

1 SB67
2 151234-2
3 By Senator Brewbaker (Constitutional Amendment)
4 RFD: Education
5 First Read: 05-FEB-13
6 PFD: 01/30/2013

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Proposing an amendment to Amendment 621 to the
12 Constitution of Alabama of 1901, now appearing as Section
13 111.05 of the Official Recompilation of the Constitution of
14 Alabama of 1901, as amended, relating to unfunded mandates for
15 municipalities; to remove the exception for expenditures by a
16 local board of education.

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 "Amendment 621.

26 "(a) No general law, or state executive order whose
27 purpose or effect is to require a new or increased expenditure

1 of funds held or disbursed by the governing body of a
2 municipality or county, or an instrumentality thereof, or a
3 city or county board of education shall become effective as to
4 any municipality or county, or an instrumentality thereof, or
5 a city or county board of education until approved by an
6 ordinance enacted, or a resolution adopted, by the governing
7 authority of the affected municipality, county, ~~or~~
8 instrumentality, or board of education or until, and only as
9 long as, the Legislature appropriates funds for the purpose to
10 the affected municipality, county, ~~or~~ instrumentality, or
11 board and only to the extent and amount that the funds are
12 provided, or until a law provides for a local source of
13 revenue within the municipality, county, ~~or~~ instrumentality,
14 or board for the stated purpose and the affected municipality,
15 county, ~~or~~ instrumentality, or board is authorized by
16 ordinance or resolution to levy and collect the revenue and
17 only to the extent and amount of the revenue.

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

19 "(1) A local law as defined in Article IV, Section
20 110, Constitution of Alabama 1901.

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

23 "(2) ~~(3)~~ An act defining a new crime or amending the
24 definition of an existing crime.

25 "(3) ~~(4)~~ An act, statute, executive order enacted,
26 promulgated, or adopted and effective prior to ~~the~~
27 ~~ratification of this amendment~~ January 6, 1999, which by its

1 provisions requires expenditures by the county or municipality
2 at any time after ~~the effective date of this amendment~~ that
3 date.

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

7 "(5) ~~(6)~~ An act adopted or enacted by two-thirds of
8 those voting in each house of the Legislature and any rule or
9 regulation adopted to implement that act or adopted pursuant
10 thereto.

11 "(6) ~~(7)~~ An act determined by the Legislative Fiscal
12 Office to have an aggregate insignificant fiscal impact on
13 affected municipalities, counties, ~~or~~ instrumentalities, or
14 boards. For purposes of this subsection, the phrase "aggregate
15 insignificant fiscal impact" shall mean any impact less than
16 \$50,000 annually.

17 "(7) ~~(8)~~ An act of general application prescribing
18 the minimum compensation for public officials.

19 "(8) An act, statute, administrative rule, or other
20 provision or portion thereof addressing compensation,
21 benefits, or due process of any employee of a board education.

22 "(c) For the purposes of this amendment, the phrase
23 board of education shall include the Alabama Institute for
24 Deaf and Blind, the Alabama School of Fine Arts, and the
25 Alabama High School of Mathematics and Science."

26 Section 2. An election upon the proposed amendment
27 shall be held in accordance with Sections 284 and 285 of the

1 Constitution of Alabama of 1901, now appearing as Sections 284
2 and 285 of the Official ReCompilation of the Constitution of
3 Alabama of 1901, as amended, and the election laws of this
4 state.

5 Section 3. The appropriate election official shall
6 assign a ballot number for the proposed constitutional
7 amendment on the election ballot and shall set forth the
8 following description of the substance or subject matter of
9 the proposed constitutional amendment:

10 "Proposing an amendment to the Constitution of
11 Alabama of 1901, to prohibit a general law, whose purpose or
12 effect is to require a new or increased expenditure of at
13 least \$50,000 of local funds annually, from becoming effective
14 with regard to a city or county board of education without
15 enactment by a 2/3 vote.

16 "Proposed by Act _____."

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

19 "Yes () No ()."

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Senate

Read for the first time and referred to the Senate
committee on Education..... 05-FEB-13

Read for the second time and placed on the calen-
dar 2 amendments..... 21-FEB-13

Read for the third time and passed as amended 02-APR-13

Yeas 33
Nays 0

Patrick Harris
Secretary