committee on Legislative Operations.

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

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

22 "§9-11-68.

23 "Beginning with the license year October 1, 2010,
24 and each license year thereafter, those license fees and
25 issuance fees specified in Act 2007-418 shall be subject to a
26 possible cost adjustment based on the following procedure: By
27 the end of November of 2009, and each November thereafter, the

1 Director of the Division of Wildlife and Freshwater Fisheries
2 of the Department of Conservation and Natural Resources, with
3 the approval of the Commissioner of the Department of
4 Conservation and Natural Resources, may submit to the Chair of
5 the Advisory Board of Conservation and Natural Resources, a
6 recommendation of an increase in both the license fees and
7 issuance fees for the licenses, based on the percentage
8 increase in the Consumer Price Index for All Urban Consumers
9 (CPI-U) (All Items - U.S. City Average) maintained by the U.S.
10 Department of Labor, Bureau of Labor Statistics, for the
11 immediately preceding yearly period of October to October,
12 rounded down to the nearest nickel. The recommendation shall
13 be subject to the approval of the Advisory Board of
14 Conservation and Natural Resources on or before the end of
15 March of each year. If the increase is approved by the
16 Advisory Board of Conservation and Natural Resources, the
17 board through its secretary, by the end of March of each year,
18 shall submit the board's recommendation to the Chair of the
19 ~~Legislative Council~~ Joint Committee on Legislative Operations,
20 for the ~~Legislative Council's~~ committee's review and approval.
21 In the event the recommendation is not disapproved by the
22 ~~Legislative Council~~ committee by the end of April of each
23 year, the recommendation of the board shall be deemed to be
24 approved. In the event one or more years elapses during which
25 there is no adjustment as provided for herein, the same
26 procedure may be followed to obtain a net cumulative increase
27 since the previous increase.

1 "§9-11-69.

2 "Beginning with the license year October 1, 2010,
3 and each license year thereafter, those license fees and
4 issuance fees specified in Sections 9-11-53.1, 9-11-53.5, and
5 9-11-55.2, shall be subject to a cost adjustment based on the
6 following procedure: By the end of November of 2009, and each
7 November thereafter, the Director of the Division of Marine
8 Resources of the Department of Conservation and Natural
9 Resources, with the approval of the Commissioner of the
10 Department of Conservation and Natural Resources, may submit
11 to the Chair of the Advisory Board of Conservation and Natural
12 Resources a recommendation of an increase in both the license
13 fees and issuance fees for the licenses based on the
14 percentage increase in the Consumer Price Index for All Urban
15 Consumers (CPI-U) (All Items - U.S. City Average) maintained
16 by the U.S. Department of Labor, Bureau of Labor Statistics,
17 for the immediately preceding yearly period of October to
18 October, rounded down to the nearest nickel. Such
19 recommendation shall be subject to the approval of the
20 Advisory Board of Conservation and Natural Resources on or
21 before the end of March of each year. If the increase is
22 approved by the advisory board, the board through its
23 secretary, by the end of March of each year, shall submit the
24 board's recommendation to the ~~Legislative Council~~ Joint
25 Committee on Legislative Operations for the ~~Legislative~~
26 ~~Council's~~ committee review and approval. In the event the
27 recommendation is not approved by the ~~Legislative Council~~

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

6 "§11-100-4.

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

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

19 "(c) After reviewing the initial application and
20 upon reasonable notice to the applicant, the Director of
21 Finance shall hold a public hearing on the application and
22 maintain an official record of such hearing. ~~He~~ The Director
23 of Finance shall give notice of the time, place and purpose of
24 the public hearing by publication one time in a newspaper of
25 general circulation within the boundaries of the applicant,
26 not less than 10 days prior to the hearing.

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

10 "(e) After the initial application has been
11 approved, the city, county, or entities or authorities thereof
12 must establish a base number of convention delegates which
13 shall be computed by taking an annual average number of
14 convention delegates attending national and regional meetings
15 in ~~said~~ the city, county, or the entity's or authority's
16 region over the previous five-year period. For purposes of
17 determining such base number, each county, city, or entity or
18 authority thereof is hereby authorized to require each hotel
19 or motel to report quarterly to it the total number of
20 convention delegates in attendance for any national or
21 regional convention or meeting which utilizes 50 or more room
22 nights per meeting. The city, county, or entity or authority
23 thereof shall then file an annual application with the
24 Director of Finance, which shall estimate: (i) the number of
25 additional delegates, over and above the base average number,
26 who will patronize the eligible facilities during the year;
27 (ii) their estimated expenditures; (iii) the estimated

1 additional state lodging tax revenues to be derived as a
2 result of the expenditures (taking into consideration the
3 investment multiplier); (iv) the expected additional expense,
4 if any, to the state; and (v) any other matters prescribed by
5 the Director of Finance. The descriptions required by (i),
6 (ii), and (iii) shall be supported by statistical surveys
7 satisfactory to the Director of Finance.

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

17 "(g) From the net proceeds of the state transient
18 occupancy tax proceeds levied pursuant to Section 40-26-1, the
19 provisions of Section 40-26-20 to the contrary
20 notwithstanding, the Legislature shall appropriate annually
21 such amount as it deems necessary and desirable to satisfy all
22 such projected state assistance payments for the next fiscal
23 year. In the first full fiscal year after May 11, 1989, this
24 amount shall not exceed \$500,000; in the second fiscal year
25 after May 11, 1989, this amount shall not exceed \$1,000,000;
26 in the third fiscal year after May 11, 1989, this amount shall
27 not exceed \$2,000,000; in the fourth fiscal year after May 11,

1 1989, this amount shall not exceed \$3,000,000; and in no
2 subsequent fiscal year shall the amount budgeted ever exceed
3 \$3,000,000. Such amounts shall be credited to the Convention
4 Facilities Fund established pursuant to Section 11-100-5.

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

1 multiplier, as determined by the Director of Finance, shall be
2 not greater than five.

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

16 "(j) In any fiscal year in which approved state
17 assistance payments exceed the maximum allowed under Section
18 11-100-4(g), all participating cities, counties, and entities
19 or authorities thereof shall receive a pro rata share of the
20 amount they would be due to receive otherwise hereunder. In
21 the event state assistance payments are set aside in the
22 Convention Facilities Fund and are unclaimed at the end of the
23 fiscal year, such remaining funds shall revert to the fund to
24 which the taxes would have otherwise been originally
25 deposited.

26 "§16-5-8.3.

1 "It is the intent of the Legislature that all
2 two-year and four-year institutions of higher education in the
3 state comply with the intent of subsection (e) of Section
4 16-5-8 and the guidelines developed pursuant to it (unless
5 otherwise exempted by subsection (e) of Section 16-5-8). In
6 the event of noncompliance by any institution governed by a
7 board of trustees established by the constitution with the
8 statewide articulation agreement as provided in subsection (e)
9 of Section 16-5-8, no other two-year or four-year institution
10 shall be required to comply with the statewide articulation
11 agreement. These two-year and four-year institutions shall
12 continue to comply with all other provisions of Section
13 16-5-8. The Alabama Commission on Higher Education shall
14 notify the ~~Legislative Council~~ Joint Committee on Legislative
15 Operations, the governing body of each four-year institution,
16 and the State Board of Education within 30 days of any failure
17 to comply with subsection (e) of Section 16-5-8 or guidelines.

18 "§16-6B-11.

19 "(a) The Legislature finds that the excessive
20 paperwork required of teachers and other public education
21 employees hinders the prime responsibility of public
22 education: The education of the children of Alabama. The
23 Legislature also finds that excessive and time-consuming
24 reporting requirements levied on school systems requires
25 automation in order to for timely reporting to occur. The
26 Legislature further finds that the excessive paperwork
27 required of teachers has become so burdensome that teachers do

1 not have adequate time to prepare lesson plans or to devote
2 individual attention to those students who require special
3 assistance. The Legislature further finds that, for teachers
4 to have time to teach, it is imperative that all unnecessary
5 paperwork be eliminated from our public schools and necessary
6 paperwork be automated to the maximum practical extent.

7 "(b) The Paperwork Reduction Committee is created.
8 The membership of the committee shall consist of twenty
9 persons as follows:

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

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

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

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

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

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

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

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

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

25 "(7) The State Superintendent of Education shall
26 expeditiously implement the recommendations of the ~~Legislative~~
27 ~~Council~~ Joint Committee on Legislative Operations.

1 "§17-11-42.

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

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

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

7 "(2) Detailed instructions to be given eligible
8 overseas voters regarding voting by secure remote electronic
9 transmission.

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

12 "(4) A method of providing blank ballots to overseas
13 voters.

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

16 "(6) Procedures for ensuring the physical security
17 of the remote voting site for receipt and transmission of
18 blank and voted absentee ballots.

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

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

1 "a. A public or private key encryption methodology
2 shall include key generation under the control of the
3 Secretary of State.

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

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

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

16 "(3) The capability to secure access to and from the
17 overseas voter and the voting server or the voting database
18 platform, or both.

19 "(4) The verification of the authenticity of the
20 identity of the overseas voter before granting access to the
21 transmission of election material.

22 "(5) The capability for the overseas voter to
23 determine that the secure transmission of election material
24 was successful.

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

1 "(7) The capability to record election material
2 received by secure transmission.

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

6 "§29-1-22.

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

26 "(b) The Legislature will annually present its
27 budget through the ~~Clerk of the House of Representatives and~~

1 ~~the Secretary of the Senate~~ Chief of Legislative Operations.
2 ~~Said~~ The presentation shall include statements of previous
3 expenditures and projected costs on forms as prescribed by the
4 Finance Director and be made before the ~~interim committee on~~
5 ~~finances and budgets~~ Joint Committee on Legislative
6 Operations.

7 "§29-1-24.

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

10 "(b) The Legislature of the State of Alabama finds
11 all of the following:

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

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

21 "(3) The Northeast Ozone Transport Commission
22 ("OTC"), in an effort to remedy the serious ozone
23 nonattainment conditions prevailing in urbanized areas of the
24 Northeast, has proposed emission control requirements for
25 stationary and mobile sources more stringent than those
26 applicable to states outside of the Northeast Ozone Transport
27 Region ("OTR"), including a petition to the U.S. Environmental

1 Protection Agency ("EPA") concerning Low-Emitting Vehicle
2 emission control requirements, and a Memorandum of
3 Understanding concerning stationary source emission control
4 requirements.

