

1 HB252
2 127288-3
3 By Representatives Beckman and Farley (Constitutional
4 Amendment)
5 RFD: Internal Affairs
6 First Read: 22-MAR-11

8 SYNOPSIS: Under Amendment 57, now appearing as
9 Sections 48.01 and 49 of the Official Recompilation
10 of the Constitution of Alabama of 1901, as amended,
11 members of the Legislature are provided certain
12 compensation and expense reimbursement authorized
13 to be fixed by the Legislature. Several acts of the
14 Legislature provide reimbursement for presiding
15 officers and members of the Legislature.

16 This bill would propose a constitutional
17 amendment to Amendment 57, now appearing as
18 Sections 48.01 and 49 of the Official Recompilation
19 of the Constitution of Alabama of 1901, as amended,
20 to allow members of the Legislature to continue to
21 have the authority to increase or decrease their
22 compensation or, alternatively, create a
23 Legislative Compensation Commission, and provide
24 for its members and terms of office, and require
25 the commission to make quadrennial determinations
26 for the total compensation to be paid to members of
27 the Legislature which would take effect unless

rejected by the Legislature; and repeal conflicting laws regarding compensation and expense reimbursement of the members of the Legislature.

A BILL

TO BE ENTITLED

AN ACT

Proposing an amendment to Amendment 57, now appearing as Sections 48.01 and 49 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, to allow members of the Legislature to continue to have the authority to increase or decrease their compensation or, alternatively, create a Legislative Compensation Commission, provide for its members and terms of office, and require the commission to make quadrennial determinations for the total compensation to be paid to members of the Legislature which would take effect unless rejected by the Legislature; and to repeal conflicting laws regarding compensation and expense reimbursement of the members of the Legislature.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in

1 accordance with Sections 284, 285, and 287 of the Constitution
2 of Alabama of 1901, as amended:

3 PROPOSED AMENDMENT

4 Proposition I.

5 Members of the Legislature may vote to increase or
6 decrease their compensation.

7 Proposition II.

8 "Amendment 57.

9 "(a) All sessions of the legislature shall be held
10 at the capitol in the senate chamber and in the hall of the
11 house of representatives, unless at any time it should from
12 any cause become impossible or dangerous for the legislature
13 to meet or remain at the capitol, or for the senate to meet or
14 remain in the senate chamber, or for the representatives to
15 meet or remain in the hall of the house of representatives, in
16 which case the governor may convene the legislature, or remove
17 it after it has convened, to some other place, or may
18 designate some other place for the sitting of the respective
19 houses, or either of them, as necessity may require. The
20 legislature shall convene on the second Tuesday in January
21 next succeeding their election and shall remain in session for
22 not longer than ten consecutive calendar days. No business can
23 be transacted at such sessions except the organization of the
24 legislature, the election of officers, the appointment of
25 standing committees of the senate and the house of
26 representatives for the ensuing four years, which election and
27 appointment may, however, also be made at such other times as

1 may be necessary, the opening and publication of the returns
2 and the ascertainment and declaration of the results of the
3 election for governor, lieutenant-governor, attorney-general,
4 state auditor, secretary of state, state treasurer,
5 superintendent of education, and commissioner of agriculture
6 and industries, the election of such officers in the event of
7 a tie vote, the determination of contested elections for such
8 offices, the judging of the election returns and qualification
9 of the members of the legislature, and the inauguration of the
10 governor and the other elected state officers whose terms of
11 office are concurrent with that of the governor. At the
12 beginning of each such organization session, and at such other
13 times as may be necessary, the senate shall elect one of its
14 members president pro tempore thereof, to preside over its
15 deliberations in the absence of the lieutenant-governor, and
16 the house of representatives shall elect one of its members as
17 speaker, to preside over its deliberations. The president of
18 the senate and the speaker of the house of representatives
19 shall each hold his respective office until his successor has
20 been elected and qualified. The legislature shall convene in
21 regular sessions on the first Tuesday in May of 1947 and on
22 the first Tuesday in May in each second year thereafter, until
23 the date of meeting shall have been changed by act of the
24 legislature and approved by the governor. The legislature
25 shall not remain in session longer than thirty-six days at any
26 such regular session. Special sessions of the legislature
27 convened in the manner provided by this Constitution also

