

SB222 ENROLLED



1 11N0LZ-3

2 By Senator Givhan

3 RFD: Fiscal Responsibility and Economic Development

4 First Read: 19-Apr-23

5

6 2023 Regular Session



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1 Enrolled, An Act,

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4 Relating to the Legislature; to amend Section 29-1-4,
5 29-1-19.1, 29-2-41, 29-2-41.2, 29-2-80, 29-2-81, 29-2-83,
6 29-2-201, 29-4-70, 29-5A-22, 29-5A-46, 29-6-1, 29-6-2, 29-6-3,
7 29-6-7, 41-5A-16, 41-9-370, and 41-9-374, Code of Alabama
8 1975, to provide further for the date the Legislature convenes
9 during the first year of a regular session; to provide
10 additional time for the Contract Review Committee to review a
11 contract and provide further for certain types of professional
12 contracts; to provide further for property owned by the
13 Legislative Council; to provide contingencies if a vacancy
14 occurs in the Office of the Lieutenant Governor; to provide
15 further for the role of the Code Commissioner and duties of
16 the Legislative Council and Legislative Services Agency; to
17 revise membership of the Joint Legislative Committee on
18 Finances and Budgets; to provide further for tax expenditure
19 reports made by the Legislative Fiscal Officer; to revise when
20 members of the Legislative Committee on Public Accounts are
21 elected; to repeal 29-5A-24 and 29-6-6, Code of Alabama 1975,
22 relating to obsolete duties of the Legislative Reference
23 Service and the Legislative Council; to add Section 29-4-62 to
24 the Code of Alabama 1975, to provide further for the term of
25 the Speaker of the House of Representatives and any vacancy in
26 the office of the Speaker; and to delete obsolete language and
27 to repeal Sections 17-16-50 through 17-16-53, Code of Alabama
28 1975, relating to the contested election of a legislator; and



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29 to delete obsolete language and make nonsubstantive, technical
30 revisions to update the existing code language to current
31 style.

32 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

33 Section 1. Sections 29-1-4, 29-1-19.1, 29-2-41,
34 29-2-41.2, 29-2-80, 29-2-81, 29-2-83, 29-2-201, 29-4-70,
35 29-5A-22, 29-5A-46, 29-6-1, 29-6-2, 29-6-3, 29-6-7, 41-5A-16,
36 41-9-370, and 41-9-374, Code of Alabama 1975, are amended to
37 read as follows:

38 "§29-1-4

39 The Legislature shall convene in organizational session
40 on the second Tuesday in January ~~next succeeding~~following its
41 election ~~in organizational session~~ and shall remain in session
42 for not longer than 10 consecutive calendar days. Commencing
43 in the year 1999, the annual regular sessions of the Alabama
44 Legislature shall commence on the first Tuesday ~~in March of~~
45 ~~the first year of the term of office of the legislators, on~~
46 ~~the first Tuesday~~ of February of the first, second, and third
47 years of the term and on the second Tuesday in January of the
48 fourth year of the term. The annual sessions shall not
49 continue longer than 30 legislative days and 105 calendar
50 days."

51 "§29-1-19.1

52 The Legislature of the State of Alabama is hereby
53 authorized to control the usage of a certain portion of those
54 streets adjacent to the State Capitol complex in the City of
55 Montgomery and the grounds of the State Capitol building, viz:
56 That portion of King Street and Pelham Street, lying between



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57 Union and Ripley Streets, (over which the city has
58 relinquished control), and the parking lot located across
59 Union Street to the rear of the Capitol building between the
60 administrative building and highway building and bounded by
61 ~~the Streets of Union, Ripley, Pelham~~ and King Streets and
62 McDowell Lee Lane; and the parking facilities connected to and
63 adjacent to the former Highway Department Building and now
64 designated "the Alabama State House"; and all of that lot
65 bound by ~~Washington, Jackson, and Ripley and Pelham~~ Streets
66 and McDowell Lee Lane owned by the State of Alabama; and the
67 driveway and parking spaces on the grounds surrounding the
68 Capitol itself; all the aforesaid being exclusive of any
69 right-of-way or rights-of-way or parking facilities now
70 controlled by the City of Montgomery. The Legislature shall be
71 authorized to exercise control over the usage of the ~~said~~
72 areas through the joint parking committee created by Act No.
73 8, Organizational Session 1975, or its successor, or by
74 subsequent legislative action; and the chief of services of
75 the division of services shall work in cooperation with the
76 Legislature regarding any action taken by the Legislature as
77 hereby authorized."

78 "§29-2-41

79 (a) Each member of the committee shall be entitled to
80 regular legislative compensation, per diem, and travel
81 expenses for each day he or she attends a meeting of the
82 committee, which shall be paid out of the funds appropriated
83 to the use of the Legislature, on warrants drawn on the state
84 Comptroller upon requisition signed by the committee's chair.



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85 Members shall not receive additional compensation or per diem
86 when the Legislature is in session. The Department of
87 Examiners of Public Accounts shall furnish assistance and any
88 relevant information to the committee.

