

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

1 SB4

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3  
4 ENROLLED, An Act,

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

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Chapter 5A (commencing with Section  
22 29-5A-1) is added to Title 29 of the Code of Alabama 1975, to  
23 read as follows:

24 Chapter 5A. Legislative Services Agency.

25 Article 1. Legislative Services Agency.

1 §29-5A-1.

2 (a) There is hereby created the Legislative Services  
3 Agency which shall be under the supervision, direction, and  
4 control of the Director of Legislative Services. The director  
5 shall be appointed by the Legislative Council and shall  
6 receive the compensation and benefits established by the  
7 council, payable as the compensation of other state employees.

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

16 (c) The agency succeeds to and is vested with all of  
17 the functions of the Legislative Reference Service, the  
18 Legislative Fiscal Office, and the Alabama Law Institute. A  
19 reference in any law to the Legislative Reference Service,  
20 Legislative Fiscal Office, or the Alabama Law Institute shall  
21 be deemed a reference to the agency.

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

1 §29-5A-2.

2 The agency shall consist of three divisions as  
3 follows:

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

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

1 functions of the Fiscal Division. The director may delegate  
2 all or a portion of the power to the deputy director, fiscal.

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

17 §29-5A-3.

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

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

25 Article 2. Legal Division.

1 §29-5A-20.

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

5 §29-5A-21.

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

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

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

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

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

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

23 (6) To determine, subject to the approval of the  
24 Code Commissioner, the content of the code and any supplements  
25 thereto and to prepare an annual codification bill to adopt

1 changes to the code enacted at prior sessions of the  
2 Legislature.

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

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

1 department and agency of the State of Alabama government shall  
2 make its internal records available to the Legal Division upon  
3 request.

4 §29-5A-22.

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

12 (1) Change the wording of descriptive headings and  
13 catchlines.

14 (2) Change hierarchy units as specified in an act to  
15 appropriate code hierarchy.

16 (3) Change reference numbers to conform with  
17 renumbered hierarchy units, or make corrections in reference  
18 numbers if the correction can be made without substantive  
19 change in the law.

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

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



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

4           (7) Translate dates to the appropriate month, day,  
5 and year.

6           (8) Change words when directed by law.

7           (9) Substitute the name of any agency, officer, or  
8 instrumentality of the state or of a political subdivision  
9 whose name is changed by law or to which powers, duties, and  
10 responsibilities have been transferred by law, for the name  
11 which the agency, officer, or instrumentality previously used  
12 or of the agency which was previously vested with the same  
13 powers and charged with the same duties and responsibilities.

14           (10) Divide, consolidate, and rearrange hierarchy  
15 units and parts of hierarchy units.

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

1           (12) Resolve nonsubstantive conflicts between  
2 multiple acts.

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

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

8           (b) (1) Upon the adoption and incorporation of the  
9 annual cumulative supplement and each replacement volume into  
10 the Code of Alabama by statute, that supplement or replacement  
11 volume shall be considered as part of the entire Code of  
12 Alabama and shall be considered for statutory construction  
13 purposes in the same manner as all other portions of the code.

14           (2) This adoption and incorporation by statute shall  
15 constitute a continuous systematic codification of the entire  
16 Code of Alabama 1975, for purposes of Section 85 of the  
17 Constitution of Alabama of 1901. Such a statute is a law that  
18 adopts a code for the purposes of Section 45 of the  
19 Constitution of Alabama of 1901.

20           (c) The Legislature finds and declares that this  
21 section is declaratory of, and does not constitute a change  
22 in, the law existing since the amendment of Section 29-7-6 by  
23 Act 93-618 of the 1993 Regular Session designating the  
24 Director of the Legislative Reference Service as the Code  
25 Commissioner.

1           §29-5A-23.

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

7           (b) The Legal Division, when and as deemed  
8           appropriate, shall implement editorial changes to such  
9           language to conform the preprinted form to the applicable  
10          date.

11          §29-5A-24.

12          (a) The Code Commissioner, with the assistance of  
13          the Legal Division, shall prepare an official recompilation of  
14          the Constitution of Alabama of 1901, as amended. This official  
15          recompilation may not make any substantive change to any  
16          existing operative constitutional provision.

