

1 SB47
2 146773-1
3 By Senators Brewbaker, Fielding, Scofield, Reed, Williams,
4 Marsh, Waggoner, Pittman, Allen and Taylor (Constitutional
5 Amendment)
6 RFD: Governmental Affairs
7 First Read: 05-FEB-13
8 PFD: 01/17/2013

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8 SYNOPSIS: Amendment 621 to the Constitution of
9 Alabama of 1901, now appearing as Section 111.05 of
10 the Official Recompilation of the Constitution of
11 Alabama of 1901, as amended, prohibits a general
12 law whose purpose or effect is to require a new or
13 increased expenditure of local funds from becoming
14 effective with regard to a local governmental
15 entity without enactment by a 2/3 vote unless: it
16 comes within one of a number of specified
17 exceptions; it is approved by the affected entity;
18 or the Legislature appropriates funds, or provides
19 a local source of revenue, to the entity for the
20 purpose.

21 This proposed amendment would remove the
22 exception for expenditures by a local board of
23 education.

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25 A BILL
26 TO BE ENTITLED
27 AN ACT

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2 Proposing an amendment to Amendment 621 to the
3 Constitution of Alabama of 1901, now appearing as Section
4 111.05 of the Official Recompilation of the Constitution of
5 Alabama of 1901, as amended, relating to unfunded mandates for
6 municipalities; to remove the exception for expenditures by a
7 local board of education.

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9 Section 1. The following amendment to the
10 Constitution of Alabama of 1901, as amended, is proposed and
11 shall become valid as a part thereof when approved by a
12 majority of the qualified electors voting thereon and in
13 accordance with Sections 284, 285, and 287 of the Constitution
14 of Alabama of 1901, as amended:

15 PROPOSED AMENDMENT

16 "Amendment 621.

17 "(a) No general law, or state executive order whose
18 purpose or effect is to require a new or increased expenditure
19 of funds held or disbursed by the governing body of a
20 municipality or county, or an instrumentality thereof, or a
21 city or county board of education shall become effective as to
22 any municipality or county, or an instrumentality thereof, or
23 a city or county board of education until approved by an
24 ordinance enacted, or a resolution adopted, by the governing
25 authority of the affected municipality, county, ~~or~~
26 instrumentality, or board of education or until, and only as
27 long as, the Legislature appropriates funds for the purpose to

1 the affected municipality, county, ~~or~~ instrumentality, or
2 board and only to the extent and amount that the funds are
3 provided, or until a law provides for a local source of
4 revenue within the municipality, county, ~~or~~ instrumentality,
5 or board for the stated purpose and the affected municipality,
6 county, ~~or~~ instrumentality, or board is authorized by
7 ordinance or resolution to levy and collect the revenue and
8 only to the extent and amount of the revenue.

9 "(b) This amendment shall not apply to:

10 "(1) A local law as defined in Article IV, Section
11 110, Constitution of Alabama 1901.

12 "~~(2) An act, state executive order requiring~~
13 ~~expenditures by a school board.~~

14 "(2) ~~(3)~~ An act defining a new crime or amending the
15 definition of an existing crime.

16 "(3) ~~(4)~~ An act, statute, executive order enacted,
17 promulgated, or adopted and effective prior to ~~the~~
18 ~~ratification of this amendment~~ January 6, 1999, which by its
19 provisions requires expenditures by the county or municipality
20 at any time after ~~the effective date of this amendment~~ that
21 date.

22 "(4) ~~(5)~~ An act enacted, or state executive order
23 promulgated or adopted to comply with a federal mandate, only
24 to the extent of the federal mandate.

25 "(5) ~~(6)~~ An act adopted or enacted by two-thirds of
26 those voting in each house of the Legislature and any rule or

1 regulation adopted to implement that act or adopted pursuant
2 thereto.

3 "(6) ~~(7)~~ An act determined by the Legislative Fiscal
4 Office to have an aggregate insignificant fiscal impact on
5 affected municipalities, counties, ~~or~~ instrumentalities, or
6 boards. For purposes of this subsection, the phrase "aggregate
7 insignificant fiscal impact" shall mean any impact less than
8 \$50,000 annually.

9 "(7) ~~(8)~~ An act of general application prescribing
10 the minimum compensation for public officials.

11 "(c) For the purposes of this amendment, the phrase
12 board of education shall include the Alabama Institute for
13 Deaf and Blind, the Alabama School of Fine Arts, and the
14 Alabama High School of Mathematics and Science."

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 prohibit a general law, whose purpose or

1 effect is to require a new or increased expenditure of at
2 least \$50,000 of local funds annually, from becoming effective
3 with regard to a city or county board of education without
4 enactment by a 2/3 vote.

5 "Proposed by Act _____."

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

8 "Yes () No ()."