89 (b) (1) The committee shall have the responsibility of
90 reviewing contracts for personal or professional services with
91 private entities or individuals to be paid out of appropriated
92 funds, federal or state, on a state warrant issued as
93 recompense for those services.

94 (2) Each state department entering into a contract to
95 be paid out of appropriated funds, federal or state, on a
96 state warrant which is notified by the committee, ~~is required~~
97 ~~to~~ shall submit to the committee any proposed contract for
98 personal or professional services. Each contract shall be
99 accompanied by an itemization of the total cost estimate of
100 the contract. ~~The~~

101 (c) A department may, in lieu of the proposed contract,
102 submit to the committee a letter of intent to contract. ~~Such~~ A
103 letter of intent to contract shall indicate the contracting
104 parties, the services to be performed, an itemization of the
105 total cost estimate of the contract, and such other
106 information as the department may deem pertinent to the
107 committee review of the contract. If a department elects to
108 submit a letter of intent to contract in lieu of a proposed
109 contract, the department shall be required to submit to the
110 committee for its information the contract described in the
111 letter of intent upon the execution of the contract.

112 (d) The committee shall hold a hearing to review and



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113 comment where necessary on any ~~such~~ contract or letter of
114 intent to contract within a reasonable time not to exceed 45
115 days after ~~the~~ a department has submitted the contract or
116 letter of intent to contract to the committee. If the
117 committee fails to hold a hearing to review a contract or
118 letter of intent to contract within the 45-day time period,
119 the contract shall be deemed to have been reviewed in
120 compliance with this section. The committee, may hold a
121 contract considered at a meeting for up to 45 days following
122 the meeting to review and comment on the contract.

123 (e) Any contract made by the state or any of its
124 agencies or departments in violation of this section and
125 without prior review by the committee of either the contract
126 or the letter of intent to contract shall be void ab initio.
127 ~~If the committee fails to review and comment upon any contract~~
128 ~~or letter of intent to contract within the aforementioned~~
129 ~~45-day time period, such contract shall be deemed to have been~~
130 ~~reviewed in compliance with this section.~~

131 ~~Should the department elect to submit a letter of~~
132 ~~intent to contract in lieu of a proposed contract, as~~
133 ~~authorized in the preceding paragraph, the department shall be~~
134 ~~required to submit to the committee for its information the~~
135 ~~contract described in the letter of intent upon the execution~~
136 ~~of the contract.~~

137 (f) The committee shall have the power to issue
138 subpoenas for any witnesses and to require the production of
139 any documents or contracts ~~it feels it needs~~ the committee
140 deems necessary to examine ~~in the~~ to conduct ~~of~~ its duties.



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141 (g) The committee shall organize itself at the first
142 meeting following a new quadrennium and elect from among its
143 membership a chair and a vice-chair. Any committee member
144 reelected to a new quadrennium shall continue to serve on the
145 committee until such time the committee reorganizes itself.

146 (h) The committee shall hold regular meetings at least
147 once each month, the regular meetings to be held during the
148 first week of each month."

149 "§29-2-41.2

150 (a) For the purposes of this article the term personal
151 and professional services specifically includes independent
152 contractor agreements as well as individual employment
153 agreements.

154 (b) (1) Notwithstanding any other provisions of this
155 article, all contracts for employment of an attorney to
156 provide legal services, including contracts involving an
157 attorney providing legal services under an agreement with the
158 Attorney General, shall be reviewed by the committee.

159 ~~Provided, however, contracts~~

160 (2) Contracts for appointment of attorneys for the
161 Department of Transportation for right of way condemnation
162 cases are exempt from the provisions of this article.

163 (3) The review by the committee of a contract for the
164 appointment of an attorney includes the retention of essential
165 expert witnesses or additional professional services paid for
166 by the attorney, so long as the cost of these services does
167 not exceed the amount of the approved contract.

168 (c) Contracts for professional services executed by the



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169 Attorney General in preparation for or during litigation with
170 any individual, other than an attorney in the litigation, may
171 be redacted until the conclusion of the litigation if
172 necessary to protect from disclosure information that may lead
173 to harassment of the individual. This subsection does not
174 protect any information from being disclosed, as appropriate
175 during the course of litigation."

176 "§29-2-80

177 There is ~~hereby~~ created a Permanent Joint Legislative
178 Committee on Finances and Budgets. The committee shall meet
179 ~~during the interim periods between the regular sessions of the~~
180 ~~Legislature~~ at the call of the chair. It shall be the duty of
181 the committee to make a careful investigation and study of the
182 financial condition of the state, hold budget hearings,
183 inquire into ways and means of financing state government and
184 its programs, and report its findings and recommendations as
185 herein provided. The Secretary of the Senate, the Clerk of the
186 House of Representatives and the ~~Director of the~~ Legislative
187 Fiscal ~~Office~~ Officer shall provide the committee with such
188 clerical and expert assistance from among their respective
189 staffs as may be necessary. All departments, boards, bureaus,
190 commissions, agencies, offices and institutions of the state
191 shall and are hereby directed to cooperate fully with the
192 committee and its staff and shall furnish any and all
193 information that may be requested by the committee or its
194 staff."

