

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

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8 SYNOPSIS: Under existing law, the Legislative
9 Reference Service, Legislative Fiscal Office, and
10 Alabama Law Institute are under the general
11 supervision of the Legislative Council. In
12 addition, the Legislative Council has certain
13 authority and responsibilities with respect to
14 legislative staff and the operations of the
15 Legislature.

16 This bill would create the Legislative
17 Services Agency and reconstitute the Legislative
18 Reference Service, Legislative Fiscal Office, and
19 Alabama Law Institute as divisions of the
20 Legislative Services Agency, would provide for
21 additional authority for the Legislative Council
22 with regard to legislative operations; would add
23 additional provisions relating to the provision of
24 services by legislative staff, make related and
25 conforming changes, and repeal conflicting and
26 obsolete provisions.

1 A BILL
2 TO BE ENTITLED
3 AN ACT

4
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.

26 §29-5A-1.

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

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

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

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

25 §29-5A-2.

26 The agency shall consist of three divisions as
27 follows:

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

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

24 (3) The Law Revision Division, which shall be headed
25 by the Deputy Director of Legislative Services, Law Revision.
26 The deputy director, law revision, shall be a licensed
27 attorney who, after consultation with the Alabama Law

1 Institute Council, shall be appointed by and shall serve at
2 the pleasure of the director and shall receive the
3 compensation determined by the director. Except as otherwise
4 provided in this chapter, the Law Revision Division succeeds
5 to and is vested with all the powers of, and the duties
6 previously performed by, the Alabama Law Institute. The
7 Director of Legislative Services shall have all powers
8 necessary to perform the functions of the Law Revision
9 Division. The director may delegate all or a portion of the
10 power to the deputy director, law revision.

11 §29-5A-3.

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

15 (b) The compensation due to the officers and
16 employees employed under this section shall be certified by
17 the director to the Comptroller, who shall issue his or her
18 warrant therefor.

19 Article 2. Legal Division.

20 §29-5A-20.

21 The Legal Division shall be under the supervision,
22 direction, and control of the Director of Legislative
23 Services.

24 §29-5A-21.

25 (a) The Legal Division shall have all of the
26 following duties:

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

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

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

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

13 (5) To prepare, under the direction of the Code
14 Commissioner, a compilation or code of the statutes of
15 Alabama.

16 (6) To determine, subject to the approval of the
17 Code Commissioner, the content of the code and any supplements
18 thereto and to prepare an annual codification bill to adopt
19 changes to the code enacted at prior sessions of the
20 Legislature.

21 (b) Requests for assistance under subdivisions (1)
22 and (3) of subsection (a) shall be prepared only for a member
23 of the Legislature or the Lieutenant Governor, or a person
24 authorized by a member of the Legislature or by the Lieutenant
25 Governor. Requests for assistance under subdivision (2) of
26 subsection (a) shall be prepared only for a member of the
27 Legislature, the Lieutenant Governor, or the Governor, or a

1 person authorized by a member of the Legislature, by the
2 Lieutenant Governor, or by the Governor. The Legal Division
3 may respond to other requests for assistance, including, but
4 not limited to, requests from other state governments, as the
5 Director of Legislative Services determines to be in the best
6 interests of the state.

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

20 §29-5A-22.

21 (a) In compiling the contents of the code and any
22 cumulative supplement and replacement volume to the code, the
23 Legal Division and the Code Commissioner may not alter the
24 sense, meaning, or effect of any act. The Legal Division and
25 Code Commissioner, in compiling the contents of the code and
26 any supplement and replacement volume to the code, may perform
27 all of the following editorial functions:

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

3 (2) Change hierarchy units as specified in an act to
4 appropriate code hierarchy.

5 (3) Change reference numbers to conform with
6 renumbered hierarchy units, or make corrections in reference
7 numbers if the correction can be made without substantive
8 change in the law.

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

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

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

17 (7) Translate dates to the appropriate month, day,
18 and year.

19 (8) Change words when directed by law.

20 (9) Substitute the name of any agency, officer, or
21 instrumentality of the state or of a political subdivision
22 whose name is changed by law or to which powers, duties, and
23 responsibilities have been transferred by law, for the name
24 which the agency, officer, or instrumentality previously used
25 or of the agency which was previously vested with the same
26 powers and charged with the same duties and responsibilities.

1 (10) Divide, consolidate, and rearrange hierarchy
2 units and parts of hierarchy units.

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

12 (12) Resolve nonsubstantive conflicts between
13 multiple acts.