17          (b) The official recompilation shall include all of  
18          the following:

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

21               (2) The insertion of expressly identified amendatory  
22               language contained in a particular constitutional amendment  
23               into the identified location and the deletion of the language  
24               being amended and replaced and the retention of the original  
25               article and section number or amendment number.

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

5           (4) The grouping of various constitutional  
6 amendments applicable to the entire state in the same location  
7 in the document based upon a logical sequence and the  
8 particular subject or topic.

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

12           (6) The elimination of constitutional provisions or  
13 amendments, including portions of such provisions or  
14 amendments, that have lapsed or have been invalidated,  
15 directly or indirectly, by decision of a court of last resort.

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

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

22           (c) The Code Commissioner, upon completion, shall  
23 instruct the official Code Publisher to publish the official  
24 recompilation.

1           (d) The recompiled constitution published under this  
2 section shall be known as and cited as the Official  
3 Recompilation of the Constitution of Alabama of 1901, as  
4 amended.

5           (e) In the event of a conflict between the official  
6 recompiled constitution published under this section and the  
7 Constitution of Alabama of 1901, or any amendments to the  
8 Constitution of Alabama of 1901, the Constitution of Alabama  
9 of 1901, or the amendments thereto, or both, shall prevail  
10 over the official recompiled constitution.

11           §29-5A-25.

12           (a) The Legislature recognizes that language used in  
13 reference to individuals with disabilities shapes and reflects  
14 society's attitudes towards people with disabilities. Many of  
15 the terms currently used diminish the humanity and natural  
16 condition of having a disability. Certain terms are demeaning  
17 and create an invisible barrier to inclusion as equal  
18 community members. The Legislature finds it necessary to  
19 clarify preferred language for new and revised laws by  
20 requiring the use of terminology that puts the person before  
21 the disability.

22           (b) The Legal Division is directed to avoid all  
23 references to: Disabled, developmentally disabled, mentally  
24 disabled, mentally ill, mentally retarded, handicapped,  
25 cripple, crippled, deaf-mute, deaf-dumb, dumb, and mute in any

1 new statute or resolution and to change such references when  
2 appropriate in any existing statute or resolution as sections  
3 and provisions including these references are otherwise  
4 amended by law.

5 (c) The Legal Division is directed to replace terms  
6 referenced in subsection (b) in the Code of Alabama 1975, when  
7 such replacement is appropriate with the following revised  
8 terminology: Individuals with disabilities, individuals with  
9 developmental disabilities, and individuals who are deaf or  
10 hard of hearing.

11 (d) (1) No statute or resolution is invalid because  
12 the statute or resolution is not in compliance with this  
13 section.

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

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

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

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

25 §29-5A-26.

1           The Legal Division shall change all references to  
2 the Department of Mental Health and Mental Retardation in  
3 Title 22, and elsewhere as found in this code, to the  
4 Department of Mental Health. Code changes shall be made at a  
5 time determined appropriate by the division.

6           §29-5A-27.

7           The Legal Division shall review Titles 11 and 40 and  
8 shall substitute "Alabama Tax Tribunal" for any reference to  
9 the Administrative Law Division of the Department of Revenue  
10 and shall make any other similar amendments consistent  
11 herewith.

12          §29-5A-28.

13          The Legal Division shall conform references in the  
14 Code of Alabama 1975, to the offices, departments, divisions,  
15 and other entities included in Chapter 29 of Title 41 of the  
16 Code of Alabama 1975, to reflect the changes made by that  
17 chapter. Code changes, including amending and renumbering  
18 existing code sections to be part of Chapter 29 to make  
19 conforming changes required to conform to the substantive  
20 changes made in Act 2015-450, shall be made at a time  
21 determined to be appropriate by the division.

22          Article 3. Fiscal Division.

23          §29-5A-40.

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

4           §29-5A-41.

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

17           §29-5A-42.

