

1 SB4  
2 181499-2  
3 By Senators Dial and Holley  
4 RFD: Governmental Affairs  
5 First Read: 07-FEB-17  
6 PFD: 02/07/2017

1 SB4

2  
3  
4 ENGROSSED

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6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to the Legislature; to create the  
12 Legislative Services Agency to provide certain staff services  
13 to the Legislature; to reconstitute the Legislative Reference  
14 Service, Legislative Fiscal Office, and the Alabama Law  
15 Institute as divisions of the agency; to provide for  
16 additional authority for the Legislative Council with regard  
17 to legislative operations; to add additional provisions  
18 relating to the provision of services by legislative staff; to  
19 make related and conforming changes; to add Chapter 5A  
20 (commencing with Section 29-5A-1) and Sections 29-6-7.1 and  
21 29-6-7.2 to, to amend Sections 29-6-5, 29-6-7, and 41-9-370  
22 of, and to repeal Chapter 5 (commencing with Section 29-5-1),  
23 Chapter 7 (commencing with Section 29-7-1), and Chapter 8  
24 (commencing with Section 29-8-1) of Title 29 of, the Code of  
25 Alabama 1975.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1                   Section 1. Chapter 5A (commencing with Section  
2                   29-5A-1) is added to Title 29 of the Code of Alabama 1975, to  
3                   read as follows:

4                   Chapter 5A. Legislative Services Agency.

5                   Article 1. Legislative Services Agency.

6                   §29-5A-1.

7                   (a) There is hereby created the Legislative Services  
8                   Agency which shall be under the supervision, direction, and  
9                   control of the Director of Legislative Services. The director  
10                  shall be appointed by the Legislative Council and shall  
11                  receive the compensation and benefits established by the  
12                  council, payable as the compensation of other state employees.

13                  (b) The director shall serve as Code Commissioner  
14                  for the Code of Alabama. As Code Commissioner, the director,  
15                  when approved and directed by the Legislative Council, shall  
16                  enter into a printing contract on behalf of the State of  
17                  Alabama to publish the official code of the statutes of  
18                  Alabama. If the director is not a licensed attorney, the  
19                  Deputy Director of Legislative Services, Legal, shall serve as  
20                  Code Commissioner.

21                  (c) The agency succeeds to and is vested with all of  
22                  the functions of the Legislative Reference Service, the  
23                  Legislative Fiscal Office, and the Alabama Law Institute. A  
24                  reference in any law to the Legislative Reference Service,  
25                  Legislative Fiscal Office, or the Alabama Law Institute shall  
26                  be deemed a reference to the agency.

1 (d) On October 1, 2017, all papers, books,  
2 materials, furnishings, funds, personnel, and property of the  
3 Legislative Reference Service, Legislative Fiscal Office, and  
4 the Alabama Law Institute shall be transferred to the agency.

5 §29-5A-2.

6 The agency shall consist of three divisions as  
7 follows:

8 (1) The Legal Division, which shall be headed by the  
9 Deputy Director of Legislative Services, Legal. The deputy  
10 director, legal, shall be a licensed attorney appointed by and  
11 serve at the pleasure of the director and shall receive the  
12 compensation determined by the director. Except as otherwise  
13 provided in this chapter, the Legal Division succeeds to and  
14 is vested with all the powers of, and the duties previously  
15 performed by, the Legislative Reference Service. The Director  
16 of Legislative Services shall have all powers necessary to  
17 perform the functions of the Legal Division. The director may  
18 delegate all or a portion of the power to the deputy director,  
19 legal.

20 (2) The Fiscal Division, which shall be headed by a  
21 Deputy Director of Legislative Services, Fiscal. The deputy  
22 director, fiscal, shall be appointed by and serve at the  
23 pleasure of the director and shall receive the compensation  
24 determined by the director. Except as otherwise provided in  
25 this chapter, the Fiscal Division succeeds to and is vested  
26 with all the powers of, and the duties previously performed  
27 by, the Legislative Fiscal Office. The Director of Legislative

1 Services shall have all powers necessary to perform the  
2 functions of the Fiscal Division. The director may delegate  
3 all or a portion of the power to the deputy director, fiscal.

4 (3) The Law Revision Division, which shall be headed  
5 by the Deputy Director of Legislative Services, Law Revision.  
6 The deputy director, law revision, shall be a licensed  
7 attorney who, after consultation with the Alabama Law  
8 Institute Council, shall be appointed by and shall serve at  
9 the pleasure of the director and shall receive the  
10 compensation determined by the director. Except as otherwise  
11 provided in this chapter, the Law Revision Division succeeds  
12 to and is vested with all the powers of, and the duties  
13 previously performed by, the Alabama Law Institute. The  
14 Director of Legislative Services shall have all powers  
15 necessary to perform the functions of the Law Revision  
16 Division. The director may delegate all or a portion of the  
17 power to the deputy director, law revision.

18 §29-5A-3.

19 (a) The Director of Legislative Services, without  
20 regard to the State Merit System Law, may hire staff members  
21 and clerical help to effectuate the purposes of this chapter.

22 (b) The compensation due to the officers and  
23 employees employed under this section shall be certified by  
24 the director to the Comptroller, who shall issue his or her  
25 warrant therefor.

26 Article 2. Legal Division.

27 §29-5A-20.

1           The Legal Division shall be under the supervision,  
2           direction, and control of the Director of Legislative  
3           Services.

4           §29-5A-21.

5           (a) The Legal Division shall have all of the  
6           following duties:

7           (1) To respond to questions concerning the  
8           organization and administration of state government or the  
9           operation of constitutional or statutory law.

