

1 SB445  
2 130206-3  
3 By Senators Williams, Taylor, Beason, Marsh, Scofield, Ward,  
4 Waggoner, Holtzclaw, Blackwell, Whatley, Brooks, Sanford,  
5 Reed, Bussman and Pittman (Constitutional Amendment)  
6 RFD: Constitution, Campaign Finance, Ethics, and Elections  
7 First Read: 26-APR-11

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8 SYNOPSIS: Under Amendment 57, now appearing as  
9 Section 48.01 of the Official ReCompilation of the  
10 Constitution of Alabama of 1901, as amended,  
11 members of the Legislature are provided certain  
12 compensation and expense reimbursement authorized  
13 by law. Several acts of the Legislature provide  
14 reimbursement for presiding officers and members of  
15 the Legislature.

16 This bill would propose an amendment to the  
17 Constitution of Alabama of 1901, to create a  
18 Legislative Compensation Commission; to provide for  
19 its members and terms of office; to provide that  
20 the commission would establish for each quadrennium  
21 the compensation and expenses for members of the  
22 Legislature; and to repeal conflicting laws  
23 regarding compensation and expense reimbursement.

24  
25 A BILL  
26 TO BE ENTITLED  
27 AN ACT

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2           Proposing an amendment to the Constitution of  
3 Alabama of 1901, creating a Legislative Compensation  
4 Commission; providing for its members and terms of office;  
5 providing that the commission shall establish for each  
6 quadrennium the compensation and expenses for members of the  
7 Legislature; and repealing conflicting laws regarding  
8 compensation and expense reimbursement.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10           Section 1. The Legislature recognizes that the  
11 public trust in the legislative body is of paramount  
12 importance. The Legislature further recognizes that  
13 transparency and an absence of any appearance of conflict of  
14 interest are vital to the preservation of the public trust.

15           The purpose of this amendment is to remove the  
16 establishment of legislative compensation from the hands of  
17 the Legislature itself, to ensure that no legislative pay may  
18 be raised or altered during the same quadrennium in which it  
19 was established, to validate the basis for which legislative  
20 pay is determined in a manner commensurate with other states  
21 and to publish those standards for the consumption of the  
22 general public, and to allow the citizens of Alabama to vote  
23 on this matter.

24           Section 2. The following amendment to the  
25 Constitution of Alabama of 1901, is proposed and shall become  
26 valid as a part thereof when approved by a majority of the  
27 qualified electors voting thereon and in accordance with

1 Sections 284, 285, and 287 of the Constitution of Alabama of  
2 1901, as amended:

3 PROPOSED AMENDMENT

4 (a) (1) There is created a Legislative Compensation  
5 Commission. The commission shall consist of six members, as  
6 follows:

7 a. One member, who may not be a member of the  
8 Legislature, appointed by the Governor.

9 b. One member, who may not be a member of the  
10 Legislature, appointed by the Lieutenant Governor.

11 c. One member, who may not be a member of the  
12 Legislature, and who has experience in human resources or as a  
13 compensation specialist, appointed by the President Pro  
14 Tempore of the Senate.

15 d. One member, who may not be a member of the  
16 Legislature, and who has experience in human resources or as a  
17 compensation specialist, appointed by the Speaker Pro Tempore  
18 of the House of Representatives.

19 e. One member of the House of Representatives  
20 appointed by the Speaker of the House of Representatives.

21 f. One member of the Senate appointed by the  
22 President Pro Tempore of the Senate.

23 (2) Each member shall serve during the term of the  
24 appointing authority. Within 30 days of a vacancy on the  
25 commission, the appointing authority for that position shall  
26 appoint a person to serve the unexpired portion of the term.

1           (3) The members may not receive compensation for  
2 their services, but shall be reimbursed at the same rate of  
3 per diem as state employees for expenses incurred for  
4 performance of their official duties.

5           (4) The members of the commission shall elect a  
6 chair and vice chair. A majority of the members of the  
7 commission shall constitute a quorum for the transaction of  
8 business. Any action taken by the commission shall be by a  
9 majority of the membership.

10           (b) The commission shall establish the compensation  
11 and expenses for the members of the Legislature which shall be  
12 submitted to the Legislature on the first day of the 2013  
13 Regular Session. The compensation and expenses so established  
14 shall be effective on November 3, 2014. Thereafter, the  
15 commission shall revise the compensation and expenses and  
16 submit the revised compensation and expenses to the  
17 Legislature on the first legislative day of the third regular  
18 session of each quadrennium with the revised compensation and  
19 expenses to take effect on the first day of the ensuing  
20 quadrennium. Compensation shall be based on the commission's  
21 review of data on the following factors:

- 22           1. Work during a session of the Legislature.
- 23           2. Work in the home district of each legislator  
24 throughout the year.
- 25           3. Work conducting office business throughout the  
26 year.
- 27           4. Work drafting legislation.

1           5. Time spent traveling to legislative related  
2 events and meetings.

3           (c) The mileage reimbursement for the members of the  
4 Legislature shall be the same as allowed for state employees.

5           (d) The commission shall determine other expenses  
6 for which members of the Legislature may claim reimbursement  
7 and the manner of validating and reimbursing the expenses.

8           (e) (1) The compensation established by the  
9 commission may not be automatically adjusted to reflect any  
10 increase in the cost-of-living.

11           (2) Whenever proration is declared for the General  
12 Fund Budget, the compensation for the members of the  
13 Legislature established by the commission shall be reduced by  
14 the same percentage for the duration of the proration.

15           (f) The data upon which the compensation of the  
16 Legislature is determined by the commission and the amount of  
17 the compensation shall be posted on the website of the  
18 Legislature no later than the first day of the third regular  
19 session of each quadrennium.

20           (g) The Personnel Department shall furnish, from  
21 existing resources, staff, and services to the commission as  
22 needed for the performance of its duties.

23           (h) On November 3, 2014, all laws or parts of laws  
24 in conflict with this amendment are repealed, including, but  
25 not limited to: Act 87-209, Act 91-108, Act 2007-75, Act 1196  
26 of the 1971 Regular Session, Act 91-95, Act 90-490, Section 49

1 of the Constitution of Alabama of 1901, and Section 29-1-8,  
2 Code of Alabama 1975.

3 (i) On November 3, 2014, those parts of Amendments  
4 39 and 57 of the Constitution of Alabama of 1901, which are in  
5 conflict with this amendment are repealed.

6 Section 3. An election upon the proposed amendment  
7 shall be held at the same time as the 2012 primary election in  
8 accordance with Sections 284 and 285 of the Constitution of  
9 Alabama of 1901, now appearing as Sections 284 and 285 of the  
10 Official Recompilation of the Constitution of Alabama of 1901,  
11 as amended, and the election laws of this state.

12 Section 4. 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 existing law relating to  
19 legislative compensation and expenses and to create the  
20 Legislative Compensation Commission; to provide for its  
21 members and terms of office; and to provide that the  
22 commission shall establish for each quadrennium the  
23 compensation and expenses for members of the Legislature.

24 "Proposed by Act \_\_\_\_\_."

25 This description shall be followed by the following  
26 language:

27 "Yes ( ) No ( )."

