

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

ENGROSSED

A BILL
TO BE ENTITLED
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 require certain public officials to reside in a location that enables them to access their office or post within a single day of travel; 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 reside ~~in Montgomery~~
~~during the terms of the courts~~ or live in or sufficiently near
to the City of Montgomery so that their offices are accessible
in a single day of travel.

"§36-2-4.

"Every state official or officer holding office under the authority of this state and who is paid a salary or

1 receives pecuniary profit for his services as such official
2 and whose office or post of duty is located in the Capitol
3 building or in the City of Montgomery shall reside or live in
4 or sufficiently near to the City of Montgomery so that ~~such~~
5 his or her office or post of duty ~~shall be reasonably~~ is
6 accessible ~~to him daily~~ in a single day of travel.

7 "§37-1-3.

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

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

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

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

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

21 "§37-1-9.

22 "Each member of the commission shall devote his or
23 her whole full time to his or her official business and shall
24 ~~reside at the state capital during the time he continues in~~
25 ~~office, except during epidemics~~ or live in or sufficiently
26 near to the City of Montgomery so that his or her office is
27 accessible in a single day of travel."

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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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Constitution,
Campaigns and Elections..... 02-APR-13

Read for the second time and placed
on the calendar 1 amendment 23-APR-13

Read for the third time and passed
as amended..... 25-APR-13

Yeas 97, Nays 3, Abstains 0

Jeff Woodard
Clerk