

1 SB7
2 179159-2
3 By Senator Ward (Constitutional Amendment)
4 RFD: Tourism and Marketing
5 First Read: 15-AUG-16

SYNOPSIS: This bill would propose an amendment to Amendment 448 to the Constitution of Alabama of 1901, now appearing as Section 71.01 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, to ratify, approve, validate, and confirm the application of any budget isolation resolution adopted by the Legislature before November 8, 2016.

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to Amendment 448 to the Constitution of Alabama of 1901, now appearing as Section 71.01 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, to ratify, approve, validate, and confirm the application of any budget isolation resolution relating to a bill proposing a local law adopted by the Legislature before November 8, 2016.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. The following amendment to the
3 Constitution of Alabama of 1901, as amended, is proposed and
4 shall become valid as a part thereof when approved by a
5 majority of the qualified electors voting thereon and in
6 accordance with Sections 284, 285, and 287 of the Constitution
7 of Alabama of 1901, as amended:

8 PROPOSED AMENDMENT

9 Amendment 448 of the Constitution of Alabama of
10 1901, is amended to read as follows:

11 "Amendment 448.

12 "(A) The following words and phrases, whenever used
13 in this amendment, shall have the following respective
14 meanings:

15 "\"Basic Appropriations\" means, with respect to any
16 regular session of the legislature, such appropriations as the
17 legislature may deem appropriate for the expenditures by the
18 state during the ensuing budget period for the ordinary
19 expenses of the executive, legislative and judicial
20 departments of the state, for payment of the public debt, and
21 for education (excluding, however, any item within the scope
22 of the foregoing that is at the time provided for by a
23 continuing appropriation or otherwise).

24 "\"Budget Period\" means a fiscal year of the state or
25 such period other than [a] fiscal year as may hereafter be
26 fixed by law as the period with respect to which state budgets
27 are prepared and state appropriations are made.

1 "(B) On or before the second legislative day of each
2 regular session of the legislature, beginning with the first
3 regular session after January 1, 1983, the governor shall
4 transmit to the legislature for its consideration a proposed
5 budget for the then next ensuing budget period.

6 "(C) The duty of the legislature at any regular
7 session to make the basic appropriations for any budget period
8 that will commence before the first day of any succeeding
9 regular session shall be paramount; and, accordingly,
10 beginning with the first regular session held after January 1,
11 1983, no bill (other than a bill making any of the basic
12 appropriations) shall be signed by either the presiding
13 officer of the house or senate and transmitted to the other
14 house until bills making the basic appropriations for the then
15 ensuing budget period shall have been signed by the presiding
16 officer of each house of the legislature in accordance with
17 Section 66 of this Constitution and presented to the governor
18 in accordance with Section 125 of this Constitution; provided,
19 that this paragraph (C) shall not affect the adoption of
20 resolutions or the conduct of any other legislative functions
21 that do not require a third reading; and provided further,
22 that following adoption, by vote of either house of not less
23 than three-fifths of a quorum present, of a resolution
24 declaring that the provisions of this paragraph (C) shall not
25 be applicable in that house to a particular bill, which shall
26 be specified in said resolution by number and title, the bill
27 so specified may proceed to final passage therein.

1 "(D) Any resolution authorizing the consideration of
2 a bill proposing a local law may be adopted by three-fifths
3 majority of the members present and voting, a quorum being
4 present. Any resolution authorized by this amendment and
5 adopted before November 8, 2016, which conforms to this
6 paragraph, as amended, is ratified, approved, validated, and
7 confirmed and the application of any such resolution is
8 effective from the date of original adoption.

9 "(E) Upon the signing and presentation to the
10 governor in accordance with the said Sections 66 and 125 of
11 bills making the basic appropriations, the provisions of the
12 foregoing paragraph (C) prohibiting the final passage of bills
13 in the house and senate (other than bills making any part of
14 the basic appropriations) shall cease to be effective and
15 shall not be revived or become again effective as a result of
16 (i) the subsequent legislative history of any bill so signed
17 and presented, including any veto, return with executive
18 amendment, or any other action, or failure to act, by either
19 the governor or the legislature under the provisions of the
20 said Section 125; or (ii) a determination, by either judicial
21 decree or opinion of the justices of the Alabama Supreme
22 Court, that any bill so signed and presented is wholly or in
23 part invalid.

24 "(F) The legislature may, by statute or rule, make
25 such further provisions for the timely passage of bills making
26 the basic appropriations as are not inconsistent with the
27 provisions of this Constitution.

1 "(G) Nothing contained herein shall be construed as
2 requiring the legislature to make any appropriation not
3 otherwise required by this Constitution to be made.

4 "(H) Notwithstanding the provisions of this
5 amendment, any resolution adopted prior to November 8, 2016,
6 is ratified, approved, validated, and confirmed and the
7 application of any such resolution is effective from the date
8 of its original adoption."

9 Section 2. An election upon the proposed amendment
10 shall be held in accordance with Sections 284 and 285 of the
11 Constitution of Alabama of 1901, now appearing as Sections 284
12 and 285 of the Official Recompilation of the Constitution of
13 Alabama of 1901, as amended, and the election laws of this
14 state.

15 Section 3. The appropriate election official shall
16 assign a ballot number for the proposed constitutional
17 amendment on the election ballot and shall set forth the
18 following description of the substance or subject matter of
19 the proposed constitutional amendment:

20 "Proposing an amendment to the Constitution of
21 Alabama of 1901, to amend Amendment 448 to the Constitution of
22 Alabama of 1901, now appearing as Section 71.01 of the
23 Official Recompilation of the Constitution of Alabama of 1901,
24 as amended, to stipulate that any resolution adopted to allow
25 for the consideration of a bill proposing a local law before
26 the enactment of annual state appropriation legislation be
27 approved by a three-fifths majority of the members present and

1 voting and to ratify, approve, validate, and confirm the
2 application of any budget isolation resolution relating to a
3 bill proposing a local law adopted by the Legislature before
4 November 8, 2016.

5 "Proposed by Act _____."

6 This description shall be followed by the following
7 language:

8 "Yes () No ()."