10          (2) To render assistance in the drafting of bills  
11          and amendments to bills.

12          (3) To make studies and reports on problems of state  
13          and local government in Alabama, either upon request or on his  
14          or her own initiative.

15          (4) To conduct a continuous analysis of the scope,  
16          effect, and methods of federal, state, and local government  
17          operations in Alabama and make those recommendations to the  
18          Legislative Council as appropriate.

19          (5) To prepare, under the direction of the Code  
20          Commissioner, a compilation or code of the statutes of  
21          Alabama.

22          (6) To determine, subject to the approval of the  
23          Code Commissioner, the content of the code and any supplements  
24          thereto and to prepare an annual codification bill to adopt  
25          changes to the code enacted at prior sessions of the  
26          Legislature.

1 (b) Requests for assistance under subdivisions (1)  
2 and (3) of subsection (a) shall be prepared only for a member  
3 of the Legislature or the Lieutenant Governor, or a person  
4 authorized by a member of the Legislature or by the Lieutenant  
5 Governor. Requests for assistance under subdivision (2) of  
6 subsection (a) shall be prepared only for a member of the  
7 Legislature, the Lieutenant Governor, or the Governor, or a  
8 person authorized by a member of the Legislature, by the  
9 Lieutenant Governor, or by the Governor. The Legal Division  
10 may respond to other requests for assistance, including, but  
11 not limited to, requests from other state governments, as the  
12 Director of Legislative Services determines to be in the best  
13 interests of the state.

14 (c) In order that the purposes of this article shall  
15 be best served, each department and agency of the State of  
16 Alabama government shall furnish to the Legal Division copies  
17 of all monthly, quarterly, annual, biennial, quadrennial, and  
18 other regular reports which it is required by law to prepare  
19 for other agents or officials of the state government and  
20 copies of all printed publications that it issues. Each  
21 department or agency of the State of Alabama government shall  
22 comply with requests for supplementary reports made by the  
23 Legal Division and approved by the Legislative Council. Each  
24 department and agency of the State of Alabama government shall  
25 make its internal records available to the Legal Division upon  
26 request.

27 §29-5A-22.

1           (a) In compiling the contents of the code and any  
2 cumulative supplement and replacement volume to the code, the  
3 Legal Division and the Code Commissioner may not alter the  
4 sense, meaning, or effect of any act. The Legal Division and  
5 Code Commissioner, in compiling the contents of the code and  
6 any supplement and replacement volume to the code, may perform  
7 all of the following editorial functions:

8           (1) Change the wording of descriptive headings and  
9 catchlines.

10           (2) Change hierarchy units as specified in an act to  
11 appropriate code hierarchy.

12           (3) Change reference numbers to conform with  
13 renumbered hierarchy units, or make corrections in reference  
14 numbers if the correction can be made without substantive  
15 change in the law.

16           (4) Substitute the proper hierarchy unit for the  
17 terms "this act," "the preceding section," and the like.

18           (5) Remove language that is surplusage, including  
19 "of the Code of Alabama 1975," "of this section," and the like  
20 when such language follows a designated hierarchy unit.

21           (6) Substitute "this title," "this chapter," or  
22 other hierarchy designation in place of reference to the  
23 specific unit, if the reference is within that unit.

24           (7) Translate dates to the appropriate month, day,  
25 and year.

26           (8) Change words when directed by law.



1           (9) Substitute the name of any agency, officer, or  
2 instrumentality of the state or of a political subdivision  
3 whose name is changed by law or to which powers, duties, and  
4 responsibilities have been transferred by law, for the name  
5 which the agency, officer, or instrumentality previously used  
6 or of the agency which was previously vested with the same  
7 powers and charged with the same duties and responsibilities.

8           (10) Divide, consolidate, and rearrange hierarchy  
9 units and parts of hierarchy units.

10           (11) If any section or part of a section of the Code  
11 of Alabama 1975, is amended by more than one act at the same  
12 session of the Legislature, incorporate into one or more code  
13 sections the section as amended or altered by the several  
14 acts, if each of the amendments, changes, or alterations are  
15 not in substantive conflict and can be given effect and  
16 incorporated in the code section or code sections in a manner  
17 which will make the code section or code sections  
18 intelligible.

19           (12) Resolve nonsubstantive conflicts between  
20 multiple acts.

21           (13) Change capitalization, spelling, and  
22 punctuation for the purpose of uniformity and consistency.

23           (14) Correct manifest grammatical, clerical, and  
24 typographical errors, including, but not limited to, by means  
25 of the addition or deletion of language.

26           (b) (1) Upon the adoption and incorporation of the  
27 annual cumulative supplement and each replacement volume into

1 the Code of Alabama by statute, that supplement or replacement  
2 volume shall be considered as part of the entire Code of  
3 Alabama and shall be considered for statutory construction  
4 purposes in the same manner as all other portions of the code.

5 (2) This adoption and incorporation by statute shall  
6 constitute a continuous systematic codification of the entire  
7 Code of Alabama 1975, for purposes of Section 85 of the  
8 Constitution of Alabama of 1901. Such a statute is a law that  
9 adopts a code for the purposes of Section 45 of the  
10 Constitution of Alabama of 1901.

11 (c) The Legislature finds and declares that this  
12 section is declaratory of, and does not constitute a change  
13 in, the law existing since the amendment of Section 29-7-6 by  
14 Act 93-618 of the 1993 Regular Session designating the  
15 Director of the Legislative Reference Service as the Code  
16 Commissioner.

17 §29-5A-23.

