

1 HB292
2 190093-1
3 By Representative Poole (Constitutional Amendment)
4 RFD: Fiscal Responsibility
5 First Read: 25-JAN-18

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8 SYNOPSIS: Currently, the state legislature meets
9 annually in regular session for all legislative
10 matters including annual budgets for all funds of
11 the state.

12 This bill proposes an amendment to the
13 Constitution of Alabama of 1901 to provide for
14 annual general sessions of the legislature for
15 non-budgetary matters and for fiscal sessions of
16 the legislature for revenue and for appropriation
17 bills for a biennial budget period for all funds of
18 the state; to repeal Amendment 339 to the
19 Constitution of Alabama of 1901, now appearing as
20 Section 76 of Article IV of the Official
21 Recompilation of the Constitution of 1901, as
22 amended; and to repeal Amendment 448 to the
23 Constitution of Alabama of 1901, now appearing as
24 Section 71.01 of Article IV of the Official
25 Recompilation of the Constitution of Alabama of
26 1901, as amended.
27

1 A BILL
2 TO BE ENTITLED
3 AN ACT
4

5 To propose an amendment to the Constitution of
6 Alabama of 1901, in order to provide for annual general
7 sessions of the legislature for non-budgetary matters and for
8 fiscal sessions of the legislature for revenue and/or for
9 appropriation bills for a biennial budget period for all funds
10 of the state; to repeal Amendment 339 of the Constitution of
11 Alabama 1901 now appearing as Section 76 of Article IV of the
12 Official Recompilation of the Constitution of 1901, as
13 amended; and to repeal Amendment 448 to the Constitution of
14 Alabama of 1901, now appearing as Section 71.01 of Article IV
15 of the Official Recompilation of the Constitution of Alabama
16 of 1901.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. The following amendment to the
19 Constitution of Alabama of 1901, as amended, is proposed and
20 shall become valid as a part thereof when approved by a
21 majority of the qualified electors voting thereon and in
22 accordance with Sections 284, 285, and 287 of the Constitution
23 of Alabama of 1901, as amended:

24 PROPOSED AMENDMENT

25 Section I. Beginning in the calendar year 2019,
26 general sessions of the legislature shall be held annually
27 beginning on the fourth Tuesday in January, or on such other

1 day as may be prescribed by law, and shall be limited to 20
2 legislative days and 70 calendar days. While in general
3 session, the legislature may consider any bill or resolution
4 other than bills making appropriations.

5 Beginning in the calendar year 2019, fiscal sessions
6 of the legislature shall be held annually following the
7 regular session, on the second Tuesday in April or other such
8 day as may be prescribed by law, and shall be limited to 12
9 legislative days and 35 calendar days. While in fiscal
10 session, the legislature shall consider only bills making
11 basic appropriations for the two succeeding fiscal years or
12 amending such bills as the Legislature shall determine. The
13 basic appropriations in these bills shall be itemized and
14 totaled for each fiscal year of the biennial budget period.
15 Accounting shall continue to be maintained on a fiscal year
16 basis.

17 Special sessions of the legislature convened in the
18 manner provided by this Constitution shall be limited to 12
19 legislative days and 30 calendar days.

20 A local law which applies to any political
21 subdivision or subdivisions of the state less than the whole
22 may be considered during any general, fiscal, or special
23 sessions.

24 The salary of no officer or employee shall be
25 increased in bills making basic appropriations, nor shall any
26 appropriation be made therein for any officer or employee
27 unless his employment and the amount of his salary have

1 already been prescribed by law. All other appropriations shall
2 be made by separate bills, each embracing but one subject.

3 The term "basic appropriations" means, with respect
4 to any fiscal session of the legislature, such appropriations
5 as the legislature may deem appropriate for the expenditures
6 by the state during the two succeeding fiscal years that
7 constitute the budget period for the ordinary expenses of the
8 executive, legislative, and judicial departments of the state,
9 for payment of the public debt, and for education.

10 On or before the second Tuesday in March, or other
11 such day as may be prescribed by law, in advance of the first
12 legislative day of each fiscal session of the legislature,
13 beginning with the first fiscal session after January 1, 2019,
14 the governor shall transmit to the legislature for its
15 consideration a proposed budget containing the appropriate
16 subjects of appropriation for the two succeeding fiscal years
17 that constitute the ensuing biennial budget period.

18 It is the paramount duty of the legislature in each
19 fiscal session to pass a bill containing the basic
20 appropriations for the two years that constitute the
21 succeeding budget period. The Legislature shall prescribe by
22 law for passing basic appropriations for the ordinary expenses
23 of the executive, legislative, and judicial departments of the
24 state, in annual fiscal sessions held in even-numbered
25 calendar years, and for passing basic appropriations for
26 education in annual fiscal sessions held in odd-numbered
27 calendar years. These bills may contain payments for interest

1 on the public debt as the legislature shall prescribe by law.
2 Appropriations made from the Education Trust Fund shall be for
3 educational purposes only. Nothing contained herein shall be
4 construed as requiring the legislature to make any
5 appropriation not otherwise required by this Constitution to
6 be made, nor prohibiting the Legislature from amending any
7 bill making appropriations in fiscal session. The Governor may
8 convene the Legislature in special session in the manner
9 provided by this constitution should an emergency
10 appropriation situation exist.

11 Section II. Amendment 339 of the Constitution of
12 Alabama 1901, now appearing as Section 76 of Article IV of the
13 Official Recompilation of the Constitution of 1901, as amended
14 and Amendment 448 to the Constitution of Alabama of 1901, now
15 appearing as Section 71.01 of Article IV of the Official
16 Recompilation of the Constitution of Alabama of 1901, as
17 amended, are repealed.

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

24 Section 3. The appropriate election official shall
25 assign a ballot number for the proposed constitutional
26 amendment on the election ballot and shall set forth the

1 following description of the substance or subject matter of
2 the proposed constitutional amendment:

3 "Proposing an amendment to the Constitution of
4 Alabama of 1901, to provide for annual general and fiscal
5 sessions of the legislature for biennial budgeting purposes
6 and to repeal Amendment 339 of the Constitution of Alabama of
7 1901, now appearing as Section 76 of Article IV of the
8 Official Recompilation of the Constitution of 1901, as amended
9 and Amendment 448 to the Constitution of Alabama of 1901, now
10 appearing as Section 71.01 of Article IV of the Official
11 Recompilation of the Constitution of Alabama of 1901, as
12 amended.

13 "Proposed by Act _____."

14 This description shall be followed by the following
15 language:

16 "Yes () No ()."