

2019 Bill Text AL H.B. 537

Enrolled, May 30, 2019

Reporter

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Notice

Added: Text highlighted in green

Deleted: ~~Red text with a strikethrough~~

THE STATE OF ALABAMA BILL TEXT > ALABAMA 2019 REGULAR SESSION > HOUSE BILL 537

Progress



ENACTED | [Legislative Outlook in detail](#)

Introduced

Passed 1st
Committee

Passed 1st
Chamber

Passed 2nd
Committee

Passed 2nd
Chamber

Enacted



Synopsis

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

Text

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

Section 2.

(a) The commission shall be composed of the following members:

- (1) ~~Two~~ **THREE** members of the House of Representatives appointed by the Speaker of the House of Representatives, one of whom shall be a member of the minority party.
 - (2) ~~Two~~ **THREE** members of the Senate appointed by the President Pro Tempore of the Senate, one of whom shall be a member of the minority party.
 - (3) ~~Four~~ **SIX** members appointed by the Governor.
 - (4) The Director of Finance, or his or her designee, who shall serve as a nonvoting member.
 - (5) The Deputy Director of the Legislative Services Agency Fiscal Division, or his or her designee, who shall serve as a nonvoting member.
- (b) All appointing authorities shall coordinate their appointments so that diversity of gender, race, and geographical areas is reflective of the makeup of this state.
 - (c) The initial members of the commission shall be appointed for terms of office beginning on the effective date of this act and expiring ~~one year,~~ two years, three years, and four years, respectively, from that date so that the terms of ~~office of one legislative appointee and one Governor appointee~~ **OFFICE OF TWO LEGISLATIVE APPOINTEES AND TWO GOVERNOR APPOINTEES** shall expire each year. Thereafter, appointed commission members shall serve terms of four years and may not serve more than two full consecutive terms.
 - (d) A vacancy on the commission shall be filled by the original appointing authority for the unexpired term.
 - (e) The commission shall meet at the call of the chair or any two voting members, provided that the commission shall meet at least once every six months. A majority of the appointed members of the commission shall constitute a quorum for the transaction of business at meetings. Non-legislative members shall serve without compensation, but may be reimbursed for necessary expenses and travel incurred in the course of their duties according to the policies and practices of the employers of the members appointed. Non-legislative appointees who are not state employees shall receive the same per diem and travel allowance as is paid by law to state employees for each day actively engaged in the duties of their office. Legislative members of the commission shall be entitled to their regular legislative compensation, per diem, and travel expenses each day they attend a meeting of the commission in accordance with Amendment 871 to the Constitution of Alabama of 1901, now appearing as Section 49.01 of the Official Recompilation of the Constitution of Alabama of 1901, as amended. These payments shall be paid out of any funds appropriated for the use of the Legislature by means of warrants drawn by the Comptroller on the State Treasury.
 - (f) Members of the commission may participate in a meeting of the commission by means of telephone conference, video conference, or similar communications equipment by means of which all persons participating in the meeting may hear each other at the same time. Participation by such means shall constitute presence in person at a meeting for all purposes.
 - (g) Commencing with the organizational meeting of the commission, and every two years thereafter, the appointed members of the commission shall elect a chair and a vice chair from among the appointed members. At no time may both the chair and vice chair be Governor appointees or legislative appointees.
 - (h) The commission shall adopt rules necessary to implement this act pursuant to the Alabama Administrative Procedure Act, Chapter 22 of Title 41, Code of Alabama 1975.

Section 3.

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

- (b) The affairs of the commission shall be administered by the director, who shall serve at the pleasure of the commission and whose actions shall be supervised and controlled by the commission. The director shall receive compensation and benefits in an amount established by the commission, payable in the same manner as is provided for other state employees.
- (c) A vacancy in the office of director arising from any cause shall be filled by the commission. The commission may appoint a highly qualified person as its director to a non-merit, conditional appointment. The director, with the consent and approval of the commission, shall select and supervise professional and clerical staff upon a full-time or part-time basis as necessary to assist the commission and the director in performing the duties assigned by this act. The director, without regard to the state Merit System Act, may hire employees as necessary to effectuate the purposes of this act. The number of employees, their compensation, and other expenditures of the commission shall be within the limits and in compliance with the appropriation made therefor by the Legislature and within budgets that shall be approved from time to time by the commission.
- (d) On or before September 30, 2021, as directed by the commission, all papers, books, materials, furnishings, funds, personnel, and property of the Alabama Support Team for Evidence-based Practices of the Fiscal Division of the Alabama Legislative Services Agency shall be transferred to the commission. Upon transfer, the commission shall establish office space outside of the State Capitol building and the Alabama State House.

Section 4.

- (a) The commission shall be funded from the annual appropriation to the Legislative Services Agency for program evaluation until otherwise funded from state appropriations.
- (b) The commission may receive state appropriations and apply for and receive grant funds from other sources including, but not limited to, foundations, government entities, federal grants, and businesses. No public monies shall be expended by the director for any purpose unless the monies have been appropriated by the Legislature to the entity from which the funds are received or to the commission. Any monies appropriated shall be budgeted and allotted pursuant to the Budget Management Act in accordance with Article 4, commencing with [Section 41-4-80](#), of Chapter 4 of Title 41, Code of Alabama 1975, and only in the amounts provided by the Legislature in the general appropriations act or other appropriation acts.
- (c) Upon agreement, the Director of the Legislative Services Agency and the Director of the Department of Finance may provide services, facilities, and personnel to the commission for technical, clerical, or administrative assistance. A reasonable fee may be charged for the assistance.

Section 5.

- (a) Any department, agency, institution, and establishment of the executive branch of government and regulatory agency or regulatory commission of the state **, EXCLUDING ENTITIES WHICH DO NOT RECEIVE A DIRECT APPROPRIATION FROM THE STATE GENERAL FUND OR THE EDUCATION TRUST FUND,** shall furnish to the commission any available material, subject to the restrictions and limitations of federal law or regulations limiting the sharing of personally identifying information, which the commission determines to be necessary in the performance of the duties and functions of the commission.
- (b) Any collection of data by a department, agency, institution, establishment, or regulatory agency or regulatory commission of the state **, EXCLUDING ENTITIES WHICH DO NOT RECEIVE A DIRECT APPROPRIATION FROM THE STATE GENERAL FUND OR THE EDUCATION TRUST FUND,** shall be furnished to the commission, if available, upon request by the director or an employee of the commission.
- (c) The commission may take application for and award grant funds to any department, agency, establishment, or regulatory agency or regulatory commission to further the purposes, policies, recommendations, and objectives of the commission subject to the availability of funding.

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

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

History

REP(S). BY REPRESENTATIVE WINGO

HB537

ENROLLED, AN ACT,

Sponsor(s)

Wingo

Classification

Subject: LEGISLATORS (92%); LEGISLATIVE BODIES (82%); TALKS & MEETINGS (63%); US STATE GOVERNMENT (63%); LEGISLATION (62%)

Load-Date: June 1, 2019

THE STATE OF ALABAMA BILL TEXT
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