

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

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ENROLLED, An Act,

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.

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.

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

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

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

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

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

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

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

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

1 chair and vice chair be Governor appointees or legislative
2 appointees.

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

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

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

22 (c) A vacancy in the office of director arising from
23 any cause shall be filled by the commission. The commission
24 may appoint a highly qualified person as its director to a
25 non-merit, conditional appointment. The director, with the

1 consent and approval of the commission, shall select and
2 supervise professional and clerical staff upon a full-time or
3 part-time basis as necessary to assist the commission and the
4 director in performing the duties assigned by this act. The
5 director, without regard to the state Merit System Act, may
6 hire employees as necessary to effectuate the purposes of this
7 act. The number of employees, their compensation, and other
8 expenditures of the commission shall be within the limits and
9 in compliance with the appropriation made therefor by the
10 Legislature and within budgets that shall be approved from
11 time to time by the commission.

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

20 Section 4. (a) The commission shall be funded from
21 the annual appropriation to the Legislative Services Agency
22 for program evaluation until otherwise funded from state
23 appropriations.

24 (b) The commission may receive state appropriations
25 and apply for and receive grant funds from other sources

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

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

18 Section 5. (a) Any department, agency, institution,
19 and establishment of the executive branch of government and
20 regulatory agency or regulatory commission of the state, excluding entities which do not receive a direct appropriation
21 from the state General Fund or the Education Trust Fund, shall
22 furnish to the commission any available material, subject to
23 the restrictions and limitations of federal law or regulations
24 limiting the sharing of personally identifying information,
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1 which the commission determines to be necessary in the
2 performance of the duties and functions of the commission.

3 (b) Any collection of data by a department, agency,
4 institution, establishment, or regulatory agency or regulatory
5 commission of the state, excluding entities which do not
6 receive a direct appropriation from the state General Fund or
7 the Education Trust Fund, shall be furnished to the
8 commission, if available, upon request by the director or an
9 employee of the commission.

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

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

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 21-MAY-19, as amended.

Jeff Woodard
Clerk

Senate	29-MAY-19	Amended and Passed
House	30-MAY-19	Concurred in Senate Amendment