

HB2 INTRODUCED



1 038PC6-1
2 By Representatives Carns, Ledbetter (Constitutional Amendment)
3
4 RFD: State Government
5 First Read: 17-Jul-23
6 2023 Second Special Session



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SYNOPSIS:

Under the Constitution of Alabama of 2022, the Legislature's paramount duty in regular sessions is to make basic appropriations.

This bill would provide that local laws or local constitutional amendments may be signed and transmitted before the Legislature has transmitted basic appropriations.

A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 2022, is proposed and shall become valid as a part of the constitution when approved by a majority of the qualified electors voting thereon at the statewide primary election held on March 5, 2024, and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of



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29 2022:

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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 ~~{a}~~ a 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, ~~beginning with the first~~
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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57 will commence before the first day of any succeeding regular
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)
61 shall be signed by either the presiding officer of the house
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
65 house of the legislature in accordance with Section 66 of this
66 Constitution and presented to the governor in accordance with
67 Section 125 of this Constitution; provided, that this
68 paragraph (C) shall not affect the passage of local laws or
69 local constitutional amendments, the adoption of resolutions,
70 or the conduct of any ~~other~~ legislative functions that do not
71 require a third reading; and provided further, that following
72 adoption, by vote of either house of not less than
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.

78 (D) Upon the signing and presentation to the governor
79 in accordance with ~~the said~~ Sections 66 and 125 of bills
80 making the basic appropriations, the provisions of the
81 foregoing paragraph (C) prohibiting the final passage of bills
82 in the house and senate (other than bills making any part of
83 the basic appropriations) shall cease to be effective and
84 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.

100 (G) Notwithstanding any provision of this amendment,
101 any resolution authorizing the consideration of a bill
102 proposing a local law adopted before ~~November 8, 2016~~March 5,
103 2024, that conformed to the rules of either body of the
104 Legislature at the time it was adopted, is ratified, approved,
105 validated, and confirmed, and the application of any such
106 resolution is effective from the date of original adoption."

107 Upon ratification of this constitutional amendment, the
108 Code Commissioner shall number and place this amendment as
109 appropriate in the constitution omitting this instructional
110 paragraph and may make the following nonsubstantive revisions:
111 change capitalization, spelling, and punctuation for purposes
112 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:

124 "Proposing an amendment to the Constitution of Alabama
125 of 2022, to amend Section 71.01 authorizing the Legislature to
126 sign and transmit local laws or local constitutional
127 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()."