

1 SB112
2 126006-2
3 By Senators Orr, Glover, Holtzclaw, Williams, Bussman, Allen,
4 Marsh, Pittman, Irons, Fielding, Beasley, Bedford, Brewbaker,
5 Reed, Keahey, Smitherman, Figures, Dunn, Waggoner, Ward, Dial,
6 Taylor and Coleman (Constitutional Amendment)
7 RFD: Constitution, Campaign Finance, Ethics, and Elections
8 First Read: 01-MAR-11

1 SB112

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Proposing an amendment to the Constitution of
12 Alabama of 1901, to amend Section 256 as amended by Amendment
13 111, now appearing as Section 256 of the Official
14 Recompilation of the Constitution of Alabama of 1901, as
15 amended, to remove references to segregation of schools by
16 race; and to repeal Section 259, now appearing as Section 259
17 of the Official Recompilation of the Constitution of Alabama
18 of 1901, as amended, Amendment 90, and Amendment 109, relating
19 to poll taxes.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. The following amendment to the
22 Constitution of Alabama of 1901, as amended, is proposed and
23 shall become valid as a part thereof when approved by a
24 majority of the qualified electors voting thereon and in
25 accordance with Sections 284, 285, and 287 of the Constitution
26 of Alabama of 1901, as amended:

27 PROPOSED AMENDMENT

1 (a) Section 256 of the Constitution of Alabama of
2 1901, as amended by Amendment 111, is amended to read as
3 follows:

4 "Section 256. It is the policy of the state of
5 Alabama to foster and promote the education of its citizens in
6 a manner and extent consistent with its available resources,
7 and the willingness and ability of the individual student, but
8 nothing in this Constitution shall be construed as creating or
9 recognizing any right to education or training at public
10 expense, nor as limiting the authority and duty of the
11 legislature, in furthering or providing for education, to
12 require or impose conditions or procedures deemed necessary to
13 the preservation of peace and order.

14 "The legislature may by law provide for or authorize
15 the establishment and operation of schools by such persons,
16 agencies or municipalities, at such places, and upon such
17 conditions as it may prescribe, and for the grant or loan of
18 public funds and the lease, sale or donation of real or
19 personal property to or for the benefit of citizens of the
20 state for educational purposes under such circumstances and
21 upon such conditions as it shall prescribe. Real property
22 owned by the state or any municipality shall not be donated
23 for educational purposes except to nonprofit charitable or
24 eleemosynary corporations or associations organized under the
25 laws of the state.

26 ~~"To avoid confusion and disorder and to promote~~
27 ~~effective and economical planning for education, the~~

1 ~~legislature may authorize the parents or guardians of minors,~~
2 ~~who desire that such minors shall attend schools provided for~~
3 ~~their own race, to make election to that end, such election to~~
4 ~~be effective for such period and to such extent as the~~
5 ~~legislature may provide."~~

6 (b) Article XIV, Section 259, relating to poll tax
7 revenues, is repealed.

8 (c) Amendment 90 relating to exemptions from the
9 poll tax is repealed.

10 (d) Amendment 109 relating to exemptions from the
11 poll tax is repealed.

12 Section 2. An election upon the proposed amendment
13 shall be held in accordance with Sections 284 and 285 of the
14 Constitution of Alabama of 1901, as amended, and the election
15 laws of this 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 repeal portions of Amendment 111, now
23 appearing as Section 256 of the Official ReCompilation of the
24 Constitution of Alabama of 1901, as amended, relating to
25 separation of schools by race and to repeal Section 259,
26 Amendment 90, and Amendment 109, relating to the poll tax.

27 "Proposed by Act _____."

1 This description shall be followed by the following
2 language:
3 "Yes () No ()."

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Senate

Read for the first time and referred to the Senate
committee on Constitution, Campaign Finance, Eth-
ics, and Elections..... 01-MAR-11

Read for the second time and placed on the calen-
dar..... 08-MAR-11

Read for the third time and passed as amended 27-APR-11

Yeas 22
Nays 9

Patrick Harris
Secretary