18 (a) Whenever any provision of this code contains a  
19 preprinted form that contains language which indicates the  
20 year of application or execution as "19\_\_," the language shall  
21 be deemed to mean either a year beginning with the numbers 19  
22 or 2 as the case may be.

23 (b) The Legal Division, when and as deemed  
24 appropriate, shall implement editorial changes to such  
25 language to conform the preprinted form to the applicable  
26 date.

27 §29-5A-24.

1           (a) The Code Commissioner, with the assistance of  
2 the Legal Division, shall prepare an official recompilation of  
3 the Constitution of Alabama of 1901, as amended. This official  
4 recompilation may not make any substantive change to any  
5 existing operative constitutional provision.

6           (b) The official recompilation shall include all of  
7 the following:

8           (1) The removal of all expressly repealed sections  
9 or amendments, or portions thereof.

10           (2) The insertion of expressly identified amendatory  
11 language contained in a particular constitutional amendment  
12 into the identified location and the deletion of the language  
13 being amended and replaced and the retention of the original  
14 article and section number or amendment number.

15           (3) The relocation of various constitutional  
16 amendments applicable to the entire state in the appropriate  
17 article of the constitution based upon a logical sequence and  
18 the particular subject or topic.

19           (4) The grouping of various constitutional  
20 amendments applicable to the entire state in the same location  
21 in the document based upon a logical sequence and the  
22 particular subject or topic.

23           (5) The grouping of local constitutional amendments  
24 in the same location in the document based upon a particular  
25 subject or topic or by county.

26           (6) The elimination of constitutional provisions or  
27 amendments, including portions of such provisions or

1 amendments, that have lapsed or have been invalidated,  
2 directly or indirectly, by decision of a court of last resort.

3 (7) The inclusion, after the text of a relocated  
4 provision, of the official constitutional amendment number  
5 assigned to that provision at the time of ratification.

6 (8) Other editorial changes necessary to accurately  
7 reflect the current status of the constitution in a logical  
8 manner.

9 (c) The Code Commissioner, upon completion, shall  
10 instruct the official Code Publisher to publish the official  
11 recompilation.

12 (d) The recompiled constitution published under this  
13 section shall be known as and cited as the Official  
14 Recompilation of the Constitution of Alabama of 1901, as  
15 amended.

16 (e) In the event of a conflict between the official  
17 recompilation published under this section and the  
18 Constitution of Alabama of 1901, or any amendments to the  
19 Constitution of Alabama of 1901, the Constitution of Alabama  
20 of 1901, or the amendments thereto, or both, shall prevail  
21 over the official recompilation.

22 §29-5A-25.

23 (a) The Legislature recognizes that language used in  
24 reference to individuals with disabilities shapes and reflects  
25 society's attitudes towards people with disabilities. Many of  
26 the terms currently used diminish the humanity and natural  
27 condition of having a disability. Certain terms are demeaning

1 and create an invisible barrier to inclusion as equal  
2 community members. The Legislature finds it necessary to  
3 clarify preferred language for new and revised laws by  
4 requiring the use of terminology that puts the person before  
5 the disability.

6 (b) The Legal Division is directed to avoid all  
7 references to: Disabled, developmentally disabled, mentally  
8 disabled, mentally ill, mentally retarded, handicapped,  
9 cripple, crippled, deaf-mute, deaf-dumb, dumb, and mute in any  
10 new statute or resolution and to change such references when  
11 appropriate in any existing statute or resolution as sections  
12 and provisions including these references are otherwise  
13 amended by law.

14 (c) The Legal Division is directed to replace terms  
15 referenced in subsection (b) in the Code of Alabama 1975, when  
16 such replacement is appropriate with the following revised  
17 terminology: Individuals with disabilities, individuals with  
18 developmental disabilities, and individuals who are deaf or  
19 hard of hearing.

20 (d) (1) No statute or resolution is invalid because  
21 the statute or resolution is not in compliance with this  
22 section.

23 (2) No statute or resolution is invalid because of a  
24 change in terminology implemented by the Legal Division under  
25 this section.

1 (e) Changes in terminology shall not be made by the  
2 Legal Division if such change may legally impair the statute  
3 or its implementation or interpretation.

4 (f) (1) All action of an administrative agency  
5 creating new rules or amending existing rules shall be  
6 formulated in accordance with this section.

7 (2) No agency rule is invalid because the rule is  
8 not in compliance with this section.

9 §29-5A-26.

10 The Legal Division shall change all references to  
11 the Department of Mental Health and Mental Retardation in  
12 Title 22, and elsewhere as found in this code, to the  
13 Department of Mental Health. Code changes shall be made at a  
14 time determined appropriate by the division.

15 §29-5A-27.

16 The Legal Division shall review Titles 11 and 40 and  
17 shall substitute "Alabama Tax Tribunal" for any reference to  
18 the Administrative Law Division of the Department of Revenue  
19 and shall make any other similar amendments consistent  
20 herewith.

21 §29-5A-28.

22 The Legal Division shall conform references in the  
23 Code of Alabama 1975, to the offices, departments, divisions,  
24 and other entities included in Chapter 29 of Title 41 of the  
25 Code of Alabama 1975, to reflect the changes made by that  
26 chapter. Code changes, including amending and renumbering  
27 existing code sections to be part of Chapter 29 to make

1 conforming changes required to conform to the substantive  
2 changes made in Act 2015-450, shall be made at a time  
3 determined to be appropriate by the division.

4 Article 3. Fiscal Division.

5 §29-5A-40.

6 The Fiscal Division shall be under the supervision,  
7 direction, and control of the Director of Legislative  
8 Services.