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

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

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

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

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

25 "b. Emissions originating in Alabama do not
26 contribute significantly to ozone nonattainment in other
27 states or regions.

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

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

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

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

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

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

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

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

1 environment, economic development, transportation fuel costs,
2 and industrial competitiveness.

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

10 "§29-2-52.

11 "(a) The ~~committee~~ Joint Committee on Legislative
12 Operations shall make a continuous study of the
13 reapportionment problems in Alabama seeking solutions thereto,
14 and shall seek expertise, when deemed necessary, from among
15 knowledgeable state officials and employees, academic
16 personnel and others involved in demographic studies and other
17 census matters.

18 "(b) The ~~committee~~ Joint Committee on Legislative
19 Operations shall make such reports of its investigations,
20 findings, and recommendations to the Legislature at any time,
21 during any regular or special session of the Legislature, as
22 it may deem necessary.

23 "(c) The ~~committee~~ Joint Committee on Legislative
24 Operations shall engage in such activities as it deems
25 necessary for the preparation and formulation of a
26 reapportionment plan for the next ensuing reapportionment and
27 each reapportionment thereafter, and readjustment or

1 alteration of Senate and House districts and of congressional
2 districts of the state.

3 "(d) The ~~committee shall have authority to~~ Joint
4 Committee on Legislative Operations may employ consultants,
5 technicians, attorneys and any other experts needed to prepare
6 maps and make professional appearances to support any plan of
7 reapportionment adopted by the Legislature. Such expenses of
8 the committee shall be paid out of any funds appropriated by
9 the Legislature for the use of the committee.

10 "(e) The ~~committee is hereby authorized and~~
11 ~~empowered to~~ Joint Committee on Legislative Operations may
12 make and sign any agreements and to do and perform any acts
13 that may be necessary, desirable or proper to carry out the
14 purposes and objectives of the provisions herein set forth.

15 "(f) The ~~committee~~ Joint Committee on Legislative
16 Operations may complete any contract executed and conduct any
17 business undertaken or commenced by the Legislature pertaining
18 to or connected with the reapportionment and readjustment or
19 alteration of Senate and House and congressional districts
20 prior to the enactment of this article, and the same shall be
21 completed and conducted in the same manner and under the same
22 terms and conditions and with the same effect as if completed
23 and conducted by the Legislature.

24 "(g) The ~~committee~~ Joint Committee on Legislative
25 Operations may meet within and without the state, hold public
26 hearings and otherwise have all of the powers of a legislative
27 committee under the legislative law.

1 "(h) The ~~committee~~ Joint Committee on Legislative
2 Operations may request and receive from any court, department,
3 division, board or bureau, commission, or agency of the state
4 or any political subdivision thereof such assistance and data
5 as will enable it to properly carry out its powers and duties
6 hereunder.

7 "§29-2-200.

8 "(a) The Joint Committee on Legislative Operations
9 succeeds to the powers and duties of the Legislative Building
10 Authority is created as a continuing permanent committee of
11 the Legislature.

12 "~~(b) The authority shall consist of three members of~~
13 ~~the Senate appointed by the President Pro Tempore of the~~
14 ~~Senate and three members of the House of Representatives~~
15 ~~appointed by the Speaker of the House of Representatives.~~

16 "~~(c) The membership of the authority shall be~~
17 ~~inclusive and reflect the racial, gender, geographic, urban~~
18 ~~and rural, and economic diversity of the state.~~

19 "~~(d) Initial members of the authority shall be~~
20 ~~appointed after June 14, 2007. Thereafter members of the~~
21 ~~authority shall be appointed by the incoming President Pro~~
22 ~~Tempore of the Senate and the incoming Speaker of the House of~~
23 ~~Representatives after the election of such officers for each~~
24 ~~legislative term. Members shall serve a term concurrent with~~
25 ~~the legislative term of office.~~

26 "~~(e) Members of the authority may serve on the~~
27 ~~authority during the term in which appointed, and if reelected~~

1 to the same house without a break in service to that house,
2 during the succeeding legislative term until a successor on
3 the authority is appointed.

4 "(f) Vacancies shall be filled by the appointing
5 authority who appointed the vacating member for the remainder
6 of the vacated term.

7 "(g) The initial meeting of the authority for each
8 legislative term shall be called by either the President Pro
9 Tempore of the Senate or the Speaker of the House of
10 Representatives. The authority shall elect a chair and a vice
11 chair at such initial meeting and adopt appropriate
12 procedures.

13 "(h) Each member of the authority shall be entitled
14 to his or her regular legislative compensation, his or her per
15 diem, and travel expenses for each day he or she attends a
16 meeting of the authority. Upon requisitions signed by the
17 chair of the authority, these payments shall be paid out of
18 any funds appropriated to the use of the Legislature by means
19 of warrants drawn by the state Comptroller on the State
20 Treasury. Notwithstanding the foregoing, no member shall
21 receive additional legislative compensation or per diem when
22 the Legislature is in session or if a member is being paid any
23 other payments on the same dates for attendance on other state
24 business.

25 "(i) (b) The powers and duties of the authority joint
26 committee shall include all of the following:

27 "(1) ~~Accept~~ Accepting title to State House property.

1 "(2) ~~Provide~~ Providing for the management and
2 supervision, administration, improvement, equipping,
3 operation, and maintenance of such State House property.

4 "(3) ~~Take~~ Taking any other action considered
5 necessary by the ~~authority~~ committee to ensure sufficient
6 space and facilities for the functions of the Legislative
7 Department.

8 "§29-2-201.

9 "(a) (1) For purposes of this article, State House
10 property means the real property bordered by Union Street,
11 McDowell Lee Lane, Ripley Street, and Washington Avenue and
12 the building, parking deck, and improvements located thereon.

13 "(2) The Alabama Building Renovation Finance
14 Authority, hereafter referred to as ABRFA, created pursuant to
15 Article 14 (commencing with Section 41-10-450) of Chapter 10
16 of Title 41, shall execute and deliver on June 14, 2007, an
17 appropriate deed or deeds and accompanying documents conveying
18 State House property in fee simple absolute to the Legislative
19 Building Authority.

20 "(3) Upon delivery of the deed and documents, the
21 Legislative Building Authority shall be invested with all
22 rights and title to the State House property.

23 "(4) The consideration for the conveyance shall be
24 the amounts appropriated in Section 29-2-202. This
25 consideration is conclusively determined to be valuable,
26 adequate, and fair.

1 "(b) The right of reverter created in Section
2 41-10-470, in relation to the land upon which the Alabama
3 State House is situated is abolished on the date of the
4 conveyance.

5 "(c) Any statutory lien created under Section
6 41-10-472, in relation to the land upon which the Alabama
7 State House is situated is abolished on the date of the
8 conveyance.

9 "(d) The Legislative Building Authority shall be
10 vested with absolute title and control of the State House
11 property.

12 "(e) Commencing October 1, 2013, absolute title and
13 control of the State House property shall transfer to the
14 Joint Committee on Legislative Operations by operation of law.

15 "§29-4-20.

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

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

1 ~~original election to such office, whether such original~~
2 ~~election occurred prior to May 1, 1973, or otherwise. The~~
3 ~~Secretary of the Senate, after attaining continuing service~~
4 ~~status,~~ shall not participate in political activities such as
5 are prohibited by the Merit System Act in Section 36-26-38.

6 "(c) The Assistant Secretary of the Senate shall
7 serve only while the Legislature is in session. The Assistant
8 Secretary of the Senate shall be elected by a majority vote of
9 the Senate.

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

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

23 "(f) ~~The~~ With the approval of the Senate Committee on
24 Senate Administration, the Secretary of the Senate may employ
25 a chief clerk who shall be a full-time employee. The chief
26 clerk shall serve at the pleasure of the Secretary of the
27 Senate and shall be paid from funds appropriated to the

1 Legislature an amount fixed by the ~~Secretary~~ committee in
2 accordance with that of comparable positions established under
3 the State Merit System pay plan.

4 "§29-4-22.

5 "(a) The Secretary of the Senate shall be elected at
6 the beginning of the quadrennium, serve at the pleasure of the
7 Senate, and shall receive an annual salary of such amount as
8 has heretofore or as may hereafter be fixed by law, payable as
9 the salaries of other state officers or 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 ~~Senate Committee on Senate Administration shall conduct an~~
13 ~~annual in person evaluation of the performance of the~~
14 ~~Secretary of the Senate and the Assistant Secretary of the~~
15 ~~Senate.~~

16 "§29-4-25.

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

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

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

8 "§29-4-30.

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

15 "~~(b) The Clerk of the House of Representatives,~~
16 ~~after serving in that capacity for nine successive years,~~
17 ~~shall attain continuing service status and may be removed only~~
18 ~~for cause by a vote of a majority of the members elected to~~
19 ~~the House of Representatives after 10 days' notice of the~~
20 ~~intention to vote thereon together with a written notice of~~
21 ~~the cause for such removal. The service herein provided shall~~
22 ~~begin on the date of the original election to such office,~~
23 ~~whether such original election occurred prior to May 20, 1996,~~
24 ~~or otherwise. The Clerk of the House of Representatives, after~~
25 ~~attaining continuing service status, shall not participate in~~
26 ~~political activities such as are prohibited by the Merit~~
27 ~~System Act in Section 36-26-38.~~

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

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

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

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

1 "§29-4-32.

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

9 "~~(b) The compensation of the Assistant Clerk of the~~
10 ~~House of Representatives shall be fixed by the Clerk of the~~
11 ~~House of Representatives. The House Committee on House~~
12 Administration shall conduct an annual in person evaluation of
13 the performance of the Clerk of the House of Representatives
14 and the Assistant Clerk of the House of Representatives.

15 "§29-4-35.

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

1 the control and supervision of the Clerk of the House of
2 Representatives.

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

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

11 "§29-4-40.

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

22 "(b) Staff furnished pursuant to this section shall
23 be compensated as other legislative staff at rates approved by
24 the ~~elected members of the Legislative Council of the Senate~~
25 ~~and members of the Legislative Council of the House of~~
26 ~~Representatives~~ Joint Committee on Legislative Administration.

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

4 "§29-4-42.

