

1 HB336
2 163387-4
3 By Representatives Givan, Davis and Shedd (Constitutional
4 Amendment)
5 RFD: Constitution, Campaigns and Elections
6 First Read: 19-MAR-15

**COMMITTEE
EXHIBIT**

8-A

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ENROLLED, An Act,

To repeal existing Article VII of the Constitution of Alabama of 1901, relating to impeachments, and to add a new Article VII, relating to impeachments.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

I. Article VII of the Constitution of Alabama of 1901, is repealed.

II. Article VII is added to the Constitution of Alabama of 1901, to read as follows:

Article VII. Impeachments.

Section 173.

(a) The Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, members of the State Board of Education, Commissioner of Agriculture and Industries, and justices of the supreme court may be removed from office for willful neglect of duty, corruption in office, incompetency, or intemperance in the use

1 of intoxicating liquors or narcotics to such an extent, in
2 view of the dignity of the office and importance of its
3 duties, as unfits the officer for the discharge of such duties
4 for any offense involving moral turpitude while in office, or
5 committed under color thereof, or connected therewith.

6 (b) The House of Representatives shall present
7 articles or charges of impeachment against those persons
8 identified in subsection (a), specifying the cause to the
9 Senate.

10 (c) The Senate, sitting as a court of impeachment,
11 shall take testimony under oath on articles or charges
12 preferred by the House of Representatives.

13 (d) The Lieutenant Governor shall preside over the
14 Senate when sitting as a court of impeachment, provided,
15 however, that if the Governor or Lieutenant Governor is
16 impeached, the Chief Justice, or if the Chief Justice be
17 absent or disqualified, then one of the associate justices of
18 the supreme court, to be selected by the court, shall preside
19 over the Senate when sitting as a court of impeachment. No
20 person may be convicted by the Senate sitting as a court of
21 impeachment without the concurrence of two-thirds of the
22 members present.

23 (e) If at any time when the Legislature is not in
24 session, a majority of all the members elected to the House of
25 Representatives shall certify in writing to the Secretary of

1 State their desire to meet to consider the impeachment of the
2 Governor, Lieutenant Governor, or other officer administering
3 the office of Governor, it shall be the duty of the Secretary
4 of State immediately to notify the Speaker of the House who,
5 within 10 days after receipt of the notice, shall summon the
6 members of the House to assemble at the capitol on a day to be
7 fixed by the Speaker, but not later than 15 days after receipt
8 of the notice by the Speaker from the Secretary of State, to
9 consider the impeachment of the Governor, Lieutenant Governor,
10 or other officer administering the office of Governor.

11 (f) If the House of Representatives prefers articles
12 of impeachment, the Speaker of the House shall forthwith
13 notify the Lieutenant Governor, unless he or she is the
14 officer impeached, in which event the President Pro Tempore of
15 the Senate shall be notified, who shall summon the members of
16 the Senate to assemble at the capitol on a specified day not
17 later than 10 days after receipt of the notice from the
18 Speaker of the House, for the purpose of hearing and trying
19 the articles of impeachment against the Governor, Lieutenant
20 Governor, or other officer administering the office of
21 Governor, as may be preferred by the House of Representatives.

22 Section 174.

23 The judges of the district and circuit courts,
24 judges of the probate courts, and judges of other courts from
25 which an appeal may be taken directly to the supreme court,

1 district attorneys, and sheriffs, may be removed from office
2 for any of the causes specified in Section 173 or elsewhere in
3 this constitution, by the supreme court, or under such
4 regulations as may be prescribed by rule of the Supreme Court
5 of Alabama or law. The Legislature may provide for the
6 impeachment or removal of other officers than those named in
7 this article.

8 Section 175.

9 A county officer and officer of an incorporated city
10 or town may be tried for impeachment for any of the causes
11 specified in Section 173 and upon conviction be removed from
12 office by a court having jurisdiction to try felony cases in
13 the county or circuit in which the officer holds his or her
14 office. The Legislature shall provide by law the method of
15 proceeding under this section, provided the right to trial by
16 jury and appeal in such cases shall be secured.

17 Section 176.

18 The penalties in cases arising under this article
19 does not extend beyond removal from office, and
20 disqualifications from holding office, under the authority of
21 this state, for the term for which the officer was elected or
22 appointed; but the accused shall be liable to indictment and
23 punishment as prescribed by law.

24 III. This amendment shall become operative on
25 January 1, 2017.

1 Section 2. An election upon the proposed amendment
2 shall be held in accordance with Sections 284 and 285 of the
3 Constitution of Alabama of 1901, now appearing as Sections 284
4 and 285 of the Official Recompilation of the Constitution of
5 Alabama of 1901, as amended, and the election laws of this
6 state.

7 Section 3. The appropriate election official shall
8 assign a ballot number for the proposed constitutional
9 amendment on the election ballot and shall set forth the
10 following description of the substance or subject matter of
11 the proposed constitutional amendment:

12 "Proposing an amendment to the Constitution of
13 Alabama of 1901, to become operative January 1, 2017, to
14 repeal and replace Article VII, Impeachments.

