

1 SB112  
2 126006-3  
3 By Senators Orr, Glover, Holtzclaw, Williams, Bussman, Allen,  
4 Marsh, Pittman, Irons, Fielding, Beasley, Bedford, Brewbaker,  
5 Reed, Keahey, Smitherman, Figures, Dunn, Waggoner, Ward, Dial,  
6 Taylor and Coleman (Constitutional Amendment)  
7 RFD: Constitution, Campaign Finance, Ethics, and Elections  
8 First Read: 01-MAR-11

1 SB112

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4 ENROLLED, An Act,

5 Proposing an amendment to the Constitution of  
6 Alabama of 1901, to amend Section 256 as amended by Amendment  
7 111, now appearing as Section 256 of the Official  
8 Recompilation of the Constitution of Alabama of 1901, as  
9 amended, to remove references to segregation of schools by  
10 race; and to repeal Section 259, now appearing as Section 259  
11 of the Official Recompilation of the Constitution of Alabama  
12 of 1901, as amended, Amendment 90, and Amendment 109, relating  
13 to poll taxes.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

21 PROPOSED AMENDMENT

22 (a) Section 256 of the Constitution of Alabama of  
23 1901, as amended by Amendment 111, is amended to read as  
24 follows:

1           "Section 256. It is the policy of the state of  
2 Alabama to foster and promote the education of its citizens in  
3 a manner and extent consistent with its available resources,  
4 and the willingness and ability of the individual student, but  
5 nothing in this Constitution shall be construed as creating or  
6 recognizing any right to education or training at public  
7 expense, nor as limiting the authority and duty of the  
8 legislature, in furthering or providing for education, to  
9 require or impose conditions or procedures deemed necessary to  
10 the preservation of peace and order.

11           "The legislature may by law provide for or authorize  
12 the establishment and operation of schools by such persons,  
13 agencies or municipalities, at such places, and upon such  
14 conditions as it may prescribe, and for the grant or loan of  
15 public funds and the lease, sale or donation of real or  
16 personal property to or for the benefit of citizens of the  
17 state for educational purposes under such circumstances and  
18 upon such conditions as it shall prescribe. Real property  
19 owned by the state or any municipality shall not be donated  
20 for educational purposes except to nonprofit charitable or  
21 eleemosynary corporations or associations organized under the  
22 laws of the state.

23           (b) Article XIV, Section 259, relating to poll tax  
24 revenues, is repealed.

1 (c) Amendment 90 relating to exemptions from the  
2 poll tax is repealed.

3 (d) Amendment 109 relating to exemptions from the  
4 poll tax is repealed.

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

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

14 "Proposing an amendment to the Constitution of  
15 Alabama of 1901, to repeal portions of Amendment 111, now  
16 appearing as Section 256 of the Official ReCompilation of the  
17 Constitution of Alabama of 1901, as amended, relating to  
18 separation of schools by race and to repeal Section 259,  
19 Amendment 90, and Amendment 109, relating to the poll tax.

20 "Proposed by Act \_\_\_\_\_."

21 This description shall be followed by the following  
22 language:

23 "Yes ( ) No ( )."

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB112

Senate 27-APR-11

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris  
Secretary

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House of Representatives  
Passed: 02-JUN-11

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By: Senator Orr