

1 HB297  
2 197096-1  
3 By Representative Poole  
4 RFD: Fiscal Responsibility  
5 First Read: 02-APR-19

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8 SYNOPSIS: In order to further provide for efficient  
9 and effective budgeting of the revenues of the  
10 state, this bill amends the Department of Finance  
11 Division of The Budget Management Act of 1976 so as  
12 to provide for biennial budget periods, annual  
13 fiscal accounting, and performance review.  
14 Provision is made for the State General Fund and  
15 the Education Trust Fund biennial budgets to be  
16 considered on alternate years, enrolling sufficient  
17 financial detail into each budget so as to  
18 adequately define each source of revenue and totals  
19 for each budgeted program, cost center, and line  
20 item in each budget and the entire appropriation  
21 bill by each source of revenue, and to further  
22 provide for performance review of the state  
23 agencies, departments, boards, bureaus, and  
24 institutions of the state. This bill becoming law  
25 is contingent upon the constitutional amendment  
26 proposed by HB \_\_\_ providing for biennial budgeting  
27 sessions of the legislature and its approval in a

1 statewide referendum as is provided for in law  
2 governing such election.

3  
4 A BILL  
5 TO BE ENTITLED  
6 AN ACT

7  
8 To amend Section 41-4-3.1, Code of Alabama 1975,  
9 regarding monthly financial reports by the Department of  
10 Finance; Sections 41-4-82 and 41-4-83, Code of Alabama 1975,  
11 regarding the Department of Finance Division of the Budget;  
12 and Sections 41-19-1, 41-19-3 through 41-19-8, and 41-19-10  
13 through 41-19-12, Code of Alabama 1975, regarding The Budget  
14 Management Act of 1976, so as to provide for biennial  
15 budgeting by the State of Alabama and to further provide for  
16 performance review of entities funded by the State of Alabama.  
17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. Section 41-4-3.1, 41-4-82, 41-4-83,  
19 41-19-1, 41-19-3 through 41-19-8, and 41-19-10 through  
20 41-19-12, Code of Alabama 1975, are hereby amended to read as  
21 follows:

22 "§41-4-3.1.

23 "(a) The Alabama Department of Finance shall produce  
24 monthly financial reports. It is the intent of the Legislature  
25 that the monthly reports shall increase the transparency of  
26 state finances and, when conditions emerge that make budget  
27 proration likely, provide advance notice to the affected

1 agencies of government so that they can prepare as much as  
2 possible for its impact on their operations.

3 "(b) The monthly reports shall provide information  
4 on at least the State General Fund and the Education Trust  
5 Fund and may include such other major state funds as the  
6 Director of Finance may determine or as may be requested by  
7 joint resolution of the legislature. Each monthly report shall  
8 be released no later than the final day of the month following  
9 the month covered by that report. Each monthly report shall be  
10 published in a prominent location on the Department of Finance  
11 web site to provide broad public access to the document and  
12 shall be provided to the Legislative Services Agency and the  
13 chairs of the House Ways and Means and Senate Finance and  
14 Taxation Committees.

15 "(c) The monthly reports shall include at least the  
16 following information on the fiscal condition of the fund  
17 being reported:

18 "(1) The beginning fund balance at the start of the  
19 fiscal year, including reversions and other amounts carried  
20 forward from prior years.

21 "(2) The forecast of revenues expected to be  
22 received in each month during the fiscal year, including  
23 receipts from all sources. The forecast shall include an  
24 estimate of each revenue source to the fund, except that  
25 revenue sources which represent less than one percent of the  
26 fund total may be combined into one category and shall include

1 a comparison of forecast revenues with actual revenues showing  
2 the variance thereof, by month and cumulatively year to date.

3 "(3) Any adjustments to the forecast that result in  
4 the expectation of material increases or decreases in any  
5 revenue source or any one-time revenue sources, together with  
6 the amounts of the adjustments including any adjustments to  
7 revenue as a result of enacted legislation.

8 "(4) The annual total of resources expected to be  
9 available for the year, as of the month covered by the report,  
10 considering the beginning balance, official revenue forecast,  
11 and all material adjustments to the forecast of expected  
12 revenues.

