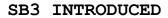


- 1 UIFOGD-1
- 2 By Senator Chambliss (Constitutional Amendment)
- 3 RFD: Confirmations
- 4 First Read: 17-Jul-23
- 5 2023 Second Special Session



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4	SYNOPSIS:
5	Under the Constitution of Alabama of 2022, the
6	Legislature's paramount duty in regular sessions is to
7	make basic appropriations.
8	This bill would provide that local laws or local
9	constitutional amendments may be signed and transmitted
10	before the Legislature has transmitted basic
11	appropriations.
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13	
14	A BILL
15	TO BE ENTITLED
16	AN ACT
17	
18	Proposing to amend Section 71.01 of the Constitution of
19	Alabama of 2022, to authorize the Legislature to sign and
20	transmit local laws or local constitutional amendments before
21	the transmission of basic appropriations.
22	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
23	Section 1. The following amendment to the Constitution
24	of Alabama of 2022, is proposed and shall become valid as a
25	part of the constitution when approved by a majority of the
26	qualified electors voting thereon at the statewide primary
27	election held on March 5, 2024, and in accordance with
28	Sections 284, 285, and 287 of the Constitution of Alabama of
	Page 1





29	2022:
30	
31	PROPOSED AMENDMENT
32	Section 71.01 of the Constitution of Alabama of 2022,
33	is amended to read as follows:
34	"Section 71.01
35	(A) The following words and phrases, whenever used in
36	this amendment, shall have the following respective meanings:
37	"Basic Appropriations" means, with respect to any
38	regular session of the legislature, such appropriations as the
39	legislature may deem appropriate for the expenditures by the
40	state during the ensuing budget period for the ordinary
41	expenses of the executive, legislative and judicial
42	departments branches of the state, for payment of the public
43	debt, and for education (excluding, however, any item within
44	the scope of the foregoing that is at the time provided for by
45	a continuing appropriation or otherwise).
46	"Budget Period" means a fiscal year of the state or
47	such period other than <mark>[a] a</mark> fiscal year as may hereafter be
48	fixed by law as the period with respect to which state budgets
49	are prepared and state appropriations are made.
50	(B) On or before the second legislative day of each
51	regular session of the legislature, <del>beginning with the first</del>
52	regular session after January 1, 1983, the governor shall
53	transmit to the legislature for its consideration a proposed
54	budget for the then next ensuing budget period.

55 (C) The duty of the legislature at any regular session 56 to make the basic appropriations for any budget period that

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will commence before the first day of any succeeding regular 57 58 session shall be paramount; and, accordingly, beginning with 59 the first regular session held after January 1, 1983, no bill 60 (other than a bill making any of the basic appropriations) shall be signed by either the presiding officer of the house 61 62 or senate and transmitted to the other house until bills 63 making the basic appropriations for the then ensuing budget 64 period shall have been signed by the presiding officer of each house of the legislature in accordance with Section 66 of this 65 Constitution and presented to the governor in accordance with 66 67 Section 125 of this Constitution; provided, that this paragraph (C) shall not affect the passage of local laws or 68 local constitutional amendments, the adoption of resolutions 69 70 or the conduct of any other legislative functions that do not 71 require a third reading; and provided further, that following adoption, by vote of either house of not less than 72 73 three-fifths of a quorum present, of a resolution declaring 74 that the provisions of this paragraph (C) shall not be 75 applicable in that house to a particular bill, which shall be 76 specified in said resolution by number and title, the bill so 77 specified may proceed to final passage therein.

(D) Upon the signing and presentation to the governor
in accordance with the said Sections 66 and 125 of bills
making the basic appropriations, the provisions of the
foregoing paragraph (C) prohibiting the final passage of bills
in the house and senate (other than bills making any part of
the basic appropriations) shall cease to be effective and
shall not be revived or become again effective as a result of

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85 (i) the subsequent legislative history of any bill so signed 86 and presented, including any veto, return with executive 87 amendment, or any other action, or failure to act, by either 88 the governor or the legislature under the provisions of the 89 said Section 125; or (ii) a determination, by either judicial 90 decree or opinion of the justices of the Alabama Supreme 91 Court, that any bill so signed and presented is wholly or in 92 part invalid.

93 (E) The legislature may, by statute or rule, make such 94 further provisions for the timely passage of bills making the 95 basic appropriations as are not inconsistent with the 96 provisions of this Constitution.

97 (F) Nothing contained herein shall be construed as 98 requiring the legislature to make any appropriation not 99 otherwise required by this Constitution to be made.

(G) Notwithstanding any provision of this amendment, any resolution authorizing the consideration of a bill proposing a local law adopted before November 8, 2016March 5, 2024, that conformed to the rules of either body of the Legislature at the time it was adopted, is ratified, approved, validated, and confirmed, and the application of any such resolution is effective from the date of original adoption."

Upon ratification of this constitutional amendment, the Code Commissioner shall number and place this amendment as appropriate in the constitution omitting this instructional paragraph and may make the following nonsubstantive revisions: change capitalization, spelling, and punctuation for purposes of style and uniformity; correct manifest grammatical,



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113 clerical, and typographical errors; and correct incorrect 114 cross-references. 115 Section 2. An election upon the proposed amendment 116 shall be held in accordance with Sections 284 and 285 of the 117 Constitution of Alabama of 2022, and the election laws of this 118 state.

119 Section 3. The appropriate election official shall 120 assign a ballot number for the proposed constitutional 121 amendment on the election ballot and shall set forth the 122 following description of the substance or subject matter of 123 the proposed constitutional amendment:

"Proposing an amendment to the Constitution of Alabama of 2022, to amend Section 71.01 authorizing the Legislature to sign and transmit local laws or local constitutional amendments before the transmission of basic appropriations.

128 Proposed by Act ."

129 This description shall be followed by the following 130 language:

131 "Yes() No()."