

**SB238 INTRODUCED**



1 14XXZZ-1

2 By Senator Allen

3 RFD: State Governmental Affairs

4 First Read: 20-Apr-23

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SYNOPSIS:

This bill would propose an amendment to the Constitution of Alabama of 2022, relating to public K-12 schools, to require local boards of education to adopt policies requiring each K-12 public school to broadcast or sanction the performance of the first stanza of The Star-Spangled Banner at least once per week during school hours.

A BILL  
TO BE ENTITLED  
AN ACT

Proposing an amendment to the Constitution of Alabama of 2022, to require local boards of education to adopt policies requiring each K-12 public school to broadcast or sanction the performance of The Star-Spangled Banner at least once per week during school hours.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds and declares the following:

(1) During the Battle of Baltimore of the War of 1812, Francis Scott Key visited the British fleet in the Chesapeake Bay on September 7, 1814, to secure the release of Dr. William



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29 Beanes, who had been captured after the British burned  
30 Washington, D.C.

31 (2) The release of Dr. Beanes was secured, but Key and  
32 Beanes were held by the British during the shelling of Fort  
33 McHenry, one of the forts defending Baltimore.

34 (3) On the morning of September 14, 1814, after the  
35 25-hour British bombardment of Fort McHenry, Key peered  
36 through the clearing smoke to see a 42-foot by 30-foot  
37 American flag flying proudly atop the Fort.

38 (4) He was so inspired to see the enormous flag still  
39 flying over the Fort that he began penning a song, which he  
40 named The Defence of Fort McHenry, to commemorate the  
41 occasion, and he included a note that it should be sung to the  
42 tune of the popular British melody To Anacreon in Heaven.

43 (5) In 1916, President Woodrow Wilson ordered that the  
44 anthem, which had been popularly renamed The Star-Spangled  
45 Banner, be played at military and naval occasions.

46 (6) On March 3, 1931, President Herbert Hoover signed a  
47 resolution of Congress that officially designated The  
48 Star-Spangled Banner as the National Anthem of the United  
49 States.

50 (7) For over 100 years, The Star-Spangled Banner has  
51 served to inspire generations of patriotic Americans, and it  
52 is imperative that students have exposure to this history and  
53 inspiration.

54 Section 2. The following amendment to the Constitution  
55 of Alabama of 2022, is proposed and shall become valid as a  
56 part of the Constitution when approved by a majority of the



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57 qualified electors voting thereon and in accordance with  
58 Sections 284, 285, and 287 of the Constitution of Alabama of  
59 2022:

### PROPOSED AMENDMENT

61 (a) Each local board of education shall adopt a policy  
62 requiring each public K-12 school under its jurisdiction to  
63 broadcast The Star-Spangled Banner during school hours, at  
64 least once per week. If not played or broadcast in a given  
65 week from Monday through Thursday, the Star-Spangled Banner  
66 shall be played or broadcast on Friday morning.

67 (b) (1) A local board of education shall select for  
68 broadcast, pursuant to subsection (a), any recording of the  
69 first stanza of The Star-Spangled Banner that is archived  
70 within the Library of Congress and available on the Library of  
71 Congress website.

72 (2) A local board of education, alternatively, may  
73 adopt a policy allowing, during school hours, for the  
74 performance of the first stanza of The Star-Spangled Banner  
75 from original sheet music, archived within the Library of  
76 Congress and available on its website, by a school-sanctioned  
77 band program, choral program, vocal group, or vocalist.

78 Upon ratification of this constitutional amendment, the  
79 Code Commissioner shall number and place this amendment as  
80 appropriate in the constitution omitting this instructional  
81 paragraph and may make the following nonsubstantive revisions:  
82 change capitalization, spelling, and punctuation for purposes  
83 of style and uniformity; correct manifest grammatical,



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84 clerical, and typographical errors; and correct incorrect  
85 cross-references.

86 Section 3. An election upon the proposed amendment  
87 shall be held in accordance with Sections 284 and 285 of the  
88 Constitution of Alabama of 2022, and the election laws of this  
89 state.

90 Section 4. The appropriate election official shall  
91 assign a ballot number for the proposed constitutional  
92 amendment on the election ballot and shall set forth the  
93 following description of the substance or subject matter of  
94 the proposed constitutional amendment:

95 "Proposing an amendment to the Constitution of Alabama  
96 of 2022, to require local boards of education to adopt  
97 policies requiring each K-12 public school to broadcast or  
98 sanction the performance of the first stanza of The  
99 Star-Spangled Banner at least once per week during school  
100 hours.

101 Proposed by Act \_\_\_\_."

102 This description shall be followed by the following  
103 language:

104 "Yes( ) No( )."