SB213

148356-1

By Senators Keahey and Irons

RFD: Finance and Taxation General Fund

First Read: 14-FEB-13
SYNOPSIS: Under existing law, at periodic intervals, cost-of-living increases are provided for certain state employees and public education employees.

This bill would provide for the fiscal year commencing October 1, 2013, and each fiscal year thereafter, the salary for certain state employees and public education employees shall be increased in an amount equal to the percentage amount reflecting the cost-of-living adjustment indicated by the Consumer Price Index for the preceding index year.

Amendment 621 of the Constitution of Alabama of 1901 prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature
appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of Amendment 621. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in Amendment 621.

A BILL

TO BE ENTITLED

AN ACT

To provide for the fiscal year commencing October 1, 2013, and each fiscal year thereafter, the salary for certain state employees and public education employees shall be increased in an amount equal to the percentage amount reflecting the cost-of-living adjustment indicated by the Consumer Price Index for the preceding index year; and in connection therewith would have its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) The salary for all state employees who are listed in the classified and unclassified service of
the state as defined in Section 36-26-10, Code of Alabama
1975, and all other state employees and hourly employees of
the state, and all legislative personnel, officers, and
employees, whether subject to the state Merit System or not,
and all employees of the county health departments who are
employed subject to the state Merit System and whose
compensation is paid out of a budget provided and agreed upon
by the state, county, or other contributing agency under the
direction of the State Board of Health, except those set out
in subsection (b), and public education employees commencing
October 1, 2013, and each fiscal year thereafter shall be
increased in an amount equal to the percentage amount
reflecting the cost-of-living adjustment indicated by the
Consumer Price Index for the preceding index year.

(b) Any salary increase granted under this section
shall not apply to elected officials, including, but not
limited to, legislators, judges, and executive branch
officers. The salary increase granted under this section shall
not apply to, or increase the compensation of, any local
employee whose salary is tied to that of any state employee.

(c) The salary increase granted under this section
shall not apply to any Merit System employee or hourly
employee whose service or rate of pay is covered by any labor
agreement or contract.

(d) The Director of the State Personnel Department
shall revise the schedule of rates set forth in the pay plan
for state employees and shall certify the same to the state
Comptroller, who shall issue warrants in accordance therewith. With respect to all court officials and employees within the Unified Judicial System who serve the trial and appellate courts of the state and the Administrative Office of Courts, the Administrative Director of Courts shall revise the schedule of rates set forth in the pay plan for these court officials and employees to reflect the increase provided in this act, and shall certify the same to the state Comptroller, who shall issue warrants in accordance therewith. With respect to the legislative employees, the Secretary of the Senate for employees of the Senate, the Clerk of the House of Representatives for employees of the House of Representatives, the Director of the Legislative Reference Service for employees of the Legislative Reference Service, and the Director of the Legislative Fiscal Office for employees of the Legislative Fiscal Office, shall revise the schedule of rates set forth in the pay plan for these legislative employees to reflect the increase provided in this act, and shall certify the same to the state Comptroller, who shall issue warrants in accordance therewith.

(e) The provisions and requirements of this act shall be in addition to the provisions of Section 16-13-231.1, Code of Alabama 1975, relating to the State Minimum Salary Schedule for certain education employees.

(f) The salary increase provided by this section shall be in addition to any step increase to which the employee is otherwise entitled.
Section 2. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621 because the bill requires expenditures only by a school board.

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