SB67

151234-2

By Senator Brewbaker (Constitutional Amendment)

RFD: Education

First Read: 05-FEB-13

PFD: 01/30/2013
Proposing an amendment to Amendment 621 to the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to unfunded mandates for municipalities; to remove the exception for expenditures by a local board of education.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

PROPOSED AMENDMENT

"Amendment 621.

"(a) No general law, or state executive order whose purpose or effect is to require a new or increased expenditure
of funds held or disbursed by the governing body of a
municipality or county, or an instrumentality thereof, or a
city or county board of education shall become effective as to
any municipality or county, or an instrumentality thereof, or
a city or county board of education until approved by an
ordinance enacted, or a resolution adopted, by the governing
authority of the affected municipality, county, or
instrumentality, or board of education or until, and only as
long as, the Legislature appropriates funds for the purpose to
the affected municipality, county, or instrumentality, or
board and only to the extent and amount that the funds are
provided, or until a law provides for a local source of
revenue within the municipality, county, or instrumentality,
or board for the stated purpose and the affected municipality,
county, or instrumentality, or board is authorized by
ordinance or resolution to levy and collect the revenue and
only to the extent and amount of the revenue.

"(b) This amendment shall not apply to:

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

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

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

"(3) An act, statute, executive order enacted,
promulgated, or adopted and effective prior to the
ratification of this amendment January 6, 1999, which by its
provisions requires expenditures by the county or municipality at any time after the effective date of this amendment that date.

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

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

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

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

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

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

Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284 and 285 of the
Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment:

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

"Proposed by Act ________." This description shall be followed by the following language:

"Yes ( )  No ( )."
Read for the first time and referred to the Senate committee on Education............................ 05-FEB-13

Read for the second time and placed on the calendar 2 amendments................................ 21-FEB-13

Read for the third time and passed as amended .... 02-APR-13

Yeas 33
Nays 0

Patrick Harris
Secretary