HB358

135969-8

By Representative DeMarco (Constitutional Amendment)

RFD: Constitution, Campaigns and Elections

First Read: 16-FEB-12
ENROLLED, An Act,

Proposing an amendment to the Constitution of Alabama of 1901, to amend Section 247 now appearing as Section 247 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to the general power of the Legislature regarding banks and banking, effective January 1, 2014, to include in that section existing provisions concerning unlimited duration, prohibitions on political subdivisions being stockholders or lending credit, and bank examination requirements; and to repeal the following Sections of Article XIII, relating to banks and banking: Section 248 of the Constitution of Alabama of 1901, now appearing as Section 248 of the Official Recompilation of the Constitution of Alabama of 1901, as amended; Section 249 of the Constitution of Alabama of 1901, now appearing as Section 249 of the Official Recompilation of the Constitution of Alabama of 1901, as amended; Section 251 of the Constitution of Alabama of 1901, as amended by Amendment 51 of the Constitution of Alabama of 1901, now appearing as Section 251 of the Official Recompilation of the Constitution of Alabama of 1901, as amended; Section 252 of the Constitution of Alabama of 1901, now appearing as Section 252 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to maximum rate of interest; Section 253 of the Constitution of
Alabama of 1901, now appearing as Section 253 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to state and political subdivisions not to be stockholders in banks or lend credit thereto; and Section 254 of the Constitution of Alabama of 1901, now appearing as Section 254 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to examinations of banks by public officers and semiannual reports by banks; to repeal Amendment 154 of the Constitution of Alabama of 1901, now appearing as Section 255.01 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, on the contingency that a new Article XII is adopted as a part of the Alabama Constitution which repeals existing Section 232 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, and on the contingency that Sections 10A-2-15.01 and 10A-2-15.02, Code of Alabama 1975, are repealed.

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, effective on January 1, 2014, following approval 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, now appearing as Sections 284, 285, and 287 of the Official
Recompilation of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

1. Section 247 of the Constitution of Alabama of 1901, is amended to read as follows:

"Section 247. Authority of Legislature Restricted.

(a) The Legislature shall not have the power to establish or incorporate any bank or banking company or moneymed institution for the purpose of issuing bills of credit or bills payable to order or bearer, except under the conditions prescribed in this Constitution. No bank shall be established otherwise than under a general banking law.

(b) There shall be no limit of time for the duration of a corporation organized as a bank or banking company, and it shall not be necessary to renew or extend the life or charter of any such corporation now existing. All extensions of the life or charter of any such corporations are ratified and confirmed.

(c) Neither the state, nor any political subdivision thereof, shall be a stockholder in any bank, nor shall the credit of the state or any political subdivision thereof be given or lent to any banking company, banking association, or banking corporation.

(d) The Legislature, by appropriate laws, shall provide for the examination, by some public officer, of all
banks and banking institutions and trust companies engaged in banking business in this state; and each of such banks and banking companies or institutions, through its president, or such other officer as the Legislature may designate, shall make a report under oath of its resources and liabilities at least twice a year."

2. The following sections of Article XIII of the Constitution of Alabama of 1901, relating to banks and banking, are repealed: Section 248, relating to banking laws being general, specie basis, and the authority to issue bills to circulate as money; Section 249, relating to bills or notes issued as money redeemable in gold or silver and specifying laws may not sanction suspension of the specie payments; Section 251, as amended by Constitutional Amendment 51, relating to termination of business; Section 252, relating to maximum rate of interest; Section 253, relating to state and political subdivisions not to be stockholders in banks or lend credit thereto; and Section 254, relating to examinations of banks by public officers and semiannual reports by banks.

3. Section 255.01, relating to nonresidents making mortgage loans, is repealed on the contingency that a new Article XII is adopted as a part of the Alabama Constitution which repeals existing Section 232 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, and on the contingency that a bill is enacted that
repeals Sections 10A-2-15.01 and 10A-2-15.02, Code of Alabama 1975, relating to the consequences of a foreign corporation transacting business without registration, and which provides that Sections 10A-1-7.21 through and including Section 10A-1-7.24, Code of Alabama 1975, shall instead apply to a foreign corporation transacting business without registering with the Secretary of State.

END OF PROPOSED AMENDMENT

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

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

"Proposing an amendment to the Constitution of Alabama of 1901, effective January 1, 2014, to amend Section 247 relating to the authority of the Legislature concerning banks and banking, to repeal various other provisions of Article XIII concerning banks and banking; and to repeal Amendment 154 to the Constitution of Alabama of 1901, now
appearing as Section 255.01 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, subject to the contingency that a new Article XII of the state constitution is adopted that repeals existing Section 232 of the state constitution, and subject to the contingency that Sections 10A-2-15.01 and 10A-2-15.02, Code of Alabama 1975, are repealed.

"Proposed by Act ______." This description shall be followed by the following language:

"Yes ( ) No ( )."
Speaker of the House of Representatives

Kay Ivey

President and Presiding Officer of the Senate

House of Representatives
I hereby certify that the within Act originated in
and was passed by the House 15-MAR-12.

Greg Pappas
Clerk

Senate 01-MAY-12 Passed

Alabama Secretary Of State
Act Num.....: 2012-276
Bill Num.....: H-358
Recv'd 05/03/12 08:04amSLF
REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on

was acted upon by such a committee in session, and returned therefrom to the House with the recommendation that it be

Passed w/amend(s)        w/sub
this 1 day of March, 20 12

Chairperson

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill,

YEAS 27   NAYS 3

PATRICK HARRIS,
Secretary
This bill having been referred to the Comm. Rules pursuant to Senate Rule 23 is reported to the Senate on
This Bill was referred to the Standing Comm. (Committee Chairperson)

Signed (Committee Chairperson)

GREG PAPPAS, Clerk

This day of 20

YEAS 53
NAYS 26
ABSTAIN 0
W/ENG SUB 0
W/SEND(S) 0

Date

DATE: 3-15-13
YEARS 40
NAYS 10
ABSTAIN 0
R. 3 AT LENGTH AND PASSED
HOUSE OF REPRESENTATIVES

(Continued)