

1 HB507
2 150638-1
3 By Representative Carns
4 RFD: Constitution, Campaigns and Elections
5 First Read: 02-APR-13

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8 SYNOPSIS: Under existing law, certain public office
9 holders are required to reside in or sufficiently
10 near the City of Montgomery so that the office or
11 post of duty is reasonably accessible daily.

12 Under existing law, the judges of the Court
13 of Criminal Appeals and the Court of Civil Appeals
14 are required to reside in Montgomery during the
15 terms of the courts.

16 Under existing law, no two members of the
17 Public Service Commission may be elected or
18 appointed from the same congressional district.

19 This bill would require public officials to
20 live in a location that enables them to access
21 their office or post of duty within a single day of
22 travel.

23 This bill would remove the requirement that
24 judges of the Court of Criminal Appeals and the
25 Court of Civil Appeals reside in Montgomery during
26 the terms of court.

1 This bill would require judges of the Court
2 of Civil Appeals, and the Court of Criminal Appeals
3 and members of the Public Service Commission to
4 live in or sufficiently near the City of Montgomery
5 so that their offices are reasonably accessible to
6 the members daily.

7 This bill would remove the prohibition on
8 the election or appointment of members of the
9 Public Service Commission from the same
10 congressional district.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT
15

16 Relating to residency of certain public officials;
17 to amend Sections 12-3-5, 36-2-4, 37-1-3, and 37-1-9, Code of
18 Alabama 1975; to remove the requirement that the judges of the
19 appellate courts reside in Montgomery during terms of court;
20 to require certain public officials to reside in a location
21 that enables them to access their office or post within a
22 single day of travel; and to remove the prohibition on
23 electing or appointing members of the Public Service
24 Commission from the same congressional district.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Sections 12-3-5, 36-2-4, 37-1-3, and
27 37-1-9, Code of Alabama 1975, are amended to read as follows:

1 "§12-3-5.

2 "The judges of the courts shall reside ~~in Montgomery~~
3 ~~during the terms of the courts~~ or live in or sufficiently near
4 to the City of Montgomery so that their offices are accessible
5 in a single day of travel.

6 "§36-2-4.

7 "Every state official or officer holding office
8 under the authority of this state and who is paid a salary or
9 receives pecuniary profit for his services as such official
10 and whose office or post of duty is located in the Capitol
11 building or in the City of Montgomery shall reside or live in
12 or sufficiently near to the City of Montgomery so that ~~such~~
13 his or her office or post of duty ~~shall be reasonably~~ is
14 accessible to him daily in a single day of travel.

15 "§37-1-3.

16 "(a) The terms of office of the commissioners shall
17 be for four years; at the election to be held in the state on
18 the first Tuesday after the first Monday in November, 1940,
19 and every four years thereafter, a president of said
20 commission shall be elected by the qualified electors of this
21 state; and at the election to be held in the state on the
22 first Tuesday after the first Monday in November, 1942, and
23 every four years thereafter, two associates, who, with the
24 president, shall constitute said commission, shall be elected
25 by the qualified electors of the state. The result of such
26 election shall be ascertained and declared by the same
27 authority and in the same manner as are the results of

1 election for chief justice and associate justices of the
2 supreme court.

3 "(b) The persons elected to fill said offices shall
4 enter upon the discharge of their respective duties on the day
5 after the general election at which they are elected and
6 expire on the day after the general election held in the
7 fourth year after their election.

8 "(c) If any vacancy should occur in any one of said
9 offices, caused by death, resignation or otherwise, the same
10 shall be filled by appointment by the Governor, the appointee
11 holding for the balance of the unexpired term. If any person
12 elected to the office of public service commissioner shall
13 fail or refuse for 30 days to qualify, such failure or refusal
14 shall be held to create a vacancy in the office, which vacancy
15 shall be filled by appointment by the Governor, the appointee
16 to hold for the term for which the person so failing or
17 refusing to qualify was elected.

18 ~~"(d) No two of said public service commissioners~~
19 ~~shall be elected or appointed from the same congressional~~
20 ~~district. But this section shall not disqualify or render~~
21 ~~ineligible for election or appointment any person holding such~~
22 ~~office on the date of enactment or effective date of any law~~
23 ~~redistricting the state for election of representatives in~~
24 ~~Congress.~~

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

1 "§37-1-9.

2 "Each member of the commission shall devote his or
3 her whole time to his or her official business and shall
4 ~~reside at the state capital during the time he continues in~~
5 ~~office, except during epidemics~~ or live in or sufficiently
6 near to the City of Montgomery so that his or her office is
7 accessible in a single day of travel."

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