

1 SB407
2 128190-1
3 By Senator McGill (Constitutional Amendment)
4 RFD: Rules
5 First Read: 14-APR-11

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8 SYNOPSIS: Under Amendment 57 to the Constitution of
9 Alabama of 1901, now appearing as Sections 48.01
10 and 49 of the Official ReCompilation of the
11 Constitution of Alabama of 1901, as amended,
12 members of the Legislature are provided certain
13 compensation and an expense reimbursement
14 authorized to be fixed by the Legislature. Several
15 acts of the Legislature provide reimbursement for
16 presiding officers and members of the Legislature.

17 This bill would propose a constitutional
18 amendment to amend Amendment 57, to provide that
19 the presiding officers and members of the
20 Legislature would receive compensation and benefits
21 for legislative service that is the same as the
22 average gross income and receive the same average
23 benefits of public classroom teachers in Alabama
24 and reimbursement of expenses to the same extent as
25 paid to public classroom teachers; to provide that
26 each member of the Alabama Legislature may elect to
27 be compensated at a rate lower than the average

1 gross income of public classroom teachers and opt
2 out of accepting the same benefits as granted to
3 the teachers; and to repeal existing law on the
4 subject.

5
6 A BILL
7 TO BE ENTITLED
8 AN ACT
9

10 Proposing an amendment to Amendment 57, now
11 appearing as Sections 48.01 and 49 of the Official
12 Recompilation of the Constitution of Alabama of 1901, as
13 amended, providing that the presiding officers and members of
14 the Legislature would receive compensation and benefits for
15 legislative service that is the same as the average gross
16 income and receive the same average benefits of public
17 classroom teachers in Alabama and reimbursement of expenses to
18 the same extent as paid to public classroom teachers; provide
19 that each member of the Alabama Legislature may elect to be
20 compensated at a rate lower than the average gross income of
21 public classroom teachers and opt out of accepting the same
22 benefits as granted to the teachers; and repeal existing law
23 on the subject.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. The following amendment to the
26 Constitution of Alabama of 1901, as amended, is proposed and
27 shall become valid as a part thereof when approved by a

1 majority of the qualified electors voting thereon and in
2 accordance with Sections 284, 285, and 287 of the Constitution
3 of Alabama of 1901, as amended:

4 PROPOSED AMENDMENT

5 "Amendment 57.

6 "(a) All sessions of the legislature shall be held
7 at the capitol in the senate chamber and in the hall of the
8 house of representatives, unless at any time it should from
9 any cause become impossible or dangerous for the legislature
10 to meet or remain at the capitol, or for the senate to meet or
11 remain in the senate chamber, or for the representatives to
12 meet or remain in the hall of the house of representatives, in
13 which case the governor may convene the legislature, or remove
14 it after it has convened, to some other place, or may
15 designate some other place for the sitting of the respective
16 houses, or either of them, as necessity may require. The
17 legislature shall convene on the second Tuesday in January
18 next succeeding their election and shall remain in session for
19 not longer than ten consecutive calendar days. No business can
20 be transacted at such sessions except the organization of the
21 legislature, the election of officers, the appointment of
22 standing committees of the senate and the house of
23 representatives for the ensuing four years, which election and
24 appointment may, however, also be made at such other times as
25 may be necessary, the opening and publication of the returns
26 and the ascertainment and declaration of the results of the
27 election for governor, lieutenant-governor, attorney-general,

1 state auditor, secretary of state, state treasurer,
2 superintendent of education, and commissioner of agriculture
3 and industries, the election of such officers in the event of
4 a tie vote, the determination of contested elections for such
5 offices, the judging of the election returns and qualification
6 of the members of the legislature, and the inauguration of the
7 governor and the other elected state officers whose terms of
8 office are concurrent with that of the governor. At the
9 beginning of each such organization session, and at such other
10 times as may be necessary, the senate shall elect one of its
11 members president pro tempore thereof, to preside over its
12 deliberations in the absence of the lieutenant-governor, and
13 the house of representatives shall elect one of its members as
14 speaker, to preside over its deliberations. The president of
15 the senate and the speaker of the house of representatives
16 shall each hold his respective office until his successor has
17 been elected and qualified. The legislature shall convene in
18 regular sessions on the first Tuesday in May of 1947 and on
19 the first Tuesday in May in each second year thereafter, until
20 the date of meeting shall have been changed by act of the
21 legislature and approved by the governor. The legislature
22 shall not remain in session longer than thirty-six days at any
23 such regular session. Special sessions of the legislature
24 convened in the manner provided by this Constitution also
25 shall be limited to thirty-six days. ~~The pay of members of the~~
26 ~~legislature shall be ten dollars per day. Each member of the~~
27 ~~legislature shall be paid ten cents per mile in going from his~~