195 "§29-2-81

196 The committee shall be composed of the Lieutenant



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197 Governor, the members of the Senate Committee on Finance and
198 Taxation Education, the members of the Senate Committee on
199 Finance and Taxation General Fund, and such other members of
200 the Senate as appointed by the Lieutenant Governor. The
201 committee shall further be composed of the Speaker of the
202 House of Representatives, the members of the House Committee
203 on Ways and Means Education, the members of the House
204 Committee on Ways and Means General Fund, and such other
205 members of the House of Representatives to be appointed by the
206 Speaker of the House; ~~provided, however, that the total~~
207 ~~committee membership from the House of Representatives shall~~
208 ~~not exceed 36 members.~~ The ~~Chairman~~ Chairs of the Senate
209 ~~Committee~~ Committees on Finance and Taxation and the ~~Chairman~~
210 Chairs of the House Ways and Means ~~Committee~~ Committees shall
211 be ~~co-chairmen~~ joint chairs. The ~~said co-chairmen~~ chairs shall
212 each appoint one vice ~~co-chairman~~ chair and shall set the
213 schedule and program for committee work. The ~~said~~
214 ~~co-chairmen~~ chairs shall fix the days and hours of meetings and
215 conduct hearings and examine witnesses who appear before the
216 committee. Each ~~co-chairman~~ chair may appoint ~~sub-committees~~
217 subcommittees and invest them with such authority as may be
218 deemed necessary to conduct the committee's business and
219 expedite its work. Members appointed to any ~~sub-committee~~
220 subcommittee shall each be entitled to, and shall receive
221 compensation as is provided for below for members of the
222 Permanent Joint Legislative Committee on Finances and Budgets
223 for each day ~~said the~~ members attend a ~~sub-committee~~
224 subcommittee meeting that is not also a meeting day of the



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225 committee. ~~Said sub-committee~~The subcommittee members shall
226 not be paid for more than 30 additional calendar days in any
227 single calendar year for work of ~~said sub-committee~~the
228 subcommittee."

229 "§29-2-83

230 The committee shall report its findings and
231 recommendations to the Legislature at such times deemed
232 appropriate by the chairs, but no later than the seventh
233 legislative day of each regular session."

234 "§29-2-201

235 (a) (1) For purposes of this article, State House
236 property means the real property bordered by Union Street,
237 McDowell Lee Lane, Ripley Street, and Washington Avenue and
238 the ~~building, parking deck,~~ and improvements located thereon,
239 the lot bounded by Washington Avenue, Jackson Street, Ripley
240 Street, and Pelham Street owned by the State of Alabama, and
241 the parking lot located across Union Street to the rear of the
242 Capitol building between the administrative building and
243 highway building and bounded by Union, Ripley, and King
244 Streets and McDowell Lee Lane, and any improvements thereon.

245 (2) The Alabama Building Renovation Finance Authority,
246 hereafter referred to as ABRFA, created pursuant to Article 14
247 (commencing with Section 41-10-450) of Chapter 10 of Title 41,
248 shall execute and deliver on June 14, 2007, an appropriate
249 deed or deeds and accompanying documents conveying State House
250 property in fee simple absolute to the Legislative Building
251 Authority.

252 (3) Upon delivery of the deed and documents, the



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253 Legislative Building Authority shall be invested with all
254 rights and title to the State House property.

255 (4) The consideration for the conveyance shall be the
256 amounts appropriated in Section 29-2-202. This consideration
257 is conclusively determined to be valuable, adequate, and fair.

258 (b) The right of reverter created in Section 41-10-470,
259 in relation to the land upon which the Alabama State House is
260 situated is abolished on the date of the conveyance.

261 (c) Any statutory lien created under Section 41-10-472,
262 in relation to the land upon which the Alabama State House is
263 situated is abolished on the date of the conveyance.

264 (d) The Legislative Building Authority shall be vested
265 with absolute title and control of the State House property.

266 (e) Commencing October 1, 2015, absolute title and
267 control of the State House property shall transfer to the
268 Legislative Council by operation of law.

269 (f) The Department of Finance, not more than three
270 months after the effective date adding this amendatory
271 language, shall execute and deliver an appropriate deed or
272 deeds and accompanying documents conveying the lot bounded by
273 Washington, Jackson, Ripley, and Pelham Streets and the
274 parking lot located across Union Street to the rear of the
275 Capitol building between the administrative building and
276 highway building and bounded by Union, Ripley, and King
277 Streets and McDowell Lee Lane, in fee simple absolute to the
278 Legislative Council."

279 "§29-4-70

280 (a) If the senator who is serving as the President Pro



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281 Tempore of the Senate on the date of the general election at
282 which members of the Senate are elected to four-year terms is
283 reelected to the Senate, the senator shall continue to serve
284 as President Pro Tempore of the Senate until a successor
285 President Pro Tempore is selected pursuant to Section 48.01 ~~of~~
286 ~~the Official Recompilation~~ of the Constitution of Alabama of
287 ~~1901, as amended~~2022.

