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3 SUBSTITUTE FOR HB537  
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8 SYNOPSIS: This bill would create the Alabama  
9 Commission on the Evaluation of Services and would  
10 provide for the membership and duties of the  
11 commission.  
12

13 A BILL  
14 TO BE ENTITLED  
15 AN ACT  
16

17 To create the Alabama Commission on the Evaluation  
18 of Services; to provide for the membership and duties of the  
19 commission; to repeal Act 2018-578, 2018 Regular Session,  
20 adopting an evidence-based budgeting process; and to provide  
21 an effective date.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. The Alabama Commission on the Evaluation  
24 of Services is created for the purpose of advising the  
25 Legislature and the Governor regarding the evaluation of  
26 services, which may include evidence-based policymaking,  
27 within the state.

1           Section 2. (a) The commission shall be composed of  
2 the following members:

3           (1) Two members of the House of Representatives  
4 appointed by the Speaker of the House of Representatives, one  
5 of whom shall be a member of the minority party.

6           (2) Two members of the Senate appointed by the  
7 President Pro Tempore of the Senate, one of whom shall be a  
8 member of the minority party.

9           (3) Four members appointed by the Governor.

10          (4) The Director of Finance, or his or her designee,  
11 who shall serve as a nonvoting member.

12          (5) The Deputy Director of the Legislative Services  
13 Agency Fiscal Division, or his or her designee, who shall  
14 serve as a nonvoting member.

15          (b) All appointing authorities shall coordinate  
16 their appointments so that diversity of gender, race, and  
17 geographical areas is reflective of the makeup of this state.

18          (c) The initial members of the commission shall be  
19 appointed for terms of office beginning on the effective date  
20 of this act and expiring one year, two years, three years, and  
21 four years, respectively, from that date so that the terms of  
22 office of one legislative appointee and one Governor appointee  
23 shall expire each year. Thereafter, appointed commission  
24 members shall serve terms of four years and may not serve more  
25 than two full consecutive terms.

26          (d) A vacancy on the commission shall be filled by  
27 the original appointing authority for the unexpired term.

1           (e) The commission shall meet at the call of the  
2 chair or any two voting members, provided that the commission  
3 shall meet at least once every six months. A majority of the  
4 appointed members of the commission shall constitute a quorum  
5 for the transaction of business at meetings. Non-legislative  
6 members shall serve without compensation, but may be  
7 reimbursed for necessary expenses and travel incurred in the  
8 course of their duties according to the policies and practices  
9 of the employers of the members appointed. Non-legislative  
10 appointees who are not state employees shall receive the same  
11 per diem and travel allowance as is paid by law to state  
12 employees for each day actively engaged in the duties of their  
13 office. Legislative members of the commission shall be  
14 entitled to their regular legislative compensation, per diem,  
15 and travel expenses each day they attend a meeting of the  
16 commission in accordance with Amendment 871 to the  
17 Constitution of Alabama of 1901, now appearing as Section  
18 49.01 of the Official Recompilation of the Constitution of  
19 Alabama of 1901, as amended. These payments shall be paid out  
20 of any funds appropriated for the use of the Legislature by  
21 means of warrants drawn by the Comptroller on the State  
22 Treasury.

23           (f) Members of the commission may participate in a  
24 meeting of the commission by means of telephone conference,  
25 video conference, or similar communications equipment by means  
26 of which all persons participating in the meeting may hear

1 each other at the same time. Participation by such means shall  
2 constitute presence in person at a meeting for all purposes.

3 (g) Commencing with the organizational meeting of  
4 the commission, and every two years thereafter, the appointed  
5 members of the commission shall elect a chair and a vice chair  
6 from among the appointed members. At no time may both the  
7 chair and vice chair be Governor appointees or legislative  
8 appointees.

9 (h) The commission shall adopt rules necessary to  
10 implement this act pursuant to the Alabama Administrative  
11 Procedure Act, Chapter 22 of Title 41, Code of Alabama 1975.

