

1 HB45  
2 125695-2  
3 By Representative Sanderford  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 01-MAR-11  
6 PFD: 02/25/2011

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8 SYNOPSIS: Under existing law, termination dates are  
9 established for enumerated state agencies. The  
10 agencies are periodically reviewed by the Alabama  
11 Sunset Committee. After the review process is  
12 completed, the committee prepares its  
13 recommendations for the agencies to the Legislature  
14 in the form of sunset bills which either continue,  
15 terminate, or continue with modification each  
16 agency reviewed.

17 This bill would provide for the continuance  
18 of the Polygraph Examiners Board, with the  
19 following changes: To authorize the board to  
20 establish the qualification of consultants by rule.  
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22 A BILL  
23 TO BE ENTITLED  
24 AN ACT  
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26 Relating to the Alabama Sunset Law; to continue the  
27 existence and functioning of the Polygraph Examiners Board

1 with certain modifications; to amend Section 34-25-4, Code of  
2 Alabama 1975, so as to authorize the board to establish the  
3 qualifications of consultants by rule.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Pursuant to the Alabama Sunset Law, the  
6 Sunset Committee recommends the continuance of the Polygraph  
7 Examiners Board, with the additional recommendations for  
8 statutory change as set out in Section 3.

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

13 Section 3. Section 34-25-4 of the Code of Alabama  
14 1975, is amended to read as follows:

15 "§34-25-4.

16 "(a) There is established a Polygraph Examiners  
17 Board consisting of five voting members who are citizens of  
18 the United States and residents of the state for at least two  
19 years prior to appointment, all of whom shall have been  
20 engaged for a period of four consecutive years in their  
21 profession as polygraph examiners prior to appointment to the  
22 board and engaged at the time of appointment as an active  
23 polygraph examiner. No board members may be employed by the  
24 same person or agency. Three of the board members shall be  
25 qualified polygraph examiners of a governmental law  
26 enforcement agency, and two of the board members shall be  
27 qualified polygraph examiners and Alabama residents in the

1 commercial field. Two advisory consultants, who shall possess  
2 qualifications as established by rule of the board, shall be  
3 appointed to assist the board members. The board members and  
4 advisory consultants shall be appointed by the Governor of the  
5 State of Alabama for a term of four years. Any vacancy in an  
6 unexpired term shall be filled by appointment of the Governor,  
7 with the advice and consent of the Senate, for the unexpired  
8 term. In appointing members to the board, the Governor shall  
9 select those persons whose appointments, to the extent  
10 possible, ensure that the membership of the board is inclusive  
11 and reflects the racial, gender, urban/rural, and economic  
12 diversity of the state. On April 11, 1989, all terms of  
13 current board members and advisory consultants shall expire.  
14 The Governor shall appoint new board members and advisory  
15 consultants in accordance with this chapter. Immediately after  
16 May 12, 2003, the board shall notify the Governor of the  
17 vacancies on the board and the Governor shall immediately  
18 appoint qualified persons to fill those vacancies in  
19 accordance with this chapter.

20 "(b) The board may fix the number of its full-time  
21 employees, who shall be employed pursuant to the Merit System.  
22 The board may engage temporary services for the investigation  
23 of applications or to investigate complaints filed against  
24 examiners. The board shall fix the compensation for any  
25 temporary employees. Temporary employees of the board are not  
26 covered under the Retirement Systems of Alabama. Any current  
27 full-time employee of the board shall be transferred to the

1 Department of Public Safety on April 11, 1989. All benefits,  
2 including retirement, of any current full-time employee of the  
3 board who is transferred to the Department of Public Safety in  
4 accordance with this chapter, shall be retroactive back to the  
5 original date of employment upon payment of necessary  
6 contributions as required by the Employees' Retirement System.

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

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

15 "(e) All documents, records, functions, and  
16 responsibilities currently housed at the Board of Polygraph  
17 Examiners' Office shall be transferred to the Department of  
18 Public Safety in a section to be determined by the Director of  
19 the Department of Public Safety and under the supervision of  
20 the Department of Public Safety in conjunction with the  
21 board."

22 Section 4. This act shall become effective  
23 immediately upon its passage and approval by the Governor, or  
24 its otherwise becoming law.