- 1 SB112
- 2 126006-1
- 3 By Senators Orr, Glover, Holtzclaw, Williams, Bussman, Allen,
- 4 Marsh, Pittman, Irons, Fielding, Beasley, Bedford, Brewbaker,
- 5 Reed, Keahey, Smitherman, Figures, Dunn, Waggoner, Ward, Dial,
- 6 Taylor and Coleman (Constitutional Amendment)
- 7 RFD: Constitution, Campaign Finance, Ethics, and Elections
- 8 First Read: 01-MAR-11

Τ	126006-1:n:02/15/2011:LCG/th LRS2011-630
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8	SYNOPSIS: This bill proposes an amendment to delete
9	those remaining "Jim Crow" provisions of the
10	Constitution of Alabama of 1901, which have not
11	been expressly repealed by vote of the people.
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13	A BILL
14	TO BE ENTITLED
15	AN ACT
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17	Proposing an amendment to the Constitution of
18	Alabama of 1901, to amend Section 256 and Section 256 as
19	amended by Amendment 111, now appearing as Section 256 of the
20	Official Recompilation of the Constitution of Alabama of 1901,
21	as amended, to remove references to segregation of schools by
22	race; and to repeal Section 259, now appearing as Section 259
23	of the Official Recompilation of the Constitution of Alabama
24	of 1901, as amended, Amendment 90, and Amendment 109, relating
25	to poll taxes.
26	BE IT FNACTED BY THE IECICIATIDE OF ALABAMA.

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

PROPOSED AMENDMENT

(a) Section 256 of the Constitution of Alabama of 1901, is amended to read as follows:

"Section 256. The legislature shall establish, organize, and maintain a liberal system of public schools throughout the state for the benefit of the children thereof between the ages of seven and twenty-one years. The public school fund shall be apportioned to the several counties in proportion to the number of school children of school age therein, and shall be so apportioned to the schools in the districts or townships in the counties as to provide, as nearly as practicable, school terms of equal duration in such school districts or townships. Separate schools shall be provided for white and colored children, and no child of either race shall be permitted to attend a school of the other race.

(b) Section 256 of the Constitution of Alabama of 1901, as amended by Amendment 111, is amended to read as follows:

"Section 256. It is the policy of the state of Alabama to foster and promote the education of its citizens in

a manner and extent consistent with its available resources, and the willingness and ability of the individual student, but nothing in this Constitution shall be construed as creating or recognizing any right to education or training at public expense, nor as limiting the authority and duty of the legislature, in furthering or providing for education, to require or impose conditions or procedures deemed necessary to the preservation of peace and order.

"The legislature may by law provide for or authorize the establishment and operation of schools by such persons, agencies or municipalities, at such places, and upon such conditions as it may prescribe, and for the grant or loan of public funds and the lease, sale or donation of real or personal property to or for the benefit of citizens of the state for educational purposes under such circumstances and upon such conditions as it shall prescribe. Real property owned by the state or any municipality shall not be donated for educational purposes except to nonprofit charitable or eleemosynary corporations or associations organized under the laws of the state.

"To avoid confusion and disorder and to promote effective and economical planning for education, the legislature may authorize the parents or guardians of minors, who desire that such minors shall attend schools provided for their own race, to make election to that end, such election to be effective for such period and to such extent as the legislature may provide."

(c) Article XIV, Section 259, relating to poll tax 1 2 revenues, is repealed. (d) Amendment 90 relating to exemptions from the 3 poll tax is repealed. (e) Amendment 109 relating to exemptions from the 5 poll tax is repealed. 6 7 Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284 and 285 of the 8 Constitution of Alabama of 1901, as amended, and the election 9 10 laws of this state. Section 3. The appropriate election official shall 11 12 assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the 13 14 following description of the substance or subject matter of the proposed constitutional amendment: 15 "Proposing an amendment to the Constitution of 16 17 Alabama of 1901, to repeal portions of Section 256 and Amendment 111, now appearing as Section 256 of the Official 18 Recompilation of the Constitution of Alabama of 1901, as 19 amended, relating to separation of schools by race and to 20 21 repeal Section 259, Amendment 90, and Amendment 109, relating 22 to the poll tax. "Proposed by Act ." 23 24 This description shall be followed by the following 25 language:

"Yes () No ()."

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