9 §29-5A-41.

10 The various departments, agencies, institutions, and  
11 establishments of the executive branch of government and the  
12 regulatory agencies and commissions of the state shall furnish  
13 the Fiscal Division any available material which the division  
14 determines to be necessary in the performance of the duties  
15 and functions of the division. The division upon agreement  
16 with the head of any department, agency, establishment, or  
17 regulatory agency or commission, may utilize its services,  
18 facilities, and personnel, with or without reimbursement; and  
19 the head of each department, agency, establishment,  
20 institution, or regulatory agency or commission may provide  
21 the services, facilities, and personnel to the division.

22 §29-5A-42.

23 In carrying out the duties and functions of the  
24 Fiscal Division and for the purposes of coordinating the  
25 operations of the division with those of other legislative  
26 agencies with a view to utilizing most effectively the  
27 information, services, and capabilities of all such agencies

1 in carrying out the various responsibilities assigned to each,  
2 the division, may obtain information, data, estimates, and  
3 statistics developed by the Examiners of Public Accounts and,  
4 upon agreement, utilize the services, facilities, and  
5 personnel of the Examiners of Public Accounts, with or without  
6 reimbursement.

7 §29-5A-43.

8 It shall be the duty and function of the Fiscal  
9 Division to provide to the Committees on Ways and Means of the  
10 House and to the Committees on Finance and Taxation of the  
11 Senate information that will assist the committees in the  
12 discharge of all matters within their jurisdictions,  
13 including:

14 (1) Information with respect to the budget,  
15 appropriation bills, and other bills authorizing or providing  
16 budget authority or tax expenditures.

17 (2) Information with respect to revenues, receipts,  
18 estimated future revenues and receipts, and changing revenue  
19 conditions.

20 (3) Such related information as the committees may  
21 request.

22 §29-5A-44.

23 At the request of any other committee of the House  
24 of Representatives or the Senate, any joint committee of the  
25 Legislature, or any member of the House or Senate, the Fiscal  
26 Division shall provide to such committee or joint committee  
27 any information compiled in carrying out subdivisions (1) and



1 (2) of Section 29-5A-43 and, to the extent practicable, such  
2 additional information related to the foregoing as may be  
3 requested.

4 §29-5A-45.

5 (a) Every general bill creating, eliminating, or  
6 affecting in any way a state or local program, service,  
7 function, or revenue source and which thereby requires the  
8 expenditure of county or municipal funds or thereby decreases  
9 or increases revenue collections by any county or  
10 municipality, before any vote is taken thereon in the Senate  
11 or House of Representatives, shall have endorsed thereon or  
12 attached thereto an estimate made by the Fiscal Division of  
13 the amount of money involved therein, and the anticipated  
14 increase in county or municipal spending or the decrease in  
15 county or municipal revenue collections under the bill. In the  
16 event that insufficient data is available to formulate an  
17 estimate of the amount of money involved therein, the division  
18 shall note that fact on such endorsement or attachment which  
19 shall constitute compliance herewith.

20 (b) A fiscal note provided under this section shall  
21 be endorsed on the bill or attached thereto and may be printed  
22 on the calendar of bills on third reading immediately  
23 following the title of the bill.

24 (c) The Fiscal Division is authorized to secure  
25 information, data, estimates, and statistics directly from the  
26 employees and officials of the various departments, agencies,  
27 institutions, establishments, boards, and commissions of the

1 county and municipal governments of the state which are  
2 necessary for the division to fulfill the duties and functions  
3 imposed by this section. The employees and officials of all  
4 departments, agencies, institutions, establishments, boards,  
5 and commissions shall furnish the division, any available  
6 material which the division determines to be necessary in the  
7 performance of the duties and functions required by this  
8 section.

9 §29-5A-46.

10 (a) The Fiscal Division shall prepare and submit an  
11 annual report to the Legislature which lists all state tax  
12 expenditures and the estimated cost associated with each of  
13 the tax expenditures. For purposes of this section, tax  
14 expenditures means those state revenue losses attributable to  
15 the provisions of the constitution, state tax statutes, or  
16 rules promulgated pursuant to the statutes, which allow a  
17 special exclusion, exemption, or deduction, or which provide a  
18 special credit or preferential tax rate. The report shall be  
19 organized according to the funds into which the tax  
20 expenditures would be dedicated but for the exemptions and  
21 rate differentials. The report shall be submitted at the same  
22 time that the Governor is required to submit his or her budget  
23 proposal to the Legislature.

24 (b) The annual tax expenditure report shall include  
25 the following:

26 (1) Each tax exemption and its constitutional and/or  
27 statutory citation.

1           (2) An estimate of the revenue loss to the state  
2 caused by each of the tax expenditures for the most recently  
3 completed fiscal year.

4           (c) The Fiscal Division is authorized to request and  
5 receive from the Department of Revenue or any other state or  
6 local agency or official any information necessary to complete  
7 the report required by this section. Such information shall be  
8 subject to the confidentiality and disclosure provisions of  
9 Section 40-2A-10; however, these provisions shall not prevent  
10 the aggregation and disclosure of any information necessary to  
11 transparently complete the report required by this section. In  
12 the event that lack of information prevents the Fiscal  
13 Division from making a reasonable estimate for any tax  
14 expenditure, the division shall list the expenditure with a  
15 notation that an estimate cannot be determined.

16           (d) The House Ways and Means Education Committee and  
17 the Senate Committee on Finance and Taxation - Education shall  
18 conduct joint hearings on the tax expenditure report every  
19 even-numbered year to be concluded by the tenth legislative  
20 day of the regular session of the Legislature. From time to  
21 time, the committees may report to the Legislature findings or  
22 recommendations developed as a result of the hearings.

