

1 HB358
2 135969-8
3 By Representative DeMarco (Constitutional Amendment)
4 RFD: Constitution, Campaigns and Elections
5 First Read: 16-FEB-12

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2 ENROLLED, An Act,

3 Proposing an amendment to the Constitution of
4 Alabama of 1901, to amend Section 247 now appearing as Section
5 247 of the Official Recompilation of the Constitution of
6 Alabama of 1901, as amended, relating to the general power of
7 the Legislature regarding banks and banking, effective January
8 1, 2014, to include in that section existing provisions
9 concerning unlimited duration, prohibitions on political
10 subdivisions being stockholders or lending credit, and bank
11 examination requirements; and to repeal the following Sections
12 of Article XIII, relating to banks and banking: Section 248 of
13 the Constitution of Alabama of 1901, now appearing as Section
14 248 of the Official Recompilation of the Constitution of
15 Alabama of 1901, as amended; Section 249 of the Constitution
16 of Alabama of 1901, now appearing as Section 249 of the
17 Official Recompilation of the Constitution of Alabama of 1901,
18 as amended; Section 251 of the Constitution of Alabama of
19 1901, as amended by Amendment 51 of the Constitution of
20 Alabama of 1901, now appearing as Section 251 of the Official
21 Recompilation of the Constitution of Alabama of 1901, as
22 amended; Section 252 of the Constitution of Alabama of 1901,
23 now appearing as Section 252 of the Official Recompilation of
24 the Constitution of Alabama of 1901, as amended, relating to
25 maximum rate of interest; Section 253 of the Constitution of

1 Alabama of 1901, now appearing as Section 253 of the Official
2 Recompilation of the Constitution of Alabama of 1901, as
3 amended, relating to state and political subdivisions not to
4 be stockholders in banks or lend credit thereto; and Section
5 254 of the Constitution of Alabama of 1901, now appearing as
6 Section 254 of the Official Recompilation of the Constitution
7 of Alabama of 1901, as amended, relating to examinations of
8 banks by public officers and semiannual reports by banks; to
9 repeal Amendment 154 of the Constitution of Alabama of 1901,
10 now appearing as Section 255.01 of the Official Recompilation
11 of the Constitution of Alabama of 1901, as amended, on the
12 contingency that a new Article XII is adopted as a part of the
13 Alabama Constitution which repeals existing Section 232 of the
14 Official Recompilation of the Constitution of Alabama of 1901,
15 as amended, and on the contingency that Sections 10A-2-15.01
16 and 10A-2-15.02, Code of Alabama 1975, are repealed.

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, effective on January 1,
21 2014, following approval by a majority of the qualified
22 electors voting thereon and in accordance with Sections 284,
23 285, and 287 of the Constitution of Alabama of 1901, now
24 appearing as Sections 284, 285, and 287 of the Official

1 Recompilation of the Constitution of Alabama of 1901, as
2 amended:

3 PROPOSED AMENDMENT

4 1. Section 247 of the Constitution of Alabama of
5 1901, is amended to read as follows:

6 "Section 247. Authority of Legislature ~~Restricted.~~

7 "(a) The Legislature shall not have the power to
8 establish or incorporate any bank or banking company or
9 moneied institution for the purpose of issuing bills of credit
10 or bills payable to order or bearer, except under the
11 conditions prescribed in this Constitution. No bank shall be
12 established otherwise than under a general banking law.

13 "(b) There shall be no limit of time for the
14 duration of a corporation organized as a bank or banking
15 company, and it shall not be necessary to renew or extend the
16 life or charter of any such corporation now existing. All
17 extensions of the life or charter of any such corporations are
18 ratified and confirmed.

19 "(c) Neither the state, nor any political
20 subdivision thereof, shall be a stockholder in any bank, nor
21 shall the credit of the state or any political subdivision
22 thereof be given or lent to any banking company, banking
23 association, or banking corporation.

24 "(d) The Legislature, by appropriate laws, shall
25 provide for the examination, by some public officer, of all

1 banks and banking institutions and trust companies engaged in
2 banking business in this state; and each of such banks and
3 banking companies or institutions, through its president, or
4 such other officer as the Legislature may designate, shall
5 make a report under oath of its resources and liabilities at
6 least twice a year."

7 2. The following sections of Article XIII of the
8 Constitution of Alabama of 1901, relating to banks and
9 banking, are repealed: Section 248, relating to banking laws
10 being general, specie basis, and the authority to issue bills
11 to circulate as money; Section 249, relating to bills or notes
12 issued as money redeemable in gold or silver and specifying
13 laws may not sanction suspension of the specie payments;
14 Section 251, as amended by Constitutional Amendment 51,
15 relating to termination of business; Section 252, relating to
16 maximum rate of interest; Section 253, relating to state and
17 political subdivisions not to be stockholders in banks or lend
18 credit thereto; and Section 254, relating to examinations of
19 banks by public officers and semiannual reports by banks.

20 3. Section 255.01, relating to nonresidents making
21 mortgage loans, is repealed on the contingency that a new
22 Article XII is adopted as a part of the Alabama Constitution
23 which repeals existing Section 232 of the Official
24 Recompilation of the Constitution of Alabama of 1901, as
25 amended, and on the contingency that a bill is enacted that

1 repeals Sections 10A-2-15.01 and 10A-2-15.02, Code of Alabama
2 1975, relating to the consequences of a foreign corporation
3 transacting business without registration, and which provides
4 that Sections 10A-1-7.21 through and including Section
5 10A-1-7.24, Code of Alabama 1975, shall instead apply to a
6 foreign corporation transacting business without registering
7 with the Secretary of State.

8 END OF PROPOSED AMENDMENT

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

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

20 "Proposing an amendment to the Constitution of
21 Alabama of 1901, effective January 1, 2014, to amend Section
22 247 relating to the authority of the Legislature concerning
23 banks and banking, to repeal various other provisions of
24 Article XIII concerning banks and banking; and to repeal
25 Amendment 154 to the Constitution of Alabama of 1901, now

1 appearing as Section 255.01 of the Official Recompilation of
2 the Constitution of Alabama of 1901, as amended, subject to
3 the contingency that a new Article XII of the state
4 constitution is adopted that repeals existing Section 232 of
5 the state constitution, and subject to the contingency that
6 Sections 10A-2-15.01 and 10A-2-15.02, Code of Alabama 1975,
7 are repealed.

8 "Proposed by Act _____."

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

11 "Yes () No ()."

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 15-MAR-12.

Greg Pappas
Clerk

Senate 01-MAY-12 Passed