15 "Proposed by Act _____."

16 This description shall be followed by the following
17 language:

18 "Yes () No ()."

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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 09-APR-15, as amended.

Jeff Woodard
Clerk

Senate

19-MAY-15

Passed

1 HR226
2 176360-1
3 By Representatives Henry, Butler, Farley, Todd, Williams (JW),
4 Williams (P), Ball, Sessions, Crawford, Holmes (M) and
5 Standridge
6 RFD: Rules
7 First Read: 05-APR-16

**COMMITTEE
EXHIBIT**
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8 ARTICLES OF IMPEACHMENT AGAINST GOVERNOR BENTLEY.

9
10 WHEREAS, in 2010, Governor Bentley was elected the
11 53rd Governor of the State of Alabama and was reelected to a
12 second term in 2014; and

13 WHEREAS, Section 173 of the Constitution of Alabama
14 of 1901 provides that the Governor and other constitutional
15 officers of this state may be impeached upon the adoption of
16 articles of impeachment by this body and upon trial by the
17 Senate, acting as a court of impeachment; and

18 WHEREAS, recent developments and findings relating
19 to the Governor's inappropriate relationship with a married
20 senior political advisor and official action taken to conceal
21 this relationship, as well as official action taken to the
22 detriment of the Secretary of the Alabama Law Enforcement
23 Agency (ALEA) and other agency employees, demonstrate that he
24 is unfit to serve the State of Alabama and that he has failed
25 to faithfully protect and defend the Constitution of Alabama
26 of 1901 and the laws of this state; and

1 WHEREAS, Governor Bentley has admitted to engaging
2 in an inappropriate, extramarital relationship with a married
3 senior political advisor; the release of recordings and
4 transcripts of recordings substantiating the inappropriate
5 relationship has garnered both statewide and national
6 attention and criticism; and

7 WHEREAS, the senior political advisor, by
8 subterfuge, has avoided required public financial disclosures
9 and compliance with applicable ethics laws for state officers
10 and employees through the establishment of an entity from
11 which she was compensated; and

12 WHEREAS, Governor Bentley removed the Secretary of
13 ALEA and directed or encouraged the termination, demotion, or
14 involuntary transfer of other agency employees alleging misuse
15 of state funds; an audit of ALEA's finances by the Alabama
16 Department of Examiners of Public Accounts has revealed no
17 discrepancies or misuse of funds and the former Secretary of
18 ALEA has stated that his termination was based, in part, upon
19 his discovery of the inappropriate relationship between
20 Governor Bentley and his political advisor and his cooperation
21 with the Attorney General in an ongoing judicial proceeding
22 contrary to Governor Bentley's directive; and

23 WHEREAS, two formal complaints have been filed with
24 the Alabama Ethics Commission to determine whether Governor
25 Bentley violated state ethics laws by using state property in
26 the furtherance of the inappropriate relationship with his

1 senior political advisor and whether he has used his position
2 to interfere with any investigations; and

3 WHEREAS, in recognition of the gravity of the
4 adoption of these articles of impeachment and upon findings
5 that Governor Bentley has violated the public trust, this body
6 concludes Governor Bentley should be impeached for cause; now
7 therefore,

8 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF
9 THE LEGISLATURE OF ALABAMA, That Governor Bentley is impeached
10 for cause and that the following articles of impeachment,
11 based upon the findings in this resolution, be transmitted to
12 the Senate for trial as provided in Section 173 of the
13 Constitution of Alabama of 1901:

14 ARTICLE I.

15 Willful Neglect of Duty.

16 There is credible evidence from which to infer that,
17 in his conduct while Governor of the State of Alabama, he has
18 willfully neglected his duty as Governor by failing to
19 faithfully execute the laws of this state and by refusing to
20 perform his constitutional and statutory duties and has
21 consistently acted in violation of law to promote his own
22 personal agenda.

23 ARTICLE II.

24 Corruption in Office.

25 There is credible evidence from which to infer that,
26 in his conduct while Governor of the State of Alabama, he has
27 unlawfully used state property in furtherance or concealment

1 of an inappropriate relationship with a senior political
2 advisor and has made administrative decisions, including
3 termination, demotion, or the involuntary transfer of
4 Executive Branch employees, based solely upon the furtherance
5 of that inappropriate relationship. Furthermore, the lack of
6 transparency of the senior political advisor's compensation
7 arrangement and status further demonstrate corrupt motives and
8 suggest circumvention of state ethics laws. Governor Bentley
9 has betrayed his trust as Governor and has undermined the
10 integrity of his office.

11 ARTICLE III.

12 Incompetency.

13 There is credible evidence from which to infer that,
14 in his conduct while Governor of the State of Alabama, he has
15 exhibited poor judgment and continues to make decisions that
16 are detrimental to the people of this state and has proven to
17 be wholly ineffective as Governor. Governor Bentley's abuse of
18 his official duties and powers consistently demonstrates
19 diminished competency, honesty, principles, and morality.

