

1 SB370
2 126190-1
3 By Senator Ward
4 RFD: Fiscal Responsibility and Accountability
5 First Read: 07-APR-11

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8 SYNOPSIS: Under existing law, the Division of
9 Purchasing in the Department of Finance is
10 responsible for establishing and maintaining a
11 system for the purchase of personal property by
12 state departments, agencies, boards, and
13 institutions. Act 2009-763, 2009 Regular Session,
14 expanded certain duties of the Purchasing Agent and
15 the Purchasing Division including providing for
16 joint purchasing agreements, accepting electronic
17 signatures on purchasing documents, allowing
18 multiple awards on certain contracts, and
19 authorizing the division to charge a fee for vendor
20 registration on certain operating costs.

21 Act 2009-763 also repealed certain sections
22 of the Code of Alabama 1975, requiring printing and
23 binding of the Acts and Resolutions of Alabama for
24 each session of the Legislature.

25 This bill would replace certain provisions
26 related to reproducing and publishing the House and
27 Senate Journals and the Acts of Alabama that

1 existed as statutes before their repeal in Act
2 2009-763. This bill would provide for the duties of
3 the Clerk of the House, the Secretary of the
4 Senate, and the Secretary of State with regard to
5 the publication of copies of the bills and joint
6 resolutions passed by the Legislature and would
7 provide for the duties of the Legislative Reference
8 Service with regard to the index to the acts. This
9 bill would require that copies of the bills and
10 resolutions be delivered to the vendor within a
11 specified time period and would provide a penalty
12 for failure to deliver copies of the acts and
13 resolutions within the specified time period.

14 This bill would provide a maximum size for
15 each volume of acts and resolutions. This act
16 requires the bound volume to contain the names and
17 addresses of certain state officials.

18 This bill would provide a specified time
19 period for the Clerk of the House and the Secretary
20 of the Senate to deliver the journals to the vendor
21 and a time for the vendor to complete the
22 reproduction of the journals and acts.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 Relating to compiling, reproducing, and publishing
2 the journals of the House of Representatives and the Senate
3 and the official acts and resolutions; to designate Division 1
4 and Division 2 of Article 1, Chapter 1 of Title 29, Code of
5 Alabama 1975; to renumber Sections 29-1-12 and 29-1-13, Code
6 of Alabama 1975; to provide a procedure for reproducing the
7 acts and journals; to provide certification of the acts by the
8 Secretary of State; to provide for the preparation of an
9 index; to provide for the paper, type, and size of the acts
10 and journals; and to provide a fine for failure to complete
11 certain compiling, reproducing, or publishing duties within
12 the specified time period.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. A new division heading is added following
15 Article 1, Chapter 1 of Title 29, Code of Alabama 1975, to
16 read as follows:

17 Division 1. General Operation.

18 Section 2. Immediately following Section 29-1-25,
19 Code of Alabama 1975, a new division heading is added to
20 Article 1, Chapter 1 of Title 29, Code of Alabama 1975, to
21 read as follows:

22 Division 2. Compiling, Reproducing, and Publishing
23 of Acts and Journals.

24 Section 3. Sections 29-1-12 and 29-1-13 are
25 renumbered as part of Division 2, Article 1, Chapter 1 of
26 Title 29, Code of Alabama 1975, as follows:

27 "~~§29-1-12.~~ §29-1-26.

1 "The Secretary of the Senate and the Clerk of the
2 House shall be allowed 16 weeks within which to check,
3 compare, and deliver the journals of the Senate and the House
4 of Representatives of each session of the Legislature to the
5 Secretary of State and the ~~state printer~~ vendor. The journals
6 of the 10-day or organization session of the Legislature shall
7 be compiled, combined, and filed with the journals of the next
8 ensuing regular session. The time allowed after final
9 adjournment of any session, other than the 10-day or
10 organization sessions, for the filing of the journals in the
11 Office of the Secretary of State and completing the work
12 specified by this section shall be 16 weeks. If there is a
13 special session during, or within 16 weeks after the final
14 adjournment of a regular session, or if there is a regular
15 session within 16 weeks after the final adjournment of a
16 special session, or if there is a special session within 16
17 weeks after the final adjournment of a special session, the
18 time for comparing and filing the journals of such sessions,
19 including the indices, shall be extended for each session for
20 a period of time as the Speaker of the House and the President
21 of the Senate may determine to be necessary for the clerk and
22 secretary to have sufficient time within which to transcribe
23 and file the journals of each house. The extended time shall
24 not exceed a total of 16 weeks for each session.
25 Notwithstanding the foregoing, the Speaker of the House and
26 the President of the Senate ~~may~~, in instances of extreme
27 hardship, unforeseen circumstances, or uncontrollable

