

1 SB7
2 154176-2
3 By Senator Brewbaker (Constitutional Amendment)
4 RFD: Education
5 First Read: 14-JAN-14
6 PFD: 06/25/2013

1 SB7

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4 ENROLLED, An Act,

5 Proposing an amendment to Amendment 621 to the
6 Constitution of Alabama of 1901, now appearing as Section
7 111.05 of the Official Recompilation of the Constitution of
8 Alabama of 1901, as amended, relating to unfunded mandates for
9 municipalities; to remove the exception for expenditures by a
10 local board of education.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

18 PROPOSED AMENDMENT

19 "Amendment 621.

20 "(a) No general law, or state executive order whose
21 purpose or effect is to require a new or increased expenditure
22 of funds held or disbursed by the governing body of a
23 municipality or county, or an instrumentality thereof, or a
24 city or county board of education shall become effective as to
25 any municipality or county, or an instrumentality thereof, or

1 a city or county board of education until approved by an
2 ordinance enacted, or a resolution adopted, by the governing
3 authority of the affected municipality, county, ~~or~~
4 instrumentality, or board of education or until, and only as
5 long as, the Legislature appropriates funds for the purpose to
6 the affected municipality, county, ~~or~~ instrumentality, or
7 board and only to the extent and amount that the funds are
8 provided, or until a law provides for a local source of
9 revenue within the municipality, county, ~~or~~ instrumentality,
10 or board for the stated purpose and the affected municipality,
11 county, ~~or~~ instrumentality, or board is authorized by
12 ordinance or resolution to levy and collect the revenue and
13 only to the extent and amount of the revenue.

14 "(b) This amendment shall not apply to:

15 "(1) A local law as defined in Article IV, Section
16 110, Constitution of Alabama 1901.

17 "~~(2) An act, state executive order requiring~~
18 ~~expenditures by a school board.~~

19 "(2) ~~(3)~~ An act defining a new crime or amending the
20 definition of an existing crime.

21 "(3) ~~(4)~~ An act, statute, executive order enacted,
22 promulgated, or adopted and effective prior to ~~the~~
23 ~~ratification of this amendment~~ January 6, 1999, which by its
24 provisions requires expenditures by the county or municipality

1 at any time after ~~the effective date of this amendment~~ that
2 date.

3 "(4) ~~(5)~~ An act enacted, or state executive order
4 promulgated or adopted to comply with a federal mandate, only
5 to the extent of the federal mandate.

6 "(5) ~~(6)~~ An act adopted or enacted by two-thirds of
7 those voting in each house of the Legislature and any rule or
8 regulation adopted to implement that act or adopted pursuant
9 thereto.

10 "(6) ~~(7)~~ An act determined by the Legislative Fiscal
11 Office to have an aggregate insignificant fiscal impact on
12 affected municipalities, counties, ~~or~~ instrumentalities, or
13 boards. For purposes of this subsection, the phrase "aggregate
14 insignificant fiscal impact" shall mean any impact less than
15 \$50,000 annually.

16 "(7) ~~(8)~~ An act of general application prescribing
17 the minimum compensation for public officials.

18 "(8) An act, statute, administrative rule, or other
19 provision or portion thereof addressing compensation,
20 benefits, or due process of any employee of a board education.

21 "(c) For the purposes of this amendment, the phrase
22 board of education shall include the Alabama Institute for
23 Deaf and Blind, the Alabama School of Fine Arts, and the
24 Alabama High School of Mathematics and Science."

1 Section 2. An election upon the proposed amendment
2 shall be held in accordance with Sections 284 and 285 of the
3 Constitution of Alabama of 1901, now appearing as Sections 284
4 and 285 of the Official Recompilation of the Constitution of
5 Alabama of 1901, as amended, and the election laws of this
6 state.

7 Section 3. The appropriate election official shall
8 assign a ballot number for the proposed constitutional
9 amendment on the election ballot and shall set forth the
10 following description of the substance or subject matter of
11 the proposed constitutional amendment:

12 "Proposing an amendment to the Constitution of
13 Alabama of 1901, to prohibit a general law, whose purpose or
14 effect is to require a new or increased expenditure of at
15 least \$50,000 of local funds annually, from becoming effective
16 with regard to a city or county board of education without
17 enactment by a 2/3 vote.

18 "Proposed by Act _____."

19 This description shall be followed by the following
20 language:

21 "Yes () No ()."

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB7
Senate 16-JAN-14
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 13-MAR-14

By: Senator Brewbaker