

1 HB276  
2 138591-15  
3 By Representative Ball (Constitutional Amendment)  
4 RFD: Constitution, Campaigns and Elections  
5 First Read: 09-FEB-12

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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

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

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12 amendment are repealed, including, but not limited to: Those  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

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

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

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

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

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

14           (3) Expenses authorized pursuant to Act 1196 of the  
15 1971 Regular Session for the presiding officer of each House.

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

23           (d) Except for the expenses of transportation, no  
24 member of the Legislature who resides less than 50 miles from  
25 the seat of government may be reimbursed for any travel

1 expenses for travel between his or her place of residence and  
2 the seat of government.

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

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

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

23 Section 4. (a) The compensation and reimbursement  
24 for expenses provided in Sections 2 and 3 shall constitute the  
25 total amounts payable to the presiding officers and members of

1 the Legislature, beginning with the terms commencing  
2 immediately after the 2014 General Election.

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

6 Section 2. An election upon the proposed amendment  
7 shall be held in accordance with Sections 284 and 285 of the  
8 Constitution of Alabama of 1901, now appearing as Sections 284  
9 and 285 of the Official Recompilation of the Constitution of  
10 Alabama of 1901, as amended, and the election laws of this  
11 state.

12 Section 3. The appropriate election official shall  
13 assign a ballot number for the proposed constitutional  
14 amendment on the election ballot and shall set forth the  
15 following description of the substance or subject matter of  
16 the proposed constitutional amendment:

17 "Proposing an amendment to the Constitution of  
18 Alabama of 1901, to repeal the existing provisions for  
19 legislative compensation and expenses and establish the basic  
20 compensation of the Legislature at the median household income  
21 in Alabama; to require legislators to submit signed vouchers  
22 for reimbursement for expenses; and to prohibit the  
23 Legislature from increasing the compensation or expenses  
24 payable to its members.

25 "Proposed by Act \_\_\_\_\_."

1                   This description shall be followed by the following  
2    language:  
3                   "Yes ( ) No ( )."

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Speaker of the House of Representatives

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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

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| Senate | <hr/> 17-APR-12 <hr/> | Amended and Passed  |
| House  | <hr/> 19-APR-12 <hr/> | Passed, as amended<br>by Conference Com-<br>mittee Report |
| Senate | <hr/> 26-APR-12 <hr/> | Passed, as amended<br>by Conference Com-<br>mittee Report |