20 ARTICLE IV.

21 Offenses of Moral Turpitude.

22 The Alabama Supreme Court has defined "moral
23 turpitude" to mean something immoral in itself, regardless of
24 the fact that it is punished by law, including an act that is
25 not merely prohibited, but is inherently immoral. By his own
26 admission, Governor Bentley has engaged in an extramarital
27 relationship with a married political advisor and has used his

1 office in furtherance and concealment of this relationship.
2 Governor Bentley's conduct is inherently immoral and renders
3 him unfit to serve in the highest office in this state.

1 HR334
2 177183-6
3 By Representatives Fridy, Ledbetter, Ball, Williams (P),
4 Weaver, Hill (M), Hanes, Farley, Henry, Whorton (I), Mooney,
5 Butler, Williams (JW), Ainsworth, Gaston, Pringle, Holmes (M),
6 Brown, Fincher and Rowe
7 RFD:
8 First Read: 26-APR-16



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2 ENGROSSED

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4 AMENDING HOUSE RULES TO PROVIDE FOR IMPEACHMENT
5 PROCEDURES.

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7 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF
8 THE LEGISLATURE OF ALABAMA, That the House Rules be amended by
9 adding the following new rule:

10 Rule 79.1.

11 (a) Articles of impeachment, as provided in Section
12 173 of the Constitution of Alabama of 1901, shall be filed in
13 the form of a House resolution. Upon the filing of articles of
14 impeachment co-sponsored by at least ~~10~~ 21 members, or if the
15 House is not in session, upon petition of ~~10~~ 21 members to the
16 ~~Speaker of the House, the House Judiciary Committee shall be~~
17 ~~convened for the following purposes:~~ Speaker of the House, the
18 articles shall be referred to the House Judiciary Committee
19 for the following purposes:

20 ~~(1) To investigate allegations of misfeasance,~~
21 ~~malfeasance, nonfeasance, or other misconduct of the official~~
22 ~~subject to impeachment.~~

23 (1) To investigate the allegations asserted in the
24 Articles of Impeachment, as provided in Section 173 of the
25 Constitution of Alabama of 1901.

26 (2) To make a recommendation to the body as to
27 whether cause exists to impeach the official.

1 (b) All meetings of the committee for the purposes
2 provided in subsection (a) shall be open to the public and
3 advance notice shall be given to the public for all meetings
4 consistent with notice requirements of other House committee
5 meetings and shall include publication of the agenda for the
6 meeting.

7 (c) The committee shall adopt rules to govern the
8 proceedings before it in order to ensure due process,
9 fundamental fairness, and a thorough investigation, provided
10 that the rules are not inconsistent with this rule.

11 (d) The committee shall gather information and may
12 hear testimony relating to the question of whether cause
13 exists to impeach the official. The gathering of information
14 or the hearing of testimony may occur at any location within
15 this state designated by the chair of the committee.

16 (e) The Clerk of the House shall assign staff to
17 assist the committee as required. The Alabama Law Institute,
18 Legislative Fiscal Office, and Legislative Reference Service
19 shall provide assistance to the committee as requested.

20 (f) Upon the conclusion of its investigation, the
21 committee shall submit its report and recommendation regarding
22 impeachment to the Clerk of the House for consideration by the
23 body. The Clerk of the House shall provide a copy of the
24 report to all members of the House within three days after
25 submission of the report. As part of its report and
26 recommendation, the committee, by majority vote, may offer
27 amendments to the impeachment resolution. If the

1 recommendation of the committee is not unanimous, the members
2 in opposition to the recommendation shall submit a
3 consolidated report outlining the recommendation of the
4 members opposed to the majority recommendation.

5 (g) (1) If the House is in session when the committee
6 submits its report and recommendation, the impeachment
7 resolution, along with any committee amendments, shall be
8 considered by the House on the third legislative day following
9 its submission if 63 members of the House vote in favor of
10 consideration. Consideration of the Articles of Impeachment
11 shall be during the introduction of bills and resolutions
12 pursuant to Rule 6(7) and shall be in resolution form and
13 offered by one of the resolution's sponsors.

14 (2) If the House is not in session when the
15 committee submits its report and recommendation, or if the
16 House adjourns prior to consideration of the report and
17 recommendation submitted under subdivision (1), the House may
18 convene as provided in Section 173 of the Constitution of
19 Alabama of 1901, to consider the report and recommendation.

20 (3) Passage of the resolution shall require a
21 majority vote of the House membership.

