

1 SB35
2 170932-5
3 By Senator Bussman (Constitutional Amendment)
4 RFD: Finance and Taxation General Fund
5 First Read: 03-AUG-15

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8 SYNOPSIS: Under Section 71 of the Constitution of
9 Alabama of 1901, the general appropriation bill is
10 limited to appropriations for the ordinary expenses
11 of the executive, legislative, and judicial
12 departments of the state, for interest on the
13 public debt, and for the public schools. The courts
14 have construed this language to not allow
15 appropriations for postsecondary education in the
16 general appropriation bill.

17 This bill would amend Section 71 to provide
18 that the general appropriation bill includes
19 appropriations for ordinary expenses of public
20 education rather than public schools, thereby
21 allowing appropriations for postsecondary education
22 in the general appropriation bill. The bill would
23 also require at least 54 percent of the
24 appropriation of all state funds in the general
25 appropriation bill to be for public education and
26 limit the appropriation to the Medicaid Program and
27 the Department of Corrections to 15 and 4.5

1 percent, respectively, of the total appropriations
2 of all state funds. The maximum limits could be
3 exceeded by a three-fifths vote of the elected
4 members of each house. The amendment would also
5 repeal the Education Trust Fund Rolling Reserve
6 Act.

7
8 A BILL
9 TO BE ENTITLED
10 AN ACT
11

12 Proposing an amendment to Section 71 the
13 Constitution of Alabama of 1901, relating to the general
14 appropriation bill; to authorize the general appropriation
15 bill to contain appropriations for postsecondary education; to
16 require the appropriation of at least 54 percent of the total
17 appropriations of all state funds in the general appropriation
18 bill for public education; to limit the appropriation to the
19 Alabama Medicaid Agency to 15 percent of the total
20 appropriations of all state funds; to limit the appropriation
21 to the Alabama Department of Corrections to four and one half
22 percent of the total appropriations of all state funds; to
23 provide that the maximum limits may be exceeded only if the
24 appropriations bill is passed with an affirmative vote of
25 three-fifths of the elected members of each house of the
26 Legislature; and would repeal the Education Trust Fund Rolling
27 Reserve Act.

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 Section 71 of the Constitution of Alabama of 1901,
10 is amended to read as follows:

11 "Section 71. (a) The general appropriation bill
12 shall embrace nothing but appropriations for the ordinary
13 expenses of the executive, legislative, and judicial
14 departments of the state, for interest on the public debt, and
15 for ~~the public schools~~ education.

16 "(b) Of the total appropriations of all state funds
17 in a general appropriation bill:

18 "(1) At least 54 percent shall be for public
19 education.

20 "(2) No more than 15 percent shall be to the Alabama
21 Medicaid Agency.

22 "(3) No more than four and one half percent shall be
23 to the Alabama Department of Corrections.

24 "(c) The passage of the general appropriation bill
25 shall be by a majority of those present and voting, except a
26 general appropriation bill that appropriates more than that
27 allowed by subsection (b) (2) or (3) shall require an

1 affirmative vote of at least three-fifths of the elected
2 members of each house of the Legislature.

3 "(d) The salary of no officer or ~~employe~~ employee
4 shall be increased in such bill, nor shall any appropriation
5 be made therein for any officer or ~~employe~~ employee unless his
6 or her employment and the amount of his or her salary have
7 already been provided for by law. All other appropriations
8 shall be made by separate bills, each embracing but one
9 subject.

10 "(e) Any reference in any law to the Education Trust
11 Fund shall be deemed a reference to the General Fund. Chapter
12 9 (commencing with Section 29-9-1) of Title 29 of the Code of
13 Alabama 1975, the Education Trust Fund Rolling Reserve Act, is
14 repealed."

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

21 Section 3. The appropriate election official shall
22 assign a ballot number for the proposed constitutional
23 amendment on the election ballot and shall set forth the
24 following description of the substance or subject matter of
25 the proposed constitutional amendment:

26 "Proposing an amendment to the Constitution of
27 Alabama of 1901, to authorize the general appropriation bill

1 to contain appropriations for postsecondary education; to
2 require at least 52 percent of the total appropriations of all
3 state funds in the general appropriation bill to be for public
4 education; to limit the appropriations to the Alabama Medicaid
5 Agency in the general appropriation bill to 15 percent of the
6 total appropriations of all state funds made; to limit the
7 appropriations to the Alabama Department of Corrections in the
8 general appropriation bill to four and one half percent of the
9 total appropriations of all state funds made; to provide that
10 these percentages may not be complied with only if the
11 appropriations bill is passed with an affirmative vote of
12 three-fifths of the elected members of each house of the
13 Legislature; and to repeal the Education Trust Fund Rolling
14 Reserve Act.

15 "Proposed by Act _____."

16 This description shall be followed by the following
17 language:

18 "Yes () No ()."