

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

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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11 been expressly repealed by vote of the people.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT

16
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 ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

1 (c) Article XIV, Section 259, relating to poll tax
2 revenues, is repealed.

3 (d) Amendment 90 relating to exemptions from the
4 poll tax is repealed.

5 (e) Amendment 109 relating to exemptions from the
6 poll tax is repealed.

7 Section 2. An election upon the proposed amendment
8 shall be held in accordance with Sections 284 and 285 of the
9 Constitution of Alabama of 1901, as amended, and the election
10 laws of this state.

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

16 "Proposing an amendment to the Constitution of
17 Alabama of 1901, to repeal portions of Section 256 and
18 Amendment 111, now appearing as Section 256 of the Official
19 Recompilation of the Constitution of Alabama of 1901, as
20 amended, relating to separation of schools by race and to
21 repeal Section 259, Amendment 90, and Amendment 109, relating
22 to the poll tax.

23 "Proposed by Act _____."

24 This description shall be followed by the following
25 language:

26 "Yes () No ()."