

1 HB537  
2 201125-3  
3 By Representative Wingo  
4 RFD: Fiscal Responsibility  
5 First Read: 02-MAY-19



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

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

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

9           (c) The initial members of the commission shall be  
10 appointed for terms of office beginning on the effective date  
11 of this act and expiring one year, two years, three years, and  
12 four years, respectively, from that date so that the terms of  
13 office of one legislative appointee and one Governor appointee  
14 shall expire each year. Thereafter, appointed commission  
15 members shall serve terms of four years and may not serve more  
16 than two full consecutive terms.

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

19           (e) The commission shall meet at the call of the  
20 chair or any two voting members, provided that the commission  
21 shall meet at least once every six months. A majority of the  
22 appointed members of the commission shall constitute a quorum  
23 for the transaction of business at meetings. Non-legislative  
24 members shall serve without compensation, but may be  
25 reimbursed for necessary expenses and travel incurred in the  
26 course of their duties according to the policies and practices  
27 of the employers of the members appointed. Non-legislative

1 appointees who are not state employees shall receive the same  
2 per diem and travel allowance as is paid by law to state  
3 employees for each day actively engaged in the duties of their  
4 office. Legislative members of the commission shall be  
5 entitled to their regular legislative compensation, per diem,  
6 and travel expenses each day they attend a meeting of the  
7 commission in accordance with Amendment 871 to the  
8 Constitution of Alabama of 1901, now appearing as Section  
9 49.01 of the Official Recompilation of the Constitution of  
10 Alabama of 1901, as amended. These payments shall be paid out  
11 of any funds appropriated for the use of the Legislature by  
12 means of warrants drawn by the Comptroller on the State  
13 Treasury.

14 (f) Members of the commission may participate in a  
15 meeting of the commission by means of telephone conference,  
16 video conference, or similar communications equipment by means  
17 of which all persons participating in the meeting may hear  
18 each other at the same time. Participation by such means shall  
19 constitute presence in person at a meeting for all purposes.

20 (g) Commencing with the organizational meeting of  
21 the commission, and every two years thereafter, the appointed  
22 members of the commission shall elect a chair and a vice chair  
23 from among the appointed members. At no time may both the  
24 chair and vice chair be Governor appointees or legislative  
25 appointees.

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

4           Section 3. (a) On the effective date of this act,  
5 the employees and staff of the Alabama Support Team for  
6 Evidence-based Practices of the Fiscal Division of the Alabama  
7 Legislative Services Agency responsible for implementing the  
8 evidence-based budgeting process adopted pursuant to Act  
9 2018-578, 2018 Regular Session, shall become the employees and  
10 staff of the commission and an employee of that team, as  
11 selected by the commission, shall become the initial director  
12 of the commission.

13           (b) The affairs of the commission shall be  
14 administered by the director, who shall serve at the pleasure  
15 of the commission and whose actions shall be supervised and  
16 controlled by the commission. The director shall receive  
17 compensation and benefits in an amount established by the  
18 commission, payable in the same manner as is provided for  
19 other state employees.

20           (c) A vacancy in the office of director arising from  
21 any cause shall be filled by the commission. The commission  
22 may appoint a highly qualified person as its director to a  
23 non-merit, conditional appointment. The director, with the  
24 consent and approval of the commission, shall select and  
25 supervise professional and clerical staff upon a full-time or  
26 part-time basis as necessary to assist the commission and the  
27 director in performing the duties assigned by this act. The

1 director, without regard to the state Merit System Act, may  
2 hire employees as necessary to effectuate the purposes of this  
3 act. The number of employees, their compensation, and other  
4 expenditures of the commission shall be within the limits and  
5 in compliance with the appropriation made therefor by the  
6 Legislature and within budgets that shall be approved from  
7 time to time by the commission.

8 (d) On or before September 30, 2021, as directed by  
9 the commission, all papers, books, materials, furnishings,  
10 funds, personnel, and property of the Alabama Support Team for  
11 Evidence-based Practices of the Fiscal Division of the Alabama  
12 Legislative Services Agency shall be transferred to the  
13 commission. Upon transfer, the commission shall establish  
14 office space outside of the State Capitol building and the  
15 Alabama State House.

16 Section 4. (a) The commission shall be funded from  
17 the annual appropriation to the Legislative Services Agency  
18 for program evaluation until otherwise funded from state  
19 appropriations.

20 (b) The commission may receive state appropriations  
21 and apply for and receive grant funds from other sources  
22 including, but not limited to, foundations, government  
23 entities, federal grants, and businesses. No public monies  
24 shall be expended by the director for any purpose unless the  
25 monies have been appropriated by the Legislature to the entity  
26 from which the funds are received or to the commission. Any  
27 monies appropriated shall be budgeted and allotted pursuant to

1 the Budget Management Act in accordance with Article 4,  
2 commencing with Section 41-4-80, of Chapter 4 of Title 41,  
3 Code of Alabama 1975, and only in the amounts provided by the  
4 Legislature in the general appropriations act or other  
5 appropriation acts.

6 (c) Upon agreement, the Director of the Legislative  
7 Services Agency and the Director of the Department of Finance  
8 may provide services, facilities, and personnel to the  
9 commission for technical, clerical, or administrative  
10 assistance. A reasonable fee may be charged for the  
11 assistance.

12 Section 5. (a) Any department, agency, institution,  
13 and establishment of the executive branch of government and  
14 regulatory agency or regulatory commission of the state shall  
15 furnish to the commission any available material, subject to  
16 the restrictions and limitations of federal law or regulations  
17 limiting the sharing of personally identifying information,  
18 which the commission determines to be necessary in the  
19 performance of the duties and functions of the commission.

20 (b) Any collection of data by a department, agency,  
21 institution, establishment, or regulatory agency or regulatory  
22 commission of the state shall be furnished to the commission,  
23 if available, upon request by the director or an employee of  
24 the commission.

25 (c) The commission may take application for and  
26 award grant funds to any department, agency, establishment, or  
27 regulatory agency or regulatory commission to further the

1 purposes, policies, recommendations, and objectives of the  
2 commission subject to the availability of funding.

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

5 Section 7. Sections 1 and 2 of this act shall become  
6 effective immediately following its passage and approval by  
7 the Governor, or its otherwise becoming law. Sections 3 to 6,  
8 inclusive, of this act shall become effective October 1, 2019,  
9 following its passage and approval by the Governor, or its  
10 otherwise becoming law.



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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Fiscal Responsi-  
bility..... 02-MAY-19

Read for the second time and placed  
on the calendar..... 08-MAY-19

Read for the third time and passed  
as amended..... 21-MAY-19

Yeas 99, Nays 0, Abstains 1

Jeff Woodard  
Clerk