

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

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8 SYNOPSIS: This bill would abolish certain inactive
9 state boards, commissions, committees, authorities,
10 councils, and task forces established by the
11 Legislature.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT

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

1 commencing with Section 36-21-140, of Chapter 21 of Title 36,
2 Section 36-36-10, Chapter 7A, commencing with Section 38-7A-1,
3 of Title 38, Article 7B, commencing with Section 41-9-190, of
4 Chapter 9 of Title 41, Article 18, commencing with Section
5 41-9-490, of Chapter 9 of Title 41, Article 22, commencing
6 with Section 41-9-570, of Chapter 9 of Title 41, Article 30,
7 commencing with Section 41-9-780, of Chapter 9 of Title 41,
8 Article 32, commencing with Section 41-9-830, of Chapter 9 of
9 Title 41, Article 7, commencing with Section 41-10-200, of
10 Chapter 10 of Title 41, Article 15, commencing with Section
11 41-10-490, of Chapter 10 of Title 41, and Chapter 25,
12 commencing with 41-25-1, of Title 41, Code of Alabama 1975; to
13 repeal Act 1975-1178, Act 1979-43, Act Act 1985-138, Act
14 1985-280, Act 1985-301, Act 1985-811, Act 1987-02, Act
15 1988-213, Act 1991-259, Act 1991-325, Act 1992-56, Act
16 1994-764, Act 1996-289, Act 1997-68, Act 1997-818, Act
17 1998-107, Act 1998-156, Act 2000-8, Act 2001-62, Act 2002-318,
18 Act 2004-421, Act 2004-540, Act 2005-257, Act 2006-430, Act
19 2007-171, Act 2007-421, Act 2007-507, Act 2007-565, Act
20 2007-592, Act 2008-25, Act 2008-121, Act 2008-337, Act
21 2008-386, Act 2009-142, Act 2009-180, Act 2009-794, Act
22 2009-798, Act 2009-806, Act 2010-458, Act 2010-638, Act
23 2011-132, Act 2011-356, Act 2012-25, Act 2012-597, and Act
24 2014-194; and to amend Sections 22-1-12, 22-23A-3, 24-10-2,
25 24-10-4, 24-10-5, and 41-23-23, Code of Alabama 1975.
26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3 (1) New boards, commissions, committees,
4 authorities, councils, and task forces are routinely created
5 by legislative act to examine, study, and report on issues
6 relating to public health, safety, and welfare.

7 (2) When the board, commission, task force, or other
8 entity has completed its work, the original purpose for
9 creating the entity is resolved, or other factors make the
10 entity outdated or obsolete, the originating act often remains
11 on the books with no purpose and the entity has no members.

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

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

18 (5) Legislation is needed to effectively eliminate
19 outdated, expired, and obsolete entities created by
20 legislative act from the Acts of Alabama and the Code of
21 Alabama 1975, and to provide a historical record of that
22 elimination.

23 Section 2. The following provisions of the Code of
24 Alabama 1975, are repealed:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (23) Article 15, commencing with Section 41-10-490,
11 of Chapter 10 of Title 41, Code of Alabama 1975, relating to
12 the Alabama State Parking Deck Authority.

13 (24) Chapter 25, commencing with 41-25-1, of Title
14 41, Code of Alabama 1975, relating to the Alabama Drug
15 Education and Awareness Oversight Council.

16 Section 3. The following Acts of Alabama are
17 repealed:

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

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

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

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

1 (5) Act 1985-301 (HJR188), relating to the Alabama
2 Legislative Congressional Advisory Committee on the Textile
3 Industry.

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

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

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

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

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

16 (11) Act 1992-56 (HJR29), relating to the
17 International Airport Permanent Legislative Oversight
18 Committee.

19 (12) Act 1994-764 (HJR58), relating to the Permanent
20 Joint Legislative Oversight Committee on Rehabilitation
21 Services.

