

ACT No. 2001-697

1 SB84
2 35181-4
3 By Senator Dial
4 RFD: Economic Expansion and Trade
5 First Read: 06-FEB-2001



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Enrolled, An Act,

To amend Sections 2 and 7 of Act 2000-108, 2000 Regular Session, now appearing as Sections 11-2A-2 and 11-2A-7, Code of Alabama 1975, which act provided a system for compensating certain local officials in categories of the counties based on population and amended Section 12-19-90, relating to fees in the probate offices of the several counties; to delete the exemption of counties in Categories 1 and 3 from the compensation provisions of the act and to provide for coverage of certain county officers in Category 3; to provide that certain expense allowances shall be mandatory in Category 3; to make certain technical changes for clarification and to exempt counties in Category 1 from the provisions of this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 2 and 7 of Act 2000-108, 2000 Regular Session, now appearing as Sections 11-2A-2 and 11-2A-7, Code of Alabama 1975, are amended to read as follows:

"§11-2A-2.

"Effective October 1, 2000, the annual compensation which a county shall pay to a county commissioner, a judge of probate, a sheriff, a tax assessor, a tax collector, a revenue

1 commissioner, a license commissioner, and an elected assistant
 2 tax assessor or collector shall be as set out below:

3 "(1) SHERIFF. The annual minimum compensation for
 4 each sheriff shall be fifty thousand dollars (\$50,000) which
 5 shall be in lieu of any salary and expense allowance currently
 6 provided to a sheriff receiving total compensation less than
 7 the minimum. Beginning with the next term of office for each
 8 sheriff, except as provided in Section 11-2A-4, the salary
 9 herein provided shall be the minimum compensation payable to
 10 the sheriff in lieu of any salary, expense allowance, or other
 11 compensation provided by law.

12 "(2) COUNTY COMMISSIONERS AND JUDGES OF PROBATE. The
 13 annual minimum compensation for county commissioners and
 14 judges of probate in Categories 1 and 2 shall be as provided
 15 by local law. Except as otherwise provided in this chapter and
 16 subject to the provisions of Section 11-2A-4, the annual
 17 compensation for county commissioners and judges of probate in
 18 Category 3 shall be increased by 20 percent effective October
 19 1, 2001, if the compensation including expense allowance of
 20 the office has not been increased by other general or local
 21 law during the period from October 1, 1996, to October 1,
 22 2001; the annual minimum compensation for county commissioners
 23 and judges of probate in Category 4 shall be that amount
 24 prescribed by general law on September 30, 2000, plus a 20
 25 percent increase; the annual minimum compensation for county

1 commissioners and judges of probate in Category 5 shall be
 2 that amount prescribed by general law on September 30, 2000,
 3 plus a 17 percent increase; and the annual minimum
 4 compensation for county commissioners and judges of probate in
 5 Category 6 shall be that amount prescribed by general law on
 6 September 30, 2000, plus a 15 percent increase.

7 " (3) TAX ASSESSORS, TAX COLLECTORS, REVENUE
 8 COMMISSIONERS, LICENSE COMMISSIONERS, AND ELECTED ASSISTANT
 9 TAX COLLECTORS OR ASSESSORS.

10 "a. On and after June 1, 2000, each county
 11 commission is authorized to provide an expense allowance to
 12 the tax assessor, tax collector, revenue commissioner, license
 13 commissioner, elected assistant tax assessor, and elected
 14 assistant tax collector in amounts not to exceed ten thousand
 15 dollars (\$10,000) per annum . The expense allowance may be
 16 phased in over a two-year period as determined by the county
 17 commission. At the beginning of the official's next term of
 18 office following the provision of the expense allowance
 19 authorized herein, the expense allowance shall be included in
 20 the base salary of the official and the expense allowance
 21 thereupon voided. Deductions from the expense allowances
 22 provided under this chapter shall be made for supernumerary
 23 programs, the State Employees Retirement System, or other
 24 retirement programs as provided by law, the same as if the
 25 expense allowances were salary. Notwithstanding the above, in

1 Category 3, an expense allowance for any official covered by
2 this subdivision shall be provided in the amount of ten
3 thousand dollars (\$10,000) per annum effective October 1,
4 2001, if compensation for the office has not been increased by
5 other general or local law during the period from October 1,
6 1996, to October 1, 2001.

