

1 HB392
2 137605-1
3 By Representative Newton (C) (Constitutional Amendment)
4 RFD: Internal Affairs
5 First Read: 23-FEB-12

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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 make quadrennial
21 recommendations for the total compensation to be
22 paid to members of the Alabama Legislature; and to
23 repeal conflicting laws regarding compensation and
24 expense reimbursement.

25
26 A BILL
27 TO BE ENTITLED

1 AN ACT

2
3 Proposing an amendment to the Constitution of
4 Alabama of 1901, creating a Legislative Compensation
5 Commission; providing for its members and terms of office;
6 providing that the commission shall make quadrennial
7 recommendations for the total compensation to be paid to
8 members of the Alabama Legislature; and repealing conflicting
9 laws regarding compensation and expense reimbursement.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. The following amendment to the
12 Constitution of Alabama of 1901, is proposed and shall become
13 valid as a part thereof when approved by a majority of the
14 qualified electors voting thereon and in accordance with
15 Sections 284, 285, and 287 of the Constitution of Alabama of
16 1901, as amended:

17 PROPOSED AMENDMENT

18 (a) (1) There is created a Legislative Compensation
19 Commission. The commission shall consist of five members who
20 shall be appointed as follows:

21 a. Two members shall be appointed by the Governor.

22 b. One member shall be appointed by the Chief
23 Justice of the Alabama Supreme Court.

24 c. One member shall be appointed by the Lieutenant
25 Governor.

26 d. One member shall be appointed by the Speaker of
27 the Alabama House of Representatives.

1 (2) The appointing authorities shall strive insofar
2 as practicable to provide a balanced representation of the
3 geographic, gender, racial, and ethnic diversity of the state.
4 Members of the commission shall each be appointed on February
5 1, 2015, and quadrennially thereafter, to serve a term of four
6 years. Within 30 days of a vacancy on the commission, the
7 appointing authority for that position shall appoint a person
8 to serve the unexpired portion of the term.

9 (3) The Governor shall designate two members of the
10 commission to serve as chair and vice chair, respectively.

11 (4)a. An appointing authority may not appoint a
12 person to the commission who is an official or employee of the
13 State of Alabama or any department, agency, or political
14 subdivision thereof, or an official or employee of any agency
15 or institution where more than 10 percent of his or her gross
16 annual income comes from state funds.

17 b. The members may not receive compensation for
18 their services, but shall be reimbursed at the same rate of
19 per diem as state employees for expenses incurred for
20 performance of their official duties.

21 (5) A majority of the members of the commission
22 shall constitute a quorum for the transaction of business. Any
23 action taken by the commission shall be by a majority of the
24 membership.

25 (6) The commission shall set by resolution approved
26 by a majority of the membership of the commission by the
27 fifteenth legislative day of the fourth regular session of

1 each legislative quadrennium, the salary, expense allowance,
2 benefits, and other compensation for the members of the
3 Alabama Legislature. The resolution shall be effective on and
4 after the first day of the January succeeding the next general
5 election unless it is rejected by a joint resolution approved
6 by both houses of the Alabama Legislature, with a recorded
7 vote.

8 (7) The commission shall have exclusive authority to
9 modify legislative compensation. The Legislature may not
10 modify legislative compensation or benefits.

11 (8) The Alabama Personnel Department shall furnish,
12 from existing resources, staff and services to the commission
13 as needed for the performance of its duties.

14 (b) Effective on the date of the adoption of the
15 initial resolution by the commission pursuant to subdivision
16 (6) subsection (a) of this amendment all laws or parts of laws
17 in conflict with subsection (a) are repealed, including, but
18 not limited to: Act 87-209, Act 91-108, Act 2007-75, Act 1196
19 of the 1971 Regular Session, Act 91-95, Act 90-490, Section 49
20 of the Constitution of Alabama of 1901, and Section 29-1-8,
21 Code of Alabama 1975.

22 (c) Effective on the date of the adoption of the
23 initial resolution by the commission pursuant to subdivision
24 (6) of subsection (a) of this amendment, those parts of
25 Amendments 39 and 57 of the Constitution of Alabama of 1901,
26 which are in conflict with subsection (a) are repealed.

1 Section 2. An election upon the proposed amendment
2 shall be held in accordance with Sections 284 and 285 of the
3 Constitution of Alabama of 1901, now appearing as Sections 284
4 and 285 of the Official Recompilation of the Constitution of
5 Alabama of 1901, as amended, and the election laws of this
6 state.

7 Section 3. The appropriate election official shall
8 assign a ballot number for the proposed constitutional
9 amendment on the election ballot and shall set forth the
10 following description of the substance or subject matter of
11 the proposed constitutional amendment:

12 "Proposing an amendment to the Constitution of
13 Alabama of 1901, to create a Legislative Compensation
14 Commission; to provide for its members and terms of office; to
15 provide that the commission shall make quadrennial
16 recommendations for the total compensation to be paid to
17 members of the Alabama Legislature; and to repeal conflicting
18 laws regarding compensation and expense reimbursement.

19 "Proposed by Act _____."

20 This description shall be followed by the following
21 language:

22 "Yes () No ()."