13 "(5) The total expenditures authorized by law to be  
14 made from the fund during the fiscal year being reported.  
15 These expenditures shall include the amounts in original  
16 appropriations acts, any supplemental appropriations enacted,  
17 and any other acts that appropriate resources from the fund  
18 during the fiscal year, including laws that create continuing  
19 appropriations. In addition, the expenditures shall reflect  
20 any reductions in the amounts appropriated due to any  
21 proration or spending plan changes.

22 "(6) The projected ending balance in the fund as of  
23 the last day of the fiscal year.

24 "(7) The year-to-date expenditures from the fund by  
25 department, agency, and/or function including a comparison  
26 with prior year amounts and with the most recent estimates by  
27 the Department of Finance.

1           "(8) A statement of actual and year-to-date revenue  
2 collections for each revenue source, including a comparison  
3 with prior year amounts and with the most recent estimates by  
4 the Department of Finance.

5           "§41-4-82.

6           "~~Within five days after~~ On or before the second  
7 Tuesday in March in advance of the convening of each ~~regular~~  
8 ~~business~~ fiscal session of the Legislature, the Governor shall  
9 transmit to the Legislature a document to be known as a  
10 budget, setting forth his financial program for each of the  
11 fiscal years which will have begun before the next succeeding  
12 ~~regular~~ fiscal session of the Legislature (hereinafter  
13 referred to as "budget years," regardless of the number  
14 thereof) and having the character and scope hereinafter set  
15 forth The fiscal sessions held in even-numbered calendar years  
16 shall be designated for passing biennial budgets for the basic  
17 appropriations for the ordinary expenses of the executive,  
18 legislative, and judicial agencies of the state, for other  
19 functions of government, for debt service, and for capital  
20 outlay. The fiscal sessions held in odd-numbered calendar  
21 years shall be designated for passing biennial budgets for the  
22 support, maintenance, and development of public education, for  
23 debt service, and for capital outlay for public education..

24           "§41-4-83.

25           "The budget shall consist of three parts, the nature  
26 and contents of which shall be as follows:

1           "(1) Part I shall consist of the Governor's budget  
2 message, which shall be in writing and delivered to the  
3 Legislature on or before the second Tuesday in March, in which  
4 he/she shall set forth:

5           "a. His/Her program for meeting all the expenditure  
6 needs of the government for each of the budget years,  
7 indicating the fund, general or special, from which such  
8 expenditures are to be made and the means through which such  
9 expenditures are to be financed.

10           "b. Financial statements giving in summary form:

11           "1. The condition of the Treasury at the end of the  
12 last completed fiscal year, the estimated condition of the  
13 Treasury at the end of the fiscal year in progress and the  
14 estimated condition of the Treasury at the end of each of the  
15 budget years if his budget proposals are to be put into  
16 effect.

17           "2. Statements showing the bonded indebtedness of  
18 the government, debt authorized and unissued, debt redemption  
19 and interest requirements and the condition of the sinking  
20 funds, if any.

21           "3. A summary of appropriations recommended for each  
22 of the budget years for each department, board, bureau,  
23 commission, agency, office and institution of the state and  
24 for the government as a whole, in comparison with the actual  
25 expenditures for each of the completed fiscal years covered by  
26 the last preceding budget and the estimated expenditures for  
27 the fiscal year in progress.

1           "4. A summary of the revenue, classified according  
2 to sources, estimated to be received by the government during  
3 each of the budget years, in comparison with the actual  
4 revenue received by the government during each of the  
5 completed fiscal years covered by the last preceding budget  
6 and the estimated income for the fiscal year in progress.

7           "c. Such other financial statements, data and  
8 comments as in his/her opinion are necessary or desirable in  
9 order to make known in all practicable detail the financial  
10 condition and operation of the government and the effect that  
11 the budget as proposed by him/her will have on such condition  
12 and operation.

13           "d. If the estimated revenues for the budget years  
14 plus the estimated amounts in the Treasury at the close of the  
15 fiscal year in progress are less than the aggregate  
16 appropriations recommended for the budget years, the Governor  
17 shall make recommendation to the Legislature with respect to  
18 the manner in which such deficit shall be met, whether by the  
19 imposition of new taxes, increased rates in existing taxes or  
20 otherwise. If the revenues are more than the aggregate  
21 appropriations recommended, he/she shall make such  
22 recommendations with respect to the application of such  
23 surplus to the reduction of debt, to reductions in taxation or  
24 to such other action as in his/her opinion is in the public  
25 interest.

