

1 HB194
2 167910-3
3 By Representatives Clarke and Davis (Constitutional Amendment)
4 RFD: State Government
5 First Read: 05-MAR-15

1 ENGROSSED

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4 A BILL

5 TO BE ENTITLED

6 AN ACT

7

8 To amend Section 106 of the Constitution of Alabama
9 of 1901, as amended by Amendment 341, now appearing as Section
10 106 of the Official Recompilation of the Constitution of
11 Alabama of 1901, as amended, relating to the enactment of
12 special, private, or local bills and the notice required prior
13 to their introduction; to provide procedures for advertising
14 and other notice of private, special, or local bills prior to
15 introduction in the Legislature; to provide procedures for
16 amendments of the bills; and to limit the introduction of the
17 bills after a certain legislative day.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

25 PROPOSED AMENDMENT

26 Section 106 of the Constitution of Alabama of 1901,
27 as amended by Amendment 341, now appearing as Section 106 of

1 the Official Recompilation of the Constitution of Alabama of
2 1901, as amended, is amended to read as follows:

3 "Section 106. (a) No special, private, or local law
4 shall be ~~passed on any subject not enumerated in section 104~~
5 ~~of the Constitution, except in reference to fixing the time of~~
6 ~~holding courts,~~ introduced in the Legislature unless notice of
7 the intention to ~~apply therefor~~ introduce the bill shall ~~have~~
8 ~~been~~ be published, without cost to the state, ~~in the county or~~
9 ~~counties where the matter or thing to be affected may be~~
10 ~~situated, which.~~

11 (b) The notice shall state the substance of the
12 proposed law ~~and.~~

13 "(c) The notice required in subsection (a) shall be
14 published at least once a week for ~~four~~ three consecutive
15 weeks prior to introduction of the bill by publication in some
16 newspaper of general circulation published in such county or
17 counties, ~~or if.~~ If there is no newspaper of general
18 circulation published ~~therein,~~ then in an affected county,
19 notice shall be made by posting the ~~said~~ notice for two
20 consecutive weeks at five different places in the county or
21 counties at least one of which shall be the county courthouse
22 and by publication by electronic or other media as the
23 Legislature may provide by general law. ~~prior to the~~
24 ~~introduction of the bill; and proof~~

25 "(d) Proof that ~~said~~ the notice has been given shall
26 be exhibited to each house of the legislature through a
27 certification by the clerk of the house or the secretary of

1 the senate that notice and proof was attached to the subject
2 local legislation and the notice and proof shall be attached
3 to the original copy of the subject bill and shall be filed in
4 the department of archives and history where it shall
5 constitute a public record.

6 "(e) Amendments to bills proposing passage of a
7 special, private, or local law may be offered in either house
8 of the Legislature, but only by a member of the Legislature
9 representing a portion of a county where the bill was
10 advertised and only if the amendment is related to the
11 specific subject contained in the title of the bill and does
12 not change, alter, or expand the fundamental features of the
13 original bill as advertised and introduced. The process for
14 amendment shall be as follows:

15 "(1) The amendment shall be adopted by a majority of
16 those present and voting in the house where the amendment is
17 first proposed; and

18 "(2) Following adoption of the amendment, the bill
19 as amended is not subject to final passage in the house of the
20 amendment's origin until 10 calendar days thereafter.
21 Additionally, if an executive amendment or conference
22 committee report to a bill proposing passage of a special,
23 private, or local law or the repeal or amendment of an
24 existing special, private, or local law is adopted by the
25 house of origin, the bill as amended by the executive
26 amendment or conference committee report may not be

1 transmitted to the other house for final passage until one
2 calendar week or the day the Legislature adjourns sine die.

3 "(f) The Legislature shall provide by general law
4 for notice and publication of any amendment adopted pursuant
5 to subsection (e) during the period of time between the
6 adoption of the amendment and final passage in the house of
7 the amendment's origin.

8 "(g) The courts shall pronounce void every special,
9 private, or local law which the journals do not affirmatively
10 show was passed in accordance with the provisions of this
11 section.

12 ~~"This amendment shall be self-executing, and no~~
13 ~~enabling legislation shall be necessary."~~

14 Section 2. An election upon the proposed amendment
15 shall be held in accordance with Sections 284 and 285 of the
16 Constitution of Alabama of 1901, now appearing as Sections 284
17 and 285 of the Official Recompilation of the Constitution of
18 Alabama of 1901, as amended, and the election laws of this
19 state.

20 Section 3. The appropriate election official shall
21 assign a ballot number for the proposed constitutional
22 amendment on the election ballot and shall set forth the
23 following description of the substance or subject matter of
24 the proposed constitutional amendment:

25 "Proposing an amendment to the Constitution of
26 Alabama of 1901, to provide procedures for advertising and
27 other notice of private, special, or local bills prior to

1 introduction in the Legislature; to provide procedures for
2 amendments of the bills; and to limit the introduction of the
3 bills after a certain legislative day.

4 "Proposed by Act _____."

5 This description shall be followed by the following
6 language:

7 "Yes () No ()."

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on State Government
..... 05-MAR-15

Read for the second time and placed
on the calendar..... 19-MAR-15

Read for the third time and passed
as amended..... 19-MAY-15

Yeas 67, Nays 28, Abstains 3

Jeff Woodard
Clerk