

1 SB7
2 179159-1
3 By Senator Ward (Constitutional Amendment)
4 RFD: Tourism and Marketing
5 First Read: 15-AUG-16

SYNOPSIS: This bill would propose an amendment to Amendment 448 to the Constitution of Alabama of 1901, now appearing as Section 71.01 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, to ratify, approve, validate, and confirm the application of any budget isolation resolution adopted by the Legislature before November 8, 2016.

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to Amendment 448 to the Constitution of Alabama of 1901, now appearing as Section 71.01 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, to ratify, approve, validate, and confirm the application of any budget isolation resolution adopted by the Legislature before November 8, 2016.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. The following amendment to the
2 Constitution of Alabama of 1901, as amended, is proposed and
3 shall become valid as a part thereof when approved by a
4 majority of the qualified electors voting thereon and in
5 accordance with Sections 284, 285, and 287 of the Constitution
6 of Alabama of 1901, as amended:

7 PROPOSED AMENDMENT

8 Amendment 448 of the Constitution of Alabama of
9 1901, is amended to read as follows:

10 "Amendment 448.

11 "(A) The following words and phrases, whenever used
12 in this amendment, shall have the following respective
13 meanings:

14 ""Basic Appropriations" means, with respect to any
15 regular session of the legislature, such appropriations as the
16 legislature may deem appropriate for the expenditures by the
17 state during the ensuing budget period for the ordinary
18 expenses of the executive, legislative and judicial
19 departments of the state, for payment of the public debt, and
20 for education (excluding, however, any item within the scope
21 of the foregoing that is at the time provided for by a
22 continuing appropriation or otherwise).

23 ""Budget Period" means a fiscal year of the state or
24 such period other than [a] fiscal year as may hereafter be
25 fixed by law as the period with respect to which state budgets
26 are prepared and state appropriations are made.

1 "(B) On or before the second legislative day of each
2 regular session of the legislature, beginning with the first
3 regular session after January 1, 1983, the governor shall
4 transmit to the legislature for its consideration a proposed
5 budget for the then next ensuing budget period.

6 "(C) The duty of the legislature at any regular
7 session to make the basic appropriations for any budget period
8 that will commence before the first day of any succeeding
9 regular session shall be paramount; and, accordingly,
10 beginning with the first regular session held after January 1,
11 1983, no bill (other than a bill making any of the basic
12 appropriations) shall be signed by either the presiding
13 officer of the house or senate and transmitted to the other
14 house until bills making the basic appropriations for the then
15 ensuing budget period shall have been signed by the presiding
16 officer of each house of the legislature in accordance with
17 Section 66 of this Constitution and presented to the governor
18 in accordance with Section 125 of this Constitution; provided,
19 that this paragraph (C) shall not affect the adoption of
20 resolutions or the conduct of any other legislative functions
21 that do not require a third reading; and provided further,
22 that following adoption, by vote of either house of not less
23 than a three-fifths majority of the members present and
24 voting, ~~of~~ a quorum being present, of a resolution declaring
25 that the provisions of this paragraph (C) shall not be
26 applicable in that house to a particular bill, which shall be
27 specified in said resolution by number and title, the bill so

1 specified may proceed to final passage therein. Any resolution
2 authorized by this amendment and adopted before November 8,
3 2016, which conforms to this paragraph, as amended, is
4 ratified, approved, validated, and confirmed and the
5 application of any such resolution is effective from the date
6 of original adoption.

7 "(D) Upon the signing and presentation to the
8 governor in accordance with the said Sections 66 and 125 of
9 bills making the basic appropriations, the provisions of the
10 foregoing paragraph (C) prohibiting the final passage of bills
11 in the house and senate (other than bills making any part of
12 the basic appropriations) shall cease to be effective and
13 shall not be revived or become again effective as a result of
14 (i) the subsequent legislative history of any bill so signed
15 and presented, including any veto, return with executive
16 amendment, or any other action, or failure to act, by either
17 the governor or the legislature under the provisions of the
18 said Section 125; or (ii) a determination, by either judicial
19 decree or opinion of the justices of the Alabama Supreme
20 Court, that any bill so signed and presented is wholly or in
21 part invalid.

22 "(E) The legislature may, by statute or rule, make
23 such further provisions for the timely passage of bills making
24 the basic appropriations as are not inconsistent with the
25 provisions of this Constitution.

1 "(F) Nothing contained herein shall be construed as
2 requiring the legislature to make any appropriation not
3 otherwise required by this Constitution to be made.

4 "(G) The Legislature is prohibited from adopting any
5 rule or procedure which conflicts with this amendment."

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

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

17 "Proposing an amendment to the Constitution of
18 Alabama of 1901, to amend Amendment 448 to the Constitution of
19 Alabama of 1901, now appearing as Section 71.01 of the
20 Official Recompilation of the Constitution of Alabama of 1901,
21 as amended, to provide that the vote required to adopt a
22 budget isolation resolution is three-fifths of those present
23 and voting, a quorum being present and to ratify, approve,
24 validate, and confirm the application of any budget isolation
25 resolution receiving that vote adopted by the Legislature
26 before November 8, 2016.

27 "Proposed by Act ____."

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