23           (e) This section does not apply to any incentives or  
24 other matters which are included in the report required by  
25 Section 40-18-379.

26           Article 4. Law Revision Division.

27           §29-5A-60.

1           The Law Revision Division shall be under the  
2 supervision, direction, and control of the Director of  
3 Legislative Services. The Law Revision Division shall continue  
4 to be known as the Alabama Law Institute for purposes of  
5 conducting its public activities.

6           §29-5A-61.

7           The general purposes of the Law Revision Division  
8 shall be to promote and encourage the clarification and  
9 simplification of the law of Alabama to secure the better  
10 administration of justice and to carry on scholarly legal  
11 research and scientific legal work. To that end it shall be  
12 the duty of the division to do all of the following:

13           (1) Consider needed improvements in both substantive  
14 and adjective law and to make recommendations concerning the  
15 same to the chairs and members of the House Judiciary  
16 Committee and the Senate Judiciary Committee.

17           (2) Examine and study the law of Alabama and Alabama  
18 jurisprudence and statutes with a view of discovering defects  
19 and inequities and of recommending needed reforms.

20           (3) Receive and consider suggestions from members of  
21 the Legislature and the public generally as to defects and  
22 anachronisms in the law.

23           (4) Recommend such changes in the law as it deems  
24 necessary to modify or eliminate antiquated and inequitable  
25 rules of law and to bring the law of the state, both civil and  
26 criminal, into harmony with legal conditions and opinions.

1           (5) Render annual reports to the Legislature through  
2 the president of the council and, if it deems so advisable,  
3 accompany its reports with proposed bills to carry out any of  
4 its recommendations.

5           (6) Recommend the repeal of obsolete statutes and  
6 suggest needed amendments, additions, and repeals.

7           (7) Organize and conduct meetings as needed within  
8 the state for scholarly discussions of current problems in  
9 Alabama law, bringing together representatives of the  
10 Legislature, practicing attorneys, members of the bench and  
11 bar, and representatives of the law teaching profession and  
12 periodically conduct training and continuing education  
13 programs for public officials, including providing educational  
14 material.

15           (8) Advise the Code Commissioner on the performance  
16 of the duties imposed on the Code Commissioner by Article 2.

17           (9) In cooperation with the Legislative Council,  
18 establish and facilitate a legislative intern program.

19           §29-5A-62.

20           The Law Revision Division, in submitting reports to  
21 the Legislature through the President of the Alabama Law  
22 Institute Council, shall act solely in an advisory capacity.

23           §29-5A-63.

24           (a) The Director of Legislative Services may  
25 establish a special fund in the State Treasury to receive  
26 direct grants or contributions or fees from municipal, county,  
27 state, federal, or charitable sources, or any other sources,

1 to conduct studies, educate public officials, and carry on the  
2 duties of the division. The funds in the special fund are  
3 continuously appropriated for the exclusive use of the  
4 division, shall be maintained separately, and shall be in  
5 addition to any other funds appropriated to the division.

6 (b) This fund may be used to pay the actual expenses  
7 of conducting the education functions of the Law Revision  
8 Division including the provision of food and non-alcoholic  
9 beverages usual and customary for like events and the actual  
10 and necessary expenses for participants and faculty of  
11 programs sponsored by the division as approved by the Director  
12 of Legislative Services.

13 (c) The Director of Legislative Services shall  
14 provide a public report of all funds received pursuant to this  
15 section. The public report shall be made on the website of the  
16 Legislative Services Agency, provided that this requirement  
17 may be met by providing a link to a site that discloses this  
18 information on a statewide basis for other state governmental  
19 entities.

20 §29-5A-64.

21 (a) The Governing Council of the Alabama Law  
22 Institute Council is continued in existence as the Alabama Law  
23 Institute Council.

24 (b) The council shall be composed of ex officio,  
25 appointed, and elected members, as follows:

26 (1) One Justice of the Supreme Court of Alabama,  
27 selected by the Justices thereof.

1                   (2) One circuit court judge, selected by the  
2 Association of Circuit Court Judges.

3                   (3) The Attorney General of the State of Alabama, or  
4 his or her designee.

5                   (4) The legal advisor to the Governor of Alabama, or  
6 his or her designee.

7                   (5) The Chairs of the Judiciary Committees of the  
8 Senate and House of Representatives.

9                   (6) The President of the Alabama State Bar.

10                  (7) The Secretary of the Alabama State Bar.

11                  (8) The chair of the junior bar section of the  
12 Alabama State Bar.

13                  (9) The attorney members of the Legislative Council  
14 of Alabama.

15                  (10) Not less than three nor more than six attorney  
16 members appointed by the Governor of Alabama.

17                  (11) The Code Commissioner.

18                  (12) The Speaker of the House, or his or her  
19 designee.

20                  (13) The President Pro Tempore of the Senate, or his  
21 or her designee.

22                  (14) Two members who shall be elected from the  
23 members of the faculty of the University of Alabama School of  
24 Law, two members elected from the members of the faculty of  
25 the Cumberland Law School of Samford University, two members  
26 elected from the members of the faculty of the Thomas Goode  
27 Jones School of Law at Faulkner University, and six practicing

1 attorneys elected from each congressional district in the  
2 state.

3 (c) The ex officio members shall hold their  
4 positions during their respective terms of office. The terms  
5 of office of the elected members of the governing council  
6 shall be four years. Elected members of the governing council  
7 shall be eligible for reelection.