18           In carrying out the duties and functions of the  
19 Fiscal Division and for the purposes of coordinating the  
20 operations of the division with those of other legislative  
21 agencies with a view to utilizing most effectively the  
22 information, services, and capabilities of all such agencies  
23 in carrying out the various responsibilities assigned to each,  
24 the division, may obtain information, data, estimates, and  
25 statistics developed by the Examiners of Public Accounts and,



1 upon agreement, utilize the services, facilities, and  
2 personnel of the Examiners of Public Accounts, with or without  
3 reimbursement.

4 §29-5A-43.

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

11 (1) Information with respect to the budget,  
12 appropriation bills, and other bills authorizing or providing  
13 budget authority or tax expenditures.

14 (2) Information with respect to revenues, receipts,  
15 estimated future revenues and receipts, and changing revenue  
16 conditions.

17 (3) Such related information as the committees may  
18 request.

19 §29-5A-44.

20 At the request of any other committee of the House  
21 of Representatives or the Senate, any joint committee of the  
22 Legislature, or any member of the House or Senate, the Fiscal  
23 Division shall provide to such committee, ~~or~~ joint committee, ~~or~~  
24 or member any information compiled in carrying out  
25 subdivisions (1) and (2) of Section 29-5A-43 and, to the

1 extent practicable, such additional information related to the  
2 foregoing as may be requested.

3 §29-5A-45.

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

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

23 (c) The Fiscal Division is authorized to secure  
24 information, data, estimates, and statistics directly from the  
25 employees and officials of the various departments, agencies,

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

10 §29-5A-46.

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

1           (b) The annual tax expenditure report shall include  
2 the following:

3           (1) Each tax exemption and its constitutional and/or  
4 statutory citation.

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

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

20           (d) The House Ways and Means Education Committee and  
21 the Senate Committee on Finance and Taxation - Education shall  
22 conduct joint hearings on the tax expenditure report every  
23 even-numbered year to be concluded by the tenth legislative  
24 day of the regular session of the Legislature. From time to

1 time, the committees may report to the Legislature findings or  
2 recommendations developed as a result of the hearings.

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

6 Article 4. Law Revision Division.

7 §29-5A-60.

8 The Law Revision Division shall be under the  
9 supervision, direction, and control of the Director of  
10 Legislative Services. The Law Revision Division shall continue  
11 to be known as the Alabama Law Institute for purposes of  
12 conducting its public activities.

13 §29-5A-61.

14 The general purposes of the Law Revision Division  
15 shall be to promote and encourage the clarification and  
16 simplification of the law of Alabama to secure the better  
17 administration of justice and to carry on scholarly legal  
18 research and scientific legal work. To that end it shall be  
19 the duty of the division to do all of the following:

20 (1) Consider needed improvements in both substantive  
21 and adjective law and to make recommendations concerning the  
22 same to the chairs and members of the House Judiciary  
23 Committee and the Senate Judiciary Committee.

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

4           (3) Receive and consider suggestions from members of  
5 the Legislature and the public generally as to defects and  
6 anachronisms in the law.

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

11          (5) Render annual reports to the Legislature through  
12 the president of the council and, if it deems so advisable,  
13 accompany its reports with proposed bills to carry out any of  
14 its recommendations.

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

17          (7) Organize and conduct meetings as needed within  
18 the state for scholarly discussions of current problems in  
19 Alabama law, bringing together representatives of the  
20 Legislature, practicing attorneys, members of the bench and  
21 bar, and representatives of the law teaching profession and  
22 periodically conduct training and continuing education  
23 programs for public officials, including providing educational  
24 material.

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

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

5           §29-5A-62.

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

9           §29-5A-63.

10          (a) The Director of Legislative Services may  
11 establish a special fund in the State Treasury to receive  
12 direct grants or contributions or fees from municipal, county,  
13 state, federal, or charitable sources, or any other sources,  
14 to conduct studies, educate public officials, and carry on the  
15 duties of the division. The funds in the special fund are  
16 continuously appropriated for the exclusive use of the  
17 division, shall be maintained separately, and shall be in  
18 addition to any other funds appropriated to the division.