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House of Representatives

Introduced..... 26-APR-16
Read for the third time and adopted
as amended..... 26-APR-16
Yeas 78, Nays 14, Abstains 6

Jeff Woodard
Clerk

1 HR367
2 176360-2
3 By Representatives Henry, Whorton (I), Sessions, Ball,
4 Patterson, Hanes, Whorton (R), Holmes (M), Standridge, Moore
5 (B), Crawford, Farley, Williams (JW), Ainsworth, Ford, Todd,
6 Wilcox, Butler, Nordgren, Williams (P), Morrow, Ingram and
7 Mooney
8 RFD: Judiciary
9 First Read: 28-APR-16



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8 ARTICLES OF IMPEACHMENT AGAINST GOVERNOR BENTLEY.

9
10 WHEREAS, in 2010, Governor Bentley was elected the
11 53rd Governor of the State of Alabama and was reelected to a
12 second term in 2014; and

13 WHEREAS, Section 173 of the Constitution of Alabama
14 of 1901 provides that the Governor and other constitutional
15 officers of this state may be impeached upon the adoption of
16 articles of impeachment by this body and upon trial by the
17 Senate, acting as a court of impeachment; and

18 WHEREAS, two formal complaints have been filed with
19 the Alabama Ethics Commission to determine whether Governor
20 Bentley violated state ethics laws by misusing state property;
21 and

22 WHEREAS, in recognition of the gravity of the
23 adoption of these articles of impeachment and upon findings
24 that Governor Bentley has violated the public trust, this body
25 concludes Governor Bentley should be impeached for cause; now
26 therefore,

1 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF
2 THE LEGISLATURE OF ALABAMA, That Governor Bentley is impeached
3 for cause and that the following articles of impeachment,
4 based upon the findings in this resolution, be transmitted to
5 the Senate for trial as provided in Section 173 of the
6 Constitution of Alabama of 1901:

7 ARTICLE I.

8 Willful Neglect of Duty.

9 Credible evidence exists to create probable cause to
10 believe that, in his conduct while Governor of the State of
11 Alabama, he willfully neglected his duty as Governor by
12 failing to faithfully execute the laws of this state and by
13 refusing to perform his constitutional and statutory duties.

14 ARTICLE II.

15 Corruption in Office.

16 Credible evidence exists to create probable cause to
17 believe that, in his conduct while Governor of the State of
18 Alabama, he unlawfully misused state property, misappropriated
19 state resources, and consistently acted in violation of law to
20 promote his own personal agenda.

1 HB57
2 176740-3
3 By Representative Jones
4 RFD: Public Safety and Homeland Security
5 First Read: 18-AUG-16

**COMMITTEE
EXHIBIT**
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8 SYNOPSIS: Under existing law, there is no specific
9 provision for compelling testimony or the
10 production of evidence in an impeachment
11 investigation conducted pursuant to rules of the
12 House of Representatives.

13 This bill would require the Circuit Court
14 for the 15th Judicial Circuit to issue a subpoena
15 to compel testimony and the production of evidence
16 upon application by the committee.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 Requiring the Circuit Court for the 15th Judicial
23 Circuit to compel testimony and the production of evidence
24 upon application of a committee of the House of
25 Representatives conducting an impeachment investigation.
26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. If, pursuant to the Rules of the House of
2 Representatives or a House Resolution adopted by the House of
3 Representatives, a committee of the House of Representatives
4 is conducting an impeachment investigation, the Circuit Court
5 for the 15th Judicial Circuit, upon application by the chair
6 of the committee or his or her representative, shall issue a
7 subpoena or order requiring the person to appear before the
8 committee, its counsel, or investigator and produce all
9 evidence and give all testimony relating to the matter in
10 issue. A person failing to obey the order may be punished by
11 the court for contempt.

12 Section 2. This act shall become effective
13 immediately following its passage and approval by the
14 Governor, or its otherwise becoming law.

1 COMMITTEE RULES

2 OF THE HOUSE JUDICIARY COMMITTEE FOR

3 THE IMPEACHMENT INVESTIGATION OF GOVERNOR ROBERT BENTLEY

4 These rules adopted by the House Judiciary Committee
5 apply only to the investigation pursuant to House Rule 79.1
6 initiated by the filing of HR367, preferring Articles of
7 Impeachment against Governor Robert Bentley. Pursuant to Rule
8 79.1, this Committee shall investigate the allegations
9 contained in HR367 and make a recommendation to the full House
10 of Representatives as to whether cause exists to impeach the
11 Governor. These proceedings shall be quasi-judicial in nature
12 and shall be conducted in a manner consistent with that tenor.

13
14 Rule 1. Committee Procedure. (a) The Chair of the
15 Committee has the authority to call meetings of the Committee,
16 call the Committee to order, designate the order of business,
17 and generally supervise the affairs of the Committee. No
18 action shall be taken by the Committee unless a quorum is
19 present.

20 (b) The Committee may make use of subcommittees to
21 perform any work that would be beneficial or make the
22 proceedings more efficient. The Chair shall appoint the
23 membership of any subcommittees in a manner to ensure the
24 participation of the minority party.

