Re-Codification of Alabama Constitution

April, 2002

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and
Article I: Declaration of Rights

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Section 98-F. Cherokee County: Employees' Retirement System	Amendment 630
Section 98-G. Chilton County: Phase-Out of Supernumerary Programs in Chilton County; Participation in Employees' Retirement System	Amendment 680, as amended and re-written by Amendment 704
Section 98-H. Clarke County: Employees' Retirement System	Amendment 631
Section 98-I. Clay County: Phase-Out of Supernumerary Programs in Clay County; Participation in Employees' Retirement System	Amendment 671
Section 98-J. Cleburne County: Employees' Retirement System	Amendment 632
Section 98-K. Coffee County: Supernumerary Program Phase-Out; Participation in Employees Retirement Program	Amendment 633
Section 98-L. Conecuh County: Employees' Retirement System	Amendment 635
Section 98-M. Coosa County: Phase-Out of Supernumerary Program for Certain Elected Officials in Coosa County; Participation in Employees' Retirement System	Amendment 602
Section 98-N. Covington County: Employees' Retirement System.	Amendment 636
Section 98-O. Dale County: Phase-Out of Supernumerary Programs in Dale County; Participation in Employees' Retirement System	Amendment 683

Section 98-P. Elmore County: Elected Officials Participation in Employees' Retirement System	Amendment 638
Section 98-Q. Franklin County: Employees' Retirement System	Amendment 639
Section 98-R. Geneva County: Employees' Retirement System	Amendment 640
Section 98-S. Greene County: Phase-Out of Supernumerary Programs in Greene County; Participation in Employees' Retirement System	Amendment 685
Section 98-T. Henry County: Phase-Out of Supernumerary Programs in Henry County; Participation in Employees' Retirement System	Amendment 687
Section 98-U. Houston County: Phase-Out of Supernumerary Program for Certain Elected Public Officials in Houston County; Participation in Employees' Retirement System	Amendment 589
Section 98-V. Lamar County: Phase-Out of Supernumerary Programs in Lamar County; Participation in Employees' Retirement System	Amendment 689
Section 98-W. Lauderdale County: Phase-Out of Supernumerary Programs in Lauderdale County; Participation in Employees' Retirement System	Amendment 690
Section 98-X. Lawrence County: Phase-Out of Supernumerary Programs in Lawrence County; Participation in Employees' Retirement System	Amendment 691
Section 98-Y. Lee County: Supernumerary Program Phase-Out; Participation in Employees' Retirement System	Amendment 641
Section 98-Z. Limestone County: Employees' Retirement System	Amendment 645

Section 98-AA. Lowndes County: Phase-Out of Supernumerary Programs in Lowndes County; Participation in Employees' Retirement System	Amendment 673
Section 98-BB. Macon County: Phase-Out of Supernumerary Programs in Macon County; Participation in Employees' Retirement System	Amendment 693
Section 98-CC. Marion County: Phase-Out of Supernumerary Programs in Marion County; Participation in Employees' Retirement System	Amendment 705
Section 98-CC-1 Mobile County: Pension or Retirement System in Mobile County and Municipalities Therein; Pensions of Former Officers of Mobile County and Municipalities Therein; Comprehensive Health Insurance Plan for Retired Mobile County Employees; Supernumerary Program Phase-Out; Participation in Employees' Retirement System	Amendment 150 (subsection 1); Amendment 192 (subsection 2); Amendment 441 (subsection 3); Amendment 648 (subsection 4)
Section 98-DD. Morgan County: Phase-Out of Supernumerary Program for Certain Public Officials in Morgan County; Participation in Employees' Retirement System	Amendment 592
Section 98-EE. Perry County: Phase-Out of Supernumerary Programs in Perry County; Participation in Employees' Retirement System	Amendment 698
Section 98-FF. Pike County: Phase-Out of Supernumerary Programs in Pike County; Participation in Employees' Retirement System	Amendment 700. Amendment 700 also repealed the legislative act proposing Amendment 699 so that Amendment 699, which with one difference, was identical to Amendment 700, was itself repealed.
Section 98-GG. Randolph County: Employees Retirement System	Amendment 651

Section 98-HH. Russell County: Phase-Out of Supernumerary Programs in Russell County; Participation in Employees' Retirement System	Amendment 702
Section 98-II. Shelby County: Phase-Out of Supernumerary Programs in Shelby County; Participation in Employees' Retirement System	Amendment proposed by Act 2001-773 and reported to have been approved on Nov. 13, 2001; not yet proclaimed as ratified or assigned an amendment number
Section 98-JJ. Sumter County: Phase-Out of Supernumerary Programs in Sumter County; Participation in Employees' Retirement System	Amendment 675
Section 98-KK. Talladega County: Supernumerary Program Phase-Out; Participation in Employees' Retirement System	Amendment 654
Section 98-LL. Tallapoosa County: Phase-Out of Supernumerary Programs in Tallapoosa County; Participation in Employees' Retirement System	Amendment 703
Section 98-MM. Washington County: Employees' Retirement System	Amendment 657
Section 98-NN. Winston County: Employees' Retirement System	Amendment 658
Section 99. Restrictions on Donation or Sale of State Lands to Private Corporations or Individuals; Grant of Easements to Railroad, Telephone and Telegraph Companies	Original Section 99
Section 100. Obligations and Liabilities of Corporations, etc., Held or Owned by State, Counties or Municipalities	Original Section 100
Section 101. Lobbying in Legislature by State or County Officials.	Original Section 101
Section 102. Miscegenation Laws	Annulled by Amendment 667
Section 103. Regulation, etc., of Common Carriers, Partnerships, Associations, Trusts, Monopolies and Combinations of Capital	Original Section 103

Section 104. Special, Private or Local Laws Prohibited in Certain Cases; Laws Placing Responsibility for County Roads in State Highway Department; Laws for Termination of Alimony Upon Remarriage or Cohabitation of Spouse; Effectiveness of Laws Providing for Expenditure of County or Municipal Funds; Expenditures by Local Government; Election of City Board of Education (Population Not Exceeding 125,000); Election of City Boards of Education (Population Exceeding 125,000)	Original Section 104 (subsection 104); Amendment 142 (subsection 2); Amendment 390 (subsection 3); Amendment 474 (subsection 4); Amendment 491 (subsection 5); Amendment 621 (subsection 6); Amendment 659, subsection 7); Amendment 665 (subsection 8)
Section 104-A. Baldwin County: Fire Protection Districts in Baldwin County; Annexation in Baldwin County	Amendment 365 (subsection 1); Amendment 627 (subsection 2)
Section 104-B. Blount County: Fire and Emergency Medical Services Districts in Blount County	Amendment 561
Section 104-C. Calhoun County: Local Legislation to Change Procedure for Sale of Lands for Delinquent Taxes in Calhoun County; Election of Board of Education of City of Anniston; Water Works and Sewer Board of City of Anniston	Amendment 562 (subsection 1); Amendment 664 (subsection 2); Amendment 677 (subsection 3)
Section 104-D. Colbert County: Laws Changing Form of Government of Colbert County or Municipalities Therein or Changing Term of Office, Compensation, Allowances, etc., of Officers Thereof	Amendment 144
Section 104-E. Cullman County: Election of Members of Cullman City Board of Education	Amendment 566
Section 104-F. Elmore County: Local Service Districts	Amendment 466
Section 104-G. Etowah County: Election of Board of Education of City of Attalla; Annexation in Etowah County; Real Estate Licenses in Etowah County	Amendment 537 (subsection 1); Amendment 467 (subsection 2); Amendment 684 (subsection 3)
Section 104-H. Fayette County: Water Coordinating and Fire Prevention Authority	Amendment 517

Section 104-I. Franklin County: Election of Superintendent of Education by Qualified Voters; Franklin County Water Coordinating and Fire Prevention Authority	Amendment 588, amending and superceding Amendment 578 (subsection 1); Amendment 518 (subsection 2)
Section 104-J. Houston County: Election of Dothan City Board of Education	Amendment 522
Section 104-K. Jackson County: Fire Districts and Fire Prevention Services in Jackson County; Jackson County Water Authority	Amendment 436 (subsection 1); Amendment 519 (subsection 2)
Section 104-L. Jefferson County: Prohibition of Overgrowth of Weeds and Storage and Accumulation of Certain Junk, Motor Vehicles and Litter in Jefferson County Business License Taxes in Jefferson County; Election of Board of Education in City of Bessemer; Prohibition of Prostitution in Unincorporated Areas of Jefferson County (Byron Clark Constitutional Amendment)	Amendment 497 (subsection 1); Amendment 539 (subsection 2); Amendment 606 (subsection 3); Amendment 688 (subsection 4)
Section 104-M. Lamar County: Water Coordinating and Fire Prevention Authority	Amendment 516
Section 104-N. Lauderdale County: Special, Private or Local Laws Relating to Lauderdale County and Municipalities Therein	Amendment 140
Section 104-O. Lee County: Police Jurisdiction and Planning and Zoning Authority of Municipalities in Lee County	Amendment 570
Section 104-P. Limestone County: Municipality Police Jurisdiction in Limestone County; Limits on Municipality Planning and Zoning Regulations; Authority of county Commission	Amendment 499 (subsection 1); Amendment 643 (subsection 2); Amendment 482 (subsection 3)
Section 104-Q. Macon County: Election of Two Persons to Electrical Utility Owned by City of Tuskegee	Amendment 591

Section 104-R. Madison County: Local Legislation Regarding Delinquent Tax Notices in Madison County; Fire Districts in Madison County; Excavating Human Graves in Madison County; Limits on Municipal Jurisdiction	Amendment 348 (subsection 1); Amendment 378 (subsection 2); Amendment 520 (subsection 3); Amendment 531 (subsection 4)
Section 104-S. Marion County: Public Water Authority	Amendment 490
Amendment 104-T. Marshall County: Annexation in Marshall County; Polling Places in Marshall County	Amendment 469 (subsection 1); Amendment 696 (subsection 2)
Section 104-U. Mobile County: Fire Fighting Districts and Services in Mobile County; Investment of Municipal Funds and County Funds by Mobile County	Amendment 532 (subsection 1); Amendment 500 (subsection 2)
Section 104-V. Montgomery County: Fire Fighting Districts	Amendment 379
Section 104-W. Morgan County: Election of Decatur City Board of Education; Manner of Filling Vacancies on Morgan County Board of Education	Amendment 553 (subsection 1); Amendment 577 (subsection 2)
Section 104-X. Russell County: Fire Fighting Districts and Fire Protection in Russell County	Amendment 381
Section 104-Y. Shelby County: Business License Taxes on Real Estate Operations and Transactions in Shelby County; Local Public Service Districts in Shelby County; Home Rule in Shelby County	Amendment 595 (subsection 1); Amendment 343 (subsection 2); Amendment 370 (subsection 3); Amendment proposed by Act 2001-451, reported approved but not yet proclaimed as ratified or assigned amendment number
Section 104-Z. St. Clair County: Election of Board of Education for City of Pell City; Annexation in St. Clair County	Amendment 544 (subsection 1); Amendment 460 (subsection 2)
Section 104-AA. Talladega County: Construction, Repair, etc., of Public Roads, Bridges, etc., in Talladega County; Election of Talladega City Board of Education; Talladega County Budget	Amendment 534 (subsection 1); Amendment 548 (subsection 2); Amendment 533 (subsection)

Section 104-BB. Tallapoosa and Elmore Counties: Election of Board of Education of City of Tallasee	Amendment 535
Section 104-CC. Tuscaloosa County: Fire Protection or Garbage and Trash Disposal Districts in Tuscaloosa County	Amendment 358
Section 104-DD. Winston County: Legislation as to Winston County Water Coordinating and Fire Prevention Authority	Amendment 255 (subsection 1); Amendment 515 (subsection 2)
Section 105. Special, Private or Local Laws; Prohibited in Cases Provided for by General Law; Exception as to Time of Holding Courts; Partial Repeal of General Laws	Original Section 105
Section 106. Special, Local or Private Laws. Publication or Posting of Notice of Intent to Apply Therefore Within County or Counties Affected Prior to Introduction of Bill; Validation of Certain Population Based Acts and Method of Amendment Thereof	Amendment 341, amending and re-writing original Section 106 (subsection 1); Amendment 389 (subsection 2)
Section 107. Special, Private or Local Laws; Notice Required by Section 106 Prerequisite to Repeal or Amendment	Original Section 107
Section 108. Suspension of General Laws for Benefit of Individuals or Private Corporations; Exemption of Individuals or Private Corporations from Operation of General Laws	Original Section 108
Section 109. General Laws for Protection of Local and Private Interests	Original Section 109
Section 110. "General Law," "Local Law" and Special Law" Defined	Amendment 397, amending and re-writing original Section 110, and superceding Amendment 375 which had previously amended and re-written original Section 110
Section 111. Amendment of Bill Introduced as General Law so as to Become Special, Private or Local Law on Passage	Original Section 111

Article V: Executive Department

Re-Codification Section	Derivation
Section 112. Composition; Officers Enumerated	Original Section 112, with brackets indicating Superintendent of Education no longer elected official as per Amendment 284
Section 113. Supreme Executive Power Vested in Governor	Original Section 113
Section 114. Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, [Superintendent of Education,] and Commissioner of Agriculture and Industries; How Elected; When Election Held	Original Section 114, with brackets as to Superintendent of Education per Amendment 284
Section 115. Same; Returns of Election Transmitted to Speaker of House of Representatives; Opening and Publication of Election Returns; Duties of Speaker and Legislature Ministerial in Opening and Publication of Votes; Person Having Highest Number	Original Section 115, with brackets as to Superintendent of Education per Amendment 284
Section 116. Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, [Superintendent of Education,] and Commissioner of Agriculture and Industries; Term of Office; Officers May Succeed Selves for One Additional Term	Original Section 116, as amended and re-written by Amendment 282 and with brackets as to Superintendent of Education per Amendment 284
Section 117. Qualifications of Governor and Lieutenant Governor; Lieutenant Governor Ex Officio President of Senate	Original Section 117
Section 118. Compensation and Residency Requirements for Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, [Superintendent of Education,] and Commissioner of Agriculture and Industries	Original Section 118, with brackets as to Superintendent of Education per Amendment 284
Section 119	Omitted transition provision
Section 120. Governor to Faithfully Execute Laws	Original Section 120

Section 121. Governor May Require Reports from Officers of Executive Department and Officers and Managers of State Institutions; False Reports or Failure to File Reports Constitutes Impeachable Offense	Original Section 121
Section 122. Governor Authorized to Convene Legislature on Extraordinary Occasions; Proclamation of Governor to State Matters on Which Action Necessary	Original Section 122
Section 123. Reports and Information to be Given Legislature by Governor; Presentation of Budget to Legislature	Original Section 123
Section 124. Authority of Governor to Grant Reprieves and Commutations to Persons Under Sentence of Death; Legislature to Regulate Administration of Pardons, Paroles, Remission of Fines and Forfeitures, Suspension of Sentences and Probation; Pardon Not Relief from Civil and Political Disabilities Unless Specifically Provided	Amendment 38, amending and superceding original Section 124
Section 125. Presentation of Bills to Governor for Signature; Veto Power of Governor; Procedure for Passage of Bill After Veto by Governor; Effect of Failure of Governor to Sign Bill	Original Section 125
Section 126. Authority of Governor to Veto Items in Appropriation Bills	Original Section 126
Section 127. Succession to Office of Governor; Filling of Vacancy When Offices of Governor and Lieutenant Governor Both Vacant; Procedure When Governor or Successor Impeached, Absent from State, Disabled, etc.; Failure of Governor-Elect, Lieutenant Governor-Elect, etc., to Qualify	Original Section 127
Section 128. Procedure When Governor or Acting Governor Appears to be of Unsound Mind	Original Section 128
Section 129. Compensation of Acting Governor	Original Section 129

Section 130. Holding Office in Addition to that of Governor	Original Section 130
Section 131. Military Powers of Governor	Original Section 131
Section 132. Qualifications of Attorney General, State Auditor, Secretary of State, State Treasurer, [Superintendent of Education] and Commissioner of Agriculture and Industries	Original Section 132
Section 133. Great Seal of the State	Original Section 133
Section 134. Duties of Secretary of State Generally	Original Section 134
Section 135. Issuance and Execution of Grants and Commissions	Original Section 135
Section 136. Vacancy in Office or Unsoundness of Mind of Attorney General, State Auditor, Secretary of State, State Treasurer, [Superintendent of Education] or Commissioner of Agriculture and Industries	Original Section 136
Section 137. Duties Generally and Restrictions on Receipt of Fees, etc., by Attorney General, State Auditor, Secretary of State, State Treasurer, [Superintendent of Education,] and Commissioner of Agriculture and Industries; Annual Reports by State Treasurer and State Auditor; Attorney General May be Required to Defend Suits Against State, Political Subdivisions, Officers, etc.	Original section 137. The bracketing of the term "Superintendent of Education" reflects the fact that Amendment 284, approved Dec. 9, 1969, altered the nature of that office, and also repealed any conflicting provisions of article V. The bracketing of the last sentence reflects the fact that it was added by Amendment 111, which re-wrote section 137 in toto, along with several other sections. Amendment 111 was adopted in response to court decision holding segregation unlawful, and at least some of its provisions are unconstitutional. However, the bracketed language is facially neutral and probably valid.
Section 138. Election and Term of Office of Sheriffs; Sheriff Eligible to Succeed Self; Impeachment of Sheriff; Effect of Impeachment of Sheriff; Employees of Office of Sheriff Subject to Personnel Board in Certain Counties.	Amendment 35, amending and superceding original Section 138 (subsection A); Amendment 647 (subsection B); Amendment 655 (subsection C); Amendment 694 (subsection D)

Article VI: Judicial Department

Re-Codification Section	Derivation
Section 6.01. Judicial Power	Adopted pursuant to Amendment 328, completely revising original Article VI, sections 139-172, as well as Amendments 317 and 323
Section 6.02. The Supreme Court	Amendment 328
Section 6.03. Courts of Appeal	Amendment 328
Section 6.04. Circuit Court	Amendment 328
Section 6.05. District Court	Amendment 328
Section 6.06. Probate Court; Additional Probate Judgeship for Jefferson County	Amendment 328 (subsection a); Amendment 384 (subsection b)
Section 6.065. Municipal Courts	Amendment 328
Section 6.07. Qualifications of Judges	Amendment 328
Section 6.08. Prohibited Activities	Amendment 328
Section 6.09. Judicial Compensation	Amendment 328, as further amended by Amendment 426 (subsection d)
Section 6.10. Administration	Amendment 328
Section 6.11. Power to Make Rules	Amendment 328
Section 6.12. Number of Circuit and District Judges	Amendment 328
Section 6.13 Election of Judges	Amendment 328
Section 6.14. Vacancies in Judicial Offices	Amendment 328
Section 6.14-A. Vacancies in Office of Judge of Circuit Court Holding at Birmingham	Amendment 83 (subsection 1); Amendment 110 (subsection 2)
Section 6.14-B. Procedure for Filling Vacancies in Office of Judge of Circuit Court and Office of District Court in Mobile County	Amendment 408

Section 6.14-C. Procedure for Filling Vacancies in Office of Judge of Circuit Court in Madison County; Madison County Judicial Commission	Amendment 607, amending and superceding Amendment 334
Section 6.14-D. Procedure for Filling Vacancies in Office of Judge of Circuit Court, Judge of District Court, and District Attorney in Talladega County	Amendment 615
Section 6.14-E. Baldwin County; Judicial Commission	Amendment 660
Section 6.15. Tenure of Office	Amendment 328
Section 6.16 Retirement	Amendment 328
Section 6.17 Judicial Inquiry Commission	Amendment 58a, amending and superceding Section 6.17 of Amendment 328
Section 6.18. Court of the Judiciary	Amendment 581, amending and superceding Section 6.18 of Amendment 328
Section 6.18-A. Impeachment Provisions in Article VII, Section 173 to Apply to Supreme Court Justices and Appellate Judges	Amendment 580
Section 6.19. Disqualification	Amendment 328
Section 6.20. District Attorneys, Clerks, Court Revenue	Amendment 328; incorporates designation of "circuit solicitor" as "district attorney" as provided in Amendment 226.
Section 6.20-A. Abolition of Office of Constable in Certain Counties	Amendment 368 (subsection a); Amendment 417 (subsection b); Amendment 419 (subsection c)
Section 6.21. Continuation of Courts, District Attorneys, Clerks	Amendment 328

Article VII: Impeachment

Re-Codification Section	**Derivation**

Section 173. Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, [Superintendent of Education], Commissioner of Agriculture and Industries and Justices of Supreme Court	Original section 173, with brackets indicating (a) that the Superintendent of Education should be deleted from the operation of this section, since his or her removal would now be controlled by Amendment 284 under which the Superintendent of Education serves at the pleasure of the state board of education, and (b) that impeachment of the judges of the Supreme Court or the Courts of Appeal is subject to the provisions of section 6.18A, added by Amendment 580
Section 174. [Chancellors, Judges of Circuit and Probate Courts, Judges of Courts from Which Appeal May Be Taken Directly to Supreme Court,] [Solicitors,] [District Attorneys] and Sheriffs	Original section 174, with brackets indicating changes that would reflect that (a) lower court judges are now subject to the removal provisions of the Judicial article, Amendment 328, sections 6.17 and 6.18 and, unlike judges of the Supreme Court and the Courts of Appeal, see section 6.18A, added by Amendment 580 there is no amendment continuing the application of th impeachment provisions to lower court judges, and (b) to change the designation of "solicitor" to "district attorney" pursuant to Amendment 226
Section 175. Clerks of Circuit Courts, Courts of like Jurisdiction and Criminal Courts, Tax Collectors, Tax Assessors, [County Commissioners of Revenue,] County Treasurers, County Superintendents of Education, [Judges of Inferior Courts,] Coroners, [Justices of the Peace, Notaries Public,] Constables and County and Municipal Officers	Original section 175, with brackets indicating changes that would reflect (a) that the offices of tax assessor and tax collector have now been consolidated in several counties, see, e.g., Amendment 366 (Pickens County); and (b) the elimination of the office of justice of the peace and of notary public with justice of the peace powers, Amendment 323, with no provision for the re-establishment of those offices in revised article VI, adopted by Amendment 328
Section 175-A. Walker County: Procedure for Removal of Board, Commission, Authority, or Utility Member	Amendment 656
Section 176. Limitation on Impeachment Penalties; Accused Person Liable to Indictment and Punishment	Original Section 176

Article VIII. Suffrage and Elections

Re-Codification Section	Derivation
No section number; only section in Article VIII	Amendment 579, repealing and superseding the original Article VIII, Sections 177-206

Article IX: Representation

Re-Codification Section	Derivation
Section 197. Ratio of Senators to Representatives	Original Section 197
Section 198. Maximum Number of Members of House of Representatives; Apportionment of House Based on Decennial Census of United States	Original section 198, with brackets indicating changes that would accord with federal reapportionment requirements, under which representation of counties has been superceded by the one man, one vote requirement of proportional representation
Section 199. Duty of Legislature to Fix Number of Representatives and Apportion Them Among Counties Following Each Decennial Census; Each County Entitled to at Least One Representative	Original section 199, with brackets suggesting revisions that somewhat tracks the district setting procedure of Section 200 and more accurately reflects the necessary procedure under federal reapportionment decisions
Section 200. Duty of Legislature to Fix Number of Senators and Divide State Into Senatorial Districts; Equality of Senatorial Districts; Senatorial Districts Not to be Changed Until Next Apportioning Session; Division of Counties Between Senatorial Districts Prohibited; Counties Within Senatorial Districts to be Contiguous	Original section 200, with the brackets indicating a provision that it probably invalid under federal reapportionment decisions
Section 201. State may Provide for Enumeration of Inhabitants for Purpose of Apportionment of Representatives and Senators	Original Section 201

Section 202. Initial Apportionment of House of Representatives	Transitional provision; omitted
Section 203. Initial Apportionment of Senatorial Districts	Transitional provision; omitted

Article X: Exemptions

Re-Codification Section	**Derivation**
Section 204. Personal Property of Value of One Thousand Dollars Exempt from Sale, Execution or Other Process of Court Issued for Collection of Debt	Original Section 204; brackets indicate language that could be deleted
Section 205. Homestead Not Exceeding Eighty Acres or City, Town or Village Lot Not Exceeding Two Thousand Dollars in Value Exempt from Sale, Execution or Other Process of Court Issued for Collection of Debt; Exception as to Mortgages	Original Section 205; brackets indicate language that could be deleted
Section 206. Homestead of Family Exempt from Payments of Debt after Death of Owner During Minority of Children	Original Section 206; brackets indicate language that could be deleted
Section 207. Laborers' Liens and Mechanics' Liens Not Barred by Sections 204 and 205	Original Section 207
Section 208. Homestead Exempt upon Death of Owner, Leaving Widow, but No Children	Original Section 208
Section 209. Property Rights of Females; Property of Wife Not Liable for Debts, etc., of Husband	Original Section 209
Section 210. Waiver of Right of Exemption	Original Section 210

Article XI: Taxation

Re-Codification Section	**Derivation**

Section 211. Property Taxes to be Assessed in Exact Proportion to Value of Property	Original Section 211
Section 211-A. Income Taxes; Disposition of Income Tax; Exemption of Homesteads from State Ad Valorem Tax; State Tax on Net Income of Corporations; Deduction of Federal Income Tax from Gross Income When Computing State Income Tax	Amendment 25 (subsection 1); Amendment 61 (subsection 2); Amendment 662, amending and re-writing Amendment 212 (subsection 3); and Amendment 225 (subsection 4)
Section 212. Power to Levy Taxes Not to be Delegated	Original Section 212
Section 212-A. Assessments, Fees, or Charges Levied by Referendum for Promotion of Cattle Industry; Promotion of Poultry and Poultry Products; Promotion of Soybeans; Indemnification Program for Peanut Farmers; Promotion of Production, Distribution, etc., of Peanuts, Milk and Cotton; Promotion of Production, Distribution, etc., of Swine and Swine Products; Eradication or Control of Boll Weevil in Cotton; Promotion of Grain Industry; Promotion of Catfish Industry; Finance Charge, Fee or Assessment on Forest Land for Forestry Services and Forest Fire Protection	Amendment 452, amending and re-stating Amendment 201 (subsection A); Amendment 428, amending and re-stating Amendment 214 (subsection B); Amendment 401, amending and re-stating Amendment 315 (subsection C); Amendment 383 (subsection D); Amendment 388 (subsection E); Amendment 400 (subsection F); Amendment 449 (subsection G); Amendment 453 (subsection H); Amendment 492 (subsection I); Amendment 511 (subsection J)
Section 213. Creation of State Debt After Ratification of Constitution; Temporary Loans; Refunding Bonds for Existing Indebtedness; Payment of Interest on Certain Outstanding and Unpaid State Warrants; Sinking Fund for Payment of Floating Indebtedness; Warrants Not to be Drawn on State Treasury Unless Money Available for Payment; Unpaid Appropriations for Which Money Unavailable at End of Fiscal Year; Issuance of Revenue Securities by Institutions of Learning; Certain Bonds of Alabama State Docks Department Not Debt of State; Cellular Radio Telecommunications Service Tax; Bond Payments	Amendment 26 (subsection A); Amendment 160 (subsection B); Amendment 446 (subsection C); Amendment 616 (subsection D)

Section 213-A. Road Bond Issue Amendment; State Roads, Highways and Bridges - Bond Issue; Bonds to Pay or Retire Alabama Bridge Commission Bonds; Bond Issue for Acquiring, etc., Public Roads, Highways and Bridges in Conjunction With United States	Amendment 11 (subsection 1); Amendment 21 (subsection 2); Amendment 42 (subsection 3); Amendment 87 (subsection 4)
Section 213-B. State Works of Internal Improvements Along Navigable Waterways and Indebtedness Therefor; Bonds for State Docks Facilities; Navigable Waterway Between Demopolis and Tennessee River and Flood Control Projects on Tributary Streams of Tombigbee River; Bonds for Theodore Ship Channel Project in Mobile Harbor; Navigable Waterway Between Montgomery and Gadsden and to The Alabama-Georgia Boundary; Improvement of State Docks Facilities at Port of Mobile; Bonds, etc., for Navigable Waterway Between Demopolis and Tennessee River and Tombigbee Valley Projects; When Bonds of Alabama State Docks Department Not Debt of State; Deepening, Widening and Extending of Federal Channel at Bayou La Batre and Acquisition, Development, etc., of Cargo Handling Facilities of State Docks at Port of Mobile	Amendment 116 (subsection 1); Amendment 213 (subsection 2); Amendment 222 (subsection 3); Amendment 270 (subsection 4); Amendment 273 (subsection 5); Amendment 274 (subsection 6); Amendment 286 (subsection 7); Amendment 287 (subsection 8); Amendment 288 (subsection 9); Amendment 338 (subsection 10); Amendment 355 (subsection 11); Amendment 510 (subsection 12)
Section 213-C. Bonds for Construction and Improvement Purposes at Alabama Institute for Deaf and Blind; Same - University of Alabama Medical Center at Birmingham; Same - Alabama Polytechnic Institute [Auburn University]; Same - University of Alabama Research Institute at Huntsville	Amendment 117 (subsection 1); Amendment 119 (subsection 2); Amendment 120 (subsection 3); Amendment 157 (subsection 4)

Section 213-D. Bonds for State Board of Health Hospitals and District Tuberculosis Sanitoria; Bond Issue for Building Construction and Improvement Purposes at Alabama State Hospitals and Partlow State School for Mental Deficients; Same - to Assist in Construction and Equipment of Hospitals, etc.; Same - for Mental Hospital at University of Alabama Medical Center; Same - for Acquisition, Improvement, etc., of Mental Health Facilities	Amendment 74 (subsections 1); Amendment 113 (subsection 2); Amendment114 (subsection 3); Amendment 141 (subsection 4); Amendment 158 (subsection 5); Amendment 266 (subsection 6); Amendment 340 (subsection 7)
Section 213-E. Bond Issue to Acquire, Develop, etc., State Parks and Park Facilities; State Parks System Improvement Corporation; Maintenance of State Park Systems, Public Historical Sites and Historical Parks	Amendment 267 (subsection 1); Amendment 617 (subsection 2)
Section 213-F. Bonds for Display of Space Science Exhibits in Madison County	Amendment 224
Section 213-G. Alabama Music Hall of Fame	Amendment 489
Section 213-H. Bonds for Penal and Correctional Facilities	Amendment 374
Section 213-I. Issuance of Interest Bearing Bonds for Specified Purposes	Amendment 395
Section 213-J. Agricultural Development Authority; Bonds; Indebtedness by State for Textile Technology and Education Facilities	Amendment 618 (subsection 1); Amendment 619 (subsection 2);
Section 214. Limitation on State Property Tax Rate	
Section 215. Limitation on County Property Tax Rates; Special County Taxes for Public Buildings, Bridges or Roads; Disposition of Revenue from Special Tax	Amendment 208

Section 215-A. Additional County Taxes for County Hospitals Except in Mobile and Montgomery Counties; Special Tax for Hospital and Public Health Purposes in Counties Except Mobile, Montgomery and Jefferson, Use of Proceeds of Special Tax in Chambers; "Public Hospital Purposes" and "Public Hospital Facilities Defined"; Certain Securities or Contracts Not to Constitute "Bonds" or "Indebtedness"; Use of Certain Special County Taxes for Hospital Care and Treatment of Indigent Residents; Library County or Municipal Special Property Tax	Amendment 59 (subsection1); Amendment 72 (subsection 2); Amendment 76 (subsection 3); Amendment 125 (subsection 4); Amendment 269 (subsection 5)
Section 215-B. Baldwin County: Special District Tax for Public Hospital Purposes in Baldwin County; Continuation of Same; Special Property Tax for Public Library Purposes in Baldwin County and Municipalities Therein; Ratification and Validation of Ad Valorem Tax Levies and Payments in Baldwin County	Amendment 230 (subsection 1); Amendment 471 (subsection 2); Amendment 319 (subsection 3); Amendment 559 (subsection 4)
Section 215-C. Barbour County: Special Property Tax	Amendment 143
Section 215-D. Calhoun County: Collection and Levying of Special Property Tax for Fire Protection Services	Amendment 583
Section 215-E. Chambers County: Use of Special Tax for Hospital and Public Health Purposes; Levy and Collection of Special Ad Valorem Tax for Public Library Purposes	Amendment 307 (subsection 1); Amendment 554 (subsection 2)
Section 215-F. Cherokee County: County Commission Authorized to Levy Ad Valorem Tax for Fire Protection and Rescue Services	Amendment 584
Section 215-G. Chilton County: Special Property Tax for Acquiring, etc., Vocational Trade School and for Rural and Industrial Development; Special Property Tax for Fire, Medical and Emergency Services	Amendment 166 (subsection 1); Amendment 402 (subsection 2)

Section 215-H. Choctaw County: Fire Protection Tax	Amendment 527
Section 215-I. Clarke County: Fire Protection Tax	Amendment 464
Section 215-J. Clay County: Collection and Levying of Fees for Fire Protection and Safety Services	Amendment 585
Section 215-K. Cleburne County: Collection and Levying of Fire Protection Tax	Amendment 586
Section 215-L. Colbert County: Special Malaria Control Property Tax; Drainage Districts	Amendment 45
Section 215-M. Conecuh County: Annual License Taxes, Registration, etc., on Trucks, Trailers; Fire Districts and Fire Protection Tax	Amendment 435 (subsection 1); Amendment 528 (subsection 2)
Section 215-N. Covington County: Fire Protection and Special Fire Protection Property Tax	Amendment 564
Section 215-O. DeKalb County: Special Tax for Hospital and Public Health Purposes; Ad Valorem Tax for Fire Protection	Amendment 65 (subsection 1); Amendment 637 (subsection 2)
Section 215-P. Escambia County: Special Tax for Hospital and Public Health Purposes	Amendment 70
Section 215-Q. Elmore County: Collection and Levying of Fees for Fire Protection Services and Emergency Medical Care	Amendment 567
Section 215-R. Etowah County: Fire Protection Districts; Fire Protection Tax	Amendment 445
Section 215-S. Franklin County: Hospital Tax in Districts 1, 2 and 3	Amendment 262
Section 215-T. Hale County: County Commission Authorized to Levy Ad Valorem Tax for Fire Protection	Amendment 603
Section 215-U. Henry County: Special Fire Protection Tax	Amendment 604

Section 215-V. Jackson County: Special Property Tax for Acquiring, etc., Vocational Trade School and for Rural and Economic Development	Amendment 174
Section 215-W. Jefferson County: Service Charges or Property Taxes for Fire Protection, Garbage Disposal, and Parks and Recreation	Amendment 369
Section 215-X. Lawrence, Limestone and Morgan Counties: Special Property Tax for General Health Purposes	Amendment 311
Section 215-Y. Lee County: Special Tax for Improving Enforcement of Laws Relative To, and Providing Facilities for Juveniles; Fire Fighting Districts; Levy and Collection of Financial Charges or Assessments in Fire Fighting Districts	Amendment 324 (subsection 1); Amendment 392 (subsection 2.A.); Amendment 498 (subsection 2.B.)
Section 215-Z. Limestone County: Tax for Malaria Control; Fire Protection Districts and Fire Protection Tax; Sales and Use Tax	Amendment 34 (subsection (a)); Amendment 371 (subsection (b)); Amendment 546 (subsection (c))
Section 215-AA. Marengo County: County Commission Authorized to Levy Ad Valorem Tax for Fire Protection	Amendment 610
Section 215-BB. Marion County: Special Tax for Hospital Purposes	Amendment 69
Section 215-CC. Marshall County: License Tax on Selling Motor Fuel; Forest Fire Protection Tax on Acreage	Amendment 66 (subsection 1); Amendment 439 (subsection 2)