1 circumstances, may grant to the clerk and secretary an extra
2 time extension that is in addition to any other extension
3 permitted by law. If the time is extended, the Speaker of the
4 House and the President of the Senate shall give written
5 notice to the Secretary of the State and to the ~~state printer~~
6 vendor of the extension.

7 "~~§29-1-13.~~ §29-1-27.

8 "The Secretary of the Senate and the Clerk of the
9 House of Representatives shall be allowed 16 weeks from the
10 date of the final adjournment of each session of the
11 Legislature of Alabama, other than the 10-day or organization
12 session, in which to check, compare, and deliver the journals
13 of the House and Senate to the Secretary of State in such form
14 or state of completion, including camera ready drafts, the
15 final form for ~~printing~~ reproducing, or other forms, as the
16 clerk or secretary deem necessary and appropriate, and copy
17 and deliver the journals of their respective houses to the
18 ~~public printer~~ vendor; or, alternatively, to prepare the final
19 bound and ~~printed~~ reproduced journals, if the secretary or
20 clerk in his or her discretion decides to do so, within his or
21 her own respective office. For these services, when performed,
22 the secretary or clerk shall receive respectively the sum of
23 \$800, which shall be paid out of the appropriation made for
24 the per diem and expenses of that session of the Legislature
25 upon presentation to the Comptroller of proper certificates
26 signed by the proper officers of their respective houses."

1 Section 4. Sections 29-1-28 to 29-1-39.3, inclusive,
2 are added to the Code of Alabama 1975, to read as follows:

3 §29-1-28.

4 (a) The acts and journals of the Legislature and the
5 revenue laws of each session of the Legislature, in separate
6 pamphlets, and all bills, papers, documents, and reports,
7 ordered by and for the use of the Legislature or either house
8 thereof, shall be reproduced, or reproduced and bound, as the
9 case may be, as provided in this division.

10 (b) With regard to the preparation and reproduction
11 of the journals of the House and Senate, the Clerk of the
12 House and the Secretary of the Senate are authorized to
13 prepare the journal from their respective chambers in the form
14 or state of completion, including camera ready drafts or other
15 forms, as the clerk or secretary deems necessary or
16 appropriate, including the final form for reproduction. The
17 Clerk of the House and the Secretary of the Senate are further
18 authorized to prepare a final bound and reproduced journal in
19 their sole discretion, provided that all other time
20 requirements for the final reproduction are met.

21 §29-1-29.

22 In addition to other duties imposed by law, the
23 Secretary of the Senate and the Clerk of the House of
24 Representatives, during and after each session of the
25 Legislature, shall prepare for publication correct copies of
26 the bills and joint resolutions passed by the Legislature. The
27 number of the bill or resolution passed by the two houses of

1 the Legislature placed thereon by the secretary or clerk, the
2 name of the author, and the number of the act shall be shown
3 on the act and be published in the bound volume of the session
4 laws.

5 §29-1-30.

6 (a) The acts of the Legislature shall be reproduced
7 and bound in one volume, unless they require more than 1,200
8 pages, in which event they shall be reproduced and bound in
9 two or more volumes of approximately equal size.

10 (b) At the request of the primary sponsor in both
11 the originating house and the second house made to the
12 Secretary of State, an act appearing in the bound acts of the
13 Legislature shall list at the top of the act the primary
14 sponsors. The listing should list first the sponsor or
15 sponsors in the house in which the bill or resolution
16 originates, followed by the primary sponsor of the bill or
17 resolution in the second house. A request made under this
18 subsection shall be made no later than three days after the
19 final signing of the bill or resolution by both presiding
20 officers.