288 (b) If the senator serving as the President Pro Tempore
289 of the Senate ceases service as a ~~Senator~~senator for any
290 reason prior to election of a President Pro Tempore pursuant
291 to Section 48.01 ~~of the Official Recompilation~~ of the
292 Constitution of Alabama of ~~1901, as amended~~2022, then, with
293 the approval of the Senate Legislative Council, the Secretary
294 of the Senate shall perform the functions of the President Pro
295 Tempore with respect to the expenditure of funds appropriated
296 to the office of the President Pro Tempore until a successor
297 President Pro Tempore is elected pursuant to Section 48.01 ~~of~~
298 ~~the Official Recompilation~~ of the Constitution of Alabama of
299 ~~1901, as amended~~2022.

300 (c) If a vacancy occurs in the office of the Lieutenant
301 Governor for any reason, the President Pro Tempore of the
302 Senate shall assume the budget, personnel, and any other
303 statutory duties of the office of the Lieutenant Governor for
304 the remainder of the term of office."

305 "§29-5A-22

306 (a) In compiling the contents of the ~~code~~Code of
307 Alabama 1975, and any cumulative supplement and replacement
308 volume to the code, the Legal Division and the Code



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309 Commissioner may not alter the sense, meaning, or effect of
310 any act. The Legal Division and Code Commissioner, in
311 compiling the contents of the code and any supplement and
312 replacement volume to the code, may perform all of the
313 following editorial functions:

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

316 (2) Change hierarchy units as specified in an act to
317 appropriate code hierarchy.

318 (3) Change reference numbers to conform with renumbered
319 hierarchy units, or make corrections in reference numbers if
320 the correction can be made without substantive change in the
321 law.

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

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

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

330 (7) Translate dates to the appropriate month, day, and
331 year.

332 (8) Change words when directed by law.

333 (9) Substitute the name of any agency, officer, or
334 instrumentality of the state or of a political subdivision
335 whose name is changed by law or to which powers, duties, and
336 responsibilities have been transferred by law, for the name



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337 which the agency, officer, or instrumentality previously used
338 or of the agency which was previously vested with the same
339 powers and charged with the same duties and responsibilities.

340 (10) Divide, consolidate, and rearrange hierarchy units
341 and parts of hierarchy units.

342 (11) If any section or part of a section of the Code of
343 Alabama 1975, is amended by more than one act at the same
344 session of the Legislature, incorporate into one or more code
345 sections the section as amended or altered by the several
346 acts, if each of the amendments, changes, or alterations are
347 not in substantive conflict and can be given effect and
348 incorporated in the code section or code sections in a manner
349 which will make the code section or code sections
350 intelligible.

351 (12) Resolve nonsubstantive conflicts between multiple
352 acts.

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

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

358 (15) Revise language in a nonsubstantive manner for
359 clarity, consistency, or to conform to drafting style.

360 (16) Correct obsolete citations to the Constitution of
361 Alabama of 1901 to correctly cite the Constitution of Alabama
362 of 2022.

363 (17) Exclude any nonsubstantive legislative findings,
364 provided the findings shall be noted as a code commissioner



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365 note.

366 (b) (1) Upon the adoption and incorporation of the
367 annual cumulative supplement and each replacement volume into
368 the Code of Alabama 1975, by statute, that supplement or
369 replacement volume shall be considered as part of the entire
370 Code of Alabama 1975, and shall be considered for statutory
371 construction purposes in the same manner as all other portions
372 of the code.

373 (2) This adoption and incorporation by statute shall
374 constitute a continuous systematic codification of the entire
375 Code of Alabama 1975, for purposes of Section 85 of the
376 Constitution of Alabama of ~~1901~~2022. Such a statute is a law
377 that adopts a code for the purposes of Section 45 of the
378 Constitution of Alabama of ~~1901~~2022.

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

385 "§29-5A-46

386 (a) ~~The~~Beginning in 2024, the Fiscal Division shall
387 prepare and submit ~~an annual~~a report every other year to the
388 Legislature which lists all state tax expenditures and the
389 estimated cost associated with each of the tax expenditures.
390 For purposes of this section, tax expenditures means those
391 state revenue losses attributable to the provisions of the
392 constitution, state tax statutes, or rules ~~promulgated~~adopted



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393 pursuant to the statutes, which allow a special exclusion,
394 exemption, or deduction, or which provide a special credit or
395 preferential tax rate. The report shall be organized according
396 to the funds into which the tax expenditures would be
397 dedicated but for the exemptions and rate differentials. The
398 report shall be submitted at the same time that the Governor
399 is required to submit his or her budget proposal to the
400 Legislature.

401 (b) The ~~annual~~ biennial tax expenditure report shall
402 include the following:

403 (1) Each tax exemption and its constitutional and/or
404 statutory citation.

405 (2) An estimate of the revenue loss to the state caused
406 by each of the tax expenditures for the most recently
407 completed fiscal year.