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

14 "§29-5-2.

15 "~~There is hereby created a continuing legislative~~
16 ~~committee to be known as the Joint Fiscal Committee, whose~~
17 ~~duty it shall be to supervise the operation~~ The operations of
18 the Legislative Fiscal Office shall be supervised by the Joint
19 Committee on Legislative Operations. ~~The committee shall~~
20 ~~consist of the Chairman of the House Ways and Means Committee,~~
21 ~~three members of the House Ways and Means Committee selected~~
22 ~~by the Chairman of the House Ways and Means Committee, the~~
23 ~~Chairman of the Senate Finance and Taxation Committee, three~~
24 ~~members of the Senate Finance and Taxation Committee selected~~
25 ~~by the Chairman of the Senate Finance and Taxation Committee,~~
26 ~~the Lieutenant Governor and the Speaker of the House, whose~~
27 ~~terms shall be for the quadrennium for which they were elected~~

1 to the Legislature and until their successors have been
2 elected and qualified. The Chairman of the Senate Finance and
3 Taxation Committee shall serve as chairman of the committee,
4 and the committee shall meet at the call of the chairman or
5 any three members thereof; provided, that the committee shall
6 meet at least once each four months. Members shall be entitled
7 to transportation allowances and to their regular legislative
8 pay and per diem expenses for each day in which they are
9 actually engaged in committee work.

10 "§29-5-3.

11 "The Director of the Fiscal Office shall be selected
12 and appointed by the Joint ~~Fiscal~~ Committee on Legislative
13 Operations, upon the unanimous recommendation of the Chair of
14 the House Ways and Means Committees (Education and General
15 Fund) and the Chair of the Finance and Taxation Committees
16 (Education and General Fund). The salary of the director shall
17 be fixed by the ~~Joint Fiscal Committee~~ at a per annum gross
18 rate no less than the minimum per annum gross rate established
19 for the ~~State Budget Officer~~ committee. The director may, at
20 his selection, participate in any retirement system available
21 to state employees. The director may be removed by a majority
22 vote of the ~~Joint Fiscal Committee~~ committee or by a joint
23 resolution of the House and Senate.

24 "§29-5-4.

25 "The director shall appoint, without regard to the
26 State Merit System Law, ~~such personnel as may be necessary to~~
27 ~~carry out the duties and functions~~ of the office. The

1 ~~compensation of such personnel shall be fixed by the director~~
2 ~~in accordance with that of comparable positions established~~
3 ~~under the State Merit System pay plan.~~ The director may
4 prescribe the duties and responsibilities of the personnel of
5 the office and delegate to them authority to perform any of
6 the duties, powers, and functions imposed on the office or on
7 the director. For purposes of pay and employment benefits,
8 rights and privileges, all personnel of the office shall be
9 treated as if they were employees of the state.

10 "§29-5-13.

11 "(a) For the purposes of this section, the following
12 terms have the following meanings:

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

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

22 "(b) In addition to the reporting requirement in
23 Section 36-15-21.1, whenever litigation required to be
24 reported under Section 36-15-21.1 concerns the budget process
25 or any revenue source, the state official who is a party to
26 the litigation shall promptly notify the Chair of the Joint
27 ~~Fiscal~~ Committee on Legislative Operations, the Chair of the

1 House Ways and Means Committees (Education and General Fund)
2 and the chair of the Senate Finance and Taxation Committees
3 (Education and General Fund), and the Director of the
4 Legislative Fiscal Office.

5 "§29-7-2.

6 "The Legislative Reference Service shall be under
7 the supervision, direction, and control of an officer
8 designated as the Director of the Legislative Reference
9 Service. The director shall be appointed by the ~~Legislative~~
10 ~~Council provided for in Chapter 6 of this title~~ Joint
11 Committee on Legislative Operations at a salary determined by
12 the ~~Legislative Council~~ Joint Committee on Legislative
13 Operations, payable as the salaries of other state employees.

14 "§29-7-4.

15 "(a) The Director of the Legislative Reference
16 Service may hire, ~~either subject to the State Merit System Law~~
17 ~~or without regard to the provisions thereof,~~ staff members and
18 clerical help ~~necessary to effect the purposes of this chapter~~
19 of the Legislative Reference Service.

20 "(b) The compensation due to the officers and
21 employees employed under this section shall be certified by
22 the Director of the Legislative Reference Service to the
23 Comptroller, who shall issue his or her warrant therefor.

24 "§29-7-6.

25 "(a) The Director of the Legislative Reference
26 Service shall have all of the following powers and duties:

1 "(1) To respond to questions concerning the
2 organization and administration of state government or the
3 operation of constitutional or statutory law.

4 "(2) To render assistance in the drafting of bills
5 and amendments to bills.

6 "(3) To make studies and reports on problems of
7 state and local government in Alabama, either upon request or
8 on his or her own initiative.

9 "(4) To conduct a continuous analysis of the scope,
10 effect, and methods of federal, state, and local government
11 operations in Alabama and make those recommendations to the
12 Legislative Council as he or she determines to be appropriate.

13 "(5) To prepare, when directed by the Legislature, a
14 compilation or code of the statutes of Alabama.

15 "(6) To act as Code Commissioner in determining the
16 content of the code and any supplements thereto and to prepare
17 an annual codification bill to adopt changes to the code
18 enacted at prior sessions of the Legislature.

19 "(7) To enter into a printing contract on behalf of
20 the State of Alabama, when approved and directed by the
21 ~~Legislative Council~~ Joint Committee on Legislative Operations,
22 to publish the official code of the statutes of Alabama.

23 "(8) To perform any other tasks related to service
24 to the Legislature of Alabama as may be required by the
25 ~~Legislative Council~~ Joint Committee on Legislative Operations.

26 "(b) Requests for assistance under subdivisions (1)
27 and (3) of subsection (a) shall be prepared only for a member

1 of the Legislature or the Lieutenant Governor, or a person
2 authorized by a member of the Legislature or the Lieutenant
3 Governor. Requests for assistance under subdivision (2) of
4 subsection (a) shall be prepared only for a member of the
5 Legislature, the Lieutenant Governor, or the Governor, or a
6 person authorized by a member of the Legislature, the
7 Lieutenant Governor, or the Governor. A request for assistance
8 made by a member of the ~~Legislative Council~~ Joint Committee on
9 Legislative Operations or a person authorized by a member of
10 the ~~Legislative Council~~ Joint Committee on Legislative
11 Operations shall be given priority over any other request. A
12 request for assistance made by a member of the Legislature or
13 a person authorized by a member of the Legislature shall be
14 given priority over any other requests other than by members
15 of the ~~Legislative Council~~ Joint Committee on Legislative
16 Operations. The director may respond to other requests for
17 assistance, including, but not limited to, requests from other
18 state governments, as he or she determines to be in the best
19 interests of the state.

20 "(c) (1) Communications concerning a request for
21 assistance between the director and each officer and employee
22 of the Legislative Reference Service and an individual
23 authorized by this section to make a request for assistance
24 shall be privileged and confidential. When responding to a
25 request for assistance, the director and each officer and
26 employee of the Legislative Reference Service shall maintain
27 this privilege. All requests for assistance and the contents

1 thereof, including, but not limited to, the fact a request was
2 made, any materials related to the request, and any work
3 product related to or arising from the request, shall be
4 confidential and privileged until this privilege is waived.
5 The privilege is waived when the Legislative Reference Service
6 receives instructions to release the material from the member
7 of the Legislature in whose name the request for assistance
8 was made, or the Lieutenant Governor for a request for
9 assistance made in the name of the Lieutenant Governor, or the
10 Governor for a request for assistance made in the name of the
11 Governor.

12 "(2) The introduction of a bill prepared by the
13 Legislative Reference Service is a waiver of the privilege
14 imposed by this subsection only with respect to the contents
15 of the bill.

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

19 "(d) In order that the purposes of this chapter
20 shall be best served, each department and agency of State of
21 Alabama government shall furnish to the Legislative Reference
22 Service copies of all monthly, quarterly, annual, biennial,
23 quadrennial, and other regular reports which it is required by
24 law to prepare for other agents or officials of the state
25 government and copies of all printed publications that it
26 issues. Each department or agency of State of Alabama
27 government shall comply with requests for supplementary

1 reports made by the Legislative Reference Service and approved
2 by the ~~Legislative Council~~ Joint Committee on Legislative
3 Operations. Each department and agency of State of Alabama
4 government shall make its internal records available to the
5 Legislative Reference Service upon request.

6 "§29-7-10.

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

21 "(b) In addition to the reporting requirement in
22 Section 36-15-21.1, whenever litigation required to be
23 reported under Section 36-15-21.1 concerns joint legislative
24 operations, the state official who is a party to the
25 litigation shall promptly notify the Chair of the ~~Legislative~~
26 ~~Council~~ Joint Committee on Legislative Operations and the
27 Director of the Legislative Reference Service.

1 "§29-8-1.

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

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

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

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

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

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

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

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

23 "~~(6)~~ (1) The Attorney General of the State of
24 Alabama or his or her designee.

25 "~~(7)~~ (2) The legal advisor to the Governor of
26 Alabama or his or her designee.

1 "~~(8)~~ (3) The ~~Chairman Chairs~~ of the Judiciary
2 Committees of the Senate and House of Representatives, ~~or any~~
3 ~~attorney appointed by either of them who is a member of the~~
4 ~~Judiciary Committee~~ provided the chair is not the President of
5 the Alabama Law Institute.

6 "(9) (4) The President ~~and Secretary~~ of the Alabama
7 State Bar.

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

9 "~~(10)~~ (6) The ~~chairman chair~~ of the junior bar
10 section of the Alabama State Bar.

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

13 "~~(12)~~ ~~The Dean of the Cumberland School of Law of~~
14 ~~Samford University.~~

15 "~~(13)~~ ~~The dean of each privately operated law school~~
16 ~~in the State of Alabama whose graduates are admitted as~~
17 ~~candidates for examination and admission to the Alabama State~~
18 ~~Bar.~~

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

20 "~~(15)~~ ~~The President and Secretary of the Alabama Law~~
21 ~~Institute.~~

22 "~~(16)~~ (7) The attorney members of the ~~Legislative~~
23 ~~Council of Alabama, together with the Secretary of the~~
24 ~~Legislative Council~~ Joint Committee on Legislative Operations.

