HB276
138591-15
By Representative Ball (Constitutional Amendment)
RFD: Constitution, Campaigns and Elections
First Read: 09-FEB-12
ENROLLED, An Act,

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

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

PROPOSED AMENDMENT

Section 1. (a) The Legislature recognizes that the public trust in the legislative body is of paramount importance. The Legislature further recognizes that government transparency and accountability are vital to the preservation of the public trust. To that end, it is the purpose of this amendment to remove the power of determining legislative compensation or expenses from the hands of the Legislature itself, to validate the basis upon which legislative
compensation and expenses are established in an objective manner based on measurable standards, and to allow the citizens of Alabama to vote on this issue. It is the will of the Legislature to resolve the issue of legislative compensation and expenses once and for all by providing for compensation and expenses for members of the Legislature and the President of the Senate and by providing for compensation to be paid at the same rate as the median household income in Alabama and expenses in the same amounts and manner as expenses are allowed under law for state employees generally.

(b) All laws or parts of laws in conflict with this amendment are repealed, including, but not limited to: Those portions of Amendments 39, 57, and 339 of the Constitution of Alabama of 1901, relating to the compensation and expenses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

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

Section 3. (a) No member of the Legislature or the President of the Senate may receive reimbursement for any expenses except as provided in this section.
(b) Subject to approval by the President of the Senate or by the Speaker of the House for the respective members of their Houses, and except as otherwise provided in subsection (d), a member of the Legislature may be reimbursed for any of the following:

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

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

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

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

(d) Except for the expenses of transportation, no member of the Legislature who resides less than 50 miles from the seat of government may be reimbursed for any travel
expenses for travel between his or her place of residence and
the seat of government.

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

(f) Reimbursement for expenses authorized pursuant
to this section shall be paid in a timely manner that is
consistent with expense reimbursement regulations jointly
promulgated by the President of the Senate and the Speaker of
the House pursuant to the Alabama Administrative Procedure
Act. Such regulations shall, to the extent possible, mirror
similar regulations applicable to state employees. The
President of the Senate and the Speaker of the House may not
discriminate between members of the Legislature regarding the
timely reimbursement of authorized expenses.

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

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

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

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 repeal the existing provisions for legislative compensation and expenses and establish the basic compensation of the Legislature at the median household income in Alabama; to require legislators to submit signed vouchers for reimbursement for expenses; and to prohibit the Legislature from increasing the compensation or expenses payable to its members.

"Proposed by Act _____."
This description shall be followed by the following language:
"Yes ( ) No ( )."
Speaker of the House of Representatives

Kay Ivey

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 05-APR-12, as amended.

Greg Pappas
Clerk

<table>
<thead>
<tr>
<th>Senate</th>
<th>17-APR-12</th>
<th>Amended and Passed</th>
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<tr>
<td>House</td>
<td>19-APR-12</td>
<td>Passed, as amended by Conference Committee Report</td>
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<tr>
<td>Senate</td>
<td>26-APR-12</td>
<td>Passed, as amended by Conference Committee Report</td>
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This Bill was referred to the Standing Committee of the Senate on

and was acted upon by such Committee in

session and is by order of the Committee

returned therefrom with a favorable report

w/amend(s) w/sub ______ by a vote of

yeas __ nays __ abstain ___

this __ day of ____________, ____________.

Chairperson

I hereby certify that the Resolution as required in Section C of Act No. 81-889

was adopted and is attached to the Bill,

HB __

YEAS __ NAYS ___

PATRICK HARRIS,
Secretary
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<tr>
<th>Date:</th>
<th>Referred</th>
<th>Committee:</th>
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This bill having been referred to the Committee on:

This _____ day of __________, 20___, Chair; Date:

Rereferred Committee:

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Chair:

Senators Committee

CONFERENCE COMMITTEE

RECONSIDERED

YEAS

NAK

DATE:

INDEFINITELY POSTPONED

YEAS

NAK

DATE:

Patrick HA

And was ordered returned forthwith to the House:

YEAS

NAK

DATE:

Passed as Amended

RD 3 AL

DATE: