

1 HB523
2 149761-2
3 By Representatives Givan, Scott, Robinson (O), McAdory and
4 Coleman-Evans (N & P)
5 RFD: Jefferson County Legislation
6 First Read: 02-APR-13

1
2 ENROLLED, An Act,

3 Relating to any Class 1 municipality; to amend
4 Sections 5.01 and 5.02, as amended by Act 792, 1973 Regular
5 Session (Acts 1973, p. 1206), and Sections 5.08 and 5.10 of
6 Act 452 of the 1955 Regular Session (Acts 1955, p. 1004),
7 providing a mayor-council form of government for cities having
8 a certain population; to adopt an ordinance that would permit
9 the city to adopt a fiscal year that begins on October 1 and
10 ends on September 30 and provide specifications for the
11 transition to a new fiscal year; to amend the deadlines for
12 submission of the budget proposal by the mayor and adoption of
13 the general fund budget by the council if the council adopts a
14 fiscal year that begins on October 1 and ends on September 30;
15 to provide that notice of the place and time of a public
16 hearing on the proposed budget for the upcoming fiscal year be
17 published at least once in a newspaper published and of
18 general circulation in the city at least seven days prior to
19 the hearing; and to confirm and ratify actions taken by any
20 Class 1 municipality in publishing the notices in a newspaper
21 that is not published daily prior to the effective date of
22 this act.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. This act shall apply in any Class 1
25 municipality.

1 Section 2. Sections 5.01 and 5.02, as amended by Act
2 792, 1973 Regular Session (Acts 1973, p. 1206), and Sections
3 5.08 and 5.10 of Act 452 of the 1955 Regular Session (Acts
4 1955, p. 1004), are amended to read as follows:

5 "Sec. 5.01. Fiscal year. The fiscal year of the city
6 government shall begin on the first day of July and shall end
7 on the last day of June of each calendar year. Such fiscal
8 year shall also constitute the budget and accounting year. As
9 used in this Act, the term "budget year" shall mean the fiscal
10 year for which any particular budget is adopted and in which
11 it is administered.

12 "Notwithstanding any provision herein, the council
13 may enact an ordinance declaring that the city adopts a fiscal
14 year that begins on the first day of October and ends on the
15 last day of September of the following calendar year. The
16 ordinance shall become effective on the first day after the
17 expiration of any fiscal year ending June 30 in which the
18 ordinance is adopted. The ordinance shall provide that in
19 order to change from a July 1 to June 30 fiscal year to an
20 October 1 to September 30 fiscal year, the city shall, on a
21 one-time basis, utilize a transitional financial reporting
22 period that extends, at the council's election, for a
23 three-month period beginning on July 1 and ending September 30
24 of that same calendar year, or for a 15-month period beginning

1 on July 1 and ending on September 30 of the following calendar
2 year.

3 "Sec. 5.02. Submission of budgets. On a day to be
4 fixed by the council but in no case later than the 20th day of
5 May in each year, the mayor shall submit to the council:

6 "(a) A separate current revenue and expense budget
7 for the general operation of the city government, to be known
8 as the "general fund budget";

9 "(b) a budget for each public utility owned and
10 operated by such city;

11 "(c) a capital budget; and

12 "(d) a budget message.

13 "When submitting the budgets to the council, the
14 mayor shall submit his or her recommendation of new sources of
15 revenue or manner of increasing existing sources of revenue,
16 sufficient to balance the budgets, if such additional revenue
17 is necessary to accomplish that purpose.

18 "If the council enacts the ordinance authorized by
19 Section 5.01, the mayor shall submit proposed budgets to the
20 council no later than August 20th of any period in which the
21 city's fiscal year is October 1 to September 30, or the August
22 20th immediately preceding the expiration of the transitional
23 financial reporting period selected by the council pursuant to
24 Section 5.01.

1 "Sec. 5.08. Publication of notice of public hearing.
2 At the meeting of the council at which the budget and budget
3 message are submitted, the council shall determine the place
4 and time of the public hearing on the budget, and shall cause
5 to be published a notice of the place and time, not less than
6 seven (7) days after the date of publication, at which the
7 council will hold a public hearing. Publication shall be made
8 at least once in a ~~daily~~ newspaper published in and ~~of~~ having
9 general circulation in the city. At the time and place so
10 advertised, or at anytime and place to which such public
11 hearing shall from time to time be adjourned, the council
12 shall hold a public hearing on the budget as submitted, at
13 which any citizen of the city shall be given an opportunity to
14 be heard, for or against the estimates or any item thereof.

15 "Sec. 5.10. Adoption of general fund budget. Not
16 later than the 20th day of ~~August~~ June of the current fiscal
17 year, the council by a majority vote shall adopt the general
18 fund budget, and such ordinances providing for additional
19 revenue as may be necessary to put the budget in balance. If
20 for any reason the council fails to adopt the general fund
21 budget on or before such day, the general fund budget of the
22 current fiscal year shall be the general fund budget for the
23 ensuing year, until such time as a newly revised budget shall
24 be adopted by the council, and, until such time, shall have
25 full force and effect to the same extent as if the same had

1 been adopted by the council, notwithstanding any thing to the
2 contrary in this Act.

3 "If the council enacts the ordinance authorized by
4 Section 5.01, the council shall adopt the general fund budget
5 by September 20th of any period in which the city's fiscal
6 year is October 1 to September 30, or the September 20th
7 immediately preceding the expiration of the transitional
8 financial reporting period selected by the council pursuant to
9 Section 5.01."

10 Section 3. Any actions taken by any Class 1
11 municipality, organized under Act 452 of the 1955 Regular
12 Session (Acts 1955, p. 1004), in providing for and publishing
13 a notice of a public hearing on the budget in any newspaper of
14 general circulation published in the city, but not published
15 on a daily basis, prior to the effective date of this act, are
16 ratified and confirmed.

17 Section 4. This act shall become effective
18 immediately following its passage and approval by the
19 Governor, or its otherwise becoming law.