12 Section 3. (a) On the effective date of this act,  
13 the employees and staff of the Alabama Support Team for  
14 Evidence-based Practices of the Fiscal Division of the Alabama  
15 Legislative Services Agency responsible for implementing the  
16 evidence-based budgeting process adopted pursuant to Act  
17 2018-578, 2018 Regular Session, shall become the employees and  
18 staff of the commission and an employee of that team, as  
19 selected by the commission, shall become the initial director  
20 of the commission.

21 (b) The affairs of the commission shall be  
22 administered by the director, who shall serve at the pleasure  
23 of the commission and whose actions shall be supervised and  
24 controlled by the commission. The director shall receive  
25 compensation and benefits in an amount established by the  
26 commission, payable in the same manner as is provided for  
27 other state employees.

1 (c) A vacancy in the office of director arising from  
2 any cause shall be filled by the commission. The commission  
3 may appoint a highly qualified person as its director to a  
4 non-merit, conditional appointment. The director, with the  
5 consent and approval of the commission, shall select and  
6 supervise professional and clerical staff upon a full-time or  
7 part-time basis as necessary to assist the commission and the  
8 director in performing the duties assigned by this act. The  
9 director, without regard to the state Merit System Act, may  
10 hire employees as necessary to effectuate the purposes of this  
11 act. The number of employees, their compensation, and other  
12 expenditures of the commission shall be within the limits and  
13 in compliance with the appropriation made therefor by the  
14 Legislature and within budgets that shall be approved from  
15 time to time by the commission.

16 (d) On or before September 30, 2021, as directed by  
17 the commission, all papers, books, materials, furnishings,  
18 funds, personnel, and property of the Alabama Support Team for  
19 Evidence-based Practices of the Fiscal Division of the Alabama  
20 Legislative Services Agency shall be transferred to the  
21 commission. Upon transfer, the commission shall establish  
22 office space outside of the State Capitol building and the  
23 Alabama State House.

24 Section 4. (a) The commission shall be funded from  
25 the annual appropriation to the Legislative Services Agency  
26 for program evaluation until otherwise funded from state  
27 appropriations.

1           (b) The commission may receive state appropriations  
2 and apply for and receive grant funds from other sources  
3 including, but not limited to, foundations, government  
4 entities, federal grants, and businesses. No public monies  
5 shall be expended by the director for any purpose unless the  
6 monies have been appropriated by the Legislature to the entity  
7 from which the funds are received or to the commission. Any  
8 monies appropriated shall be budgeted and allotted pursuant to  
9 the Budget Management Act in accordance with Article 4,  
10 commencing with Section 41-4-80, of Chapter 4 of Title 41,  
11 Code of Alabama 1975, and only in the amounts provided by the  
12 Legislature in the general appropriations act or other  
13 appropriation acts.

14           (c) Upon agreement, the Director of the Legislative  
15 Services Agency and the Director of the Department of Finance  
16 may provide services, facilities, and personnel to the  
17 commission for technical, clerical, or administrative  
18 assistance. A reasonable fee may be charged for the  
19 assistance.

20           Section 5. (a) Any department, agency, institution,  
21 and establishment of the executive branch of government and  
22 regulatory agency or regulatory commission of the state shall  
23 furnish to the commission any available material, subject to  
24 the restrictions and limitations of federal law or regulations  
25 limiting the sharing of personally identifying information,  
26 which the commission determines to be necessary in the  
27 performance of the duties and functions of the commission.

1 (b) Any collection of data by a department, agency,  
2 institution, establishment, or regulatory agency or regulatory  
3 commission of the state shall be furnished to the commission,  
4 if available, upon request by the director or an employee of  
5 the commission.

6 (c) The commission may take application for and  
7 award grant funds to any department, agency, establishment, or  
8 regulatory agency or regulatory commission to further the  
9 purposes, policies, recommendations, and objectives of the  
10 commission subject to the availability of funding.

11 Section 6. Act 2018-578, 2018 Regular Session,  
12 adopting an evidence-based budgeting process, is repealed.

13 Section 7. Sections 1 and 2 of this act shall become  
14 effective immediately following its passage and approval by  
15 the Governor, or its otherwise becoming law. Sections 3 to 6,  
16 inclusive, of this act shall become effective October 1, 2019,  
17 following its passage and approval by the Governor, or its  
18 otherwise becoming law.