8 (d) Vacancies in the elected membership created by  
9 death, resignation, or other than by the expiration of the  
10 terms of office shall be filled by the council under such  
11 rules as it may adopt. Vacancies occurring through the  
12 expiration of terms of office shall be filled by election by  
13 the council under such rules as it may adopt.

14 (e) Members of the Governing Council of the Alabama  
15 Law Institute serving on September 30, 2017, shall continue as  
16 members of the Alabama Law Institute Council.

17 (f) The members of the Alabama Law Institute Council  
18 shall serve without any compensation for services as such. The  
19 division may pay honoraria to members of the State Bar who  
20 perform professional services for the division.

21 (g) The Alabama Law Institute Council shall advise  
22 the Director of Legislative Services on the work of the  
23 division and shall adopt a plan or plans to encourage and  
24 invite the cooperation of all members of the legal profession  
25 in the work of the division.

26 Section 2. Sections 29-6-5 and 29-6-7 of the Code of  
27 Alabama 1975, are amended to read as follows:



1           "§29-6-5.

2           "The Director of ~~the~~ Legislative ~~Reference Service~~  
3           Services shall serve as Secretary of the Legislative Council  
4           without salary other than ~~his~~ compensation as Director of ~~the~~  
5           Legislative ~~Reference Service~~ Services.

6           "§29-6-7.

7           "(a) In addition to the powers otherwise provided in  
8           this chapter, the Legislative Council shall:

9           "(1) Approve budget requests, provide accounting  
10          services, make purchases, and provide mail distribution,  
11          property inventory, telephone service, electronic media  
12          services, recycling services, and building maintenance  
13          services for the Legislative Department, and all agencies and  
14          entities, respectively, therein.

15          "(2) Allocate space in the Alabama State House,  
16          including to the Senate and the House of Representatives. In  
17          carrying out its responsibilities under this subdivision, the  
18          Legislative Council may charge and collect rent from any  
19          entity allocated space in the Alabama State House at a rate  
20          set by the Council. The Council may establish a special fund  
21          in the State Treasury to receive funds from any source to  
22          maintain the State House property. Funds in the special fund  
23          are continuously appropriated for the exclusive use of the  
24          Legislative Council, shall be maintained separately, and shall  
25          be in addition to any other funds appropriated to the  
26          Legislative Council. Any unused funds collected by or  
27          appropriated to any entity for the maintenance of the State

1 House property remaining at the close of the fiscal year in  
2 which they were collected or for which they were appropriated  
3 shall be transferred to the fund created pursuant to this  
4 subdivision.

5 "(3) Maintain a website of legislative expenditures  
6 that includes, but is not limited to, the names, salaries, and  
7 expenses of the members, officers, and employees of the  
8 Legislative Department and any contracts entered into by the  
9 Legislative Council for the benefit of any entity or agency of  
10 the Legislative Department. This requirement may be met  
11 through publication of the required information on a site that  
12 discloses this information on a statewide basis for other  
13 state government entities.

14 "(4) Maintain the computer operations of the  
15 Legislature, including management and control of the  
16 Legislative Data Center and employ a director of technology  
17 who shall oversee the operations of the Legislative Data  
18 Center and maintain all computer guidelines of the Legislative  
19 Department and all agencies and entities therein, except that  
20 production of legislative proceedings of the respective Houses  
21 shall be under the control of the Secretary of the Senate and  
22 the Clerk of the House of Representatives, respectively.

23 "(5) After consulting with the Secretary of the  
24 Senate and Clerk of the House, provide security for the  
25 Alabama State House, the Senate, the House of Representatives,  
26 and those portions of the State Capitol under the control of  
27 the Legislature, the House of Representatives, or the Senate;

1 provided, however, that security for the Senate and House  
2 chambers, their entrances, and galleries shall be under the  
3 absolute supervision and control of the Secretary and Clerk,  
4 respectively. The Legislative Council shall also establish  
5 protocol for the cooperation between the persons providing  
6 security for the Legislature and such other law enforcement  
7 agencies as necessary.

8 "(6) Reduce and contain the cost associated with the  
9 operation and maintenance of the Legislative Department to the  
10 fullest extent reasonably possible and practical. In  
11 accomplishing the reduction, the Legislative Council, to the  
12 fullest extent possible, shall look for methods to save public  
13 funds and contain costs.

14 "(7) Annually review the performance of the  
15 ~~Directors~~ Director of ~~the~~ Legislative ~~Reference Service~~  
16 ~~Services, Legislative Fiscal Office, and Alabama Law~~  
17 ~~Institute.~~

18 "(8) Employ a director of human resources who shall  
19 handle the human resources related functions for the  
20 Legislative ~~Reference Service~~ Services Agency, ~~Legislative~~  
21 ~~Fiscal Office, and Alabama Law Institute.~~ The Director of  
22 Human Resources shall provide services at the direction of the  
23 Legislative Council, including providing lists of applicants  
24 for open positions and the written application for employment  
25 for each, providing assistance in the determination of salary  
26 schedules, benefits, and terms of employment, maintaining

1 custody of records as requested, and providing consultation on  
2 employee discipline.