COMMITTEE
EXHIBIT
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1 Rule 2. Hearings. Hearings shall be scheduled and
2 presided over by the Chair and conducted in accordance with
3 House Rules, unless specifically provided for by these rules.
4 Each member of the Committee and Governor Robert Bentley shall
5 be given at least 24 hours notice of any hearing; provided,
6 however, no action taken at a hearing shall be deemed invalid
7 solely because notice was not provided in accordance with this
8 rule. Notice to Governor Bentley shall be provided via
9 delivery to his office in the Capitol.

10 Rule 3. Subpoenas. (a) The Chair, either on behalf
11 of the Committee or on behalf of Governor Bentley or his
12 counsel, may direct the Clerk of the House to issue subpoenas
13 in the name of the Committee requiring a person or persons to
14 appear before the Committee and be questioned regarding any
15 matter at issue in this proceeding.

16 (b) The Chair, either on behalf of the Committee or
17 on behalf of Governor Bentley or his counsel, may direct the
18 Clerk of the House to issue subpoenas duces tecum in the name
19 of the Committee requiring a person to appear before the
20 Committee and bring with him or her any materials, including,
21 but not limited to, books, records, papers, documents,
22 electronic data, electronic mail, videotapes, video
23 recordings, audio recordings, still photographs, and other
24 materials.

25 (c) Subpoenas shall be issued upon the
26 recommendation of a subcommittee appointed for that purpose

1 after consideration of any information submitted by committee
2 members.

3 Rule 4. Notice to Witnesses. Service of a subpoena
4 requiring attendance of a person at a Committee hearing shall
5 be issued by the Clerk of the House.

6 Rule 5. Conduct of Hearings. (a) All hearings of the
7 Committee shall be public. The Chair shall supervise the
8 examination of witnesses, including by recognizing who may
9 examine witnesses, the length of any examination of witnesses
10 and all other proceedings.

11 (b) Public access to these proceedings shall be
12 governed by the Public Access Guidelines adopted by the
13 Committee and attached as Exhibit A to these rules. Conduct of
14 the press shall be governed by the News Media Guidelines
15 adopted by the Committee and attached as Exhibit B to these
16 rules.

17 Rule 6. Right to Counsel. Each witness may be
18 accompanied by counsel of his or her own choosing who may
19 advise the witness as to his or her rights. Nothing in these
20 rules, however, shall be construed to create a right to
21 counsel at public expense for witnesses testifying before the
22 Committee.

23 Rule 7. Testimony. (a) The Committee shall record
24 all proceedings in which testimony or other evidence is
25 presented.

1 (b) All testimony given at the hearing shall be
2 under oath administered by the Chair along with instruction
3 that if a witness fails to tell the truth, the recording of
4 his or her testimony shall be referred to the appropriate law
5 enforcement entity for investigation and possible prosecution
6 and advise the witness that he or she is subject to the
7 penalties of perjury.

8 (c) Any witness may file with the Committee a sworn
9 written statement, subject to the penalties of perjury,
10 relevant to the purpose, subject matter, or scope of the
11 Committee's proceeding. Copies of all statements filed shall
12 be provided to Special Counsel, all committee members, and
13 Governor Bentley through his counsel.

14 Rule 8. Evidentiary Questions. All procedural
15 questions regarding the conduct of the hearings, including the
16 relevance and admissibility of evidence, shall be determined
17 by the Chair with the advice of Counsel to the Committee. Any
18 member may move to overrule a ruling of the Chair. The Chair
19 shall be sustained unless at least 8 members of the committee
20 vote to overrule.

21 Rule 9. Committee Record. Any and all materials
22 created by or submitted to the Committee during the course of
23 the investigation shall be inventoried and stored with the
24 Clerk of the House as the Committee Record.

25 Rule 10. Obtaining evidence or information. Nothing
26 contained in these rules shall be construed to limit or

1 prohibit the acquisition of evidence or information by the
2 Committee by any other lawful means.

3 Rule 11. Ex Parte Communications. Members should
4 avoid communicating with Governor Bentley, his counsel, or his
5 staff concerning any matters pending regarding his impeachment
6 or the investigation of this Committee, except to provide
7 notice of the proceedings, for the duration of the impeachment
8 process and any trial by the Senate, if necessary. Members
9 should not feel any restraint from communicating with Governor
10 Bentley or his staff regarding any other matters necessary in
11 the ordinary course of representing their constituents.

12 Rule 12. Amendment. Proposed amendments to these
13 rules shall be submitted in writing by one or more members of
14 the Committee to the Chair and shall take effect upon adoption
15 by the affirmative vote of 8 members of the Committee.

16 Rule 13. Communications with the Press. Members
17 should avoid communicating with the press about the substance
18 of any of the hearings or proceedings before this Committee
19 for the duration of the impeachment process and any trial by
20 the Senate, if necessary. All inquiries by the press regarding
21 these proceedings shall be referred to the Public Information
22 Officer of the House.

