1   SB30

2   163925-1

3   By Senator Coleman (Constitutional Amendment)

4   RFD: Constitution, Ethics and Elections

5   First Read: 03-MAR-15

6   PFD: 02/09/2015

1   SB30

2

3

4   <u>ENROLLED</u>, An Act,

5   To repeal Amendments 425 and 555 to the Constitution

6   of Alabama of 1901, now appearing as Section 284.01 of the

7   Official Recompilation of the Constitution of Alabama of 1901,

8   as amended, relating to local constitutional amendments, and

9   to a new add Section 284.01 to Article XVIII of the

10   Constitution of Alabama of 1901, providing for local

11   constitutional amendments.

12   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13   Section 1. The following amendment to the

14   Constitution of Alabama of 1901, as amended, is proposed and

15   shall become valid as a part thereof when approved by a

16   majority of the qualified electors voting thereon and in

17   accordance with Sections 284, 285, and 287 of the Constitution

18   of Alabama of 1901, as amended:

19   PROPOSED AMENDMENT

20   I. Amendments 425 and 555 to the Constitution of

21   Alabama of 1901, are repealed.

22   II. Section 284.01 is added to the Constitution of

23   Alabama of 1901, to read as follows:

24   Section 284.01. (a) The Legislature shall determine

25   whether a proposed constitutional amendment affects or applies

1   to only one county or a political subdivision within one or

2   more counties under the procedures set out herein. If the

3   Legislature determines that a proposed constitutional

4   amendment affects or applies to only one county or a political

5   subdivision within one or more counties, the amendment may be

6   adopted as a valid part of the constitution only by a

7   favorable vote of a majority of the qualified electors of the

8   affected county or, if applicable, the political subdivision

9   and the county or counties in which the political subdivision

10   is located, who vote on the amendment as provided in

11   subsections (b) and (c). If the Legislature fails to determine

12   that a proposed constitutional amendment affects or applies to

13   only one county or a political subdivision within one or more

14   counties pursuant to the procedures set out in subsection (b),

15   the amendment may be adopted as a valid part of the

16   constitution only by a favorable vote of a majority of the

17   qualified electors who vote on the amendment in a statewide

18   referendum, as provided in subsection (d), and a majority of

19   the qualified voters of the affected county or counties voting

20   on the amendments, as provided in subsection (d).

21   (b) To determine whether a proposed amendment shall

22   be placed on the ballot in only one county or a political

23   subdivision within one or more counties and the affected

24   county or counties, as provided in subsection (a), the

1   proposed amendment shall be approved by each house of the

2   Legislature under the following process:

3   (1) The proposed amendment must first be approved,

4   if at all, by at least three-fifths of all the members elected

5   to the house in which it originates.

6   (2) Immediately following approval under subdivision

7   (1), the house shall consider a resolution of local

8   application declaring that the proposed amendment affects or

9   applies to only one county or a political subdivision within

10   one or more counties specifying by proper name the county or

11   the political subdivision and the county or counties within

12   which the political subdivision is located.

13   (3) The proposed amendment shall then be sent to the

14   other house for consideration and, if at least three-fifths of

15   all the members elected to that house vote in favor of the

16   proposed amendment, that house shall likewise immediately

17   proceed to consider a resolution of local application as

18   provided in subdivision (2).

19   In the event that both houses of the Legislature

20   approve the amendment by at least a three-fifths vote of their

21   elected members and also determine by vote without dissent

22   that the proposed amendment affects or applies to only one

23   county or a political subdivision within one or more counties,

24   the proposed amendment shall be placed on the ballot only in

1   the county or political subdivision and county or counties

2   affected.

