

1 HB26
2 171495-1
3 By Representatives Faulkner, South, Baker, Martin, Williams
4 (JW), Rich, Fridy, Williams (JD), Weaver, Drake, Treadaway,
5 Carns, Ainsworth, Mooney, Davis, Wingo, Garrett, Standridge,
6 Butler, Sells, Ledbetter, Moore (B), Gaston, Clouse, Faust,
7 Whorton (I), Whorton (R), Sessions, Alexander, Scott, Greer,
8 Farley, Chesteen, Lee, Holmes (M), Brown, McClammy, Wadsworth,
9 McMillan, Shiver, Wilcox, Wood, Rowe and Patterson
10 RFD: State Government
11 First Read: 08-SEP-15

2
3
4
5
6
7
8 SYNOPSIS: Under current law, a resolution to adopt the
9 pay raise for county commissioners must be
10 published in the local newspaper for four
11 consecutive weeks before the commission takes final
12 action on the resolution; however, no such
13 provision exists for city council members.

14 This bill requires a resolution to adopt a
15 salary or expense allowance increase for members of
16 a city council to be introduced 30 days prior to
17 the date the council takes final action on the
18 resolution.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT

23
24 Relating city councils, to require a resolution to
25 adopt a salary or expense allowance increase for members of a
26 city council to be introduced 30 days prior to the date the
27 council takes final action on the resolution.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Sections 11-40-14 and 11-43-7.2, Code of
3 Alabama 1975, are amended to read as follows:

4 "§11-40-14.

5 "(a) The council or other governing body of Class 1
6 municipalities in Alabama and all municipalities in Alabama
7 having a population of 250,000 or more according to the last
8 and any subsequent federal decennial census, shall have the
9 power and authority to grant to any member of such council or
10 other governing body an amount of money for expenses incurred
11 by such member on account of such member's attending the
12 business of such municipality within its corporate limits. The
13 maximum expense allowance shall be \$300.00 per month for each
14 member of the council, except the president or chairman of the
15 council or other governing body who may be given an allowance
16 not to exceed \$350.00 per month.

17 "(b) In addition to the authority granted by
18 subsection (a) of this section, the council or other governing
19 body of Class 1 municipalities in Alabama and all
20 municipalities in Alabama having a population of 250,000 or
21 more according to the last and any subsequent federal
22 decennial census commencing November 15, 1983, shall have the
23 power and authority to grant to any member of such council or
24 other governing body who was elected for a term commencing in
25 November, 1981, an amount of money in addition to that
26 provided in subsection (a) of this section, for expenses
27 incurred by such member on account of such member's attending

1 the business of such municipality within its corporate limits.
2 The maximum additional expense allowance shall be \$200.00 per
3 month for each such member of the council. No such additional
4 expense allowance shall be paid to any council member after
5 November 15, 1985.

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

13 "(d) An increase in salary for city council members
14 must be approved by a resolution of the city council body, in
15 which the resolution to adopt the increase must be introduced
16 30 days prior to the date the council takes final action on
17 the resolution.

18 "§11-43-7.2.

19 "(a) In addition to the authority granted by Section
20 11-43-7.1, the council or other governing body of any Class 1
21 municipality may grant to the members of the council or
22 governing body, an additional amount of money monthly for
23 expenses incurred by the members when attending to the
24 business of the municipality within its corporate limits. The
25 maximum amount of the additional expense allowance shall be
26 three hundred thirty-three dollars and thirty-three cents
27 (\$333.33) per month and shall be approved by a resolution of

1 the city council body, in which the resolution to adopt the
2 increase must be introduced 30 days prior to the date the
3 council takes final action on the resolution.

4 "(b) Notwithstanding all other provisions of law,
5 any council or governing body member may elect in writing to
6 have the expense allowances authorized by subsection (a) of
7 this section and Section 11-43-7.1, become subject to the
8 withholding of any employee contribution required to be paid
9 into the trust fund of any pension or retirement system in
10 which the member is eligible to participate. A council or
11 governing body member may also elect in writing, within 90
12 days of May 4, 1994, to pay into the pension or retirement
13 system trust fund the required contribution on any expense
14 allowances previously received by the member during all or any
15 portion of the three-year period prior to the member's payment
16 election, together with interest at the rate of eight percent
17 per annum thereon computed from the date of receipt of the
18 allowance to the date of payment. If either or both of the
19 elections is made by a member of the governing body or
20 council, the expense allowances on which employee
21 contributions are paid into the retirement plan trust fund
22 shall be considered together with all salaries received by the
23 member, from which the required employee contribution was
24 likewise withheld and paid into the retirement trust fund, to
25 determine the base amount on which any retirement benefits or
26 allowances to which the council or governing body member may

1 be entitled shall be computed as provided under the retirement
2 system.

3 "(c) The provisions of this section shall not be
4 construed to prevent any member of the council or governing
5 body from being reimbursed for actual expenses incurred by the
6 member in connection with any travel on municipal business
7 beyond the corporate limits of the municipality, and the
8 amount incurred shall not accrue against the monetary amounts
9 provided in subsection (a) of this section, nor shall the
10 reimbursement for the amount incurred be eligible for pension
11 system withholding or be considered in determining pension or
12 retirement benefits or allowances."

13 Section 2. Section 11-43-67 is added to the Code of
14 Alabama 1975, to read as follows:

15 "§11-43-67.

16 "For any class of municipality, an increase in
17 salary or expense allowance for city council members must be
18 approved by a resolution of the city council body, in which
19 the resolution to adopt the increase must be introduced 30
20 days prior to the date the council takes final action on the
21 resolution."

22 Section 3. Any increase in salary or expense
23 allowance which was approved prior to the passage of this act,
24 but which has not yet taken effect is void if it was adopted
25 in a manner that was inconsistent with the requirements of
26 this act.

1 Section 4. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.