25 "~~(17)~~ (8) Not less than three nor more than six
26 attorney members appointed by the Governor of Alabama ~~for~~
27 ~~terms to run concurrently with the term of the Governor.~~

1 "(9) The Speaker of the House.

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

3 "~~(18) The Director of the Continuing Legal Education~~
4 ~~Program sponsored by the Alabama State Bar, the University of~~
5 ~~Alabama Law School and the Cumberland School of Law of Samford~~
6 ~~University.~~

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

9 "~~(d) The elected membership shall consist of two~~
10 (11) Two members ~~who shall be~~ elected from the members of the
11 faculty of the University of Alabama School of Law, two
12 members ~~who shall be~~ elected from the members of the faculty
13 of the Cumberland Law School of Samford University, two
14 members elected from the members of the faculty of the Thomas
15 Goode Jones School of Law at Faulkner University, and six
16 practicing attorneys elected from each congressional district
17 in the state.

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

20 "~~(e) The term of office of the members of the~~
21 ~~judiciary who are ex officio members of the council shall be~~
22 ~~four years.~~ (d) The ~~other~~ ex officio members shall hold their
23 positions during their respective terms of office. The terms
24 of office of the elected members of the council shall be four
25 years. ~~The terms of office of the first elected members shall~~
26 ~~be fixed and determined by the Board of Commissioners of the~~
27 ~~Alabama State Bar and their successors shall be elected for~~

1 ~~terms of four years under such rules as the Board of~~
2 ~~Commissioners may adopt.~~ Elected members of the council shall
3 be eligible for reelection.

4 "~~(f)~~ (e) Vacancies in the elected membership created
5 by death, resignation, l or otherwise than by the expiration of
6 the terms of office shall be filled by the council under such
7 rules as it may adopt. Vacancies occurring through the
8 expiration of terms of office shall be filled by election by
9 the council under such rules as it may adopt.

10 "§29-8-2.

11 "(a) The members of the Governing Council of the
12 Alabama Law Institute shall serve without any compensation for
13 services as such. The council ~~may employ and fix and pay~~
14 ~~reasonable compensation to the director of the institute and~~
15 ~~his assistants, and may pay honoraria to members of the~~
16 ~~council~~ State Bar who perform professional services for the
17 institute, as authorized by the council.

18 "(b) The President of the Alabama Law Institute
19 shall appoint the director.

20 "§29-8-3.

21 "~~The Board of Commissioners of the Alabama State Bar~~
22 council shall adopt a plan or plans of membership in the
23 Alabama Law Institute so designed as to encourage and invite
24 the cooperation of all members of the legal profession in the
25 work of the institute.

26 "§29-8-4.

1 "The general purposes of the Alabama Law Institute
2 shall be to promote and encourage the clarification and
3 simplification of the law of Alabama to secure the better
4 administration of justice and to carry on scholarly legal
5 research and scientific legal work. To that end it shall be
6 the duty of the Alabama Law Institute to:

7 "(1) Consider needed improvements in both
8 substantive and adjective law and to make recommendations
9 concerning the same to the ~~Legislature~~ chairs and members of
10 the House Judiciary Committee and the Senate Judiciary
11 Committee.

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

15 "(3) Receive and consider suggestions from ~~judges,~~
16 ~~justices, public officials, lawyers,~~ members of the Alabama
17 State Legislature and the public generally as to defects and
18 anachronisms in the law.

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

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

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

3 "(7) Organize and conduct ~~an annual meeting~~ meetings
4 as needed within the state for scholarly discussions of
5 current problems in Alabama law, bringing together
6 representatives of the Legislature, practicing attorneys,
7 members of the bench and bar, and representatives of the law
8 teaching profession and periodically conduct training and
9 continuing education programs for public officials, including
10 providing educational material.

11 "~~Devise and carry out, through the facilities of~~
12 ~~the Legislative Reference Service and the director and~~
13 ~~employees thereof,~~ In cooperation with the Code Commissioner,
14 develop and implement a plan for continuous code ~~revisions~~
15 revision.

16 "§29-8-5.

17 "The Alabama Law Institute, in submitting reports to
18 the Legislature through the president, shall act solely in an
19 advisory capacity. ~~Its reports, studies and recommended~~
20 ~~publications shall be printed and shall be distributed by the~~
21 ~~Secretary of State in the same manner as acts of the~~
22 ~~Legislature.~~

23 "§30-3-8.

24 "(a) The Department of Human Resources, Child
25 Support Enforcement Division, may establish a program for the
26 publication, in newspapers with general circulation throughout
27 the state, of a listing of 10 child support obligors in any

1 county who are delinquent in their support payments. Each
2 publication shall display photographs of and information about
3 the 10 obligors in any county who are liable for support
4 arrearages and whose whereabouts are unknown to child support
5 agencies. Each publication shall list a toll-free telephone
6 number for the division that may be called to report
7 information regarding the whereabouts of any of the obligors
8 displayed in the publication. The department may include any
9 other information in the publication that it considers
10 appropriate.

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

18 "(1) Making a child support payment to the
19 Department of Human Resources, Child Support Enforcement
20 Division, that is at least equal to the amount of support the
21 obligor is required to pay each month under the support order
22 or a percentage of child support arrears owed by the obligor,
23 whichever amount is greater.

24 "(2) Providing the division with the obligor's
25 current address.

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

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

8 "(c) The division shall determine whether any
9 obligor whose name will be published has met all of the
10 conditions of subsection (b). If the division determines that
11 an obligor has done so, the division shall remove the obligor
12 from the list of obligors before making the final selection of
13 obligors for publication.

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

19 "(e) The Department of Human Resources, Child
20 Support Enforcement Division, shall adopt rules and
21 regulations pursuant to the Alabama Administrative Procedure
22 Act for the operation of the program. The rules shall specify
23 the following:

24 "(1) Criteria for the division to use in reviewing
25 the names of obligors for publication and for selecting the
26 delinquent obligors to be included in the publication.

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

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

5 "(4) The department must design a system of
6 safeguards which protect innocent parties. Such safeguards and
7 procedures must be approved by the ~~Legislative Council~~ Joint
8 Committee on Legislative Operations within one year of
9 passage.

10 "(5) Any other criteria necessary for the operation
11 of the program.

12 "(f) The Department of Human Resources and its
13 employees and agents and any newspaper publishing any
14 information pursuant to this section, if such actions are done
15 in a reasonable manner, shall be immune from any civil or
16 criminal liability that might otherwise be imposed or incurred
17 in carrying out the provisions of this section.

18 "§33-2-185.

19 "Docks facilities revenue bonds and refunding bonds
20 may be sold by the department from time to time in series,
21 and if sold in more than one series may all be authorized in
22 one initial order of the director with the pledges therefor
23 made in such initial order, notwithstanding that details
24 applicable to each series may be specified in the respective
25 orders under which such series are issued. Each series of the
26 docks facilities revenue bonds or refunding bonds may be sold
27 at public or private sale, as determined by the director, at

1 such price or prices as the director shall determine, and if
2 sold at public sale either on sealed bids or at public
3 auction, to the bidder whose bid reflects the lowest true
4 interest cost to the department for the series of the docks
5 facilities revenue bonds or refunding bonds being sold,
6 computed from the date of those at the time being sold to
7 their respective maturities and taking into account any
8 premium or discount named in the bid therefor; provided, that
9 if in the event of public sale of the docks facilities revenue
10 bonds or refunding bonds no bid acceptable to the department
11 is received it may reject all bids. Notice or summary notice
12 of each public sale shall be given by publication in either a
13 financial journal or a financial newspaper published in the
14 City of New York, New York, and also by publication in a
15 newspaper published in the state which is customarily
16 published not less than five days during each calendar week,
17 each of which notices or summary notices must be published at
18 least one time not less than 10 days prior to the date fixed
19 for the sale. The director may fix the terms and conditions
20 under which each such sale may be held; provided, that such
21 terms and conditions shall not conflict with any of the
22 requirements of this article. At least thirty (30) days prior
23 to the publication of notice or summary notice of the public
24 sale, the department shall notify the Governor, the Lieutenant
25 Governor, the Speaker of the House of Representatives and the
26 members of the ~~Legislative Council~~ Joint Committee on
27 Legislative Operations of the proposed use of the bond

1 proceeds from the sale of bond. Approval by the Governor of
2 the terms and conditions under which any of the docks
3 facilities revenue bonds or refunding bonds may be issued
4 shall be requisite to their validity. The Governor's approval
5 shall be in writing and shall be entered on the order of the
6 director in which the series of the docks facilities revenue
7 bonds or refunding bonds proposed to be issued are authorized
8 or sold. Such approval by the Governor may be shown on any
9 series of the docks facilities revenue bonds or refunding
10 bonds by a facsimile of his signature printed or otherwise
11 reproduced thereon when authorization of such action is
12 contained in the approval signed by him. Neither a public
13 hearing nor consent by the Department of Finance of the state
14 or any other department or agency shall be a prerequisite to
15 the issuance of any of the docks facilities revenue bonds or
16 refunding bonds.

17 "§34-14B-5.

18 "The applicant shall pay to the Building Commission
19 a registration or renewal fee of three hundred dollars (\$300)
20 per calendar year; provided, however, that the registration or
21 renewal fee may be adjusted by the Building Commission as may
22 be necessary to cover the costs and expenses of performing the
23 duties of the Building Commission as required by this chapter,
24 it being intended that the registration and renewal fees shall
25 not produce a profit to the State of Alabama. Prior to any
26 adjustment to the registration or renewal fee, the Building
27 Commission shall certify to the ~~Legislative Council of the~~

1 ~~Legislature~~ Joint Committee on Legislative Operations that the
2 adjustment is necessary in order to comply with the provisions
3 of this chapter. All moneys received by the Building
4 Commission pursuant to this chapter shall be used to
5 administer this chapter.

6 "§36-7-24.

7 "(a) The departments and agencies of the State of
8 Alabama are hereby authorized to prepay to employees of those
9 departments and agencies an amount of money to be determined
10 by the appointing authority of the various departments and
11 agencies to pay necessary travel expenses for any one period
12 of travel for such employees on authorized official state
13 business inside or outside the State of Alabama. Such payment
14 shall be made in accordance with rules and regulations
15 promulgated by the state Comptroller and approved by the Chief
16 Examiner of Public Accounts. Provided, that the state
17 Comptroller, in accordance with the procedure provided above,
18 shall establish the maximum amount that may be prepaid for any
19 officer or employee for any one period of travel.