7 "b. Any increase in base salary or expense allowance
8 for a tax assessor, tax collector, revenue commissioner,
9 license commissioner, elected assistant tax assessor, or
10 elected assistant tax collector contained in any act passed in
11 the 1999 2nd Special Session of the Legislature or any other
12 act passed in the 2000 Regular Session shall be credited
13 against any expense allowance provided under this subdivision,
14 so that the total increase in compensation for a tax assessor,
15 tax collector, revenue commissioner, license commissioner,
16 elected assistant tax assessor, and elected assistant tax
17 collector does not exceed ten thousand dollars (\$10,000).

18 "(4) Any laws to the contrary notwithstanding, no
19 person holding supernumerary office shall be entitled to any
20 increases in compensation or expenses as a result of the
21 implementation of any salary adjustments provided for in this
22 chapter.

23 "(5) If implementation of the salaries in this act
24 increases the salary of an incumbent office holder, the
25 increase shall be paid as an expense allowance until the

1 beginning of the next term of office whereupon the amount of
2 the expense allowance shall be included in the base salary for
3 the office holder and the expense allowance shall be voided.
4 Deductions from the increase shall be made for supernumerary
5 programs as provided by law as if the increase were salary.
6 Notwithstanding the foregoing, a county shall pay the salary
7 increase during a term of office at the beginning of the next
8 fiscal year if payment of the increase is sanctioned by an
9 amendment to the Constitution of Alabama of 1901.

10 "(6) Notwithstanding this section or any other
11 provision of this chapter, the increases in fees under Section
12 12-19-90 provided for by Act 2000-108 shall not apply to any
13 county in Category 1 or 3 on June 1, 2000.

14 "(7) The local governing body of the county may, by
15 resolution, elect for the county to be exempt from the
16 provisions of this section and Section 11-2A-3 and the
17 increases in Section 12-19-90 provided for by Act 2000-108;
18 provided that the local governing body shall only be
19 authorized to exempt the county from all of the sections
20 referenced above, and provided further that the resolution is
21 adopted after June 1, 2000, but prior to October 1, 2000. Any
22 local governing body that exercises its authority under this
23 subsection may elect to have the county become subject to the
24 provisions referenced above by the adoption of a resolution

1 and the provisions shall become effective in the county on
2 September 30, next following the adoption of the resolution.

3 "§11-2A-7.

4 "(a) This chapter shall not be applicable to local
5 officials whose salaries, prior to March 8, 2000, are tied to
6 the salaries of any state elected officials nor shall this
7 chapter apply to local officials on a fee system of
8 compensation, except as provided in Section 11-2A-8. Any local
9 act in effect on October 1, 2000, providing compensation for a
10 local official in excess of the compensation authorized by
11 this chapter shall remain in full force and effect until
12 expressly amended or repealed by the Legislature.

13 "(b) The provisions of this chapter and Section
14 12-19-90 shall not be applicable in Barbour, Tuscaloosa,
15 Cullman, St. Clair, Pike, Henry, Coffee, Russell, Geneva,
16 Dale, or Fayette Counties unless first approved by resolution
17 of the respective county commission.

18 "(c) The provisions of Sections 11-2A-2 and 11-2A-3
19 shall not be applicable in Pickens County unless first
20 approved by resolution of the county commission.

21 "(d) Provided, however, that if any of the counties
22 listed in subsection (b) or (c) adopt a resolution after
23 October 1, 2000, to come under the provisions of this chapter
24 and the increases in fees under Section 12-19-90, as provided
25 in Act 2000-108, the provisions of Sections 11-2A-2 and

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1 11-2A-3, and the increases in fees under Section 12-19-90, as
2 provided in Act 2000-108, will not become effective in such
3 counties until the beginning of the next succeeding fiscal
4 year."

5 Section 2. Any county identified as a "Category 1"
6 county under the provisions of Section 11-2A-1, Code of
7 Alabama 1975, is exempt from the provisions of this act.

8 Section 3. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.

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Gene Hinson

President and Presiding Officer of the Senate

Robert H. Huff

Speaker of the House of Representatives

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Senate 15-MAR-2001
I hereby certify that the within Act originated in and passed
the Senate, as amended.

McDowell Lee
Secretary

House of Representatives
Amended and passed 17-MAY-2001

Senate concurred in House amendment 21-MAY-2001

By: Senator Dial

APPROVED 5-30-01
TIME 2:34pm
[Signature]
GOVERNOR
Alabama Secretary of State