1 residence to, and in returning to his residence from, the seat
2 of government, to be computed by the nearest usual route
3 traveled; and not more than one such travel allowance shall be
4 paid for each session of the legislature. In addition to his
5 travel allowance, each member of the legislature also shall be
6 allowed expenses, other than actual expenses of traveling, not
7 exceeding an amount to be fixed by the legislature, incurred
8 in the performance of his duties; but such expense allowance
9 shall not be less than the smallest allowance to any other
10 person traveling within the state in the service of the state
11 of Alabama, or any of its agencies, for expenses other than
12 actual expenses of traveling. The provisions of this
13 Constitution in conflict herewith are hereby modified to
14 conform to the provisions of this amendment. ~~The provisions of~~
15 ~~this amendment shall become effective at the beginning of the~~
16 ~~term of the members of the legislature elected at the general~~
17 ~~election in 1946.~~

18 "(b) (1) The presiding officers and members of the
19 Legislature shall be compensated in the same annual amount as
20 the average gross income and receive the same average benefits
21 of public classroom teachers in Alabama for the preceding
22 calender year as determined by the Department of Finance,
23 beginning with the 2012 calendar year. Adjustments shall be
24 made to the compensation payable in January 2013 and each
25 January thereafter.

26 "(2) In addition to the compensation provided in
27 subdivision (1), the presiding officers and members of the

1 Legislature shall receive reimbursement for expenses for each
2 day of attending a session or committee meeting of the
3 Legislature or traveling on legislative business at the same
4 rates as are reimbursed to public classroom teachers for
5 in-state and out-of-state travel on official state business,
6 upon the submission of vouchers to the Lieutenant Governor and
7 Speaker of the House of Representatives.

8 "(3) Each member of the Alabama Legislature may
9 elect to be compensated at a rate lower than the average gross
10 income of public classroom teachers and opt out of accepting
11 the same benefits as granted to the teachers.

12 "(4) The compensation, benefits, and reimbursement
13 provided in subdivisions (1) and (2) shall constitute the
14 total amounts payable to the presiding officers and members of
15 the Legislature, beginning January 1, 2013. All laws or parts
16 of laws in conflict with this subsection are repealed,
17 including, but not limited to: Act 87-209, Act 91-108, Act
18 2007-75, Act 1196 of the 1971 Regular Session, Act 91-95, Act
19 90-490, and Section 29-1-8, Code of Alabama 1975."

20 Section 2. An election upon the proposed amendment
21 shall be held in accordance with Sections 284 and 285 of the
22 Constitution of Alabama of 1901, now appearing as Sections 284
23 and 285 of the Official Recompilation of the Constitution of
24 Alabama of 1901, as amended, and the election laws of this
25 state.

26 Section 3. The appropriate election official shall
27 assign a ballot number for the proposed constitutional

1 amendment on the election ballot and shall set forth the
2 following description of the substance or subject matter of
3 the proposed constitutional amendment:

4 "Proposing an amendment to Amendment 57 of the
5 Constitution of Alabama of 1901, to provide that the presiding
6 officers and members of the Legislature would receive
7 compensation and benefits for legislative service that is the
8 same as the average gross income and benefits of public
9 classroom teachers in Alabama and reimbursement of expenses to
10 the same extent as paid to public classroom teachers, to
11 provide that each member of the Alabama Legislature may elect
12 to be compensated at a rate lower than the average gross
13 income of public classroom teachers and opt out of accepting
14 the same benefits as granted to the teachers, and would repeal
15 existing law on the subject.

16 "Proposed by Act _____."

17 This description shall be followed by the following
18 language:

19 "Yes () No ()."