HB26

154592-1

By Representative McClurkin (Constitutional Amendment)

RFD: Education Policy

First Read: 14-JAN-14

PFD: 10/18/2013
SYNOPSIS: 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, prohibits a general law whose purpose or effect is to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

This proposed amendment would remove the exception for expenditures by a local board of education.

A BILL
TO BE ENTITLED
AN ACT
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.

"(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 Constitution of Alabama of 1901, now appearing as Sections 284 and 285 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, and the election laws of this state.

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 ( )."