Section 215-DD. Mobile County: Road Bonds and Taxes in Mobile County; Mobile County Bonds; Extension of Debt Limit for Mobile County; Bonds for Public School Buildings; Bond Issue for Capital Improvements; Budget for Mobile County Public Hospital Board; Special Tax for Public Hospital Purposes in Mobile County; Bonds for Certain Public Buildings in Mobile County; Change in Purposes of Levy and Distribution of Special Tax Authorized by Certain Prior Amendments; General Obligation Bonds of Mobile County; Mobile County Bond Issuance; Special Property Tax for Control of Mosquitoes, Rodents and Other Vectors of Public Health and Welfare in Mobile County; Levy of Certain Privilege License Taxes by Municipalities in Mobile County; Fire Fighting Districts and Services in Mobile County	Amendment 18, as amended and superceded by Amendment 152, and as further amended by Amendment 363 (subsection 1); Amendment 29 (subsection 2); Amendment 60 (subsection 3); Amendment 100 (subsection 4); Amendment 122 (subsection 5); Amendment 151 (subsection 6); Amendment 193 (subsection 7); Amendment 194 (subsection 8); Amendment 195, with Amendments made by Amendment 248, to Paragraphs B, C, D, and E indicated by brackets (subsection 9); Amendment 275 (subsection 10); Amendment 300 (subsection 11); Amendment 301 (subsection 12); Amendment 447 (subsection 13); Amendment 463 (subsection 14); Amendment 532 (subsection 15); Amendment 219 (subsection 16); Amendment 532 (subsection 17)
Section 215-EE. Monroe County: Fire Protection Districts and Taxes	Amendment 501
Section 215-FF. Montgomery County: Special Tax for Hospital and Public Health Purposes; Fire Fighting Districts; Special Ad Valorem Tax for Fire Protection and Emergency Services	Amendment 63 (subsection 1); Amendment 379 (subsection 2); Amendment 551 (subsection 3)
Section 215-GG. Morgan County: Special Tax for Hospital Purposes; Special Property Tax for Library Service; Additional Ad Valorem Tax for Mallard-Fox Creek Project	Amendment 52 (subsection 1); Amendment 318 (subsection 2); Amendment 484 (subsection 3)
Section 215-HH. Perry County: County Commission Authorized to Levy Ad Valorem Tax for Fire Protection	Amendment 593
Section 215-II. Pickens County: Fees for Disposal of Solid Waste; Ad Valorem Tax; Fire Protection	Amendment 521 (subsection 1); Amendment 649 (subsection 2)
Section 215-JJ. Pike County: Truck Tax Authorized	Amendment 458

Section 215-KK. Randolph County: Privilege, License Taxes, etc., for Funding Facilities in Randolph County; Randolph County Facilities Building Fund; Collection and Levying of Fees for Fire Protection and Safety Services in Randolph County	Amendment 442
Section 215-LL. St. Clair County: Fee on Disposal of Out-of-State Solid Waste; County Commission Authorized to Levy Ad Valorem Tax for Fire Protection and Emergency Medical Services	Amendment 523 (subsection 1); Amendment 652 (subsection 2)
Section 215-MM. Sumter County: Fire Protection Tax	Amendment 653
Section 215-NN. Talladega County: Levy and Collection of Additional Property Taxes; Fire Protection Districts; Mandatory Dues	Amendment 98 (subsection 1); Amendment 614 (subsection 2)
Section 215-OO. Tallapoosa County: Hospital Tax and Tax Anticipation Bonds; Establishment of Fire Districts and Levy of Charges for Fire Protection and Emergency Medical Services	Amendment 198 (subsection 1); Amendment 572 (subsection 2)
Section 215-PP. Tuscaloosa County: Special Property Tax for Recreational Purposes	Amendment 333
Section 215-QQ. Walker County: Special Road Tax; Hospital Tax in District 2	Amendment 19 (subsection 1); Amendment 276 (subsection 2)
Section 215-RR. Washington County: Special Tax and Bond Issue for Public Buildings; Fire Districts	Amendment 199 (subsection 1); Amendment 505 (subsection 2)
Section 215-SS. Wilcox County: Additional Ad Valorem Tax; Schools; General Fund	Amendment 461
Section 215-TT. Winston County: Additional Taxes for Hospital Purposes	Amendment 254

Section 216. Limitation on Property Tax Rates of Municipal Corporations; Municipal Tax Amendment Increasing Property Tax Rates for Particular Municipalities; Increased Tax Authorization for Municipalities with Rates below Specified Level	Original section 216, brackets indicate cities that have been merged into other municipalities; Amendment 8 (subsection 2); Amendment 13 (subsection 3); Amendment 17 (subsection 4); Amendment 56 (subsection 5)
Section 216-A. City of Alabaster: Additional Ad Valorem Taxes	Amendment 409
Section 216-B. Municipality of Attalla: Ad Valorem Tax Election	Amendment 31
Section 216-C. City of Auburn: Special Property Tax for Recreational Purposes	Amendment 242
Section 216-D. City of Birmingham: Special Ad Valorem Tax for Paying Principal and Interest on Bonds	Amendment 240
Section 216-F. Municipality of Haleyville: Property Tax	Amendment 54
Section 216-G. City of Mountain Brook: Additional Property Tax	Amendment 209 (subsection 1); Amendment 336 (subsection 2)
Section 216-H. City of Vestavia Hills: Additional Property Tax	Amendment 352
Section 216-I. Municipalities of Walker County: Prohibition on License, Excise Taxes on Wages or Salaries	Amendment 133

Section 217. Classification of Taxable Property for Purposes of Ad Valorem Taxation; Taxable Property to Be Taxed by State, Counties, Municipalities, etc., at Same Rate; Assessment Ratios for Purposes of Ad Valorem Taxation; Increase or Decrease of Assessment Ratios by Counties, Municipalities, etc.; Increase or Decrease of Ad Valorem Tax Rates by Counties, Municipalities, etc.; Maximum Amount of Ad Valorem Tax; Certain Property to Be Assessed at Current Use Value and Not Market Value; Exemption of Certain Property from Ad Valorem Taxation; Interpretation of Authority for Counties, Municipalities, etc., to Levy Taxes, Borrow Money, etc., in Relation to Assessment of Property; Counties, Municipalities, etc., Authorized to Levy Additional Ad Valorem Tax for Costs of Certain State-Wide Reappraisal of Property	Amendment 373, amending and superceding Amendment 325, which amended and superceded original section 217
Section 218. Counties and Municipal Corporations Exempt from Payment of Charges Payable from State Treasury	Original section 218
Section 219. Inheritance and Estate Taxes	Amendment 23, also denominated "article XXI", amending and superceding original section 219

Article XI-A: Public Trusts and Funds

Re-Codification Section	**Derivation**
Section 11-A. 01. Game and Fish Fund	Amendment 272
Section 11-A. 02. Alabama Heritage Trust Fund	Amendment 394
Section 11-A. 03. Alabama Trust Fund	Amendment 450
Section 11-A. 04. Investment of Capital and Income from Alabama Heritage Trust Fund or Alabama Trust Fund	Amendment 488

Section 11-A. 05. Acquisition, Maintenance and Protection of Unique Lands and Water Areas	Amendment 543
Section 11-A. 06. "Penny Trust Fund" Established for Promotion of Public Health and Public Schools	Amendment 512
Section 11-A. 07. Trust Funds for Long-Term Benefit of Cities	Amendment 623
Section 11-A. 08. Distribution of Oil and Gas Revenues by Escambia County Commission	Amendment 536
Section 11-A. 09. Investments of Assets of Class 2 Municipality Police and Fire Fighters Pension Plans	Amendment 541
Section 11-A. 10. County and Municipal Government Capital Improvement Trust Fund; Alabama Capital Improvement Trust Fund	Amendment 666
Section 11-A. 11. Distribution of Alabama Trust Fund Income	Amendment 668

Article XII: Corporations

Re-Codification Section	**Derivation**
Section 220. Consent of Municipal Corporation Prerequisite to Use of Public Property for Public Utility or Private Enterprise Purposes	Original section 220
Section 221. Payment of State License Tax, etc., Not to Excuse Payment of Other Privilege and License Taxes	Original section 221

Section 222. Issuance of Bonds by Counties, Municipal Corporations, Districts and Other Political Subdivisions of Counties; Issuance of Revenue Bonds and Other Revenue Securities by Municipalities; Certain County Revenue Securities Not to Constitute Bonds or Indebtedness; Bonds and Other Securities Issued by Public Corporations Not County Bonds or Indebtedness; Counties May Issue Bonds to Acquire and Install Voting Machines	Original section 222 (subsection 1); Amendment 107 (subsection 2); Amendment 398 (subsection 3); Amendment 108 (subsection 4); Amendment 200 (subsection 5); Amendment 228 (subsection 6)
Section 223. Limitation on Assessments for Public Improvements by Municipal Corporations	Original section 223
Section 224. Limitation on County Indebtedness; Bonds for Civic Centers in Certain Counties	Original section 224, with brackets indicating increase in percentage limitation (and the deletion, apparently, of the proviso as to an additional one and one-half percent) by Amendment 342 (subsection 1); Amendment 238 (subsection 2)
Section 224-A. Henry County: Bonds for Courthouse and Jail in Henry County	Amendment 237
Section 224-B. Jefferson County: Sewer Bonds	Amendment 73
Section 224-C. Lawrence County: Bonds for Courthouse	Amendment 30
Section 224-D. Macon County: Indebtedness for Daniel "Chappie" James Aerospace Memorial by Macon County	Amendment 437
Section 224-E. Madison County: Bonds for School Buildings	Amendment 320
Section 224-F. Marengo County: Bonds for Courthouse	Amendment 264
Section 224-G. Marion County: Bonds for Public Hospitals	Amendment 75
Section 224-H. Morgan County: Bonds for Jail Building	Amendment 36
Section 224-I. Tuscaloosa County: Extension of Debt Limit	Amendment 115

Section 224-J. Washington County: Indebtedness to Improve Roads and Bridges in Washington County	Amendment 410
Section 225. Indebtedness of Municipal Corporations--Limitation; Exception as to Sheffield and Tuscumbia; Limitation Not Applicable to Obligations or Indebtedness Exempted by Constitution or Amendments Thereto; Certain Obligations of Municipality Having less than 6,000 Inhabitants Not Indebtedness Within Meaning Hereof	Amendment 268, amending, restating, and superceding original section 225 (subsection 1); Amendment 126 (subsection 2)
Section 225-A. Tuskegee: Indebtedness for Daniel 'Chappie" James Aerospace Memorial	Amendment 438
Section 226. Same--Municipal Corporations Whose Present Indebtedness Exceeds Constitutional Limitation; Exception as to Sheffield and Tuscumbia	Original section 226
Section 227. Liability of Public Utilities in Municipal Corporations for Damages to Abutting Property Owners	Original section 227
Section 228. Maximum Term of Public Utility Franchises in Cities and Towns Having Population of Six Thousand or More	Original section 228
Section 229. Special Laws Conferring Corporate Powers Prohibited; General Law as to Grant or Amendment of Corporate Charters; Corporation Franchise Taxes to Be Paid; Exemption of Benevolent, Educational or Religious Corporations and Federal Building and Loan Associations from Franchise Taxes	Amendment 27, amending and restating original section 229
Section 230. Cancellation of Certain Corporate Charters	Original section 230
Section 231. Limitation on Remitting Forfeiture of Corporate Charters	Original section 231; also something of a transitional provision that could be deleted
Section 232. Foreign Corporations Doing Business in State; Nonresidents Making Mortgage Loans Through Licensed Real Estate Brokers	Amendment 473, amending and restating original section 232 (subsection A.) Amendment 154 (subsection B.)

Section 233. Corporations Restricted to Business Authorized by Charter	Original section 233
Section 234. Restrictions on Issuance of Corporate Stock and Bonds	Original section 234
Section 235. Taking of Property for Public Use by Municipal and Other Corporations	Original section 235
Section 236. Security for Dues from Private Corporations; Liability of Stockholders	Original section 236
Section 237. Issuance of Preferred Stock by Corporations	Original section 237
Section 238. Authority of Legislature to Revoke Charters of Incorporation	Original section 238`
Section 239. Telegraph and Telephone Companies	Original section 239
Section 240. Corporations May Sue and Be Sued like Natural Persons	Original section 240
Section 241. "Corporation" Defined	Original section 241
Section 242. When Railroads and Canals Deemed Public Highways; Railroad and Canal Companies; Common Carriers; Rights of Railroad Companies Generally	Original section 242
Section 243. Regulation of Railroad Companies Vested in Legislature	Original section 243
Section 244. Giving Free Passes or Discount Tickets to Members of Legislature or Officers Exercising Judicial Functions	Original section 244
Section 245. Railroad Companies Not to Give Rebates or Bonuses in Nature Thereof; Deceiving or Misleading Public as to Rates	Original section 245
Section 246. Acceptance of Article Prerequisite to Benefits of Future Legislation	Original section 246

Article XIII: Banks and Banking

Re-Codification Section	**Derivation**
Section 247. Authority of Legislature Restricted	Original section 247

Section 248. Banking Laws to Be General; Specie Basis; Authority of Banks to Issue Bills to Circulate as Money	Original section 248
Section 249. Bills or Notes Issued as Money Redeemable in Gold or Silver; Laws Not to Sanction Suspension of Specie Payments	Original section 249
Section 250. Preference of Certain Creditors in Case of Insolvency of Bank	Repealed by Amendment 5
Section 251. Duration of Corporations Not Limited; Renewal of Existing Charters Not Required	Amendment 51, amending, restating, and superseding original section 251
Section 252. Maximum Rate of Interest	Original section 252
Section 253. State and Political Subdivisions Thereof Not to Be Stockholders in Banks or Lend Credit Thereto	Original section 253
Section 254. Examination of Banks by Public Officers; Semiannual Reports by Banks	Original section 254
Section 255. Applicability of Article	Original section 255

Article XIV: Education

Re-Codification Section	**Derivation**
Section 256. Duty of Legislature to Establish and Maintain Public School System; [[Apportionment of Public School Fund; Separate Schools for White and Colored Children]]; [Educational Policy of State;] [[Authority of Legislature to Provide for or Authorize Establishment and Operation of Schools by Persons, Municipalities, Etc.; Grant, Donation, Sale or Lease of Funds and Property for Educational Purposes; Election of Certain Schools for Attendance by Parents of Minors.]]	Original section 256 first paragraph; Amendment 111
Section 257. Principal from Sale, etc., of School Property to be Preserved; Disposition of Income Therefrom	Original section 257

Section 258. Property Donated or Appropriated for Educational Purposes and Estates of Persons Dying Without Will or Heirs to be Applied to Maintenance of Public Schools	Amendment 111, revising and restating the original section 258 by substituting the language "used or applied in furtherance of education" for the original language "faithfully applied to the maintenance of the public schools." Because of the circumstances under which Amendment 111 was adopted, see note under section 256 above, it may be unconstitutional even though the language of amended section 258 is not racially discriminatory on its face.
Section 259. Use of Poll Taxes for Support of Public Schools	
Section 260. Certain Income to be Applied to Support and Maintenance of Public Schools; Special Annual Tax for Schools; Maximum Annual Levy on Taxable Property; Priority for Payment of Bonded Indebtedness of State; Title to Sixteenth Section of School Lands in Mobile County	Original section 260; Amendment 111 (subsection A) Amendment 298 (subsection B)
Section 261. Percentage of School Funds for Teachers' Salaries	Original section 261
Section 262. Selection, Qualifications, Powers, Duties and Tenure of State Board of Education and Superintendent of Education	Amendment 284
Section 263. School Funds Not to be Used for Support of Sectarian or Denominational Schools	Original section 263
Section 264. Board of Trustees of State University	Amendment 399
Section 265. Annual Payment of Interest on Funds of University of Alabama; Authority to Abolish Military System at University	Original section 265
Section 266. Board of Trustees of Auburn University	[Original] section 266 [as amended]of article 14 of the Constitution of Alabama of 1901 is hereby repealed. [Amendment 670, amending, restating, and superceding Amendment 161, which in turn amended restated and superceded the original section 266]

Section 267. Change of Location of [Alabama Polytechnic Institute] [Auburn University], Alabama Schools for the Deaf and Blind or Alabama Girls Industrial School	[Original section 267, with brackets indicating change of name of Alabama Polytechnic Institute to Auburn University, as per Amendment 161
Section 268. Provision for Taking School Census	Original section 268
Section 269. Special County [School] [Educational] Taxes; Special Tax for Educational Purposes in Cities of Decatur and Cullman and for Hospital Purposes in Morgan County; Special County and District School Taxes; Additional Property Tax for County Educational Purposes; Additional Special District School Tax; Ratification of Public School Taxes	Original section 269, with brackets indicating the change made by Amendment 111's version of section 269 (subsection 1); Amendment 52 (subsection 2); Amendment 3 (subsection 3); Amendment 202 (subsection 4); Amendment 382 (subsection 5); Amendment 525 (subsection 6)
Section 269-A Baldwin County: Additional Tax for School Purposes in Baldwin County	Amendment 162
Section 269-B. Blount County: Special School Tax in City of Oneonta	Amendment 299
Section 269-C. Bullock County: License Taxes for School Purposes in Bullock County	Amendment 163
Section 269-D. Butler County: Special Property Tax for Educational Purposes in Butler County	Amendment 131
Section 269-E. Calhoun County: Special School Tax in Calhoun County; Use of Special School Tax Funds, Refunding of Bonds, etc., in Calhoun County; Special School Tax in City of Anniston; Application of Special School Taxes in City of Anniston; Special Tax in School Districts of Calhoun County; Special District School Tax in Calhoun County; Special Property Tax for Educational Purposes in City of Anniston	Amendment 68 (subsection 1); Amendment 165 (subsection 2); Amendment 232 (subsection 3); Amendment 281 (subsection 4); Amendment 291 (subsection 5); Amendment 335 (subsection 6); Amendment 350 (subsection 7)
Section 269-F. Chambers County: Special Ad Valorem Tax for School Purposes on Real and Tangible Personal Property Within Chambers County	Amendment 102
Section 269-G. Cherokee County: Special School District Tax	Amendment 78

Section 269-H. Chilton County: Special Property Tax for Acquiring, Etc., Vocational Trade School and for Rural and Industrial Development in Chilton County	Amendment 166
Section 269-I. Choctaw County: Additional Tax for School Purposes in Choctaw County	Amendment 167
Section 269-J. Clarke County: Additional Tax for School Purposes in Clarke County	Amendment 168
Section 269-K. Clay County: Special School Tax in Clay County	Amendment 169
Section 269-L. Cleburne County: Special School District Taxes in Cleburne County	Amendment 123
Section 269-M. Coffee County: Additional Taxes for School Purposes in Coffee County; Warrants Payable from Proceeds of Special School Taxes in Coffee County	Amendment 206 (subsection 1); Amendment 216 (subsection 2)
Section 269-N. Colbert County: Special Tax by School Districts of Colbert County; Special Property Tax for Educational Purposes in City of Tuscumbia; Same - City of Sheffield; Same - City of Muscle Shoals; Special School Tax in School Districts Nos. 1 and 2 of Colbert County	Amendment 130 (subsection 1); Amendment 170 (subsection 2); Amendment 171 (subsection 3); Amendment 172 (subsection 4); Amendment 392 (subsection 5)
Section 269-O. Coosa County: Special Tax in School Districts of Coosa County	Amendment 145
Section 269-P. Covington County: Special School Tax in School Districts Nos. 1 and 2 of Covington County	Amendment 292
Section 269-Q. Dale County: Special Property Tax for Educational Purposes in City of Ozark and Dale County; City of Ozark Special Property Tax	Amendment 295 (subsection 1); Amendment 462 (subsection 2)
Section 269-R. Dallas County: Additional School Tax in City of Selma	Amendment 6

Section 269-S. DeKalb County: Special Property Tax for Educational Purposes in Dekalb County; Warrants Payable out of Proceeds of Special Taxes for Educational Purposes in Dekalb County; Special School Tax for City of Fort Payne; Special Property Tax for Educational Purposes for City of Fort Payne	Amendment 146 (subsection 1); Amendment 210 (subsection 2); Amendment 234 (subsection 3); Amendment 279 (subsection 4)
Section 269-T. Etowah County: Special School Tax in Etowah County; Special Property Tax for Educational Purposes in Etowah County	Amendment 67 (subsection 1); Amendment 269 (subsection 2)
Section 269-U. Franklin County: Additional Tax for School Purposes in Franklin County; Further Provisions as to Additional Tax for School Purposes in Franklin County	Amendment 173 (subsection A); Amendment 211 (subsection B)
Section 269-V. Jackson County: Special Property Tax for Acquiring, Etc., Vocational Trade School and for Rural and Industrial Development in Jackson County; Additional Property Taxes for Educational Purposes in Jackson County	Amendment 174 (subsection A); Amendment 203 (subsection B)
Section 269-W. Jefferson County : Consolidation School Tax Amendment; Special District Tax for Furtherance of Education in Jefferson County; Special Tax in Mountain Brook School District in Jefferson County	Amendment 82 (subsection 1); Amendment 175,as amended by Amendment 260, substituting the bracketed language in subsection (a) for that in subsection (a) of the original Amendment 175, and as further amended by Amendment 298, substituting the bracketed language in the last sentence for that in the last sentence of the original Amendment 175 (subsection 2); Amendment 316 (subsection 3)
Section 269-X. Lamar County: Additional Tax for School Purposes in Lamar County	Amendment 176
Section 269-Y. Lauderdale County: Special Property Tax for Educational Purposes in Lauderdale County; Special School Tax for City of Florence.; School District Tax in Lauderdale County	Amendment 177 (subsection A); Amendment 178 (subsection B); Amendment 404 (subsection C)

Section 269-Z. Lawrence County: Tax Elections in Certain School Districts in Lawrence County; Special School District in Lawrence County; Authorizing the Creation of Special School Districts, Etc., in Lawrence County; Special Tax in School Districts of Lawrence County and Change in Boundaries of School Districts	Amendment 20 (subsection 1); Amendment 32 (subsection 2); Amendment 79 (subsection 3); Amendment 99 (subsection 4); Amendment 294 (subsection 5)
Section 269-AA. Lee County: Special Property Tax for Educational Purposes in Lee County and City of Opelika; Special Property Tax for Educational Purposes in City of Auburn; Special School District Tax in Lee County	Amendment 147 (subsection 1); Amendment 148 (subsection 2); Amendment 309 (subsection 3)
Section 269-BB. Macon County: Additional Ad Valorem Tax in Macon County for Education Purposes	Amendment 420
Section 269-CC. Madison County: Huntsville Special School Tax; Special Tax in School District No. 1 of Madison County; Special School Tax in School District No. 1 of Madison County; Special School Taxes in City of Huntsville; Repeal of School Tax Exemptions in Madison County; Ratification of Levy and Collection of Certain Sales and Use Taxes in School District No. 1 in Madison County	Amendment 80 (subsection 1); Amendment 149 (subsection 2); Amendment 304 (subsection 3); Amendment 305 (subsection 4); Amendment 407, amending and restating Amendment 218 (subsection 5); Amendment 455 (subsection 6); Amendment 608 (subsection 7)
Section 269-DD. Marengo County: Special Property Tax in City of Demopolis	Amendment 385
Section 269-EE. Marion County: Special Property Taxes for School Purposes in Marion County; Special District Tax for Hamilton Special School District in Marion County	Amendment 205 (subsection 1); Amendment 329 (subsection 2)
Section 269-FF. Marshall County: Special Property Tax for Public School Buildings in Marshall County	Amendment 101
Section 269-GG. Mobile County: School Tax; Special Property Tax for School Capital Outlay Purposes in Mobile County; Education First Amendment	Amendment 16 (subsection 1); Amendment 179 (subsection 2); Amendment 706 (subsection 3)

Section 269-HH. Monroe County: Special School Tax in Monroe County	Amendment 86
Section 269-II. Morgan County: Additional Taxes in Morgan County for Public School Purposes; Hartselle City School Taxes; Ad Valorem Tax in Morgan County; Ad Valorem Tax in City of Hartselle; Additional Ad Valorem Tax Within Portion of City of Decatur in Morgan County	Amendment 106 (subsection 1); Amendment 456 (subsection 2); Amendment 573 (subsection 3); Amendment 574 (subsection 4); Amendment 575 (subsection 5); Amendment 576 (subsection 6)
Section 269-JJ. Randolph County: Special Property Tax for Educational Purposes in School District No. 2 of Randolph County; Same - School District No. 1, Randolph County	Amendment 156 (subsection 1); Amendment 180 (subsection 2)
Section 269-KK. Russell County: Special School Tax in Russell County; Tax Anticipation Bonds	Amendment 124
Section 269-LL. Special School Tax in St. Clair County	Amendment 77
Section 269-MM. Talladega County: Levy and Collection of Additional Property Taxes in Talladega County; Special School Tax in Talladega County; Special School Tax in School District No. 1 of Talladega County; Special School District Taxes in Talladega County	Amendment 98 (subsection A); Amendment 181 (subsection B); Amendment 252 (subsection C); Amendment 310 (subsection D)
Section 269-NN. Tallapoosa County: Additional Property Taxes in School Districts of Tallapoosa County	Amendment 129
Section 269-OO. Tuscaloosa County: Special School Tax; Special Property Tax for Educational Purposes in Tuscaloosa County	Amendment 71 (subsection 1); Amendment 164 (subsection 2)
Section 269-PP. Special School Taxes in Walker County; Special Property Tax for Educational Purposes in City of Jasper	Amendment 204 (subsection 1); Amendment 253 (subsection 2)
Section 269-QQ. Washington County: Additional School Tax in Washington County	Amendment 182

Section 269-RR. Winston County: Special Tax for School Purposes in Winston County	Amendment 153
Section 270. Applicability of Article to Mobile County	Amendment 111

Article XV: Militia

Re-Codification Section	**Derivation**
Section 271. Composition of Militia; Organizing, Arming and Disciplining Militia; Naval Militia May Be Organized	Original section 271
Section 272. Conformance with Regulations of United States Department of Defense and Laws of United States; Administration of Military Affairs by Military Department and Adjutant General	Amendment 89, amending, restating, and superceding original section 272 (as well as original sections 273 and 276)
Section 273. Appointment, Suspension, Discharge, Removal and Retirement of Officers of State Military Forces; Qualifications of Personnel of Federally-recognized National Guard	Amendment 89, amending, restating, and superceding original section 273 (as well as original sections 272 and 276)
Section 274. Volunteer Organizations	Original section 274
Section 275. Immunity of Members from Arrest While Attending, Going to or Returning from Musters, Parades and Elections	Original section 275
Section 276. Appointment of Adjutant General, General Officers and Governor's Staff	Amendment 89, amending, restating, and superceding original section 276 (as well as original sections 272 and 273)
Section 277. Safe Keeping of Arms, Ammunition, Military Records, etc.	Original section 277
Section 278. Officers and Men Not Entitled to Compensation When Not in Active Service	Original section 278

Article XVI: Oath of Office

Re-Codification Section	Derivation
Section 279. Required of Members of Legislature and Executive and Judicial Officers; Form; Administration	Original section 279

Article XVII: Miscellaneous Provisions

Re-Codification Section	Derivation
Section 280. Holding State and Federal Office at Same Time; Holding Two State Offices at Same Time	Original section 280
Section 281. Compensation of Civil Officers Not to Be Increased or Diminished During Term for Which Elected or Appointed	Original section 281; see also section 68 where Amendment 92 has been placed
Section 282. Duty of Section to Enact Laws to Effectuate Constitution	Original section 282
Section 283. Validation of Certain Acts Relating to Bonded Debt of State; Governor Authorized to Act Thereunder	Original section 283; perhaps could now be deleted

Article XVIII: Mode of Amending the Constitution

Re-Codification Section	Derivation
Section 284. Manner of Proposing Amendments; Submission of Amendments to Electors; Election on Amendments; Proclamation of Result of Election; Basis of Representation in Legislature Not to Be Changed by Amendment; Adoption of Proposed Constitutional Amendments Affecting Only One County	Amendment 24, amending, restating and superdeding original section 284 (subsection 1); Amendment 555, amending and superceding Amendment 425 (subsection 2)
Section 285. Election Ballots; Affirmative Vote of Majority of Electors Voting Required for Passage	Original section 285
Section 286. Manner of Calling Convention for Purpose of Altering or Amending Constitution; Repeal of Act or Resolution Calling Convention; Jurisdiction and Power of Convention Not Restricted	Original section 286

Section 287. Votes by Legislature on Proposed Amendments or Bills or Resolutions Calling Conventions; Acts or Resolutions Proposing Amendments or Calling Conventions Not to Be Submitted to Governor for Approval	Original section 287

Alabama Law Institute

Recompilation of Alabama Constitution

Disposition of Amendments

Amendment Number	Section Where Amendment is Re-Codified or Other Disposition of Amendment
Amendment 1. Amendment of section 93.	Seection 93, subsection 1
Amendment 2. Fees of Officers of Jefferson County.	Section 96-JJ
Amendment 3. Special School Tax Amendment. "Article XIX".	Section 269, subsection 3
Amendment 4. Montgomery County Salary Amendment.	Section 96-VV, subsection 1
Amendment 5. Repeal of Section 250.	Omitted
Amendment 6. Additional School Tax in City of Selma.	Section 269-R
Amendment 7. Exempting Sailors and Soldiers from the Payment of Poll Tax.	Omitted
Amendment 8. Municipal Tax Amendment.	Section 216, subsection 2
Amendment 9. Art. XX. To Provide for Bonds for the Construction of Roads and Highways.	Omitted (Amendment 9 never became part of the Constitution)
Amendment 10. Poll Tax Exemption.	Omitted
Amendment 11. Road Bond Issue Amendment. Article XX.	Section 213-A, subsection 1
Amendment 12. Amendment of Section 93.	Section 93, subsection 1
Amendment 13. Tax Rates in Jasper, Cordova, Dora, Oxford, Talladega, Citronelle, Girard, Albany, and Tuscaloosa.	Section 216, subsection 3
Amendment 14. Poll Tax Amendment.	Omitted

Amendment 15. Drainage Systems, Public Roads and Seawalls.	Section 93, subsection 8
Amendment 16. Mobile County School Tax.	Section 269-GG, subsection 1
Amendment 17. Tax Rates of Certain Muncipalities.	Section 216, subsection 4
Amendment 18. Mobile County Road Bonds.	Section 215-DD, subsection 1
Amendment 19. Walker County Special Road Tax.	Section 215-QQ, subsection 1
Amendment 20. Tax Elections in Certain School Districts in Lawrence County.	Section 269-Z, subsection 1
Amendment 21. Art. XXA. State Roads, Highways and Bridges–Bond Issue.	Section 213-A, subsection 2
Amendment 22. Drainage Districts.	Section 93, subsection 9
Amendment 23. Repeal of Section 219; Inheritance and Estate Taxes.	Section 219
Amendment 24. Amendment of Section 284.	Section 284
Amendment 25. Income Taxes. Also denominated "Article XXII".	Section 211-A, subsection 1
Amendment 26. Amendment of Section 213.	Section 213
Amendment 26A. Suspension of Restriction on Diminishing Public Salaries.	Omitted (date until which it had applicability, October 1, 1935, has passed)
Amendment 27. Amendment of Section 229.	Section 229
Amendment 28. Costs, Fees, Salaries, etc., of Certain Officers in Mobile County.	Section 96-TT, subsection 1
Amendment 29. Mobile County Bonds.	Section 215-DD, subsection 2
Amendment 30. Lawrence County Bonds.	Section 224-C
Amendment 31. Taxation in Municipality of Attalla.	Section 216-B
Amendment 32. Tax Elections in Certain School Districts in Lawrence County.	Section 269-2, subsection 2

Amendment 33. Regulation of Salaries, etc. of Certain Public Officers in Calhoun and Tuscaloosa County.	Section 96-H
Amendment 34. Tax for Malaria Control in Limestone County. (allows referendum on one mill tax for malaria control).	Section 215-Z, subsection (a)
Amendment 35. Amendment of Section 138. (Election and Term of Office of Sheriffs). Allows sheriff to succeed himself.	Section 138, subsection A
Amendment 36. Bonds for Erection, etc., of Jail in Morgan County. Also authorizes one-mill tax, if approved by voters, to pay bonds.	Section 224-H
Amendment 37. Amendment of Section 8.	Section 8.
Amendment 38. Amendment of Section 124. Section 124 deals with pardons. It provided for a board of pardons consisting of designated officials.	Section 124
Amendment 39. Time and Place of Meetings of the Legislature; Biennial Sessions; Organizational Sessions; Election of President Pro Tempore of Senate and Speaker of House of Representatives; Maximum Length of Sessions; Compensation and Travel Allowances of Members of Legislature.	Sections 48, passim
Amendment 40. Amendment of Section 74.	Section 74
Amendment 41. Amendment of Section 190.	Omitted (Amendment 579 superceded all prior provisions of Article VIII; see revised Article VIII)
Amendment 42. Bonds to Pay or Retire Alabama Bridge Commission Bonds.	Section 213-A, subsection 3
Amendment 43. Regulation of Salaries, etc., of certain Public Officers of Etowah and Cherokee Counties.	Section 96-AA
Amendment 44. Regulation of Salaries, etc. of Certain Public Officers of Morgan County.	Section 96-WW, subsection

Amendment 45. Drainage Districts in Colbert County. Three mill tax for drainage districts for malaria control.	Section 215-L
Amendment 46. Salaries, etc. of Certain Public Officers of Dallas County.	Section 96-W, subsection 1
Amendment 47. Fees, Commissions, Salaries, etc., of Sheriff of Mobile County.	Section 96-TT, subsection 2
Amendment 48. Fees, Salaries, etc. of Certain Public Officers in Houston County.	Section 96-HH, subdivision 1
Amendment 49. Poll Tax Exemption Amendment.	Omitted
Amendment 50. Fees, Salaries, etc. of Certain Public Officers in Walker County.	Section 96-III, subdivision 1
Amendment 51. Amendment of Section 251.	Section 251
Amendment 52. Special Tax for Educational Purposes in Cities of Decatur and Cullman and for Hospital Purposes in Morgan County.	Section 215-GG, subsection 1 [Amendment 52, Part B] ; Section 269, subsection 2 [Amendment 52, Parts A and C]
Amendment 53. Public Hospitals and Health Facilities.	Section 93, subsection 7
Amendment 54. Taxation in Municipality of Haleyville. (Additional one percent ad valorem tax authorized.)	Section 216
Amendment 55. Amendment of Section 181.	Omitted. (superceded by Amendment 579, which replaced all of Article VIII; see revised Article VIII)
Amendment 56. Additional Municipal Taxes. (Municipalities whose total ad valorem tax is less that 1 and 1/4 percent, apart from special school taxes, authorized to increase property taxes to that level, upon voter approval).	Section 216, subsection 5

Amendment 57. Time and Place of Meetings of Legislature; Biennial Sessions; Organizational Sesssions; Election of President Pro Tempore of Senate and Speaker of House of Representatives; Maximum Length of Sessions; Compensation and Travel Allowances of Members of Legislature.	Sections 48, 49, and 51, passim
Amendment 58. Amendment of Section 93.	Section 93, subsection 1
Amendment 59. Additional County Taxes for County Hospitals.	Section 215-A, subsection 1
Amendment 60. Debt Limit of Mobile County.	Section 215-DD, subsection 3
Amendment 61. Disposition of Income Tax; Exemption of Homesteads From State Ad Valorem Tax.	Section 211-A, subsection 2
Amendment 66. License Tax on Selling, etc., of Motor Fuel in Marshall County.	Section 215-CC, subsection 1
Amendment 67. Special School Tax in Etowah County.	Section 269-T, subsection 1
Amendment 68. Calhoun County Special School Tax.	Section 269-E, subsection 1
Amendment 69. Special Tax for Hospital Purposes in Marion County.	Section 215-BB