3   (c) If after having been approved by at least a

4   three-fifths vote of the elected members of either house of

5   the Legislature, there is at least one dissenting vote cast on

6   the resolution in either house on the question of whether the

7   proposed amendment affects or applies to only one county or

8   only to a political subdivision within one or more counties,

9   the proposed amendment shall automatically be submitted in a

10   statewide referendum in accordance with the procedures for

11   proposed statewide constitutional amendments under Sections

12   284 and 285 of the Constitution of Alabama of 1901. If the

13   proposed amendment is submitted in a statewide referendum, it

14   shall not become effective unless approved by a majority of

15   the qualified voters voting on the amendment statewide and a

16   majority of the voters of any county or political subdivision

17   named in the resolution voting on the amendment.

18   (d) Notice of the election, together with the

19   proposed amendment, shall be given by proclamation of the

20   Governor, which proclamation shall be published once a week

21   for four successive weeks next preceding the day appointed for

22   the election in each newspaper qualified to run legal notices

23   in the county or counties affected.

24   Section 2. An election upon the proposed amendment

25   shall be held in accordance with Sections 284 and 285 of the

1 Constitution of Alabama of 1901, now appearing as Sections 284

2 and 285 of the Official Recompilation of the Constitution of

3 Alabama of 1901, as amended, and the election laws of this

4 state.

5 Section 3. The appropriate election official shall

6 assign a ballot number for the proposed constitutional

7 amendment on the election ballot and shall set forth the

8 following description of the substance or subject matter of

9 the proposed constitutional amendment:

10 "Proposing an amendment to the Constitution of

11 Alabama of 1901, to revise the procedure for adoption of local

12 constitutional amendments to provide that a proposed

13 constitutional amendment the Legislature determines without a

14 dissenting vote applies to only one county or a political

15 subdivision within one or more counties shall be adopted as a

16 valid part of the constitution by a favorable vote of a

17 majority of the qualified electors of the affected county or

18 the political subdivision and county or counties in which the

19 political subdivision is located, who vote on the amendment.

20 "Proposed by Act _____."

21 This description shall be followed by the following

22 language:

23 "Yes ( ) No ( )."

1

2

Kay Ivey

3

_____

4

President and Presiding Officer of the Senate

_____

5

6

Speaker of the House of Representatives

7   SB30

8   Senate 12-MAR-15
9   I hereby certify that the within Act originated in and passed
10   the Senate.
11
12   Patrick Harris
13   Secretary
14

15

_____   _____

16
17   House of Representatives
18   Passed: 14-APR-15

19

_____   _____

20
21   By: Senator Coleman

HOUSE ACTION

DATE: 3-12 20 15

RD 1 RFD CC&E

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on Constitution Campaigns Election was acted upon by such Committee in session, and returned therefrom to the House with the recommendation that it be Passed

w/amd(s) _____ w/sub _____

this ___ day of March , 20 15 .

_____, Chairperson

DATE: 3-18 2015

RF At length   RD 2 CAL

DATE: _____ 20___

RE-REFERRED ☐   RE-COMMITTED ☐

COMMITTEE _____

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 30

YEAS 108   **NAYS** 0

JEFF WOODARD, Clerk

FURTHER HOUSE ACTION (OVER)

SENATE ACTION

DATE: 3-3 20 15

RD 1 RFD C&E

I hereby certify that the notice & proof is attached to the Bill, SB _____ as required in the General Acts of Alabama, 1975 Act No. 919.

PATRICK HARRIS, Secretary

This Bill was referred to the Standing Committee of the Senate on C&E

and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report

w/amd(s) _____ w/sub _____ w/eng sub _____

yeas ___ nays ___ abstain ___

this ___ day of March 2015

Bill Hightower , Chairperson

DATE: 3-5 2015

RF FW   RD 2 CAL

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 30

yeas ___ nays ___ abstain 0

PATRICK HARRIS, Secretary

DATE: 3-12-15   RD 3 at length

PASSED ☑   **PASSED AS AMENDED** ☐

yeas 27 nays 0 abstain 0
And was ordered sent forthwith to the House.

PATRICK HARRIS, Secretary

FURTHER SENATE ACTION (OVER)

SPONSORS

19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35