

1 HB60
2 172808-2
3 By Representatives Clarke and Davis (Constitutional Amendment)
4 RFD: Constitution, Campaigns and Elections
5 First Read: 02-FEB-16

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

1 legislative process under procedures established
2 relating to the adoption of proposed changes to the
3 special, private, or local bill prior to final
4 passage in the house of the amendment's origin.

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6 A BILL
7 TO BE ENTITLED
8 AN ACT

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

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~~ was published, without cost to the state, ~~in the county~~
9 ~~or counties where the matter or thing to be affected may be~~
10 ~~situated, which.~~

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

24 "(c) Proof that ~~said~~ the notice has been given shall
25 be exhibited to each house of the legislature through a
26 certification by the clerk of the house or the secretary of
27 the senate that notice and proof was attached to the subject

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

5 "(d) An amendment to a bill proposing passage of a
6 local law or the repeal or amendment of an existing local law
7 may be offered in either house of the Legislature, but only by
8 a member of the Legislature whose district is affected by the
9 amendment. The amendment shall be related to the specific
10 subject contained in the title of the bill and may not change,
11 alter, or expand the fundamental features of the original bill
12 as advertised and introduced. The process for amendment shall
13 be as follows:

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

17 "(2) Following adoption of the amendment, the bill
18 as amended is not subject to final passage in the house of
19 origin of the amendment until the first meeting of the house
20 after the expiration of 48 hours from the adoption of the
21 amendment. Provided, however, on the 30th legislative day
22 during any regular session or on the day of adjournment sine
23 die during any special session, the requirement for delay
24 before final passage is not applicable.

25 "(3) Additionally, if an executive amendment or
26 conference committee report to a bill proposing passage of a
27 local law or the repeal or amendment of an existing local law

1 is adopted by the house of origin, the bill, as amended by the
2 executive amendment or conference committee report, may not be
3 transmitted to the other house for final passage until the
4 first meeting of the other house after the expiration of 48
5 hours from adoption. Provided, however, on the 30th
6 legislative day during any regular session or on the day of
7 adjournment sine die during any special session, the
8 requirement for delay before final passage in the other house
9 shall not be applicable.

10 "(e) The Legislature shall provide in its Joint
11 Rules for a process to ensure electronic or other public
12 access to the text of any amendment, executive amendment, or
13 conference committee report authorized in subsection (d).

14 "(f) The courts shall pronounce void every special,
15 private, or local law which the journals do not affirmatively
16 show was passed in accordance with the provisions of this
17 section.

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

20 Section 2. An election upon the proposed amendment
21 shall be held in accordance with Sections 284 and 285 of the
22 Constitution of Alabama of 1901, now appearing as Sections 284
23 and 285 of the Official Recompilation of the Constitution of
24 Alabama of 1901, as amended, and the election laws of this
25 state.

26 Section 3. The appropriate election official shall
27 assign a ballot number for the proposed constitutional

1 amendment on the election ballot and shall set forth the
2 following description of the substance or subject matter of
3 the proposed constitutional amendment:

4 "Proposing an amendment to the Constitution of
5 Alabama of 1901, to provide procedures for advertising and
6 other notice of private, special, or local bills prior to
7 introduction in the Legislature; and to provide procedures for
8 amendments of the bills.

9 "Proposed by Act _____."

10 This description shall be followed by the following
11 language:

12 "Yes () No ()."