26           "(2) Part II shall present in detail for each of the  
27 budget years his/her recommendations for appropriations to



1 meet the expenditure needs of the government from each fund,  
2 general or special, in comparison with the actual expenditures  
3 for each of said purposes during the completed fiscal years  
4 covered by the last preceding budget and the estimated  
5 expenditures for the fiscal year in progress, classified by  
6 departments, boards, bureaus, commissions, agencies, officers  
7 and institutions of the state and indicating for each the  
8 appropriations recommended for meeting the cost of salaries,  
9 travel and per diem expenses, administration, operation and  
10 maintenance. Each item of expenditure, actual or estimated,  
11 and appropriations recommended shall be supported by detailed  
12 statements showing the actual and estimated expenditures and  
13 appropriations classified according to a standard scheme of  
14 classification to be prescribed by the Department of Finance  
15 and the purchase of land, public improvements and other  
16 capital outlays in connection therewith.

17 "(3) Part III shall embrace a proposed appropriation  
18 bill or bills and a proposed revenue bill or bills for the  
19 purpose of proposing in statutory form the recommendations  
20 made in Parts I and II. Such appropriation bill or bills shall  
21 indicate the funds, general or special, from which such  
22 appropriations shall be made, in sufficient detail to  
23 enumerate each earmarked tax, local agency funds, and federal  
24 funds which are appropriated and which shall be separately  
25 totaled at the end of the appropriation bill by source of  
26 revenue contained in the detail above. ~~but~~ But such  
27 appropriations need not be in greater detail than to indicate

1 the total appropriation to be made for each department, board,  
2 bureau, commission, agency, office and institution of the  
3 state for each budget year for salaries, travel and per diem  
4 expenses, administration, operation and maintenance and the  
5 cost of land, public improvements and other capital outlays,  
6 itemized by specific projects or classes of projects of the  
7 same general character or program.

8 "§41-19-1.

9 "This chapter may be cited as The Budget Management  
10 and performance Review Act of 2019.

11 "§41-19-3.

12 "(a) It is the purpose of this chapter to establish  
13 a comprehensive system for budgeting, ~~and~~ financial  
14 management, and performance review which furthers the capacity  
15 of the Governor and the Legislature to plan and finance the  
16 services which they determine the state will provide for  
17 citizens. The system shall include procedures for all of the  
18 following:

19 "(1) The orderly establishment, continuing review,  
20 and periodic revision of the program and financial goals and  
21 policies of the state.

22 "(2) The development, coordination, and review of  
23 ~~long-range~~ program and financial plans that will implement  
24 established state goals and policies.

25 "(3) The preparation, coordination, analysis, and  
26 enactment of ~~a budget~~ budgets, organized to focus on state  
27 services and their costs, and that ~~authorizes~~ authorize the

1 implementation of policies and plans in the succeeding budget  
2 period.

3 "(4) The evaluation of alternatives to existing  
4 policies, plans, and procedures that offer potential for more  
5 efficient or effective state services.

6 "(5) The regular appraisal and reporting of program  
7 performance.

8 "(b) The Governor shall develop a ~~four-year~~  
9 strategic plan and an executive budget for presentation to the  
10 Legislature on or before the second Tuesday in March in  
11 advance of each fiscal year ~~prior to the first day of the~~  
12 ~~second regular~~ legislative session ~~in each term of office~~. The  
13 format of the executive budget shall be so provided in Section  
14 41-4-83. The format of the strategic plan is to be determined  
15 by the Governor. The plan shall encompass the basic  
16 appropriations for fiscal years included in the budget period  
17 to be addressed in the fiscal session and shall include  
18 ~~program, long-range~~ revenue and expenditure plans ~~for the~~  
19 ~~quadrennium~~, improvements in the state infrastructure  
20 requiring capital outlay, and recommended steps to reduce the  
21 cost of operation of state government. The Governor shall  
22 transmit a copy of the plan to each member of the Legislature  
23 in electronic format and a copy of the plan shall be posted on  
24 the Governor's website.

25 "§41-19-3.1.