1 shall be limited to thirty-six days. The pay of members of the
2 legislature shall be ten dollars per day. Each member of the
3 legislature shall be paid ten cents per mile in going from his
4 residence to, and in returning to his residence from, the seat
5 of government, to be computed by the nearest usual route
6 traveled; and not more than one such travel allowance shall be
7 paid for each session of the legislature. In addition to his
8 travel allowance, each member of the legislature also shall be
9 allowed expenses, other than actual expenses of traveling, not
10 exceeding an amount to be fixed by the legislature, incurred
11 in the performance of his duties; but such expense allowance
12 shall not be less than the smallest allowance to any other
13 person traveling within the state in the service of the state
14 of Alabama, or any of its agencies, for expenses other than
15 actual expenses of traveling. The provisions of this
16 Constitution in conflict herewith are hereby modified to
17 conform to the provisions of this amendment. The provisions of
18 this amendment shall become effective at the beginning of the
19 term of the members of the legislature elected at the general
20 election in 1946.

21 "(b) (1) There is created the Legislative
22 Compensation Commission. The commission shall consist of five
23 members who shall be appointed as follows:

24 "a. One member shall be appointed by the Governor
25 from his or her legal staff and who is an attorney.

26 "b. One member shall be appointed by the Chief
27 Justice of the Alabama Supreme Court.

1 "c. One member shall be appointed by the State
2 Treasurer.

3 "d. Two members shall be appointed by the Chair of
4 the Alabama Ethics Commission.

5 "(2) The appointing authorities shall strive insofar
6 as practicable to provide a balanced representation of the
7 geographic, gender, racial, and ethnic diversity of the state.
8 Members of the commission shall each be appointed on February
9 1, 2013, and the term of office of the member of the
10 commission appointed by an elected appointing authority shall
11 end with the term of the appointing authority, and the term of
12 office of the members appointed by the Chair of the Alabama
13 Ethics Commission shall be for five years. No member shall
14 serve more than two consecutive terms.

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

17 "(4)a. Except for the appointment to the committee
18 by the Governor, the appointing authorities may not appoint a
19 person to the commission who is an official or employee of the
20 State of Alabama or any department, agency, or political
21 subdivision thereof, or an official or employee of any agency
22 or institution where more than 10 percent of his or her gross
23 annual income comes from state funds.

24 "b. The members may not receive compensation for
25 their services, but shall be reimbursed at the same rate of
26 per diem as state employees for the actual and necessary
27 expenses incurred for performance of their official duties.

1 "(5) A majority of the members of the commission
2 shall constitute a quorum for the transaction of any business.
3 Any action taken by the commission shall be by a majority of
4 the membership.

5 "(6) The commission, by resolution approved by a
6 majority vote of the membership of the commission by the
7 fifteenth legislative day of the fourth regular session of
8 each legislative quadrennium, shall set the salary, expense
9 allowance, benefits, and other compensation for the members of
10 the Legislature. The resolution shall be effective on and
11 after the first day succeeding the next general election .

12 "(7) The commission shall have exclusive authority
13 to modify legislative compensation. The Legislature may not
14 modify legislative compensation or benefits.

15 "(8) The Personnel Department shall furnish, from
16 its existing resources, staff and services to the commission
17 as needed for the performance of its duties.

18 "(c) The compensation and reimbursement provided in
19 subdivisions (1) and (2) shall constitute the total amounts
20 payable to the presiding officers and members of the
21 Legislature, beginning November 5, 2014. Effective November 5,
22 2014, all laws or parts of laws in conflict with this
23 subsection are repealed, including, but not limited to: Act
24 87-209, Act 91-108, Act 2007-75, Act 1196 of the 1971 Regular
25 Session, Act 91-95, Act 90-490, and Section 29-1-8, Code of
26 Alabama 1975."

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

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

"Proposing an amendment to the Constitution of Alabama of 1901, to allow one of the following: Proposition I. Do you favor allowing the members of the Legislature to vote to increase or decrease their compensation? Yes () No () or Proposition II. Do you favor creating a Legislative Compensation Commission to make quadrennial determinations for the total compensation to be paid to members of the Legislature that would become effective unless rejected by the Legislature? Yes () No (). If Proposition I receives more affirmative votes than negative votes and more affirmative votes than Proposition II, then Proposition I shall be effective and Proposition II shall be null and void. If Proposition II receives more affirmative votes than negative votes and more affirmative votes than Proposition I, then Proposition II shall be effective and Proposition I shall be null and void.

"Proposed by Act _____."

This description shall be followed by the following

language:

"Yes () No () ."