20 "(b) The Department of Examiners of Public Accounts
21 shall examine the expenditure of funds used in accordance with
22 subsection (a) annually and report its findings to the Joint
23 ~~Legislative~~ Committee on ~~Public Accounts~~ Legislative
24 Operations.

25 "§36-7-25.

26 "(a) The state Comptroller, with the approval of the
27 Chief Examiner of Public Accounts, may adopt rules and

1 regulations to provide for the prepayment of travel expenses
2 for state officers and employees traveling on authorized
3 official state business. No traveler shall have expenses for
4 any one period of travel prepaid ~~for him~~ in excess of any
5 amount established according to the rules and regulations
6 provided above, provided, that the amount of expenses
7 authorized to be prepaid for any one period of travel may vary
8 based on the needs of the various state departments and
9 agencies.

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

15 "§36-13-30.

16 "There is hereby created in the State Treasury a
17 fund to be known as the Governor's Contingency Fund. ~~Said~~ The
18 fund shall be expended under the direction of the Governor, at
19 ~~his~~ the discretion of the Governor, and shall be accounted for
20 by ~~him~~ the Governor to the Legislature at each session;
21 provided, however, that the Governor shall file with the
22 ~~Legislative Council~~ Joint Committee on Legislative Operations
23 on a monthly basis a list of all expenditures made ~~by him~~ from
24 ~~said~~ the fund.

25 "§36-25-4.2.

26 "(a) At the beginning of each legislative
27 quadrennium, the State Ethics Commission shall provide for and

1 administer training programs on the State Ethics Law for
2 members of the Legislature, state constitutional officers,
3 cabinet officers, executive staff, municipal mayors, council
4 members and commissioners, county commissioners, and
5 lobbyists.

6 "(1) The training program for legislators shall be
7 held at least once at the beginning of each quadrennium for
8 members of the Legislature. An additional training program
9 shall be held if any changes are made to this chapter, and
10 shall be held within three months of the effective date of the
11 changes. The time and place of the training programs shall be
12 determined by the Executive Director of the State Ethics
13 Commission and the ~~Legislative Council~~ Joint Committee on
14 Legislative Operations. Each legislator must attend the
15 training programs. The State Ethics Commission shall also
16 provide a mandatory program for any legislator elected in a
17 special election within three months of the date that the
18 legislator assumes office.

19 "(2) The training program for the state
20 constitutional officers, cabinet members, and executive staff,
21 as determined by the Governor, shall be held within the first
22 30 days after the Governor has been sworn into office. An
23 additional training program shall be held if any changes are
24 made to this chapter, and shall be held within three months of
25 the effective date of the changes. The specific date of the
26 training program shall be established by the Executive

1 Director of the State Ethics Commission with the advice of the
2 Governor and other constitutional officers.

3 "(3) The training program for lobbyists shall be
4 held four times annually as designated by the Executive
5 Director of the State Ethics Commission, the first of which
6 shall be held within the first 30 days of the year. Each
7 lobbyist must attend a training program within 90 days of
8 registering as a lobbyist. A lobbyist who fails to attend a
9 training program shall not be allowed to lobby the
10 Legislature, Executive Branch, Judicial Branch, public
11 officials, or public employees. After attending one training
12 program, a lobbyist shall not be required to attend an
13 additional training program unless any changes are made to
14 this chapter. Such additional mandatory training program shall
15 be held within three months of the effective date of the
16 changes.

17 "(4) All municipal mayors, council members and
18 commissioners, county commissioners, and members of any local
19 board of education in office as of January 1, 2011, shall
20 obtain training within 120 days of that date. Thereafter, all
21 municipal mayors, council members and commissioners, and
22 county commissioners shall obtain training within 120 days of
23 being sworn into office. Training shall be available online
24 and may be conducted either online or in person. Evidence of
25 completion of the training shall be provided to the commission
26 via an electronic reporting system provided on the official
27 website. The scheduling of training opportunities for

1 municipal mayors, council members and commissioners, and
2 county commissioners shall be established by the Executive
3 Director of the State Ethics Commission with the advice and
4 assistance of the Alabama League of Municipalities and the
5 Association of County Commissions of Alabama. Any provision of
6 this section to the contrary notwithstanding, the training for
7 county commissioners required by this subdivision shall be
8 satisfied by the successful completion of the 10-hour course
9 on ethical requirements of public officials provided by the
10 Alabama Local Government Training Institute established
11 pursuant to Article 2 of Chapter 3 of Title 11. The Alabama
12 Local Government Training Institute shall quarterly provide
13 written notice to the State Ethics Commission the names of
14 those county commissioners completing the institute's program.

15 "(b) The curriculum of each session and faculty for
16 the training program shall be determined by the Executive
17 Director of the State Ethics Commission. The curriculum shall
18 include, but not be limited to, a review of the current law, a
19 discussion of actual cases and advisory opinions on which the
20 State Ethics Commission has ruled, and a question and answer
21 period for attendees. The faculty for the training program may
22 include the staff of the State Ethics Commission, members of
23 the faculties of the various law schools in the state, and
24 other persons deemed appropriate by the Executive Director of
25 the State Ethics Commission and shall include experts in the
26 field of ethics law, persons affected by the ethics law, and
27 members of the press and media.

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

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

8 "(e) All public employees required to file the
9 Statement of Economic Interests required by Section 36-25-14,
10 no later than May 1, 2011, shall participate in an online
11 educational review of the Alabama Ethics Law provided on the
12 official website of the commission. Employees hired after
13 January 1, 2011, shall have 90 days to comply with this
14 subsection. Evidence of completion of the educational review
15 shall be provided to the commission via an electronic
16 reporting system provided on the official website.

17 "§38-7A-4.

18 "The commission may publicize and hold public
19 hearings and review suggestions from parents of children
20 utilizing child care services, providers of the services, and
21 other interested parties, including representatives of
22 nongovernmental entities, child development specialists, and
23 professionals in child care related fields. The commission
24 shall make an annual written report to the ~~Legislative Council~~
25 Joint Committee on Legislative Operations, the Governor, and
26 the Department of Human Resources of its findings and
27 recommendations in regard to issues affecting licensed child

1 day care. The report shall be made available to the public
2 upon the payment of reasonable costs for providing a copy
3 thereof.

4 "§40-2-9.

5 "The Department of Revenue is hereby authorized to
6 prepay to employees of the department an amount of money to be
7 determined by the Commissioner of Revenue to pay necessary
8 travel expenses for such employees on authorized official
9 state business outside the State of Alabama. Such payment
10 shall be made in accordance with rules and regulations
11 promulgated by the Commissioner of Revenue and approved by the
12 Governor and the Chief Examiner of Public Accounts. No
13 traveler shall have expenses prepaid in excess of four
14 thousand dollars (\$4,000) for any one period of travel, nor
15 shall the expenses so prepaid exceed twenty thousand dollars
16 (\$20,000) in the aggregate for all travelers at any time.

17 "The Department of Examiners of Public Accounts
18 shall examine the expenditure of funds used in accordance with
19 this section annually and report its findings to the
20 ~~Legislative~~ Joint Committee on ~~Public Accounts~~ Legislative
21 Operations.

22 "§40-23-203.

23 "(a) The commission shall make a preliminary written
24 report of its recommended implementation plan regarding
25 necessary systems and programs within three months of the
26 initial meeting of the commission. The preliminary report
27 approved by the commission shall be distributed for comment to

1 the department, all Alabama counties and municipalities, the
2 Business Council of Alabama, and the Alabama Retail
3 Association. The report shall also be posted on the website of
4 the Department of Revenue at all times during the comment
5 period with information about how persons or entities can
6 provide comment to the commission. Any comments from persons,
7 entities, and organizations shall be submitted in writing to
8 the commission within 45 days of the date distributed and
9 posted. The commission shall review all written comments and
10 make changes to its preliminary report as it deems
11 appropriate.

12 "(b) The commission shall make and file with the
13 Legislature a final written report of its recommended
14 implementation and administrative supervision of needed
15 systems, programs, and procedures necessary to bring the state
16 into compliance with the agreement no later than the fifth
17 legislative day of the 2012 Regular Session of the
18 Legislature. The report shall include proposed plans and
19 estimated costs for implementation of the systems identified
20 and developed pursuant to Section 40-23-202.

21 "(c) If ratified and approved by the ~~Legislative~~
22 ~~Council~~ Joint Committee on Legislative Operations, the
23 recommendations of the commission shall be implemented and
24 administered only in the event that federal legislation
25 adopting the Streamline Sales and Use Tax Agreement or the
26 general concepts of the agreement which include a requirement

1 that remote sellers collect and remit sales and use taxes to
2 member states, becomes law.

3 "§41-5-3.

4 "(a) The affairs of the department shall be
5 administered by a Chief Examiner, whose actions shall be
6 supervised and controlled by ~~a Legislative~~ the Joint Committee
7 on ~~Public Accounts~~ Legislative Operations. ~~The~~ At the end of
8 the term of the Chief Examiner of Public Accounts serving on
9 the effective date of this act adding this provision or upon a
10 vacancy in the office of Chief Examiner prior to that date,
11 the Chief Examiner shall be selected and appointed by the
12 ~~Legislative~~ Joint Committee on ~~Public Accounts~~ Legislative
13 Operations to serve for a term of ~~seven~~ four years and until
14 ~~his~~ a successor is appointed and qualified. ~~The first of such~~
15 ~~terms shall commence on October 1, 1947, and such officer~~
16 ~~shall be eligible for reappointment to such office for such~~
17 ~~subsequent term of like duration as shall be deemed~~
18 ~~appropriate by the Legislative Committee on Public Accounts.~~
19 Vacancies in the office of Chief Examiner arising from any
20 cause shall be filled by the ~~Legislative Committee on Public~~
21 ~~Accounts~~ committee, the person so appointed to hold office for
22 the unexpired term of ~~his~~ the predecessor. Every appointment
23 of the Chief Examiner shall be subject to confirmation by the
24 Senate at the first regular or special session of the
25 Legislature held thereafter; provided, however, that this
26 shall not affect the right or authority of the Chief Examiner
27 to act pending senatorial confirmation or rejection.

