

1 SB333  
2 206953-1  
3 By Senators Ward and Whatley (Constitutional Amendment)  
4 RFD: Finance and Taxation General Fund  
5 First Read: 04-MAY-20

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8 SYNOPSIS: Under existing law, certain funds derived  
9 from fees and taxes relating to the licensing, use,  
10 and operation of motor vehicles and motor vehicle  
11 fuels may only be used for the construction,  
12 maintenance, and repair of public highways and  
13 bridges, and for costs related to traffic  
14 regulation and enforcement.

15 This bill would propose an amendment to  
16 Amendment 93, as amended by Amendment 354, to the  
17 Constitution of Alabama of 1901, now appearing as  
18 Section 111.06 of the Official Recompilation of the  
19 Constitution of Alabama of 1901, as amended, to  
20 allow the Legislature to distribute any motor fuel  
21 excise taxes levied under the "Rebuild Alabama Act"  
22 Act 2019-2, 2019 First Special Session, to the  
23 Department of Commerce for a small business  
24 stimulus fund for a period of two years after the  
25 ratification of the amendment, after which time it  
26 would revert back to its original purpose under  
27 general law. The department shall promulgate rules

1           on how monies in the small business stimulus fund  
2           will be distributed.

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4                           A BILL  
5                           TO BE ENTITLED  
6                           AN ACT

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8           To propose an amendment to Amendment 93, as amended  
9           by Amendment 354, to the Constitution of Alabama of 1901, now  
10          appearing as Section 111.06 of the Official Recompilation of  
11          the Constitution of Alabama of 1901, as amended, , to allow  
12          the Legislature to distribute any motor fuel excise taxes  
13          levied under the "Rebuild Alabama Act" Act 2019-2, 2019 First  
14          Special Session, to the Department of Commerce for a small  
15          business stimulus fund.

16          BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

23                           PROPOSED AMENDMENT

24                 "Amendment 93, as amended by Amendment 354.

25                 "(a) No moneys derived from any fees, excises, or  
26          license taxes, levied by the state, relating to registration,  
27          operation, or use of vehicles upon the public highways except

1 a vehicle-use tax imposed in lieu of a sales tax, and no  
2 moneys derived from any fee, excises, or license taxes, levied  
3 by the state, relating to fuels used for propelling such  
4 vehicles except pump taxes, shall be expended for other than  
5 cost of administering such laws, statutory refunds and  
6 adjustments allowed therein, cost of construction,  
7 reconstruction, maintenance and repair of public highways and  
8 bridges, costs of highway rights-of-way, payment of highway  
9 obligations, the cost of traffic regulation, and the expense  
10 of enforcing state traffic and motor vehicle laws. The  
11 provisions of this amendment shall not apply to any such fees,  
12 excises, or license taxes now levied by the state for school  
13 purposes for this whole state or for any county or city board  
14 of education therein; and the legislature may provide for the  
15 manufacture, distribution and use on private passenger or  
16 pleasure motor vehicles of personalized license plates or  
17 tags, bearing some special letters, figures, mark or badge of  
18 distinction or personal prestige in lieu of the regular  
19 license plates or tags, and if it does so, the legislature  
20 must also require that such tags may be procured only by  
21 payment of a fee or charge, in addition to the regular fee,  
22 excise or license tax for the registration, operation or use  
23 of such motor vehicles upon the highways. The moneys derived  
24 from the additional charge made for such special or  
25 distinctive license plates or tags, in excess of the cost of  
26 the manufacture and distribution of such plates or tags, may  
27 be used in such manner as the legislature prescribes.

1                   (b) Notwithstanding subsection (a), the Legislature  
2                   shall distribute the portion of the motor fuel excise taxes  
3                   levied under the Rebuild Alabama Act, Act 2019-2, 2019 First  
4                   Special Session, to the Alabama Department of Commerce to  
5                   create a small business stimulus fund for a period of two  
6                   years upon ratification of this amendment, after which time  
7                   the distribution of the motor fuel excise tax levies contained  
8                   in the Rebuild Alabama Act shall revert back to its original  
9                   purpose under general law. The Alabama Department of Commerce  
10                   shall promulgate rules on how the monies in the small business  
11                   stimulus fund will be distributed.

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

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

23                   "Proposing an amendment to the Constitution of  
24 Alabama of 1901, as amended, to allow the Legislature to  
25 distribute any motor fuel excise taxes levied under the  
26 "Rebuild Alabama Act" Act 2019-2, 2019 First Special Session,  
27 to the Department of Commerce for a small business stimulus

1 fund for a period of two years after the ratification of the  
2 amendment, after which time it shall revert back to its  
3 original purpose under general law.

4 "Proposed by Act \_\_\_\_\_."

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

7 "Yes ( ) No ( )."