Why do I have to vote on so many Amendments?

Election Day is almost here, and if you are like me, you are ready to put this election season in the rear view mirror and to not look back. But there is more on the ballot than the Presidential election. Before you block this election completely from your mind, you need to look at the Amendments on the ballot.

The Alabama Constitution of 1901 is the foundational governing document of the State of Alabama. It is 310,296 words long and has 892 Amendments. Just to get that in perspective, the Alabama Constitution is 40 times longer than the United States Constitution and it is three times longer than the next longest constitution in the English speaking world. But don't let those fact lead you to the conclusion that you should vote "no" on all Amendments to keep the Constitution from getting even longer. Some of the Amendments on the ballot this year are very important to the functioning of our State government and should be considered by all voters.

One of the reasons that our constitution is so long is that many of the Amendments concern the internal affairs of an individual county. Four of the Amendments on the 2016 ballot are purely local Amendments concerning the internal affairs of only one county. It is every voter's right to vote or to not vote on those Amendments. I personally don't vote on other county's local Amendments because I believe that the voters in that county should decide their own issues. It is hard for me to make a determination if certain employees of the Etowah County Sheriff's office should be covered employees under the Etowah County Sheriff's Office Personnel Board (Amendment 7) so I won't be voting on that Amendment. It is, of course, up to you if you want to vote on those Amendments. Here is a short summary of the Amendments on the November 8th 2016 ballot:

Amendment 1

Amendment 1 concerns the Board of Trustees of Auburn University. Under the current law nine Auburn Board members terms are due to expire in 2019, so the Amendment provides that the Board members terms will be staggered and that in the future no more than three of the Board member's terms will expire in any one year. The Amendment also would add two more at-large members to the Board bringing the total board membership to 16 members with five at large members.

Vote **YES** if you want the Auburn Board of Trustees to have two more at large members and to have staggered Board terms. Vote **NO** if you want the Board to stay as it is.

Amendment 2

Amendment 2 may be the most controversial Amendment on the ballot. Amendment 2 would prohibit the legislature from transferring money generated by the State Park System or earmarked for the State Park System to other State departments. Currently about $29.5 million dollars of the State Park System budget is generated by the Park system itself through fees and revenue from Park operations. The Park system also receives about 7.5 million dollars from a

portion of the cigarette tax and the State sales tax. Those tax revenues are designated (earmarked) for the Park system. In 2012, during a budget showdown between the Governor and the Legislature, some of the Parks were closed or their operating hours were shortened. The Amendment provides that the Park system may keep up to 50 million dollars of the revenue generated by the Park system or tax money designated to its operations.

Another portion of Amendment 2 would allow the State Park system to contract with private companies to operate hotels, golf courses and restaurants in the State Parks. This portion of the Amendment is particularly interesting in light of the fact that the State is building a hotel and conference center on State owned land in Gulf Shores.

Critics of Amendment 2 argue that if passed it will set a dangerous precedent for other revenue generating State departments (the Court system) to keep the revenue that they generate. Some critics also object to private companies operating State facilities and profiting from State property. Proponents of the Amendment argue that it will safeguard the Park system from future budget battles and that private companies can sometimes operate State facilities more efficiently than the State itself.

Vote **YES** if you want to limit the legislature's ability to designate the way that State Park funds are allocated and you want to allow private companies to operate State owned hotels, golf courses, and restaurants. Vote **NO** if you want to maintain the legislature's control of State Park revenue and you want to prohibit private companies from operating State Park facilities.

Amendment 3

Amendment 3 concerns the procedure used to place local Amendments on the statewide ballot. As we discussed above, local Amendments are often included on statewide ballots. Currently if one legislator votes against an Amendment then the Amendment must be voted on statewide, and even if the county that is the subject of the Amendment votes against it, it becomes law if it is passed statewide.

Amendment 3 would require two votes by the legislature on local Amendments. The first vote would be "for or against" the Amendment. The second vote is a vote to allow the Amendment to be placed on a local county wide ballot not on the statewide ballot. If even one legislator votes to place the Amendment on the statewide ballot, the Amendment will be placed on the statewide ballot. A purely local Amendment would have to pass in the county that it effects in order to become law.

Vote **YES** if you want to create a new procedure for placing local Amendments on the statewide ballot. Vote **NO** if you want to keep the current system in place.

Amendment 4

Amendment 4 would increase the authority of county commissions to control certain aspects of their county operations without getting approval of the legislature or voters. Those operations concern county personnel, litter free roadways, public property, public transportation, road safety, and emergency assistance. Current law requires that county commission must get legislative or public approval before acting in these areas.

Vote **YES** if you want to allow county commissions more control over their operations. Vote **NO** if you want to maintain current restrictions on county commissions.

Amendment 5

Amendment 5 would clean up and combine Article III of the Constitution and Amendment 582, both of which concern the separation of powers between the branches of state government. Amendment 5 would modernize the language of the constitution by eliminating such phrases as "to wit" and "body of magistry". The Amendment is a wording change, not a substantive change.