19          (b) This fund may be used to pay the actual expenses  
20 of conducting the education functions of the Law Revision  
21 Division including the provision of food and non-alcoholic  
22 beverages usual and customary for like events and the actual  
23 and necessary expenses for participants and faculty of  
24 programs sponsored by the division as approved by the Director  
25 of Legislative Services.

1           (c) The Director of Legislative Services shall  
2 provide a public report of all funds received pursuant to this  
3 section. The public report shall be made on the website of the  
4 Legislative Services Agency, provided that this requirement  
5 may be met by providing a link to a site that discloses this  
6 information on a statewide basis for other state governmental  
7 entities.

8           §29-5A-64.

9           (a) The Governing Council of the Alabama Law  
10 Institute Council is continued in existence as the Alabama Law  
11 Institute Council.

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

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

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

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

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

22           (5) The Chairs of the Judiciary Committees of the  
23 Senate and House of Representatives.

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

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



1           (8) The chair of the junior bar section of the  
2 Alabama State Bar.

3           (9) The attorney members of the Legislative Council  
4 of Alabama.

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

7           (11) The Code Commissioner.

8           (12) The Speaker of the House, or his or her  
9 designee.

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

12          (14) Two members who shall be elected from the  
13 members of the faculty of the University of Alabama School of  
14 Law, two members elected from the members of the faculty of  
15 the Cumberland Law School of Samford University, two members  
16 elected from the members of the faculty of the Thomas Goode  
17 Jones School of Law at Faulkner University, and six practicing  
18 attorneys elected from each congressional district in the  
19 state.

20          (c) The ex officio members shall hold their  
21 positions during their respective terms of office. The terms  
22 of office of the elected members of the governing council  
23 shall be four years. Elected members of the governing council  
24 shall be eligible for reelection.

1 (d) Vacancies in the elected membership created by  
2 death, resignation, or other than by the expiration of the  
3 terms of office shall be filled by the council under such  
4 rules as it may adopt. Vacancies occurring through the  
5 expiration of terms of office shall be filled by election by  
6 the council under such rules as it may adopt.

7 (e) Members of the Governing Council of the Alabama  
8 Law Institute serving on September 30, 2017, shall continue as  
9 members of the Alabama Law Institute Council.

10 (f) The members of the Alabama Law Institute Council  
11 shall serve without any compensation for services as such. The  
12 division may pay honoraria to members of the State Bar who  
13 perform professional services for the division.

14 (g) The Alabama Law Institute Council shall advise  
15 the Director of Legislative Services on the work of the  
16 division and shall adopt a plan or plans to encourage and  
17 invite the cooperation of all members of the legal profession  
18 in the work of the division.

19 (h) The appointing authorities shall coordinate  
20 their appointments to assure the council membership is  
21 inclusive and reflects the racial, gender, geographic, urban,  
22 rural, and economic diversity of the state.

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

25 "§29-6-5.

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

5           "§29-6-7.

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

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

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

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

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

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

24 "(5) After consulting with the Secretary of the  
25 Senate and Clerk of the House, provide security for the

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

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

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

21 "(8) Employ a director of human resources who shall  
22 handle the human resources related functions for the  
23 Legislative ~~Reference Service~~ Services Agency, ~~Legislative~~  
24 ~~Fiscal Office, and Alabama Law Institute.~~ The Director of  
25 Human Resources shall provide services at the direction of the

1 Legislative Council, including providing lists of applicants  
2 for open positions and the written application for employment  
3 for each, providing assistance in the determination of salary  
4 schedules, benefits, and terms of employment, maintaining  
5 custody of records as requested, and providing consultation on  
6 employee discipline.

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

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

1       respectively; and provided further, persons employed under  
2       this sentence shall be paid from funds appropriated to the  
3       Office of the President Pro Tempore at a salary or other  
4       compensation approved by the President Pro Tempore.

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

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

23              "(e) Employees of the Legislative ~~Reference Service,~~  
24      ~~Legislative Fiscal Office, Alabama Law Institute~~ Services  
25      Agency, Speaker of the House, and President Pro Tempore of the

1 Senate shall be under the direction and control of the  
2 Director of the Legislative ~~Reference Service~~, ~~Director of the~~  
3 ~~Legislative Fiscal Office~~, ~~Director of the Alabama Law~~  
4 ~~Institute~~ Services Agency, Speaker of the House, and President  
5 Pro Tempore of the Senate, respectively.