Amendment 70. Special Tax for Hospital and Health Purposes in Escambia County.	Section 215-P
Amendment 71. Tuscaloosa County Special School Tax.	Section 269-OO, subsection 1
Amendment 72. Special Tax for Hospital and Public Health Purposes in Counties Except Mobile, Montgomery, and Jefferson.	Section 215-A, subsection 2
Amendment 73. Jefferson County Sewer Bonds.	Section 224-B
Amendment 74. Bonds for State Board of Health Hospitals and District Tuberculosis Sanitoria.	Section 213-D, subsection 1
Amendment 75. Bonds, etc., for Hospital Purposes or Health Facilities in Marion County.	Section 224-G
Amendment 76. Special County Tax for Public Hospital Purposes. (Does not apply to Mobile or Jefferson).	Section 215-A, subsection 3
Amendment 77. Special School Tax in St. Clair County.	Section 269-LL
Amendment 78. Cherokee County Special School District Tax.	Section 269-G
Amendment 79. Special School District in Lawrence County.	Section 269-Z, subsection 3
Amendment 80. Huntsville Special School Tax.	Section 269-CC, subsection 1
Amendment 81. Establishing or Abolishing Branch Courthouse or Division or Branch of Court of Record.	Section 41, subsection B.
Amendment 82. Jefferson County Consolidation School Tax.	Section 269-W, subsection 1
Amendment 83. Vacancies in Office of Judge of Circuit Court Holding at Birmingham.	Section 6.14-A, subsection 1

Amendment 84. Economic Development of Municipalities in Marion County.	Section 94-V, subsection
Amendment 85. Court Costs and Charges, Fees, Salaries, etc. of Officers of Talladega County.	Section 96-FFF, subsection 1
Amendment 86. Special School Tax in Monroe County.	Section 269-HH
Amendment 87. Bond Issue for Acquiring, etc., Public Roads, Highways and Bridges in Conjunction with United States.	Section 213-A, subsection 4
Amendment 88. Appointments and Promotions in Civil Service.	Section 96, subsection 3
Amendment 89. Amendment of Sections 272, 273, and 276.	Sections 272, 273, and 276, passim
Amendment 90. Veteran's Poll Tax Exemption.	Omitted.
Amendment 91. Amendment of Section 181.	Omitted. Superseded by Amendment 579 (revised Article VIII).
Amendment 92. Increasing or Decreasing Salaries, etc., of State and County Officers.	Section 68, subsection 2
Amendment 93. Expenditure of Fees or Taxes Relating to Use, etc., of Vehicles and to Fuels Used for Vehicles.	Section 71-A
Amendment 94. Economic Development of Municipalities in Fayette County.	Section 94-K, subsection A
Amendment 95. Economic Development of Municipalities in Blount County	Section 94-C
Amendment 96. Amendment of Section 178 (Residency, Registration and Poll Tax Requirements for Electors).	Omit, superceded by Amendment 579, codified as Article VIII
Amendment 97. Special Elections to Fill Vacancies in Either House of Legislature.	Section 46, subsection B
Amendment 98. Levy and Collection of Additional Property Taxes in Talladega County.	Section 269-MM, subsection A

Amendment 99. Authorizing the Creation of Special School Districts, etc., in Lawrence County.	Section 269-Z, subsection 4
Amendment 100. Extension of Debt Limit of Mobile County.	Section 215-DD, subsection 4
Amendment 101. Special Property Tax for Public School Buildings in Marshall County.	Section 269-FF
Amendment 102. Special Ad Valorem Tax for School Purposes on Real and Tangible Property Within Chambers County	Section 269-F
Amendment 103. Costs and Charges of Courts and the Offices, Terms, and Compensation of Officers of Chambers County.	Section 96-J, subsection 1
Amendment 104. Economic Development of Municipalities of Haleyville and Double Springs.	Section 94-FF, subsection A
Amendment 105. Costs and Charges of Courts in Madison County.	Section 96-QQ, subsection 1
Amendment 106. Additional Taxes in Morgan County for Public School Purposes.	Section 269-II, subsection 1
Amendment 107. Issuance of Revenue Bonds and Other Revenue Securities by Municipalities.	Section 222, subsection 2
Amendment 108. Bonds and Other Securities Issued by Certain Public Corporations.	Section 222, subsection 4
Amendment 109. Exempting Blind and Deaf Persons from Payment of Poll Tax.	Omit
Amendment 110. Filling Vacancy in Office of Judge of Jefferson County Circuit Court.	Section 6.14-A, subsection 2

Amendment 111. Amendment of Sections 137, 139, 256, 258, 259, 260, 269, and 270.	Incorporated into the designated sections, other than those superceded, but with brackets as to Amendment 111 changes in view of the racially discriminatory motivation of Amendment 111. Probably the most problematical provision is Amendment 111's amendment of Section 256.
Amendment 112. Amendment of Section 94.	Section 94.
Amendment 113. Bond Issue for Building Construction and Improvement Purpose at Alabama State Hospitals and Partlow School for Mental Deficients.	Section 213-D, subsection 2
Amendment 114. Bond Issue to Assist in Construction and Equipment of Hospitals, etc.	Section 213-D, subsection 3
Amendment 115. Extension of Debt Limit of Tuscaloosa County	Section 224-I
Amendment 116. State Works of Internal Improvement Along Navigable Waterways and Indebtedness Therefor.	Section 93, subsection 2
Amendment 117. Bonds for Construction and Improvement Purposes at Alabama Institute for Deaf and Blind.	Section 213-C, subsection 1
Amendment 118. Increasing Rate of Interest and Other Matters Relating to Bonds Authorized under Amendment 113.	Section 213-D, subsection 2
Amendment 119. Bonds for Construction and Improvement Purposes at University of Alabama Medical Center.	Section 213-C, subsection 2
Amendment 120. Bonds for Construction and Improvement Purposes at the Alabama Polytechnic Institute.	Section 213-C, subsection 3
Amendment 121. Increasing Rate of Interest and Other Matters Relating to Bonds Issued Under Amendment No. 114.	Section 213-D, subsection 3

Amendment 122. Bonds of Mobile County for Public School Buildings.	Section 215-DD, subsection 5
Amendment 123. Special School Taxes in Cleburne County.	Section 269-L
Amendment 124. Special School Tax in Russell County; Tax Anticipation Bonds.	Section 269-KK
Amendment 125. Use of Certain Special County Taxes for Hospital Care and Treatment of Indigent Residents.	Section 215-A, subsection 4
Amendment 126. Certain Obligations of Municipality Having Less Than 6,000 Inhabitants Not Indebtedness Within Meaning of Section 225.	Section 225, subsection 2
Amendment 127. Court Costs and Fees, Allowances, etc., of Officers of Walker County.	Section 96-III, subsection 2
Amendment 128. Economic Development of Bullock County.	Section 94-D, subsection A
Amendment 129. Additional Property Taxes in School Districts of Tallapoosa County.	Section 269-NN
Amendment 130. Special Tax by School Districts of Colbert County.	Section 269-N, subsection 1
Amendment 131. Special Property Tax For Educational Purposes in Butler County.	Section 269-D
Amendment 132. Altering Boundaries, Reducing Area or Abolishing Macon County	Omitted. Repealed by Amendment 406
Amendment 133. License, Excise, etc., Taxes on Wages or Salaries by Municipal Corporations in Walker County.	Section 216-I
Amendment 134. Costs and Charges of Courts and Compensation of Officers of DeKalb County.	Section 96-X, subsection 1
.Amendment 135. Fees, Allowances, etc., of Judge of Probate and Other Officers of Madison County	Section 96-QQ, subsection 2

Amendment 136. Compensation, Allowances, etc., of Officers of Colbert County	Section 96-Q-1
Amendment 137. Costs and Charges of Courts and Fees, Allowances, etc., of Officers of Cullman County.	Section 96-U-1
Amendment 138. Fees, Allowances, etc., of Officers of Dallas County.	Section 96-W, subsection 2
Amendment 139. Costs and Charges of Courts in Montgomery County.	Section 96-VV, subsection 2
Amendment 140. Special Private or Local Laws Relating to Lauderdale County and Municipalities Therein.	Section 104-N
Amendment 141. Bond Issue for Mental Hospital at University of Alabama Medical Center.	Section 213-D, subsection 4
Amendment 142. Laws Placing Responsibility for County Roads in State Highway Department.	Section 104, subsection 2
Amendment 143. Special Property Tax in Barbour County.	Section 215-C
Amendment 144. Laws Changing Form of Government of Colbert County or Municipalities Therein or Changing Term of Office, Compensation, Allowances, etc., of Officers Thereof.	Section 104-D
Amendment 145. Special Tax in School Districts of Coosa County.	Section 269-O
Amendment 146. Special Property Tax for Educational Purposes in DeKalb County.	Section 269-S, subsection 1
Amendment 147. Special Property Tax for Educational Purposes in Lee County and City of Opelika.	Section 269-AA, subsection 1
Amendment 148. Special Property Tax for Educational Purposes in City of Auburn.	Section 269-AA, subsection 2

Amendment 149. Special Tax in School District No. 1 of Madison County.	Section 269-CC, subsection 2
Amendment 150. Pension or Retirement System in Mobile County and Municipalities Therein.	Section 98-CC-1, subsection 1
Amendment 151. Bonds of Mobile County for Schoolhouses and Hospitals.	Section 215-DD, subsection 6
Amendment 152. Amendment of Amendment 18.	Section 215-DD, subsection 1
Amendment 153. Special School Tax for School Purposes in Winston County.	Section 269-SS
Amendment 154. Nonresidents Making Mortgage Loans Through Licensed Mortgage Brokers.	Section 232, subsection B
Amendment 155. Economic Development of Municipality of Uniontown.	Section 94-Y
Amendment 156. Special Property Tax for Educational Purposes in School District No. 2 of Randolph County.	Section 269-JJ, subsection 1
Amendment 157. Bonds for Construction and Improvement Purposes at University of Alabama Research Institute.	Section 213-C, subsection 4
Amendment 158. Bond Issue to Assist in Construction and Equipment of Hospitals, etc.	Section 213-D, subsection 5
Amendment 159. Continuity of Legislature in Event of Enemy Attack.	Section 46, subsection C
Amendment 160. Issuance of Revenue Securities by Institutions of Learning	Section 213, subsection B
Amendment 161. Board of Trustees of Auburn University.	Section 266 (later superceded by Amendment 670)
Amendment 162. Additional Tax for School Purposes in Baldwin County.	Section 269-A
Amendment 163. License Taxes for School Purposes in Bullock County.	Section 269-C

Amendment 164. Special Property Tax for Educational Purposes in Tuscaloosa County.	Section 269-OO, subsection 2
Amendment 165. Use of Special School Funds, Refunding of Bonds, etc., in Calhoun County.	Section 269-E, subsection 2
Amendment 166. Special Property Tax for Acquiring, etc., Vocational Trade School and For Rural and Industrial Development in Chilton County.	Section 269-H
Amendment 167. Additional Tax for School Purposes in Choctaw County.	Section 269-I
Amendment 168. Additional Tax for School Purposes in Clarke County.	Section 269-J
Amendment 169. Special School Tax in Clay County.	Section 269-K
Amendment 170. Special Property Tax for Educational Purposes in City of Tuscumbia	Section 269-N, subsection 2
Amendment 171. Special Property Tax for Educational Purposes in City of Sheffield.	Section 269-N, subsection 3
Amendment 172. Special Property Tax for Educational Purposes in City of Muscle Shoals.	Section 269-N, subsection 4
Amendment 173. Additional Tax for School Purposes in Franklin County.	Section 269-U, subsection 1
Amendment 174. Special Property Tax for Acquiring, etc., Vocational Trade School and for Rural and Industrial Development in Jackson County.	Section 269-V, subsection A
Amendment 175. Special District Tax for Furtherance of Education in Jefferson County.	Section 269-W, subsection 2
Amendment 176. Additional Tax for School Purposes in Lamar County.	Section 269-X

Amendment 177. Special Property Tax for Educational Purposes in Lauderdale County.	Section 269-Y, subsection A
Amendment 178. Special School Tax for City of Florence.	Section 269-Y, subsection B
Amendment 179. Special Property Tax for School Outlay Purposes in Mobile County.	Section 269-GG, subsection 2
Amendment 180. Special Property Tax for Educational Purposes in School District No. 1, Randolph County.	Section 269-JJ, subsection 2
Amendment 181. Special School Tax in Talladega County.	Section 269-MM, subsection B
Amendment 184. Legislation as to DeKalb County.	Omitted. Repealed. See Code Commissioner Note to Amendment
Amendment 185. Compensation of Certain Officers of Elmore County.	Section 96-Y, subsection 1
Amendment 186. Economic Development of Franklin County and Municipalities Therein.	Section 94-L, subsection A
Amendment 187. Bond Issue for Construction and Equipment of Courthouse and Jail in Geneva County.	Section 224-A-1
Amendment 188. Economic Development of Greene County.	Section 94-N
Amendment 189. Economic Development of Municipalities in Lamar County.	Section 94-P
Amendment 190. Economic Development of Lawrence County and Municipalities Therein.	Section 94-Q, subsection A
Amendment 191. Promotion of Industrial, Commercial, and Agricultural Development in Madison County and the City of Huntsville.	Section 94-T, subsection A
Amendment 192. Pensions of Former Officers of Mobile County and Municipalities Therein.	Section 98-CC-1, subsection 2
Amendment 193. Bond Issue for Capital Improvements in Mobile County.	Section 215-DD, subsection 7

Amendment 194. Budget of Mobile County Public Hospital Board.	Section 215-DD, subsection 8
Amendment 195. Special Tax for Public Hospital Purposes in Mobile County.	Section 215-DD, subsection 9
Amendment 196. Costs and Charges of Courts and Compensation of Certain Officers in St. Clair County.	Omitted . Repealed by Amendment 422.
Amendment 197. Economic Development of St. Clair County and Municipalities Therein.	Article IV, section 94-BB
Amendment 198. Hospital Tax and Tax Anticipation Bonds, etc., in Tallapoosa County.	Section 215-OO, subsection 1
Amendment 199. Special Tax and Bond Issue for Public Buildings in Washington County.	Section 215-RR, subsection 1
Amendment 200. Bonds for Voting Machines.	Section 222, subsection 5
Amendment 201. Promotion of Cattle Industry.	Section 212-A, subsection A
Amendment 202. Additional Property Tax for County Educational Purposes.	Section 269, subsection 4
Amendment 203. Additional Property Tax for Educational Purposes in Jackson County.	Section 269-V, subsection B
Amendment 204. Special School Taxes in Walker County.	Section 269-PP, subsection 1
Amendment 205. Special Property Taxes for School Purposes in Marion County.	Section 269-EE, subsection 1
Amendment 206. Additional Taxes for School Purposes in Coffee County.	Section 269-M, subsection 1
Amendment 207. Amendment of Section 178.	Section 178, now repealed by Amendment 579
Amendment 208. Amendment of Section 215.	Section 215

Amendment 209. Additional Tax in City of Mountain Brook.	Section 216-G
Amendment 210. Warrants Payable out of Special Taxes for Educational Purposes in DeKalb County.	Section 269-S, subsection 2
Amendment 211. Further Provisions as to Additional Tax for School Purposes in Franklin County.	Section 269-U, subsection B
Amendment 212. State Tax on Net Income of Corporations.	Section 211-A, subsection 3
Amendment 213. Bonds for State Docks Facilities.	Section 213-B, subsection 2
Amendment 214. Promotion of Poultry and Poultry Products.	Section 212-A, subsection B
Amendment 215. Costs and Charges of Court and Fees, etc of Officers of Marshall County.	Section 96-SS
Amendment 216. Warrants Payable from Proceeds of Special School Taxes in Coffee County.	Section 269-M, subsection 2
Amendment 217. Economic Development of Clarke County and Municipalities Therein.	Section 94-H, subsection A
Amendment 218. Special School Tax in City of Huntsville.	Section 269-CC, subsection 5
Amendment 219. Levy of Certain Privilege Taxes by Municipalities in Mobile County.	Section 215-DD, subsection 16
Amendment 220. Promotion of Commercial and Agricultural Development in City of Bayou La Batre.	Section 94-W, subsection A
Amendment 221. Economic Development of City of York.	Section 94-CC, subsection B
Amendment 222. Bonds for State Docks Facilities.	Section 213-B, subsection 3
Amendment 223. Qualifications of Electors; Repeal of Section 181.	Omitted, superseded by Amendment 579

Amendment 224. Bonds for Display of Certain Exhibits in Madison County.	Section 213-F
Amendment 225. Deduction of Federal Income Tax from Gross Income When Computing State Income Tax.	Section 211-A, subsection 4
Amendment 226. Designation of Circuit Solicitor as Attorney General.	Omitted, superceded by revised Article VI
Amendment 227. Development of Irrigation Districts.	Section 93, subsection 10
Amendment 228. Bonds for Enlargement, etc. of Municipally-Owned Manufacturing, Industrial or Commercial Projects.	Sections 222, subsection 6
Amendment 229. Costs and Charges of Courts, and Compensation of Certain Officers, in Baldwin County.	Section 96-B
Amendment 230. Special District Tax for Public Hospital Purposes in Baldwin County.	Section 215-B, subsection 1
Amendment 231. Compensation of Certain Officers of Bullock County.	Section 96-F, subsection 1
Amendment 232. Special School Tax in City of Anniston.	Section 269-E, subsection 3
Amendment 233. Legislation as to Costs and Charges of Courts in Dallas County.	Section 96-W, subsection 3
Amendment 234. Special School Taxes For City of Fort Payne.	Section 269-S, subsection 3
Amendment 235. Trial Tax or Charge on Litigation in Etowah County.	Section 96-BB, subsection 2
Amendment 236. Compensation of Certain Officers of Greene County.	Omitted . Repealed by Amendment 433
Amendment 237. Bonds for Courthouse and Jail in Henry County.	Section 224-A
Amendment 238. Bonds for Civic Centers in Certain Counties.	Section 224, subsection 2

Amendment 239. Fire Protection and Trash Disposal Districts in Jefferson County.	Section 215-W
Amendment 240. Special Ad Valorem Tax for Paying Principal and Interest on Bonds of City of Birmingham.	Section 216-D
Amendment 241. Compensation of Certain Officers of Lauderdale County.	Section 96-KK, subsection 1
Amendment 242. Special Property Tax for Recreational Purposes in City of Auburn.	Section 216-C
Amendment 243. Development of Elk River Watershed Area in Lauderdale and Limestone Counties.	Section 93, subsection 3
Amendment 244. Economic Development of Town of Lester.	Section 94-S
Amendment 245. Amendment of Amendment 191.	Section 94-T, subsection A
Amendment 246. Refunding of Securities of Certain Municipalities in Marion County.	Section 94-V, subsection B
Amendment 247. Development of Bear Creek Watershed Area.	Section 93, subsection 14
Amendment 248. Amendment of Amendment 195.	Section 215-DD. subsection 9
Amendment 249. Costs and Charges of Courts and Compensation of County Officers in Shelby County.	Section 96-CCC
Amendment 250. Economic Development of Sumter County.	Section 94-CC, subsection A
Amendment 251. Economic Development of Municipality of Livingston.	Section 94-CC, subsection C
Amendment 252. Special School Tax in School District No. 1 of Talladega County.	Section 269-MM, subsection C
Amendment 253. Special Property Tax for Educational Purposes in City of Jasper.	Section 269-PP, subsection 2

Amendment Section 254. Additional Taxes for Hospital Purposes in Winston County.	Section 215-TT
Amendment 255. Legislation as to Winston County.	Section 104-DD, subsection 1
Amendment 256. Economic Development of Municipalities of Addison and Lynn.	Section 94-FF, subsection B
Amendment 257. Water Management Systems.	Section 93, subsection 11
Amendment 258. Legislation as to Jurisdiction of Inferior Courts Established in Lieu of Justices of the Peace in Jefferson County.	Omitted, superceded by revised Judicial Article
Amendment 259. Promotion of Industrial, Commercial and Agricultural Development of City of Evergreen.	Section 94-J
Amendment 260. Amendment of Amendment 175.	Section 269-W, subsection 1
Amendment 261. Promotion of Industrial, Commercial and Agricultural Development in City of Bayou La Batre.	Section 94-W, subsection B
Amendment 262. Hospital Tax in Districts 1, 2 and 3 of Franklin County.	Section 215-S
Amendment 263. Economic Development of Municipalities in Geneva County.	Section 94-M
Amendment 264. Bonds for Courthouse in Marengo County.	Section 224-F
Amendment 265. Compensation of Certain Officers of Marengo County.	Section 96-RR, subsection 1
Amendment 266. Bond Issue for Acquisition, Improvement, etc., of Mental Health Facilities.	Section 213-D, subsection 6
Amendment 267. Bond Issue to Acquire, Develop, etc., State Parks and Park Facilities.	Section 213-E, subsection 1
Amendment 268. Amendment of Section 225.	Section 225

Amendment 269. Special Property Tax by Counties or Municipalities for Library Purposes.	Section 215-A, subsection 5
Amendment 270. Navigable Waterway Between Demopolis and Tennessee River and Flood Control Projects on Tributary Streams of Tombigbee River.	Section 93, subsection 4
Amendment 271. Amendment of Section 164. (Appointment of Supreme Court clerk).	Omitted; superceded by revised Judicial Article
Amendment 272. Game and Fish Fund.	Section 11-A. 01
Amendment 273. Bonds for State Docks Facilities.	Section 213-B, subsection 4
Amendment 274. Works of Internal Improvements Along Navigable Waterways.	Section 93, subsection 3
Amendment 275. Special Property Tax for Public Hospital Purposes in Mobile County.	Section 215-DD, subsection 10
Amendment 276. Hospital Tax in District 2 of Walker County.	Section 215-QQ, subsection 2
Amendment 277. Economic Development of Town of Carbon Hill.	Section 94-DD
Amendment 278. Costs and Charges of Courts in Elmore County.	Section 96-Y, subsection 2
Amendment 279. Special Property Tax for Educational Purposes in City of Ft. Payne.	Section 269-S, subsection 4
Amendment 280. Amendment of 238.	Section 224, subsection 2
Amendment 281. Application of Special School Taxes in City of Anniston.	Section 269-E, subsection 4
Amendment 282. Amendment of Section 116.	Section 116.
Amendment 283. Legislation as to Jurisdiction of Inferior Courts Established in Lieu of Justices of the Peace in Jefferson County.	Omitted.

Amendment 284. Selection, Qualifications, Powers, Duties and Tenure of State Board of Education and Superintendant of Education.	Section 262
Amendment 285. Registration of Certain Electors by Mail.	Omitted.
Amendment 286. Bonds for Theodore Ship Channel Project in Mobile Harbor.	Section 213-B, subsection 5
Amendment 287. Navigable Waterway Between Montgomery and Gadsden and to the Alabama-Georgia Boundary.	Section 213-B, subsection 6
Amendment 288. Works of Internal Improvement Along Navigable Waterways.	Section 213-B, subsection 7
Amendment 289. Title to Sixteenth Section of School Lands in Mobile County.	Section 260, subsection B
Amendment 290. Costs and Charges of Courts and Compensation of Probate Judge and Sheriff in Barbour County.	Section 96-C, subsection 1
Amendment 291. Special Tax in School Districts of Calhoun County.	Section 269-E, subsection 5
Amendment 292. Special School Tax in School Districts Nos. 1 and 2 of Covington County.	Section 269-P
Amendment 293. Special School Tax in School Districts Nos 1 and 2 of Colbert County.	Section 269-N, subsection 5
Amendment 294. Special Tax in School Districts of Lawrence County and Change of Boundaries of School Districts.	Section 269-Z, subsection 5
Amendment 295. Special Property Tax for Educational Purposes in City of Ozark and Dale County.	Section 269-Q, subsection 1
Amendment 296. Special Property Tax for Educational Purposes in Etowah County.	Section 269-T, subsection 2
Amendment 297. Compensation of Certain Officers of Tallapoosa County.	Section 96-GGG

Amendment 298. Amendment of Amendment 175.	Section 269-W, subsection 2
Amendment 299. Special School Tax in City of Oneonta.	Section 269-B
Amendment 300. Bonds for Certain Public Buildings in Mobile County.	Section 215-DD, subsection 11
Amendment 301. Change in Purposes of Levy and Distribution of Special Tax Authorized by Amendments 18, 100, 122, 151, 193, and 195.	Section 215-DD, subsection 12
Amendment 302. Economic Development in Pickens County.	Section 94-Z
Amendment 303. Promotion of Industrial, Commercial and Agricultural Development in Morgan County and Cities of Hartselle and Decatur.	Section 94-X, subsection A
Amendment 304. Special School Tax in School District No. 1 of Madison County.	Section 269-CC, subsection 3
Amendment 305. Special School Tax in City of Huntsville.	Section 269-CC, subsection 4
Amendment 306. Costs and Charges of Courts and Compensation of Sheriff in Bibb County.	Section 96-D, subsection 1
Amendment 307. Use of Proceeds of Special Tax Levied in Chambers County Pursuant to Amendment 72.	Section 215-E, subsection 1
Amendment 308. Economic Development of Marengo County.	Section 94-U, subsection A
Amendment 309. Special School District Tax in Lee County.	Section 269-AA, subsection 3
Amendment 310. Special School District Taxes in Talladega County.	Section 269-MM, subsection D
Amendment 311. Special Property Tax for General Health Purposes in Lawrence, Limestone and Morgan Counties.	Section 215-X

Amendment 312, Economic Development of Bibb County and Municipalities Therein.	Section 94-B
Amendment 313. Economic Development of Hale County and Municipalities Therein.	Section 94-O
Amendment 314. Amendment of Amendment 239 (Fire Protection and Trash Collection in Jefferson County)	Section 215-W
Amendment 315. Promotion of Soybean Industry.	Section 212-A, subsection C
Amendment 316. Special Tax in Mountain Brook School District in Jefferson County.	Section 269-W, subsection 3
Amendment 317. Retirement, Censure, Suspension and Removal of Judges, Judicial Commission.	Omitted. Superseded by Amendment 328, new Article VI
Amendment 318. Special Property Tax for Library Service in Morgan County.	Section 215-GG, subsection 2
Amendment 319. Special Property Tax for Public Library Purposes in Baldwin County and Municipalities Therein.	Section 215-B, subsection 3
Amendment 320. Bonds for School Buildings in Madison County.	Section 224-E
Amendment 321. Court Costs, Fees, Compensation, etc., of Certain Officers in Lawrence County.	Section 96-LL
Amendment 322. Registration of Electors by Mail.	Omitted. Superseded by Amendment 579, revised Article VIII
Amendment 323. Abolition of Justice of the Peace and Notary Public With :Powers and Jurisdiction of a Justice of the Peace.	Omitted. Superseded by Amendment 328, new Article VI.
Amendment 324. Special Tax for Improving Enforcement of Laws Relative to and Providing Facilities for Juveniles in Lee County.	Section 215-Y, subsection 1
Amendment 325. Amendment of Section 217.	Section 217

Amendment 326. Consolidation of Officers and Regulation of Fees, Compensation, etc. of Officers in Dale County: Regulation of Court Costs and Charges in Dale County	Section 96-V
Amendment 327. Promotion of Production, Research, etc. of Swine and Swine Products.	Section 212
Amendment 328. Amendment of Article VI.	Article VI
Amendment 329. Special District Tax for Hamilton Special School District in Marion County.	Section 269-EE, subsection 2
Amendment 330. Consolidation of Morgan County Offices.	Section 96-WW, subsection 2
Amendment 331. Costs and Charges of Courts, and Compensation of Officers, of Cleburne County.	Section 96-P
Amendment 332. Costs and Charges of Courts, and Compensation of Certain Officers of Bibb County.	Section 96-D, subsection 2
Amendment 333. Special Property Tax for Recreational Purposes in Tuscaloosa County.	Section 215-PP
Amendment 334. Procedure for Filling Vacancies in Office of Judge of Circuit Court in Madison County: Madison County Judicial Commission.	Section 6.14-C.
Amendment 335. Special School Tax in Calhoun County.	Section 269-E, subsection 6
Amendment 336. Additional Tax in City of Mountain Brook.	Section 216
Amendment 337. Fees, Compensation etc., of Certain Officers in DeKalb County.	Section 96-X, subsection 3
Amendment 338. Development, Improvement, etc. of State Docks Facilities at Port of Mobile.	Section 93, subsection 5
Amendment 339. Annual Sessions of Legislature, Length of Regular and Special Sessions.	Section 48, Section 76

Amendment 340. Bonds for Acquisition, Construction, etc. of Mental Health Facilities.	Section 213-D, subsection 7
Amendment 341. Amendment of Section 106.	Section 106, subsection 1
Amendment 342. Debt Limit for Counties.	Section 224
Amendment 343. Local Public Service Districts in Shelby County.	Section 104-Y, subsection 2
Amendment 344. Costs and Charges of Courts, and Compensation of Certain Officers of Blount County.	Section 96-E, subsection 1
Amendment 345. Costs and Charges of Courts, and Compensation of Certain Officers, of Coosa County.	Section 96-S
Amendment 346. Costs and Charges of Courts, and Compensation of Certain Officers, of Chilton County.	Section 96-L
Amendment 347. Amendment 331 Amended.	Section 96-P
Amendment 348. Local Legislation Regarding Delinquent Tax Notices in Madison County.	Section 104-R, subsection 1
Amendment 349. Costs and Charges of Courts, and Compensation of Certain Officers, of Chilton County.	Section 96-JJJ
Amendment 350. Special Property Tax for Educational Purposes in City of Anniston.	Section 269-E, subsection 7
Amendment 351. Special Property Tax for Control of Mosquitoes, Rodents and Other Vectors of Public Health and Welfare; Significance in Mobile County.	Section 215-DD, subsection 1
Amendment 352. Additional Property Tax in City of Vestavia Hills.	Section 216-H
Amendment 353. Costs and Charges of Courts, and Compensation of County Officials, of Butler County.	Section 96-G

Amendment 354. Amendment of Amendment 93.	Section 71-A
Amendment 355. Bonds, etc. for Navigable Waterway Between Demopolis and Tennnesse River and Tombigbee Valley Projects.	Section 213-B, subsection 9
Amendment 356. Consolidation of Offices in Elmore County.	Section 96-Y, subsection 3
Amendment 357. Fees, Allowances, etc., of Judge of Probate of Geneva County.	Section 96-DD, subsection 1
Amendment 358. Fire Protection or Garbage and Trash Disposal Districts in Tuscaloosa County.	Section 104-CC
Amendment 359. Costs and Charges of Courts, and Compensation of County Officers, of Clay County.	Section 96-O
Amendment 360. Costs and Charges of Courts, and Compensation of County Officials, of Coffee County.	Section 96-Q, subsection 1
Amendment 361. Amendment of 351.	Section 215 and Amendment 351.
Amendment 362. Fees, Compensation, etc. of Elected Officials of Lee County.	Section 96-MM, subsection 1
Amendment 363. Amendment of Amendment 18.	Section 215-DD, subsection 1
Amendment 364. Amendment of Amendment 328.	Section 6.06, subsection (a)
Amendment 365. Fire Protection Districts in Baldwin County.	Section 104-A, subsection 1
Amendment 366. Consolidation of Offices of Tax Assessor and Tax Collector of Pickens County.	Section 96-YY, subsection 1
Amendment 367. Costs and Charges of Courts, and Compensation of Certain Officers, of Jackson County.	Section 96-II

Amendment 368. Abolition of Constable in Morgan County.	Section 6.20-A, subsection (a)
Amendment 369. Amendment of Amendment No. 239.	Section 215-W.
Amendment 370. Local Public Service Districts in Shelby County.	Section 104-Y, subsection 3
Amendment 371. Fire Protection in Limestone County.	Section 215-Z, subsection b
Amendment 372. Compensation of County Officers and Restructuring of Abolition of Certain Offices in Geneva County.	Section 96-DD, subsection 2
Amendment 373. Amendment of Section 217.	Section 217
Amendment 374. Bonds for Penal and Correctional Facilities.	Section 213-H.
Amendment 375. Amendment of Section 110.	Section 110
Amendment 376. Acquisition, Development, etc. of Industrial Parks by City of Anniston.	Section 94-E, subsection A
Amendment 377. Consolidation and Abolition of Certain Offices and Establishment of Consolidated and Unified Tax System in Coffee County.	Section 96-Q, subdivision 2
Amendment 378. Fire Districts in Madison County.	Section 104-R, subsection 2
Amendment 379. Fire Fighting Districts in Montgomery County.	Section 215-FF, subdivision 2
Amendment 380. Costs and Charges of Probate Court, and Compensation of Certain Officers of Russell County.	Section 96-BBB, subsection 1
Amendment 381. Fire Fighting Districts and Fire Protection in Russell County.	Section 104-X
Amendment 382. Additional Special District School Tax.	Section 269, subsection 5

Amendment 383. Indemnification Program for Peanut Farmers.	Section 212-A, subsection D
Amendment 384. Additional Probate Judgeship for Jefferson County.	Subsection 6.06, subsection b
Amendment 385. Special Property Tax in City of Demopolis.	Section 216-DD
Amendment 386. Operation of Bingo Games by Nonprofit Organizations in Jefferson County.	Section 65-E
Amendment 387. Operation of Bingo Games by Nonprofit Organizations in Madison County.	Section 65-F
Amendment 388. Promotion of Production, Distribution, etc. of Peanuts, Milk and Cotton.	Section 212-A, subsection E
Amendment 389. Validation of Certain Population Based Acts and Method of Amendment Thereof.	Section 106, subsection 2
Amendment 390. Termination of Alimony Upon Remarriage or Cohabitation of Spouse.	Section 104, subsection (3)
Amendment 391. Costs and Charges and Compensation of Certain Officers of Escambia County.	Section 96-Z
Amendment 392. Fire Fighting Districts and Fire Protection in Lee County.	Section 215-Y, subsection 2.A.
Amendment 393. Amendment of Amendment 351.	Section 215-DD, subsection 1
Amendment 394. Alabama Heritage Trust Fund.	Section 11-A.02
Amendment 395. Issuance of Interest Bearing Bonds for Specified Purposes.	Section 213.
Amendment 396. Payment by State of Expenses Incurred by Alabama Housing Finance Authority.	Omitted; by its terms expired Dec. 31, 1983

Amendment 397. Amendment of Section 110.	Section 110
Amendment 398. Certain County Revenue Securities Not to Constitute Bonds or Indebtedness.	Sections 222, subsection 3
Amendment 399. Amendment of Section 264.	Section 264
Amendment 400. Promotion of Production, Distribution, etc., of Swine and Swine Products.	Section 212-A, subsection F
Amendment 401. Amendment of Amendment 315 (promotion of soybeans)	Section 212-A, subsection C
Amendment 402. Special Property Tax in Chilton County.	Section 215-G, subsection 2
Amendment 403. Costs and Charges of Courts and Compensation of Probate Judge of Henry County.	Section 96-GG
Amendment 404. School District Tax In Lauderdale County.	Section 269-Y, subsection C
Amendment 405. Combination of Offices of Tax Assessor and Tax Collector in Lauderdale County.	Section 96-KK, subsection 3
Amendment 406. Repeal of Amendment 132.	Omitted
Amendment 407. Amendment of Amendment 218.	Section 269-CC, subsection 5
Amendment 408. Procedure for Filling Vacancies in Office of Judge of Circuit Court and Office of Judge of District Court in Mobile County.	Section 6.14-B
Amendment 409. Additional Ad Valorem Tax in City of Alabaster.	Section 216-A
Amendment 410. Indebtedness to Improve Roads and Bridges in Washington County.	Section 224-J

