

1 HB197  
2 173507-1  
3 By Representative Poole (Constitutional Amendment)  
4 RFD: Ways and Means Education  
5 First Read: 11-FEB-16



1 AN ACT

2  
3 To propose an amendment to the Constitution of  
4 Alabama of 1901, in order to provide for annual regular  
5 sessions of the legislature for non-budgetary matters and for  
6 fiscal sessions of the legislature for appropriations bills  
7 for a biennial budget period for all funds of the state and to  
8 repeal Amendment 339 of the Constitution of Alabama 1901 now  
9 appearing as Section 76 of Article IV of the Official  
10 Recompilation of the Constitution of 1901, as amended and  
11 Amendment 448 to the Constitution of Alabama of 1901, now  
12 appearing as Section 71.01 of Article IV of the Official  
13 Recompilation of the Constitution of Alabama of 1901.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. The following amendment to the  
16 Constitution of Alabama of 1901, as amended, is proposed and  
17 shall become valid as a part thereof when approved by a  
18 majority of the qualified electors voting thereon and in  
19 accordance with Sections 284, 285, and 287 of the Constitution  
20 of Alabama of 1901, as amended:

21 PROPOSED AMENDMENT

22 Section I. Beginning in the calendar year 2017,  
23 regular sessions of the legislature shall be held annually  
24 beginning on the last Tuesday in January, or on such other day  
25 as may be prescribed by law, and shall be limited to 20  
26 legislative days and 70 calendar days. While in regular

1 session, the legislature may consider any bill or resolution  
2 other than bills making appropriations.

3 Beginning in the calendar year 2017, fiscal sessions  
4 of the legislature shall be held annually following the  
5 regular session, on the fourth Tuesday in April or other such  
6 day as may be prescribed by law, and shall be limited to 12  
7 legislative days and 30 calendar days. While in fiscal  
8 session, the legislature shall consider only bills making  
9 basic appropriations for the two succeeding fiscal years or  
10 amending such bills as the Legislature shall determine. The  
11 basic appropriations in these bills shall be itemized and  
12 totaled for each fiscal year of the biennial budget period.  
13 Accounting shall continue to be maintained on a fiscal year  
14 basis.

15 Special sessions of the legislature convened in the  
16 manner provided by this Constitution shall be limited to 12  
17 legislative days and 30 calendar days.

18 The salary of no officer or employee shall be  
19 increased in bills making basic appropriations, nor shall any  
20 appropriation be made therein for any officer or employee  
21 unless his employment and the amount of his salary have  
22 already been prescribed by law. All other appropriations shall  
23 be made by separate bills, each embracing but one subject.

24 The term "basic appropriations" means, with  
25 respect to any fiscal session of the legislature, such  
26 appropriations as the legislature may deem appropriate for the  
27 expenditures by the state during the two succeeding fiscal

1 years that constitute the budget period for the ordinary  
2 expenses of the executive, legislative, and judicial  
3 departments of the state, for payment of the public debt, and  
4 for education.

5 On or before the seventh day in advance of the first  
6 legislative day of each fiscal session of the legislature,  
7 beginning with the first fiscal session after January 1, 2017,  
8 the governor shall transmit to the legislature for its  
9 consideration a proposed budget containing the appropriate  
10 subjects of appropriation for the two succeeding fiscal years  
11 that constitute the ensuing biennial budget period.

12 It is the paramount duty of the legislature in each  
13 fiscal session to pass a bill containing the basic  
14 appropriations for the two years that constitute the  
15 succeeding budget period. The Legislature shall prescribe by  
16 law for passing basic appropriations for the ordinary expenses  
17 of the executive, legislative, and judicial departments of the  
18 state, in annual fiscal sessions held in even-numbered  
19 calendar years, and for passing basic appropriations for  
20 education in annual fiscal sessions held in odd-numbered  
21 calendar years. These bills may contain payments for interest  
22 on the public debt as the legislature shall prescribe by law.  
23 Appropriations made from the Education Trust Fund shall be for  
24 educational purposes only. Nothing contained herein shall be  
25 construed as requiring the legislature to make any  
26 appropriation not otherwise required by this Constitution to

1 be made, nor prohibiting the Legislature from amending any  
2 bill making appropriations in fiscal session.

3 Section II. Amendment 339 of the Constitution of  
4 Alabama 1901, now appearing as Section 76 of Article IV of the  
5 Official Recompilation of the Constitution of 1901, as amended  
6 and Amendment 448 to the Constitution of Alabama of 1901, now  
7 appearing as Section 71.01 of Article IV of the Official  
8 Recompilation of the Constitution of Alabama of 1901, as  
9 amended, are repealed.

10 Section 2. An election upon the proposed amendment  
11 shall be held in accordance with Sections 284 and 285 of the  
12 Constitution of Alabama of 1901, now appearing as Sections 284  
13 and 285 of the Official Recompilation of the Constitution of  
14 Alabama of 1901, as amended, and the election laws of this  
15 state.

16 Section 3. The appropriate election official shall  
17 assign a ballot number for the proposed constitutional  
18 amendment on the election ballot and shall set forth the  
19 following description of the substance or subject matter of  
20 the proposed constitutional amendment:

21 "Proposing an amendment to the Constitution of  
22 Alabama of 1901, to provide for annual regular and fiscal  
23 sessions of the legislature for biennial budgeting purposes  
24 and to repeal Amendment 339 of the Constitution of Alabama  
25 1901, now appearing as Section 76 of Article IV of the  
26 Official Recompilation of the Constitution of 1901, as amended  
27 and Amendment 448 to the Constitution of Alabama of 1901, now

1 appearing as Section 71.01 of Article IV of the Official  
2 Recompilation of the Constitution of Alabama of 1901, as  
3 amended.

4 "Proposed by Act \_\_\_\_\_."

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

7 "Yes ( ) No ( )."