Vote **YES** if you want to combine parts of the constitution and modernize the language. Vote **NO** if you want to leave it alone.

Amendment 6

Amendment 6 would change the procedure for impeachment of statewide elected officials. Under current law, the procedure used to impeach a statewide elected officials is vague. Amendment 6 would require a two thirds vote of the State Senate to impeach a State officer. It would also remove the State Superintendent of Education from those officers subject to impeachment and would make the State Board of Education members subject to impeachment. The State Board of Education appoints the Superintendent.

Vote **YES** if you want to provide for a more specific procedure of statewide elected officials. Vote **NO** if want to leave it as is.

Amendment 7

Amendment 7 is a local Amendment that provides for certain Etowah County Sheriff's office employees to be under the authority of the Personnel Board of the Sheriff of Etowah County.

Vote **YES** if you want to allow certain employees of the Etowah County Sheriff to be under the Personnel Board of the Sheriff of Etowah County. Vote **NO** if want to leave it as is.

Amendment 8

Amendment 8 would place "right to work" language that is currently part of the State Code into the Constitution. The Amendment would prohibit discrimination against a worker who is not a member of a union or a worker who is a member of a union.

Vote **YES** if you want to incorporate "right to work" language in the State Constitution. Vote **NO** if want to leave it as is.

Amendment 9

Amendment 9 is a local Amendment that would allow a person older than 70 but not over 75 to run for Probate Judge of Pickens County. Currently no one who is 70 or over may run for a judgeship in Alabama.

Vote **YES** if you want to allow a person older than 70 but not over 75 to run for Probate Judge of Pickens County. Vote **NO** if want to leave it as is.

Amendment 10

Amendment 10 is a local Amendment that applies only to Calhoun County. It would prohibit municipalities located outside Calhoun County from having a police jurisdiction in Calhoun County. Currently the City of Lincoln which is located in Talladega County has a portion of its police jurisdiction in Calhoun County.

Vote **YES** if you want to prohibit municipalities located outside Calhoun County from having a police jurisdiction in Calhoun County. Vote **NO** if want to leave the Constitution as it is.

Amendment 11

Amendment 11 deals with the Major 21st Century Manufacturing Zone Act. Passed in 2013, the Act allows cities and counties to create special zones to allow local governments to provide incentives for industrial development. The local government entities can pledge a projected increase in future property tax revenues to acquire and redevelop private land that has been specially designated as suitable for manufacturing facilities.

The local governments can then sell these properties to developers or manufacturers. The original legislation required that cities or counties sell these properties at fair market value. Amendment 11 seeks to remove this fair market value requirement.

Vote **YES** to allow local governing bodies within the Major 21st Century Manufacturing Zones to sell city- or county-owned properties in that zone below fair market value. Vote **NO** if you want to maintain the restriction on local governments to sell property at fair market value.

Amendment 12

Amendment 12 is a local Amendment that would empower the Legislature to allow municipalities in Baldwin County to establish toll road and bridge authorities.

Vote **YES** to empower the Legislature to allow Baldwin County to create an authority to build and manage toll roads and bridges. Vote **NO** if want to leave it as is.

Amendment 13

Amendment 13 would remove the age restriction of 70 from all State boards and offices except for judges. Some State boards such as the Boards of Trustees of the University of Alabama and Auburn University have a maximum age of 70 for service on those boards, this Amendment would remove those restrictions.

Vote **YES** to remove the age restriction of 70 from all State boards and offices except for judges. Vote **NO** if want to leave it as is.

Amendment 14

Amendment 14 is designed to retroactively eliminate a flaw in the way that several past local acts have been passed by the legislature. The State constitution provides that no legislation will be passed until the House and Senate pass the State budgets. Over the years that provision has proved troublesome because protracted fights over the budget prevented local legislation from passing. The legislature circumvents this requirement by passing Budget Isolation Resolutions (BIR) which are provided for in Amendment 448, these BIR's allow votes on other bills before the budget is approved.

The Alabama House of Representatives has a rule that the BIR process requires a three-fifths vote of members "present and voting," whereas Amendment 448 stipulates a three-fifths vote of members "present". The wording of the House rule is different from the wording of Amendment 448. On local bills, usually only the Legislators from the area impacted vote on the bill, all of the other members are present for a quorum but they are not voting. Therefore many bills have been passed without a three-fifths vote of members who are present as provided in

Amendment 448. The Circuit Court of Jefferson County recently invalidated a local law because it didn't have a three-fifths vote of the members present.

Amendment 14 would retroactively "fix" up to 630 other local laws passed by the legislature since 1984.

Vote **YES** to retroactively "fix" the procedural flaw in up to 630 local laws. Vote **NO** if want to leave it as is.

We hope that this summary will be helpful.

Prepared by a member of the Cullman Area Chamber of Commerce & Visitor Center Governmental Affairs Committee