Amendment 411. Salaries, Fees, etc. of County Officials Charged With Assessing and Collecting Ad Valorem Taxes; Abolishment, Combination or Alteration of Offices of Tax Assessor, Tax Collector or License Commissioner.	Section 96, subsection 2
Amendment 412. Costs and Charges of Courts in Calhoun County and Method of Disbursement Thereof.	Section 96-I
Amendment 413. Operation of Bingo Games by Certain Nonprofit Organizations in Montgomery County.	Section 65-H
Amendment 414. Judge of Probate of Bullock County; Compensation; Not to Serve on County Governing Body.	Section 96-F, subsection 2
Amendment 415. Industrial Sites and Industrial Park Projects in Calhoun County and Municipalities Therein.	Sections 94-E, subsection B
Amendment 416. Costs and Charges of Courts in Clarke County.	Section 96-N, subsection 1
Amendment 417. Abolition of Office of Constable in Fayette County.	Section 6.20-A, subsection b
Amendment 418. Costs and Charges of Court and Compensation of Judge of Probate of Franklin County.	Section 96-CC
Amendment 419. Abolition of Office of Constable in Lamar County.	Section 6.20-A, subsection c
Amendment 420. Additional Ad Valorem Tax in Macon County for Education Purposes.	Section 269-BB
Amendment 421. Compensation of Judge of Probate of Pike County and Disposition of Charges, etc., Collectible by Official.	Section 96-ZZ, subsection A
Amendment 422. Repeal of Amendment 196.	Omitted

Amendment 423. Consolidation of Offices of Tax Assessor and Tax Collector of Winston County into Office of County Revenue Commissioner.	Section 96-LLL, subsection 2.
Amendment 424. Costs and Charges of Courts in Winston County and Distribution of Revenues Therefrom.	Section 96-LLL, subsection 1
Amendment 425. Adoption of Proposed Constitutional Amendments Affecting Only One County.	Section 284, subsection 2
Amendment 426. Amendment to Amendment 328, Article VI, Section 6.09(d).	Section 6.09(d)
Amendment 427. Alabama State House.	Section 48, subsection [B]
Amendment 428. Amendment of Amendment 214.	Section 212-A, subsection B
Amendment 429. Promotion of Economic and Industrial Development in Certain Counties and Municipalities Therein.	Sections 94, subsection 2
Amendment 430. Consolidation of Offices Tax Assessor and Tax Collector in Blount County.	Section 96-E, subsection 2
Amendment 431. Membership and Powers of Bullock County Development Authority.	Section 94-D, subsection B
Amendment 432. Fire Protection Districts in Etowah County.	Section 215-R
Amendment 433. Repeal of Amendment 236.	Omitted
Amendment 434. Costs and Charges of Courts in Wilcox County and Method of Distribution Thereof.	Section 96-KKK, subsection 1
Amendment 435. Annual License Taxes, Registration, etc. on Trucks, Trailers, etc. in Conecuh County.	Section 215-M, subsection 1
Amendment 436. Fire Districts and Fire Prevention Services in Jackson County.	Section 215-M, subsection 1

Amendment 437. Indebtedness for Daniel "Chappie" James Aerospace Memorial by Macon County.	Section 224-D
Amendment 438. Indebtedness for Daniel "Chappie" James Aerospace Memorial by the City of Tuskegee.	Section 225-A
Amendment 439. Forest Fire Protection in Marshall County.	Section 215-CC, subsection 2
Amendment 440. Operation of Bingo Games in Mobile County.	Section 65-G
Amendment 441. Comprehensive Health Insurance Plan for Retired Mobile County Employer.	Section 98-CC-1, subsection 3
Amendment 442. Privilege, License, etc., Taxes and Securities for Funding County Facilities in Randolph County.	Section 215-KK, Part A
Amendment 443. Conveyance of State Docks Property to Local Authorities.	Section 93, subsection 6
Amendment 444. Randolph County Facilities Building Fund.	Section 215-KK, Part B
Amendment 445. Amendment of Amendment 432. Fire Protection in Etowah County.	Section 215-R
Amendment 446. Bonds of Alabama State Docks Department Not Debt of State.	Section 213, subsection C
Amendment 447. General Obligation Bonds of Mobile County.	Section 215-DD, subsection 13
Amendment 448. Paramount Duty of Legislature to Make Basic Appropriations at Regular Session.	Section 71, subsection 2
Amendment 449. Eradication or Control of the Boll Weevil in Cotton.	Section 212-A, subsection G
Amendment 450. Alabama Trust Fund.	Section 11-A.03
Amendment 451. Soil and Water Conservation Commission.	Section 93, subsection 12

Amendment 452. Amendment of Amendment 201 Promotion of Cattle Industry.	Section 212-A, subsection A
Amendment 453. Promotion of Grain Industry.	Section 212-A, subsection H
Amendment 454. Conveyance of Alabama State Docks Department Property.	Section 93, subsection 6
Amendment 455. Repeal of School Tax Exemptions in Madison County.	Section 269-CC, subsection 6
Amendment 456. Hartselle City School Taxes.	Section 269-II, subsection 2
Amendment 457. Morgan County Sheriff's Reserve.	Section 94-X, subsection B
Amendment 458. Truck Tax Established by Pike County Commission.	Section 215-JJ
Amendment 459. Judge of Probate of Randolph County.	Section 96-AAA, subsection 1
Amendment 460. Annexation in St. Clair County.	Section 104-Z, subsection 2
Amendment 461. Additional Ad Valorem Tax in Wilcox County.	Section 215-SS
Amendment 462. City of Ozark Special Property Tax.	Section 269-Q, subsection 2
Amendment 463. Mobile County Bond Issuance.	Section 215-DD, subsection 14
Amendment 464. Clarke County Fire Districts.	Section 215-I
Amendment 465. City of Jackson Port Authority.	Section 94-H, subsection B
Amendment 466. Elmore County Local Service Districts.	Section 104-F
Amendment 467. Annexation in Etowah County.	Section 104-G, subsection 2

Amendment 468. Industrial Development in Marengo County.	Section 94-U, subsection B
Amendment 469. Annexation in Marshall County.	Section 104-T, subsection 1
Amendment 470. Washington County Port Authority.	Section 94-EE
Amendment 471. Special District Tax for Hospital Purposes in Baldwin County.	Section 215-B, subsection 2
Amendment 472. Use of Assets of State Retirement Systems.	Section 98, subsection 2
Amendment 473. Amendment of Section 232.	Section 232, subsection A
Amendment 474. Effectiveness of Laws Providing for Expenditure of County Funds	Section 104, subsection 4.
Amendment 475. Tax Increment Districts in Counties and Municipalities.	Section 94, subsection 3
Amendment 476. Chambers County Fire and Rescue Fund.	Section 96-J, subsection 2
Amendment 477. Amendment of 465. City of Jackson Port Authority.	Section 94-H, subsection B
Amendment 478. Compensation of Clarke County Probate Judge.	Section 96-N, subsection 2
Amendment 479. Compensation of Covington County Officers.	Section 96-T
Amendment 480. Compensation of Greene County Probate Judge.	Section 96-EE, subsection 1
Amendment 481. Compensation of Hale County Probate Judge.	Section 96-FF, subsection 1
Amendment 482. Limestone County Commission Authority.	Section 104-P, subsection 3
Amendment 483. Compensation of Lowndes County Probate Judge.	Section 96-OO
Amendment 484. Additional Ad Valorem Tax in Morgan County.	Section 215-GG, subsection 3

Amendment 485. Compensation of Perry County Probate Judge.	Section 96-XX
Amendment 486. Compensation of Sumter County Probate Judge.	Section 96-EEE, subsection 1
Amendment 487. Compensation of Wilcox County Probate Judge.	Section 96-KKK, subsection 2
Amendment 488. Investment of Capital and Income from Alabama Heritage Fund or Alabama Trust Fund.	Section 11-A.04
Amendment 489. Alabama Music Hall of Fame Authority.	Section 213-G
Amendment 490. Marion County Public Water Authority.	Section 104-S
Amendment 491. Effectiveness of Laws Providing for Expenditure of Municipal Funds.	Section 104, subsection 5
Amendment 492. Promotion of Catfish Industry.	Section 212-A, subsection I
Amendment 493. Compensation of Probate Judge of Autauga County.	Section 96-A, subsection 1
Amendment 494. Appropriation by City of Anniston in Calhoun County for East Alabama United Cerebral Palsy Center.	Section 94-E, subsection D
Amendment 495. Compensation of Choctaw County Probate Judge.	Section 96-M
Amendment 496. Compensation of Probate Judge of Crenshaw County.	Section 96U
Amendment 497. Prohibition of Overgrowth of Weeds and Storage and Accumulation of Certain Junk, Motor Vehicles and Litter in Jefferson County.	Section 104-L, subsection 1
Amendment 498. Levy and Collection of Financial Charges or Assessments in Fire Fighting Districts of Lee County.	Section 215-Y, subsection 2.B.

Amendment 499. Municipality Police Jurisdiction in Limestone County.	Section 104-P, subsection 1
Amendment 500. Investment of Municipal Funds and County Funds by Mobile County.	Section 104-U, subsection 2
Amendment 501. Fire Protection Districts and Taxes in Monroe County.	Section 215-EE
Amendment 502. Morgan County Sheriff's Posse.	Section 94-X, subsection C
Amendment 503. Pike County Government Modernization.	Section 96-ZZ, subsection B
Amendment 504. Financing Jail in Talladega County.	Section 96-FFF, subsection 2
Amendment 505. Washington County Fire Districts.	Section 215-RR, subsection 2
Amendment 506. Bingo Games in Etowah County.	Section 65-C
Amendment 507. Filing and Service Fees in Russell County for Financing New County Jail.	Section 96-BBB, subsection 2
Amendment 508. Bingo Games in Calhoun County.	Section 65-A
Amendment 509. English as Official Language of State.	Section 24-B.
Amendment 510. Deepening, Widening and Extending of Federal Channel at Bayou La Batre and Acquisition, Development, etc., of Cargo Handling Facilities at State Docks at Port of Mobile.	Section 213-B, subsection 10
Amendment 511. Finance Charge, Fee or Assessment on Forest Land for Forestry Services and Forest Fire Protection.	Section 212-A, subsection J
Amendment 512. "Penny Trust Fund" Established for Promotion of Public Health and Public Schools.	Section 11-A.06
Amendment 513. Amendment of Section 98.	Section 98, subsection 1

Amendment 514. Appropriations to Certain Nonprofit Organizations by City of Huntsville.	Section 94-T, subsection B
Amendment 515. Winston County Water Coordinating and Fire Prevention Authority.	Section 104-DD, subsection 2
Amendment 516. Lamar County Water Coordinating and Fire Prevention Authority.	Section 104-M
Amendment 517. Fayette County Water Coordinating and Fire Prevention Authority.	Section 104-H
Amendment 518. Franklin County Water Coordinating and Fire Prevention Authority.	Section 104-I, subsection 2
Amendment 519. Jackson County Water Authority.	Section 104-K, subsection 2
Amendment 520. Excavating Human Graves in Madison County.	Section 104-R, subsection 3
Amendment 521. Fees for Disposal of Solid Waste in Pickens County.	Section 215-II, subsection 1
Amendment 522. Taxation of Costs in Pickens County.	Section 96-YY, subsection 3
Amendment 523. Fee on Disposal of Out-of-State Waste in St. Clair County.	Section 215-LL, subsection 1
Amendment 524. Validation of Court Charges in Tuscaloosa County.	Section 96-HHH
Amendment 525. Ratification of School Taxes.	Section 269, subsection 6
Amendment 526. Court Costs in Cherokee County.	Section 96-K
Amendment 527. Fire Protection Tax in Choctaw County.	Section 215-H
Amendment 528. Fire Districts and Fire Protection Tax in Conecuh County.	Section 215-M, subsection 2
Amendment 529. Validation of Court Charges in Lee County.	Section 96-MM, subsection 2

Amendment 530. Court Costs in Macon County.	Section 96-PP, subsection 2
Amendment 531. Municipal Jurisdiction in Madison County.	Section 104-RR, subsection 4
Amendment 532. Fire Fighting Districts and Services in Mobile County.	Section 104-UU, subsection 1
Amendment 533. Talladega County Budget.	Section 104-AA, subsection 3
Amendment 534. Construction, Repair, etc., of Public Roads, Bridges, etc., in Talladega County.	Section 104-AA, subsection 1
Amendment 535. Election of Board of Education of City of Tallassee.	Section 104-BB
Amendment 536. Distribution of Oil and Gas Revenues by Escambia County Commission.	Section 11-A.08
Amendment 537. Election of Board of Education of City of Attalla.	Section 104-G, subsection 1
Amendment 538. Incorporation of Tom Bevill Reservoir Management Area Authority.	Section 94-K, subsection B
Amendment 539. Business License Taxes in Jefferson County.	Section 104-L, subsection 2
Amendment 540. Fees, Commissions, Allowances and Salaries of Macon County Officers.	Section 96-PP, subsection 1
Amendment 541. Investment of Assets of Class 2 Municipality Police and Fire Fighters Pension Plans.	Section 11-A.09
Amendment 542. Bingo Games in St. Clair County.	Section 65-M
Amendment 543. Acquisition, Maintenance and Protection of Unique Lands and Water Areas.	Section 11-A.05
Amendment 544. Election of Board of Education for City of Pell City.	Section 104-Z, subsection 1

Amendment 545. Industrial Development Board of Lawrence County.	Section 94-Q, subsection B
Amendment 546. Sales and Use Tax in Limestone County.	Section 215-Z, subsection (c)
Amendment 547. Compensation of Probate Judge of Pickens County.	Section 96-YY, subsection 2
Amendment 548. Election of Talladega City Board of Education.	Section 104-AA, subsection 2
Amendment 549. Bingo Games in Walker County.	Section 65-N
Amendment 550. Bingo Games in City of Jasper.	Section 65-O
Amendment 551. Special Ad Valorem Taxes for Fire Protection and Emergency Services in Montgomery County.	Section 215-FF, subsection 3
Amendment 552. Election of Dothan City Board of Education.	Section 104-J
Amendment 553. Election of Decatur City Board of Education.	Section 104-W, subsection 1
Amendment 554. Levy and Collection of Special Ad Valorem Property Tax for Public Library Purposes in Chambers County.	Section 215-E
Amendment 555. Amendment of Amendment 425.	Section 284, subsection 2
Amendment 556. Conveyance to Huntsville-Madison County Marina and Port Authority Title to Alabama State Docks' Authority.	Section 93, subsection 6
Amendment 557. Basic Rights for Crime Victims.	Section 6-A.
Amendment 558. Amendment of Section 94.	Section 94, subsection 1
Amendment 559. Ratification and Validation of Ad Valorem Taxes in Baldwin County.	Section 215-B, subsection 4
Amendment 560. Additional Fees Assessed on Cases in Barbour County.	Section 96-C, subsection 2

Amendment 561. Fire Protection and Emergency Medical Services Districts in Blount County.	Section 104-B
Amendment 562. Local Legislation to Change Procedure for Sale of Lands for Delinquent Taxes in Calhoun County.	Section 104-C, subsection 1
Amendment 563. Promotion of Industry, Trade and Economic Development in Calhoun County.	Section 94-E, subsection 2
Amendment 564. Fire Protection and Special Fire Protection Property Tax in Covington County.	Section 215-N
Amendment 565. Bingo Games in Covington County.	Section 65-B
Amendment 566. Election of Members of Cullman City Board of Education.	Section 104-E
Amendment 567. Collection and Levying of Fees for Fire Protection Services and Emergency Medical Care in Elmore County.	Section 215-Q
Amendment 568. Incorporation of Regional Airport Authority of City of Red Bay and Franklin County With Political Subdivisions in Mississippi.	Section 94-L, subsection B
Amendment 569. Bingo Games in Houston County.	Section 65-D
Amendment 570. Police Jurisdiction and Planning and Zoning Authority of Municipalities in Lee County.	Section 104-0
Amendment 571. Validation of Laws Regulating Court Costs in Sumter County.	Section 96-EEE, subsection 2
Amendment 572. Establishment of Fire Districts and Levy of Charges for Fire Protection and Emergency Medical Services in Tallapoosa County.	Section 215-OO
Amendment 573. Ad Valorem Tax in Morgan County (Education).	Section 269-II, subsection 3

Amendment 574. Ad Valorem Tax in City of Hartselle.	Section 269-II, subsection 4
Amendment 575. Additional Ad Valorem Tax Within Portion of City of Decatur in Morgan County.	Section 269-II, subsection 5
Amendment 576. Additional Ad Valorem Tax on Property in Morgan County Outside Cities of Decatur and Hartselle.	Section 269-II, subsection 6
Amendment 577. Manner of Filling Vacancies on Morgan County Board of Education.	Section 104-W, subsection 2
Amendment 578. Election of Franklin County Superintendent of Education by Qualified Voters.	Section 104-I, subsection 1
Amendment 579. Amendment of Article VIII.	Revised Article VIII
Amendment 580. Amendment of Article VI.	Section 6.18A.
Amendment 581. Amendment of Article VI.	Sections 6.17 and 6.18.
Amendment 582. Approval of Legislature for Court Orders Requiring Disbursement of State Funds.	Section 43, subsection B.
Amendment 583. Collection and Levying of Fees for Fire Protection Services in Calhoun County.	Section 215-D
Amendment 584. Commission Authorized to Levy Ad Valorem Tax for Fire Protection and Rescue Services in Cherokee County.	Section 215-F
Amendment 585. Collection and Levying of Fees for Fire Protection and Safety Services in Clay County.	Section 215-J
Amendment 586. Collection and Levying of Fees for Fire Protection Services in Cleburne County.	Section 215-K
Amendment 587. (Incorrectly certified as passing).	Omitted

Amendment 588. Election of Franklin County Superintendent of Education by Qualified Electors.	Section 104-I, subsection 1
Amendment 589. Phase-Out of Supernumerary Program for Certain Elected Public Officials in Houston County; Participation in Employees' Retirement System.	Section 98-U
Amendment 590. Regulation and Alteration of Costs and Charges of Courts in Lauderdale County.	Section 96-KK, subsection 2
Amendment 591. Election of Two Persons to Electrical Utility Owned by City of Tuskegee.	Section 104-Q
Amendment 592. Phase-Out of Supernumerary Program for Certain Elected Public Officials in Morgan County; Participation in Emplyees' Retirement System.	Section 98-DD
Amendment 593. Commission Authorized to Levy Ad Valorem Tax for Fire Protection in Perry County.	Section 215-HH
Amendment 594. Collection and Levying of Fees for Fire Protection and Safety Services in Randolph County.	Section 215-KK, Part C
Amendment 595. Business License Taxes on Real Estate Operations and Transactions in Shelby County.	Section 104-Y
Amendment 596. Promotion of Economic and Industrial Development in Walker County.	Section 94-DD, subsection 2
Amendment 597. Sportsperson's Bill of Rights.	Section 24-A.
Amendment 598. Amendment of Section 8.	Section 8.
Amendment 599. Bingo Games in Morgan County.	Section 65-I

Amendment 600. Amendment to Amendment 386 (Bingo Games in Jefferson County).	Section 65-E
Amendment 601. Compensation of Judge of Probate of Barbour County.	Section 96-D, subsection 2
Amendment 602. Phase-Out of Supernumerary Program for Certain Elected Public Officials in Coosa County; Participation in Employees' Retirement System.	Section 98-M
Amendment 603. Commission Authorized to Levy Ad Valorem Tax for Fire Protection in Hale County.	Section 215-T
Amendment 604. Special Fire Protection Property Tax in Henry County.	Section 215-U
Amendment 605. Costs and Charges of Courts in Houston County.	Section 96-HH, subsection 2
Amendment 606. Election of Board of Education of City of Bessemer.	Section 104-L, subsection 3
Amendment 607. Amendment of Amendment 334.	Section 6.14-C
Amendment 608. Ratification of Levy and Collection of Certain Sales and Use Taxes in School District No. 1 in Madison County.	Section 269-CC, subsection 7
Amendment 609. Judge of Probate of Marengo County, Compensation, Fees, etc.	Section 96-RR, subsection 2
Amendment 610. Commission Authorized to Levy Ad Valorem Tax for Fire Protection in Marengo County.	Section 215-AA
Amendment 611. Validation of Laws Regulating Court Costs in Randolph County.	Section 96-AAA, subsection 2
Amendment 612. Bingo Games in Russell County.	Section 65-L
Amendment 613. Costs and Charges of Courts in St. Clair County; Distribution of Additional Revenue.	Section 96-DDD

Amendment 614. Fire Protection Districts in Talladega County.	Section 215-NN, subsection 2
Amendment 615. Procedure for Filling Vacancies in Office of Judge of Circuit Court, Judge of District Court, and District Attorney in Talladega County.	Section 6.14-D
Amendment 616. Appropriation of Cellular Radio Telecommunication Service Tax Funds for Payment on Outstanding Bonds of Alabama Revolving Loan Fund Authority.	Section 71-B and Section 213, subsection D
Amendment 617. Indebtedness by State for State Parks Systems and Historical Sites.	Section 213-E, subsection 2
Amendment 618. Indebtedness by State for Animal and Livestock Diagnostic Services and Education Facilities.	Section 213-J, subsection 1
Amendment 619. Indebtedness by State for Textile Technology and Education Facilities.	Section 213-J, subsection 2
Amendment 620. Indebtedness by State for Forensic Sciences Laboratories and Education Facilities.	Section 213-J, subsection 3
Amendment 621. Effectiveness of Unfunded Mandates For Municipalities, etc.	Section 104, Subsection G
*Amendment 622. Alabama Religious Freedom Amendment.	Section 3-A.
Amendment 623. Trust Funds for Continuing Benefit of Certain Cities.	Section 11-A.07
Amendment 624. Promotion of Economic and Industrial Development in Marengo County.	Section 94-U, subsction C
Amendment 625. Phase-Out of Supernumerary Programs in Bibb County; Participation in Employees' Retirement System.	Section 98-B

Amendment 626. Phase-Out of Supernumerary Programs in Autauga County; Participation in Employees' Retirement System.	Section 98-A
Amendment 627. Annexation in Bibb County.	Section 104-A, subsection 2
Amendment 628. Costs and Charges of Courts in Bibb County.	Section 96-D, subsection 3
Amendment 629. Phase-Out of Supernumerary Programs in Calhoun County; Participation in Employees' Retirement System.	Section 98-D
Amendment 630. Phase-Out of Supernumerary Programs in Cherokee County; Participation in Employees' Retirement System.	Section 98-F
Amendment 631. Phase-Out of Supernumerary Programs in Clarke County; Participation in Employees' Retirement System.	Section 98-H
Amendment 632. Phase-Out of Supernumerary Programs in Cleburne County; Participation in Employees' Retirement System.	Section 98-J
Amendment 633. Phase-Out of Supernumerary Programs in Coffee County; Participation in Employees' Retirement System.	Section 98-K
Amendment 634. Costs and Charges of Courts in Conecuh County.	Section 96-R
Amendment 635. Phase-Out of Supernumerary Programs in Conecuh County; Participation in Employees' Retirement System.	Section 98-L
Amendment 636. Phase-Out of Supernumerary Programs in Covington County; Participation in Employees' Retirement System.	Section 98-N

Amendment 637. Commission Authorized to Levy Ad Valorem Tax for Fire Protection in DeKalb County.	Section 215-D, subsection 2
Amendment 638. Phase-Out of Supernumerary Programs in Elmore County; Participation in Employees' Retirement System.	Section 98-P
Amendment 639. Phase-Out of Supernumerary Programs in Franklin County; Participation in Employees' Retirement System.	Section 98-Q
Amendment 640. Phase-Out of Supernumerary Programs in Geneva County; Participation in Employees' Retirement System.	Section 98-R
Amendment 641. Phase-Out of Supernumerary Programs in Lee County; Participation in Employees' Retirement System.	Section 98-Y
Amendment 642. Promotion of Economic and Industrial Development in Lee County.	Section 94-R
Amendment 643. Planning and Zoning Regulations of Municipalities Located in Limestone County.	Section 104-P, subsection 2
Amendment 544. Costs and Charges of Courts in Limestone County.	Section 96-NN
Amendment 645. Phase-Out of Supernumerary Programs in Limestone County; Participation in Employees' Retirement System.	Section 98-Z
Amendment 646. Promotion of Economic and Industrial Development in Marengo County.	Section 94-U, subsection D
Amendment 647. Employees Subject to Authority of Personnel Board of Madison County.	Section 138, subsection A

Amendment 648. Phase-Out of Supernumerary Programs in Mobile County; Participation in Employees' Retirement System.	Section 98-CC-1, subsection 4
Amendment 649. Commission Authorized to Levy Ad Valorem Tax for Fire Protection in Pickens County.	Section 215-II, subsection 2
Amendment 650. Costs and Charges of Courts in Pickens County.	Section 96-YY, subsection 4
Amendment 651. Phase-Out of Supernumerary Programs in Randolph County; Participation in Employees' Retirement System.	Section 98-GG
Amendment 652. Commission Authorized to Levy Ad Valorem Tax For Fire Protection and Emergency Medical Services in St. Clair County.	Section 215-LL, subsection 2
Amendment 653. Commission Authorized to Levy Ad Valorem Tax for Fire Protection in Sumter County.	Section 215-LL, subsection 2
Amendment 654. Phase-Out of Supernumerary Programs in Talladega County; Participation in Employees' Retirement System.	Section 98-KK
Amendment 655. Employees Subject to Authority of Walker County Civil Service Board.	Section 138, subsection C
Amendment 656. Procedure for Removal of Board, Commission, Authority or Utility Member in Walker County.	Section 175-A
Amendment 657. Phase-Out of Supernumerary Programs in Washington County; Participation in Employees' Retirement System.	Section 98-MM
Amendment 658. Phase-Out of Supernumerary Programs in Winston County; Participation in Employees' Retirement System.	Section 98-NN

Amendment 659. Election of City Boards of Education.	Section 104, subsection 7
Amendment 660. Baldwin County Judicial Commission.	Section 6.14-E
Amendment 661. Costs and Charges of Courts in Autauga County.	Section 96-A, subsection 2
Amendment 662. Amendment of Amendment 212.	Section 211-A
Amendment 663. Phase-Out of Supernumerary Programs in Chambers County; Participation in Employees' Retirement System.	Section 98-E
Amendment 664. Election of Board of Education of City of Anniston.	Section 104-C, subsection 2
Amendment 665. Election of City Boards of Education – Population Exceeding 125,000.	Section 104, subsection 8
Amendment 666. County and Municipal Government Capital Improvement Trust Fund; Alabama Capital Improvement Fund.	Section 11-A.10
Amendment 667. Section 102 Annulled.	Omitted
Amendment 668. Distribution of Alabama Trust Fund Income.	Section 11-A.11
Amendment 669. Levy and Collection of District School Tax.	Section 269, subsection 3
Amendment 670. Amendment to Amendment 161 (Board of Trustees of Auburn University).	Section 266
Amendment 671. Phase-Out of Supernumerary Programs in Clay County; Participation in Employees' Retirement System.	Section 98-I
Amendment 672. Costs and Charges of Courts in Greene County.	Section 96-EE, subsection 2

Amendment 673. Phase-Out of Supernumerary Programs in Lowndes County; Participation in Employees' Retirement System.	Section 98-AA
Amendment 674. Bingo Games in Lowndes County.	Section 65-K
Amendment 675. Phase-Out of Supernumerary Programs in Sumter County; Participation in Employees' Retirement System.	Section 98-JJ
Amendment 676. Phase-Out of Supernumerary Programs in Bullock County; Participation in Employees' Retirement System.	Section 98-C
Amendment 677. Water Works And Sewer Board of the City of Anniston.	Section 104-C, subsection 3
Amendment 678. Promotion of Industry, Trade and Economic Development in Chambers County.	Section 94-F
Amendment 679. Promotion of Economic and Industrial Development in Chilton County.	Section 94-G
Amendment 680. Phase-Out of Supernumerary Programs in Chilton County; Participation in Employees' Retirement System.	Section 98-G
Amendment 681. Phase-Out of Supernumerary Programs in Clay County; Participation in Employees' Retirement System.	Omitted. The act proposing this amendment, Act 99-230, was repealed by Amendment 671, which is virtually identical with Amendment 681 except for the insertion of one phrase. Amendment 671 was proposed by Act 2000-273. Both amendments were adopted at the same election.
Amendment 682. Promotion of Industry, Trade, and Economic Development in Clay County.	Section 94-I

Amendment 683. Phase-Out of Supernumerary Programs in Dale County; Participation in Employees' Retirement System.	Section 98-O
Amendment 684. Real Estate License Taxes in Etowah County.	Section 104-G, subsection 3
Amendment 685. Phase-Out of Supernumerary Programs in Greene County; Participation in Employees' Retirement System.	Section 98-S
Amendment 686. Costs and Charges of Courts in Hale County.	Section 96-FF, subsection 3
Amendment 687. Phase-Out of Supernumerary Programs in Henry County; Participation in Employees' Retirement System.	Section 98-T
Amendment 688. Byron Clark Constitutional Amendment (outlawing prostitution in portions of Jefferson County outside corporate limits).	Section 104-L, subsection 4
Amendment 689. Phase-Out of Supernumerary Programs in Lamar County; Participation in Employees' Retirement System.	Section 98-V
Amendment 690. Phase-Out of Supernumerary Programs in Lauderdale County; Participation in Employees' Retirement System.	Section 98-W
Amendment 691. Phase-Out of Supernumerary Programs in Lawrence County; Participation in Employees' Retirement System.	Section 98-X
Amendment 692. Bingo Games in Limestone County.	Section 65-J

Amendment 693. Phase-Out of Supernumerary Programs in Macon County; Participation in Employees' Retirement System.	Section 98-BB
Amendment 694. Employees Subject to Authority of Personnel Board of Madison County.	Section 138, subsection D
Amendment 695. Marion County Agriculture and Exhibit Center Authority.	Section 94-V, subsection C
Amendment 696. Polling Places in Madison County.	Section 104-T, subsection 2
Amendment 697. Costs and Charges of Courts in Monroe County.	Section 96-UU
Amendment 698. Phase-Out of Supernumerary Programs in Perry County; Participation in Employees' Retirement System.	Section 98-EE
Amendment 699. Phase-Out of Supernumerary Programs in Perry County; Participation in Employees' Retirement System.	Omitted. The act proposing Amendment 699 was automatically repealed by Amendment 700, below
Amendment 700. Phase-Out of Supernumerary Programs in Perry County; Participation in Employees' Retirement System.	Section 98-FF
Amendment 701. Promotion of Industry, Trade, and Economic Development in Randolph County.	Section 94-AA
Amendment 702. Phase-Out of Supernumerary Programs in Russell County; Participation in Employees' Retirement System.	Section 98-HH
Amendment 703. Phase-Out of Supernumerary Programs in Tallapoosa County; Participation in Employees' Retirement System.	Section 98-LL

Amendment 704. Amending Amendment 680 (Phase-Out of Supernumerary Programs in Chilton County	Section 98-G
.Amendment 705. Phase-Out of Supernumerary Programs in Marion County	Section 98-CC
Amendment 706. "Education First Amendment" (Mobile County education funding Amendment proposed by Act 2001-223 and duly adopted).	Section 269-GG, subsection 3
Shelby County Home Rule Amendment proposed by Act 2001-451 and duly adopted.	Section 104-Y, subsection 4
Shelby County Amendment phasing out supernumerary programs in Shelby County and allowing county employees to participate in Employees' Retirement System.	Section 98-II

Preamble

We, the people of the State of Alabama, in order to establish justice, insure domestic tranquility, and secure the blessings of liberty to ourselves and our posterity, invoking the favor and guidance of Almighty God, do ordain and establish the following Constitution and form of government for the State of Alabama:

Article I. Declaration of Rights

That the great, general, and essential principles of liberty and free government may be recognized and established, we declare:

Section 1. Equality and Rights of Men.

That all men are equally free and independent; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty and the pursuit of happiness. [Original Section 1]

Section 2. People Source of Power.

That all political power is inherent in the people, and all free governments are founded on their authority, and instituted for their benefit; and that, therefore, they have at all times an inalienable and indefeasible right to change their form of government in such manner as they may deem expedient. [Original Section 2]

Section 3. Religious Freedom.

That no religion shall be established by law; that no preference shall be given by law to any religious sect, society, denomination, or mode of worship; that no one shall be compelled by law to attend any place of worship; nor to pay any tithes, taxes, or other rate for building or repairing any place of worship, or for maintaining any minister or ministry; that no religious test shall be required as a qualification to any office or public trust under this state; and that the civil rights, privileges, and capacities of any citizen shall not be in any manner affected by his religious principles. [Original Section 3]

Section 3-A. Alabama Religious Freedom Amendment.

I. The provisions hereof shall be known as and may be cited as the Alabama Religious Freedom Amendment.

II. The Legislature makes the following findings concerning religious freedom:

(1) The framers of the United States Constitution, recognizing free exercise of religion as an unalienable right, secured its protection in the First Amendment to the Constitution, and the framers of the Constitution of Alabama of 1901, also recognizing this right, secured the protection of religious freedom in Article I, Section 3.

(2) Federal and state laws "neutral" toward religion may burden religious exercise as

surely as laws intended to interfere with religious exercise.

(3) Governments should not burden religious exercise without compelling justification.

(4) In Employment Division v. Smith, 494 U.S. 872 (1990), the United States Supreme Court virtually eliminated the requirement; that the government: justify burdens on religious exercise imposed by laws neutral toward religion.

(5) The compelling interest test as set forth in prior court rulings is a workable test for striking sensible balances between religious liberty and competing governmental interests in areas ranging from public education (pedagogical interests and religious rights, including recognizing regulations necessary to alleviate interference with the educational process versus rights of religious freedom) to national defense (conscription and conscientious objection, including the need to raise an army versus rights to object to individual participation), and other areas of important mutual concern.

(6) Congress passed the Religious Freedom Restoration Act, 42 U.S.C, Section 2000-bb, to establish the compelling interest test set forth in prior federal court rulings, but in City of Boerne v. Flores, 117 S.Ct. 2157 (1997), the United States Supreme Court held the act unconstitutional stating that the right to regulate was retained by the states.

III. The purpose of the Alabama Religious Freedom Amendment is to guarantee that the freedom of religion is not burdened by state and local law; and to provide a claim or defense to persons whose religious freedom is burdened by government.

IV. As used in this amendment, the following words shall have the following meanings:

(1) Demonstrates. Meets the burdens of going forward with the evidence and of persuasion.

(2) Freedom of Religion. The free exercise of religion under Article I, Section 3, of the Constitution of Alabama of 1901.

(3) Government. Any branch, department. agency, instrumentality, and official (or other person acting under the color of law) of the State of Alabama, any political subdivision of a state, municipality, or other local government.

(4) Rule. Any government statute, regulation, ordinance, administrative provision, ruling guideline, requirement, or any statement of law whatever.

V. (a) Government shall not burden a person's freedom of religion even if the burden results from a rule of general applicability, except as provided in Subsection (b).

