

1 SB83
2 181523-2
3 By Senator Bussman
4 RFD: Governmental Affairs
5 First Read: 07-FEB-17

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to boards and commissions; to provide
12 legislative intent; to repeal Article 1, commencing with
13 Section 2-7-1, of Chapter 7 of Title 2, Chapter 13A,
14 commencing with Section 2-13A-1, of Title 2, Chapter 2A,
15 commencing with Section 4-2A-1, of Title 4, Chapter 6A,
16 commencing with Section 9-6A-1, of Title 9, Sections 9-12-142,
17 9-13-25, and 14-1-18, Article 2, commencing with Section
18 16-55-20, of Chapter 55 of Title 16, Section 16-25A-13,
19 Article 2, commencing with Section 22-18-20, of Chapter 18 of
20 Title 22, Sections 22-30E-12, 22-50-25, Article 12, commencing
21 with Section 29-2-221, of Chapter 2 of Title 29, Article 7,
22 commencing with Section 36-21-140, of Chapter 21 of Title 36,
23 Section 36-36-10, Chapter 7A, commencing with Section 38-7A-1,
24 of Title 38, Article 7B, commencing with Section 41-9-190, of
25 Chapter 9 of Title 41, Article 18, commencing with Section
26 41-9-490, of Chapter 9 of Title 41, Article 22, commencing
27 with Section 41-9-570, of Chapter 9 of Title 41, Article 30,

1 commencing with Section 41-9-780, of Chapter 9 of Title 41,
2 Article 32, commencing with Section 41-9-830, of Chapter 9 of
3 Title 41, Article 7, commencing with Section 41-10-200, of
4 Chapter 10 of Title 41, and Chapter 25, commencing with
5 41-25-1, of Title 41, Code of Alabama 1975; to repeal Act
6 1975-1178, Act 1979-43, Act Act 1985-138, Act 1985-280, Act
7 1985-301, Act 1985-811, Act 1987-02, Act 1988-213, Act
8 1991-259, Act 1991-325, Act 1992-56, Act 1994-764, Act
9 1996-289, Act 1997-68, Act 1997-818, Act 1998-107, Act
10 1998-156, Act 2000-8, Act 2001-62, Act 2002-318, Act 2004-421,
11 Act 2004-540, Act 2005-257, Act 2006-430, Act 2007-171, Act
12 2007-421, Act 2007-507, Act 2007-565, Act 2007-592, Act
13 2008-25, Act 2008-121, Act 2008-337, Act 2008-386, Act
14 2009-142, Act 2009-180, Act 2009-794, Act 2009-798, Act
15 2009-806, Act 2010-458, Act 2010-638, Act 2011-132, Act
16 2011-356, Act 2012-25, Act 2012-597, and Act 2014-194; and to
17 amend Sections 22-1-12, 22-23A-3, 24-10-2, 24-10-4, 24-10-5,
18 and 41-23-23, Code of Alabama 1975.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. The Legislature of Alabama finds and
21 declares all of the following:

22 (1) New boards, commissions, committees,
23 authorities, councils, and task forces are routinely created
24 by legislative act to examine, study, and report on issues
25 relating to public health, safety, and welfare.

26 (2) When the board, commission, task force, or other
27 entity has completed its work, the original purpose for

1 creating the entity is resolved, or other factors make the
2 entity outdated or obsolete, the originating act often remains
3 on the books with no purpose and the entity has no members.

4 (3) To promote efficiency in government, it is
5 necessary to delete obsolete laws.

6 (4) Act 2015-304 established the Alabama Task Force
7 on Outdated Boards and Commissions to examine and review
8 existing boards and commissions with the purpose of
9 eliminating those that were outdated or had expired.

10 (5) Legislation is needed to effectively eliminate
11 outdated, expired, and obsolete entities created by
12 legislative act from the Acts of Alabama and the Code of
13 Alabama 1975, and to provide a historical record of that
14 elimination.

15 Section 2. The following provisions of the Code of
16 Alabama 1975, are repealed:

17 (1) Article 1, commencing with Section 2-7-1, of
18 Chapter 7 of Title 2, Code of Alabama 1975, relating to the
19 Agricultural and Industrial Exhibit Commission.

20 (2) Chapter 13A, commencing with Section 2-13A-1, of
21 Title 2, Code of Alabama 1975, relating to the Southern Dairy
22 Compact and the Southern Dairy Compact Commission.

23 (3) Chapter 2A, commencing with Section 4-2A-1, of
24 Title 4, Code of Alabama 1975, relating to the Alabama
25 International Airport Authority.