23 Rule 14. Special Counsel. An attorney shall be
24 recommended by a subcommittee, appointed for that purpose, and
25 hired by a vote of the Committee to assist in the process of
26 investigating grounds for impeachment and shall be known as

1 Special Counsel to the Committee. Special Counsel may be
2 replaced by an affirmative vote of 8 members of the Committee.
3 Special Counsel shall conduct the investigation, shall assist
4 the Chair in the conducting of hearings as required, and shall
5 draft the report required from the Committee pursuant to House
6 Rule 79.1.

EXHIBIT A

Public Access Guidelines for House Judiciary Committee Meetings Related to Articles of Impeachment Filed Against Governor Robert Bentley

(These guidelines do not apply to the news media.)

Public Admittance

All persons seeking admittance to Room 200 must enter the State House through the Union Street entrance, sign in, and pass through a metal detector. (The Washington Avenue entrance to the State House will be closed.) Following the initial screening, observers will proceed to a second screening area in the lobby of Room 200. Attendees must have a photo I.D. to attend the meetings. Every attendee will receive a visitor pass that must be worn in plain sight. Passes must be returned to security personnel upon departure.

Seating

Public seating will be available on a first come, first serve basis. Reserved seating will be available for a limited number of legislative staff, House members, and the governor and/or his representatives. The House Clerk will control all seating. No one will be allowed to enter the room once the number of attendees reaches the room capacity set by the State Fire Marshal. Anyone who leaves the room will not be guaranteed re-admittance.

Decorum

All persons shall abide by the following policies:

- No food or drinks.
- No photos or video.
- No use of laptop computers, electronic tablets, or iPads.
- No playing of music or games.
- No talking, clapping, demonstrations, emotional outbursts, or activities that distract from the committee's proceedings.
- No placards, posters, signs, issue-related clothing, or electronic displays of any kind.
- Cell phones must be TURNED OFF.
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Any violation of the stated rules will result in the immediate removal of the offender from Room 200 for the remainder of the day. The committee chair will have discretion to order the removal of anyone who engages in any activity that, in the chair's opinion, distracts from the committee's work.

After adoption by the House Judiciary Committee, these guidelines must be posted on the Legislature's website and at the entrance to Room 200 until the Committee issues its final report.

1 AMENDED COMMITTEE RULES
2 OF THE HOUSE JUDICIARY COMMITTEE FOR
3 THE IMPEACHMENT INVESTIGATION OF GOVERNOR ROBERT BENTLEY

4 These rules adopted by the House Judiciary Committee
5 apply only to the investigation pursuant to House Rule 79.1
6 initiated by the filing of HR367, preferring Articles of
7 Impeachment against Governor Robert Bentley. Pursuant to Rule
8 79.1, this Committee shall investigate the allegations
9 contained in HR367 and make a recommendation to the full House
10 of Representatives as to whether cause exists to impeach the
11 Governor. These proceedings shall be quasi-judicial in nature
12 and shall be conducted in a manner consistent with that tenor.
13

14 Rule 1. Committee Procedure. (a) The Chair of the
15 Committee has the authority to call meetings of the Committee,
16 call the Committee to order, designate the order of business,
17 and generally supervise the affairs of the Committee. No
18 action shall be taken by the Committee unless a quorum is
19 present.

20 (b) The Committee may make use of subcommittees to
21 perform any work that would be beneficial or make the
22 proceedings more efficient. The Chair shall appoint the
23 membership of any subcommittees in a manner to ensure the
24 participation of the minority party.

25 Rule 2. Hearings. (a) Hearings shall be scheduled
26 and presided over by the Chair and conducted in accordance

1 with House Rules, unless specifically provided for by these
2 rules.

3 (b) Each member of the Committee and Governor Robert
4 Bentley shall be given at least 24 hours notice of any
5 hearing; provided, however, no action taken at a hearing shall
6 be deemed invalid solely because notice was not provided in
7 accordance with this rule. Notice to Governor Bentley shall be
8 provided via delivery to his office in the Capitol.

9 (c) All hearings of the Committee shall be public.
10 The Chair, with the guidance of Special Counsel, shall
11 supervise the examination of witnesses, the length of any
12 examination of witnesses, and all other proceedings.

13 (d) Public access to these public hearings shall be
14 governed by the Public Access Guidelines adopted by the
15 Committee and attached as Exhibit A to these rules. Conduct of
16 the press shall be governed by the News Media Guidelines
17 adopted by the Committee and attached as Exhibit B to these
18 rules.

19 (e) At any public hearing, when a witness is to be
20 called before the Committee to give testimony, Governor
21 Bentley, Governor Bentley's counsel, and counsel for the
22 Office of the Governor, or all three, may attend that portion
23 of the public hearing, but may participate in the hearing only
24 as allowed by these rules.