26 "The Legislative Council shall serve in an advisory  
27 capacity to the Governor in the development of the ~~long-range~~

1 program, revenue and expenditure plans, and in the performance  
2 review of agencies, departments, boards, bureaus, the  
3 Legislature, and institutions of the state. The Legislative  
4 Council shall be aided by the ~~Legislative Fiscal Office~~  
5 Legislative Services Agency.

6 "§41-19-4.

7 "Beginning in the calendar year 2020, the ~~The~~  
8 Governor shall present, on or before the second Tuesday in  
9 March in advance of each fiscal session of the Legislature, is  
10 ~~responsible for the preparation and administration of the~~  
11 ~~state~~ an executive budget for the two years of basic  
12 appropriations to be addressed in that fiscal session. The  
13 executive budget shall be based on ~~and the evaluation of the~~  
14 ~~long range~~ agency/department program plans, ~~and~~ requested  
15 budgets and the examination of alternatives. ~~to state~~  
16 ~~agency/department policies and programs and formulation and~~  
17 ~~recommendation for consideration by the Legislature of a~~  
18 ~~proposed comprehensive program and financial plan which~~ It  
19 shall cover all estimated receipts and expenditures of the  
20 state government, including all grants, loans and moneys  
21 received from the federal government. Proposed expenditures  
22 shall not exceed estimated revenues and resources.

23 "For transition purposes, the Governor shall present  
24 a one-year executive budget for fiscal year 2021 for the  
25 support, maintenance, and development of public education, for  
26 debt service, and for capital outlay for public education of

1 the state on or before the first legislative day of the  
2 general session of 2020.

3 "§41-19-5.

4 "The Department of Finance shall:

5 "(1) Assist the Governor in the preparation and  
6 explanation of the proposed comprehensive program and  
7 financial plan, including the coordination and analysis of  
8 state agency/department program goals and objectives, program  
9 plans and program budget requests;

10 "(2) Develop procedures to produce the information  
11 needed for effective decision making;

12 "(3) Assist agencies/departments in preparing their  
13 statement of goals and objectives, program plans, program  
14 budget requests and reporting of program performance and  
15 review;

16 "(4) Administer its responsibilities under the  
17 program execution provisions of this chapter so that the  
18 policy decisions and budget determination of the Governor and  
19 the Legislature are implemented to the fullest extent possible  
20 within the concepts of proper management;

21 "(5) Provide the Legislature with budget information  
22 related to the development of recommendations for each fiscal  
23 year of each biennial period; and

24 "(6) Assist agencies/departments in the preparation  
25 of their proposals under Section 41-19-6. This assistance  
26 shall include organization of materials, provision of  
27 centrally collected accounting, budgeting and personnel

1 information, standards and guidelines formulation, provision  
2 of population and other required data, and any other  
3 assistance that will help the state agencies/departments  
4 produce the information necessary for efficient  
5 agency/department management and effective decision making by  
6 the Governor and the Legislature for each fiscal year of the  
7 biennial budget period.

8 "§41-19-6.

9 "(a) Each state agency/department, on the date and  
10 in the form and content prescribed by the Department of  
11 Finance, shall prepare and forward to the Budget Officer the  
12 following program and financial information:

13 "(1) The goals and objectives of the  
14 agency/department programs, together with proposed  
15 supplements, deletions and revisions to such programs for each  
16 fiscal year of the biennial budget period;

17 "(2) Its proposed plans to implement the goals and  
18 objectives, including estimates of future service needs,  
19 planned methods of administration, proposed modification of  
20 existing program services and establishment of new program  
21 services, and the estimated resources needed to carry out the  
22 proposed plan;

23 "(3) The budget requested for each fiscal year of  
24 the biennial budget period to carry out its proposed plans ~~in~~  
25 ~~the succeeding fiscal year.~~ The budget request information  
26 shall include the expenditures during the last fiscal year,  
27 those estimated for the current fiscal year, those proposed

1 for each of the two ~~the~~ succeeding fiscal years of the budget  
2 period, and any other information requested by the Department  
3 of Finance;

4 "(4) A report of the revenues during the last fiscal  
5 year, an estimate of the revenues during the current fiscal  
6 year and an estimate for each ~~the~~ succeeding fiscal year of  
7 the biennial budget period;

8 "(5) A statement of legislation required to  
9 implement the proposed programs and financial plans; and

10 "(6) An evaluation of the advantages and  
11 disadvantages of specific alternatives to existing or proposed  
12 program policies or administrative methods.