408 (c) The Fiscal Division ~~is authorized to~~ may request
409 and receive from the Department of Revenue or any other state
410 or local agency or official any information necessary to
411 complete the report required by this section. Such information
412 shall be subject to the confidentiality and disclosure
413 provisions of Section 40-2A-10; however, these provisions
414 shall not prevent the aggregation and disclosure of any
415 information necessary to transparently complete the report
416 required by this section. In the event that lack of
417 information prevents the Fiscal Division from making a
418 reasonable estimate for any tax expenditure, the division
419 shall list the expenditure with a notation that an estimate
420 cannot be determined.



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421 (d) The House Ways and Means Education Committee and
422 the Senate Committee on Finance and Taxation - Education shall
423 conduct joint hearings on the tax expenditure report ~~every~~
424 ~~even-numbered year to be concluded by the tenth legislative~~
425 ~~day of the regular session of the Legislature~~ periodically at
426 the call of the chairs. From time to time, the committees may
427 report to the Legislature findings or recommendations
428 developed as a result of the hearings.

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

432 "§29-6-1

433 (a) There is ~~hereby~~ created a continuing legislative
434 committee to be known as the Legislative Council of the State
435 of Alabama. The council consists of the Speaker of the House
436 of Representatives, the House Majority Leader, the House
437 Minority Leader, the Chairs of the Ways and Means General Fund
438 and Ways and Means Education Committees, two members of the
439 House of Representatives appointed by the Speaker, two members
440 of the House of Representatives elected by the House of
441 Representatives, and one member of the House of
442 Representatives elected by members of the House of
443 Representatives who are not members of the majority party, who
444 shall constitute the House Legislative Council, and the
445 President Pro Tempore of the Senate, the Senate Majority
446 Leader, the Senate Minority Leader, the Chairs of the Finance
447 and Taxation General Fund and Finance and Taxation Education
448 Committees, two Senators appointed by the President Pro



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449 Tempore, two members of the Senate elected by the Senate, and
450 one member of the Senate elected by members of the Senate who
451 are not members of the majority party, who shall constitute
452 the Senate Legislative Council. ~~Until January 14, 2019, the~~
453 ~~President of the Senate is a full voting member of the Senate~~
454 ~~Legislative Council. Except as otherwise provided in~~
455 ~~subsection (d), the~~ The elected House and Senate members shall
456 be elected at the ~~first regular~~ organizational session of each
457 quadrennium.

458 ~~(b) Members serving ex officio, appointed, or elected~~
459 ~~at the 2015 Regular Session pursuant to Act 2015-408 or~~
460 ~~appointed as otherwise provided in subsection (d), shall~~
461 ~~replace the members of the Legislative Council serving on the~~
462 ~~council on June 10, 2015.~~

463 ~~(c)~~ (b) (1) Members of the council may serve on the
464 council as long as the member retains the office that
465 qualified the member for service or during the term to which
466 the member was appointed or elected and, if reelected to the
467 same house without a break in service to that house, during
468 the succeeding legislative term until a successor is appointed
469 or elected as provided by law. No member may be elected to
470 more than two consecutive four-year terms and no member may be
471 appointed to more than two consecutive four-year terms. Any
472 member serving ex officio may remain on the Legislative
473 Council as long as the member holds the office qualifying the
474 member for membership.

475 (2) If a vacancy occurs in its elected membership while
476 the Legislature is not in session, the House Legislative



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477 Council or the Senate Legislative Council, as appropriate, may
478 make temporary appointments to fill the vacancy until the
479 vacancy is filled by an election of the appropriate members of
480 the House or Senate, as the case may be.

481 ~~(d) If Act 2015-408 does not become operative prior to~~
482 ~~adjournment sine die of the 2015 Regular Session, the Speaker~~
483 ~~of the House, the President Pro Tempore of the Senate, the~~
484 ~~Chairs of the Ways and Means General Fund and Ways and Means~~
485 ~~Education Committees, the Chairs of the Finance and Taxation~~
486 ~~General Fund and Finance and Taxation Education Committees,~~
487 ~~and the majority and minority leader of the respective houses~~
488 ~~shall serve on the Legislative Council and, by July 4, 2015,~~
489 ~~the Speaker and the President Pro Tempore, respectively, shall~~
490 ~~appoint five members of the House of Representatives, at least~~
491 ~~one of whom may not be a member of the majority party, and~~
492 ~~five members of the Senate, at least one of whom may not be a~~
493 ~~member of the majority party, to serve on the Legislative~~
494 ~~Council until members are elected at the 2016 Regular~~
495 ~~Session."~~

496 "§29-6-2

497 (a) ~~The President of the Senate shall be a member of~~
498 ~~the Legislative Council but may vote on issues before the~~
499 ~~Legislative Council only in the case of a tie.~~ At its first
500 meeting during each quadrennium and at ~~such~~ other times as
501 necessary, the Legislative Council shall elect a chair and
502 vice chair from among the membership of the council. The
503 position of chair shall alternate between a member of the
504 Senate and a member of the House of Representatives every two



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505 years. To the extent possible, membership of the council shall
506 be inclusive and reflect the racial, gender, geographic,
507 urban/rural, and economic diversity of the state.

