

Statewide Amendment 4: Local School Board Protection from Unfunded Mandates

Background

Amendment Four would require a 2/3 majority vote of the Alabama Legislature in order to pass any general law that would impose an unfunded mandate of over \$50,000 on local boards of education. Currently, only municipalities and counties are constitutionally protected from unfunded mandates by the Legislature. This legislation was introduced in the 2014 legislative session by Senator Dick Brewbaker (R-Montgomery).¹ It passed unanimously in the Senate and the House, after a failed attempt in the 2013 legislative session.²

Purpose of the Amendment

Amendment 621 of the Alabama Constitution, ratified in 1999, says that no general law requiring new or increased spending by a municipality or county will become effective **unless** 1) the mandate is approved by the local governing authority, or 2) the Legislature appropriates the requisite funds—and the local body will only be required to fund the purpose to the extent that the funds are provided, or 3) a law provides state funding or a local source of revenue to cover the cost, or 4) the mandate is passed by 2/3 of the Legislature, or 5) the mandate is determined to have a fiscal impact of less than \$50,000 as it applies to all local school boards. Amendment 621 does not apply to laws enacted prior to 1999.

Amendment 4 would simply add “city and county school boards” to the local government bodies that are covered by the protections of Amendment 621. Because local boards of education are not currently included in the amendment, unfunded mandates on these boards can be passed with a simple majority (over 50%) of the Legislature. The major impact of Amendment 4 is that

ISSUE SNAPSHOT

- The Alabama Constitution currently protects municipalities from unfunded mandates unless they are passed by 2/3 of the Legislature.
- The amendment would add local school boards to the local governing bodies that cannot be mandated to expend local funds on a project without the approval of 2/3 of the Legislature.

it would protect local boards of education from unfunded mandates by the Legislature without the approval of the larger 2/3 majority vote.

This amendment contains no provision granting local school boards any new authority to raise revenues (or taxes).

Notably, Amendment 621 (and thus, Amendment 4) does not apply to local laws or laws concerning the compensation, benefits, or due process rights of any employee of a board of education.³

¹ SB7, 2014 Reg. Sess. (enacted 2014-185)(Ala. 2014).

² SB67, 2013 Reg. Sess. (Ala. 2013).

³ ALA. CONST. amend. 621(b)(1), (8).