(b) Government may burden a person's freedom of religion only if it demonstrates that application of the burden to the person:

(1) Is in furtherance of a compelling governmental interest; and

(2) Is the least restrictive means of furthering that compelling governmental interest.

(c) A person whose religious freedom has been burdened in violation of this section may assert

that violation as a claim or defense in a judicial, administrative, or other proceeding and obtain appropriate relief against a government.

VI. (a) This amendment applies to all government rules and implementations thereof, whether statutory or otherwise, and whether adopted before or after the effective date of this amendment.

(b) Nothing in this amendment shall be construed to authorize any government to burden any religious belief.

(c) Nothing in this amendment shall be construed to affect, interpret, or in any way address those portions of the First Amendment of the United States Constitution permitting the free exercise of religion or prohibiting laws respecting the establishment of religion, or those provisions of Article I, Section 3, of the Constitution of Alabama of 1901, regarding the establishment of religion.

VII. (a) This amendment shall be liberally construed to effectuate its remedial and deterrent purposes.

(b) If any provision of this Amendment or its application to any particular person or circumstance is held invalid, that provision or its application is severable and does not affect the validity of other provisions or applications of this Amendment. [Amendment 622, approved Nov. 3, 1998]

Section 4. Freedom of Speech and Press.

That no law shall ever be passed to curtail or restrain the liberty of speech or of the press; and any person may speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that liberty. [Original Section 4]

Section 5. Unreasonable Search and Seizure; Search Warrants.

That the people shall be secure in their persons, houses, papers, and possessions from unreasonable seizure or searches, and that no warrants shall issue to search any place or to seize any person or thing without probable cause, supported by oath or affirmation. [Original Section 5]

Section 6. Rights of Persons in Criminal Prosecutions Generally; Self-Incrimination; Due Process of Law; Right to Speedy, Public Trial; Change of Venue.

That in all criminal prosecutions, the accused has a right to be heard by himself and counsel, or either; to demand the nature and cause of the accusation; and to have a copy thereof; to be confronted by the witnesses against him; to have compulsory process for obtaining witnesses in his favor; to testify in all cases, in his own behalf, if he elects so to do; and, in all prosecutions by indictment, a speedy, public trial, by an impartial jury of the county or district in which the offense was committed; and he shall not be compelled to give evidence against himself, nor be deprived of life, liberty, or property, except by due process of law; but the legislature may, by a general law, provide for a change of venue at the instance of the defendant in all prosecutions by indictment, and such change of venue, on application of the defendant, may be heard and determined without the personal presence of the defendant so applying therefor; provided, that at the time of the application for the change of venue, the defendant is imprisoned in jail or some legal place of confinement. [Original Section 6]

Section 6A. Basic Rights for Crime Victims.

(a) Crime victims, as defined by law or their lawful representatives, including the next of kin of homicide victims, are entitled to the right to be informed, to be present, and to be heard when authorized, at all crucial stages of criminal proceedings, to the extent that these rights do not interfere with the constitutional rights of the person accused of committing the crime.

(b) Nothing in the provisions hereof or in any enabling statute adopted pursuant to the provisions hereof shall be construed as creating a cause of action against the state or any of its agencies, officials, employees, or political subdivisions. The Legislature may from time to time enact enabling legislation to carry out and implement the provisions hereof. [Amendment 557, approved Nov. 8, 1994]

Section 7. Accusation, Arrest and Detention; Punishment Limited to Laws Established Prior to Offense.

That no person shall be accused or arrested, or detained, except in cases ascertained by law, and according to the form which the same has prescribed; and no person shall be punished but by virtue of a law established and promulgated prior to the offense and legally applied. [Original Section 7]

Section 8. Proceeding Against Person by Information; Grand Jury Not Required in Misdemeanor Cases; Plea of Guilty Prior to Indictment.

No person shall for any indictable offense be proceeded against criminally by information, except in cases arising in the militia and volunteer forces when in actual service, or when assembled under arms as a military organization, or, by leave of the court, for misfeasance, misdemeanor, extortion, and oppression in office, otherwise than is provided in the Constitution. In cases of misdemeanor, the Legislature may by law dispense with a grand jury and authorize prosecutions and proceedings before any inferior courts as may be by law established. In all felony cases, except those punishable by capital punishment, the Legislature may by law dispense with a grand jury and authorize prosecutions and proceedings in any manner as may be provided by law if the defendant, after having had the advice of counsel of his or her choice or in the event he or she is unable to employ counsel, the advice of counsel which shall be appointed by the court, makes known in open court to a judge of a court having jurisdiction of the offense that he or she desires to plead guilty. [Amendment 598, approved Nov. 5, 1996, amending and restating original Section 8, as previously amended and restated by Amendment 37, approved July 11, 1939]

Section 9. Double Jeopardy; Discharge of Juries from Cases.

That no person shall, for the same offense, be twice put in jeopardy of life or limb; but courts may, for reasons fixed by law, discharge juries from the consideration of any case, and no person shall gain an advantage by reason of such discharge of the jury. [Original Section 9]

Section 10. Right to Prosecute Civil Cause.

That no person shall be barred from prosecuting or defending before any tribunal in this state, by himself or counsel, any civil cause to which he is a party. [Original Section 10]

Section 11. Right to Trial by Jury.

That the right of trial by jury shall remain inviolate. [Original Section 11]

Section 12. Prosecutions for Libel or for Publication of Papers Investigating Official Conduct of Public Officers.

That in all prosecutions for libel or for the publication of papers investigating the official conduct of officers or men in public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and that in all indictments for libel, the jury shall have the right to determine the law and the facts under the direction of the court. [Original Section 12]

Section 13. Courts to be Open; Remedies for All Injuries; Impartiality of Justice.

That all courts shall be open; and that every person, for any injury done him, in his lands, goods, person, or reputation, shall have a remedy by due process of law; and right and justice shall be administered without sale, denial, or delay. [Original Section 13]

Section 14. State Not to be Made Defendant.

That the State of Alabama shall never be made a defendant in any court of law or equity. [Original Section 14]

Section 15. Excessive Fines; Cruel or Unusual Punishment.

That excessive fines shall not be imposed, nor cruel or unusual punishment inflicted. [Original Section 15]

Section 16. Right to Bail; Excessive Bail.

That all persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, when the proof is evident or the presumption great; and that excessive bail shall not in any case be required. [Original Section 16]

Section 17. Suspension of Habeas Corpus.

That the privilege of the writ of habeas corpus shall not be suspended by the authorities of this state. [Original Section 17]

Section 18. Treason Against the State.

That treason against the state shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort; and that no person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or his own confession in open court. [Original Section 18]

Section 19. Bills of Attainder of Treason by Legislature Prohibited; Conviction Not to Work Corruption of Blood or Forfeiture of Estate.

That no person shall be attainted of treason by the legislature; and no conviction shall work corruption of blood or forfeiture of estate. [Original Section 19]

Section 20. Imprisonment for Debts.

That no person shall be imprisoned for debt. [Original Section 20]

Section 21. Suspension of Laws.

That no power of suspending laws shall be exercised except by the legislature. [Original Section 21]

Section 22. Ex Post Facto Laws; Impairment of Obligations of Contracts; Irrevocable or Exclusive Grants of Special Privileges or Immunities.

That no ex post facto law, nor any law, impairing the obligations of contracts, or making any irrevocable or exclusive grants of special privileges or immunities, shall be passed by the legislature; and every grant or franchise, privilege, or immunity shall forever remain subject to revocation, alteration, or amendment. [Original Section 22]

Section 23. Eminent Domain.

That the exercise of the right of eminent domain shall never be abridged nor so construed as to prevent the legislature from taking the property and franchises of incorporated companies, and subjecting them to public use in the same manner in which the property and franchises of individuals are taken and subjected; but private property shall not be taken for, or applied to public use, unless just compensation be first made therefor; nor shall private property be taken for private use, or for the use of corporations, other than municipal, without the consent of the owner; provided, however, the legislature may by law secure to persons or corporations the right of way over the lands of other persons or corporations, and by general laws provide for and regulate the exercise by persons and corporations of the rights herein reserved; but just compensation shall, in all cases, be first made to the owner; and, provided, that the right of

eminent domain shall not be so construed as to allow taxation or forced subscription for the benefit of railroads or any other kind of corporations, other than municipal, or for the benefit of any individual or association. [Original Section 23]

Section 24. Navigable Waters Declared Free Public Highways; Taxes, Tolls, etc., for Use of Shores or Wharves.

That all navigable waters shall remain forever public highways, free to the citizens of the state and the United States, without tax, impost, or toll; and that no tax, toll, impost, or wharfage shall be demanded or received from the owner of any merchandise or commodity for the use of the shores or any wharf erected on the shores, or in or over the waters of any navigable streams, unless the same be expressly authorized by law. [Original Section 24]

Section 24A. Sportsperson's Bill of Rights.

(a) All persons shall have the right to hunt and fish in this state in accordance with law and regulations.

(b) This provision shall be known as the "Sportsperson's Bill of Rights." [Amendment 597, approved Nov. 5, 1996]

Section 24B. English as Official Language of State.

English is the official language of the state of Alabama. The legislature shall enforce this provision by appropriate legislation. The legislature and officials of the state of Alabama shall take all steps necessary to insure that the role of English as the common language of the state of Alabama is preserved and enhanced. The legislature shall make no law which diminishes or ignores the role of English as the common language of the state of Alabama.

Any person who is a resident of or doing business in the state of Alabama shall have standing to sue the state of Alabama to enforce this provision, and the courts of record of the state of Alabama shall have jurisdiction to hear cases brought to enforce this provision. The legislature may provide reasonable and appropriate limitations on the time and manner of suits brought under this provision. [Amendment 509, approved June 5, 1990]

Section 25. Right to Peaceably Assemble and Petition for Redress of Grievances, etc.

That the citizens have a right, in a peaceable manner, to assemble together for the common good, and to apply to those invested with the power of government for redress of grievances or other purposes, by petition, address, or remonstrance. [Original Section 25]

Section 26. Right to Bear Arms.

That every citizen has a right to bear arms in defense of himself and the state. [Original Section 26]

Section 27. Standing Army; Military Subordinate to Civil Power.

That no standing army shall be kept up without the consent of the legislature, and, in that case, no appropriation for its support shall be made for a longer term than one year; and the military shall, in all cases, and at all times, be in strict subordination to the civil power. [Original Section 27]

Section 28. Quartering of Soldiers in Houses.

That no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law. [Original Section 28]

Section 29. Titles of Nobility, Hereditary Distinction, etc. Restriction on Appointments to Office.

That no title of nobility or hereditary distinction, privilege, honor, or emolument shall ever be granted or conferred in this state; and that no office shall be created, the appointment to which shall be for a longer time than during good behavior. [Original Section 29]

Section 30. Immigration, Emigration and Exile.

That immigration shall be encouraged; emigration shall not be prohibited, and no citizen shall be exiled. [Original Section 30]

Section 31. Residence Not Forfeited by Temporary Absence from State.

That temporary absence from the state shall not cause a forfeiture of residence once obtained. [Original Section 31]

Section 32. Slavery Prohibited; Involuntary Servitude.

That no form of slavery shall exist in this state; and there shall not be any involuntary servitude, otherwise than for the punishment of crime, of which the party shall have been duly convicted. [Original Section 32]

Section 33. Protection of Suffrage.

The privilege of suffrage shall be protected by laws regulating elections, and prohibiting, under adequate penalties, all undue influences from power, bribery, tumult, or other improper conduct. [Original Section 33]

Section 34. Property Rights of Aliens.

Foreigners who are, or may hereafter become, bona fide residents of this state, shall enjoy the same rights in respect to the possession, enjoyment, and inheritance of property, as native born citizens. [Original Section 34]

Section 35. Objective of Government.

That the sole object and only legitimate end of government is to protect the citizen in the enjoyment of life, liberty, and property, and when the government assumes other functions it is usurpation and oppression. [Original Section 35]

Section 36. Construction of Declaration of Rights.

That this enumeration of certain rights shall not impair or deny others retained by the people; and, to guard against any encroachments on the rights herein retained, we declare that everything in this Declaration of Rights is excepted out of the general powers of government, and shall forever remain inviolate. [Original Section 36]

Article II. State and County Boundaries

Section 37. State Boundaries Defined.

The boundaries of this state are established and declared to be as follows, that is to say: Beginning at the point where the thirty-first degree of north latitude crosses the Perdido river; thence east, to the western boundary line of the State of Georgia; thence along said line to the southern boundary line of the State of Tennessee; thence west, along the southern boundary line of the State of Tennessee, crossing the Tennessee river, and on to the second intersection of said river by said line; thence up said river to the mouth of Big Bear creek; thence by a direct line to the northwest corner of Washington county, in this state, as originally formed; thence southwardly, along the line of the State of Mississippi, to the Gulf of Mexico; thence eastwardly, including all islands within six leagues of the shore, to the Perdido river; thence up the said river to the beginning; provided, that the limits and jurisdiction of this state shall extend to and include any other land and territory hereafter acquired, by contract or agreement with other states or otherwise, although such land and territory are not included within the boundaries hereinbefore designated. [Original section 37]

Section 38. County Boundaries Ratified and Confirmed.

The boundaries of the several counties of this state, as they now exist, are hereby ratified and confirmed. [Original section 38]

Section 39. Arrangement and Designation of County Boundaries; New Counties.

The Legislature may, by a vote of two-thirds of each house thereof, arrange and designate boundaries for the several counties of this state, which boundaries shall not be altered, except by a like vote; but no new county shall be formed hereafter of less extent than six hundred square miles, and no existing county shall be reduced to less than six hundred square miles; and no new county shall be formed unless it shall contain a sufficient number of inhabitants to entitle it to one representative under the ratio of representation existing at the time of its formation, and leave the county or counties from which it is taken with the required number of inhabitants to entitle such county or counties, each, to separate representation; provided, that out of the counties of Henry, Dale, and Geneva a new county of less than six hundred square miles may be formed under the provisions of this article, so as to leave said counties of Henry, Dale, and Geneva with not less than five hundred square miles each. [Original section 39; Amendment 132, approved Dec. 17, 1957, authorizing the Legislature to alter the boundaries of or to abolish Macon County, would be codified here but for its repeal by Amendment 406, approved March 2, 1982]

Section 40. Minimum Distance of County Boundaries from Courthouse.

No county line shall be altered or changed, or in the event of the creation of new counties shall be established, so as to run within seven miles of the county courthouse of any old county.

Section 41. Removal of Courthouse or County Site; Establishing or Abolishing Branch Courthouse or Division or Branch of Court of Record.

A. No courthouse or county site shall be removed except by a majority vote of the qualified electors of said county, voting at an election held for such purpose, and when an election has once been held no other election shall be held for such purpose until the expiration of four years; provided, that the county site of Shelby county shall remain at Columbiana, unless removed by a vote of the people, as provided for in an act entitled, "An act to provide for the permanent location of the county site of Shelby county, Alabama, by a vote of the qualified electors of said county," approved the 9th day of February, 1899, and the act amendatory thereof, approved the 20th day of February, 1899, or by an election held under the provisions of this article. [Original section 41]

B. The Legislature shall not establish any branch courthouse or any division or branch of any court of record to be held at any place other than the county seat, nor shall the Legislature abolish any branch courthouse now existing or abolish any division or branch of any court of record now existing, unless such proposal be first submitted to a vote of the qualified electors of the county or counties to be affected and is approved by a majority of those voting upon such proposition. [Amendment 81, approved Nov. 7, 1950]

Article III. Distribution of Powers of Government

Section 42. Legislative, Executive and Judicial Departments Established.

The powers of the government of the State of Alabama shall be divided into three distinct departments, each of which shall be confided to a separate body of magistracy, to wit: Those which are legislative, to one; those which are executive, to another; and those which are judicial, to another. [Original section 42]

Section 43. Separation of Powers; Approval of Legislature for Court Orders Requiring Disbursement of State Funds.

A. In the government of this state, except in the instances in this Constitution hereinafter expressly directed or permitted, the legislative department shall never exercise the executive and judicial powers, or either of them; the executive shall never exercise the legislative and judicial powers, or either of them; the judicial shall never exercise the legislative and executive powers, or either of them; to the end that it may be a government of laws and not of men. [Original section 43]

B. No order of a state court, which requires disbursement of state funds, shall be binding on the state or any state official until the order has been approved by a simple majority of both houses of the Legislature. This provision shall not apply to orders, judgments, or decrees requiring payment of compensation for the taking of property by eminent domain or arising out of challenges to taxation or to such other orders, judgments, or decrees as may be otherwise required by statute, or settled principles of Alabama common law as decided by the Alabama appellate courts, not inconsistent with other provisions of this Constitution. Nothing herein shall be construed to preclude a court from making findings of fact or conclusions of law and orders relating thereto, that standards required by the United States Constitution, the Constitution of Alabama of 1901, laws of this state or of the United States, or rules or regulations promulgated pursuant thereto, are not being met, and from ordering the responsible entity or entities to comply with such standards. [Amendment 582, approved June 4, 1996]

Article 4: Legislative Branch

Section 44. Composition of Legislature.

The legislative power of this state shall be vested in a Legislature, which shall consist of a Senate and a House of Representatives. [Original section 44]

Section 45. Style of Laws; Division of Laws; Laws Restricted to One Subject; Amendment or Revival of Laws by Title Only.

The style of the laws of this state shall be: "Be it enacted by the Legislature of Alabama," which need not be repeated, but the act shall be divided into sections for convenience, according to substance, and the sections designated merely by figures. Each law shall contain but one subject, which shall be clearly expressed in its title, except general appropriation bills, general revenue bills, and bills adopting a code, digest, or revision of statutes; and no law shall be revived, amended, or the provisions thereof extended or conferred, by reference to its title only; but so much thereof as is revived, amended, extended, or conferred, shall be re-enacted and published at length. [Original section 45]

Section 46. Election and Terms of Office of Senators and Representatives; Vacancies in Office; Continuity of Legislature in the Event of Enemy Attack.

[A] Senators and Representatives shall be elected by the qualified electors on the first Tuesday after the first Monday in November unless the Legislature shall change the time of holding elections and in every fourth year [thereafter] [commencing with the year nineteen hundred and two] The terms of office of the Senators and Representatives shall commence on the day after the general election at which they are elected, and expire on the day after the general election held in the fourth year after their election, except as otherwise provided in this Constitution. [Portion of original section 46, with revision or deletion of transition provisions that were fully implemented by 1906]

[B] Whenever a vacancy occurs in either house of the Legislature the Governor shall issue a writ of election to fill such vacancy for the remainder of the term. However, if the Secretary of State determines that a legally qualified candidate for election to the vacancy is unopposed when the last date for filing certificates of nomination has passed, the election shall not be held. The Secretary of State shall issue a certificate of election to the candidate, the same as if an election had been held, and the certificate shall be accepted by the house in which the vacancy occurred as evidence of the unopposed candidate's right to fill the position created by the vacancy. In the event an election is held, all the costs and expenses incurred thereby shall be paid out of any funds in the state treasury not otherwise appropriated. [Portion of original section 46, as supplemented by Amendment 97, approved Dec. 15, 1953]

[C] The Legislature may provide for the continuity of the Legislature of the state of Alabama and the representation therein of each of the political subdivisions of the state in the event of an attack by an enemy of the United States, by providing for the selection of emergency interim legislators who shall be designated for temporary succession to the powers and duties but not the office of a legislator in case of such emergency. Such emergency interim legislator may serve only when the legislator in whose stead he is authorized to serve has died or is unable temporarily for physical, mental or legal reasons to exercise the powers and discharge the duties of his office, and until such time as the elected legislator is able to resume the duties of his office, or in case of a vacancy in such office a successor has been elected in accordance with [subsection B herein above] [section 46 of this Constitution.] [Amendment 159, approved Dec. 5, 1961]

Section 47. Qualifications of Senators and Representatives.

Senators shall be at least twenty-five years of age, and Representatives twenty-one years of age at the time of their election. They shall have been citizens and residents of this state for three years and residents of their respective counties or districts for one year next before their election, if such county or district shall have been so long established; but if not, then of the county or district from which the same shall have been taken; and they shall reside in their respective counties or districts during their terms of office. [Original section 47]

Section 48. Time and Place of Meetings of Legislature; Alabama State House; Annual Sessions; Organizational Sessions; Election of President Pro Tempore of Senate and Speaker of House of Representatives; Maximum Length of Sessions.

[A] All sessions of the Legislature shall be held at the capitol in the Senate chamber and in the hall of the House of Representatives, unless at any time it should from any cause become impossible or dangerous for the Legislature to meet or remain at the capitol, or for the Senate to meet or remain in the Senate chamber, or for the Representatives to meet or remain in the hall of the House of Representatives, in which case the Governor may convene the Legislature, or remove it after it has convened, to some other place, or may designate some other place for the sitting of the respective houses, or either of them, as necessity may require. [Applicable provisions of Amendment 57, approved Nov. 5, 1956; Amendment 57 substantially amended section 48, as previously substantially amended by Amendment 39, approved July 11, 1939; this codified section 48 is based on Amendment 57, with subsequent Amendment integrated herein]

[B] In the event the Legislature determines it to be necessary or desirable that the Capitol be repaired, renovated, restored, constructed or reconstructed, the Legislature, by resolution, shall designate and provide a suitable place for the meeting of the Legislature and the transacting of business of the legislative department. Such place shall be designated and known as the Alabama State House. [Amendment 427, approved Nov. 2, 1982]]

[C] The Legislature shall convene on the second Tuesday in January next succeeding their election and shall remain in session for not longer than ten consecutive calendar days. No business can be transacted at such sessions except the organization of the Legislature, the election of officers, the appointment of standing committees of the Senate and the House of Representatives for the ensuing four years, which election and appointment may, however, also be made at such other times as may be necessary, the opening and publication of the returns and the ascertainment and declaration of the results of the election for Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, [Superintendent of Education] and Commissioner of Agriculture and Industries, the election of such officers in the event of a tie vote, the determination of contested elections for such offices, the judging of the election returns and qualification of the members of the Legislature, and the inauguration of the Governor and the other elected state officers whose terms of office are concurrent with that of the Governor. At the beginning of each such organization session, and at such other times as may be necessary, the Senate shall elect one of its members president pro tempore thereof, to preside over its deliberations in the absence of the Lieutenant Governor, and the House of Representatives shall elect one of its members as speaker, to preside over its deliberations. The president of the Senate and the speaker of the House of Representatives shall each hold his respective office until his successor has been elected and qualified. [Applicable provisions of Amendment 57, superceding parallel provisions of original section 48 and original section 51; reference to "Superintendent of Education" should be deleted in view of Amendment 284, approved Dec. 9, 1969]

[D] Regular sessions of the Legislature shall be held annually on the first Tuesday in May, or on such other day as may be prescribed by law, and shall be limited to 30 legislative days and 105 calendar days. Special sessions of the Legislature convened in the manner provided by this Constitution shall be limited to 12 legislative days and 30 calendar days] [Amendment 339, approved June 10, 1975, superceding parallel provisions of Amendment 57, which amended original section 48]

Section 49. Compensation and Travel Allowances of Members of Legislature

The pay of members of the Legislature shall be ten dollars per day. Each member of the Legislature shall be paid ten cents per mile in going from his residence to, and in returning to his residence from, the seat of government, to be computed by the nearest usual route traveled; and not more than one such travel allowance shall be paid for each session of the Legislature. In addition to his travel allowance, each member of the Legislature also shall be allowed expenses, other than actual expenses of traveling, not exceeding an amount to be fixed by the Legislature, incurred in the performance of his duties; but such expense allowance shall not be less than the smallest allowance to any other person traveling within the state in the service of the state of Alabama, or any of its agencies, for expenses other than actual expenses of traveling. [Applicable provisions of Amendment 57, approved Nov. 5, 1956, superceding parallel provisions of original section 49]

Section 50. Number of Senators and Representatives; Apportionment of Legislators.

The Legislature shall consist of not more than thirty-five Senators, and not more than one hundred and five members of the House of Representatives, to be apportioned among the several districts and counties, as prescribed in this Constitution; [provided that in addition to the above number of Representatives, each new county hereafter created shall be entitled to one Representative] [Original section 50; bracketed proviso probably no longer valid under federal reapportionment rulings]

Section 51. Temporary President Pro Tem of Senate and Speaker of House of Representatives; Officers of Each House; Each House Judge of Election, Returns and Qualifications of Members.

In case of the temporary disability of either of [said presiding officers], [the president pro tem of the Senate or the speaker of the House of Representatives], the house to which he belongs may elect one of its members to preside over that house and to perform all the duties of such officer during the continuance of his disability; and such temporary officer, while performing duty as such, shall receive the same compensation to which the permanent officer is entitled by law, and no other. Each house shall choose its own officers and shall judge of the election, returns, and qualifications of its members. [Original section 51, last two sentences, slightly re-written; first sentence of original section 51 now part of section 48 pursuant to Amendment 57, approved Nov. 5, 1956]

Section 52. Quorum in Each House.

A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as each house may provide. [Original section 52]

Section 53. Rules of Proceedings of Both Houses; Punishment for Contempt or Disorderly Behavior; Enforcement of Process; Protection of Members from Violence, Bribes, etc. Expulsion of Members.

Each house shall have power to determine the rules of its proceedings and to punish its members and other persons, for contempt or disorderly behavior in its presence; to enforce obedience to its processes; to protect its members against violence, or offers of bribes or corrupt solicitation; and with the concurrence of two-thirds of the house, to expel a member, but not a second time for the same offense; and the two houses shall have all the powers necessary for the Legislature of a free state. [Original section 53]

Section 54. Expulsion for Corruption Bar to Further Service in Legislature; Punishment for Contempt or Disorderly Behavior Not Bar to Indictment for Same Offense.

A member of the Legislature, expelled for corruption, shall not thereafter be eligible to either house, and punishment for contempt or disorderly behavior shall not bar an indictment for the same offense. [Original section 54]

Section 55. Journal of Proceedings of Each House.

Each house shall keep a journal of its proceedings and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either house on any question shall, at the request of one-tenth of the members present, be entered on the journal. Any member of either house shall have liberty to dissent from or protest against any act or resolution which he may think injurious to the public, or to an individual, and have the reason for his dissent entered on the journal. [Original section 55]

Section 56. Immunity of Legislators.

Members of the Legislature shall, in all cases, except treason, felony, violation of their oath of office, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house shall not be questioned in any other place. [Original section 56]

Section 57. Doors of Each House to be Open; Exceptions; Restrictions on Admittance to Floor.

The doors of each house shall be opened except on such occasions as, in the opinion of the house, may require secrecy, but no person shall be admitted to the floor of either house while the same is in session, except members of the Legislature, the officers and employees of the two houses, the Governor and his secretary, Representatives of the press, and other persons to whom either house, by unanimous vote, may extend the privileges of its floor. [Original section 57]

Section 58. Adjournment or Change of Place of Sitting by One House Without Consent of Other House.

Neither house shall, without consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting except as otherwise provided in this Constitution. [Original section 58]

Section 59. Appointment of Legislators to Other Offices During Terms for Which Elected.

No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any office of profit under this state, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by election by the people. [Original section 59]

Section 60. Conviction of Certain Crimes Bar to Eligibility for Legislature and to Holding State Office of Trust or Profit.

No person convicted of embezzlement of the public money, bribery, perjury, or other infamous crime, shall be eligible to the Legislature, or capable of holding any office of trust or profit in this state. [Original section 60]

Section 61. Laws to be Passed by Bills; Restrictions on Amendments to Bills.

No law shall be passed except by bill, and no bill shall be so altered or amended on its passage through either house as to change its original purpose. [Original section 61]

Section 62. Referral of Bills to Standing Committees.

No bill shall become a law until it shall have been referred to a standing committee of each house, acted upon by such committee in session, and returned therefrom, which facts shall affirmatively appear upon the journal of each house. [Original section 62]

Section 63. Number of Readings for Bills; Recordation of Votes on Bills; Majority Vote Required for Passage of Bills.

Every bill shall be read on three different days in each house, and no bill shall become a law, unless on its final passage it be read at length, and the vote be taken by yeas and nays, the names of the members voting for and against the same be entered upon the journals, and a majority of each house be recorded thereon as voting in its favor, except as otherwise provided in this Constitution. [Original section 63]

Section 64. Procedure for Amendment of Bills; Adoption of Reports of Committees of Conference.

No amendment to bills shall be adopted except by a majority of the house wherein the same is offered, nor unless the amendment with the names of those voting for and against the same shall be entered at length on the journal of the house in which the same is adopted, and no amendment to bills by one house shall be concurred in by the other, unless a vote be taken by yeas and nays, and the names of the members voting for and against the same be recorded at length on the journal; and no report of a committee of conference shall be adopted in either house, except upon a vote taken by yeas and nays, and entered on the journal, as herein provided for the adoption of amendments. [Original section 64]

Section 65. Lotteries and Gift Enterprises Prohibited.

The Legislature shall have no power to authorize lotteries or gift enterprises for any purposes, and shall pass laws to prohibit the sale in this state of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery; and all acts, or parts of acts heretofore passed by the Legislature of this state, authorizing a lottery or lotteries, and all acts amendatory thereof, or supplemental thereto, are hereby avoided. [Original section 65]

Section 65-A. Calhoun County: Bingo Games.

The operation of bingo games for prizes or money by certain nonprofit organizations for charitable, educational, or other lawful purposes shall be legal in Calhoun County, subject to the provisions of any resolution or ordinance by the county governing body or the governing bodies of the respective cities and towns, within their respective jurisdictions as provided by law regulating such operation. The said governing bodies shall have the authority to promulgate rules and regulations for the issuance of permits or licenses and for operation of bingo games, within their respective jurisdictions: provided, however, that said governing bodies must ensure compliance pursuant to said law and the following provisions:

(1) No person under the age of 19 shall be permitted to play any game or games of bingo, unless accompanied by a parent or guardian; nor shall any person under the age of 19 be permitted to conduct or assist in the conduct of any game of bingo.

(2) No bingo permit or license shall be issued to any nonprofit organization, unless such organization shall have been in existence for at least 12 months immediately prior to the issuance of the permit or license.

(3) Bingo games shall be operated only on the premises owned or leased by the nonprofit organization operating the bingo game. If the premises is leased, the rate or rental shall not be based on a percentage of receipts or profits resulting from the operation of bingo games.

(4) No nonprofit organization shall enter into any contract with any individual, firm, association or corporation to have said individual or entity operate bingo games or concessions on behalf of the nonprofit organization, nor shall said nonprofit organization pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a bingo game.

(5) A nonprofit organization shall not lend its name or allow its identity to be used by any other person or entity in the operating or advertising of a bingo game in which said nonprofit organization is not directly and solely operating said bingo game.

(6) Prizes given by any qualified nonprofit organization for the playing of bingo games shall not exceed the cash amount or gifts of equivalent value, set by the Legislature, during any bingo session. The Legislature shall set a maximum amount for any calendar week.

(7) No person or organization, by whatever name or composition thereof, shall take any expenses for the operation of a bingo game except as permitted by law.

The provisions of this constitutional Amendment shall be self-executing, but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the general purposes and objectives herein set forth. [Amendment 508, approved Sept. 8, 1989]

Section 65-B. Covington County: Bingo Games.

(a) The operation of bingo games for prizes or money by certain nonprofit organizations and certain private clubs for charitable, educational, or other lawful purposes shall be legal in Covington County, subject to any resolution or ordinance by the county commission as provided by law regulating the operation of bingo. The county commission may promulgate rules and regulations for issuing permits or licenses and for operating bingo games within the county. The county commission shall insure compliance pursuant to any ordinance and the following:

(1) No person under the age of 19 shall be permitted to play any game or games of bingo, unless accompanied by a parent or guardian. No person under the age of 19 shall be permitted to conduct or assist in the conduct of any game of bingo.

(2) Except for special permit holders, no bingo permit or license shall be issued to any nonprofit organization, unless the organization has been in existence for at least five years and has owned real property in the county for five years immediately prior to the issuance of the permit or license.

(3) Bingo games shall be operated only on the premises owned or leased by the nonprofit organization or club operating the bingo game. If the premises are leased, the rate of rental shall not be based on a percentage of receipts or profits resulting from operating the bingo games.

(4) No nonprofit organization or club shall enter into any contract with any individual, firm, association, or corporation to have the individual or entity operate bingo games or

concessions on behalf of the nonprofit organization. A nonprofit organization may not pay consulting fees or any compensation or salary to any individual or entity for any services performed relating to operating or conducting any bingo game.

(5) A nonprofit organization may not lend its name or allow any other person or entity to use its identity in operating or advertising a bingo game in which the nonprofit organization is not directly and solely operating the bingo game or concessions.

(6) One hundred percent of the net revenues derived from operating bingo games shall be designated and expended for charitable or educational purposes.

(7) No person or organization, by whatever name or composition, shall take any expenses for operating a bingo game except as permitted by law.

(b) The Legislature may, by local legislation, provide for the implementation of this Amendment, including, but not limited to, the imposition of criminal penalties for violations of this Amendment or the local legislation. [Amendment 565, approved Nov. 8, 1994]

Section 65-C. Etowah County: Bingo Games.

The operation of bingo games for prizes or money by certain nonprofit organizations for charitable or educational purposes shall be legal in Etowah County, subject to the provisions of any resolution by the county commission. The county commission shall have the authority to promulgate rules and regulations for the issuance of permits or licenses and for operation of bingo games: provided, however, the county commission must insure compliance pursuant to said law and the following provisions:

(a) No person under the age of 19 shall be permitted to play any game or games of bingo, unless accompanied by a parent or guardian; nor shall any person under the age of 19 be permitted to conduct or assist in the conduct of any game of bingo.

(b) No bingo permit or license shall be issued to any nonprofit organization, unless such organization shall have been in existence for at least 5 years immediately prior to the issuance of the permit or license except the tax-exempt Etowah County council on aging is exempt from the time requirement.

(c) Bingo games shall be operated only on the premises owned or leased by the nonprofit organization operating the bingo game. If the premises are leased, the rate or rental shall not be based on a percentage of receipts or profits resulting from the operation of bingo games.

(d) No nonprofit organization shall enter into any contract with any individual, firm, association or corporation to have said individual or entity operate bingo games or concessions on behalf of the nonprofit organization, nor shall said nonprofit organization pay consulting fees nor any compensation nor salary to any individual or entity for any services performed in relation to the operation or conduct of a bingo game.

(e) A nonprofit organization shall not lend its name or allow its identity to be used by any other person or entity in the operating or advertising of a bingo game in which said nonprofit organization is not directly and solely operating said bingo game.

(f) Prizes given by any qualified nonprofit organization for the playing of bingo games shall not exceed the cash amount or gifts of equivalent value, set by the Legislature, during any bingo session. The Legislature shall set a maximum amount for any calendar week.

(g) No person or organization, by whatever name or composition thereof, shall take any expenses for the operation of a bingo game except as permitted by law.

The provisions of this constitutional Amendment shall be self-executing, but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the general purposes and objectives herein set forth. [Amendment 506, approved August 8, 1989]

Section 65-D. Houston County: Bingo Games.

(a) The operation of bingo games for prizes or money by certain nonprofit organizations and certain private clubs for charitable, educational, or other lawful purposes shall be legal in Houston County, subject to any resolution or ordinance by the county commission as provided by law regulating the operation of bingo. The county commission may promulgate rules and regulations for issuing permits or licenses and for operating bingo games within the county jurisdiction. The county commission shall insure compliance pursuant to any ordinance and the following:

(1) No person under the age of 19 shall be permitted to play any game or games of bingo, unless accompanied by a parent or guardian. No person under the age of 19 shall be permitted to conduct or assist in the conduct of any game of bingo.