6 "(f) The ~~Directors~~ Director of the Legislative  
7 ~~Reference Service~~, ~~Legislative Fiscal Office~~, and ~~Alabama Law~~  
8 ~~Institute~~ Services Agency shall annually review the  
9 performance of each employee subject to his or her supervision  
10 and report thereon to the Legislative Council.

11 "~~(g) Recommendations for hiring of the Director of~~  
12 ~~the Alabama Law Institute shall be made by the Institute~~  
13 ~~Council to the Legislative Council, which shall have final~~  
14 ~~hiring authority for the director.~~

15 "~~(h) The Directors of the Legislative Reference~~  
16 ~~Service, Legislative Fiscal Office, and Alabama Law Institute~~  
17 ~~shall receive a salary in amounts provided by the Legislative~~  
18 ~~Council.~~

19 "~~(i)~~ (g) The Legislative Council, after considering  
20 in a timely manner persons recommended for hire by the  
21 Secretary of the Senate and Clerk of the House, shall hire  
22 joint employees of the Legislature. The Legislative Council  
23 shall utilize the services of the Director of Human Resources  
24 for all joint employees, including providing lists of  
25 applicants for open positions and the written application for



1 employment for each, providing assistance in determination of  
2 job classifications, salary schedules, benefits, and terms of  
3 employment, maintaining custody of records as requested, and  
4 providing consultation on employee discipline."

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

7 §29-6-7.1.

8 (a) The Legislature hereby finds and declares the  
9 following:

10 (1) Section 56 of the Constitution of Alabama of  
11 1901, now appearing as Section 56 of the Official  
12 Recompilation of the Constitution of Alabama of 1901, as  
13 amended, contains a speech or debate clause virtually  
14 identical to Section 6 of Article I of the Constitution of the  
15 United States, the federal speech and debate clause.

16 (2) In the case of *Gravel v. United States*, 408 U.S.  
17 606, the Supreme Court of the United States held the speech  
18 and debate clause in the Constitution of the United States  
19 makes the communications between members of the Congress and  
20 their staff privileged and confidential.

21 (3) The Supreme Court explained its reasoning as  
22 follows:

23 "[T]he day-to-day work of [legislative] aides is so  
24 critical to the Members' performance that they must be treated  
25 as the latter's alter ego; and that if they are not so

1 recognized, the central role of the Speech and Debate  
2 Clause-to prevent intimidation of legislators by the Executive  
3 and accountability before a possibly hostile judiciary-will  
4 inevitably be diminished and frustrated."

5 (4) The Legislature intends by this section to apply  
6 the holding of the Gravel case to the Legislature of Alabama.

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

9 (1) CLIENT. A member of the Legislature, the  
10 Lieutenant Governor, Governor, and any individual to whom the  
11 Director of Legislative Services determines the provision of  
12 services by the agency is in the best interests of the state.

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

16 (3) COMMUNICATION. The sharing of information,  
17 opinions, advice, or knowledge with another. The term includes  
18 a communication in any form and in any draft, memoranda, or  
19 other work product related to or resulting from the  
20 communication.

21 (4) LEGISLATIVE STAFF. An officer, employee, or  
22 contractor of the Alabama Senate, Alabama House of  
23 Representatives, Office the President Pro Tempore, Office of  
24 the Speaker of the House, Legislative Services Agency, and  
25 Examiners of Public Accounts.

1           (c) A communication regarding legislation, potential  
2 legislation, the legislative process, or legislative activity  
3 between legislative staff and a client or a client's agent is  
4 privileged and confidential.

5           (d) A legislative staff member may not disclose the  
6 content of a communication or the fact that a communication  
7 occurred unless the privilege under subsection (c) is waived  
8 expressly by the client to whom the communication was made or,  
9 with respect to a communication made to a client's agent, the  
10 client on whose behalf the communication occurred.

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

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

17           §29-6-7.2.