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

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

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

1 (16) Act 1998-107 (HJR78), relating to the Alabama
2 Forestry Commission, Volunteer Fire Departments and the Rural
3 Community Fire Protection Institute Joint Permanent
4 Legislative Oversight Committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 "§22-1-12.

15 "(a) The Department of Public Health shall establish
16 a comprehensive cardiac arrest survival plan for the training,
17 credentialing, and certification of primary cardiac care
18 providers in the use of semiautomatic external defibrillators
19 based on national guidelines for life-saving interventions of
20 persons suffering sudden, non-traumatic cardiac arrest
21 promulgated by the National Institutes of Health and the
22 National Heart, Lung, and Blood Institute.

23 "(b) All funds from the appropriation in Act 99-372
24 of the 1999 Regular Session shall be used to assist in the
25 purchase or acquisition of semiautomatic external
26 defibrillators and training for emergency medical care
27 providers. To be eligible for assistance, emergency medical

1 care providers shall meet standards established by the
2 department.

3 ~~"(c) A Cardiac Arrest Survival Commission consisting~~
4 ~~of the State Health Officer, the State Emergency Medical~~
5 ~~Director, three members appointed by the Senate President Pro~~
6 ~~Tempore, three members appointed by the Speaker of the House,~~
7 ~~two members appointed by the Governor, and one member~~
8 ~~appointed by the Alabama Chapter of the American Heart~~
9 ~~Association shall make all awards of assistance by majority~~
10 ~~vote. The State Health Officer shall serve as chair of the~~
11 ~~commission. Assistance may be in the form of equipment awarded~~
12 ~~outright or purchased with matching funds from the provider.~~
13 ~~The commission shall establish by majority vote the~~
14 ~~methodology for making awards to eligible providers.~~

15 "§22-23A-3.

16 "The Governor, the Director of the Department of
17 Economic and Community Affairs, the Director of Finance, one
18 member of the House of Representatives appointed by the
19 Speaker, and one member of the Senate appointed by the
20 Lieutenant Governor may become a public corporation to be
21 known as the Alabama Water System Assistance Authority with
22 the power and authority hereinafter provided, by proceeding
23 according to the provisions of this chapter. ~~Provided,~~
24 ~~however, that actions taken by such authority shall be~~
25 ~~monitored, from time to time, by a special "Water Assistance~~
26 ~~Legislative Oversight Committee" composed of three members of~~
27 ~~the House of Representatives appointed by the Speaker of the~~

1 ~~House and three Senators appointed by the Lieutenant Governor.~~
2 ~~Members of the Legislature serving on this oversight committee~~
3 ~~shall be entitled to their regular legislative per diem and~~
4 ~~travel expenses on such committee's meeting days. The~~
5 ~~Lieutenant Governor shall appoint a chairperson for such~~
6 ~~committee and the Speaker of the House shall appoint the~~
7 ~~vice chairperson. Such committee shall meet, from time to~~
8 ~~time, on request of either the chairperson or the authority.~~
9 ~~The Lieutenant Governor and the Speaker of the House shall~~
10 ~~make the appointments to the authority and the Water~~
11 ~~Assistance Legislative Oversight Committee within 15 days of~~
12 ~~the effective date of this chapter.~~

13 "§24-10-2.

14 "When used in this chapter, the following words
15 shall have the following meanings:

16 "~~(1) ADVISORY COMMITTEE. The Alabama Housing Trust~~
17 ~~Fund Advisory Committee.~~

18 "~~(2) (1) ALABAMA DEPARTMENT OF ECONOMIC AND COMMUNITY~~
19 ~~AFFAIRS (ADECA). As established by Section 41-23-1.~~

20 "~~(3) (2) ALABAMA HOUSING TRUST FUND. The trust fund~~
21 ~~created pursuant to Section 24-10-4.~~

22 "~~(4) (3) SIXTY PERCENT OF MEDIAN FAMILY INCOME. A~~
23 ~~person or persons living together whose annual income or~~
24 ~~incomes do not exceed 60 percent of the median family income~~
25 ~~of a geographic area, as determined by the U.S. Department of~~
26 ~~Housing and Urban Development, with adjustments for smaller~~
27 ~~and larger families.~~

1 "§24-10-4.

