

1 HB507  
2 153954-2  
3 By Representative Carns  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 02-APR-13

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ENROLLED, An Act,

Relating to residency of certain public officials;  
to amend Sections 12-3-5, 36-2-4, 37-1-3, and 37-1-9, Code of  
Alabama 1975; to remove the requirement that the judges of the  
appellate courts reside in Montgomery during terms of court;  
to remove the requirement that certain public officials reside  
near the City of Montgomery; and to remove the prohibition on  
electing or appointing members of the Public Service  
Commission from the same congressional district.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 12-3-5, 36-2-4, 37-1-3, and  
37-1-9, Code of Alabama 1975, are amended to read as follows:

"§12-3-5.

"The judges of the courts ~~shall~~ may reside in  
~~Montgomery during the terms of the courts~~ anywhere within this  
state.

"§36-2-4.

"Every state official or officer holding office  
under the authority of this state and who is paid a salary or  
receives pecuniary profit for his or her services as such  
official and whose office or post of duty is located in the  
Capitol building or in the City of Montgomery ~~shall~~ may reside  
or live ~~in or sufficiently near to the City of Montgomery so~~

1 ~~that such office or post of duty shall be reasonably~~  
2 ~~accessible to him daily anywhere within this state.~~

3 "§37-1-3.

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

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

23 "(c) If any vacancy should occur in any one of said  
24 offices, caused by death, resignation or otherwise, the same  
25 shall be filled by appointment by the Governor, the appointee

1 holding for the balance of the unexpired term. If any person  
2 elected to the office of public service commissioner shall  
3 fail or refuse for 30 days to qualify, such failure or refusal  
4 shall be held to create a vacancy in the office, which vacancy  
5 shall be filled by appointment by the Governor, the appointee  
6 to hold for the term for which the person so failing or  
7 refusing to qualify was elected.

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

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

18 "§37-1-9.

19 Each member of the commission shall devote his or  
20 her whole full time to his or her official business and ~~shall~~  
21 may reside ~~at the state capital during the time he continues~~  
22 in office, except during epidemics anywhere within this  
23 state."

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

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Speaker of the House of Representatives

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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 25-APR-13, as amended.

Jeff Woodard  
Clerk

Senate

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20-MAY-13

Amended and Passed

House

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20-MAY-13

Concurred in Sen-  
ate Amendment