25 (f) A witness testifying at a public hearing may be
26 represented by legal counsel of his or her choosing and may
27 confer with his or her legal counsel to determine whether the
28 answer to a particular question implicates a recognized

1 privilege, Rule of the House, or Rule of the Committee. The
2 witness or his or her counsel must state on the record any
3 objections based on a recognized privilege, Rule of the House,
4 or Rule of the Committee. No other objections shall be
5 permitted. The Chair shall rule on objections. If the Chair
6 overrules the objection, the witness shall answer the
7 question. Except for the limited purpose of stating a
8 permitted objection, a witness's legal counsel may not examine
9 the witness, raise objections, or address the Committee.

10 (g) Unless otherwise designated by the Chair, the
11 Committee's Special Counsel or a member of his staff shall
12 begin the questioning of each witness and may, if authorized
13 by the Chair, question a witness at any point during the
14 appearance of the witness. Thereafter, Governor Bentley,
15 Governor Bentley's counsel, and counsel for the Office of the
16 Governor may examine or cross-examine the witness, followed by
17 re-examination of the witness by the Special Counsel or his
18 staff. Thereafter, the witness may be examined by any member
19 of the committee, if authorized by the Chair.

20 (h) At any public hearing when documentary evidence
21 is to be offered through witnesses, or presented by Special
22 Counsel, the Committee shall provide at the hearing copies of
23 the documentary evidence to each Committee member and to
24 counsel for Governor Bentley and the Office of the Governor.

25 (i) Special Counsel shall advise the Committee when
26 the evidence assembled by him has been fully presented to the
27 Committee. Following that presentation, the Committee shall

1 determine whether it desires additional evidence, after
2 opportunity for the following has been provided:

3 (1) Any member may bring additional evidence to the
4 Committee's attention.

5 (2) Counsel for Governor Bentley and for the Office
6 of the Governor shall be invited to respond to the
7 presentation, orally or in writing, as shall be determined by
8 the Committee.

9 (3) Should counsel for Governor Bentley or for the
10 Office of the Governor wish the Committee to receive
11 additional testimony or other evidence, counsel for Governor
12 Bentley or for the Office of the Governor may, as determined
13 by the Committee, be invited to submit written requests and
14 precise summaries of what counsel would propose to show, and,
15 in the case of a witness, precisely and in detail what it is
16 expected the testimony of the witness would be, if called. On
17 the basis of such requests and summaries and of the record
18 then before it, the Committee shall determine whether the
19 suggested evidence is necessary or desirable to a full and
20 fair record in the inquiry, and, if so, whether the summaries
21 shall be accepted or not as part of the record or additional
22 testimony or evidence in some other form shall be received.

23 Rule 3. Subpoenas. (a) The Chair may direct the
24 Clerk of the House to issue subpoenas in the name of the
25 Committee requiring a person or persons to appear before the
26 Committee, or at a transcribed interview under oath by Special

1 Counsel or his staff, and be questioned regarding any matter
2 at issue in this proceeding.

3 (b) The Chair may direct the Clerk of the House to
4 issue subpoenas duces tecum in the name of the Committee
5 requiring a person to appear before the Committee or Special
6 Counsel and bring with him or her any materials, including,
7 but not limited to, books, records, papers, documents,
8 electronic data, electronic mail, videotapes, video
9 recordings, audio recordings, still photographs, and other
10 materials.

11 (c) Subpoenas shall be issued upon the
12 recommendation of a subcommittee appointed for that purpose
13 after consideration of any information submitted by committee
14 members.

15 (d) Special Counsel and members of his staff are
16 vested with the authority to cause subpoenas to be served in a
17 manner consistent with Alabama rules for service of process
18 and to cause such subpoenas to be enforced, including to
19 initiate contempt proceedings either before the Committee or
20 in a court of competent jurisdiction.

21 Rule 4. Right to Counsel. Each witness at a hearing
22 or at a transcribed interview under oath may be accompanied by
23 counsel of his or her own choosing who may advise the witness
24 as to his or her rights. Nothing in these rules, however,
25 shall be construed to create a right to counsel at public
26 expense for witnesses testifying before the Committee or at a
27 transcribed interview under oath.

1 Rule 5. Testimony. (a) The Committee shall record
2 all proceedings in which testimony or other evidence is
3 presented.

4 (b) All testimony given at a hearing shall be under
5 oath administered by the Chair along with instruction that if
6 a witness fails to tell the truth, the recording of his or her
7 testimony shall be referred to the appropriate law enforcement
8 entity for investigation and possible prosecution and advise
9 the witness that he or she is subject to the penalties of
10 perjury.

11 (c) Any witness, or his or her counsel, may file
12 with the Committee a sworn written statement, subject to the
13 penalties of perjury, relevant to the purpose, subject matter,
14 or scope of the Committee's proceeding. Copies of all
15 statements filed shall be provided to Special Counsel, to all
16 Committee members, and to Governor Bentley and the Office of
17 the Governor through their counsel.