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

9 "§41-5-6.

10 "The Chief Examiner shall be the executive and
11 administrative head of the department and shall have the power
12 and duty to do all of the following:

13 "(1) Exercise general supervision of and make
14 regulations for the ~~government~~ governance of the department~~7~~.

15 "(2) Prescribe uniform rules pertaining to
16 investigations, examinations, audits and departmental
17 hearings~~7~~.

18 "(3) Supervise the fiscal affairs and
19 responsibilities of the department as the Joint Committee on
20 Legislative Operations shall provide~~7~~.

21 "(4) Appoint and remove the officers and employees
22 of the department, subject to the provisions of the Merit
23 System Act and the rules and regulations issued pursuant
24 thereto;~~7~~.

25 "~~(5) Keep an accurate and complete record of all~~
26 ~~departmental proceedings, record and file all bonds, reports~~
27 ~~and other documents and assume responsibility for the custody~~

1 and preservation of all papers and documents of the
2 department;

3 "~~(6)~~(5) Make recommendations and an annual report to
4 the Governor and to the ~~Legislative~~ Joint Committee on ~~Public~~
5 ~~Accounts~~ Legislative Operations concerning the condition,
6 operation, functioning and findings of the department~~;~~.

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

10 "~~(8)~~(7) Exercise any other power necessary to
11 expedite the making of thorough and accurate audits of the
12 accounts of all persons receiving or disbursing public funds~~;~~.

13 "~~(9)~~(8) Examine and audit the books, accounts and
14 records of all state and county offices, officers, bureaus,
15 boards, commissions, corporations, departments and agencies~~;~~.

16 "~~(10)~~(9) Prepare, except with respect to county
17 boards of education, such bookkeeping, accounting and
18 reporting systems, procedures, records and forms as may be
19 necessary to install a uniform system of accounting and
20 reporting in the various state and county offices~~;~~.

21 "~~(11)~~(10) Report to the ~~Legislative~~ Joint Committee
22 on ~~Public Accounts~~ Legislative Operations and the Governor
23 every expenditure or contract found to have been made in
24 violation of law~~;~~.

25 "~~(12)~~(11) Prepare, for use by the county boards of
26 education, such bookkeeping, accounting and reporting systems,
27 procedures, records and forms as may be necessary to the

1 installation of a uniform system of accounting and reporting
2 by the several county boards of education, install such
3 bookkeeping, accounting and reporting systems in and for such
4 county boards of education and exercise and maintain
5 continuing supervision thereof; ~~and.~~

6 "~~(13)~~ (12) Prepare and furnish to the chairmen of the
7 county commissions of the several counties of the state a
8 fiscal statement of each county, as of the end of each fiscal
9 year, said statement showing receipts, disbursements,
10 outstanding indebtedness and securities owned of and by each
11 of the several counties.

12 "§41-5-9.

13 "(a) ~~The~~ At the end of the term of the Chief
14 Examiner of Public Accounts serving on the effective date of
15 the act adding this provision or upon a vacancy in the office
16 of the Chief Examiner prior to that date, the salary of the
17 Chief Examiner of ~~public accounts~~ Public Accounts shall be
18 fixed from time to time by the ~~Legislative~~ Joint Committee on
19 ~~Public Accounts~~ Legislative Operations.

20 "(b) ~~The salary of the assistant chief examiner~~
21 ~~shall be fixed by the Chief Examiner at an amount not to~~
22 ~~exceed \$1,000.00 less than the amount fixed by the Legislative~~
23 ~~Committee on Public Accounts as the salary for the Chief~~
24 ~~Examiner.~~ The salary of the Assistant Chief Examiner shall be
25 fixed by the Chief Examiner at an amount approved by the Joint
26 Committee on Legislative Operations.

1 "(c) The compensation for the Chief Examiner and the
2 assistant chief examiner shall be paid out of funds
3 appropriated to the Department of Examiners of Public Accounts
4 and in the same manner as salaries of other officers and
5 employees are paid.

6 "§41-9-374.

7 "(a) From funds appropriated to the commission, the
8 commission shall:

9 "(1) Reimburse members of the commission who are not
10 members of the Legislature for their necessary expenses in
11 performing the duties of their offices.

12 "(2) Pay the cost of printing the commission's
13 reports.

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

17 "(b) The amount of expenses and dues shall be
18 certified to the state Comptroller by the chair of the
19 commission, and the state Comptroller shall draw warrants and
20 the State Treasurer shall pay the warrants for these purposes.

21 "~~(c) For performing their duty as a member of the~~
22 ~~commission, members of the commission who are members of the~~
23 ~~Legislature shall receive, from funds appropriated to the~~
24 ~~Legislature, the same compensation, expenses, and travel~~
25 ~~allowances as members of the Legislative Council receive for~~
26 ~~travel out-of-state on Legislative Council business.~~

27 "§41-9-715.

1 "(a) There is continuously appropriated out of funds
2 in the State Treasury, not otherwise appropriated, the sum of
3 not less than \$200,000, for the operation of the commission,
4 which funds shall be disbursed in accordance with a financial
5 management system approved by the ~~Legislative Council~~ Joint
6 Committee on Legislative Operations.

7 "(b) The commission may accept any surplus property
8 from other government agencies and shall be exempt from paying
9 the surplus property surcharge of the Alabama Department of
10 Economic and Community Affairs.

11 "§41-10-44.5.

12 "The criteria promulgated by the authority for the
13 selection of approved companies shall be subject to prior
14 approval by the ~~Legislative Council~~ Joint Committee on
15 Legislative Operations. The ~~Legislative Council~~ Joint
16 Committee on Legislative Operations shall approve or
17 disapprove the general criteria proposed by the authority
18 within 30 days after the submission of ~~said~~ the criteria to
19 the ~~Legislative Council~~ Joint Committee on Legislative
20 Operations. The authority shall report quarterly to the
21 ~~Legislative Council~~ Joint Committee on Legislative Operations
22 on each project approved pursuant to such criteria, the amount
23 of the financing provided to each approved company, the
24 projected value of the tax incentives granted to each approved
25 company, and any other specific information requested by the
26 ~~Legislative Council~~ Joint Committee on Legislative Operations.

27 "§41-16-27.

1 "(a) When purchases are required to be made through
2 competitive bidding, award shall, except as provided in
3 subsection (f), be made to the lowest responsible bidder
4 taking into consideration the qualities of the commodities
5 proposed to be supplied, their conformity with specifications,
6 the purposes for which required, the terms of delivery,
7 transportation charges and the dates of delivery provided,
8 that the awarding authority may at any time within 30 days
9 after the bids are opened negotiate and award the contract to
10 anyone, provided he secures a price at least five percent
11 under the low acceptable bid. The award of such a negotiated
12 contract shall be subject to approval by the Director of
13 Finance and the Governor, except in cases where the awarding
14 authority is a two-year or four-year college or university
15 governed by a board. The awarding authority or requisitioning
16 agency shall have the right to reject any bid if the price is
17 deemed excessive or quality of product inferior. Awards are
18 final only after approval of the Purchasing Agent.

19 "(b) The awarding authority may award multiple
20 purchase contracts resulting from a single invitation-to-bid
21 where the specifications of the items of personal property
22 intended to be purchased by a requisitioning agency or
23 agencies are determined, in whole or in part, by technical
24 compatibility and operational requirements. In order to make
25 multiple awards under this provision, the awarding authority
26 must include in the invitation-to-bid a notice that multiple
27 awards may be made and the specific technical compatibility or

1 operational requirements necessitating multiple awards.
2 Multiple awards of purchase contracts with unique technical
3 compatibility or operational specifications shall be made to
4 the lowest responsible bidder complying with the unique
5 technical compatibility or operational specifications. The
6 requisitioning agency shall provide the awarding authority
7 with the information necessary for it to determine the
8 necessity for the award of multiple purchase contracts under
9 this provision.

10 "This subsection (b) shall not apply to contracts
11 for the purchase of personal property for which a service or
12 service contract, whether subject to competitive bidding under
13 this article or not, is necessary to utilize the personal
14 property throughout the period of utilization of the personal
15 property.

16 "(c) Each bid, with the name of the bidder, shall be
17 entered on a record. Each record, with the successful bid
18 indicated thereon and with the reasons for the award if not
19 awarded to the lowest bidder shall, after award of the order
20 or contract, be open to public inspection.

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

26 "(e) (1) Contracts for the purchase of personal
27 property or contractual services other than personal services

1 shall be let by competitive bid for periods not greater than
2 five years ~~and current contracts existing on February 28,~~
3 ~~2006, may be extended or renewed for an additional two years~~
4 ~~with a 90-day notice of such extension or renewal given to the~~
5 ~~Legislative Council~~, however, any contract that generates
6 funds or will reduce annual costs by awarding the contract for
7 a longer term than a period of three years which is let by or
8 on behalf of a state two-year or four-year college or
9 university may be let for periods not greater than 10 years.
10 Any contract awarded pursuant to this section for terms of
11 less than 10 years may be extended for a period not to exceed
12 10 years from the initial awarding of the contract provided
13 that the terms of the contract shall not be altered or
14 renegotiated during the period for which the contract is
15 extended.

16 "(2) For purchases of personal property made on or
17 after January 1, 2010, in instances in which the awarding
18 authority determines that the total cost of ownership over the
19 expected life of the item or items, including acquisition
20 costs plus sustaining costs, and including specifically life
21 cycle costs, can be reasonably ascertained from industry
22 recognized and accepted sources, the lowest responsible bid
23 may be determined to be the bid offering the lowest life cycle
24 costs and otherwise meeting all of the conditions and
25 specifications contained in the invitation to bid. To utilize
26 this provision to determine the lowest responsible bidder, the
27 awarding authority must include a notice in the invitation to

1 bid that the lowest responsible bid may be determined by using
2 life cycle costs and identify the industry recognized and
3 accepted sources that will be applicable to such an
4 evaluation.

5 "(3) Industry recognized and accepted sources may be
6 provided by rules adopted pursuant to the Alabama
7 Administrative Procedure Act by the Green Fleets Review
8 Committee if the review committee is established and enacted
9 at the 2009 Regular Session. If the Green Fleets Review
10 Committee is not enacted at the 2009 Regular Session, the
11 Permanent Joint Legislative Committee on Energy Policy may
12 adopt rules providing industry recognized and accepted
13 sources, pursuant to the Alabama Administrative Procedure Act.

