

1 HB463
2 149491-1
3 By Representative Greeson
4 RFD: Constitution, Campaigns and Elections
5 First Read: 20-MAR-13

2
3
4
5
6
7
8 SYNOPSIS: Under existing law, no two members of the
9 Public Service Commission may be elected or
10 appointed from the same congressional district.

11 This bill would remove the prohibition on
12 the election or appointment of members of the
13 Public Service Commission from the same
14 congressional district.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT

19
20 To amend Section 37-1-3, Code of Alabama 1975; to
21 remove the prohibition on electing or appointing members of
22 the Public Service Commission from the same congressional
23 district.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 37-1-3 of the Code of Alabama
26 1975, is amended to read as follows:

27 "§37-1-3.

1 "(a) The terms of office of the commissioners shall
2 be for four years; at the election to be held in the state on
3 the first Tuesday after the first Monday in November, 1940,
4 and every four years thereafter, a president of said
5 commission shall be elected by the qualified electors of this
6 state; and at the election to be held in the state on the
7 first Tuesday after the first Monday in November, 1942, and
8 every four years thereafter, two associates, who, with the
9 president, shall constitute said commission, shall be elected
10 by the qualified electors of the state. The result of such
11 election shall be ascertained and declared by the same
12 authority and in the same manner as are the results of
13 election for chief justice and associate justices of the
14 supreme court.

15 "(b) The persons elected to fill said offices shall
16 enter upon the discharge of their respective duties on the day
17 after the general election at which they are elected and
18 expire on the day after the general election held in the
19 fourth year after their election.

20 "(c) If any vacancy should occur in any one of said
21 offices, caused by death, resignation or otherwise, the same
22 shall be filled by appointment by the Governor, the appointee
23 holding for the balance of the unexpired term. If any person
24 elected to the office of public service commissioner shall
25 fail or refuse for 30 days to qualify, such failure or refusal
26 shall be held to create a vacancy in the office, which vacancy
27 shall be filled by appointment by the Governor, the appointee

1 to hold for the term for which the person so failing or
2 refusing to qualify was elected.

3 " ~~(d) No two of said public service commissioners~~
4 ~~shall be elected or appointed from the same congressional~~
5 ~~district. But this section shall not disqualify or render~~
6 ~~ineligible for election or appointment any person holding such~~
7 ~~office on the date of enactment or effective date of any law~~
8 ~~redistricting the state for election of representatives in~~
9 ~~Congress.~~

10 "~~(e)~~ (d) The provisions of this section shall not
11 diminish the current term of any member elected to the Public
12 Service Commission."

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