13 "(b) The state agency/department proposals prepared  
14 under subsection (a) of this section shall describe the  
15 relationships of their programs services to those of other  
16 state agencies/departments and other branches of state  
17 government.

18 "(c) If any state agency/department fails to  
19 transmit the program and financial information required under  
20 subsection (a) of this section on the specified date, the  
21 Department of Finance may prepare such information.

22 "(d) The Department of Finance shall compile and  
23 submit to the Governor or the Governor-elect for any year when  
24 a new Governor has been elected, not later than November 20, a  
25 summary of the program and financial information prepared by  
26 state agencies/departments.

27 "§41-19-7.

1           "(a) The Governor shall formulate the program and  
2 financial plan to be recommended to the Legislature after  
3 considering each state agency's proposed program and financial  
4 plan. The Governor's plan shall include his recommended goals  
5 and policies, recommended plans to implement the goals and  
6 policies, recommended budget for the two succeeding fiscal  
7 years of the biennial budget period and recommended revenue  
8 measures to balance the budget.

9           "Beginning in the calendar year 2021, the Governor's  
10 plan shall focus on the basic appropriations and fiscal years  
11 included in the biennial budget period to be addressed in the  
12 fiscal session.

13           "(b) The proposed comprehensive program and  
14 financial plan shall be presented by the Governor in a message  
15 to a joint session of the Legislature on or before the ~~fifth~~  
16 first legislative day of each ~~regular~~ fiscal session of the  
17 Legislature. This presentation shall explain the budget plan  
18 submitted to the Legislature on or before the second Tuesday  
19 in March in advance of the legislative fiscal session. The  
20 message shall be accompanied by an explanatory report which  
21 summarizes recommended goals, plans and appropriations. The  
22 explanatory report shall be furnished each member of the  
23 Legislature and each state agency/department on or before the  
24 ~~fifth~~ second Tuesday in March in advance of the first  
25 legislative day of the ~~regular~~ fiscal session of the  
26 Legislature. The report shall contain the following  
27 information:



1           "(1) The coordinate program goals and objectives  
2 that the Governor recommends to guide the decisions on the  
3 proposed program plans and budget appropriations;

4           "(2) The program and budget recommendations of the  
5 Governor for each fiscal year of the succeeding fiscal year;

6           "(3) A summary of state revenues in the last fiscal  
7 year, a revised estimate for the current fiscal year and an  
8 estimate for ~~the succeeding~~ fiscal year of the succeeding  
9 biennial budget period;

10           "(4) A summary of expenditures during the last  
11 fiscal year, those estimated for the current fiscal year and  
12 those recommended by the Governor for ~~the~~ each fiscal year of  
13 the succeeding biennial budget period ~~fiscal year~~; and

14           "(5) Any additional information which will  
15 facilitate understanding of the Governor's proposed program  
16 and financial plan by the Legislature and the public.

17           "§41-19-8.

18           "The Legislature shall:

19           "(1) Consider the program and financial plan  
20 recommended by the Governor, including proposed goals and  
21 policies, tax rate and other revenue changes and long range  
22 program plans;

23           "(2) Adopt programs and alternatives to the plan  
24 recommended by the Governor which it deems appropriate;

25           "(3) Adopt legislation to authorize the  
26 implementation of a comprehensive program and financial plan;  
27 and

1           "(4) Provide for performance review of  
2 agency/departments in each fiscal year of the biennial budget  
3 period and for a post audit of financial transactions, program  
4 accomplishments and execution of legislative policy direction.

5           "§41-19-10.

6           "(a) Except as limited by policy decisions of the  
7 Governor, appropriations by the Legislature and other  
8 provisions of law, the several state agencies/departments  
9 shall have full authority for administering their program  
10 assignments and appropriations and shall be responsible for  
11 their proper management.