3 ~~"(9) Establish, upon the recommendation of the~~  
4 ~~Director of Human Resources, in consultation with the~~  
5 ~~Directors of the Legislative Reference Service, Legislative~~  
6 ~~Fiscal Office, and Alabama Law Institute, respectively, the~~  
7 ~~job classifications, salary schedules, benefits, and terms of~~  
8 ~~employment for employees of the Legislative Reference Service,~~  
9 ~~Legislative Fiscal Office, and Alabama Law Institute.~~

10 "(b) In addition to the powers otherwise provided in  
11 this chapter, the Senate Legislative Council shall, upon the  
12 recommendation of the Director of Human Resources, establish  
13 the job classifications, salary schedules, and benefits for  
14 all employees of the President Pro Tempore of the Senate.  
15 Notwithstanding the foregoing, there shall be a position of  
16 chief of staff who shall serve at the pleasure of the  
17 President Pro Tempore, under terms and conditions set by the  
18 President Pro Tempore; provided further, persons who serve at  
19 the pleasure of the Senate Majority Leader and the Senate  
20 Minority Leader serve under terms and conditions set by the  
21 Senate Majority Leader and the Senate Minority Leader,  
22 respectively; and provided further, persons employed under  
23 this sentence shall be paid from funds appropriated to the  
24 Office of the President Pro Tempore at a salary or other  
25 compensation approved by the President Pro Tempore.

26 "(c) In addition to the powers otherwise provided in  
27 this chapter, the House Legislative Council shall, upon the

1 recommendation of the Director of Human Resources, establish  
2 the job classifications, salary schedules, and benefits for  
3 all employees of the Speaker of the House. Notwithstanding the  
4 foregoing, there shall be a position of chief of staff who  
5 shall serve at the pleasure of the Speaker, under terms and  
6 conditions set by the Speaker; provided further, persons who  
7 serve at the pleasure of the House Majority Leader and the  
8 House Minority Leader serve under terms and conditions set by  
9 the House Majority Leader and the House Minority Leader,  
10 respectively; and provided further, persons employed under  
11 this sentence shall be paid from funds appropriated to the  
12 Office of the Speaker at a salary or other compensation  
13 approved by the Speaker.

14 "(d) The salary schedules, benefits, and terms of  
15 employment for all staff of the Legislative Department shall  
16 be as uniform as practical.

17 "(e) Employees of the Legislative ~~Reference Service,~~  
18 ~~Legislative Fiscal Office, Alabama Law Institute~~ Services  
19 Agency, Speaker of the House, and President Pro Tempore of the  
20 Senate shall be under the direction and control of the  
21 Director of the Legislative ~~Reference Service, Director of the~~  
22 ~~Legislative Fiscal Office, Director of the Alabama Law~~  
23 ~~Institute~~ Services Agency, Speaker of the House, and President  
24 Pro Tempore of the Senate, respectively.

25 "(f) The ~~Directors~~ Director of the Legislative  
26 ~~Reference Service, Legislative Fiscal Office, and Alabama Law~~  
27 ~~Institute~~ Services Agency shall annually review the

1 performance of each employee subject to his or her supervision  
2 and report thereon to the Legislative Council.

3 ~~"(g) Recommendations for hiring of the Director of~~  
4 ~~the Alabama Law Institute shall be made by the Institute~~  
5 ~~Council to the Legislative Council, which shall have final~~  
6 ~~hiring authority for the director.~~

7 ~~"(h) The Directors of the Legislative Reference~~  
8 ~~Service, Legislative Fiscal Office, and Alabama Law Institute~~  
9 ~~shall receive a salary in amounts provided by the Legislative~~  
10 ~~Council.~~

11 ~~"(i) (g) The Legislative Council, after considering~~  
12 ~~in a timely manner persons recommended for hire by the~~  
13 ~~Secretary of the Senate and Clerk of the House, shall hire~~  
14 ~~joint employees of the Legislature. The Legislative Council~~  
15 ~~shall utilize the services of the Director of Human Resources~~  
16 ~~for all joint employees, including providing lists of~~  
17 ~~applicants for open positions and the written application for~~  
18 ~~employment for each, providing assistance in determination of~~  
19 ~~job classifications, salary schedules, benefits, and terms of~~  
20 ~~employment, maintaining custody of records as requested, and~~  
21 ~~providing consultation on employee discipline."~~

22 Section 3. Sections 29-6-7.1 and 29-6-7.2 are added  
23 to the Code of Alabama 1975, to read as follows:

24 §29-6-7.1.

25 (a) The Legislature hereby finds and declares the  
26 following:

1           (1) Section 56 of the Constitution of Alabama of  
2 1901, now appearing as Section 56 of the Official  
3 Recompilation of the Constitution of Alabama of 1901, as  
4 amended, contains a speech or debate clause virtually  
5 identical to Section 6 of Article I of the Constitution of the  
6 United States, the federal speech and debate clause.

7           (2) In the case of *Gravel v. United States*, 408 U.S.  
8 606, the Supreme Court of the United States held the speech  
9 and debate clause in the Constitution of the United States  
10 makes the communications between members of the Congress and  
11 their staff privileged and confidential.

12           (3) The Supreme Court explained its reasoning as  
13 follows:

14           "[T]he day-to-day work of [legislative] aides is so  
15 critical to the Members' performance that they must be treated  
16 as the latter's alter ego; and that if they are not so  
17 recognized, the central role of the Speech and Debate  
18 Clause-to prevent intimidation of legislators by the Executive  
19 and accountability before a possibly hostile judiciary-will  
20 inevitably be diminished and frustrated."

21           (4) The Legislature intends by this section to apply  
22 the holding of the *Gravel* case to the Legislature of Alabama.

23           (b) For the purposes of this section, the following  
24 terms shall have the following meanings:

25           (1) CLIENT. A member of the Legislature, the  
26 Lieutenant Governor, Governor, and any individual to whom the

1 Director of Legislative Services determines the provision of  
2 services by the agency is in the best interests of the state.

3 (2) CLIENT'S AGENT. An individual authorized by a  
4 client to act as an agent of the client with legislative  
5 staff.