1 (4) Chapter 6A, commencing with Section 9-6A-1, of
2 Title 9, Code of Alabama 1975, relating to the Synfuels
3 Development Authority.

4 (5) Section 9-12-142, Code of Alabama 1975, relating
5 to the Fishing Reef Ship Commission.

6 (6) Section 9-13-25, Code of Alabama 1975, relating
7 to the Forestry Study Committee.

8 (7) Section 14-1-18, Code of Alabama 1975, relating
9 to the Capital Outlay Oversight Commission.

10 (8) Section 16-25A-13, Code of Alabama 1975,
11 relating to the Public Education Employees' Health Insurance
12 Board Legislative Advisory Committee.

13 (9) Article 2, commencing with Section 16-55-20, of
14 Chapter 55 of Title 16, Code of Alabama 1975, relating to the
15 Alabama High School Legislative Leadership Academy.

16 (10) Article 2, commencing with Section 22-18-20, of
17 Chapter 18, Title 22, Code of Alabama 1975, relating to the
18 Alabama Emergency Medical Services Education Commission.

19 (11) Section 22-30E-12, Code of Alabama 1975,
20 relating to the Alabama Land Recycling and Economic
21 Redevelopment Commission.

22 (12) Section 22-50-25, Code of Alabama 1975,
23 relating to the Mental Health Capital Outlay Oversight
24 Commission.

25 (13) Article 12, commencing with Section 29-2-221,
26 of Chapter 2 of Title 29, Code of Alabama 1975, relating to
27 the Legislative Youth Advisory Council and Commission.

1 (14) Article 7, commencing with Section 36-21-140,
2 of Chapter 21 of Title 36, Code of Alabama 1975, relating to
3 the Alabama Law Enforcement and Firefighter Service Medals
4 Review Committee.

5 (15) Section 36-36-10, Code of Alabama 1975,
6 relating to the Permanent Legislative Oversight Committee on
7 Retirees' Health Care.

8 (16) Chapter 7A, commencing with Section 38-7A-1, of
9 Title 38, Code of Alabama 1975, relating to the Child Care
10 Commission.

11 (17) Article 7B, commencing with Section 41-9-190,
12 of Chapter 9 of Title 41, Code of Alabama 1975, relating to
13 the Recycling Industry and Market Development Council.

14 (18) Article 18, commencing with Section 41-9-490,
15 of Chapter 9 of Title 41, Code of Alabama 1975, relating to
16 the State Beautification Board.

17 (19) Article 22, commencing with Section 41-9-570,
18 of Chapter 9 of Title 41, Code of Alabama 1975, relating to
19 the Criminal Justice Advisory Commission.

20 (20) Article 30, commencing with Section 41-9-780,
21 of Chapter 9 of Title 41, Code of Alabama 1975, relating to
22 the Tennessee Valley Exhibit Commission.

23 (21) Article 32, commencing with Section 41-9-830,
24 of Chapter 9 of Title 41, Code of Alabama 1975, relating to
25 the Alabama Turkey Hunters Hall of Fame Board.

1 (22) Article 7, commencing with Section 41-10-200,
2 of Chapter 10 of Title 41, Code of Alabama 1975, relating to
3 the Alabama Shakespeare Festival Theatre Finance Authority.

4 (23) Chapter 25, commencing with 41-25-1, of Title
5 41, Code of Alabama 1975, relating to the Alabama Drug
6 Education and Awareness Oversight Council.

7 Section 3. The following Acts of Alabama are
8 repealed:

9 (1) Act 1975-1178 (HJR430), relating to the Interim
10 Committee to Study the Tax Structure of the State of Alabama
11 and the Distribution of Tax Revenues.

12 (2) Act 1979-43 (HJR19), relating to the Joint Study
13 Committee on Agriculture.

14 (3) Act 1985-138 (SJR42), relating to the Joint
15 Legislative Children and Youth Study Committee.

16 (4) Act 1985-280 (SJR102), relating to the Alabama
17 Legislative Congressional Advisory Committee on Farm Programs.

18 (5) Act 1985-301 (HJR188), relating to the Alabama
19 Legislative Congressional Advisory Committee on the Textile
20 Industry.

21 (6) Act 1985-811 (HJR5), relating to the Interim
22 Committee to Study the Tax Structure of the State of Alabama
23 and the Distribution of Tax Revenues.

24 (7) Act 1987-02 (HJR5), relating to the Legislative
25 Parking Committee.

