

1 HB342
2 79557-1
3 By Representatives Carns, Albritton, DeMarco, Payne,
4 Humphryes, Allen, McClurkin, Beason and Galliher
5 (Constitutional Amendment)
6 RFD: Constitution and Elections
7 First Read: 12-JAN-06

SYNOPSIS: This bill proposes an amendment to delete those remaining "Jim Crow" provisions of the Constitution of Alabama of 1901, which have not been expressly repealed by vote of the people.

 The proposed amendment would expressly state that nothing in the amendment would be construed to impliedly repeal or amend any local or general law or impliedly repeal or amend any provision of this constitution not specifically amended or repealed by the amendment.

A BILL
TO BE ENTITLED
AN ACT

 Proposing an amendment to the Constitution of Alabama of 1901, to amend Section 256, as amended by Amendment 111, now appearing as Section 256 of the Official ReCompilation of the Constitution of Alabama of 1901, as amended, to remove "Jim Crow" provisions; to repeal Section

1 259, now appearing as Section 259 of the Official
2 Recompile of the Constitution of Alabama of 1901, as
3 amended, Amendment 90, and Amendment 109, relating to poll
4 taxes; and to specifically state that nothing in the amendment
5 would be construed to impliedly repeal or amend any local or
6 general law or impliedly repeal or amend any provision of this
7 constitution not specifically amended or repealed by this
8 amendment.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

16 PROPOSED AMENDMENT

17 (a) Section 256 of the Constitution of Alabama of
18 1901, as amended by Amendment 111, now appearing as Section
19 256 of the Official Recompile of the Constitution of
20 Alabama of 1901, as amended, is amended to read as follows:

21 "Section 256. It is the policy of the state of
22 Alabama to foster and promote the education of its citizens in
23 a manner and extent consistent with its available resources,
24 and the willingness and ability of the individual student, but
25 nothing in this Constitution shall be construed as creating or
26 recognizing any right to education or training at public
27 expense, ~~nor as limiting the authority and duty of the~~

1 ~~legislature, in furthering or providing for education, to~~
2 ~~require or impose conditions or procedures deemed necessary to~~
3 ~~the preservation of peace and order.~~

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

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

23 (b) Article XIV, Section 259, now appearing as
24 Section 259 of the Official ReCompilation of the Constitution
25 of Alabama of 1901, as amended, relating to poll tax revenues,
26 is repealed.

1 (c) Amendment 90 relating to exemptions from the
2 poll tax is repealed.

3 (d) Amendment 109 relating to exemptions from the
4 poll tax is repealed.

5 (e) Nothing in this amendment shall be construed to
6 impliedly repeal or amend any local or general law or
7 impliedly repeal or amend any provision of this constitution
8 not specifically amended or repealed by this amendment.

9 Section 2. An election upon the proposed amendment
10 shall be held in accordance with Sections 284 and 285 of the
11 Constitution of Alabama of 1901, now appearing as Section 256
12 of the Official Recompilation of the Constitution of Alabama
13 of 1901, as amended, and the election laws of this state.

14 Section 3. The appropriate election official shall
15 assign a ballot number for the proposed constitutional
16 amendment on the election ballot and shall set forth the
17 following description of the substance or subject matter of
18 the proposed constitutional amendment:

19 "Proposing an amendment to the Constitution of
20 Alabama of 1901, to amend Section 256, as amended by Amendment
21 111, to remove references to race or color; to repeal Section
22 259, Amendment 90, and Amendment 109 relating to the poll tax;
23 and to specify that nothing in this amendment shall be
24 construed to impliedly repeal or amend any local or general
25 law or impliedly repeal or amend any provision of this
26 constitution not specifically amended or repealed by this
27 amendment.

1 "Proposed by Act _____."

2 This description shall be followed by the following
3 language:

4 "Yes () No ()."