

1 HB211
2 197257-1
3 By Representative Pettus
4 RFD: Ways and Means General Fund
5 First Read: 19-MAR-19

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

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

16
17 A BILL
18 TO BE ENTITLED
19 AN ACT
20

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

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. Section 36-21-2 of the Code of Alabama
27 1975, is amended to read as follows:

1 "§36-21-2.

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

1 "(2) Beginning on October 1, 2019, subsistence pay
2 shall be paid to each law enforcement officer engaged in the
3 performance of the duties as a law enforcement officer for a
4 period of four or more hours within a consecutive 24-hour
5 period of time.

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

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

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

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

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

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

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

12 Section 2. This act shall become effective
13 immediately following its passage and approval by the
14 Governor, or its otherwise becoming law.