(2) Except for special permit holders, no bingo permit or license shall be issued to any nonprofit organization or qualified private club, unless the organization or club shall have been in existence for at least five years and owned real property in the county for five years immediately prior to issuing the permit or license, except the following:

a. A fraternal, or benevolent, or charitable organization which qualifies as an exempt organization under section 501(c) of the Internal Revenue Code.

b. A private club with annual membership dues of three hundred dollars ($300) or more.

(3) Bingo games shall be operated only on the premises owned or leased by the nonprofit organization or club operating the bingo game. If the premises are leased, the rate or rental shall not be based on a percentage of receipts or profits resulting from operating the bingo games.

(4) No nonprofit organization or club shall enter into any contract with any individual, firm, association, or corporation to have the individual or entity operate bingo games or

concessions on behalf of the nonprofit organization of club. No nonprofit organization or club may pay consulting fees, any compensation or salary to any individual or entity for any services performed relating to operating or conducting any bingo game.

(5) A nonprofit organization or club shall not lend its name or allow any other person or entity to use its identity in operating or advertising a bingo game in which the nonprofit organization or club is not directly and solely operating the bingo game or concessions.

(6) Prizes given by any qualified nonprofit organization or qualified private club for playing bingo games shall not exceed the cash amount or gifts of equivalent value, set by the Legislature, during any bingo session. The Legislature shall set a maximum amount for any calendar week.

(7) One hundred percent of the net revenues derived from operating bingo games shall be designated and expended for charitable or educational purposes.

(8) No person, or organization, or club, by whatever name or composition, shall take any expenses for operating a bingo game except as permitted by law.

(b) The Legislature may, by local legislation, provide for the implementation of this Amendment, including, but not limited to, the imposition of criminal penalties for violations of this Amendment or the local legislation.

(c) This Amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Houston County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this Amendment, as provided for in section 2 of this act, and no further election shall be required.

(d) Act No. 93-333, H. 717 of the 1993 Regular Session is repealed. [Amendment 569, approved Nov. 8, 1994]

Section 65-E. Jefferson County: Operation of Bingo Games by Nonprofit Organizations.

The operation of bingo games for prizes or money by nonprofit organizations for charitable or educational purposes shall be legal in Jefferson County, subject to the provisions of any resolution or ordinance by the county governing body or the governing bodies of the respective cities and towns, within their respective jurisdictions. The said governing bodies shall have the authority to promulgate rules and regulations for the licensing and operation of bingo games, within their respective jurisdictions: provided, however, that said governing bodies must insure compliance with the following provisions:

(a) No person under the age of 19 shall be permitted to play any game or games of bingo, nor shall any person under the age of 19 be permitted to conduct or assist in the conduct of any game of bingo.

(b) No bingo license shall be issued to any nonprofit organization, unless such organization shall have been in existence for at least 24 months immediately prior to the issuance of the license.

(c) Bingo games shall be operated only on the premises owned or leased by the nonprofit organization operating the bingo game. If the premises is leased, the rate of rental shall not be based on a percentage of receipts or profits resulting from the operation of bingo games.

(d) No nonprofit organization shall enter into any contract with any individual, firm, association or corporation to have said individual or entity operate bingo games or concessions on behalf of the nonprofit organization, nor shall said nonprofit organization pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a bingo game.

(e) A nonprofit organization shall not lend its name or allow its identity to be used by any other person or entity in the operating or advertising of a bingo game in which said nonprofit organization is not directly and solely operating said bingo game.

(f) [Prizes given by any nonprofit organization for the playing of bingo games in Jefferson County shall not exceed the amounts set by local law.] [As amended by Amendment 600, approved Nov. 5, 1996]

(g) No person or organization, by whatever name or composition thereof, shall take any salary, expense money, or fees as remuneration for services rendered in the operation of any bingo game. [Amendment 386, approved Sept. 2, 1980, as amended by Amendment 600, approved Nov. 5, 1996]

Section 65-F. Madison County: Operation of Bingo Games by Nonprofit Organizations.

The operation of bingo games for prizes or money by nonprofit organizations for charitable or educational purposes shall be legal in Madison County, subject to the provisions of any resolution or ordinance by the county governing body or the governing bodies of the respective cities and towns, within their respective jurisdictions. The said governing bodies shall have the authority to promulgate rules and regulations for the licensing and operation of bingo games, within their respective jurisdictions: provided, however, that said governing bodies must insure compliance with the following provisions:

(a) No person under the age of 19 shall be permitted to play any game or games of bingo, nor shall any person under the age of 19 be permitted to conduct or assist in the conduct of any game of bingo.

(b) No bingo license shall be issued to any nonprofit organization, unless such organization shall have been in existence for at least 23 months immediately prior to the issuance of the license.

(c) Bingo games shall be operated only on the premises owned or leased by the nonprofit organization operating the bingo game. If the premises are leased, the rate of rental shall not be based on a percentage of receipts or profits resulting from the operation of bingo games.

(d) No nonprofit organization shall enter into any contract with any individual, firm, association or corporation to have said individual or entity operate bingo games or concessions on behalf of the nonprofit organization, nor shall said nonprofit organization pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a bingo game.

(e) A nonprofit organization shall not lend its name or allow its identity to be used by any other person or entity in the operating or advertising of a bingo game in which said nonprofit organization is not directly and solely operating said bingo game.

(f) Prizes given by any nonprofit organization for the playing of bingo games shall not exceed $1,000.00 in cash or gifts of equivalent value during any bingo session or $2,000.00 in cash or gifts of equivalent value during any calendar week.

(g) No person or organization, by whatever name or composition thereof, shall take any salary, expense money, or fees as remuneration for services rendered in the operation of any bingo game. [Amendment 387, approved Sept. 2, 1980]

Section 65-G. Mobile County: Operation of Bingo Games.

The operation of bingo games for prizes or money by certain nonprofit organizations for charitable, educational, or other lawful purposes shall be legal in Mobile County, subject to the provisions of any resolution or ordinance by the county governing body or the governing bodies of the respective cities and towns, within their respective jurisdictions as provided by law

regulating such operation. The said governing bodies shall have the authority to promulgate rules and regulations for the issuance of permits or licenses and for operation of bingo games, within their respective jurisdictions: provided, however, that said governing bodies must ensure compliance pursuant to said law and the following provisions:

(a) No person under the age of 19 shall be permitted to play any game or games of bingo, unless accompanied by a parent or guardian; nor shall any person under the age of 19 be permitted to conduct or assist in the conduct of any game of bingo.

(b) No bingo permit or license shall be issued to any nonprofit organization, unless such organization shall have been in existence for at least 12 months immediately prior to the issuance of the permit or license.

(c) Bingo games shall be operated only on the premises owned or leased by the nonprofit organization operating the bingo game. If the premises are leased, the rate or rental shall not be based on a percentage of receipts or profits resulting from the operation of bingo games.

(d) No nonprofit organization shall enter into any contract with any individual, firm, association or corporation to have said individual or entity operate bingo games or concessions on behalf of the nonprofit organization, nor shall said nonprofit organization pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a bingo game.

(e) A nonprofit organization shall not lend its name or allow its identity to be used by any other person or entity in the operating or advertising of a bingo game in which said nonprofit organization is not directly and solely operating said bingo game.

(f) Prizes given by any qualified nonprofit organization for the playing of bingo games shall not exceed the cash amount or gifts of equivalent value, set by the Legislature, during any bingo session. The Legislature shall set a maximum amount for any calendar week.

(g) No person or organization, by whatever name or composition thereof, shall take any expenses for the operation of a bingo game except as permitted by law.

The provisions of this constitutional Amendment shall be self-executing, but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the general purposes and objectives herein set forth. [Amendment 440, approved Nov. 8, 1983]

Section 65-H. Montgomery County: Operation of Bingo Games by Certain Nonprofit Organizations.

The operation of bingo games for prizes or money by certain nonprofit organizations for charitable, educational, or other lawful purposes shall be legal in Montgomery Mobile County, subject to the provisions of any resolution or ordinance by the county governing body or the governing bodies of the respective cities and towns, within their respective jurisdictions as provided by law regulating such operation. The said governing bodies shall have the authority to promulgate rules and regulations for the issuance of permits or licenses and for operation of bingo games, within their respective jurisdictions: provided, however, that said governing bodies must insure compliance pursuant to said law and the following provisions:

(a) No person under the age of 19 shall be permitted to play any game or games of bingo, unless accompanied by a parent or guardian; nor shall any person under the age of 19 be permitted to conduct or assist in the conduct of any game of bingo.

(b) No bingo permit or license shall be issued to any nonprofit organization, unless such organization shall have been in existence for at least 12 months immediately prior to the issuance of the permit or license.

(c) Bingo games shall be operated only on the premises owned or leased by the nonprofit organization operating the bingo game. If the premises are leased, the rate or rental shall not be based on a percentage of receipts or profits resulting from the operation of bingo games.

(d) No nonprofit organization shall enter into any contract with any individual, firm, association or corporation to have said individual or entity operate bingo games or concessions on behalf of the nonprofit organization, nor shall said nonprofit organization pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a bingo game.

(e) A nonprofit organization shall not lend its name or allow its identity to be used by any other person or entity in the operating or advertising of a bingo game in which said nonprofit organization is not directly and solely operating said bingo game.

(f) Prizes given by any qualified nonprofit organization for the playing of bingo games shall not exceed the cash amount or gifts of equivalent value, set by the Legislature, during any bingo session. The Legislature shall set a maximum amount for any calendar week.

(g) No person or organization, by whatever name or composition thereof, shall take any expenses for the operation of a bingo game except as permitted by law. [Amendment 413, approved Sept. 7, 1982]

Section 65-I. Morgan County: Bingo Games in Cities of Hartselle, Falkville, and Portion of City of Decatur in Morgan County.

(a) The operation of bingo games for prizes or money by nonprofit organizations for charitable, educational, or other lawful purposes shall be legal only within the boundaries of the Cities of Hartselle and Falkville and that area of the City of Decatur located within the boundaries of Morgan County, subject to any resolution or ordinance by the governing bodies of the respective cities and towns, within their respective jurisdictions. The governing bodies may promulgate rules and regulations for the licensing and operation of bingo games, within their respective jurisdictions. The governing bodies shall insure compliance pursuant to any ordinance and the following:

(1) No person under the age of 19 years shall be permitted to play any game or games of bingo, nor shall any person under the age of 19 years be permitted to conduct or assist in the operation of any game of bingo.

(2) No bingo license shall be issued to any nonprofit organization, unless the organization shall have been in existence for at least three years in the county immediately prior to the issuance of the permit or license.

(3) Bingo games shall be operated only on the premises owned or leased by the nonprofit organization operating the bingo game. If the premises are leased, the rate of rental shall not be based on a percentage of receipts or profits resulting from the operation of bingo games.

(4) No nonprofit organization shall enter into any contract with any individual, firm, association, or corporation to have the individual or entity operate bingo games or concessions on behalf of the nonprofit organization. No nonprofit organization shall pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a bingo game.

(5) A nonprofit organization shall not lend its name or allow its identity to be used by any other person or entity in the operating or advertising of a bingo game in which the nonprofit organization is not directly and solely operating the bingo game.

(6) Prizes given by any nonprofit organization for the playing of bingo games shall not exceed the cash amount or gifts of equivalent value set by the Legislature during any bingo session during any calendar week.

(7) No person or organization, by whatever name or composition thereof, shall take any expense for the operation of a bingo game except as permitted by law.

(b) The Legislature may, by local legislation, provide for the implementation of this Amendment, including, but not limited to, the imposition of criminal penalties for violations of this Amendment or the local legislation.

(c) The Legislature, may by local law, provide for the operation of bingo games for prizes or money by nonprofit organizations for charitable, educational, or other lawful purposes within any other city located within the boundaries of Morgan County pursuant to subsection (a) of section 1 of this constitutional Amendment. [Amendment 599, approved Nov. 5, 1996]

Section 65-J. Limestone County: Bingo Games.

(a) The operation of bingo games for prizes or money by nonprofit organizations for charitable, educational, or other lawful purposes shall be legal in Limestone County, subject to any resolution or ordinance by the county commission. The county commission may promulgate rules and regulations for the licensing and operation of bingo games, within its respective jurisdictions. The governing body shall insure compliance pursuant to any ordinance and the following:

(1) No person under the age of 19 years shall be permitted to play any game or games of bingo, nor shall any person under the age of 19 years be permitted to conduct or assist in the operation of any game of bingo.

(2) No bingo license shall be issued to any nonprofit organization, unless the organization shall have been in existence for at least three years in the county immediately prior to the issuance of the permit or license.

(3) Bingo games shall be operated only on the premises owned or leased by the nonprofit organization operating the bingo game. If the premises are leased, the rate of rental shall not be based on a percentage of receipts or profits resulting from the operation of bingo games.

(4) No nonprofit organization shall enter into any contract with any individual, firm, association, or corporation to have the individual or entity operate bingo games or concessions on behalf of the nonprofit organization. No nonprofit organization shall pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a bingo game.

(5) A nonprofit organization shall not lend its name or allow its identity to be used by another person or entity in the operating or advertising of a bingo game in which the nonprofit organization is not directly and solely operating the bingo game.

(6) Prizes given by any nonprofit organization for the playing of bingo games shall not exceed the cash amount or gifts of equivalent value set by the Legislature by local law during any bingo session during any calendar week.

(7) No person or organization, by whatever name or composition thereof, shall take any expense for the operation of a bingo game except as permitted by law.

(b) The Legislature may, by local law, provide for the implementation of this Amendment, including, but not limited to, the imposition of criminal penalties for violations of this Amendment or the local legislation. [Amendment 692, approved Nov. 7, 2000]

Section 65-K. Lowndes County: Bingo Games in Town of White Hall.

(a) The operation of bingo games for prizes or money by nonprofit organizations for charitable, educational, or other lawful purposes shall be legal in The Town of White Hall that is located in Lowndes County, subject to any resolution or ordinance by the town council. The town council

shall have the authority to promulgate rules and regulations for the licensing and operation of bingo games, within its respective jurisdictions: provided, however, the town council shall insure compliance pursuant to any ordinance and the following provisions:

(1) No person under the age of 18 years shall be permitted to play any game or games of bingo, nor shall any person under the age of 19 years be permitted to conduct or assist in the operation of any game of bingo.

(2) No bingo license shall be issued to any nonprofit organization, unless the organization shall have been in existence for at least two years immediately prior to the issuance of the permit or license.

(3) Bingo games shall be operated only on the premises owned or leased by the nonprofit organization operating the bingo game. If the premises are leased, the rate of rental shall not be based on a percentage of receipts or profits resulting from the operation of bingo games.

(4) No nonprofit organization shall enter into any contract with any individual, firm, association, or corporation to have the individual or entity operate bingo games or concessions on behalf of the nonprofit organization. No nonprofit organization shall pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a bingo game.

(5) A nonprofit organization shall not lend its name or allow its identity to be used by another person or entity in the operating or advertising of a bingo game in which the nonprofit organization is not directly and solely operating the bingo game.

(6) Prizes given by any nonprofit organization for the playing of bingo games shall not exceed the cash amount or gifts of equivalent value set by regulations.

(7) No person or organization, by whatever name or composition thereof, shall take any expense for the operation of a bingo game except as permitted by law.

(b) The town council may provide for the implementation of this Amendment by the adoption of any resolution or ordinance as provided heretofore.

(c) Any person who violates the regulations provided under the provisions of this Amendment shall be guilty of a Class C misdemeanor upon the first conviction under this Amendment and any subsequent violation shall be a Class A misdemeanor. [Amendment 674, approved Nov. 7, 2000]

Section 65-L. Russell County: Bingo Games.

(a) The operation of bingo games for prizes or money by certain nonprofit organizations and certain private clubs for charitable, educational, or other lawful purposes shall be legal in Russell County, subject to any resolution or ordinance by the county commission as provided by law regulating the operation of bingo. The county commission may promulgate rules and regulations for issuing permits or licenses and for operating bingo games within the jurisdiction of the

county. The county commission shall insure compliance pursuant to any ordinance and the following:

(1) No person under the age of 19 shall be permitted to play any game or games of bingo, unless accompanied by a parent or guardian. No person under the age of 19 shall be permitted to conduct or assist in the conduct of any game of bingo.

(2) Except for special permit holders, no bingo permit or license shall be issued to any nonprofit organization or qualified private club, unless the organization or club shall have been in existence for at least five years and owned real property in the county for five years immediately prior to issuing the permit or license, except the following:

(1) A fraternal, or benevolent, or charitable organization which qualifies as an exempt organization under section 50 1(c) of the Internal Revenue Code.

(2) A private club with annual membership dues of three hundred dollars ($300) or more.

(3) Bingo games shall be operated only on the premises owned or leased by the nonprofit organization or club operating the bingo game. If the premises are leased, the rate or rental shall not be based on a percentage of receipts or profits resulting from operating the bingo games.

(4) No nonprofit organization or club shall enter into any contract with any individual, firm, association, or corporation to have the individual or entity operate bingo games or concessions on behalf of the nonprofit organization or club. No nonprofit organization or club may pay consulting fees, any compensation or salary to any individual or entity for any services performed relating to operating or conducting any bingo game.

(5) A nonprofit organization or club shall not lend its name or allow any other person or entity to use its identity in operating or advertising a bingo game in which the nonprofit organization or club is not directly and solely operating the bingo game or concessions.

(6) Prizes given by any qualified nonprofit organization or qualified private club for playing bingo games shall not exceed the cash amount or gifts of equivalent value, set by the Legislature, during any bingo session. The Legislature shall set a maximum amount for any calendar week.

(7) One hundred percent of the net revenues derived from operating bingo games shall be designated and expended for charitable or educational purposes.

(8) No person, or organization or club, by whatever name or composition, shall take any expenses for operating a bingo game except as permitted by law.

(b) The Legislature may, by local legislation, provide for the implementation of this Amendment, including, but not limited to, the imposition of criminal penalties for violations of this Amendment or the local legislation. [Amendment 612, approved Nov. 5, 1996]

Section 65-M. St. Clair County: Bingo Games.

The operation of bingo games for prizes or money by certain nonprofit organizations for charitable, educational, or other lawful purposes shall be legal in St. Clair County, subject to the provisions of any resolution or ordinance by the county governing body or the governing bodies of the respective cities and towns within their respective jurisdictions as provided by law regulating such operation. The said governing bodies shall have the authority to promulgate rules and regulations for the issuance of permits or licenses and for operation of bingo games within their respective jurisdictions; provided, however, that said governing bodies must insure compliance pursuant to said law and the following provisions:

(1) No person under the age of 19 shall be permitted to play any game or games of bingo unless accompanied by a parent or guardian; nor shall any person under the age of 19 be permitted to conduct or assist in the conduct of any game of bingo.

(2) No bingo permit or license shall be issued to any nonprofit organization unless such organization shall have been in existence for at least 24 months immediately prior to the issuance of the permit or license.

(3) Bingo games shall be operated only on the premises owned or leased by the nonprofit organization operating the bingo game. If the premises are leased, the rate or rental shall not be based on a percentage of receipts or profits resulting from the operation of bingo games.

(4) No nonprofit organization shall enter into any contract with any individual, firm, association or corporation to have said individual or entity operate bingo games or concessions on behalf of the nonprofit organization, nor shall said nonprofit organization pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a bingo game.

(5) A nonprofit organization shall not lend its name or allow its identity to be used by any other person or entity in the operating or advertising of a bingo game in which said nonprofit organization is not directly and solely operating said bingo game.

(6) Prizes given by any qualified nonprofit organization for the playing of bingo games shall not exceed the cash amount or gifts of equivalent value, set by the Legislature, during any bingo session. The Legislature shall set a maximum amount for any calendar week.

(7) By whatever name or composition thereof, no person or organization shall take any expenses for the operation of a bingo game except as permitted by law.

(8) A fee of $.10 (ten cents) shall be levied upon each bingo card sold pursuant to the provisions of this Amendment or pursuant to any local law. Said fee shall be collected by the nonprofit organization who sold the bingo card and paid to the tax collector or revenue commissioner of St. Clair County on a weekly basis.

The tax collector or revenue commissioner shall place the proceeds collected into the treasury of St. Clair County in a special fund. All funds collected shall be expended by the county commission in the following manner:

Forty percent (40%) of said funds shall be allocated to volunteer fire departments located in St. Clair County.

Thirty percent (30%) of said funds shall be allocated to senior citizens' programs and facilities.

Twenty percent (20%) of said funds shall be allocated to youth recreation programs and facilities.

Ten percent (10%) of said funds shall be allocated to the St. Clair County sheriff's department.

The tax collector or revenue commissioner of St. Clair County shall have authority to promulgate necessary rules and regulations to implement the procedure for the collection of the fee prescribed herein. The Legislature, from time to time, may by local law alter the fee levied herein and alter the method of allocating the proceeds of said fee. [Amendment 542, approved June 2, 1992]

Section 65-N. Walker County: Bingo Games Outside Corporate Limits of the City of Jasper.

The operation of bingo games for prizes or money by certain nonprofit organizations for charitable, educational, or other lawful purposes shall be legal outside of the corporate limits of the City of Jasper in Walker County, subject to any resolution by the county governing body as provided by law regulating the operation of bingo. The governing body may promulgate rules and regulations for issuing permits or licenses, and for operating bingo games, within its respective jurisdiction. The county governing body shall insure compliance pursuant to any ordinance and the following:

(1) No person under the age of 19 shall be permitted to play any game or games of bingo, unless accompanied by a parent or guardian. No person under the age of 19 shall be permitted to conduct or assist in the conduct of any game of bingo.

(2) No bingo permit or license shall be issued to any nonprofit organization, unless the organization shall have been in existence for at least 60 months and owned real property at least five years immediately prior to issuing the permit or license.

(3) Bingo games shall be operated only on the premises owned or leased by the nonprofit organization operating the bingo game. If the premises are leased, the rate or rental shall not be based on a percentage of receipts or profits resulting from operating the bingo games.

(4) No nonprofit organization shall enter into any contract with any individual, firm, association, or corporation to have the individual or entity operate bingo games or concessions on behalf of the nonprofit organization. No nonprofit organization may pay consulting fees to any individual or entity for any services performed relating to operating or conducting any bingo game.

(5) A nonprofit organization shall not lend its name or allow any other person or entity to use its identity in operating or advertising a bingo game in which the nonprofit organization is not directly and solely operating the bingo game.

(6) Prizes given by any qualified nonprofit organization for playing bingo games shall not exceed the cash amount or gifts of equivalent value, set by the Legislature, during any bingo session. The Legislature shall set a maximum amount for any calendar week.

(7) No person or organization, by whatever name or composition, shall take any expenses for operating a bingo game except as permitted by law. [Amendment 549, approved Nov. 3, 1992]

Section 65-O. Walker County: Bingo Games Within Corporate Limits of City of Jasper.

The operation of bingo games for prizes or money by certain nonprofit organizations for charitable, educational, or other lawful purposes shall be legal in the corporate limits of the City of Jasper in Walker County, subject to any resolution or ordinance by the city governing body as provided by law regulating the operation of bingo. The governing body may promulgate rules and regulations for issuing permits or licenses, and for operating bingo games, within its respective jurisdiction. The governing body of the City of Jasper shall insure compliance pursuant to any ordinance and the following:

(1) No person under the age of 19 shall be permitted to play any game or games of bingo, unless accompanied by a parent or guardian. No person under the age of 19 shall be permitted to conduct or assist in the conduct of any game of bingo.

(2) No bingo permit or license shall be issued to any nonprofit organization, unless the organization shall have been in existence for at least 60 months and owned real property at least five years immediately prior to issuing the permit or license.

(3) Bingo games shall be operated only on the premises owned or leased by the nonprofit organization operating the bingo game. If the premises are leased, the rate or rental shall not be based on a percentage of receipts or profits resulting from operating the bingo games.

(4) No nonprofit organization shall enter into any contract with any individual, firm, association, or corporation to have the individual or entity operate bingo games or concessions on behalf of the nonprofit organization. No nonprofit organization may pay consulting fees to any individual or entity for any services performed relating to operating or conducting any bingo game.

(5) A nonprofit organization shall not lend its name or allow any other person or entity to use its identity in operating or advertising a bingo game in which the nonprofit organization is not directly and solely operating the bingo game.

(6) Prizes given by any qualified nonprofit organization for playing bingo games shall not exceed the cash amount or gifts of equivalent value, set by the Legislature, during any bingo session. The Legislature shall set a maximum amount for any calendar week.

(7) No person or organization, by whatever name or composition, shall take any expenses for operating a bingo game except as permitted by law. [Amendment 550, approved Nov. 3, 1992]

Section 66. Signature of Bills by Presiding Officer of Each House; Reading of Bills At Length May be Dispensed with.

The presiding officer of each house shall, in the presence of the house over which he presides, sign all bills and joint resolutions passed by the Legislature, after the same shall have been publicly read at length immediately before signing, and the fact of reading and signing shall be entered upon the journal; but the reading at length may be dispensed with by a two-thirds vote of a quorum present, which fact shall also be entered on the journal. [Original section 66]

Section 67. Number, Duties and Compensation of Officers and Employees of Each House.

The Legislature shall prescribe by law the number, duties, and compensation of the officers and employees of each house, and no payment shall be made from the state treasury or be in any way authorized to any person except to an acting officer or employee elected or appointed in pursuance of law. [Original section 67]

Section 68. Extra Compensation Not to be Granted Public Officer, Employee, Contractor, etc., After Service Rendered or Contract Made; Increase or Decrease of Compensation of Officers During Term of Office.

(1) The Legislature shall have no power to grant or to authorize or require any county or municipal authority to grant, nor shall any county or municipal authority have power to grant any extra compensation, fee, or allowance to any public officer, servant, or employee, agent or contractor, after service shall have been rendered or contract made[, nor to increase or decrease the fees and compensation of such officers during their terms of office]; nor shall any officer of the state bind the state to the payment of any sum of money but by authority of law; provided this section shall not apply to allowances made by commissioners' courts or boards of revenue to county officers for ex officio services, nor prevent the Legislature from increasing or diminishing at any time the allowance to sheriffs or other officers for feeding, transferring, or guarding prisoners. [Original section 68; bracketed proscription subsequently dealt with by Amendment 92, approved May 6, 1952, which is incorporated below as subsection (2)]

(2) Any provisions of this Constitution or Amendments thereto to the contrary notwithstanding, neither the Legislature, nor any county of the state shall, by the imposition of new, different, and additional duties or otherwise, increase, or authorize the increase of, the salary, fees or other compensation of any officer of the state or of any county of the state, who is elected or appointed for a fixed term, during the term for which he is elected or appointed, regardless of whether such officer may be removed at the pleasure of the authority electing or appointing him or only upon impeachment; nor shall the Legislature or any county of the state in any manner or by any means decrease, or authorize the decrease of, the salary, fees or other compensation of any such officer, during the term for which he is elected or appointed; nor shall the Legislature or any county of the state increase or decrease, or authorize the increase or decrease of, the salary, fees or other compensation of any person filling an unexpired term in any such office during the remainder of such term, either before or after the appointment or election of such person to fill the unexpired term. As to officers who are members of any court, board, commission, or similar body whose terms do not run concurrently, any increase or decrease in the salary, fees, or other compensation of the members of any such court, board, commission, or similar body shall become effective as to all such members thereof immediately after the expiration of the term or terms of office of the member or members whose term or terms first expire. [Amendment 92, approved May 6, 1952]

Section 69. Stationery, Printing, Fuel, etc., to be Furnished by Lowest Responsible Bidder; Conflicts of Interest.

All stationery, printing, paper, and fuel used in the legislative and other departments of government shall be furnished and the printing, binding, and distribution of laws, journals, department reports, and all other printing, binding, and repairing and furnishing the halls and rooms used for the meeting of the Legislature and its committees, shall be performed under contract, to be given to the lowest responsible bidder below a maximum price, and under such regulations as shall be prescribed by law; no member or officer of any department of the government shall be in any way interested in such contract, and all such contracts shall be subject to the approval of the Governor, auditor, and treasurer. [Original section 69]

Section 70. Revenue Bills to Originate in House of Representatives; Preparation of General Revenue Bill; Amendments to Revenue Bills by Senate; Time Limit for Passage of Revenue Bills.

All bills for raising revenue shall originate in the House of Representatives. The Governor, auditor, and attorney-general shall, before each regular session of the Legislature, prepare a general revenue bill to be submitted to the Legislature, for its information, and the secretary of state shall have printed for the use of the Legislature a sufficient number of copies of the bill so prepared, which the Governor shall transmit to the House of Representatives as soon as organized, to be used or dealt with as that house may elect. The Senate may propose amendments to revenue bills. No revenue bill shall be passed during the last five days of the session. [Original section 70]

Section 71. Restrictions on General Appropriation Bill; Paramount Duty of Legislature to Make Basic Appropriations At Regular Sessions.

1. The general appropriation bill shall embrace nothing but appropriations for the ordinary expenses of the executive, legislative, and judicial departments of the state, for interest on the public debt, and for the public schools. The salary of no officer or employee shall be increased in such bill, nor shall any appropriation be made therein for any officer or employee unless his employment and the amount of his salary have already been provided for by law. All other appropriations shall be made by separate bills, each embracing but one subject. [Original section 71]

2. (A) The following words and phrases, whenever used in this Amendment, shall have the following respective meanings:

> "Basic appropriations" means, with respect to any regular session of the Legislature, such appropriations as the Legislature may deem appropriate for the expenditures by the state during the ensuing budget period for the ordinary expenses of the executive, legislative and judicial departments of the state, for payment of the public debt, and for education (excluding, however, any item within the scope of the foregoing that is at the time provided for by a continuing appropriation or otherwise).
>
> "Budget period" means a fiscal year of the state or such period other than [a] fiscal year as may hereafter be fixed by law as the period with respect to which state budgets are prepared and state appropriations are made.

(B) On or before the second legislative day of each regular session of the Legislature, beginning with the first regular session after January 1, 1983, the Governor shall transmit to the Legislature for its consideration a proposed budget for the then next ensuing budget period.

(C) The duty of the Legislature at any regular session to make the basic appropriations for any budget period that will commence before the first day of any succeeding regular session shall be paramount; and, accordingly, beginning with the first regular session held after January 1, 1983, no bill (other than a bill making any of the basic appropriations) shall be signed by either the presiding officer of the house or Senate and transmitted to the other house until bills making the basic appropriations for the then ensuing budget period shall have been signed by the presiding officer of each house of the Legislature in accordance with section 66 of this Constitution and presented to the Governor in accordance with section 125 of this Constitution; provided, that this Paragraph (C) shall not affect the adoption of resolutions or the conduct of any other legislative functions that do not require a third reading: and provided further, that following adoption, by vote of either house of not less than three-fifths of a quorum present, of a resolution declaring that the provisions of this Paragraph (C) shall not be applicable in that house to a particular bill, which shall be specified in said resolution by number and title, the bill so specified may proceed to final passage therein.

(D) Upon the signing and presentation to the Governor in accordance with the said sections 66 and 125 of bills making the basic appropriations, the provisions of the foregoing Paragraph (C)

prohibiting the final passage of bills in the House and Senate (other than bills making any part of the basic appropriations) shall cease to be effective and shall not be revived or become again effective as a result of:

(i) The subsequent legislative history of any bill so signed and presented, including any veto, return with executive amendment, or any other action, or failure to act, by either the Governor or the Legislature under the provisions of the said section 125; or

(ii) A determination, by either judicial decree or opinion of the justices of the Alabama Supreme Court, that any bill so signed and presented is wholly or in part invalid.

(E) The Legislature may, by statute or rule, make such further provisions for the timely passage of bills making the basic appropriations as are not inconsistent with the provisions of this Constitution.

(F) Nothing contained herein shall be construed as requiring the Legislature to make any appropriation not otherwise required by this Constitution to be made. [Amendment 448, approved Nov. 6, 1982]

Section 71-A. Expenditure of Fees or Taxes Relating to Use, etc., of Vehicles and to Fuels Used for Vehicles.

No moneys derived from any fees, excises, or license taxes, levied by the state, relating to registration, operation, or use of vehicles upon the public highways except a vehicle-use tax imposed in lieu of a sales tax, and no moneys derived from any fees, excises, or license taxes, levied by the state, relating to fuels used for propelling such vehicles except pump taxes, shall be expended for other than cost of administering such laws, statutory refunds and adjustments allowed therein, cost of construction, reconstruction, maintenance and repair of public highways and bridges, costs of highway rights-of-way, payment of highway obligations, the cost of traffic regulation, and the expense of enforcing state traffic and motor vehicle laws. The provisions of this Amendment shall not apply to any such fees, excises, or license taxes now levied by the state for school purposes for this whole state or for any county or city board of education therein; and the Legislature may provide for the manufacture, distribution and use on private passenger or pleasure motor vehicles of personalized license plates or tags, bearing some special letters, figures, mark or badge of distinction or personal prestige in lieu of the regular license plates or tags, and if it does so, the Legislature must also require that such tags may be procured only by payment of a fee or charge, in addition to the regular fees, excise or license tax for the registration, operation or use of such motor vehicles upon the highways. The moneys derived from the additional charge made for such special or distinctive license plates or tags, in excess of the cost of the manufacture and distribution of such plates or tags, may be used in such manner as the Legislature prescribes. [Amendment 354, approved Nov. 2, 1976, amending and restating Amendment 93, approved Nov. 4, 1952] [For other "earmarking" provisions, see section 211A below (Amendment 61) (income taxes) and article 11A (Public funds and trusts)].

Section 71-B. Appropriation of Revenues of Cellular Radio Telecommunications Service Tax; Bond Payments.

Notwithstanding any other provision of law, the Legislature may appropriate the revenue and other funds received or collected pursuant to any cellular radio telecommunication service tax to pay the principal at maturity and any interest due on the outstanding bonds issued by the Alabama Revolving Loan Fund Authority or its successor authority. [Amendment 616, approved Nov. 3, 1998]

Section 72. Payment of Money Out of State Treasury; Publication of Annual Statement of Receipts and Expenditures.

No money shall be paid out of the treasury except upon appropriations made by law, and on warrant drawn by the proper officer in pursuance thereof; and a regular statement and account of receipts and expenditures of all public moneys shall be published annually, in such manner as may be by law directed. [Original section 72]

Section 73. Appropriations to Charitable or Educational Institutions Not Under Absolute Control of State.

No appropriation shall be made to any charitable or educational institution not under the absolute control of the state, other than normal schools established by law for the professional training of teachers for the public schools of the state, except by a vote of two-thirds of all the members elected to each house. [Original section 73]

Section 74. Authorization of Investment of Trust Funds by Executors, Trustees, etc., in Private Corporations.

No act of the Legislature shall authorize the investment of any trust fund by executors, administrators, guardians, or other trustees in the stock of any private corporation; any such acts now existing are avoided, saving investments heretofore made: provided, however, that, unless otherwise provided by the Legislature, any of said mentioned trust funds may be invested in corporation or institutions, investments in which are guaranteed as to principal by the United States government or insured as to principal by any instrumentality or agency thereof, provided such investments shall not exceed the amount insured by any such instrumentality or agency. [Amendment 40, approved July 11, 1939, amending and re-writing the original section 74]

Section 75. Change of Venue in Civil and Criminal Cases.

The power to change the venue in civil and criminal causes is vested in the courts, to be exercised in such manner as shall be provided by law. [Original section 75]

Section 76. Restrictions on Legislation At Special Sessions; Duration of Special Sessions.