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

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

19 (b) (1) Upon the adoption and incorporation of the
20 annual cumulative supplement and each replacement volume into
21 the Code of Alabama by statute, that supplement or replacement
22 volume shall be considered as part of the entire Code of
23 Alabama and shall be considered for statutory construction
24 purposes in the same manner as all other portions of the code.

25 (2) This adoption and incorporation by statute shall
26 constitute a continuous systematic codification of the entire
27 Code of Alabama 1975, for purposes of Section 85 of the

1 Constitution of Alabama of 1901. Such a statute is a law that
2 adopts a code for the purposes of Section 45 of the
3 Constitution of Alabama of 1901.

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

10 §29-5A-23.

11 (a) Whenever any provision of this code contains a
12 preprinted form that contains language which indicates the
13 year of application or execution as "19__," the language shall
14 be deemed to mean either a year beginning with the numbers 19
15 or 2 as the case may be.

16 (b) The Legal Division, when and as deemed
17 appropriate, shall implement editorial changes to such
18 language to conform the preprinted form to the applicable
19 date.

20 §29-5A-24.

21 (a) The Code Commissioner, with the assistance of
22 the Legal Division, shall prepare an official recompilation of
23 the Constitution of Alabama of 1901, as amended. This official
24 recompilation may not make any substantive change to any
25 existing operative constitutional provision.

26 (b) The official recompilation shall include all of
27 the following:

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

3 (2) The insertion of expressly identified amendatory
4 language contained in a particular constitutional amendment
5 into the identified location and the deletion of the language
6 being amended and replaced and the retention of the original
7 article and section number or amendment number.

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

12 (4) The grouping of various constitutional
13 amendments applicable to the entire state in the same location
14 in the document based upon a logical sequence and the
15 particular subject or topic.

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

19 (6) The elimination of constitutional provisions or
20 amendments, including portions of such provisions or
21 amendments, that have lapsed or have been invalidated,
22 directly or indirectly, by decision of a court of last resort.

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

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

4 (c) The Code Commissioner, upon completion, shall
5 instruct the official Code Publisher to publish the official
6 recompilation.

7 (d) The recompiled constitution published under this
8 section shall be known as and cited as the Official
9 Recompilation of the Constitution of Alabama of 1901, as
10 amended.

11 (e) In the event of a conflict between the official
12 recompilation published under this section and the
13 Constitution of Alabama of 1901, or any amendments to the
14 Constitution of Alabama of 1901, the Constitution of Alabama
15 of 1901, or the amendments thereto, or both, shall prevail
16 over the official recompilation.

17 §29-5A-25.

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

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

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

15 (d) (1) No statute or resolution is invalid because
16 the statute or resolution is not in compliance with this
17 section.

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

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

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

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

3 §29-5A-26.

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

9 §29-5A-27.

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

15 §29-5A-28.

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

25 Article 3. Fiscal Division.

26 §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,
26 upon agreement, utilize the services, facilities, and

1 personnel of the Examiners of Public Accounts, with or without
2 reimbursement.

3 §29-5A-43.

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

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

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

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

18 §29-5A-44.

19 At the request of any other committee of the House
20 of Representatives or the Senate, any joint committee of the
21 Legislature, or any member of the House or Senate, the Fiscal
22 Division shall provide to such committee or joint committee
23 any information compiled in carrying out subdivisions (1) and
24 (2) of Section 29-5A-43 and, to the extent practicable, such
25 additional information related to the foregoing as may be
26 requested.

27 §29-5A-45.

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

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

20 (c) The Fiscal Division is authorized to secure
21 information, data, estimates, and statistics directly from the
22 employees and officials of the various departments, agencies,
23 institutions, establishments, boards, and commissions of the
24 county and municipal governments of the state which are
25 necessary for the division to fulfill the duties and functions
26 imposed by this section. The employees and officials of all
27 departments, agencies, institutions, establishments, boards,

1 and commissions shall furnish the division, any available
2 material which the division, fiscal determines to be necessary
3 in the performance of the duties and functions required by
4 this section.

5 §29-5A-46.

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

20 (b) The annual tax expenditure report shall include
21 the following:

22 (1) Each tax exemption and its constitutional and/or
23 statutory citation.

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

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

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

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

23 Article 4. Law Revision Division.

24 §29-5A-60.

25 The Law Revision Division shall be under the
26 supervision, direction, and control of the Director of
27 Legislative Services. The Law Revision Division shall continue

1 to be known as the Alabama Law Institute for purposes of
2 conducting its public activities.

3 §29-5A-61.