2 "The Alabama Affordable Housing Trust Fund is
3 created in the State Treasury for the collection and
4 distribution of designated funds for the purpose of increasing
5 the production of housing units, rehabilitating existing
6 housing units, and maintaining such housing so that it can be
7 made affordable to individuals and families whose incomes are
8 at or below 60 percent of the median family income. The
9 Alabama Housing Trust Fund shall be administered by ADECA
10 ~~which shall appoint an advisory committee as prescribed in~~
11 ~~Section 24-10-8 to advise the Director of ADECA as to program~~
12 ~~components and operations.~~

13 "§24-10-5.

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

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

20 "(2) Keep books and records relating to the
21 investment, interest earnings, and uses of monies deposited
22 into the trust fund.

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

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

1 "(5) Conduct an annual independent audit of the
2 trust fund.

3 "(6) Prepare, in collaboration with the advisory
4 committee, an annual performance report, which shall be
5 provided to the Governor, Speaker of the House of
6 Representatives, and the President Pro Tempore of the Senate,
7 outlining the use of the trust fund monies, including, but not
8 limited to, the trust fund's success in meeting its intended
9 purposes.

10 "(7) Conduct, or hire an outside entity to conduct a
11 statewide housing needs assessment, once every five years to
12 inform ADECA, its director, and the advisory committee of the
13 affordable housing needs in Alabama. The assessment should
14 include the housing needs for individuals with disabilities,
15 those living with HIV/AIDS, intellectual disability,
16 individuals experiencing homelessness, victims of domestic
17 violence, veterans, and the elderly.

18 "(8) Enter into contracts and agreements in
19 connection with the operation of the trust fund, including
20 contracts and agreements with federal agencies, local
21 governmental entities, community developers, and other
22 not-for-profit groups. This provision shall not authorize
23 contracts and agreements with for-profit entities.

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

1 " (b) ~~ADECA shall seek the input of the Alabama~~
2 ~~Housing Trust Fund Advisory Committee, outlined in Section~~
3 ~~24-10-8, but the~~ The Director of ADECA has final
4 decision-making authority on all matters relating to the trust
5 fund and the programs administered under Section 24-10-4.

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

11 "§41-23-23.

12 "Selection of zones and the general guidelines for
13 implementation of the provisions of this article shall be as
14 follows:

15 "(1) The Alabama Department of Economic and
16 Community Affairs shall see that all applications are
17 processed as follows:

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

20 "b. Each application should provide a statement of
21 incentives being offered by the governmental entities, such
22 as:

23 "1. Regulatory relief or waiver;

24 "2. Services provided;

25 "3. Tax incentives;

26 "4. Other nontax incentives.

1 "c. It is contemplated that state, county and/or
2 municipal governments may devise an innovative package of
3 local incentives in their respective jurisdictions and
4 aggressively pursue zone designation.

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

8 "(3) An Enterprise Zone Advisory Council consisting
9 of members of the Alabama Department of Commerce, Southern
10 Development Council, Department of Labor, Department of
11 Education, State Department of Transportation, Department of
12 Environmental Management, Department of Agriculture and
13 Industries, Department of Revenue and other qualified
14 individuals or organizations shall be appointed by the
15 Governor with provisions to insure geographic representation
16 of rural and urban areas. This council shall be limited to 11
17 representatives and shall serve at the pleasure of the
18 Governor.

19 ~~"(4) A legislative oversight committee shall be~~
20 ~~appointed by the Lieutenant Governor and the Speaker. Such~~
21 ~~committee shall consist of three members from the House of~~
22 ~~Representatives and three members from the Senate appointed by~~
23 ~~the respective officers of each body."~~

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