

1 SB477
2 167248-1
3 By Senator Reed
4 RFD: County and Municipal Government
5 First Read: 14-MAY-15

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8 SYNOPSIS: Existing law provides specific amounts for
9 expense allowances for city council members in
10 Class 1 municipalities or municipalities having a
11 population of 250,000 or more.

12 This bill would remove the specific amounts
13 and would allow the city council to set the amount
14 of the expense allowances.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 To amend Sections 11-43-7.1 and 11-43-7.2 of the
21 Code of Alabama 1975, relating to expense allowances of city
22 council members in Class 1 municipalities and municipalities
23 having a population of 250,000 or more; to remove the specific
24 amounts for expense allowances; and to allow the city council
25 to set the amount of the expense allowances.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. Sections 11-43-7.1 and 11-43-7.2 of the
2 Code of Alabama 1975, are amended to read as follows:

3 "§11-43-7.1.

4 "(a) The council or other governing body of Class 1
5 municipalities in Alabama and all municipalities in Alabama
6 having a population of 250,000 or more according to the last
7 or any subsequent federal decennial census, shall have the
8 power and authority to grant to any member of ~~such~~ the council
9 or other governing body an amount of money for expenses
10 incurred by ~~such~~ the member on account of ~~such~~ the member's
11 attending to the business of ~~such~~ the municipality within its
12 corporate limits. The maximum expense allowance shall be
13 ~~\$500.00 per month for each member of~~ set by the council,
14 ~~except the president or chairman of the council or other~~
15 ~~governing body who may be given an allowance not to exceed~~
16 ~~\$550.00 per month.~~

17 "(b) In addition to the authority granted by
18 subsection (a) ~~hereof~~, the council or other governing body of
19 Class 1 municipalities in Alabama and all municipalities in
20 Alabama having a population of 250,000 or more according to
21 the last or any subsequent federal decennial census,
22 ~~commencing December 1, 1987,~~ shall have the power and
23 authority to grant to any member of ~~such~~ a council or other
24 governing body who was elected for a term commencing in 1985
25 an amount of money in addition to that provided in subsection
26 (a) ~~above~~, for expenses incurred by ~~such~~ the member on account
27 of ~~such~~ the member's attending to the business of ~~such~~ the

1 municipality within its corporate limits. The maximum
2 additional expense allowance shall be ~~\$475.00 per month for~~
3 ~~each such member of~~ set by the council. ~~No such additional~~
4 ~~expense allowance shall be paid to any council member after~~
5 ~~November 15, 1989.~~

6 "(c) The provisions of this section shall not be
7 construed so as to prevent any ~~such~~ member of ~~such a~~ council
8 or other governing body from being reimbursed for actual
9 expenses incurred by him or her on or in connection with a
10 trip on municipal business beyond the corporate limits of ~~such~~
11 the municipality, which amount shall not accrue against the
12 monetary amounts provided in subsection (a).

13 "§11-43-7.2.

14 "(a) In addition to the authority granted by Section
15 11-43-7.1, the council or other governing body of any Class 1
16 municipality may grant to the members of the council or
17 governing body, an additional amount of money on a monthly
18 basis for expenses incurred by the members when attending to
19 the business of the municipality within its corporate limits.
20 The maximum amount of the additional expense allowance shall
21 be ~~three hundred thirty-three dollars and thirty-three cents~~
22 ~~(\$333.33) per month~~ set by the council.

23 "(b) Notwithstanding all other provisions of law,
24 any council or governing body member may elect in writing to
25 have the expense allowances authorized by subsection (a) of
26 this section and Section 11-43-7.1, become subject to the
27 withholding of any employee contribution required to be paid

1 into the trust fund of any pension or retirement system in
2 which the member is eligible to participate. A council or
3 governing body member may also elect in writing, within 90
4 days of May 4, 1994, to pay into the pension or retirement
5 system trust fund the required contribution on any expense
6 allowances previously received by the member during all or any
7 portion of the three-year period prior to the member's payment
8 election, together with interest at the rate of eight percent
9 per annum thereon computed from the date of receipt of the
10 allowance to the date of payment. If either or both of the
11 elections is made by a member of the governing body or
12 council, the expense allowances on which employee
13 contributions are paid into the retirement plan trust fund
14 shall be considered together with all salaries received by the
15 member, from which the required employee contribution was
16 likewise withheld and paid into the retirement trust fund, to
17 determine the base amount on which any retirement benefits or
18 allowances to which the council or governing body member may
19 be entitled shall be computed as provided under the retirement
20 system.

21 "(c) ~~The provisions of this~~ This section shall not
22 be construed to prevent any member of the council or governing
23 body from being reimbursed for actual expenses incurred by the
24 member in connection with any travel on municipal business
25 beyond the corporate limits of the municipality, and the
26 amount incurred shall not accrue against the monetary amounts
27 provided in subsection (a) ~~of this section~~, nor shall the

1 reimbursement for the amount incurred be eligible for pension
2 system withholding or be considered in determining pension or
3 retirement benefits or allowances."

4 Section 2. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.