

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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SYNOPSIS:

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

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

A BILL
TO BE ENTITLED
AN ACT

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



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

33 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

36 PROPOSED AMENDMENT

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

40 "Section 68.01

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

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

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



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

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

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

73 Section 68.02

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

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



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

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

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

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

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



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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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