6 (3) COMMUNICATION. The sharing of information,  
7 opinions, advice, or knowledge with another. The term includes  
8 a communication in any form and in any draft, memoranda, or  
9 other work product related to or resulting from the  
10 communication.

11 (4) LEGISLATIVE STAFF. An officer, employee, or  
12 contractor of the Alabama Senate, Alabama House of  
13 Representatives, Office the President Pro Tempore, Office of  
14 the Speaker of the House, Legislative Services Agency, and  
15 Examiners of Public Accounts.

16 (c) A communication regarding legislation, potential  
17 legislation, the legislative process, or legislative activity  
18 between legislative staff and a client or a client's agent is  
19 privileged and confidential.

20 (d) A legislative staff member may not disclose the  
21 content of a communication or the fact that a communication  
22 occurred unless the privilege under subsection (c) is waived  
23 expressly by the client to whom the communication was made or,  
24 with respect to a communication made to a client's agent, the  
25 client on whose behalf the communication occurred.



1           (e) The introduction or public discussion of a bill  
2 by a client does not waive the privilege under subsection (c)  
3 with respect to any communication related to the bill.

4           (f) The advertising of a local bill by synopsis or  
5 in a form less than in its entirety is not, in and of itself,  
6 a waiver of the privilege under subsection (c).

7           §29-6-7.2.

8           (a) For the purposes of this section, the following  
9 terms shall have the following meanings:

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

14           (2) JOINT LEGISLATIVE OPERATIONS. Those activities,  
15 responsibilities, and procedures of the Legislature as an  
16 institution of government including, but not limited to,  
17 activities, responsibilities, and procedures involving the  
18 enactment and codification of legislation, the process by  
19 which administrative regulations are adopted, relations with  
20 the other branches of government, and internal operations of  
21 the Legislature as a whole including, but not limited to,  
22 joint rules, legislative compensation, and joint activities of  
23 the two houses. The term does not include activities,  
24 responsibilities, or procedures involving only one house of  
25 the Legislature, such as matters relating to the rules,  
26 liabilities, or employees of the particular house.

1                   (3) REVENUE SOURCES. Any receipt of funds by the  
2 state, including, but not limited to, tax receipts, fee  
3 receipts, transfers, interest income, transfers between state  
4 agencies or funds, or gifts or grants from other  
5 instrumentalities.

6                   (b) In addition to the reporting requirement in  
7 Section 36-15-21.1, whenever litigation required to be  
8 reported under Section 36-15-21.1 concerns joint legislative  
9 operations, the budget process, or any revenue source, the  
10 state official who is a party to the litigation shall promptly  
11 notify the Chair of the Legislative Council and the Director  
12 of Legislative Services.

13                   Section 4. Section 41-9-370 of the Code of Alabama  
14 1975, is amended to read as follows:

15                   "§41-9-370.

16                   "The Commission on Uniform State Laws is continued  
17 in existence as an advisory commission to the Legislature. The  
18 commission consists of three members of the bar appointed by  
19 the Governor for a term of four years or until their  
20 successors are appointed, a member of the Senate appointed by  
21 the President of the Senate, a member of the House of  
22 Representatives appointed by the Speaker of the House, the  
23 Director of ~~the Alabama Law Institute~~ Legislative Services,  
24 and the Deputy Director of ~~the Legislative Reference Service~~  
25 Services, Legal."

26                   Section 5. (a) The Director of the Alabama Law  
27 Institute may establish a special fund in the State Treasury

1 to receive direct grants or contributions or fees from  
2 municipal, county, state, federal, or charitable sources, or  
3 any other sources, to conduct studies, educate public  
4 officials, and carry on the duties of the institute. The funds  
5 in the special fund are continuously appropriated for the  
6 exclusive use of the institute, shall be maintained  
7 separately, and shall be in addition to any other funds  
8 appropriated to the institute.

9 (b) The fund may be used to pay the actual expenses  
10 of conducting the education functions of the institute,  
11 including the provision of food and non-alcoholic beverages  
12 usual and customary for like events and the actual and  
13 necessary expenses for participants and faculty of programs  
14 sponsored by the division as approved by the director.

15 (c) The director shall provide a public report of  
16 all funds received pursuant to this section. The public report  
17 shall be published on the website of the institute, provided  
18 that this requirement may be met by providing a link to a site  
19 that discloses this information on a statewide basis for other  
20 state governmental entities.

21 (d) This section is declaratory of and does not make  
22 a change in the pre-existing law.

23 Section 6. All laws or parts of laws that conflict  
24 with this act are repealed. Chapter 5 (commencing with Section  
25 29-5-1), Chapter 7 (commencing with Section 29-7-1), and  
26 Chapter 8 (commencing with Section 29-8-1) of Title 29 of, the  
27 Code of Alabama 1975, are expressly repealed. Notwithstanding

1 the foregoing, this act shall not affect any compensation or  
2 benefits of any employee which have accrued but have not been  
3 paid prior to the effective date of this act.

4 Section 7. Section 5 of this act shall become  
5 effective immediately on the passage of the act and its  
6 approval by the Governor or otherwise becoming law. The  
7 remainder of this act shall become effective on October 1,  
8 2017, at which time Section 5 of this act is repealed.

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Senate

Read for the first time and referred to the Senate  
committee on Governmental Affairs..... 07-FEB-17

Read for the second time and placed on the calen-  
dar 2 amendments..... 09-FEB-17

Read for the third time and passed as amended .... 14-FEB-17

Yeas 30  
Nays 0

Patrick Harris  
Secretary