

1 SB440
2 118509-1
3 By Senator Little (Z)
4 RFD: Finance and Taxation General Fund
5 First Read: 17-FEB-10

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8 SYNOPSIS: This bill would create an additional
9 district judgeship, designated district judgeship
10 number 3, in the Thirty-second Judicial Circuit,
11 comprised of Cullman County. The bill would provide
12 that the initial district judgeship would be
13 appointed by the Governor and the judgeship would
14 be filled by election at the next general election
15 after the judge initially appointed has served one
16 year in office. The bill would make a conditional
17 appropriation from the State General Fund to fund
18 the judgeship.
19

20 A BILL

21 TO BE ENTITLED

22 AN ACT
23

24 To create an additional district judgeship in the
25 Thirty-second Judicial Circuit; to provide for the appointment
26 of the first judge to fill the position and the election

1 thereafter; and to provide for a conditional appropriation
2 from the State General Fund to fund the additional judgeship.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. There is created an additional district
5 judgeship for the Thirty-second Judicial Circuit which shall
6 be designated judgeship number 3. This judgeship shall be
7 filled by appointment of the Governor following its
8 preclearance under Section 5 of the Voting Rights Act of 1965,
9 42 U.S.C. § 1973c and release of the conditional appropriation
10 made by Section 4 of this act. The judge appointed shall
11 immediately assume office and shall serve until the person
12 elected to the judgeship assumes office. The judgeship shall
13 first be filled by election at the general election held after
14 the judge initially appointed has completed one year in
15 office. The first judge elected pursuant to this section shall
16 serve for a six-year term, holding office from the first
17 Monday following the second Tuesday in January after the
18 general election at which that judge is elected.

19 Section 2. The judge appointed or elected as
20 provided in Section 1 shall have and shall exercise all the
21 jurisdiction, power, rights, and authority and shall possess
22 all of the qualifications, perform all of the duties, and
23 shall be subject to all of the responsibilities and duties of
24 the office to which other district judges are subject.

25 Section 3. The annual compensation of the district
26 judge appointed or elected pursuant to this act shall be in
27 accordance with Chapter 10A, Title 12, Code of Alabama 1975,

1 including, but not limited to, the provisions that no district
2 judge first elected or appointed to office after October 1,
3 2001, shall be provided a salary supplement or expense
4 allowance.

5 Section 4. There is hereby conditionally
6 appropriated from the State General Fund such additional funds
7 as may be required, as determined by the Director of Finance,
8 to fully fund the additional judgeship provided for by this
9 act for the fiscal year a judgeship is filled pursuant to this
10 act and for the following fiscal year if funding for the
11 following fiscal year is not provided for in the general
12 appropriations act or other appropriation act. These
13 appropriations are conditioned upon the availability of funds
14 in the State General Fund, the recommendation of the Director
15 of Finance, and the approval of the Governor. Initial filling
16 of this judgeship is contingent upon release of the applicable
17 conditional appropriations made by this bill.

18 Section 5. This act shall become effective
19 immediately following its passage and approval by the
20 Governor, or its otherwise becoming law.