

1 HB59
2 180306-1
3 By Representative Johnson (R)
4 RFD: Judiciary
5 First Read: 07-FEB-17
6 PFD: 01/25/2017

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8 SYNOPSIS: This bill would prohibit the possession or
9 sale of sky lanterns, which are defined as
10 free-floating luminary lanterns with an open flame
11 inside. A violation would be a criminal violation
12 punishable by a fine not to exceed \$200.

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

26 The purpose or effect of this bill would be
27 to require a new or increased expenditure of local

1 funds within the meaning of the amendment. However,
2 the bill does not require approval of a local
3 governmental entity or enactment by a 2/3 vote to
4 become effective because it comes within one of the
5 specified exceptions contained in the amendment.

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to fire safety; to prohibit the possession
12 or sale of sky lanterns; to provide penalties; and in
13 connection therewith would have as its purpose or effect the
14 requirement of a new or increased expenditure of local funds
15 within the meaning of Amendment 621 of the Constitution of
16 Alabama of 1901, now appearing as Section 111.05 of the
17 Official Recompilation of the Constitution of Alabama of 1901,
18 as amended.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. (a) For the purpose of this section, a
21 "sky lantern" means an unmanned self-contained free-floating
22 luminary device requiring an open flame underneath, such as a
23 candle, for propulsion.

24 (b) It shall be unlawful to possess, sell at retail,
25 offer to sell at retail, distribute, or give away a sky
26 lantern in this state.

1 (c) A violation of this section is a criminal
2 violation punishable pursuant to Section 13A-5-12, Code of
3 Alabama 1975.

4 Section 2. Although this bill would have as its
5 purpose or effect the requirement of a new or increased
6 expenditure of local funds, the bill is excluded from further
7 requirements and application under Amendment 621 because the
8 bill defines a new crime or amends the definition of an
9 existing crime.

10 Section 3. This act shall become effective on the
11 first day of the third month following its passage and
12 approval by the Governor, or its otherwise becoming law.