12           "(b) Each state agency/department shall prepare an  
13 annual plan for the operation of each of its assigned programs  
14 for each fiscal year of the biennial budget period. The  
15 operations plan shall be prepared in the form and content and  
16 be transmitted on the date prescribed to the Department of  
17 Finance. The operations plan shall be separate for each fiscal  
18 year of the biennium; provided, however, that unexpended funds  
19 for the first fiscal year of a biennial budget period may be  
20 carried forward and expended in the second fiscal year of the  
21 biennial budget period. Funds unexpended at the end of the  
22 biennial budget period shall revert to the fund from which  
23 appropriated.

24           "(c) The Department of Finance shall:

25           "(1) Review each operations plan to determine that  
26 it is consistent with the policy decisions of the Governor and  
27 appropriations by the Legislature, that it reflects proper

1 planning and efficient management methods and that  
2 appropriations have been made for the planned purpose and will  
3 not be exhausted before the end of each fiscal year of the  
4 biennial budget period ~~the fiscal year~~;

5 "(2) Approve the operations plan if satisfied that  
6 it meets the requirements under subdivision (1) of this  
7 subsection; otherwise, the Department of Finance shall require  
8 revision of the operations plan in whole or in part; and

9 "(3) Modify or withhold the planned expenditures at  
10 any time during the appropriation period if the Department of  
11 Finance finds that such expenditures are greater than those  
12 necessary to execute the programs at the level authorized by  
13 the Governor and the Legislature or that the revenues and  
14 resources will be insufficient to meet the authorized  
15 expenditure levels.

16 "(d) No state agency/department may increase  
17 salaries of its employees, employ additional employees or  
18 expend money or incur any obligations except in accordance  
19 with law and with a properly approved operations plan by the  
20 Director of Finance.

21 "(e) Appropriation transfers or changes as between  
22 objects of expenditures within a program may be made only by  
23 the Director of Finance. Appropriation transfers or changes  
24 between programs within an agency/department may be made only  
25 by the Governor and shall be reported to the Legislature  
26 quarterly. No transfers shall be made between  
27 agencies/departments except pursuant to interagency agreements

1 executed for purposes of accomplishing objectives for which  
2 the funds involved were appropriated.

3 "(f) The Department of Finance shall report  
4 quarterly to the Governor and the Legislature on the  
5 operations of each state agency/department, relating actual  
6 accomplishments to those planned and modifying, if necessary,  
7 the operations plan of any agency/department for the balance  
8 of each fiscal year of the biennial budget period ~~the fiscal~~  
9 ~~year~~.

10 "§41-19-11.

11 "(a) Each state agency/department, shall submit a  
12 performance report to the Department of Finance on or before  
13 November 1 for the preceding fiscal year. These reports shall  
14 be in the form prescribed by the Budget Officer and shall  
15 include statements concerning:

16 "(1) The work accomplished and the services provided  
17 in the preceding fiscal year or other meaningful work period,  
18 relating actual accomplishments to those planned under  
19 subsection (b) of Section 41-19-10;

20 "(2) The relationship of accomplishments and  
21 services to the policy decisions and budget determinations of  
22 the Governor and the Legislature;

23 "(3) The costs of accomplishing the work and  
24 providing the services, to the extent feasible, citing  
25 meaningful measures of program effectiveness and costs; and

26 "(4) The administrative improvements made in the  
27 preceding year, potential improvements in future years and

1 suggested changes in legislation or administrative procedures  
2 to make further improvements.

3 "(b) The Finance Department shall summarize the  
4 performance reports and forward these reports ~~copies~~ to each  
5 member of the Legislature annually in a form to be determined  
6 by the Finance Department.

7 "(c) In order to accomplish the provisions of this  
8 Act, there is hereby created within the Office of the State  
9 Finance Director the Division of Planning. The Director of  
10 this Division shall be appointed by the Finance Director and  
11 shall not be under the state merit system. Additional  
12 employees of this Division may be subject to the state merit  
13 system.

14 "(d) In order to assure effective administration of  
15 the planning and performance management provisions of this  
16 Act, the Budget and Planning Divisions of the Finance  
17 Department shall be funded by an assessment made against each  
18 state agency, department, board, bureau, the Legislature, and  
19 each institution of higher education of the state receiving a  
20 state appropriation and required to participate in the  
21 requirements of this Chapter.

22 "§41-19-12.

