

1 SB4
2 130206-3
3 By Senator Williams (Constitutional Amendment)
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 07-FEB-12
6 PFD: 06/10/2011

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8 SYNOPSIS: Under Amendment 57, now appearing as Section
9 48.01 of the Official ReCompilation of the
10 Constitution of Alabama of 1901, as amended,
11 members of the Legislature are provided certain
12 compensation and expense reimbursement authorized
13 by law. Several acts of the Legislature provide
14 reimbursement for presiding officers and members of
15 the Legislature.

16 This bill would propose an amendment to the
17 Constitution of Alabama of 1901, to create a
18 Legislative Compensation Commission; to provide for
19 its members and terms of office; to provide that
20 the commission would establish for each quadrennium
21 the compensation and expenses for members of the
22 Legislature; and to repeal conflicting laws
23 regarding compensation and expense reimbursement.

24
25 A BILL
26 TO BE ENTITLED
27 AN ACT

1
2 Proposing an amendment to the Constitution of
3 Alabama of 1901, creating a Legislative Compensation
4 Commission; providing for its members and terms of office;
5 providing that the commission shall establish for each
6 quadrennium the compensation and expenses for members of the
7 Legislature; and repealing conflicting laws regarding
8 compensation and expense reimbursement.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. The Legislature recognizes that the
11 public trust in the legislative body is of paramount
12 importance. The Legislature further recognizes that
13 transparency and an absence of any appearance of conflict of
14 interest are vital to the preservation of the public trust.

15 The purpose of this amendment is to remove the
16 establishment of legislative compensation from the hands of
17 the Legislature itself, to ensure that no legislative pay may
18 be raised or altered during the same quadrennium in which it
19 was established, to validate the basis for which legislative
20 pay is determined in a manner commensurate with other states
21 and to publish those standards for the consumption of the
22 general public, and to allow the citizens of Alabama to vote
23 on this matter.

24 Section 2. The following amendment to the
25 Constitution of Alabama of 1901, is proposed and shall become
26 valid as a part thereof when approved by a majority of the
27 qualified electors voting thereon and in accordance with

1 Sections 284, 285, and 287 of the Constitution of Alabama of
2 1901, as amended:

3 PROPOSED AMENDMENT

4 (a) (1) There is created a Legislative Compensation
5 Commission. The commission shall consist of six members, as
6 follows:

7 a. One member, who may not be a member of the
8 Legislature, appointed by the Governor.

9 b. One member, who may not be a member of the
10 Legislature, appointed by the Lieutenant Governor.

11 c. One member, who may not be a member of the
12 Legislature, and who has experience in human resources or as a
13 compensation specialist, appointed by the President Pro
14 Tempore of the Senate.

15 d. One member, who may not be a member of the
16 Legislature, and who has experience in human resources or as a
17 compensation specialist, appointed by the Speaker Pro Tempore
18 of the House of Representatives.

19 e. One member of the House of Representatives
20 appointed by the Speaker of the House of Representatives.

21 f. One member of the Senate appointed by the
22 President Pro Tempore of the Senate.

23 (2) Each member shall serve during the term of the
24 appointing authority. Within 30 days of a vacancy on the
25 commission, the appointing authority for that position shall
26 appoint a person to serve the unexpired portion of the term.

1 (3) The members may not receive compensation for
2 their services, but shall be reimbursed at the same rate of
3 per diem as state employees for expenses incurred for
4 performance of their official duties.

5 (4) The members of the commission shall elect a
6 chair and vice chair. A majority of the members of the
7 commission shall constitute a quorum for the transaction of
8 business. Any action taken by the commission shall be by a
9 majority of the membership.

10 (b) The commission shall establish the compensation
11 and expenses for the members of the Legislature which shall be
12 submitted to the Legislature on the first day of the 2013
13 Regular Session. The compensation and expenses so established
14 shall be effective on November 3, 2014. Thereafter, the
15 commission shall revise the compensation and expenses and
16 submit the revised compensation and expenses to the
17 Legislature on the first legislative day of the third regular
18 session of each quadrennium with the revised compensation and
19 expenses to take effect on the first day of the ensuing
20 quadrennium. Compensation shall be based on the commission's
21 review of data on the following factors:

- 22 1. Work during a session of the Legislature.
- 23 2. Work in the home district of each legislator
24 throughout the year.
- 25 3. Work conducting office business throughout the
26 year.
- 27 4. Work drafting legislation.

1 5. Time spent traveling to legislative related
2 events and meetings.

3 (c) The mileage reimbursement for the members of the
4 Legislature shall be the same as allowed for state employees.

5 (d) The commission shall determine other expenses
6 for which members of the Legislature may claim reimbursement
7 and the manner of validating and reimbursing the expenses.

8 (e) (1) The compensation established by the
9 commission may not be automatically adjusted to reflect any
10 increase in the cost-of-living.

11 (2) Whenever proration is declared for the General
12 Fund Budget, the compensation for the members of the
13 Legislature established by the commission shall be reduced by
14 the same percentage for the duration of the proration.

15 (f) The data upon which the compensation of the
16 Legislature is determined by the commission and the amount of
17 the compensation shall be posted on the website of the
18 Legislature no later than the first day of the third regular
19 session of each quadrennium.

20 (g) The Personnel Department shall furnish, from
21 existing resources, staff, and services to the commission as
22 needed for the performance of its duties.

23 (h) On November 3, 2014, all laws or parts of laws
24 in conflict with this amendment are repealed, including, but
25 not limited to: Act 87-209, Act 91-108, Act 2007-75, Act 1196
26 of the 1971 Regular Session, Act 91-95, Act 90-490, Section 49

1 of the Constitution of Alabama of 1901, and Section 29-1-8,
2 Code of Alabama 1975.

3 (i) On November 3, 2014, those parts of Amendments
4 39 and 57 of the Constitution of Alabama of 1901, which are in
5 conflict with this amendment are repealed.

6 Section 3. An election upon the proposed amendment
7 shall be held at the same time as the 2012 primary election in
8 accordance with Sections 284 and 285 of the Constitution of
9 Alabama of 1901, now appearing as Sections 284 and 285 of the
10 Official Recompilation of the Constitution of Alabama of 1901,
11 as amended, and the election laws of this state.

12 Section 4. The appropriate election official shall
13 assign a ballot number for the proposed constitutional
14 amendment on the election ballot and shall set forth the
15 following description of the substance or subject matter of
16 the proposed constitutional amendment:

17 "Proposing an amendment to the Constitution of
18 Alabama of 1901, to repeal existing law relating to
19 legislative compensation and expenses and to create the
20 Legislative Compensation Commission; to provide for its
21 members and terms of office; and to provide that the
22 commission shall establish for each quadrennium the
23 compensation and expenses for members of the Legislature.

24 "Proposed by Act _____."

25 This description shall be followed by the following
26 language:

27 "Yes () No ()."