14 "(f) Contracts for the purchase of services for
15 receiving, processing, and paying claims for services rendered
16 recipients of the Alabama Medicaid program authorized under
17 Section 22-6-7 which are required to be competitively bid may
18 be awarded to the bidder whose proposal is most advantageous
19 to the state, taking into consideration cost factors, program
20 suitability factors (technical factors) including
21 understanding of program requirements, management plan,
22 excellence of program design, key personnel, corporate or
23 company resources and designated location, and other factors
24 including financial condition and capability of the bidder,
25 corporate experience and past performance and priority of the
26 business to insure the contract awarded is the best for the
27 purposes required. Each of these criteria shall be given

1 relative weight value as designated in the invitation to bid,
2 with price retaining the most significant weight.
3 Responsiveness to the bid shall be scored for each designated
4 criteria. If, for reasons cited above, the bid selected is not
5 from the lowest bidding contractor, the Alabama Medicaid
6 Agency shall present its reasons for not recommending award to
7 the low bidder to the Medicaid Interim Committee. The
8 committee shall evaluate the findings of the Alabama Medicaid
9 Agency and must, by resolution, approve the action of the
10 awarding authority before final awarding of any such contract.
11 The committee shall also hear any valid appeals against the
12 recommendation of the Alabama Medicaid Agency from the low bid
13 contractor(s) whose bid was not selected.

14 "(g) Notwithstanding the requirements under Sections
15 41-16-20, 41-16-21, and this section, contractual services and
16 purchases of personal property regarding the athletic
17 department, food services, and transit services negotiated on
18 behalf of two-year and four-year colleges and universities may
19 be awarded without competitive bidding provided that no state
20 revenues, appropriations, or other state funds are expended or
21 committed and when it is deemed by the respective board that
22 financial benefits will accrue to the institution, except that
23 in the cases where an Alabama business entity as defined by
24 this section is available to supply the product or service
25 they will have preference unless the product or service
26 supplied by a foreign corporation is substantially different
27 or superior to the product or service supplied by the Alabama

1 business entity. However, the terms and conditions of any of
2 the services or purchases which are contracted through
3 negotiation without being competitively bid and the name and
4 address of the recipient of such a contract shall be
5 advertised in a newspaper of general circulation in the
6 municipality in which the college or university is located
7 once a week for two consecutive weeks commencing no later than
8 10 days after the date of the contract. For the purposes of
9 this section, the term Alabama business entity shall mean any
10 sole proprietorship, partnership, or corporation organized in
11 the State of Alabama.

12 "(h) (1) For purchases of motor vehicles by the state
13 made on or after January 1, 2010, the lowest responsible bid
14 may be determined to be a bid offering the lowest life cycle
15 costs, if it is determined that the total cost of ownership
16 over the expected life of a motor vehicle, including
17 acquisition costs plus maintenance costs, including
18 specifically life cycle costs, can be reasonably ascertained
19 from industry recognized and accepted sources. The lowest
20 responsible bid shall otherwise meet all of the conditions and
21 specifications contained in the invitation to bid. To utilize
22 this provision to determine the lowest responsible bidder, the
23 state must include a notice in the invitation to bid that the
24 lowest responsible bid may be determined by using life cycle
25 costs and identify the industry recognized and accepted
26 sources that will be applicable to such an evaluation.

1 "(2) Industry recognized and accepted sources may be
2 provided by rules adopted pursuant to the Alabama
3 Administrative Procedure Act by the Green Fleets Review
4 Committee if the review committee is established and enacted
5 at the 2009 Regular Session. If the Green Fleets Review
6 Committee is not enacted at the 2009 Regular Session, the
7 Permanent Joint Legislative Committee on Energy Policy may
8 adopt rules providing industry recognized and accepted sources
9 pursuant to the Alabama Administrative Procedure Act.

10 "(i) When a single invitation-to-bid specifies a set
11 of deliverables that would be capable of division into
12 separate, independent contracts, the awarding authority, at
13 its discretion, may award a secondary contract for any subset
14 of such deliverables, not to exceed 20 percent of the original
15 contract value, to any Alabama business certified under the
16 Federal HUBZone program whose properly submitted responsible
17 bid does not exceed five percent of the lowest responsible
18 bid. In order to make a secondary award under this provision,
19 the awarding authority shall include in the invitation-to-bid
20 a notice that a secondary award may be made.

21 "§41-16-82.

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

25 "(b) All persons who, for the purpose of direct
26 financial gain, submit a proposal, bid, contract, or grant
27 proposal to the State of Alabama, shall include a disclosure

1 statement developed by the Attorney General and approved by
2 the ~~Legislative Council~~ Joint Committee on Legislative
3 Operations. The disclosure statement shall not be required for
4 contracts for gas, water, and electric services where no
5 competition exists, or where rates are fixed by law or
6 ordinance. In circumstances where a contract is awarded by
7 competitive bid, the disclosure statement shall be required
8 only from the person receiving the contract and shall be
9 submitted within 10 days of the award.

10 "§41-19-3.

11 "It is the purpose of this chapter to establish a
12 comprehensive system for budgeting and financial management
13 which furthers the capacity of the Governor and the
14 Legislature to plan and finance the services which they
15 determine the state will provide for citizens. The system
16 shall include procedures for all of the following:

17 "(1) The orderly establishment, continuing review,
18 and periodic revision of the program and financial goals and
19 policies of the state.

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

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

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

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

6 "To this end, each Governor shall develop a
7 four-year strategic plan for presentation to the Legislature
8 prior to the first day of the second regular legislative
9 session in each term of office. The plan shall include
10 program, long-range revenue and expenditure plans for the
11 quadrennium, improvements in the state infrastructure
12 requiring capital outlay, and recommended steps to reduce the
13 cost of operation of state government. ~~In addition, the plan
14 shall include a pilot phase of implementation for
15 performance-based budgeting with one or more state agencies.
16 The Joint Fiscal Committee and the Governor shall jointly
17 select state agencies to participate in said pilot phase for
18 the 1996-97 fiscal year.~~

19 "§41-19-3.1.

20 "The Joint ~~Fiscal~~ Committee on Legislative
21 Operations shall serve in an advisory capacity to the Governor
22 in the development of the long-range program, revenue and
23 expenditure plans. The Joint ~~Fiscal~~ Committee on Legislative
24 Operations shall be aided by the Legislative Fiscal Office.
25 ~~Members of the Joint Fiscal Committee shall be compensated as
26 provided for in Section 29-5-2.~~

27 "§41-20-4.

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

3 "(b) Three members of the House and three members of
4 the Senate shall be elected ~~in the same manner as the elected~~
5 ~~members of the Legislative Council~~ by the respective houses:
6 two from the Alabama Senate and two from the Alabama House of
7 Representatives shall be appointed by the presiding officer of
8 ~~said~~ the elected bodies; and the President Pro Tempore of the
9 Senate and the Speaker Pro Tem of the House of
10 Representatives. The chairman shall be elected from among the
11 members of the committee, alternating annually between a House
12 member and a Senate member. Any vacancy in the Sunset
13 Committee shall be filled through appointment by the presiding
14 officer of the elected body having the vacancy.

15 "(c) ~~Said~~ The select joint committee shall be
16 charged with the duty of assisting in the implementation of
17 the procedures of this chapter and shall be charged with the
18 duty of establishing administrative procedures which shall
19 facilitate the review and the evaluation procedure as provided
20 for in this chapter.

21 "(d) The Sunset committee shall submit its report
22 and any accompanying legislation to the offices of the speaker
23 and the president for distribution to legislators and the
24 Governor on or before the first legislative day of the ensuing
25 regular legislative session.

26 "(e) The Sunset committee members shall be entitled
27 to their usual legislative per diem and expenses for attending

1 meetings of the committee, which shall be paid from funds
2 appropriated for the payment of the expenses of the
3 Legislature. There shall be no limitation upon the number of
4 days the Sunset committee or any subcommittee thereof shall
5 meet; provided, however, the members shall be entitled to
6 payment only for the days they are actually engaged in
7 committee business.

8 "§41-21-4.

9 "(a) Any contract to publish the official code of
10 the statutes of Alabama under Section 29-7-6 may relate to any
11 medium or form of the code and shall not be subject to the
12 competitive bid laws of the state, including, but not limited
13 to, Article 2 (commencing with Section 41-16-20) and Article 3
14 (commencing with Section 41-16-50) of Chapter 16 of this
15 title.

16 "(b) A person under contract with the state to
17 publish the official code of the statutes of Alabama may sell
18 the code or any portion of the code, in any form or medium,
19 pursuant to the contract to any person, firm, or corporation
20 within or outside the state, if it is sold at prices
21 determined and fixed by the publisher and the ~~Legislative~~
22 Council Joint Committee on Legislative Operations.

23 "§41-21-7.

24 "The Code Commissioner may contract for the
25 preparation and publication of a compilation or abridgment in
26 any form or medium of those sections of the Code of Alabama
27 relating to a specific agency, department, institution,

1 bureau, board, commission, or subject which, in the opinion
2 of the ~~Legislative Council~~ Joint Committee on Legislative
3 Operations, is essential to the effective performance of the
4 duties of the agency, department, institution, bureau, board,
5 or commission requesting the publication. A contract for the
6 publication of a compilation or abridgment may be entered into
7 only after funds have been appropriated or are otherwise
8 available to the agency, department, institution, bureau,
9 board, or commission for the publication. The compilation may
10 be completely indexed and may include the annotations to the
11 sections of the code included in the compilation.

12 "§41-22-3.

13 "The following words and phrases when used in this
14 chapter shall, for the purpose of this chapter, have meanings
15 respectively ascribed to them in this section, except when the
16 context otherwise requires:

17 "(1) AGENCY. Every board, bureau, commission,
18 department, officer, or other administrative office or unit of
19 the state, including the Alabama Department of Environmental
20 Management, other than the Legislature and its agencies, the
21 Alabama State Port Authority, the courts, the Alabama Public
22 Service Commission, or the State Banking Department, whose
23 administrative procedures are governed by Sections 5-2A-8 and
24 5-2A-9. The term shall not include boards of trustees of
25 postsecondary institutions, counties, municipalities, or any
26 agencies of local governmental units, unless they are

1 expressly made subject to this chapter by general or special
2 law.

