

APA-1
07/04

TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION

Control No. 744 Department or Agency President of the Senate/Speaker of the House
Chapter 744-X-1

Rule Title: Reimbursement of Expenses of Legislators

X New _____ Amend _____ Repeal _____ Adopt by Reference _____

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? NO

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? NO

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have an economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer Kay Ivey
Date 10/29/14

(DATE FILED)
(STAMP)

APA-2
07/04

PRESIDENT OF THE SENATE/SPEAKER OF THE HOUSE

NOTICE OF INTENDED ACTION

AGENCY NAME: President of the Senate/Speaker of the House

RULE NO. & TITLE: Chapter 744-X-1, Reimbursement of Expenses of Legislators


INTENDED ACTION: Adopt rules to implement Amendment 871 of the Constitution of Alabama of 1901

SUBSTANCE OF PROPOSED ACTION: Adopting rules that provide for reimbursement of travel and other expenses of Members of the Legislature required by Amendment 871 of the Constitution of Alabama of 1901

TIME, PLACE, MANNER OF PRESENTING VIEWS: Comments may be sent to:
Office of the Lieutenant Governor
725 Alabama State House
Montgomery, AL 36130
Attention: Taylor Nichols

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
December 5, 2014

CONTACT PERSON AT AGENCY:
Taylor Nichols

Kay Ivey


NEW RULE

PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE ADMINISTRATIVE CODE

CHAPTER 744-X-1 REIMBURSEMENT OF EXPENSES OF LEGISLATORS

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744-X-1-.01 **Definitions.** In this chapter, the following words have the following meanings:

(1) **OFFICIAL BUSINESS.** Activity the Presiding Officer determines is official business. Except as otherwise determined by the Presiding Officer on a case by case basis, the term does not include the expenses of transportation to and from the residence of a member living more than 50 miles from the seat of government on consecutive days or multiple days during the same week if the cost of expenses of transportation would exceed the expenses of a single round trip of transportation plus the expenses of travel. In that case, the term includes only the lesser amount.

(2) **PRESIDING OFFICER.** The President of the Senate, with respect to the Members of the Senate, and the Speaker of the House of Representatives, with respect to the Members of the House of Representatives.

Author: Taylor Nichols

Statutory Authority: Amendment 871 to the Constitution of Alabama of 1901

History: New Rule: Filed October 29, 2014

744-X-1-.02 **Reimbursement For Travel Expenses.** Members of the Senate and Members of the House of Representatives shall be reimbursed for travel on official business pursuant to the following rules:

(1) Reimbursement shall be made only for travel outside the district of the Member that is approved by the Presiding Officer and determined to be on official business in the service of the state.

(2) Except as otherwise provided in this rule or by law other than this rule:

(a) Reimbursement shall be in the same amount or at the same rate as a state employee traveling in the service of the state for similar travel.

(b) Reimbursements shall be governed by the procedures set forth in Section 5(F)(1) of Chapter 6 of the Fiscal Policy and Procedures Manual of the Department of Finance and shall be processed in the same manner as for state employees generally.

(3) Except for transportation expenses, no reimbursement may be made for travel between the residence of the member and the seat of government for a member who lives less than 50 miles from the seat of government.

Author: Taylor Nichols

Statutory Authority: Amendment 871 to the Constitution of Alabama of 1901

History: New Rule: Filed October 29, 2014

744-X-1-.03 **Reimbursement For Expenses Other Than Travel Expenses.** Members of the Senate and Members of the House of Representatives shall be reimbursed for actual expenses incurred in the performance of their official duties pursuant to the following rules:

(1) Prior to the expense being incurred, the appropriate Presiding Officer determines the expense will be incurred in the performance of official duties and approves the expense.

(2) The voucher for reimbursement is signed or authenticated by the Member, or the duly authorized agent of the Member, who shall attest that the contents of the voucher are a true and accurate representation of the expense.

Author: Taylor Nichols

Statutory Authority: Amendment 871 to the Constitution of Alabama of 1901

History: New Rule: Filed October 29, 2014

744-X-1-.04 **Approval And Payment Of Reimbursement.** The approval or disapproval of reimbursement under this chapter shall be made in a timely manner. A Presiding Officer may not discriminate between Members of the Legislature in the approval or timely reimbursement of expenses pursuant to this chapter.

Author: Taylor Nichols

Statutory Authority: Amendment 871 to the Constitution of Alabama of 1901

History: New Rule: Filed October 29, 2014