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

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

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

17 (3) Receive and consider suggestions from members of
18 the Legislature and the public generally as to defects and
19 anachronisms in the law.

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

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

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

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

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

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

15 §29-5A-62.

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

19 §29-5A-63.

20 (a) The Director of Legislative Services may
21 establish a special fund in the State Treasury to receive
22 direct grants or contributions or fees from municipal, county,
23 state, federal, or charitable sources, or any other sources,
24 to conduct studies, educate public officials, and carry on the
25 duties of the division. The funds in the special fund are
26 continuously appropriated for the exclusive use of the

1 division, shall be maintained separately, and shall be in
2 addition to any other funds appropriated to the division.

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

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

17 §29-5A-64.

18 (a) The Governing Council of the Alabama Law
19 Institute Council is continued in existence as the Alabama Law
20 Institute Council.

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

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

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

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

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

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

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

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

9 (8) The chair of the junior bar section of the
10 Alabama State Bar.

11 (9) The attorney members of the Legislative Council
12 of Alabama.

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

15 (11) The Code Commissioner.

16 (12) The Speaker of the House, or his or her
17 designee.

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

20 (14) Two members who shall be elected from the
21 members of the faculty of the University of Alabama School of
22 Law, two members elected from the members of the faculty of
23 the Cumberland Law School of Samford University, two members
24 elected from the members of the faculty of the Thomas Goode
25 Jones School of Law at Faulkner University, and six practicing
26 attorneys elected from each congressional district in the
27 state.

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

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

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

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

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

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

26 "§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
26 appropriated to any entity for the maintenance of the State
27 House property remaining at the close of the fiscal year in

1 which they were collected or for which they were appropriated
2 shall be transferred to the fund created pursuant to this
3 subdivision.

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

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

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

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

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

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

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

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

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

24 "(c) In addition to the powers otherwise provided in
25 this chapter, the House Legislative Council shall, upon the
26 recommendation of the Director of Human Resources, establish
27 the job classifications, salary schedules, and benefits for

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

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

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

23 "(f) The ~~Directors~~ Director of the Legislative
24 ~~Reference Service, Legislative Fiscal Office, and Alabama Law~~
25 ~~Institute~~ Services Agency shall annually review the
26 performance of each employee subject to his or her supervision
27 and report thereon to the Legislative Council.

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

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

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

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

22 §29-6-7.1.

23 (a) The Legislature hereby finds and declares the
24 following:

25 (1) Section 56 of the Constitution of Alabama of
26 1901, now appearing as Section 56 of the Official
27 Recompilation of the Constitution of Alabama of 1901, as

1 amended, contains a speech or debate clause virtually
2 identical to Section 6 of Article I of the Constitution of the
3 United States, the federal speech and debate clause.

4 (2) In the case of *Gravel v. United States*, 408 U.S.
5 606, the Supreme Court of the United States held the speech
6 and debate clause in the Constitution of the United States
7 makes the communications between members of the Congress and
8 their staff privileged and confidential.

9 (3) The Supreme Court explained its reasoning as
10 follows:

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

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

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

22 (1) CLIENT. A member of the Legislature, the
23 Lieutenant Governor, Governor, and any individual to whom the
24 Director of Legislative Services determines the provision of
25 services by the agency is in the best interests of the state.

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

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

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

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

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

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

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

4 §29-6-7.2.

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

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

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

24 (3) REVENUE SOURCES. Any receipt of funds by the
25 state, including, but not limited to, tax receipts, fee
26 receipts, transfers, interest income, transfers between state

1 agencies or funds, or gifts or grants from other
2 instrumentalities.

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

10 Section 4. Section 41-9-370 of the Code of Alabama
11 1975, is amended to read as follows:

12 "§41-9-370.

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

23 Section 5. (a) The Director of the Alabama Law
24 Institute may establish a special fund in the State Treasury
25 to receive direct grants or contributions or fees from
26 municipal, county, state, federal, or charitable sources, or
27 any other sources, to conduct studies, educate public

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

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

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

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

20 Section 6. All laws or parts of laws that conflict
21 with this act are repealed. Chapter 5 (commencing with Section
22 29-5-1), Chapter 7 (commencing with Section 29-7-1), and
23 Chapter 8 (commencing with Section 29-8-1) of Title 29 of, the
24 Code of Alabama 1975, are expressly repealed.

25 Section 7. Section 5 of this act shall become
26 effective immediately on the passage of the act and its
27 approval by the Governor or otherwise becoming law. The

1 remainder of this act shall become effective on October 1,
2 2017, at which time Section 3 of this act is repealed.