26 (8) Act 1988-213 (HJR66), relating to the
27 Legislative Commission on AIDS.

1 (9) Act 1991-259 (SJR119), relating to the Alabama
2 Commission on Aerospace Science and Industry.

3 (10) Act 1991-325 (SJR22), relating to the Committee
4 to Study and Provide for the Erection of a Vietnam Veterans
5 Monument on the State Capitol Grounds.

6 (11) Act 1992-56 (HJR29), relating to the
7 International Airport Permanent Legislative Oversight
8 Committee.

9 (12) Act 1994-764 (HJR58), relating to the Permanent
10 Joint Legislative Oversight Committee on Rehabilitation
11 Services.

12 (13) Act 1996-289 (SJR75), relating to the Joint
13 Legislative Committee for the Alabama Agricultural Center.

14 (14) Act 1997-68 (HJR29), relating to the Welfare to
15 Work Task Force to Study ONE STOP Centers.

16 (15) Act 1997-818 (SJR14), relating to the
17 Children's Health Insurance Program Commission.

18 (16) Act 1998-107 (HJR78), relating to the Alabama
19 Forestry Commission, Volunteer Fire Departments and the Rural
20 Community Fire Protection Institute Joint Permanent
21 Legislative Oversight Committee.

22 (17) Act 1998-156 (SJR74), relating to the
23 Children's Health Insurance Program Commission.

24 (18) Act 2000-8 (HJR44), relating to the Blackbelt
25 Infrastructure Legislative Committee.

26 (19) Act 2001-62 (HJR62), relating to the Alabama
27 Public-Private Heart Disease and Stroke Task Force.

1 (20) Act 2002-318 (HJR423), relating to the Alabama
2 Public-Private Heart Disease and Stroke Task Force.

3 (21) Act 2004-421 (SJR82), relating to the Emergency
4 Response Commission.

5 (22) Act 2004-540 (SJR89), relating to the
6 Commission on Government Accountability.

7 (23) Act 2005-257 (HJR40), relating to the
8 Legislative Task Force on Obesity.

9 (24) Act 2006-430 (SJR27), relating to the Emergency
10 Response Commission.

11 (25) Act 2007-171 (HJR176), relating to the Health
12 Information Technology Partnership.

13 (26) Act 2007-421 (HJR19), relating to the Joint
14 Legislative Children and Youth Study Committee.

15 (27) Act 2007-507 (SJR77), relating to the Joint
16 Legislative Committee on the New National Veterans Cemetery.

17 (28) Act 2007-565 (HJR306), relating to the
18 Legislative Task Force on Morbid Obesity.

19 (29) Act 2007-592 (HJR153), relating to the Task
20 Force to Study and Recommend Strategies to Assist Existing
21 Industries in Alabama.

22 (30) Act 2008-25 (SJR13), relating to the Commission
23 to Enhance the Enforcement of Alabama's Litter Laws.

24 (31) Act 2008-121 (SJR121), relating to the Family
25 Law Task Force.

26 (32) Act 2008-337 (HJR640), relating to the Services
27 for Alabama Families Study Commission.

1 (33) Act 2008-386 (HJR656), relating to the Alabama
2 Waterfront Access Study Committee.

3 (34) Act 2009-142 (SJR61), relating to the
4 Commission on Mining Safety Laws.

5 (35) Act 2009-180 (HJR297), relating to the Services
6 for Alabama Families Study Commission.

7 (36) Act 2009-794 (HJR592), relating to the
8 Statewide Public Transit Commission.

9 (37) Act 2009-798 (SJR26), relating to the Alabama
10 Amistad Commission.

11 (38) Act 2009-806 (SJR123), relating to the Equal
12 Pay Commission.

13 (39) Act 2010-458 (HJR840), relating to the Alabama
14 Waterfront Access Study Committee.

15 (40) Act 2010-638 (HJR832), relating to the Alabama
16 Innovation Council Study Commission.

17 (41) Act 2011-132 (SJR63), relating to the Alabama
18 Waterfront Access Study Committee.

19 (42) Act 2011-356 (SJR118), relating to the Alabama
20 Clean Water Task Force.

21 (43) Act 2012-25 (HJR28), relating to the Alabama
22 Task Force on Homeowners Associations.

23 (44) Act 2012-597 (HJR433), relating to the
24 Alzheimer's Disease Task Force.

25 (45) Act 2014-194 (HJR231), relating to the
26 Alzheimer's Disease Task Force.

