

1 HB325  
2 190260-1  
3 By Representative Johnson (R)  
4 RFD: Judiciary  
5 First Read: 30-JAN-18

2  
3  
4  
5  
6  
7  
8 SYNOPSIS: Under existing law, the release of a sky  
9 lantern within 500 yards of a public gathering is a  
10 violation.

11 This bill would provide that the possession  
12 or sale of a sky lantern would be prohibited  
13 subject to the same penalties.

14 Amendment 621 of the Constitution of Alabama  
15 of 1901, now appearing as Section 111.05 of the  
16 Official Recompilation of the Constitution of  
17 Alabama of 1901, as amended, prohibits a general  
18 law whose purpose or effect would be to require a  
19 new or increased expenditure of local funds from  
20 becoming effective with regard to a local  
21 governmental entity without enactment by a 2/3 vote  
22 unless: it comes within one of a number of  
23 specified exceptions; it is approved by the  
24 affected entity; or the Legislature appropriates  
25 funds, or provides a local source of revenue, to  
26 the entity for the purpose.

1                   The purpose or effect of this bill would be  
2                   to require a new or increased expenditure of local  
3                   funds within the meaning of the amendment. However,  
4                   the bill does not require approval of a local  
5                   governmental entity or enactment by a 2/3 vote to  
6                   become effective because it comes within one of the  
7                   specified exceptions contained in the amendment.  
8

9                                   A BILL  
10                                  TO BE ENTITLED  
11                                  AN ACT  
12

13                   Relating to fire safety; to amend Act 2017-387 of  
14                   the 2017 Regular Session, now appearing as Section 13A-11-225,  
15                   Code of Alabama 1975, to prohibit the possession or sale of  
16                   sky lanterns subject to the existing penalties; and in  
17                   connection therewith would have as its purpose or effect the  
18                   requirement of a new or increased expenditure of local funds  
19                   within the meaning of Amendment 621 of the Constitution of  
20                   Alabama of 1901, now appearing as Section 111.05 of the  
21                   Official Recompilation of the Constitution of Alabama of 1901,  
22                   as amended.

23                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24                   Section 1. Act 2017-387 of the 2017 Regular Session,  
25                   now appearing as Section 13A-11-225, Code of Alabama 1975, is  
26                   amended to read as follows:

27                   "§13A-11-225.

1                   "(a) As used in this section, ~~the following words~~  
2 ~~have the following meanings:~~

3                   "~~(1) PUBLIC GATHERING. The presence of more than 500~~  
4 ~~members of the public in an outdoor place for the purpose of~~  
5 ~~attending a sporting contest, auto race, concert, festival,~~  
6 ~~political rally, parade, or similar event.~~

7                   "~~(2) SKY LANTERN. An a sky lantern means an unmanned~~  
8 ~~self-contained free-floating luminary device requiring an open~~  
9 ~~flame underneath, such as a candle, for propulsion.~~

10                   "(b) It is unlawful to ~~release a sky lantern within~~  
11 ~~500 yards of a public gathering possess, sell at retail, offer~~  
12 ~~to sell at retail, distribute, or give away a sky lantern.~~

13                   "(c) A violation of this section is a criminal  
14 violation punishable pursuant to Section 13A-5-12."

15                   Section 2. Although this bill would have as its  
16 purpose or effect the requirement of a new or increased  
17 expenditure of local funds, the bill is excluded from further  
18 requirements and application under Amendment 621, now  
19 appearing as Section 111.05 of the Official Recompilation of  
20 the Constitution of Alabama of 1901, as amended, because the  
21 bill defines a new crime or amends the definition of an  
22 existing crime.

23                   Section 3. This act shall become effective  
24 immediately following its passage and approval by the  
25 Governor, or its otherwise becoming law.