

1 HB276
2 138591-6
3 By Representative Ball (Constitutional Amendment)
4 RFD: Constitution, Campaigns and Elections
5 First Read: 09-FEB-12

1 ENGROSSED

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3
4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 Proposing an amendment to the Constitution of
9 Alabama of 1901; to repeal existing laws regarding the
10 compensation and expense reimbursement of the members of the
11 Legislature; to provide for the basic compensation of members
12 of the Legislature; and to provide for the reimbursement of
13 expenses for legislators on the submission of signed vouchers
14 in the same manner as state employees.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

22 PROPOSED AMENDMENT

23 Section 1. (a) The Legislature recognizes that the
24 public trust in the legislative body is of paramount
25 importance. The Legislature further recognizes that government
26 transparency and accountability are vital to the preservation
27 of the public trust. To that end, it is the purpose of this

1 amendment to remove the power of determining legislative
2 compensation or expenses from the hands of the Legislature
3 itself, to validate the basis upon which legislative
4 compensation and expenses are established in an objective
5 manner based on measurable standards, and to allow the
6 citizens of Alabama to vote on this issue. It is the will of
7 the Legislature to resolve the issue of legislative
8 compensation and expenses once and for all by providing for
9 compensation and expenses for members of the Legislature and
10 the President of the Senate and by providing for compensation
11 to be paid at the same rate as the median household income in
12 Alabama and expenses in the same amounts and manner as
13 expenses are allowed under law for state employees generally.

14 (b) All laws or parts of laws in conflict with this
15 amendment are repealed, including, but not limited to: Those
16 portions of Amendments 39, 57, and 339 of the Constitution of
17 Alabama of 1901, relating to the compensation and expenses of
18 members of the Legislature; Act 87-209, Act 90-490, Act 91-95,
19 Act 91-108, and Act 2007-75; and Section 29-1-8, Code of
20 Alabama 1975.

21 Section 2. The annual basic compensation for each
22 member of the Legislature and the President of the Senate
23 shall be the median annual household income in Alabama, as
24 ascertained and adjusted each year by the State Personnel
25 Board to take effect on the first day of December of each
26 year.

1 Section 3. (a) No member of the Legislature or the
2 President of the Senate may receive reimbursement for any
3 expenses except as provided in this section.

4 (b) Subject to approval by the President of the
5 Senate or by the Speaker of the House for the respective
6 members of their Houses, and except as otherwise provided in
7 subsection (d), a member of the Legislature may be reimbursed
8 for any of the following:

9 (1) Expenses incurred for travel on official
10 business in the same amounts or at the same rates as for state
11 employees traveling in the service of the state under state
12 law, rules, and policies, provided that, for a member of the
13 Legislature, the travel is to a place outside his or her
14 district.

15 (2) Actual expenses other than travel expenses
16 incurred in the performance of official duties.

17 (3) Expenses authorized pursuant to Act 1196 of the
18 1971 Regular Session for the presiding officer of each House.

19 (c) Reimbursement for expenses may only be made
20 under subdivision (1) and (2) of subsection (b) after a
21 determination of the presiding officer of the member's House
22 that the travel or expense is in the service of the state and
23 on submission of a signed voucher submitted in the same manner
24 as a request for reimbursement of expenses by a state
25 employee.

26 (d) Except for the expenses of transportation, no
27 member of the Legislature who resides less than 50 miles from

1 the seat of government may be reimbursed for any travel
2 expenses for travel between his or her place of residence and
3 the seat of government.

4 (e) In making the determination required by
5 subsection (c), the presiding officer of either House may not
6 determine a particular expense incurred by any member of the
7 Legislature was not in the service of the state on any basis
8 that discriminates between members of the Legislature.

9 (f) The State Personnel Board may promulgate such
10 rules as it deems necessary to enforce its responsibilities
11 under this amendment and, in conjunction with the Comptroller,
12 shall provide an annual report on compensation and
13 reimbursement of expenses to members of the Legislature.

14 Section 4. (a) The compensation and reimbursement
15 for expenses provided in Sections 2 and 3 shall constitute the
16 total amounts payable to the presiding officers and members of
17 the Legislature, beginning with the terms commencing
18 immediately after the 2014 General Election.

19 (b) The Legislature may not increase, supplement, or
20 otherwise enlarge the compensation or reimbursement for
21 expenses payable to its members by this amendment.

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

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

6 "Proposing an amendment to the Constitution of
7 Alabama of 1901, to repeal the existing provisions for
8 legislative compensation and expenses and establish the basic
9 compensation of the Legislature at the median household income
10 in Alabama; to require legislators to submit signed vouchers
11 for reimbursement for expenses; and to prohibit the
12 Legislature from increasing the compensation or expenses
13 payable to its members.

14 "Proposed by Act _____."

15 This description shall be followed by the following
16 language:

17 "Yes () No ()."

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Constitution,
Campaigns and Elections..... 09-FEB-12

Read for the second time and placed
on the calendar with 1 substitute
and..... 22-MAR-12

Read for the third time and passed
as amended..... 05-APR-12

Yeas 91, Nays 2, Abstains 1

Greg Pappas
Clerk