508 (b) Within 10 days after the membership of the
509 Legislative Council is determined:

510 (1) The Legislative Council shall convene at a place
511 and time designated by the President Pro Tempore of the Senate
512 in written notice given to each member to select a chair and
513 vice chair from the membership. The Legislative Council shall
514 meet thereafter at the request of the chair or as its members
515 shall determine, in both cases upon written notice to each
516 member of the council. If the chair declines to call a meeting
517 or is unable to call a meeting, the Speaker of the House, the
518 President Pro Tempore of the Senate, or a majority of the
519 council may call a meeting of the council.

520 (2) The House Legislative Council shall convene at a
521 time and place designated by the Speaker of the House in
522 written notice given to each member of the House Legislative
523 Council to select a chair and vice chair of the House
524 Legislative Council. The ~~council~~ House Legislative Council
525 shall meet thereafter at the request of the chair or as its
526 members shall determine, in both cases upon written notice to
527 each member of the House Legislative Council. If the chair
528 declines to call a meeting or is unable to call a meeting, the
529 Speaker of the House may call a meeting of the House
530 Legislative Council.

531 (3) The Senate Legislative Council shall convene at a
532 time and place designated by the President Pro Tempore of the



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533 Senate in written notice given to each member of the Senate
534 Legislative Council to select a chair and vice chair of the
535 Senate Legislative Council. The Senate Legislative Council
536 shall meet thereafter at the request of the chair or as its
537 members shall determine, in both cases upon written notice to
538 each member of the Senate Legislative Council. If the chair
539 declines to call a meeting or is unable to call a meeting, the
540 President Pro Tempore of the Senate may call a meeting of the
541 Senate Legislative Council.

542 (c) Members of the Legislative Council, House
543 Legislative Council, and Senate Legislative Council shall
544 receive expenses for attendance of each meeting of the
545 respective council as provided for in ~~Amendment 871 to~~ Section
546 49 of the Constitution of Alabama of ~~1901~~ 2022. The President
547 of the Senate and Speaker of the House shall adopt such
548 expense reimbursement regulations as are necessary to
549 implement ~~Amendment 871~~ Section 49 for operation of the
550 councils.

551 (d) The Legislative Council, the House Legislative
552 Council, and the Senate Legislative Council may provide for
553 the appointment of committees to facilitate their work."

554 "§29-6-3

555 (a) Members of the Legislative Council, House
556 Legislative Council, and Senate Legislative Council may
557 participate in a meeting of the respective council by means of
558 telephone conference, video conference, or similar
559 communications equipment by means of which all
560 ~~persons~~ individuals participating in the meeting may hear each



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561 other at the same time and members of the public may
562 simultaneously listen to the meeting. Participation by such
563 means shall constitute presence in person at a meeting for all
564 purposes.

565 (b) Any decision of the Legislative Council shall be by
566 a majority vote of the council members from the Senate and a
567 majority vote of the council members from the House of
568 Representatives.

569 (c) All decisions of the Legislative Council, the House
570 Legislative Council, or the Senate Legislative Council, except
571 those involving hiring, discipline, or termination of
572 employees, shall be reduced to writing and shall be published
573 on the website of the Legislature.

574 (d) The Legislative Council, House Legislative Council,
575 and Senate Legislative Council shall be subject to the Alabama
576 Open Meetings Act, Chapter 25A, ~~(commencing with Section~~
577 ~~36-25A-1)~~, Title 36, except that a meeting may be called with
578 the same notice requirements as a meeting of a committee of
579 the House or Senate under the rules of the House of
580 Representatives or Senate.

581 (e) The Legislative Council, House Legislative Council,
582 and Senate Legislative Council may make use of the employees
583 of the Legislative Department, including employees of the
584 respective houses, as needed in carrying out their respective
585 functions.

586 (f) The Legislative Council shall conduct an
587 orientation program for its members upon its formation and at
588 the start of each quadrennium thereafter. The orientation



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589 shall cover all of the duties and responsibilities of
590 membership on the council. The Legislative Council shall also
591 provide an orientation to any member who serves on the council
592 due to election or appointment within 60 days of the
593 ~~person~~individual joining the council. ~~The Legislative Council~~
594 ~~shall utilize the Legislative Reference Service, Legislative~~
595 ~~Fiscal Office, and Alabama Law Institute to prepare materials~~
596 ~~for use at this orientation.~~The orientation shall be conducted
597 by the Secretary of the Legislative Council."

598 "§29-6-7

599 (a) In addition to the powers otherwise provided in
600 this chapter, the Legislative Council shall:

601 (1) Approve budget requests~~;~~i provide accounting
602 services~~;~~i make purchases~~;~~i and provide mail distribution,
603 property inventory, telephone service, electronic media
604 services, recycling services, and building maintenance
605 services for the Legislative Department~~;~~ and all agencies and
606 entities~~;~~respectively, therein.

