

1 HB194
2 163918-2
3 By Representatives Clarke and Davis (Constitutional Amendment)
4 RFD: State Government
5 First Read: 05-MAR-15

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8 SYNOPSIS: Under existing law, Section 106 of the
9 Official Recompilation of the Constitution of
10 Alabama of 1901, as amended (Amendment 341), the
11 substance of any bill proposing a special, private,
12 or local law is required to be advertised in a
13 newspaper of general circulation in the county for
14 four weeks prior to introduction in either house of
15 the Legislature. Additionally, Section 106 does not
16 provide any specific procedure for a special,
17 private, or local bill to be substantively amended
18 during the legislative process.

19 This proposed amendment would provide that a
20 special, private, or local bill would be required
21 to be advertised in a newspaper of general
22 circulation in the county for three weeks prior to
23 introduction and would provide for exceptions when
24 there is no newspaper of general circulation in the
25 county. The proposed amendment would provide
26 procedures for the amendment of a special, private,
27 or local bill during the legislative process under

1 procedures established relating to the adoption of
2 proposed changes to the special, private, or local
3 bill prior to final passage in the house of the
4 amendment's origin. The proposed amendment would
5 also limit the introduction of a special, private,
6 or local bill after the twenty-fifth legislative
7 day.

8
9 A BILL
10 TO BE ENTITLED
11 AN ACT
12

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

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. The following amendment to the
25 Constitution of Alabama of 1901, as amended, is proposed and
26 shall become valid as a part thereof when approved by a
27 majority of the qualified electors voting thereon and in

1 accordance with Sections 284, 285, and 287 of the Constitution
2 of Alabama of 1901, as amended:

3 PROPOSED AMENDMENT

4 Section 106 of the Constitution of Alabama of 1901,
5 as amended by Amendment 341, now appearing as Section 106 of
6 the Official Recompilation of the Constitution of Alabama of
7 1901, as amended, is amended to read as follows:

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

16 (b) The notice shall ~~state~~ contain both of the
17 following:

18 "(1) ~~The~~ the substance of the proposed law which may
19 consist of a statement of the general nature of substantive
20 features of the proposed bill or an abstract or essence or
21 compendium of the proposed bill but need not include details
22 of the proposed bill or the text of the proposed bill in its
23 entirety and.

24 "(2) A statement that the Legislature may offer
25 amendments to the proposed bill as provided in subsection (e)
26 with specific information detailing how access to any proposed
27 amendment may be obtained by the general public while the

1 amendment is pending under the procedures set out in
2 subsection (e).

3 "(c) The notice required in subsection (a) shall be
4 published at least once a week for ~~four~~ three consecutive
5 weeks prior to introduction of the bill by publication in some
6 newspaper of general circulation published in such county or
7 counties, ~~or if.~~ If there is no newspaper of general
8 circulation published ~~therein, then~~ in an affected county,
9 notice shall be made by posting the ~~said~~ notice for two
10 consecutive weeks at five different places in the county or
11 counties at least one of which shall be the county courthouse
12 and by publication by electronic or other media as the
13 Legislature may provide by general law. ~~prior to the~~
14 introduction of the bill; and proof

15 "(d) Proof that ~~said the~~ notice has been given shall
16 be exhibited to each house of the legislature through a
17 certification by the clerk of the house or the secretary of
18 the senate that notice and proof was attached to the subject
19 local legislation and the notice and proof shall be attached
20 to the original copy of the subject bill and shall be filed in
21 the department of archives and history where it shall
22 constitute a public record.

23 "(e) A bill proposing passage of a special, private,
24 or local law may be amended by either house of the Legislature
25 under the following procedures:

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

4 "(2) Following adoption of the amendment, the bill
5 as amended shall not be subject to final passage in the house
6 of the amendment's origin until the third legislative day
7 thereafter. Additionally, if an executive amendment or
8 conference committee report to a bill proposing passage of a
9 special, private, or local law or the repeal or amendment of
10 an existing special, private, or local law is adopted by the
11 house of origin, the bill as amended by the executive
12 amendment or conference committee report shall not be
13 transmitted to the other house for final passage until the
14 next legislative day or one calendar week, whichever is last
15 to occur.

16 "(f) During any regular session of the Legislature,
17 no bill proposing passage of a special, private, or local law
18 or the repeal of an existing special, private, or local law
19 shall be introduced following the twenty-fifth legislative
20 day.

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

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

1 Section 2. An election upon the proposed amendment
2 shall be held in accordance with Sections 284 and 285 of the
3 Constitution of Alabama of 1901, now appearing as Sections 284
4 and 285 of the Official ReCompilation of the Constitution of
5 Alabama of 1901, as amended, and the election laws of this
6 state.

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

12 "Proposing an amendment to the Constitution of
13 Alabama of 1901, to provide procedures for advertising and
14 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 "Proposed by Act _____."

19 This description shall be followed by the following
20 language:

21 "Yes () No ()."