1. When the Legislature shall be convened in special session, there shall be no legislation upon subjects other than those designated in the proclamation of the Governor calling such session, except by a vote of two-thirds of each house. [Original section 76]

2. Special sessions of the Legislature convened in the manner provided by this Constitution shall be limited to 12 legislative days and 30 calendar days. [Amendment 339 (last sentence), approved June 10, 1975, amending parallel provision of original section 76; balance of Amendment 339 incorporated in section 48]

Section 77. State Office for Inspection or Measuring of Merchandise, Commodities, etc., Prohibited.

No state office shall be continued or created for the inspection or measuring of any merchandise, manufacture, or commodity, but any county or municipality may appoint such officers when authorized by law. [Original section 77]

Section 78. Legislation to Change Seat of Government of State.

No act of the Legislature changing the seat of government of the state shall become a law until the same shall have been submitted to the qualified electors of the state at a general election, and approved by a majority of such electors voting on the same; and such act shall specify the proposed new location. [Original section 78]

Section 79. Bribery; Solicitation, Acceptance, etc., of Bribes by Legislators.

A member of the Legislature who shall solicit, demand, or receive, or consent to receive, directly or indirectly, for himself or for another, from any company, corporation, association, or person, any money, office, appointment, employment, reward, thing of value, or enjoyment, or of personal advantage or promise thereof, for his vote or official influence, or for withholding the same; or with an understanding, expressed or implied, that his vote or official action shall be in any way influenced thereby; or who shall solicit or demand any such money or other advantage, matter, or thing aforesaid, for another as the consideration for his vote, or influence, or for withholding the same; or shall give or withhold his vote or influence in consideration of the payment or promise of such money, advantage, matter, or thing to another, shall be guilty of bribery within the meaning of this Constitution; and shall incur the disabilities and penalties provided thereby for such offense, and such additional punishment as is or shall be provided by law. [Original section 79]

Section 80. Same; Offer, Gift, etc., of Money, etc., to Executive or Judicial Officers or Members of Legislature to Influence Official Acts.

Any person who shall, directly or indirectly, offer, give, or promise any money, or thing of value, testimonial, privilege, or personal advantage, to any executive or judicial officer or member of the Legislature to influence him in the performance of any of his public or official duties, shall be guilty of bribery, and be punished in such manner as may be provided by law. [Original section 80]

Section 81. Offense of Corrupt Solicitation to be Defined by Law.

The offense of corrupt solicitation of members of the Legislature or of public officers of this state or of any municipal division thereof, and any occupation or practice of solicitation of such members or officers, to influence their official action, shall be defined by law, and shall be punished by fine and imprisonment in the penitentiary; and the Legislature shall provide for the trial and punishment of the offenses enumerated in the two preceding sections, and shall require the judges to give the same specially in charge to the grand juries in all the counties of this state. [Original section 81]

Section 82. Disclosure of Personal or Private Interest in Bills, etc., by Legislators.

A member of the Legislature who has a personal or private interest in any measure or bill proposed or pending before the Legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon. [Original section 82]

Section 83. Voting in Elections by Legislature.

In all elections by the Legislature the members shall vote viva voce, and the votes shall be entered on the journal. [Original section 83]

Section 84. Adoption of Laws to Provide for Arbitration Between Parties.

It shall be the duty of the Legislature to pass such laws as may be necessary and proper to decide differences by arbitrators to be appointed by the parties who may choose that mode of adjustment. [Original section 84]

Section 85. Periodic Revision and Promulgation of Laws.

It shall be the duty of the Legislature, at its first session after the ratification of this Constitution, and within every subsequent period of twelve years, to make provision by law for revising, digesting, and promulgating the public statutes of this state, of a general nature, both civil and criminal. [Original section 85]

Section 86. Suppression of Dueling.

The Legislature shall pass such penal laws as it may deem expedient to suppress the evil practice of dueling. [Original section 86]

Section 87. Deductions from Salaries or Compensation of Public Officers for Neglect of Duty.

It shall be the duty of the Legislature to regulate by law the cases in which deduction shall be made from the salaries or compensation of public officers for neglect of duty in their official capacities, and the amount of such deduction. [Original section 87]

Section 88. Counties to Provide for Maintenance of the Poor.

It shall be the duty of the Legislature to require the several counties of this state to make adequate provision for the maintenance of the poor. [Original section 88]

Section 89. Municipalities Not to Pass Laws in Conflict with General Laws of State.

The Legislature shall not have power to authorize any municipal corporation to pass any laws inconsistent with the general laws of this state. [Original section 89]

Section 90. Acquisition of Foreign Territory; Rights and Privileges of Inhabitants of Acquired Territory.

In the event of the annexation of any foreign territory to this state, the Legislature shall enact laws extending to the inhabitants of the acquired territory all the rights and privileges which may be required by the terms of acquisition not inconsistent with this Constitution. Should the state purchase such foreign territory, the Legislature, with the approval of the Governor, shall be authorized to expend any money in the treasury not otherwise appropriated, and, if necessary, to provide also for the issuance of state bonds, to pay for the purchase of such foreign territory. [Original section 90]

Section 91. Exemption from Taxation of State, County, Municipal, Cemetery and Certain Religious, Educational and Charitable Property.

The Legislature shall not tax the property, real or personal, of the state, counties, or other municipal corporations, or cemeteries; nor lots in incorporated cities and towns, or within one mile of any city or town to the extent of one acre, nor lots one mile or more distant from such cities or towns to the extent of five acres, with the buildings thereon, when same are used exclusively for religious worship, for schools, or for purposes purely charitable. [Original section 91]

Section 92. Rules and Regulations to Ascertain Value of Property Exempted from Sale Under Legal Process.

The Legislature shall by law prescribe such rules and regulations as may be necessary to ascertain the value of real and personal property exempted from sale under legal process by this Constitution, and to secure the same to the claimant thereof as selected. [Original section 92]

Section 93. State Engaging in Internal Improvements or Lending Money or Credit for Same; State Interest in Private or Corporate Enterprises; Construction, Maintenance, etc., of Public Roads, Highways and Bridges, Harbors and Seaports and Public Airports and Air Navigation Facilities; State Works of Internal Improvements Along Navigable Waterways and Indebtedness Therefor; Navigable Waterway Between Demopolis and Tennessee River and Flood Control Projects on Tributary Streams of Tombigbee River; Development, Improvement, etc., of State Docks Facilities at Port of Mobile; Conveyance of State Docks to Local Authorities; Public Hospitals and Health Facilities; Drainage Systems; Roads and Seawalls (Mobile and Baldwin Counties); Development of Irrigation Districts; Water Management Districts; Soil and Water Conservation Commission; Development of Elk River Watershed Area in Lauderdale and Limestone Counties; Development of Bear Creek Watershed Area.

1. The state shall not engage in works of internal improvement, nor lend money or its credit in aid as such, except as may be authorized by the Constitution of Alabama or Amendments thereto; nor shall the state be interested in any private or corporate enterprise, or lend money or its credit to any individual, association, or corporation except as may be expressly authorized by the Constitution of Alabama, or Amendments thereto. When authorized by laws passed by the Legislature the state may appropriate funds to be applied to the construction, repair, and maintenance of public roads, highways and bridges in the state. When authorized by appropriate laws passed by the Legislature the state may at a cost not exceeding ten million dollars engage in the work of internal improvement, or promoting, developing, constructing, maintaining, and operating all harbors and seaports within the state or its jurisdiction: provided, that such work or improvement shall always be and remain under the management and control of the state, through its state harbor commission, or other governing agency. When authorized by laws passed by the Legislature the state may engage in the construction, improvement, repairs and maintenance and operation of public airports, air landing fields and other air navigation facilities in the state of

Alabama and may appropriate money or otherwise provide funds for this purpose. The adoption of this Amendment shall not affect in any manner any other Amendment to the Constitution of Alabama which may be adopted pursuant to any act or resolution of this session of Legislature. [Amendment 58, approved November 5, 1945, amending and restating original section 93 and incorporating provisions of prior Amendments 1 and 12]

2. In addition to the authority heretofore granted it by section 93[1] of this Constitution as amended, and notwithstanding the provisions of section 213 of this Constitution as amended, and when authorized by appropriate laws passed by the Legislature, the state may, at a cost of not exceeding an additional ten million dollars engage in works of internal improvement by promoting, developing, constructing, maintaining and operating along navigable streams or waterways now or hereafter existing within the state all manner of docks, facilities, elevators, warehouses, water and rail terminals and other structures and facilities and improvements needful for the convenient use of the same, in aid of commerce and use of the waterways of the state: provided that any such work or improvements shall always be and remain under the management and control of the state through the Alabama state docks department or other state governing agency. When authorized by appropriate laws passed by the Legislature, the state may become indebted in an aggregate principal amount of not exceeding $10,000,000 for the purpose of carrying out the provisions of this Amendment and may cause to be issued its general direct obligation bonds for the repayment of such indebtedness and interest thereon and pledge the faith and credit of the state thereto. [Amendment 116, adopted December 17, 1957]

3. When authorized by appropriate laws passed by the Legislature, the state of Alabama may, in promoting and aiding the commercial flow of agricultural products within the state or in aid of commerce and use of the waterways of the state, at a cost not exceeding $2,000,000 engaged in works of internal improvement by promoting, developing, constructing, maintaining and operating within the state or along navigable streams and waterways now or hereafter existing within the state all manner of elevators, facilities, warehouses, docks, water and rail terminals and other structures and facilities and improvements needful for the convenient use of the same: provided that any such works or improvements shall always be and remain under the management and control of the state through the Alabama state docks department or other state governing agency and shall become part of the inland waterways facilities of the state. When authorized by appropriate laws passed by the Legislature, the state may, in addition to all other bonds of the state, become indebted in an aggregate principal amount of not exceeding $2,000,000 for the purpose of carrying out the provisions of this Amendment and may cause to be issued its general direct obligation bonds for the repayment of such indebtedness and interest thereon and pledge the faith and credit of the state thereto. [Amendment 274, adopted Dec. 5, 1967]

4. Any provision of the Constitution of Alabama or Amendments thereto to the contrary notwithstanding, the Legislature may by appropriate laws authorize the state to engage in works of internal improvement by fulfilling the requirements of local contribution, participation and cooperation now or hereafter established by the United States in connection with:

> (1) The construction and maintenance of a navigable waterway (herein called "the waterway") between Demopolis, Alabama, and the Tennessee river, and

(2) The implementation and maintenance of flood control projects on the tributary streams of the Tombigbee river (herein called "the flood control projects").

The Legislature may by appropriate laws authorize the state to become indebted and, in evidence of such indebtedness, to sell and issue its interest-bearing bonds, in an aggregate principal amount not exceeding $10,000,000, for the purpose of enabling the state to discharge obligations at any time authorized by the Legislature to be undertaken in connection with the waterway and the flood control project: provided, that the expenses incurred in connection with the sale and issuance of the bonds may also be paid from the proceeds thereof. Bonds evidencing the herein provided for indebtedness may be issued as direct general obligations of the state, and the state may pledge its full faith and credit to the prompt payment of the principal of the bonds and the interest thereon. The herein provided for indebtedness shall not be construed to prohibit or limit appropriations from the general fund of the state which from time to time may be made for the purpose of enabling the state to discharge obligations at any time authorized by the Legislature to be undertaken in connection with the waterway and the flood control projects.

The Legislature may by appropriate laws establish a public corporation and may confer upon it, in addition to all other necessary powers, full power to undertake the obligations that the state is permitted under the foregoing provisions of this Amendment to undertake in connection with the waterway and the flood control projects. The Legislature may from time to time appropriate money from the general fund of the state to be expended by such public corporation and may also authorize the herein provided for general obligation bonds of the state to be sold from time to time under the supervision of such public corporation: provided, that all moneys received by such public corporation from the state, whether as appropriations from the state's general fund or as proceeds of the sale of the state's bonds, shall be expended, except for reasonable administrative expenses, in discharging obligations that the state is permitted under the foregoing provisions of this Amendment to undertake in connection with the waterway and the flood control projects and shall have directed such public corporation to undertake in its stead. [Amendment 270, adopted Dec. 5, 1967]

5. Any provision of the Constitution of Alabama or Amendments thereto to the contrary notwithstanding, the state shall have the power to engage in works of internal improvement in connection with the development, construction, improvement, expansion, and modernization of the state docks facilities at the Port of Mobile.

The Legislature may by appropriate laws authorize the state to become indebted and, in evidence of such indebtedness, to sell and issue its interest bearing general obligation bonds, in an aggregate principal amount not exceeding forty-five million dollars ($45,000,000), for the purpose of paying costs of the development, construction, improvement, expansion and modernization of the state docks facilities at the Port of Mobile, as the said facilities may at any time exist. The full faith, credit, and taxing powers of the state are hereby pledged to the prompt and faithful payment at their respective maturities of the principal of and interest on the bonds. The said bonds may be additionally secured by any special pledges that may be provided for by the Legislature.

The Legislature may, by appropriate laws, provide for the organization of a public corporation with power to act for the state in the authorization, sale, issuance and approval of disbursement of proceeds of the said bonds and any bonds that may hereafter be issued for the purpose of refunding them. The said public corporation shall consist of the Governor, the director of finance, one member of the Senate, appointed by the president of the Senate, one member of the House of Representatives, appointed by the speaker and the director of the state docks department, each of whom shall be members of its board of directors.

The Legislature shall implement the provisions of this Amendment by appropriate legislation. [Amendment 338, adopted June 10, 1975]

6. The state of Alabama, through the Alabama state docks department, is authorized to convey, without consideration, title to its real property, equipment and facilities located in Lauderdale County, Alabama, and known as the Alabama state docks to the Florence-Lauderdale County port authority, a public corporation, but subject to existing leases and other contractual agreements now in effect. Any laws or parts of laws or any provisions of the Constitution of 1901, as amended, which are in conflict with this Amendment are hereby revised, superseded and repealed to the extent they are in conflict with this Amendment. [Amendment 443, adopted Nov. 8, 1983; re-stated without change in Amendment 454, adopted June 3, 1986]

The state of Alabama, through the Alabama state docks department, is authorized to convey, with consideration at a price to be established by the director of the Alabama state docks department and his appraisers, title to its real property, equipment and facilities located in Morgan County, Alabama, and known as the Alabama state docks to the Decatur-Morgan County port authority, a public corporation, and in Walker County, Alabama, known as the state docks in Cordova in Walker County to the Walker County commission, but subject to existing leases and other contractual agreements now in effect. Any laws or parts of laws or any provisions of the Constitution of 1901, as amended, which are in conflict with this Amendment are hereby revised, superseded and repealed to the extent they are in conflict with this Amendment. [Amendment 454, adopted June 3, 1986, re-writing and in effect amending Amendment 443, adopted Nov. 8, 1983, by eliminating the requirement of consideration for the conveyances of the Morgan County and Walker County docks]

The State of Alabama, through the Alabama State Docks Department, may convey, without consideration, title to its real property, equipment, and facilities located in Madison County, Alabama, and known as the Alabama State Docks, to the Huntsville-Madison County Marina and Port Authority, a public corporation. The conveyance shall be subject to existing leases and other contractual agreements now in effect. Any laws or parts of laws, or any provisions of the Constitution of Alabama of 1901, are revised, superseded, and repealed to the extent they are in conflict with this Amendment. [Amendment 556, adopted Nov. 8, 1994]

7. The state, notwithstanding [section 93 of the Constitution as amended] [93.1 hereof] and section 94 of the Constitution, may acquire, build, establish, own, operate and maintain hospitals, health centers, sanatoria and other health facilities. The Legislature for such purposes may appropriate public funds and may authorize counties, municipalities and other political subdivisions to appropriate their funds, and may designate or create an agency or agencies to

accept and administer funds appropriated or donated for such purposes by the United States government to the state upon such terms and conditions as may be imposed by the United States government. [Amendment 53, adopted Nov. 5, 1946]

8. The Legislature may form or provide for the formation of districts for establishing and maintaining a drainage system; for the building and maintaining of public roads, and for building and maintaining a seawall or other protection against waves, storm or flood therein; and provide for the assessment of the whole or part of the cost of such improvements against the land in such districts to the extent of the increased value of such land by reason of the special benefits derived from such improvements, and may provide for issuance of bonds by such district with or without an election. Provided the provisions as to road and seawall shall apply only to Mobile and Baldwin counties**.** [Amendment 15, approved Nov. 4, 1924]

9. ***Section 1.*** The Legislature may form or provide for the formation of drainage districts for establishing and maintaining drainage systems; and provide for the assessment of the whole or part of the cost of such improvements against the lands and property in such district to the extent of the increased value thereof by reason of special benefits derived from such improvements and may provide for the issuance of bonds for such districts with or without an election.

Section 2. This Amendment shall be retroactive and retrospective and shall operate to ratify, confirm and validate the act of the Legislature of Alabama, which act provided for the drainage of farm, wet, swamp and overflow lands in the state of Alabama and authorized the organization of drainage districts, conferred the right of eminent domain to the extent necessary to carry out the purpose of said act and provided for raising of revenues by bond issue or otherwise to pay the cost and expense of installing and maintaining drainage systems so as to promote the public health and general welfare and, which act was approved March 4, 1915; and this Amendment shall operate to confirm and validate all corporate organizations under authority of such law, all procedure had, all acts done, all bonds issued, contracts entered into and assessments made by such corporations under authority of such law. [Amendment 22, approved November 28, 1928; somewhat duplicates Amendment 15 section 93.8 above, perhaps to validate the cited legislation]

10. The Legislature may by general, special or local laws authorize the formation of a body corporate for the development of one or more irrigation districts for the purposes of providing irrigation and water conservation in the state of Alabama, and may authorize the counties and municipalities lying within the boundaries of such district or districts to contribute public funds to such body corporate, and may authorize such body corporate to enter into contract with the government of the United States or any agency thereof, and with other states or political subdivisions thereof, and with other bodies corporate organized within this or other states for the development of one or more irrigation districts in the state of Alabama, and may authorize such body corporate to issue revenue bonds payable solely out of revenues accruing to such body corporate, and may authorize such body corporate to do and perform all other such acts necessary and proper for the full development of said Alabama irrigation district or districts provided, however, nothing herein shall authorize any such public corporation to engage in or finance, directly or indirectly, the production, transmission or sale of electric power. [Amendment 227, adopted Dec. 13, 1965]

11. ***Section 1.***

The Legislature may provide for the formation of water management districts for the establishment of works of improvement for the drainage of wet, swamp, and overflowed lands of the state, and for flood prevention or the conservation, development, utilization, and disposal of water within the state; confer the right of eminent domain for such purposes, provide for the taxing of the whole or part of the cost of such improvements against the lands and property in such district to the extent of the increased value thereof by reason of special benefits derived from such improvements; and provide for the issuance of bonds for such districts with or without an election: provided, however, that nothing herein shall authorize any such water management districts to engage in or finance, directly or indirectly, the production, transmission or sale of electric power.

Section 2.

The provisions of this Amendment are cumulative and shall not be construed to repeal Amendment XV [15] [section 93.8 above] or Amendment XXII [22] [section 93.9 above]. [Amendment 257, approved Nov. 8, 1966]

12. The Legislature by general law may provide for the creation and organization of a commission charged with the responsibility of improving soil and water conservation and forestry practices within the state, and in order to further the carrying out of that responsibility the Legislature may appropriate moneys to such commission for the purpose of meeting the expenses of the commission and to allow the commission to share, through a cost-sharing award or grant program, the costs of soil conservation projects and practices, water quality improvements, reforestation projects and improved forestry practices on or with respect to agricultural or timber lands in the state owned or operated by individuals or other types of persons specified by the Legislature, [any foregoing provisions of section 93] [sections 93] and [section] 94 of this Constitution, as amended, to the contrary notwithstanding. In any law enacted by the Legislature respecting soil and water conservation cost-sharing grants as contemplated hereby, the Legislature shall provide for the powers of the commission and for the receipt, withdrawal, disbursement and expenditure by such commission of any appropriated moneys and other funds received by the commission to fund its expenses and cost-sharing programs. The Legislature shall provide that such commission shall consist of such citizens of the state [as] may be designated by law by the Legislature: provided that [the] Legislature may designate as ex officio members of the commission persons who are holders of other public offices or officers of such private organizations and associations as the Legislature may designate that are interested in agricultural or timber property and soil and water conservation practices related thereto. Moneys appropriated to such commission for cost-sharing grants to be made pursuant to criteria provided by the Legislature or promulgated by the commission pursuant to legislative delegation of the power so to do, shall be invested by the commission at its direction, or retained in the state treasury as the commission shall determine, until expended at the direction of the commission: provided that none of such appropriated moneys shall revert to the fund or funds from which they were appropriated in the event such moneys remain undisbursed or unencumbered on the last day of the fiscal year of the state in which they were appropriated to the commission, but rather shall remain available for disbursement by the

commission in its programs in subsequent fiscal years. [Amendment 451, approved May 14, 1985]

13. Any [foregoing] provision of section[s] 93 or [any provision of section] 104 of the Constitution to the contrary notwithstanding and either with or without compliance with section 106 of the Constitution, the Legislature shall have full power and authority to enact laws to provide for the formation of a public body corporate which shall be an instrumentality of the state for purposes of development, management, and control of the Alabama portion of the Elk river watershed area, in Lauderdale and Limestone counties, and any such legislation which may have been enacted by the 1965 Legislature authorizing the formation of such public bodies corporate is hereby ratified, confirmed, and given full effect in all respects. [Amendment 243, adopted Nov. 30, 1965]

14. The Legislature may by general, special, private or local laws authorize the formation in any manner of a public corporation for the development of Bear Creek, its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation, and related purposes, and may authorize the counties of Marion, Colbert, Franklin and Winston and all municipalities lying within Marion, Colbert, Franklin and Winston counties to donate or contribute public funds to such public corporation and may authorize such public corporation to enter into contracts with the United States of America or any agency thereof, and with the several states or political subdivisions thereof, and with other public or private corporations organized within any of the several states, for the development of the Bear Creek watershed, and may authorize such public corporation to acquire by purchase, construction, lease, gift, condemnation, or otherwise property of any kind, real, personal or mixed, to mortgage or sell its property and to issue revenue bonds and other revenue securities payable solely out of revenues accruing to such public corporation, and may exempt such public corporation from all taxation in the state of Alabama, and may grant such public corporation all other powers and privileges which may be necessary and proper for the full development of said Bear Creek watershed. The provisions of sections 106, 222 and 225 of the Constitution of Alabama shall not apply to any public corporation which may be organized pursuant to enabling legislation herein authorized or to any revenue bonds and other revenue securities at any time issued by such public corporation. Such public corporation shall be deemed a political subdivision of the state of Alabama. Nothing herein shall authorize any such public corporation to engage in or finance, directly or indirectly the production, transmission, or sale of electric power. The area comprising the Bear Creek watershed shall include such land defined in enabling legislation herein authorized as shall lie within the counties of Marion, Colbert, Franklin and Winston. [Amendment 247, adopted Nov. 30, 1965]

Section 94. Political Subdivisions Not to Grant Public Money or Lend Credit to Individuals or Corporations; Alienation of Recreational Facilities and Housing Projects by Political Subdivisions and Public Bodies; Expenditures by Local School Boards of Education for Recognition of Contributions to Public Education; Promotion of Economic and Industrial Development in Certain Counties and Municipalities Therein; Tax Increment Districts in Counties and Municipalities.

1. **(a)** The Legislature shall not have power to authorize any county, city, town, or other subdivision of this state to lend its credit, or to grant public money or thing of value in aid of, or to any individual, association, or corporation whatsoever, or to become a stockholder in any corporation, association, or company, by issuing bonds or otherwise. The Legislature may enact general, special, or local laws authorizing political subdivisions and public bodies to alienate, with or without a valuable consideration, public parks and playgrounds, or other public recreational facilities and public housing projects, conditional upon the approval of a majority of the duly qualified electors of the county, city, town, or other subdivision affected thereby, voting at an election held for that purposes.

(b) Notwithstanding the provisions of subsection (a), local school boards of education may expend public funds for the recognition of significant contributions to education in Alabama and to promote educational excellence by students, faculty, staff, and the public. Recognitions shall be in the form of trophies, plaques, academic banquets, and other honors that promote academic excellence in the public schools of Alabama and recognize special deeds that strengthen public education in Alabama. [Amendment 558, approved Nov. 8, 1994, amending and restating section 94, as previously amended and restated by Amendment 112, approved Aug. 28, 1956]

2. For the promotion of local economic and industrial development, the governing body of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa counties and of each municipality situated in said counties, other provisions of law or this Constitution notwithstanding, shall each have, independently or in cooperation with one or more of such governmental entities in such counties, full and continuing power:

> (a) To purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site, or industrial park, projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and
>
> (b) To lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county, or of municipality exercising such power, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by any such county or municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and operating of, industrial, transportation, distribution, warehouse or research facilities, and of office and other facilities auxiliary to the foregoing.

Nothing herein shall authorize the counties named, or any municipality there, to construct residential or any other buildings for the purpose of lease or sale. In carrying out the purposes of this Amendment, neither the governing bodies of the counties named herein above, nor of any municipality situated in said counties to which this Amendment is or becomes applicable, shall be subject to the provisions of section[s] 93[.1(a)] or [section] 94 of the Constitution of Alabama, as amended.

The provisions [hereof] [of this Amendment] shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the governing body of such counties, or of any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this state.

The names and addresses of all parties involved in conveyances of land herein provided, and the amount of any monies paid or received, shall be published in the newspaper in the county with the largest circulation.

[This Amendment] [The provisions hereof] shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the Legislature of Alabama; nor shall this Amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said Legislature.

Furthermore, no County or municipality shall sell any real property acquired under the authority hereof for a price less than its actual purchase and development cost of such property, unless:

(a) The price be approved at a public meeting of the governing body of such county or municipality; and

(b) At least fourteen (14) days prior to such public meeting at which such price is approved by such governing body, it has published notice in the newspaper with the largest circulation in the county in which the property is located stating:

(1) The acreage proposed to be sold,

(2) The section or sections or subdivisions of record in which the property is located,

(3) The price per acre at which sale is proposed to be made, and

(4) The place where a map of the property can be examined by the public; and

(c) The price thus approved is no less than the price advertised as aforesaid: provided, however, that should any real property be acquired for any purpose authorized by this Amendment by eminent domain pursuant to other legislative authority as aforesaid, such property shall not be sold, in any event, for less than the price determined and paid pursuant to the orders of the court in such condemnation proceedings. Provided further, that no municipality shall acquire real property in unincorporated areas without a prior consent thereto as expressed in a resolution by the county governing body. Provided further, that no County or municipality shall acquire real property which is located in

another county or municipality without such other county's or municipality's prior consent thereto as expressed in a resolution by its governing body. Nothing in the provisions [hereof] [of this constitutional Amendment] shall be construed to allow construction of dormitories or other type housing on or off university or college campuses. [Amendment 429, approved Nov. 17, 1982]

3. Any other provision of the Constitution heretofore adopted to the contrary notwithstanding, the Legislature is hereby authorized:

To enact legislation permitting municipalities and counties to establish tax increment districts, as may be defined in such legislation;

To authorize the payment to any such municipality or county of the increase in ad valorem taxes resulting from the redevelopment or revitalization of any such district except to the extent that any such payment would jeopardize the payment of any bonded indebtedness secured by any tax applicable in the proposed district;

And subject to the mutual agreement of the municipality and County affected thereby to provide that all such increases in ad valorem taxes shall be payable to such municipality or county until the indebtedness or costs incurred for any project have been paid in full;

To provide that public moneys, including the proceeds of obligations issued by the municipality or county for such purposes, may be expended for the acquisition of property and the redevelopment, rehabilitation or conservation thereof which may be disposed of to or for the benefit of private interest for compensation established by the governing body of county or municipality, as the case may be which established such district, but for not less than the fair market value thereof determined by one or more independent appraisals of such property; and

To provide that any such obligations shall not be chargeable against the constitutional debt limit of the issuer unless such obligations shall be general obligations of the issuer in addition to being payable from such increases in property taxes.

Any legislation passed at the same session of the Legislature at which this Amendment is proposed, which shall be in furtherance of or in implementation of the authority hereby granted is hereby validated and confirmed. [Amendment 475, approved March 8, 1988]

Section 94-A. Autauga County: Economic Development of Autauga County and Municipalities Therein.

Autauga County and the incorporated municipalities therein, jointly or severally, after an election held in accordance herewith shall have full and continuing power and authority to:

1. Purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. Lease, sell for cash or on credit, exchange, or give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. Promote local industrial, commercial, or agricultural development and the location of new industries or businesses therein;

4. Become a stockholder in any corporation, association or company;

5. Lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever;

6. Become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment) be issued upon the full faith and credit of the county or municipality or may be limited as to the source of their payment;

7. Levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in the county or in any municipality in Autauga County or upon all property in any district to be specially improved and benefitted by any proposed use or expenditure of the proceeds of such tax;

8. Pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

9. Create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of Autauga County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon the county or any municipality.

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full.

The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of Autauga County or any municipality therein for the purpose of determining their borrowing capacity under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all Amendments thereto.

This Amendment shall be self-executing; but the Legislature may enact laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth.

Neither the county nor any municipality therein shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the locality affected thereby. The governing body of the county or any municipality may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks in a newspaper of general circulation in the county. [Amendment 183, adopted Dec. 5, 1961]

Section 94-B. Bibb County: Economic Development of Bibb County and Municipalities Therein.

Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, the county governing body and/or any municipality in Bibb County, or any one or more of them, shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein;

4. To become a stockholder in any corporation, association or company;

5. To lend its credit or to grant public moneys and things of value in aid or [of], or to, any individual, firm, association, or corporation whatsoever;

6. To become indebted and to issue and sell interest-bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers of authorities granted in this Amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment)

be issued upon the full faith and credit of the county or municipality or may be limited as to the source of their payment;

7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in the county or any municipality in Bibb County or upon all property in any district the boundaries of which the governing body of the county or a municipality shall describe and which it shall determine to be specially improved and benefitted by any proposed use or expenditure of the proceeds of such tax;

8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocable [irrevocably] to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

9. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of the county or any municipality in Bibb County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon the governing body of the county or any municipality in Bibb County.

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full.

The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of the county or any municipality in Bibb County for the purpose of determining the borrowing capacity of the county or any such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all Amendments thereto.

This Amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth.

Neither the county nor any municipality shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been

approved by a majority of the qualified electors of the county or the affected municipality. The governing body of the county or any municipality in the county may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks [Amendment 312; approved Jan. 18, 1972]

Section 94-C. Blount County: Economic Development of Municipalities in Blount County.

Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, any municipality in Blount County, or any one or more of them, shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. To lease, sell for cash or on credit, exchange, or give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein;

4. To become a stockholder in any corporation, association or company;

5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever;

6. To become indebted and to issue and sell interest-bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment) be issued upon the full faith and credit of the municipality or may be limited as to the source of their payment;

7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in any municipality in Blount County or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefitted by any proposed use or expenditure of the proceeds of such tax;

8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

9. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of any municipality in Blount County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon any such municipality.

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full.

The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of any municipality in Blount County for the purpose of determining the borrowing capacity of such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all Amendments thereto.

This Amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth.

10. No municipality shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of such municipality. The governing body of any municipality may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks. [Amendment 95; approved Nov. 4, 1952]

Section 94-D. Bullock County: Economic Development of Bullock County; Membership and Powers of Bullock County Development Authority.

A. Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, Bullock County shall have full and continuing power and authority to do any one or more of the following: provided that such action is first approved by a majority of the qualified electors of the county who vote at an election held for such purpose.

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. To lease, sell for cash or on credit, exchange, or give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. To promote local industrial, commercial, or agricultural development and the location of new industries or businesses therein;

4. To become a stockholder in any corporation, association, or company;

5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever;

6. To become indebted and to issue and sell interest-bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subsection 9 of this Amendment) be issued upon the full faith and credit of the county or may be limited as to the source of their payment;

7. To levy and collect, in addition to all other taxes now authorized or permitted, a special County privilege license tax or taxes of not exceeding one percent paralleling the state sales and use taxes imposed by chapter 20 of Title 51, Code of Alabama (1940) as amended;

8. To construct a dam or system of dams, and to acquire a site or sites therefor, on any public stream flowing within the county for the purpose of impounding waters to be used in irrigation projects, or in generating hydroelectric power, or in providing recreational facilities, or for other purposes, and to accept any funds by way of gift, grant, or loan from the federal government, or any agency or instrumentality thereof, for the purpose of constructing such dam or system of dams;

9. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

10. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of Bullock County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its

board or governing body all powers and authority conferred in this Amendment upon the county.

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full.

The bonds, warrants, notes, or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of Bullock County for the purpose of determining the borrowing capacity of such county under section 224 of the Constitution.

This Amendment shall be self-executing; but the Legislature shall have the power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth. [Amendment 128, approved Dec. 17, 1957]

B. As used in this [subsection B] [Amendment], "the authority" means the Bullock County development authority authorized and established pursuant to [Amendment 128 to this Constitution] [subsection A hereof]; "board" means the governing body of the authority; "member" means a member of the board; "commission" means the Bullock County commission; "jail and County buildings" means the Bullock County jail or other facility for holding prisoners and shall include any building owned and construed [constructed] by the county or a building authority and occupied by the county, or a state or federal government agency or entity; "building authority" means the entity established or to be established to finance and construct a jail and County buildings; and "industrial tax" means the tax authorized and imposed under the authority of [Amendment 128 of this Constitution] [subsection A hereof].

The authority is hereby granted continuing and permanent status. The membership of the authority is hereby fixed at seven (7). Each member shall serve a term of six (6) years and shall not serve more than two consecutive terms: provided however, that a member shall continue to serve until a successor is appointed. When a vacancy occurs or upon expiration of a term of a member, the remaining members shall nominate three reputable citizens interested in County development and present their names to the commission which by majority vote shall appoint one of the nominees to the board. If the commission fails to appoint one of the original nominees [nominees], the remaining members shall nominate three additional citizens in accordance with the aforementioned procedure. If the commission fails to appoint one of the six nominees, then the remaining members shall continue to submit nominees according to the aforementioned procedure until the commission appoints a member.

All expenditures, bids and contrcts [contracts] respecting the industrial tax, except those made by the building authority, shall be in the name and under the control of the authority: provided, however, except as provided in the third sentence of this paragraph, no industrial tax funds shall hereafter be expended without the approval of the commission. The authority may borrow money and expend funds for educational and health purposes and to enhance or develop other

resources for the purpose of attracting industry to Bullock County. The authority may expend or appropriate or pledge or contract to pay over to the building authority for as long as its original issue of bonds or warrants is outstanding not more than one-half of the industrial tax revenues, subject to all prior commitments thereof for debt service, debt retirement or other debt repayment, for the purpose of constructing, financing or maintaining a jail or county buildings, or to assist the building authority in doing so, or for educational purposes: provided that such expenditures shall not impair the debts of the authority, and the industrial tax shall not be pledged to secure debts incurred for construction or maintenance or any other purposes except those provided for in this [Amendment] [subsection B] or in [Amendment 128 to this Constitution] [subsection A hereof].

The rentals and obligations of the county under any lease entered into by the county with the building authority shall not be charged against the county's constitutional debt limit, regardless of the duration of the lease.

Act No. 81-838 of the 1981 Regular Session is hereby validated and declared to be fully effective according to its scope and tenor. The tax authorized by said act or by Act No. 81-1028 of the 1981 Second Special Session and any other tax for a jail or county buildings authorized by any act of the Legislature in the 1981 or 1982 regular or special sessions shall not exceed one-half of one percent and any such tax shall be imposed only until the original issue of bonds or warrants for such construction is paid.

