

1 HB587
2 55395-5
3 By Representatives Buskey and Guin (Constitutional Amendment)
4 RFD: Constitution and Elections
5 First Read: 15-APR-03

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ENROLLED, An Act,

Proposing an amendment to the Constitution of Alabama of 1901, to amend Section 256 and Section 256 as amended by Amendment 111, to remove references to segregation of schools by race; and to repeal Section 259, Amendment 90, and Amendment 109, relating to poll taxes.

BE IT ENACTED BY THE LEGISLATURE 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

1 nearly as practicable, school terms of equal duration in such
2 school districts or townships. ~~Separate schools shall be~~
3 ~~provided for white and colored children, and no child of~~
4 ~~either race shall be permitted to attend a school of the other~~
5 ~~race.~~

6 (b) Section 256 of the Constitution of Alabama of
7 1901, as amended by Amendment 111, is amended to read as
8 follows:

9 "Section 256. It is the policy of the state of
10 Alabama to foster and promote the education of its citizens in
11 a manner and extent consistent with its available resources,
12 and the willingness and ability of the individual student. ~~7~~
13 ~~but nothing in this Constitution shall be construed as~~
14 ~~creating or recognizing any right to education or training at~~
15 ~~public expense, nor as limiting the authority and duty of the~~
16 ~~legislature, in furthering or providing for education, to~~
17 ~~require or impose conditions or procedures deemed necessary to~~
18 ~~the preservation of peace and order.~~

19 "The legislature may by law provide for or authorize
20 the establishment and operation of schools by such persons,
21 agencies or municipalities, at such places, and upon such
22 conditions as it may prescribe, and for the grant or loan of
23 public funds and the lease, sale or donation of real or
24 personal property to or for the benefit of citizens of the
25 state for educational purposes under such circumstances and

1 upon such conditions as it shall prescribe. Real property
2 owned by the state or any municipality shall not be donated
3 for educational purposes except to nonprofit charitable or
4 eleemosynary corporations or associations organized under the
5 laws of the state.

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

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

15 (d) Amendment 90 relating to exemptions from the
16 poll tax is repealed.

17 (e) Amendment 109 relating to exemptions from the
18 poll tax is repealed.

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

23 Section 3. The appropriate election official shall
24 assign a ballot number for the proposed constitutional
25 amendment on the election ballot and shall set forth the

1 following description of the substance or subject matter of
2 the proposed constitutional amendment:

3 "Proposing an amendment to the Constitution of
4 Alabama of 1901, to repeal portions of Section 256 and
5 Amendment 111 relating to separation of schools by race and
6 repeal portions of Amendment 111 concerning constitutional
7 construction against the right to education, and to repeal
8 Section 259, Amendment 90, and Amendment 109 relating to the
9 poll tax.

10 "Proposed by Act _____."

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

13 "Yes () No ()."

