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## STATE OF ALABAMA

I, Robert Bentley, Governor of the State of Alabama, pursuant to Alabama Code Section 12-2-10, hereby request an Opinion of the Justices on the below important constitutional question. Act 2015-540, the general appropriation bill for Fiscal Year 2016, contains language limiting, prohibiting, or mandating certain actions by the Executive Branch. The Act's effective date is October 1, 2015, and the provisions questioned below greatly influence the actions of the Executive Branch in making decisions for FY 2016. The provisions in question are as follows:

1. On page 57, lines 4-16, the language: "It is further the intent of the Legislature that all driver license offices and trooper posts in operation at the beginning of fiscal year 2015 remain in operation during fiscal year 2016 and that any reductions in force implemented by the agency during fiscal year 2016 focus on areas of operation not directly impacting services provided to customers."
2. On page 119, lines 1-22, the language: "Funds appropriated from the State General Fund or earmarked state funds in this act to any state department, division, board, bureau, commission, agency, institution, or office shall not be expended for capital outlay purposes for the construction of new buildings and/or related facilities. . . .A state agency may request to make capital outlay expenditures for construction purposes in the event of a natural disaster or for other emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Ways and Means General Fund Committee, and the Chairman of the Senate Finance and Taxation General Fund Committee. . . . The request shall be approved by a majority of the Director of Finance, the Chairman of the House Ways and Means General Fund Committee, and the Chairman of the Senate Finance and Taxation General Fund Committee prior to incurring capital outlay expenses for construction of new buildings and/or related facilities."
3. On pages 119 to 120, lines 23 to 19: Funds appropriated from the State General Fund or earmarked state funds in this act to any state department, division, board, bureau, commission, agency, institution, or office shall not be expended for the purchase of or lease of new automotive vehicles. . . . A state department, division, board, bureau, commission, agency, institution, or office may request to purchase or lease automotive vehicles for emergency purposes. The request shall be made in writing to the Director of Finance, the Chairman of the House Ways and Means

General Fund Committee, and the Chairman of the Senate Finance and Taxation General Fund Committee. . . . The request shall be approved by a majority of the Director of Finance, the Chairman of the House Ways and Means General Fund Committee, and the Chairman of the Senate Finance and Taxation General Fund Committee prior to the purchase or lease of any automotive vehicle.”

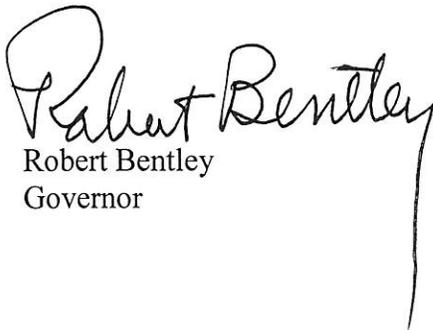
4. On page 122, lines 10-19, the language: “Any agency or entity receiving appropriations from the State General Fund or transferring funds into the State General Fund for fiscal year 2016 in this act shall reduce direct services to the public as a last resort. Any spending cuts necessitated by the reductions in appropriations from the State General Fund or due to transfers into the State General Fund shall come from administrative functions prior to any cuts being made to direct services to Alabamians and payments to recipients of governmental programs. . . .”

My questions are as follows:

1. Do any of the provisions of Act 2015-540, stated above, violate sections 42 and 43 of the Alabama Constitution, impermissibly encroaching upon the powers of the executive branch?
2. Does item 1 and/or 4, above, of Act 2015-540 violate section 213 of the Alabama Constitution, if the relevant appropriations are insufficient to pay for the services to be provided?
3. Do any of the provisions of Act 2015-540, stated above, violate section 71 of the Alabama Constitution by including matters in the general appropriations bill in addition to appropriations?

Your kind attention to this urgent request is needed as soon as possible.

Respectfully submitted this 23<sup>rd</sup> day of September, 2015.

  
Robert Bentley  
Governor