21 (c) In addition to the acts, the bound volume shall
22 contain the messages of the Governor, the names and post
23 office addresses of the heads of all state agencies, and the
24 names and post office addresses of the members and officers of
25 the Legislature.

1 (d) The Secretary of State shall compile and deliver
2 to the vendor all material to be inserted in the bound volume
3 within 10 days after adjournment of the Legislature.

4 §29-1-31.

5 The Secretary of State shall execute on the title
6 page of each volume of the acts the following certificate:
7 "The undersigned, as Secretary of State of the State of
8 Alabama, does hereby certify that this book contains bills and
9 joint resolutions enacted at the _____ session of the
10 Legislature of Alabama and is the official publication of such
11 acts."

12 §29-1-32.

13 The journals shall be prepared with a title page and
14 index and shall be bound and lettered as specified or prepared
15 by the Clerk of the House or Secretary of the Senate.

16 §29-1-33.

17 The Secretary of the Senate or the Clerk of the
18 House of Representatives shall furnish the vendor a copy of
19 each bill and joint resolution within three working days after
20 the enrolled act is deposited in the office of the Secretary
21 of State, together with a certificate that the copy has been
22 compared with the enrolled act and is a correct copy of the
23 original.

24 §29-1-34.

25 For each day's delay, the Secretary of the Senate,
26 if the secretary elects not to bind and reproduce the journal
27 within his or her office, the Clerk of the House, if the clerk

1 elects not to bind and reproduce the journal within his or her
2 office, the Secretary of State, Director of the Legislative
3 Reference Service, or any other officer furnishing to the
4 vendor the copy required in reproducing the acts or journals
5 in the time prescribed for delivery, shall forfeit the sum of
6 twenty dollars (\$20) which shall be deducted by the
7 Comptroller from the salary first accruing thereafter. The
8 Comptroller shall not pay to the officer any salary accruing
9 next after the period when the copy should have been delivered
10 to the vendor without first having the officer file as a
11 voucher in the office of the Comptroller, a certificate of the
12 officer that the copy of the acts or journals, as the case may
13 be, has been delivered by the officer to the vendor within the
14 time prescribed by law.

15 §29-1-35.

16 (a) The acts of the Legislature shall be reproduced
17 and bound on paper of the same weight and quality and in the
18 same format as they were published on the effective date of
19 the act adding this section.

20 (b) The journals shall be reproduced and bound to
21 the specifications provided by the Secretary of the Senate and
22 the Clerk of the House, respectively. The clerk and the
23 secretary may bind and reproduce the journals for their
24 respective houses entirely or, alternatively, the clerk and
25 secretary may prepare the draft for the vendor in such final
26 form as they deem appropriate.

1 (c) Each journal shall have an index, which shall be
2 prepared by the Secretary of the Senate or the Clerk of the
3 House, as the case may be, within 30 days of receipt from the
4 vendor of the galley sheets of the journal for the entire
5 legislative session, unless the secretary or clerk elects to
6 bind and reproduce the journal within his or her own office.

7 (d) The acts shall be provided with an index, which
8 shall be prepared by the Legislative Reference Service within
9 10 days after receipt of a paged copy of the acts from the
10 vendor.

11 §29-1-36.

12 (a) The vendor, within 90 days after being furnished
13 a copy of the last act, shall reproduce, package in complete
14 sets, and distribute pursuant to an address list furnished by
15 the Secretary of State, sufficient copies of the bound acts,
16 which copies shall be indexed, stitched, half-bound, and
17 lettered.

18 (b) If the House and Senate elect to contract with
19 the vendor, within 150 days after receipt of the copy from the
20 Secretary of the Senate and the Clerk of the House of
21 Representatives, which period shall include the 30 days
22 mentioned in subsection (c) of Section 29-1-35, the vendor
23 shall distribute in packaged sets, pursuant to an address list
24 furnished by the Secretary of State, a sufficient number of
25 copies of the journal of each house, which copies shall be
26 indexed, bound, and lettered. The Secretary of State shall
27 send each member of the Legislature a request form to

1 determine if the member requests none, one, or two copies of
2 the bound acts or journals, or both. The Secretary of State
3 shall mail the request form by March 1 of the first year of
4 the quadrennium and the members shall return the form by
5 September 30 of the first year of the quadrennium.