18 Rule 6. Transcribed Interviews of Witnesses Under
19 Oath. (a) Special Counsel and members of his staff are
20 authorized to conduct interviews of witnesses under oath and
21 pursuant to subpoena if a subpoena is required to compel the
22 witness's attendance. Special Counsel shall ensure that
23 interviews under oath are transcribed and, if necessary, audio
24 recorded, video recorded, or both. Until submission of the
25 Final Report contemplated by House Rule 79.1 and by these
26 rules, Special Counsel shall be the custodian of such
27 transcripts and recordings.

1 (b) Attendance at such interviews is limited to the
2 following persons: Special Counsel and/or members of his
3 staff, the witness, the witness's legal counsel, a
4 stenographer and videographer, and the Chair of the Committee,
5 or his or her designee.

6 (c) A witness may be represented by legal counsel of
7 his or her choosing at the transcribed interview under oath
8 and may confer with his or her legal counsel to determine
9 whether the answer to a particular question implicates a
10 recognized privilege. The witness or his or her counsel must
11 state on the record any objections based on a recognized
12 privilege. No other objections shall be permitted. Except for
13 the limited purpose of stating a permitted objection, legal
14 counsel for a witness may not speak on the record. The Chair
15 shall rule on any such objections either during or after the
16 interview. If the Chair overrules an objection, the witness
17 shall answer the question.

18 (d) A witness and his or her counsel may review at
19 the offices of the Special Counsel the final transcript and/or
20 videotape of the witness's testimony. The witness or the
21 witness's counsel may read the transcript and review the
22 videotape, and take handwritten notes. The witness or
23 witness's counsel may not dictate, transcribe, type, or
24 photograph any of the material reviewed. At the election of
25 Special Counsel, a member of his staff may be present in the
26 room during the review so as to ensure compliance with these

1 rules. The timing of such review is committed to the
2 discretion of Special Counsel and his staff.

3 (e) No later than the submission of Special
4 Counsel's report contemplated by House Rule 79.1 and Rule 14
5 of these rules, Special Counsel shall provide copies of final
6 transcripts and/or videotapes to counsel for Governor Bentley
7 and the Office of the Governor.

8 Rule 7. Evidentiary Questions. All procedural
9 questions regarding the conduct of the hearings and of the
10 transcribed interviews under oath, including the relevance and
11 admissibility of evidence, shall be determined by the Chair
12 with the advice of Special Counsel. Any member may move to
13 overrule a ruling of the Chair. The Chair shall be sustained
14 unless at least 8 members of the Committee vote to overrule.

15 Rule 8. Committee Record. Any and all materials
16 created by or submitted to the Committee during the course of
17 the investigation shall be inventoried and stored with the
18 Clerk of the House as the Committee Record.

19 Rule 9. Obtaining Evidence or Information. Nothing
20 contained in these rules shall be construed to limit or
21 prohibit the acquisition of evidence or information by the
22 Committee or by Special Counsel by any other lawful means.

23 Rule 10. Ex Parte Communications. Members should
24 avoid communicating with Governor Bentley, his counsel, or his
25 staff concerning any matters pending regarding his impeachment
26 or the investigation of this Committee, except to provide
27 notice of the proceedings, for the duration of the impeachment

1 process and any trial by the Senate, if necessary. Members
2 should not feel any restraint from communicating with Governor
3 Bentley or his staff regarding any other matters necessary in
4 the ordinary course of representing their constituents.

5 Rule 11. Amendment. Proposed amendments to these
6 rules shall be submitted in writing by one or more members of
7 the Committee to the Chair and shall take effect upon adoption
8 by the affirmative vote of 8 members of the Committee.

9 Rule 12. Communications with the Press. Members
10 should avoid communicating with the press about the substance
11 of any of the hearings or proceedings before this Committee for
12 the duration of the impeachment process and any trial by the
13 Senate, if necessary. All inquiries by the press regarding
14 these proceedings shall be referred to the Public Information
15 Officer of the House.

16 Rule 13. Special Counsel. (a) An attorney shall be
17 recommended by a subcommittee appointed for that purpose and
18 hired by a vote of the Committee to assist in the process of
19 investigating grounds for impeachment and shall be known as
20 Special Counsel to the Committee. Special Counsel may be
21 replaced by an affirmative vote of 8 members of the Committee.

22 (b) Special Counsel and his staff shall conduct the
23 investigation, shall assist the Chair in the conducting of
24 hearings as required, and shall draft the report required from
25 the Committee pursuant to House Rule 79.1 (the "Final Report").

26 (c) Members of the Special Counsel's staff shall be
27 designated as "Assistant Special Counsel" or "Investigator," as

1 appropriate, and are vested with the Special Counsel's
2 authority.

3 Rule 14. Final Report. The Final Report of Special
4 Counsel shall conform to the requirements of House Rule 79.1
5 and these rules. The Final Report shall contain a summary of
6 the pertinent evidence and applicable law and may contain
7 recommendations and proposed conclusions of fact and law.
8 Special Counsel shall provide a copy of the Final Report to
9 counsel for Governor Bentley and counsel for the Office of the
10 Governor who may be invited, in the sole discretion of the
11 Chair, to submit written comments.