23 "(a) Any person in state government, including  
24 elected or appointed officials, who prepares false budget or  
25 fiscal information to be presented to any legislative  
26 committee or who presents false budget or fiscal information  
27 to any legislative committee, knowing such budget or fiscal

1 information to be false, shall be guilty of a misdemeanor and,  
2 on conviction, shall be imprisoned in the county jail for not  
3 more than one year and may also be fined not more than  
4 \$1,000.00 \$10,000.00.

5 "(b) In the event of a second conviction under this  
6 section, such person shall be forever ineligible to hold any  
7 position with the State of Alabama."

8 Section 2. Section 41-19-3.2 is added to the Code of  
9 Alabama 1975, as amended, to read as follows:

10 "§41-19-3.2

11 Beginning in the calendar year 2021, general  
12 sessions of the Legislature shall begin on the fourth Tuesday  
13 of January in each calendar year from which bills making  
14 appropriations shall be excluded. On the second Tuesday of  
15 April of each calendar year, a fiscal session of the  
16 Legislature shall be held annually following the general  
17 session. The fiscal session shall be limited to 12 legislative  
18 days and 35 calendar days. While in fiscal session, the  
19 Legislature shall consider only bills affecting state revenues  
20 and/or making basic appropriations for the two succeeding  
21 fiscal years or amending such revenue and/or appropriations  
22 acts as the legislature shall determine. The basic  
23 appropriations in these bills shall be itemized and totaled  
24 for each fiscal year of the biennial budget period as is  
25 provided for in Section 41-4-83.

26 The term "basic appropriations" means such  
27 appropriations as the Legislature may deem appropriate for the

1 ordinary expenses of the executive, legislative, and judicial  
2 departments of the state, for payment of the public debt, and  
3 for education. The legislature shall divide appropriations  
4 into two parts, passing basic appropriations for the ordinary  
5 expenses of the executive, legislative, and judicial  
6 departments of the state in one annual fiscal session, and  
7 passing basic appropriations for education in the succeeding  
8 annual fiscal session. Appropriations for interest on the  
9 public debt shall be divided between the two parts according  
10 to the purposes served by the debt.

11           Beginning in the calendar year 2021, the Legislature  
12 in the fiscal session held in an even calendar year shall pass  
13 bills making basic appropriations for the ordinary expenses of  
14 the executive, legislative, and judicial agencies of the  
15 state, for other functions of government, for associated debt  
16 service, and for capital outlay of the state in the fiscal  
17 session for the biennial budgeting period beginning with an  
18 odd-numbered fiscal year. This bill shall contain basic  
19 appropriations for the two succeeding fiscal years.

20           Beginning in the calendar year 2022, the Legislature  
21 in the fiscal session held in an odd calendar year shall pass  
22 bills making basic appropriations for support, maintenance,  
23 and development of public education, for associated debt  
24 service, and for capital outlay for public education in the  
25 fiscal session for the biennial budgeting period beginning  
26 with an even-numbered fiscal year. These bills shall contain  
27 basic appropriations for the two succeeding fiscal years.

1           Basic appropriations for interest on the public debt  
2 shall be divided between the two types, general and education,  
3 making basic appropriations according to the purposes served  
4 by the debt.

5           For transition purposes, the Legislature shall pass  
6 a one-year bill making basic appropriations for the support,  
7 maintenance, and development of public education, for debt  
8 service, and for capital outlay for public education, during  
9 the general legislative session of calendar year 2021. This  
10 bill shall provide basic appropriations for the fiscal year  
11 2022.

12           Section 3. Any provision of law in conflict with the  
13 provisions of this Act is hereby repealed.

14           Section 4. If a court of competent jurisdiction  
15 shall adjudge to be invalid or unconstitutional any clause,  
16 sentence, paragraph, section or part of this Act, such  
17 judgment or decree shall not affect, impair, invalidate or  
18 nullify the remainder of this Act, but the effect thereof  
19 shall be confined to the clause, sentence, paragraph, section,  
20 part of this Act so adjudged to be invalid or  
21 unconstitutional.

22           Section 5. This act shall become effective upon its  
23 passage and approval by the Governor, or its otherwise  
24 becoming law, and is contingent upon the constitutional  
25 amendment contained in HB \_\_\_\_\_ becoming law and its approval  
26 in a statewide referendum as is provided for in law governing  
27 such election.