6 §29-1-37.

7 (a) Within three working days after an enrolled bill
8 or joint resolution has been delivered to and filed in the
9 Office of the Secretary of State, it shall be numbered, in the
10 order in which it is received, and a copy of each local or
11 general act shall be placed in the hands of the vendor by the
12 Secretary of the Senate or the Clerk of the House, as the case
13 may be. The vendor shall immediately reproduce 1,700 copies in
14 slip or pamphlet form in accordance with Section 29-1-39,
15 which the vendor shall distribute as follows: Two copies for
16 every member and officer of the Legislature which copies shall
17 be delivered to the Secretary of the Senate and the Clerk of
18 the House of Representatives, 25 copies to the Supreme Court
19 library, 15 copies to the Legislative Reference Service, 20
20 copies to the law library at the University of Alabama, 50
21 copies to the Department of Archives and History, one copy to
22 every judge of a court of record, circuit court clerk,
23 register of the circuit clerk, district court clerk, district
24 attorney, deputy district attorney, county commission chair,
25 municipal clerk, and sheriff, and the remainder shall be
26 delivered to the Secretary of State.

1 (b) Each probate judge, circuit court clerk,
2 register of the circuit court, district court clerk, county
3 commission chair, municipal clerk, and sheriff shall preserve
4 in his or her office, in a book kept for that purpose, each
5 pamphlet furnished to the office until the acts are published
6 in permanent form. Pamphlet acts shall be open to public
7 inspection during regular business hours.

8 §29-1-38.

9 The pamphlet acts shall be reproduced on paper of
10 the same quality and in the same format as the pamphlet acts
11 were published on the effective date of the act adding this
12 section.

13 §29-1-39.

14 (a) The acts shall be reproduced in slip or pamphlet
15 form in the order in which they are numbered. Each pamphlet or
16 slip shall be complete within itself. If the pamphlet is more
17 than four pages, the pamphlet shall be stitched, stapled, or
18 pasted on the side, to make a pamphlet of not less than six by
19 nine inches in size.

20 (b) The following words shall appear at the top of
21 the front page of every slip or pamphlet in bold type: "Each
22 probate judge, sheriff, district court clerk, and the clerk
23 and register of the circuit court is required by law to
24 preserve this slip or pamphlet in a book kept in his or her
25 office until the act is published in permanent form."
26 Following the heading, the act number shall be shown on the

1 left and the bill number, with the name of the author of the
2 law or resolution, on the right.

3 §29-1-39.1.

4 In addition to other duties imposed by law, the
5 Secretary of the Senate and the Clerk of the House shall
6 ensure that the vendor reproduces and delivers the acts
7 promptly. If, for any cause, the vendor cannot reproduce and
8 deliver pamphlet acts within 10 calendar days after receiving
9 the copy, exclusive of the three working days allowed the
10 Secretary of State for proofreading, the Secretary of the
11 Senate and the Clerk of the House, with the approval of the
12 Governor, State Auditor, and State Treasurer, shall forthwith
13 contract with a vendor who will reproduce and deliver the acts
14 as herein required.

15 §29-1-39.2.

16 (a) When contracting for publication of the acts and
17 journals with a private vendor, if applicable, the state shall
18 require the private vendor to give bond, in such sum as the
19 state may direct, conditioned that the acts and journals shall
20 be reproduced and delivered as herein required.

21 (b) In the event the vendor fails to perform the
22 contract within the time prescribed for performance, the
23 Comptroller shall cause to be deducted from the contract
24 price, as liquidated damages, one hundred dollars (\$100) for
25 each day's delay; except that the vendor shall be allowed one
26 day for each day performance is delayed by reason of the
27 neglect of duty by a state official or by strike or vis major.

1 §29-1-39.3.

2 If a recess is taken by the Legislature for a longer
3 time than 30 days, all of the acts passed before the recess,
4 in the discretion of the Secretary of the Senate and Clerk of
5 the House, may be ordered, reproduced, and bound immediately.

6 Section 5. This act shall become effective
7 immediately following its passage and approval by the
8 Governor, or its otherwise becoming law.