

1 HB402  
2 175374-1  
3 By Representatives Bracy, Buskey, Clarke and Drummond  
4 (Constitutional Amendment)  
5 RFD: Mobile County Legislation  
6 First Read: 15-MAR-16

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: This bill would propose a local  
9 constitutional amendment relating to Mobile County.  
10 The bill would establish a minimum wage for Mobile  
11 County and would provide a civil action for a  
12 violation of this amendment if an employer fails to  
13 pay minimum wage.

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT

18  
19 Relating to Mobile County; to propose an amendment  
20 to the Constitution of Alabama of 1901, to establish a minimum  
21 wage for Mobile County and provide a civil action for a  
22 violation of this amendment if an employer fails to pay  
23 minimum wage.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. The following amendment to the  
26 Constitution of Alabama of 1901, is proposed and shall become

1 valid as a part of the Constitution when all requirements of  
2 this act are fulfilled:

3 PROPOSED AMENDMENT

4 (a) Beginning January 1, 2017, in Mobile County, the  
5 minimum wage shall be set at ten dollars and ten cents  
6 (\$10.10) per hour. Each employer in Mobile County shall pay to  
7 each employee wages at a rate of not less than ten dollars and  
8 ten cents (\$10.10) per hour for hours worked in a pay period  
9 regardless of how the time at work is measured.

10 (b) If the tips of a tipped employee combined with  
11 the direct wages of the employer equal two dollars and  
12 thirteen cents (\$2.13) an hour or more but do not equal the  
13 minimum wage established in subsection (a), the employer shall  
14 pay the difference.

15 (c) If the federal minimum hourly wage rate set by  
16 Section 6 of the federal Fair Labor Standards Act of 1938, or  
17 a successor federal law, is raised to a level higher than the  
18 minimum wage rate established by this amendment, the minimum  
19 wage shall be increased to the level of the federal minimum  
20 wage rate.

21 (d) An employee may bring suit in the circuit court  
22 of this county against his or her employer for a violation of  
23 this amendment.

24 (e) Each employer who fails or refuses to comply  
25 with this amendment shall be liable to the employee for 90  
26 days' wages at the daily rate of pay of the employee and the  
27 difference between what the employee was paid and the local

1 minimum wage. Reasonable attorney fees shall be awarded to the  
2 employee by the court which shall be taxed as costs to be paid  
3 by the employer if the employee prevails in action to enforce  
4 this amendment.

5 Section 2. An election upon the proposed amendment  
6 shall be held in accordance with Amendment 555 to the  
7 Constitution of Alabama of 1901, now appearing as Section  
8 284.01 of the Official Recompilation of the Constitution of  
9 Alabama of 1901, as amended, and the election laws of this  
10 state.

11 Section 3. The appropriate election official shall  
12 assign a ballot number for the proposed constitutional  
13 amendment on the election ballot and shall set forth the  
14 following description of the substance or subject matter of  
15 the proposed constitutional amendment:

16 "Relating to Mobile County, proposing an amendment  
17 to the Constitution of Alabama of 1901, to establish a minimum  
18 wage for Mobile County and provide a civil action for a  
19 violation of this amendment if an employer fails to pay the  
20 minimum wage.

21 "Proposed by Act \_\_\_\_\_"

22 This description shall be followed by the following  
23 language:

24 "Yes ( ) No ( )."