607 (2) Allocate space in any building designated as the
608 Alabama State House, including to the Senate and the House of
609 Representatives~~;~~ and shall have the authority to contract with
610 an appropriate party, including, but not limited to, the
611 Retirement Systems of Alabama, to construct and maintain a
612 building that, upon completion, would be designated as the
613 Alabama State House. In carrying out its responsibilities
614 under this subdivision, the Legislative Council may charge and
615 collect rent from any entity allocated space in the Alabama
616 State House at a rate set by the council. The council may



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617 establish a special fund in the State Treasury to receive
618 funds from any source to maintain the State House property.
619 Funds in the special fund are continuously appropriated for
620 the exclusive use of the Legislative Council, shall be
621 maintained separately, and shall be in addition to any other
622 funds appropriated to the Legislative Council. Any unused
623 funds collected by or appropriated to any entity for the
624 maintenance of the State House property remaining at the close
625 of the fiscal year in which they were collected or for which
626 they were appropriated shall be transferred to the fund
627 created pursuant to this subdivision.

628 (3) Maintain a website of legislative expenditures that
629 includes, but is not limited to, the names, salaries, and
630 expenses of the members, officers, and employees of the
631 Legislative Department and any contracts entered into by the
632 Legislative Council for the benefit of any entity or agency of
633 the Legislative Department. This requirement may be met
634 through publication of the required information on a site that
635 discloses this information on a statewide basis for other
636 state government entities.

637 (4) Maintain the computer operations of the
638 Legislature, including management and control of the
639 Legislative Data Center and employ a director of technology
640 who shall oversee the operations of the Legislative Data
641 Center and maintain all computer guidelines of the Legislative
642 Department and all agencies and entities therein, except that
643 production of legislative proceedings of the respective Houses
644 shall be under the control of the Secretary of the Senate and



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645 the Clerk of the House of Representatives, respectively.

646 (5) After consulting with the Secretary of the Senate
647 and Clerk of the House, provide security for the Alabama State
648 House, the Senate, the House of Representatives, and those
649 portions of the State Capitol under the control of the
650 Legislature, the House of Representatives, or the Senate;
651 provided, however, that security for the Senate and House
652 chambers, their entrances, and galleries shall be under the
653 absolute supervision and control of the Secretary and Clerk,
654 respectively. The Legislative Council shall also establish
655 protocol for the cooperation between the persons providing
656 security for the Legislature and such other law enforcement
657 agencies as necessary.

658 (6) Reduce and contain the cost associated with the
659 operation and maintenance of the Legislative Department to the
660 fullest extent reasonably possible and practical. In
661 accomplishing the reduction, the Legislative Council, to the
662 fullest extent possible, shall look for methods to save public
663 funds and contain costs.

664 (7) Annually review the performance of the Director of
665 the Legislative Services Agency.

666 (8) Employ a director of human resources who shall
667 handle the human resources related functions for the
668 Legislative Services Agency. The Director of Human Resources
669 shall provide services at the direction of the Legislative
670 Council, including providing lists of applicants for open
671 positions and the written application for employment for each,
672 providing assistance in the determination of salary schedules,



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673 benefits, and terms of employment, maintaining custody of
674 records as requested, and providing consultation on employee
675 discipline.

676 (b) In addition to the powers otherwise provided in
677 this chapter, the Senate Legislative Council, upon the
678 recommendation of the Director of Human Resources, shall
679 establish the job classifications, salary schedules, and
680 benefits for all employees of the President Pro Tempore of the
681 Senate. Notwithstanding the foregoing, there shall be a
682 position of chief of staff who shall serve at the pleasure of
683 the President Pro Tempore, under terms and conditions set by
684 the President Pro Tempore; provided further, persons who serve
685 at the pleasure of the Senate Majority Leader and the Senate
686 Minority Leader serve under terms and conditions set by the
687 Senate Majority Leader and the Senate Minority Leader,
688 respectively; and provided further, persons employed under
689 this sentence shall be paid from funds appropriated to the
690 Office of the President Pro Tempore at a salary or other
691 compensation approved by the President Pro Tempore.

692 (c) In addition to the powers otherwise provided in
693 this chapter, the House Legislative Council, upon the
694 recommendation of the Director of Human Resources, shall
695 establish the job classifications, salary schedules, and
696 benefits for all employees of the Speaker of the House.
697 Notwithstanding the foregoing, there shall be a position of
698 chief of staff who shall serve at the pleasure of the Speaker,
699 under terms and conditions set by the Speaker; provided
700 further, persons who serve at the pleasure of the House



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701 Majority Leader and the House Minority Leader serve under
702 terms and conditions set by the House Majority Leader and the
703 House Minority Leader, respectively; and provided further,
704 persons employed under this sentence shall be paid from funds
705 appropriated to the Office of the Speaker at a salary or other
706 compensation approved by the Speaker.

707 (d) The salary schedules, benefits, and terms of
708 employment for all staff of the Legislative Department shall
709 be as uniform as practical.

710 (e) Employees of the Legislative Services Agency,
711 Speaker of the House, and President Pro Tempore of the Senate
712 shall be under the direction and control of the Director of
713 the Legislative Services Agency, Speaker of the House, and
714 President Pro Tempore of the Senate, respectively.

715 (f) The Director of the Legislative Services Agency
716 shall annually review the performance of each employee subject
717 to his or her supervision and report thereon to the
718 Legislative Council.

