At a duly called and noticed meeting of the Legislative Council on July 18, 2023, the Council took the following actions:

1. Adoption of report and recommendation on State House building options with RSA.
2. Adoption of LSA policy related to third party authorizations by Legislators.

State of Alabama
Legislative Council

Alabama State House
11 South Union Street | Suite 613
Montgomery, AL 36130
www.lsa.state.al.us

REPORT REGARDING RSA STATE HOUSE OPTIONS

On September 22, 2022, the Legislative Council adopted a resolution directing the Secretary of the Council, the Secretary of the Senate, and the Clerk of the House to begin discussions with the Retirement Systems of Alabama regarding potential costs and options for new or relocated legislative facilities for review and consideration by the Council.

Pursuant to that directive, the undersigned report as follow:

- On April 25, 2023, Secretary for the Council executed an inter-agency agreement with RSA to conduct a Request for Proposals (RFP) process, pursuant to applicable law, to solicit proposals from qualified architectural/engineering firms for consulting, development, design, cost estimating, testing, and related services to study the design and potential construction of a new facility to serve as the Alabama State House.
- Pursuant to this agreement RSA conducted and RFP process and awarded a contract. Pursuant to that contract testing of potential sites has begun as has an initial space and architectural study.
- RSA has proposed that the process move forward pursuant to an agreement between RSA and the Council pursuant to a lease agreement that would amortize the costs of construction over a 25-year agreement at a rate of 8%. The 8% cost would compensate RSA for its roles of building management, general contractor, and cost of capital (financing).
- The Council would have a right to buy out the agreement at any time during or after construction or at any point during the 25-year term of the lease agreement without penalty.

It is the recommendation of the undersigned that the Council proceed by allowing the Chair, Vice-Chair, House Minority Leader, Senate Minority Leader, and Secretary of the Council to negotiate a lease along the terms described above to be ratified by the Council.

Sincerely,
Othni Lathram, Council Secretary
Patrick Harris, Secretary of the Senate
John Treadwell, Clerk of the House

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7.18.23 COUNCIL MEETING ACTION

The recommendation, as amended, was approved unanimously to direct that the Chair, Vice-Chair, and Secretary of the Council negotiate a lease along the terms described above, with the addition that the House Minority Leader and Senate Minority Leader be added to the Council members negotiating the lease terms with RSA, and that the lease be ratified by the Council.
Council Amendment: Added "House Minority Leader, Senate Minority Leader," to the Council members negotiating lease terms with RSA, as well as the requirement that the Council ratify the lease terms agreed to by the members.

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LEGISLATIVE SERVICES AGENCY POLICY ON LEGISLATIVE DRAFTING SERVICES

Background Information

The Legislative Services Agency provides various services to support the Alabama Legislature. As such, any member of the Legislature may request LSA to perform legislative drafting or provide legal or fiscal research.

Pursuant to Section 29-5A-21, Code of Alabama 1975, the Legal Division is required to prepare legislation (including bills, constitutional amendments, resolutions, substitutes, amendments, or other legislative instruments) for members of the Legislature, the Governor, and the Lieutenant Governor, and to persons authorized by a member of the Legislature, the Governor, or the Lieutenant Governor. The Legal Division is authorized, but not required, to prepare legislation at the request of other entities of state government.

Pursuant to this law, it is the policy of LSA to draft legislation for all the following:

- Members of the Legislature and their staff
- Offices of State Constitutional Officers (Governor, Lt. Governor, Secretary of State, Attorney General, State Auditor, and the Commissioner of Agriculture)
- State agencies, boards, commissions, and offices

Third Party Authorizations

Effective September 1, 2023, LSA will perform legislative drafting for persons not enumerated above (third parties) pursuant to the following guidelines:

1. The third party must obtain **specific authorization** from a member of the Legislature on a reasonably specific subject or legislation. This means that a lobbyist or other third party will no longer be able to have general authorization to request legislative drafting services.
2. All communications, including draft legislation, will be shared with the authorizing legislator contemporaneously with the authorized third party.
3. Final legislative instruments, including backed legislation, will only be distributed to the authorizing legislator or his or her staff.
4. For local bills and local constitutional amendments, a third party may only obtain authorization for drafting from a legislator representing the county covered by the local legislation.
5. Budget documents, amendments, and fiscal notes will not be drafted for third parties.
6. In all other respects, requests from authorized third parties will continue to be handled in the same manner as requests from legislators, constitutional officers, and state agencies.

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7.18.23 COUNCIL MEETING ACTION

The herein provided LSA Third Party Authorization and Drafting Policy was approved by unanimous vote. The Council additionally established September 1, 2023 as the effective date of the policy.