

HB166 INTRODUCED



1 HB166
2 TYKU915-1
3 By Representative Hill (Constitutional Amendment)
4 RFD: State Government
5 First Read: 14-Feb-24

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4 SYNOPSIS:

5 Under the Constitution of Alabama of 2022, the
6 Legislature or a county may not increase the
7 compensation of a state or county officer during the
8 officer's term of office by increasing or imposing new
9 duties, nor may the Legislature or county decrease the
10 compensation of a state or county officer during the
11 officer's term of office.

12 This bill would propose an amendment to the
13 Constitution of Alabama of 2022, to authorize the
14 Legislature to set and alter the compensation of county
15 officers and sheriffs by general or local law, and to
16 prohibit the Legislature from altering the compensation
17 of a county officer or sheriff during the term of
18 office.

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21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 Proposing an amendment to the Constitution of Alabama
26 of 2022, relating to compensation of county officers; to amend
27 Section 68.01 and add Section 68.02 to the constitution, to
28 authorize the Legislature to set and alter the compensation of



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county officers and sheriffs and to prohibit the Legislature from increasing or decreasing the compensation of a county officer or sheriff from taking effect until the next term of office.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 2022, is proposed:

PROPOSED AMENDMENT

Section 68.01 of the Constitution of Alabama of 2022, is amended and Section 68.02 is added to the Constitution of Alabama of 2022, to read as follows:

"Section 68.01

(a) ~~Any provisions of this Constitution or amendments thereto to the contrary notwithstanding, neither the legislature, nor any county of the state shall, by The~~
Legislature shall not do any of the following:

(1) By the imposition of new, different, and additional duties or otherwise, increase~~7~~ or authorize the increase of~~7~~ the salary, fees~~,~~ or other compensation of any officer of the state ~~or of any county of the state,~~ who is elected or appointed for a fixed term, during the term for which he or she is elected or appointed, regardless of whether ~~such the~~ officer may be removed at the pleasure of the authority electing or appointing him or her or only upon impeachment~~.~~
~~nor shall the legislature or any county of the state in~~

(2) In any manner or by any means~~,~~ decrease~~7~~ or authorize the decrease of~~7~~ the salary, fees~~,~~ or other compensation of any ~~such officer,~~ of the state during the term



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for which he or she is elected or appointed. ~~.; nor shall the legislature or any county of the state increase~~

(3) Increase or decrease, or authorize the increase or decrease of, the salary, fees, or other compensation of any person filling an unexpired term in any ~~such~~ office of the state during the remainder of ~~such~~ the term, either before or after the appointment or election of ~~such~~ the person to fill the unexpired term.

(b) As to state officers who are members of any court, board, commission, or similar body whose terms do not run concurrently, any increase or decrease in the salary, fees, or other compensation of the members of ~~any such~~ the court, board, commission, or similar body shall become effective as to all ~~such~~ members thereof immediately after the expiration of the term or terms of office of the member or members whose term or terms first expire."

Section 68.02

(a) The Legislature, from time to time by general or local law, may fix and alter the salary or compensation of any officer of the county or any sheriff. However, any alteration in compensation of an officer of the county or sheriff who is elected or appointed for a fixed term shall not take effect until after the term for which the officer or sheriff is elected or appointed. The authority provided by this subsection shall be in addition to any other authority provided by this Constitution to fix and alter salary or compensation.

(b) The Legislature shall not do any of the following:



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(1) By the imposition of new, different, and additional duties or otherwise, increase or authorize the increase of the salary, fees, or other compensation of any officer of the county or any sheriff who is elected or appointed for a fixed term during the term for which he or she is elected or appointed, regardless of whether the officer or sheriff may be removed at the pleasure of the authority electing or appointing him or her or only upon impeachment.

(2) In any manner or by any means, decrease or authorize the decrease of the salary, fees, or other compensation of any officer of the county or any sheriff during the term for which he or she is elected or appointed.

(3) Increase or decrease or authorize the increase or decrease of the salary, fees, or other compensation of any person filling an unexpired term in any office of the county or any sheriff during the remainder of the term, either before or after the appointment or election of the person to fill the unexpired term.

(c) As to county officers who are members of any court, board, commission, or similar body whose terms do not run concurrently, any increase or decrease in the salary, fees, or other compensation of the members of the court, board, commission, or similar body shall become effective as to all members thereof immediately after the expiration of the term or terms of office of the member or members whose term or terms first expire.

(d) This section shall not affect Article VI of the constitution.



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Upon ratification of this constitutional amendment, the Code Commissioner shall number and place this amendment as appropriate in the constitution omitting this instructional paragraph and may make the following nonsubstantive revisions: change capitalization, hierarchy, spelling, and punctuation for purposes of style and uniformity; correct manifest grammatical, clerical, and typographical errors; revise internal or external citations and cross-references; and translate effective dates.

END OF PROPOSED AMENDMENT

Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 2022, and the election laws of this state. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

"Proposing an amendment to the Constitution of Alabama of 2022, to authorize the Legislature to set the compensation of any county officer or sheriff but prohibit any increase or decrease in compensation from taking effect until the next term of office of the county officer or sheriff.

Proposed by Act ____."

This description shall be followed by the following language:

"Yes () No ()."

Section 3. The proposed amendment shall become valid as



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141 a part of the Constitution of Alabama of 2022, when approved
142 by a majority of the qualified electors voting thereon.

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