

1 HB187
2 188288-1
3 By Representatives Pettus, Rowe, Fridy and Faulkner
4 RFD: Public Safety and Homeland Security
5 First Read: 11-JAN-18

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8 SYNOPSIS:

9 Under existing law, certain law enforcement
10 officers receive a subsistence allowance of twelve
11 dollars (\$12) per working day of a pay period.

12 This bill would clarify that a working day
13 is defined as any period of time an officer is
14 engaged in the performance of his or her duties for
15 a period of four (4) or more hours in a consecutive
16 twenty-four (24) hour period of time.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 To amend Section 36-21-2 of the Code of Alabama
23 1975, relating to the subsistence pay of certain law
24 enforcement officers, to define a work day as working for four
25 or more hours within twenty-four hours.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Section 36-21-2 of the Code of Alabama
2 1975, is amended to read as follows:

3 "§36-21-2.

4 "(a) (1) Any law enforcement officer of the State of
5 Alabama who is employed by the ~~Department of Public Safety~~
6 State Law Enforcement Agency, Department of Industrial
7 Relations, Department of Conservation and Natural Resources,
8 Alabama Alcoholic Beverage Control Board, Department of
9 Agriculture and Industries, Alabama Department of Forensic
10 Sciences, the Transportation Enforcement Division of the
11 Alabama Public Service Commission, Alabama Liquefied Petroleum
12 Gas Board, the Alabama Criminal Justice Information Center,
13 the Alabama Peace Officers' Standards and Training Commission,
14 the Alabama Securities Commission, the State Port Authority,
15 probation and parole officers of the Alabama Board of Pardons
16 and Paroles, fire marshals of the Department of Insurance,
17 revenue enforcement officers of the Department of Revenue, law
18 enforcement officers of the State Capitol Police, any
19 investigator employed by the Alabama Ethics Commission, any
20 investigator employed by a district attorney on a full-time
21 basis, the marshal or any deputy marshal of the state
22 appellate court, or correctional officers of the Department of
23 Corrections shall receive a subsistence allowance of twelve
24 dollars (\$12) for each working day of a pay period while
25 engaged in the performance of the duties as a law enforcement
26 officer. This allowance shall be in addition to all other

1 compensation, expenses, and allowances provided those
2 officers.

3 "(2) Beginning with the fiscal year commencing
4 October 1, 2017, subsistence pay shall be paid to each law
5 enforcement officer engaged in the performance of the duties
6 as law enforcement officer for a period of four or more hours
7 within a consecutive twenty-four hour period of time.

8 "(b) The subsistence allowance shall not be subject
9 to any income or other taxes levied by the State of Alabama or
10 the federal government.

11 ~~"(c) The act adding this amendatory language~~
12 ~~regarding the Department of Corrections correctional officers~~
13 ~~shall be phased in in the amount of one dollar (\$1) per fiscal~~
14 ~~year for the 12 years beginning October 1, 1995. In any year~~
15 ~~that it is determined by Senate Joint Resolution or House~~
16 ~~Joint Resolution enacted by both houses and signed by the~~
17 ~~Governor that because of fiscal emergency the implementation~~
18 ~~of the one dollar (\$1) per fiscal year shall be suspended for~~
19 ~~that year only, this subsistence allowance, or any portion~~
20 ~~thereof, may be suspended.~~

21 ~~"(d) (c)~~ The subsistence allowance to law
22 enforcement officers at the Alabama Criminal Justice
23 Information Center shall be paid from its Special Revenue Fund
24 and not from General Fund appropriations to the center. The
25 subsistence allowance to law enforcement officers at the Peace
26 Officers' Standards and Training Commission shall be paid from
27 the Peace Officers' Standards and Training Fund and the

1 subsistence allowance paid to Securities Commission Officers
2 shall be paid from the Securities Commission Fund.

3 ~~"(e) The subsistence allowance for law enforcement~~
4 ~~officers employed by the State Port Authority provided in~~
5 ~~subsection (a) shall be phased in as follows:~~

6 ~~"(1) For the remainder of the fiscal year ending~~
7 ~~September 30, 2006, the subsistence allowance shall be six~~
8 ~~dollars (\$6) per day.~~

9 ~~"(2) For the fiscal year commencing October 1, 2006,~~
10 ~~the subsistence allowance shall be nine dollars (\$9) per day.~~

11 ~~"(3) For the fiscal year commencing October 1, 2007,~~
12 ~~and thereafter, the subsistence allowance shall be the amount~~
13 ~~provided in subsection (a).~~

14 Section 2. This act shall become effective
15 immediately upon its passage and approval by the Governor, or
16 its otherwise becoming law.