3 "(2) COMMITTEE. The Joint Committee on
4 ~~Administrative Regulation Review shall be the members of the~~
5 ~~Legislative Council~~ Legislative Operations.

6 "(3) CONTESTED CASE. A proceeding, including but not
7 restricted to ratemaking, price fixing, and licensing, in
8 which the legal rights, duties, or privileges of a party are
9 required by law to be determined by an agency after an
10 opportunity for hearing. The term shall not include
11 intra-agency personnel actions; shall not include those
12 hearings or proceedings in which the Alabama Board of Pardons
13 and Paroles considers the granting or denial of pardons,
14 paroles or restoration of civil and political rights or
15 remission of fines and forfeitures; and which are exempt from
16 Sections 41-22-12 through 41-22-21, relating to contested
17 cases.

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

23 "(5) LICENSING. The agency process respecting the
24 grant, denial, renewal, revocation, suspension, annulment,
25 withdrawal, or amendment of a license or imposition of terms
26 for the exercise of a license.

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

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

12 "(8) QUORUM. No less than a majority of the members
13 of a multimember agency shall constitute a quorum authorized
14 to act in the name of the agency, unless provided otherwise by
15 statute.

16 "(9) RULE. Each agency regulation, standard, or
17 statement of general applicability that implements,
18 interprets, or prescribes law or policy, or that describes the
19 organization, procedure, or practice requirements of any
20 agency and includes any form which imposes any requirement or
21 solicits any information not specifically required by statute
22 or by an existing rule or by federal statute or by federal
23 rule or regulation; provided, however, all forms shall be
24 filed with the secretary of the agency and with the
25 Legislative Reference Service and all forms, except
26 intergovernmental, interagency, and intra-agency forms which
27 do not affect the rights of the public and emergency forms

1 adopted pursuant to Section 41-22-5, shall be published in the
2 Agency Administrative Code. The term includes the amendment or
3 repeal of all existing rules, but does not include any of the
4 following:

5 "a. Statements concerning only the internal
6 management of an agency and not affecting private rights or
7 procedures available to the public.

8 "b. Declaratory rulings issued pursuant to Section
9 41-22-11.

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

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

16 "e. An order which is directed to a specifically
17 named person or to a group of specifically named persons which
18 does not constitute a general class, and the order is served
19 on the person or persons to whom it is directed by the
20 appropriate means applicable thereto. The fact that the named
21 person who is being regulated serves a group of unnamed
22 persons who will be affected does not make the order a rule.

23 "f. An order which applies to a specifically
24 described tract of real estate.

25 "g. Any rules or actions relating to any of the
26 following:

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

3 "2. The curriculum of public educational
4 institutions or the admission, conduct, discipline, or
5 graduation of students of the institutions; provided, however,
6 that this exception shall not extend to rules or actions of
7 the State Department of Education.

8 "3. Opinions issued by the Attorney General of the
9 State of Alabama.

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

12 "5. Advisory opinions issued by the Alabama Ethics
13 Commission.

14 "6. Hunting and fishing seasons or bag or creel
15 limits promulgated by the Commissioner of the Department of
16 Conservation and Natural Resources.

17 "h. Standards, specifications, codes, plans,
18 manuals, and publications used in the design, construction,
19 repair, and maintenance of highways, roads, and bridges under
20 the jurisdiction of the Department of Transportation.

21 "§41-22-22.

22 "~~(a) There shall be a joint standing legislative~~
23 ~~committee known as the Joint Committee on Administrative~~
24 ~~Regulation Review, to The Joint Committee on Legislative~~
25 ~~Operations shall review all agency rules. ~~The committee shall~~~~
26 ~~consist of the members of the Legislative Council, including~~
27 ~~any member of the Legislative Council temporarily serving in~~

1 ~~the place of a permanent member, and shall meet on the call of~~
2 ~~the chair. The chair may name subcommittees to meet and review~~
3 ~~agency rules and report to the full committee. A quorum of the~~
4 ~~committee shall be the same as a quorum for the Legislative~~
5 ~~Council as set forth in Section 29-6-3. Members of the~~
6 ~~committee shall receive the same compensation, expenses, and~~
7 ~~transportation allowances for meetings as they receive for~~
8 ~~attendance at meetings of the Legislative Council. All~~
9 ~~compensation and expenses authorized by this section shall be~~
10 ~~paid from funds appropriated to the use of the Legislative~~
11 ~~Council.~~

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

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

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

20 "(3) Have the further duties prescribed in Section
21 41-22-23.

22 "(4) The committee shall determine and report
23 annually to the Legislature the total cost to the state
24 allocated to the implementation of this chapter.

25 "§41-22-23.

26 "(a) The notice required by subdivision (a)(1) of
27 Section 41-22-5 shall be given, in addition to the persons

1 therein named, to the chair of the legislative committee. The
2 agency shall furnish the committee with 33 copies of the
3 proposed rule or rules, and no rule, except an emergency rule
4 issued pursuant to subsection (b) of Section 41-22-5 shall be
5 effective until these copies are so furnished. Any member of
6 the Senate or House of Representatives who requests a copy of
7 proposed agency rules from the Chair of the Joint Committee on
8 ~~Administrative Regulation Review~~ Legislative Operations shall
9 be provided a copy and the agency proposing rules shall
10 furnish additional copies of the proposed rule or rules
11 immediately. The form of the proposed rule presented to the
12 committee shall be as follows: New language shall be
13 underlined and language to be deleted shall be typed and lined
14 through.

15 " (b) The committee shall study all proposed rules
16 and may hold public hearings thereon. In the event the
17 committee fails to give notice to the agency of either its
18 approval or disapproval of the proposed rule within 35 days
19 after filing of the adopted rule with the Legislative
20 Reference Service pursuant to Section 41-22-6, the committee
21 shall be deemed to have approved the proposed regulation for
22 the purposes of this section. In the event the committee
23 disapproves a proposed rule or any part thereof, it shall give
24 notice of the disapproval to the agency. Any disapproved rule
25 shall be suspended until the adjournment of the next regular
26 session of the Legislature following the date of disapproval
27 and suspension of the committee or until the Legislature shall

1 revoke, by joint resolution, the suspension of the committee.
2 The rule shall be reinstated on the adjournment of the
3 legislative session in the event the Legislature, by joint
4 resolution, fails to sustain the disapproval and suspension of
5 the committee.

6 "(c) The committee may propose an amendment to any
7 proposed rule and may disapprove the proposed rule and return
8 it to the agency with the suggested amendment. In the event
9 the agency accepts the rule as amended, the agency may
10 resubmit the rule as amended to the committee. In the event
11 the agency does not accept the amendment, the proposed amended
12 rule shall be submitted to the Legislature as disapproved, as
13 provided in Section 41-22-24.

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

20 "(e) The committee is authorized to review and
21 approve or disapprove any rule adopted prior to October 1,
22 1982.

23 "(f) A rule submitted to the committee which has an
24 economic impact shall be accompanied by a fiscal note prepared
25 by the agency in accordance with this subsection. Upon
26 receiving the fiscal note, the committee may require
27 additional information from the submitting agency, other state

1 agencies, or other sources. A state agency shall cooperate and
2 provide information to the committee. At a minimum, the fiscal
3 note submitted with a proposed rule shall include the
4 following:

5 "(1) A determination of the need for the regulation
6 and the expected benefit of the regulation.

7 "(2) A determination of the costs and benefits
8 associated with the regulation and an explanation of why the
9 regulation is considered to be the most cost effective,
10 efficient, and feasible means for allocating public and
11 private resources and for achieving the stated purpose.

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

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

16 "(5) The effect of the regulation on employment in
17 the geographical area in which the regulation would be
18 implemented.

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

21 "(7) A conclusion on the short-term and long-term
22 economic impact upon all persons substantially affected by the
23 regulation, including an analysis containing a description of
24 which persons will bear the costs of the regulation and which
25 persons will benefit directly and indirectly from the
26 regulation.

1 "(8) The uncertainties associated with the
2 estimation of particular benefits and burdens and the
3 difficulties involved in the comparison of qualitatively and
4 quantitatively dissimilar benefits and burdens. A
5 determination of the need for the regulation shall consider
6 qualitative and quantitative benefits and burdens.

7 "(9) The effect of the regulation on the environment
8 and public health.

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

11 "(g) In determining whether to approve or disapprove
12 proposed rules, the committee shall consider the following
13 criteria:

14 "(1) Would the absence of the rule or rules
15 significantly harm or endanger the public health, safety, or
16 welfare?

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

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

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

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

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

4 "(7) Any other criteria the committee may deem
5 appropriate.

6 "§41-22-24.

7 "On the first day of each regular session of the
8 Alabama Legislature the chairman of the ~~committee~~ Joint
9 Committee on Legislative Operations shall submit a joint
10 resolution sustaining the disapproval under Section 41-22-23
11 by the joint committee of any proposed regulation to each
12 house of the Legislature ~~for their study~~. Such resolution with
13 the disapproved rule attached shall be referred by the Speaker
14 of the House or the Lieutenant Governor or both to an
15 appropriate committee or committees, other than the Joint
16 Committee on ~~Administrative Regulation Review~~ Legislative
17 Operations, for consideration and such committee or committees
18 ~~shall~~ may schedule hearings thereon, if requested by an
19 affected party or the submitting agency. The Legislature may,
20 by joint resolution, sustain the disapproval of the committee
21 under Section 41-22-23. In the event the Legislature fails to
22 sustain such committee disapproval by the adjournment of the
23 next regular session of the Legislature, the rule shall be
24 reinstated."

25 Section 9. Chapter 6 (commencing with Section
26 29-6-1) of Title 29 of, and Sections 29-2-50, 29-2-51, 29-7-5,

1 41-5-18, and 41-5-19 of, the Code of Alabama 1975 are
2 repealed.

3 Section 10. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Fiscal Responsibility and Account-
ability..... 05-FEB-13

Read for the second time and placed on the calen-
dar..... 06-FEB-13

Read for the third time and passed as amended 28-FEB-13

Yeas 18
Nays 13

Patrick Harris
Secretary