1 Section 4. Sections 22-1-12, 22-23A-3, 24-10-2,
2 24-10-4, 24-10-5, and 41-23-23, Code of Alabama 1975, are
3 amended to read as follows:

4 "§22-1-12.

5 "(a) The Department of Public Health shall establish
6 a comprehensive cardiac arrest survival plan for the training,
7 credentialing, and certification of primary cardiac care
8 providers in the use of semiautomatic external defibrillators
9 based on national guidelines for life-saving interventions of
10 persons suffering sudden, non-traumatic cardiac arrest
11 promulgated by the National Institutes of Health and the
12 National Heart, Lung, and Blood Institute.

13 "(b) All funds from the appropriation in Act 99-372
14 of the 1999 Regular Session shall be used to assist in the
15 purchase or acquisition of semiautomatic external
16 defibrillators and training for emergency medical care
17 providers. To be eligible for assistance, emergency medical
18 care providers shall meet standards established by the
19 department.

20 "~~(c) A Cardiac Arrest Survival Commission consisting~~
21 ~~of the State Health Officer, the State Emergency Medical~~
22 ~~Director, three members appointed by the Senate President Pro~~
23 ~~Tempore, three members appointed by the Speaker of the House,~~
24 ~~two members appointed by the Governor, and one member~~
25 ~~appointed by the Alabama Chapter of the American Heart~~
26 ~~Association shall make all awards of assistance by majority~~
27 ~~vote. The State Health Officer shall serve as chair of the~~

1 ~~commission. Assistance may be in the form of equipment awarded~~
2 ~~outright or purchased with matching funds from the provider.~~
3 ~~The commission shall establish by majority vote the~~
4 ~~methodology for making awards to eligible providers.~~

5 "§22-23A-3.

6 "The Governor, the Director of the Department of
7 Economic and Community Affairs, the Director of Finance, one
8 member of the House of Representatives appointed by the
9 Speaker, and one member of the Senate appointed by the
10 Lieutenant Governor may become a public corporation to be
11 known as the Alabama Water System Assistance Authority with
12 the power and authority hereinafter provided, by proceeding
13 according to the provisions of this chapter. ~~Provided,~~
14 ~~however, that actions taken by such authority shall be~~
15 ~~monitored, from time to time, by a special "Water Assistance~~
16 ~~Legislative Oversight Committee" composed of three members of~~
17 ~~the House of Representatives appointed by the Speaker of the~~
18 ~~House and three Senators appointed by the Lieutenant Governor.~~
19 ~~Members of the Legislature serving on this oversight committee~~
20 ~~shall be entitled to their regular legislative per diem and~~
21 ~~travel expenses on such committee's meeting days. The~~
22 ~~Lieutenant Governor shall appoint a chairperson for such~~
23 ~~committee and the Speaker of the House shall appoint the~~
24 ~~vice chairperson. Such committee shall meet, from time to~~
25 ~~time, on request of either the chairperson or the authority.~~
26 ~~The Lieutenant Governor and the Speaker of the House shall~~
27 ~~make the appointments to the authority and the Water~~

1 ~~Assistance Legislative Oversight Committee within 15 days of~~
2 ~~the effective date of this chapter.~~

3 "§24-10-2.

4 "When used in this chapter, the following words
5 shall have the following meanings:

6 "~~(1) ADVISORY COMMITTEE. The Alabama Housing Trust~~
7 ~~Fund Advisory Committee.~~

8 "~~(2)~~ (1) ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY
9 AFFAIRS (ADECA). As established by Section 41-23-1.

10 "~~(3)~~ (2) ALABAMA HOUSING TRUST FUND. The trust fund
11 created pursuant to Section 24-10-4.

12 "~~(4)~~ (3) SIXTY PERCENT OF MEDIAN FAMILY INCOME. A
13 person or persons living together whose annual income or
14 incomes do not exceed 60 percent of the median family income
15 of a geographic area, as determined by the U.S. Department of
16 Housing and Urban Development, with adjustments for smaller
17 and larger families.

18 "§24-10-4.

19 "The Alabama Affordable Housing Trust Fund is
20 created in the State Treasury for the collection and
21 distribution of designated funds for the purpose of increasing
22 the production of housing units, rehabilitating existing
23 housing units, and maintaining such housing so that it can be
24 made affordable to individuals and families whose incomes are
25 at or below 60 percent of the median family income. The
26 Alabama Housing Trust Fund shall be administered by ADECA
27 ~~which shall appoint an advisory committee as prescribed in~~

1 ~~Section 24-10-8 to advise the Director of ADECA as to program~~
2 ~~components and operations.~~

3 "§24-10-5.

