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3 SENATE COUNTY AND MUNICIPAL GOVERNMENT COMMITTEE SUBSTITUTE  
4 FOR SB53  
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9 SYNOPSIS: Under existing law, Section 106 of the  
10 Official Recompilation of the Constitution of  
11 Alabama of 1901, as amended (Amendment 341), the  
12 substance of any bill proposing a special, private,  
13 or local law is required to be advertised in a  
14 newspaper of general circulation in the county for  
15 four weeks prior to introduction in either house of  
16 the Legislature. Additionally, Section 106 does not  
17 provide any specific procedure for a special,  
18 private, or local bill to be substantively amended  
19 during the legislative process.

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

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

7  
8 A BILL  
9 TO BE ENTITLED  
10 AN ACT

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

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

1 PROPOSED AMENDMENT

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

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

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

1           "(c) Proof that said the notice has been given shall  
2 be exhibited to each house of the legislature through a  
3 certification by the clerk of the house or the secretary of  
4 the senate that notice and proof was attached to the subject  
5 local legislation and the notice and proof shall be attached  
6 to the original copy of the subject bill and shall be filed in  
7 the department of archives and history where it shall  
8 constitute a public record.

9           "(d) An amendment to a bill proposing passage of a  
10 local law or the repeal or amendment of an existing local law  
11 may be offered in either house of the Legislature, but only by  
12 a member of the Legislature whose district is affected by the  
13 amendment and only if approved in both houses of the  
14 Legislature by adjournment on the 27th legislative day during  
15 any regular session and by adjournment on the 9th legislative  
16 day during any special session. The amendment shall be related  
17 to the specific subject contained in the title of the bill and  
18 may not change, alter, or expand the fundamental features of  
19 the original bill as advertised and introduced or have the  
20 effect of increasing any tax or fee. The process for amendment  
21 shall be as follows:

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

25           "(2) Following adoption of the amendment, the bill  
26 as amended is not subject to final passage in the house of

1 origin of the amendment until the meeting of the house on the  
2 third legislative day after its adoption.

3 "(3) Additionally, if an executive amendment or  
4 conference committee report to a bill proposing passage of a  
5 local law or the repeal or amendment of an existing local law  
6 is adopted by the house of origin, the bill, as amended by the  
7 executive amendment or conference committee report, may not be  
8 transmitted to the other house for final passage until the  
9 first meeting of the other house on the third legislative day  
10 after its adoption.

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

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

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

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

1                   Section 3. The appropriate election official shall  
2 assign a ballot number for the proposed constitutional  
3 amendment on the election ballot and shall set forth the  
4 following description of the substance or subject matter of  
5 the proposed constitutional amendment:

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

11                   "Proposed by Act \_\_\_\_\_."

12                   This description shall be followed by the following  
13 language:

14                   "Yes ( ) No ( )."