

1 SB7

2 154176-1

3 By Senator Brewbaker (Constitutional Amendment)

4 RFD: Education

5 First Read: 14-JAN-14

6 PFD: 06/25/2013

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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.

24  
25 A BILL

26 TO BE ENTITLED

27 AN ACT

1  
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                 "(8) An act, statute, administrative rule, or other  
12 provision or portion thereof addressing compensation,  
13 benefits, or due process of any employee of a board education.

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

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

24                 Section 3. The appropriate election official shall  
25 assign a ballot number for the proposed constitutional  
26 amendment on the election ballot and shall set forth the

1 following description of the substance or subject matter of  
2 the proposed constitutional amendment:

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

9 "Proposed by Act \_\_\_\_\_."

10 This description shall be followed by the following  
11 language:

12 "Yes ( ) No ( )."