4 "(a) The Alabama Housing Trust Fund shall be
5 maintained and administered by ADECA. ADECA is authorized and
6 directed to do all the following:

7 "(1) Invest and reinvest all money held in the trust
8 fund in investments under ADECA's investment policies, pending
9 its use for the purposes described in Section 24-10-6.

10 "(2) Keep books and records relating to the
11 investment, interest earnings, and uses of monies deposited
12 into the trust fund.

13 "(3) Establish procedures for the withdrawal,
14 allocation, and use of the monies held in the trust fund for
15 the purposes described in Section 24-10-6.

16 "(4) Publish, on an annual basis, criteria for
17 determining the distribution of funds.

18 "(5) Conduct an annual independent audit of the
19 trust fund.

20 "(6) Prepare, in collaboration with the advisory
21 committee, an annual performance report, which shall be
22 provided to the Governor, Speaker of the House of
23 Representatives, and the President Pro Tempore of the Senate,
24 outlining the use of the trust fund monies, including, but not
25 limited to, the trust fund's success in meeting its intended
26 purposes.

1 "(7) Conduct, or hire an outside entity to conduct a
2 statewide housing needs assessment, once every five years to
3 inform ADECA, its director, and the advisory committee of the
4 affordable housing needs in Alabama. The assessment should
5 include the housing needs for individuals with disabilities,
6 those living with HIV/AIDS, intellectual disability,
7 individuals experiencing homelessness, victims of domestic
8 violence, veterans, and the elderly.

9 "(8) Enter into contracts and agreements in
10 connection with the operation of the trust fund, including
11 contracts and agreements with federal agencies, local
12 governmental entities, community developers, and other
13 not-for-profit groups. This provision shall not authorize
14 contracts and agreements with for-profit entities.

15 "(9) Engage in ongoing efforts to increase funding
16 sources for the trust fund, including any additional ongoing
17 state-dedicated funding source.

18 "~~(b) ADECA shall seek the input of the Alabama~~
19 ~~Housing Trust Fund Advisory Committee, outlined in Section~~
20 ~~24-10-8, but the~~ The Director of ADECA has final
21 decision-making authority on all matters relating to the trust
22 fund and the programs administered under Section 24-10-4.

23 "(c) ADECA shall be periodically paid a reasonable
24 fee from amounts deposited to the trust fund to reimburse
25 ADECA for its services in administering the trust fund. On an
26 annual basis, ADECA shall not be paid in excess of 10 percent
27 of the total annual deposits to the trust fund.

1 "§41-23-23.

2 "Selection of zones and the general guidelines for
3 implementation of the provisions of this article shall be as
4 follows:

5 "(1) The Alabama Department of Economic and
6 Community Affairs shall see that all applications are
7 processed as follows:

8 "a. The state or any governmental entity in the
9 proposed area may submit an application for zone designation.

10 "b. Each application should provide a statement of
11 incentives being offered by the governmental entities, such
12 as:

13 "1. Regulatory relief or waiver;

14 "2. Services provided;

15 "3. Tax incentives;

16 "4. Other nontax incentives.

17 "c. It is contemplated that state, county and/or
18 municipal governments may devise an innovative package of
19 local incentives in their respective jurisdictions and
20 aggressively pursue zone designation.

21 "(2) Zones shall be selected by the department, with
22 input from the advisory council, which shall have the
23 responsibility for the general implementation of the law.

24 "(3) An Enterprise Zone Advisory Council consisting
25 of members of the Alabama Department of Commerce, Southern
26 Development Council, Department of Labor, Department of
27 Education, State Department of Transportation, Department of

1 Environmental Management, Department of Agriculture and
2 Industries, Department of Revenue and other qualified
3 individuals or organizations shall be appointed by the
4 Governor with provisions to insure geographic representation
5 of rural and urban areas. This council shall be limited to 11
6 representatives and shall serve at the pleasure of the
7 Governor.

8 ~~"(4) A legislative oversight committee shall be~~
9 ~~appointed by the Lieutenant Governor and the Speaker. Such~~
10 ~~committee shall consist of three members from the House of~~
11 ~~Representatives and three members from the Senate appointed by~~
12 ~~the respective officers of each body."~~

13 Section 5. This act shall become effective on the
14 first day of the third month following its passage and
15 approval by the Governor, or its otherwise becoming law.

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Senate

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

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

Read for the third time and passed as amended 27-APR-17

Yeas 26
Nays 0

Patrick Harris,
Secretary.