719 (g) The Legislative Council, after considering in a
720 timely manner ~~persons~~ individuals recommended for hire by the
721 Secretary of the Senate and Clerk of the House, shall hire
722 joint employees of the Legislature. The Legislative Council
723 shall ~~utilize~~ use the services of the Director of Human
724 Resources for all joint employees, including providing lists
725 of applicants for open positions and the written application
726 for employment for each, providing assistance in determination
727 of job classifications, salary schedules, benefits, and terms
728 of employment, maintaining custody of records as requested,



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729 and providing consultation on employee discipline."

730 "§41-5A-16

731 (a) There shall be a Legislative Committee on Public
732 Accounts to exercise general supervision and control over the
733 actions of the ~~chief examiner~~Chief Examiner and the Department
734 of Examiners of Public Accounts.

735 (b) The Legislative Committee on Public Accounts shall
736 have 12 members. Five members shall be elected by the House of
737 Representatives from its membership and five members shall be
738 elected by the Senate from its membership. The President Pro
739 Tempore of the Senate shall be a member of the committee and
740 the chair of the committee. The Speaker of the House of
741 Representatives shall be a member of the committee and the
742 vice-chair of the committee. Beginning January 1, 2020, the
743 President Pro Tempore of the Senate and the Speaker of the
744 House shall alternate service as chair and vice-chair of the
745 committee every two years. Members of the committee shall be
746 elected at the ~~first regular~~organizational session of each
747 quadrennium and shall hold office as long as they remain
748 legislators and until their successors are elected.

749 (c) Vacancies shall be filled by the remaining members
750 of the committee from members of the House of Representatives
751 or the Senate, depending upon in which representation the
752 vacancy occurs, until the next organizational, regular, or
753 special session of the Legislature, at which time the
754 vacancies shall be filled by the appropriate house."

755 "§41-9-370

756 The Commission on Uniform State Laws is continued in



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757 existence as an advisory commission to the Legislature. The
758 commission consists of three members of the bar appointed by
759 the Governor for a term of four years or until their
760 successors are appointed, a member of the Senate appointed by
761 the President of the Senate, a member of the House of
762 Representatives appointed by the Speaker of the House, the
763 Director of the Legislative Services Agency, and the Deputy
764 Director of the Legislative Services Agency, ~~Legal~~Law Revision
765 Division."

766 "§41-9-374

767 (a) The Commission on Uniform State Laws shall annually
768 present its ~~budget~~dues requirement to the Legislative Council
769 for ~~approval~~payment.

770 (b) ~~From funds appropriated for the commission, the~~
771 ~~commission shall:~~

772 ~~(1) Reimburse~~Reimbursement of members of the
773 commission for their necessary expenses in ~~performing the~~
774 ~~duties of their offices, including travel for~~attending the
775 meeting of the National Conference of Commissioners on Uniform
776 State Laws, ~~subject to the approval of the Legislative Council~~
777 shall be the obligation of the body or agency the member
778 represents or by the appointing authority in the case of
779 individuals who are not public officials or public employees.
780 No reimbursement of expenses shall be made for life members
781 who are no longer otherwise public officials or public
782 employees.

783 ~~(2) Pay the cost of printing the commission's reports.~~

784 ~~(3) Pay the dues of this state to the National~~



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785 ~~Conference of Commissioners on Uniform State Laws.~~

786 ~~(c) The amount of expenses and dues shall be certified~~
787 ~~to the state Comptroller by the chair of the commission, and~~
788 ~~the state Comptroller shall draw warrants and the State~~
789 ~~Treasurer shall pay the warrants for these purposes from funds~~
790 ~~appropriated for the commission."~~

791 Section 2. Section 29-4-62 is added to the Code of
792 Alabama 1975, to read as follows:

793 §29-4-62

794 (a) The Speaker of the House of Representatives, on the
795 date of the general election at which members of the House of
796 Representatives are elected to four-year terms, shall continue
797 to serve as Speaker of the House of Representatives until
798 elections for Speaker are held pursuant to Section 48.01 of
799 the Constitution of Alabama of 2022.

800 (b) If a vacancy occurs in the office of the Speaker of
801 the House of Representatives for any reason, the Speaker Pro
802 Tempore of the House of Representatives shall assume the
803 duties of the Speaker of the House of Representatives for the
804 remainder of the term of office or until a successor Speaker
805 is elected pursuant to Section 48.01 of the Constitution of
806 Alabama of 2022.

807 Section 3. Section 29-5A-24 of the Code of Alabama
808 1975, authorizing the Code Commissioner to prepare an official
809 recompilation of the Constitution of Alabama of 1901, and
810 Section 29-6-6, Code of Alabama 1975, relating to the duties
811 of the Legislative Council in relation to the Legislative
812 Reference Service, are repealed.



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813 Section 4. This act shall become effective on the first
814 day of the third month following its passage and approval by
815 the Governor, or its otherwise becoming law.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB222

Senate 09-May-23

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

Patrick Harris,
Secretary.

House of Representatives
Amended and passed: 09-May-23

Senate concurred in House amendment 11-May-23

By: Senator Senator Givhan