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

20           (1) BUDGET PROCESS. The entire process by which  
21 funds are appropriated and expended, including, but not  
22 limited to, revenue estimating, legislative budget hearings,  
23 appropriations, allotment, and expenditure of funds.

24           (2) JOINT LEGISLATIVE OPERATIONS. Those activities,  
25 responsibilities, and procedures of the Legislature as an

1 institution of government including, but not limited to,  
2 activities, responsibilities, and procedures involving the  
3 enactment and codification of legislation, the process by  
4 which administrative regulations are adopted, relations with  
5 the other branches of government, and internal operations of  
6 the Legislature as a whole including, but not limited to,  
7 joint rules, legislative compensation, and joint activities of  
8 the two houses. The term does not include activities,  
9 responsibilities, or procedures involving only one house of  
10 the Legislature, such as matters relating to the rules,  
11 liabilities, or employees of the particular house.

12 (3) REVENUE SOURCES. Any receipt of funds by the  
13 state, including, but not limited to, tax receipts, fee  
14 receipts, transfers, interest income, transfers between state  
15 agencies or funds, or gifts or grants from other  
16 instrumentalities.

17 (b) In addition to the reporting requirement in  
18 Section 36-15-21.1, whenever litigation required to be  
19 reported under Section 36-15-21.1 concerns joint legislative  
20 operations, the budget process, or any revenue source, the  
21 state official who is a party to the litigation shall promptly  
22 notify the Chair of the Legislative Council and the Director  
23 of Legislative Services.

24 Section 4. Section 41-9-370 of the Code of Alabama  
25 1975, is amended to read as follows:

1           "§41-9-370.

2           "The Commission on Uniform State Laws is continued  
3 in existence as an advisory commission to the Legislature. The  
4 commission consists of three members of the bar appointed by  
5 the Governor for a term of four years or until their  
6 successors are appointed, a member of the Senate appointed by  
7 the President of the Senate, a member of the House of  
8 Representatives appointed by the Speaker of the House, the  
9 Director of ~~the Alabama Law Institute~~ Legislative Services,  
10 and the Deputy Director of ~~the Legislative Reference Service~~  
11 Services, Legal."

12           Section 5. (a) The Director of the Alabama Law  
13 Institute may establish a special fund in the State Treasury  
14 to receive direct grants or contributions or fees from  
15 municipal, county, state, federal, or charitable sources, or  
16 any other sources, to conduct studies, educate public  
17 officials, and carry on the duties of the institute. The funds  
18 in the special fund are continuously appropriated for the  
19 exclusive use of the institute, shall be maintained  
20 separately, and shall be in addition to any other funds  
21 appropriated to the institute.

22           (b) The fund may be used to pay the actual expenses  
23 of conducting the education functions of the institute,  
24 including the provision of food and non-alcoholic beverages  
25 usual and customary for like events and the actual and

1 necessary expenses for participants and faculty of programs  
2 sponsored by the division as approved by the director.

3 (c) The director shall provide a public report of  
4 all funds received pursuant to this section. The public report  
5 shall be published on the website of the institute, provided  
6 that this requirement may be met by providing a link to a site  
7 that discloses this information on a statewide basis for other  
8 state governmental entities.

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

11 Section 6. All laws or parts of laws that conflict  
12 with this act are repealed. Chapter 5 (commencing with Section  
13 29-5-1), Chapter 7 (commencing with Section 29-7-1), and  
14 Chapter 8 (commencing with Section 29-8-1) of Title 29 of, the  
15 Code of Alabama 1975, are expressly repealed. Notwithstanding  
16 the foregoing, this act shall not affect any compensation or  
17 benefits of any employee which have accrued but have not been  
18 paid prior to the effective date of this act.

19 Section 7. Section 5 of this act shall become  
20 effective immediately on the passage of the act and its  
21 approval by the Governor or otherwise becoming law. The  
22 remainder of this act shall become effective on October 1,  
23 2017, at which time Section 5 of this act is repealed.

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB4

Senate 14-FEB-17

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

Patrick Harris,  
Secretary.

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House of Representatives  
Amended and passed 25-APR-17

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Senate concurred in House amendment 27-APR-17

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By: Senator Dial