The tax authorized and permitted by sections 40-12-4 through 40-12-8 of the Code of Alabama 1975 for educational purposes is hereby fixed at one-half of one percent in Bullock County. Provided, however, the commission may levy an additional one-half of one percent tax provided by the aforementioned code section if the county board of education revenues fall below 1980-81 levels from all sources including funding provided by the authority. The industrial tax is hereby declared to parallel the state sales and use taxes and such tax shall be collected by the Alabama department of revenue.

Any changes in tax rates or tax collections required [herein] [by this Amendment] shall be accomplished within ninety days from the effective date [Amendment approved Nov. 2, 1982] of [this Amendment] [the provisions hereof]. [Amendment 431, approved Nov. 2, 1982]

Section 94-E. Calhoun County: Acquisition, Development, etc., of Industrial Parks by City of Anniston; Industrial Sites and Industrial Park Projects in Calhoun County and Municipalities Therein; Promotion of Industry, Trade, and Economic Development in Calhoun County; Appropriation by City of Anniston in Calhoun County for East Alabama United Cerebral Palsy Center.

A. Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, the governing body of the city of Anniston shall have full and continuing power and authority, to do any one or more of the following:

1. To acquire and develop one or more parcels of land as the site or sites for an industrial park or industrial parks; and to expend or grant public money and things of value for such

acquisition and development. The development of land as the site for an industrial park shall be deemed to include the provision of water, sewage, drainage, transportation, power and communication facilities, and other similar facilities, which are incidental to the use of the land as an industrial park, and also shall be deemed to include the provision of structures or buildings of any kind or type whatsoever relating to the use of the land,- structures and/or buildings as an industrial park.

2. To sell to any person, firm, partnership, corporation or other entity all or any part of any land, together with the improvements thereon, held by it as an industrial park: provided, however, that no such sale may be made for less than the reasonable market value of the property so sold, as such value may be established by the appraisals of at least two independent appraisers. Prior to making any sale of any property comprising all or part of an industrial park, said city shall cause appraisals of the market value of the property to be so sold to be made by at least two independent appraisers, and shall cause a copy of each such appraisal to be filed in the permanent records of said city. Each such appraisal shall be made not earlier than 180 days prior to the consummation of such sale. In any case where each appraisal obtained pursuant to the provisions hereof sets forth a different value, the average of the market values stated in the separate appraisals shall be deemed to constitute the reasonable market value of the property.

3. This Amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth.

4. Said city shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved and recommended to the governing body of said city by a majority vote of all the members of the industrial development board of the city of Anniston, or its successor, at a duly convened meeting of said board, said approval and recommendation to be evidenced by a certified copy of a resolution duly passed and adopted by said board and delivered to the city clerk of said city and unless and until the governing body of said city passes and adopts an ordinance approving and authorizing such proposition: provided, however, no ordinance shall be passed and adopted by the governing body of said city under the provisions hereof unless and until the proposed ordinance has been published at least once a week for three consecutive weeks in a newspaper of general circulation published within said city, together with a notice stating the time and place that the ordinance is to be considered by said governing body and stating further at such time and place all persons who desire shall have an opportunity of being heard in favor of or in opposition to such ordinance. The first publication of the proposed ordinance, together with said notice, shall be made not less than 18 days in advance of the passage and adoption of such proposed ordinance. [Amendment 376, approved Nov. 7, 1978]

B. For the promotion of local economic and industrial development, Calhoun County and each municipality situated in said county, shall, other provisions of law or this Constitution notwithstanding, have, independently or in cooperation with one or more of such governmental entities, full and continuing power:

(a) To purchase, lease or otherwise acquire land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial sites or industrial park projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects,

(b) To lease, sell, grant, exchange or otherwise convey, on terms approved by the governing body of such county or municipality, all or any part of any such project to any person, firm or corporation, public or private, including any industrial development board, other public corporation, or authority heretofore or hereafter created by the county or any municipality therein, for the purpose of constructing or developing thereon, by such purchaser or leasee, and equipping and operating, industrial, transportation, distribution, warehouse or research facilities, and offices and other facilities auxiliary to the foregoing, and

(c) To grant public funds to such industrial development boards, public corporations or authorities. Nothing herein shall authorize the county, or any municipality therein, to construct buildings for the purpose of lease or sale.

In carrying out the purposes of this Amendment, neither Calhoun County nor any municipality in said county shall be subject to the provisions of sections 93 or 94 of the Constitution of Alabama, as amended, and the Legislature shall have the power, by special or local law, to create, or provide for the creation of, any public corporation, authority, board, agency, or other entity empowered or intended to assist or aid in any way Calhoun County or any municipality therein in carrying out the purposes of this Amendment and such special or local law shall not be subject to the provisions of sections 104 and 106 of this Constitution, as amended.

The provisions of this Amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to such county, or to any municipality therein, or to any agency, board, or authority created pursuant to the laws of this state.

No action may be taken under this Amendment by the said county or any of the municipalities therein until after the question of whether the county and the said municipalities shall have the authority to take such action shall have been submitted to the qualified electors of the county at an election called for that purpose by the governing body of the county and a majority of the said qualified voters voting at the said election shall have voted in favor of the county and the said municipalities having the authority to take such action: provided, that if a majority of the qualified electors of the county participating in the election on the adoption of this Amendment shall vote for the adoption thereof, then the approval of this Amendment expressed by said vote in favor of its adoption shall of itself authorize the taking of any and all action provided for in the first sentence of this Amendment and no additional election by the electors of the county shall ever be required to authorize the taking of any such action.

If the majority of the qualified electors of the county participating in the election on the adoption of this Amendment shall not vote in favor of the adoption of this Amendment, or if the majority of the qualified electors of the county voting in any election called by the governing body under

the provisions of this Amendment should not vote in favor of the county and the municipalities having the authority to take such action at an election so called, the governing body of the county may from time to time call other elections hereunder on the question of whether the county and the municipalities therein shall be authorized to take such action, but not more than one such election shall be held during any period of twelve consecutive months. Any such election called by the governing body of the county shall be called, held, conducted and canvassed and may be contested in the manner and within the time provided by the then existing general laws of Alabama pertaining to elections on the issuance of bonds by counties. Any such election shall be conclusive on the question of whether the county and the municipalities therein shall have the authority to take such action and it will not thereafter be necessary for an election to be held in connection with each exercise by either the county or the municipalities of the power and authority granted them by the provisions of the first sentence of this Amendment. [Amendment 415, adopted Sept. 28, 1982]

C. (a) The Legislature may, by general, local, or special law, provide for the creation, incorporation, organization, operation, administration, authority, and financing of a public corporation empowered or intended to assist or aid in any way Calhoun County or any municipality there in promoting industry, trade, and economic development of Calhoun County and each municipality situated in the county, and the Legislature may grant the corporation all powers, rights, privileges, exemptions, and authority as the Legislature considers necessary or desirable for the furtherance and accomplishment of the purposes of the public corporation. The passage and enactment of Act No. 82-222 of the 1982 Regular Session of the Alabama Legislature, and all terms and provisions of Act No. 82-222, are approved, ratified, and confirmed in all respects, any provision of the Constitution of Alabama of 1901, as amended, to the contrary notwithstanding, and Act No. 82-222 shall be effective from and as of the date of its passage and approval by the Governor during the 1982 Regular Session of the Alabama Legislature. Any act enacted during the 1993 Regular Session of the Alabama Legislature, or during any subsequent regular or special session of the Alabama Legislature, in Amendment of or supplementary to Act No. 82-222 shall be effective as of the date of its passage by the Legislature and approval by the Governor, or upon its otherwise becoming a law. The creation, incorporation, organization, operation, administration, authority, and financing of the Calhoun County Economic Development Council is approved, ratified, and confirmed from and as of the date of passage and approval by the Governor of Act No. 82-222 during the 1982 Regular Session of the Alabama Legislature. All actions taken, and all obligations, whether secured or unsecured and whether general or limited as to the source of payment, incurred or assumed, in the name and on behalf of the Calhoun County Economic Development Council by any directors, officers, employees, representatives, or agents thereof in furtherance of the powers and purposes of the council as set forth in Act No. 82-222, as the same may be at any time amended or supplemented, prior to the date this Amendment is proclaimed ratified, are approved, ratified, and confirmed as fully effective for all purposes from and as of the respective dates of which the actions were taken and the obligations were incurred or assumed.

(b) This Amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Calhoun County voting on the proposition. The referendum shall be

held at the same time as the election for the ratification of this act, as provided for in section 2 of this act, and no further election shall be required. [Amendment 563, adopted Nov. 8, 1994]

D. The governing body of the city of Anniston in Calhoun County is hereby authorized to appropriate the sum of $35,000.00 from public funds on a one-time basis only to the East Alabama United Cerebral Palsy Center for the cost of its complex at the Jaycee park. [Amendment 494, adopted Nov. 8, 1988]

Section 94-F. Chambers County: Promotion of Industry, Trade, and Economic Development in Chambers County.

The Legislature, by general, local, or special law, may provide for the creation, incorporation, organization, operation, administration, authority, and financing of a public corporation empowered or intended to assist or aid in any way Chambers County or any municipality therein in promoting industry, trade, and economic development of Chambers County and each municipality situated in the county, and the Legislature may grant the corporation all powers, rights, privileges, exemptions, and authority as the Legislature considers necessary or desirable for the furtherance and accomplishment of the purposes of the public corporation. [Amendment 678, approved Nov. 7, 2000]

Section 94-G. Chilton County: Promotion of Economic and Industrial Development in Chilton County.

For the promotion of local economic and industrial development of Chilton County, the Chilton County Commission and the city council of each municipality located in the county, shall have, independently or in cooperation with one or more of such governmental entities, full and continuing power to do any of the following:

(1) Purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery, and equipment of any kind.

(2) Lease, sell for cash or on credit, exchange, give and convey any such property described in subsection (1) above, to any person, firm, association, or corporation.

(3) Promote local industrial, commercial, or agricultural development and the location of new industries or businesses therein.

(4) Become a stockholder in any corporation, association, or company.

(5) Lend its credit or to grant public moneys and things of value in aid of, or to any individual, firm, association, or corporation whatsoever.

(6) Become indebted and to issue and sell bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding 50 percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the

purchase, construction, lease, or acquisition of any of the property described in [subsection] (1) or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness may be issued upon the full faith and credit of the county or any such municipality or may be limited as to the source of their payment.

(7) Create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of the county or any such municipality may impose, by approving and filing a certificate to that effect in the office of the Judge of Probate or the Secretary of State, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon the county or any such municipality.

The recital in any bonds, warrants, notes, or other obligations or evidences of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized shall be conclusive, and no purchaser or holder thereof need inquire further.

The bonds, warrants, notes, or other obligations or evidences or indebtedness issued hereunder shall not be considered an indebtedness of the county or any such municipality for the purpose of determining the borrowing capacity of the county or any such municipality under section 224 or section 225 of the Constitution of Alabama of 1901. In carrying out the purposes of this Amendment, neither the county nor any such municipality shall be subject to the provisions of section 94 of the Constitution of Alabama of 1901.

This Amendment shall be self-executing, but notwithstanding any contrary provisions of section 104 of the Constitution of Alabama of 1901, the Legislature may by general, special, or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth. No such special or local act shall be subject to the provisions of section 106 of the Constitution of Alabama of 1901.

Nothing contained herein shall be deemed to confer upon the Chilton County Commission or the City Council of any municipality located in the county, or any public authority created pursuant to this Amendment, the authority to purchase, construct, lease, control or otherwise acquire or operate telecommunications facilities, cable facilities or electric generating, transmission or distribution facilities, lines or equipment. [Amendment 679, approved Nov. 7, 2000]

Section 94-H. Clarke County: Economic Development of Clarke County and Municipalities Therein; City of Jackson Port Authority.

A. Clarke County and the incorporated municipalities therein, jointly or severally, after an election held in accordance herewith shall have full and continuing power and authority to:

1. Purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. Lease, sell for cash or on credit, exchange, or give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. Promote local industrial, commercial, or agricultural development and the location of new industries or businesses therein;

4. Become a stockholder in any corporation, association or company;

5. Lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever;

6. Become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment) be issued upon the full faith and credit of the county or municipality or may be limited as to the source of their payment;

7. Levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in the county or in any municipality in Clarke County or upon all property in any district to be specially improved and benefitted by any proposed use or expenditure of the proceeds of such tax;

8. Pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

9. Create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of Clarke County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon the county or any municipality.

The recital in any bonds, warrants, notes, or other obligations or evidences of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full.

The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of Clarke County or any municipality therein for the purpose of determining their borrowing capacity under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all Amendments thereto.

This Amendment shall be self-executing; but the Legislature may enact laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth.

Neither the county nor any municipality therein shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the locality affected thereby. The governing body of the county or any municipality may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks in a newspaper of general circulation in the county. [Amendment 217, approved Dec. 10, 1963]

B. ***Section 1.*** The governing body of the city of Jackson, Clarke County, Alabama, is hereby authorized to declare by the adoption of appropriate resolution, the need for the formation of a public corporation to carry out the provisions of this act. Upon the adoption of such resolution the governing body of the city of Jackson shall appoint five persons, each of whom must be a duly qualified elector and property owner in the said city of Jackson, who shall form the board of directors of such corporation and shall proceed to organize such corporation.

Section 2. **(a)** The certificate of incorporation shall set forth:

(1) The names and resident addresses of the persons forming the corporation, together with a recital that each of them is a duly qualified elector of and property owner in the city of Jackson;

(2) The name of the corporation;

(3) A recital that the governing body of the city of Jackson has declared by the adoption of an appropriate resolution the need for the formation of the corporation;

(4) The location of the principal office of the corporation;

(5) A statement that the corporation is organized for the purposes set forth in this Amendment with all the powers and authorities specified in this Amendment;

(6) The period of the duration of the corporation; and

(7) Any other matters which the persons forming the corporation may choose to insert therein which shall not be inconsistent with this Amendment or with the laws of the state of Alabama

(b) The name designated for the corporation in the certificate of incorporation shall be one indicating the purpose thereof, such as the "city of Jackson port authority" or some other name of similar import.

(c) The certificate of incorporation shall be subscribed and acknowledged by each of the persons forming the corporation before an officer or officers authorized by the laws of the state of Alabama to take acknowledgments to deeds, and the certificate of incorporation shall have attached thereto a certified copy of the resolution provided for in section 1, and a certificate by the secretary of state that the name proposed for the corporation is not identical with that of any other corporation in the state or so nearly similar thereto as to lead to confusion and uncertainty.

Section 3. The certificate of incorporation, when executed and acknowledged in conformity with section 2, shall be filed with the judge of probate of Clarke County and with the secretary of state. The judge of probate shall thereupon examine the certificate of incorporation and, if he finds that the recitals contained therein are correct, that the requirements of section 2 have been complied with, and that the name is not identical with or so nearly similar to that of another corporation already in existence in this state so as to lead to confusion and uncertainty, he shall approve the certificate of incorporation and record it in an appropriate book or record in his office and shall also file the certificate of incorporation with the secretary of state. When such certificate is so filed, the corporation referred to therein shall come into existence and shall constitute a public body corporate and politic, vested with the rights and powers herein granted.

Section 4. The certificate of incorporation of the corporation incorporated under the provisions of this Amendment may at any time and from time to time be amended in the manner provided in this section. The board shall first adopt a resolution adopting an amendment to the certificate of incorporation which shall be set forth in full in the said resolution and which amendment may include any matters which might have been included in the original certificate of incorporation.

After the adoption of the resolution proposing an amendment to the certificate of incorporation of the corporation by the board, the president and secretary of the board shall sign and file for record in the office of the judge of probate in Clarke County and in the office of the secretary of state a certificate in the name of and in behalf of the corporation under its seal, reciting the adoption of said resolution by the board. The judge of probate for Clarke County shall thereupon record such certificate in an appropriate book in his office. When such certificate has been so filed and recorded, such Amendment shall become effective, and the certificate of incorporation shall thereupon be amended to the extent provided in the Amendment.

Section 5. **(a)** The corporation shall have a board of directors in which all of the powers of the corporation shall be vested pursuant to its authority, and which shall consist of five members. The directors shall be appointed by the governing body of the city of Jackson; the places on the board shall be numbered from one through five as follows, and the terms of office of the directors shall be staggered, and, to that end, the initial terms of office of the initial directors shall be as follows:

Two (2) years as to Place One;

Three (3) years as to Place Two;

Four (4) years as to Place Three;

Five (5) years as to Place Four; and

Six (6) years as to Place Five.

After the initial terms as to each such place on the board, the terms of office as to that place shall be four (4) years.

Only members of the city council of the city of Jackson, then serving as such, shall be eligible for appointment to and, except as hereinafter shown, may serve in Place Three on said board. If any director resigns or dies or becomes incapable of acting as a director or ceases to reside in the city of Jackson or is otherwise disqualified to act, the governing body of the city of Jackson shall appoint a successor to serve for the unexpired term. Directors shall be eligible for reappointment to succeed themselves in office, if they are otherwise qualified to serve. If at the expiration of any term of office of any director, or, if the director serving in Place Three ceases to be a member of the city council of the city of Jackson, and a successor to such director shall not have been appointed, then and in either such event such director shall nevertheless continue to hold such office until a qualified successor has been appointed.

(b) A majority of the members of the board shall constitute a quorum for the transaction of business, but any meeting of such board may be adjourned from time to time by a majority of the directors present or may be so adjourned by a single director if such director is the only director present at such meeting. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and duties of the authority. Any matter in which the board is authorized to act may be acted upon at a regular, special or called meeting. At the request of any director, the vote on any question before the board shall be taken by ayes and nays entered upon the record. All proceedings of the board shall be reduced to writing by the secretary of the board and recorded in a well-bound book which shall be open for inspection by each director and the public at all reasonable times. Copies of such proceedings when certified by the secretary of the corporation under its seal shall be received in all courts as evidence of the matters and things therein certified. The directors and officers of the corporation shall serve without compensation, except that they may be reimbursed for actual expenses incurred in the performance of their duties. Any director may be impeached and removed from office in the manner and on the same grounds provided for in section 175 of the Constitution of Alabama of 1901, and the general laws of the state for impeachment and removal of officers mentioned in said section 175.

(c) The corporation shall have a president, a vice president, a secretary and a treasurer and such other officers as the board shall deem necessary, but the office of secretary and treasurer may be held by the same person. The president and vice president of the corporation shall be elected by the board from the membership thereof; the secretary, the treasurer, and any other officer of the corporation may, but need not, be a member of the board and shall also be elected by the board. The officers of the board shall be elected at a regular meeting of the board to be held in the month of January of each year, and once elected shall serve until their successor is chosen and elected. The president, vice president, secretary and treasurer of the corporation shall also be the president, vice president, secretary and treasurer of the board, respectively.

(d) The corporation shall make to the governing body of the city of Jackson an annual written report of its activities and of its plans for the future which report shall include a financial

operating statement and balance sheet prepared by the examiner of public accounts for the state of Alabama or by a certified public accountant appointed by the corporation.

Section 6. A corporation organized and existing under the provisions of this Amendment shall have the following powers, together with all powers incident thereto or necessary for the performance of those stated herein:

(a) To adopt and from time to time amend bylaws for the regulation of its affairs and the conduct of its business;

(b) To adopt an official seal and alter the same at its pleasure;

(c) To maintain a principal office in the city of Jackson;

(d) To sue and be sued in its own name, excepting actions in tort against the corporation;

(e) To construct, own, operate, lease, build, install, acquire, maintain, equip, use and control marinas, ports, waterfront facilities, docks, wharves, piers, berths, quays, warehouses, loading and unloading facilities, boat and barge docking facilities, fishing facilities, pavilions, auditoriums, shops, stores, boat launching facilities, dry docks, canals, recreational facilities, campgrounds, parking facilities, office and other commercial buildings, water systems, electrical systems, gas and fuel oil pipelines and pumping stations, railroad lines and railway systems, helicopter and airline landing and loading facilities, industrial and manufacturing sites, buildings and facilities, coal and other solid fuel handling facilities, wood products manufacturing and handling facilities, agriculture and farm commodity handling, storage and processing facilities, drainage and sewage facilities, liquid and solid waste handling and disposal facilities, conveyor systems, jetties, mooring facilities, and all necessary or convenient approaches, easements, roads, streets and ways leading thereto or used in conjunction therewith; and specifically including herein bridge and road relocation, and the construction, maintenance and operation of bridges, tunnels, overpasses, underpasses, roads and sidewalks; and the construction, leasing, operation, equipping, owning, using, controlling and maintaining of public terminal and transfer facilities, flood control facilities, water and soil erosion facilities, railroad and highway bridge relocation and construction and maintenance of the same and all other types of waterway facilities pursuant to all state, county, local and federal laws and regulations relative to the operation and maintenance of the Tombigbee river;

(f) To own, acquire, maintain and control easements, rights of way, streets, approaches, roads, interests in land, including the fee simple title to real property, riparian rights, and mooring rights necessary, useful or convenient in gaining access, entry or approach to waterways, rivers, canals and streams, whether or not navigable and whether or not such easements, rights of way, streets, approaches, roads, interests in land, riparian rights and mooring rights lead to property owned or controlled by the corporation;

(g) To acquire, whether by purchase, construction, exchange, gift, lease or otherwise and to improve, equip and furnish and to own and maintain or lease one or more projects or parts thereof, including all real and personal properties and interests therein which its

board may deem necessary in connection therewith, regardless of whether or not any such project or projects shall then be in existence;

(h) To acquire, receive, take, hold, lease or operate, whether by purchase, gift, devise or otherwise, property of every description, whether real, personal or mixed, and to manage the same and to improve or develop any undeveloped property owned, leased or controlled by it;

(i) To sell, convey, lease or grant options for such purposes, any or all of its projects or properties, whenever its board shall find that such action is in the furtherance of the purposes for which the corporation was organized;

(j) To exchange or donate any or all of its projects or properties or parts thereof whenever its board shall find such action to be in furtherance of the purpose for which the corporation was organized;

(k) To execute and deliver such contracts or instruments of writing and to take such action as may be necessary or convenient to carry out the purposes for which the corporation was organized or to exercise any power or authority granted herein;

(l) To lease or let any project or any part thereof to such tenant or tenants for such term or terms at such compensation or rentals and subject to such provisions;

(m) To furnish or supply upon any property owned, leased or controlled by the corporation to any persons, machines, automobiles, and water craft thereon, for reward or compensation, any goods, commodities, safety and health care facilities, fire-fighting and prevention facilities, and services convenient or useful to the owners, operators and users of any water craft, machines, and automobiles, and to persons upon property owned, leased or controlled by the corporation, including, but not limited to, food, lodging, shelter, lawful drinks, confections, oil, gasoline, motors and water craft, motor and water craft parts and equipment, guard services, space in buildings, space for buildings and structures, communication facilities, telephone systems, and the services of mechanics, repairmen and technicians;

(n) To charge fees for admission to any of its properties;

(o) To borrow money on such terms as are acceptable to the corporation for any corporate purpose and to execute and deliver its promissory note or notes and such other agreements as may be reasonably necessary or required to consummate the loan and secure the payment of the indebtedness;

(p) To sell, exchange and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful, subject to the approval of the directors of the corporation;

(q) To procure and agree to the procurement of insurance or guarantees from the United States of America or any agency or instrumentality thereof, or from any private insurance company, of the payment of any bonds issued by the corporation, and to pay premiums or fees for any such insurance or guarantees;

(r) To enter into contracts with, to accept aid, loans and grants from, to cooperate with, and to do any and all things not specifically prohibited by this Amendment, and other applicable laws of the state that may be necessary in order to avail itself of the aid and cooperation of the United States of America, the state, the county or any agency, instrumentality or political subsection of either thereof in furtherance of the purposes of the corporation;

(s) To appoint, employ, contract with and provide for compensation of such officers, employees and agents, including engineers, attorneys, planning consultants, fiscal advisors, architects, accountants, financial experts, fiscal agents, managers and such other advisors, consultants and agents as may in its judgment be necessary or desirable as the business of the corporation may require, including the power to fix working conditions by general rule or other conditions of employment and at its option to provide a system of disability pay, retirement compensation and pensions or any of them and to hire and fire servants, agents, employees and officers at will;

(t) To fix, establish, collect and alter landing fees, docking fees, tolls, rents and other charges for the use of any facility or other property owned or controlled by the corporation;

(u) To make and enforce rules and regulations governing the use of any property or facility or other property owned or controlled by the corporation;

(v) To procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers as its board may deem desirable;

(w) To enter into a management contract or contracts with any person, firm or corporation, whether public or private, for the management, supervision or operation of all or any part of its facilities as may in the judgment of the corporation be necessary or desirable in order to perform more efficiently or economically any function for which it may become responsible in the exercise of the powers conferred upon it by this Amendment;

(x) To invest its monies (including, without limitation, the monies held in any special fund created pursuant to any trust indenture or agreement or resolution securing any of its bonds or notes and proceeds from the sale of any of its bonds or notes) not required for immediate use in:

> (1) Any debt securities that are direct, general obligations of the United States of America,
>
> (2) Any debt securities, the payment of the principal or any interest on which is unconditionally guaranteed by the United States of America,
>
> (3) Any time deposit with, or any certificate of deposit issued by, any bank which is organized under the laws of the United States of America or any state thereof and deposits in which are insured by the Federal Deposit Insurance Corporation

or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation, and

(4) Any debt obligation in which an insurance company organized under the laws of the state may legally invest its money at the time of investment by the corporation;

(y) To issue its bonds for the purpose of carrying out any of its powers and to apply proceeds from the sale of its bonds not only for payment of interest thereon prior to and during the construction and equipment of any buildings, structures, facilities or other improvements being financed thereby but also to pay bond discount, commissions or other financing charges, interest on the obligations issued in evidence of such borrowing for such period as its board shall deem advisable, fees and expenses of financial advisors and planning and management consultants, all legal, accounting, publishing, printing, recording and filing fees and expenses and such other expenses as shall be necessary or incident to such borrowing;

(z) To mortgage and pledge any or all of its projects or any part or parts thereof, as security for the payment of the principal, interest and premium, if any, on any bonds so issued and any agreements made in connection therewith, whether then owned or thereafter acquired, and to pledge the revenues and receipts therefrom or from any thereof;

(aa) To exercise the power of eminent domain in the manner provided in and subject to the provisions of Act No. 85-548, S. 287, 1985 Regular Session (Acts 1985, p. 802), as amended;

(bb) To expend funds for the purchase or lease of materials, equipment, supplies or other personal property without compliance with the provisions of the competitive bid laws then in effect in the state of Alabama that might otherwise be applicable;

(cc) To lend upon such terms and conditions as its board may deem advisable, all or any portion of the proceeds derived from the issuance of its bonds, notes or obligations to a user, whether pursuant to one or more loan agreements or in conjunction with the lease or sale of one or more facilities to such user or the purchase of any authorized purpose obligation relating to a facility or facilities operated by such user, for one or more or any combination of the following purposes:

(1) To enable such user to borrow an amount not substantially in excess of the equity (determined on any basis not resulting in a higher value for any facility in question than the estimated replacement cost or the appraised market value thereof, whichever may be greater) which such user may then have in any facility or facilities;

(2) To enable such user to refinance any outstanding indebtedness incurred or assumed in connection with the acquisition, improvement or operation of any existing facility or facilities;

(3) To enable such user to finance the costs of acquiring, by purchase, construction or otherwise, one or more facilities and/or the costs of expending or improving one or more facilities, regardless of whether any such facility has theretofore been owned or leased by such user or is to be acquired or leased by such user; and

(4) To enable such user to borrow working capital for use in the operation of one or more facilities,

(dd) To do any and all things necessary or convenient to carry out its purposes and to exercise its powers pursuant to the provisions of this Amendment.

Provided however, the powers specified in subsections (e), (f), (g), (h), (i), (j), (l), (m), (n), (t), (u), and (aa) of this section shall be granted and enforceable only within the city of Jackson and the police jurisdiction of the city of Jackson as said police jurisdiction exists on the date this constitutional Amendment [March 8, 1988] is ratified. [Amendment 477, approved March 8, 1988, substituted a new section 6 for the section in the original Amendment 465, approved Nov. 8, 1986]

Section 7. **(a)** All bonds issued by the corporation shall be payable solely out of the revenues and receipts derived from the leasing or sale by the board of its projects or of any thereof as may be designated in the proceedings of the board under which the bonds shall be authorized to be issued.

(b) The principal of and interest on any bonds issued by the corporation shall be secured by a pledge of the revenues and receipts out of which the same may be payable and may be secured by a mortgage and deed of trust or trust indenture conveying as security for such bonds all or any part of the property of the corporation from which the revenues or receipts so pledged may be derived.

The resolution under which the bonds are authorized to be issued and any such mortgage and deed of trust or trust indenture may contain any agreements and provisions respecting the operation, maintenance and insurance of the property covered by said mortgage and deed of trust or trust indenture, the use of the revenues and receipts subject to such mortgage and deed of trust or trust indenture, the creation and maintenance of special funds from such revenues and receipts, rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made and the rights and remedies available in the event of default as the board shall deem advisable and which are not in conflict with the provisions of this article.

Each pledge, agreement, mortgage and deed of trust or trust indenture made for the benefit or security of any of the bonds of the corporation shall continue effective until the principal of and interest on the bonds for the benefit of which the same were made shall have been fully paid.

In the event of default in such payment or in any agreements of the corporation made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any mortgage and deed of trust or trust indenture executed as security therefor, such default may be enforced by mandamus, the appointment of a receiver, or either of

said remedies, and foreclosure of such mortgage and deed of trust or trust indenture may, if provided for in said instrument, be had.

(c) All bonds issued by the corporation shall be signed by the president of its board and attested by its secretary, and the seal of the corporation shall be affixed thereto, and any interest coupons applicable to the bonds of the authority shall be signed by the chairman of its board: provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his manually signing the same, a facsimile of the seal of the authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereof, and a facsimile of the signature of the president of the board may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same.

(d) Any such bonds may be executed and delivered by the corporation at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this article, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its board. Bonds of the corporation may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board to be most advantageous. The corporation may pay all expenses, premiums and commissions in connection with any financing done by it. All bonds, except bonds registered as to principal or as to both principal and interest, and any interest coupons applicable thereto issued by the corporation shall be construed to be negotiable instruments although payable solely from a specified source.

(e) All obligations created or assumed and all bonds issued or assumed by the corporation shall be solely and exclusively an obligation of the corporation and shall not create an obligation or debt of the state or of any county or municipality: provided that the provisions of this sentence shall not be construed to release the original obligor from liability on any bond or other obligation assumed by the corporation. Any bonds issued by the corporation shall be limited or special obligations of the corporation payable solely out of the revenues and receipts of the corporation specified in the proceedings authorizing those bonds.

(f) Bonds of a corporation are hereby made legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority, and for savings banks and insurance companies organized under the laws of the state.

Section 8. All moneys derived from the sale of any bonds issued by the corporation shall be used solely for the purpose or purposes for which the same are authorized, including, but without limitation to, the use of bond proceeds to establish reserve funds as security for the payment of the principal of (and premium, if any) and interest on the bonds, and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be limited to the fiscal, engineering, legal and other expenses incurred in connection with the issuance of the bonds, and except in the case of refunding bonds, interest to accrue on such bonds for a period ending not later than two years from their date.

Section 9. Any bonds issued by the corporation may from time to time be refunded by the issuance, by sale or exchange, of refunding bonds payable from the same or different sources for the purpose of paying all or any part of the principal of the bonds to be refunded, any redemption premium required to be paid as a condition to the redemption prior to maturity of any such bonds that are to be so redeemed in connection with such refunding, any accrued and unpaid interest on the bonds to be refunded, any interest to accrue on each bond to be refunded to the date on which it is to be paid, whether at maturity or by redemption prior to maturity, and the expenses incurred in connection with refunding: provided, that unless duly called for redemption pursuant to provisions contained therein, the holders of any such bonds then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding bonds for such refunding. Any refunding bonds may be sold by the corporation at public or private sale at such price or prices as may be determined by its board to be most advantageous, or may be exchanged for the bonds or other obligations to be refunded. Any such refunding bonds may be executed and delivered by the corporation at any time and from time to time, shall be in such form and denominations and have such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this article, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its board.

Any refunding bonds issued by the corporation shall be issued and may be secured in accordance with the provisions of section 7, hereof.

Section 10. Upon the adoption by the board of the corporation of any resolution providing for the issuance of bonds, the corporation may, in its discretion, cause to be published once a week for two consecutive weeks, in a newspaper published or having a general circulation in Clarke County, a notice in substantially the following form (the blanks being properly filled in) at the end of which shall be printed the name and title of either the president or secretary of such corporation.

> "_____, a public corporation under the laws of the state of Alabama, on the _____ day of _____, authorized the issuance of $_____ principal amount of bonds of the said public corporation for purposes authorized in the act of the Legislature of Alabama under which the said public corporation was organized. Any action or proceeding questioning the validity of the said bonds, or the pledge and the mortgage and deed of trust or trust indenture to secure the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of this notice."

Any action or proceeding in any court to set aside or question the proceedings for the issuance of the bonds referred to in said notice or to contest the validity of any such bonds, or the validity of any pledge and mortgage and deed of trust or trust indenture made therefor, must be commenced within 30 days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking the validity of the said proceedings or of the said bonds or the said pledge or mortgage and deed of trust or trust indenture shall be asserted, nor shall the validity of the said proceedings, bonds, pledge, mortgage, and deed of trust or trust indenture be open to question in any court on any ground whatsoever except in an action commenced within such period.

Section 11. The corporation and all properties at any time owned by it and the income therefrom and all bonds issued by it and the income therefrom shall be exempt from all taxation in the state of Alabama, including, without limitation, ad valorem, sales, excise, license and privilege taxes: provided, however, this exemption shall not be construed to exempt concessionaires or lessees of the authority from the payment of any taxes, including licenses, privileges, or sales taxes levied by the state, county or any municipality. The certificate of incorporation of the corporation, the certificate of dissolution, all deeds or other documents whereby properties are conveyed to the corporation and all deeds, indentures or leases executed by the corporation may be filed for record in the office of the judge of probate of Clarke County and, if necessary, in the office of the secretary of state, without the payment of any tax or fees other than such fees as may be authorized by law for the recording of such instrument.

Section 12. The city of Jackson shall not in any event be liable for the payment of the principal of or interest on any bonds of the corporation or for the performance of any pledge, mortgage, obligation or agreement of any kind whatsoever which may be undertaken by the corporation, and none of the bonds of the corporation or any of its agreements or obligations shall be construed to constitute an indebtedness of the city of Jackson within the meaning of any constitutional or statutory provision whatsoever.

Section 13. The corporation shall be exempt from the laws of the state of Alabama governing usury or prescribing or limiting interest rates.

Section 14. The corporation shall be a nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event a board shall determine that sufficient provision has been made for the full payment of the expenses, bonds and other obligations of the corporation, then any net earnings of the corporation thereafter accruing shall be paid to the city of Jackson.

Section 15. At any time when the corporation has no bonds or other obligations outstanding, its board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the corporation shall be dissolved. Upon filing for record of a certified copy of the said resolution in the office of the judge of probate of Clarke County, the corporation shall thereupon stand dissolved and in the event it owned any property at the time of its dissolution, the title to all its properties shall thereupon pass to the city of Jackson.

Section 16. [Repealed by Amendment 477, approved March 8, 1988]

Section 17. The contracts of the corporation shall be executed in the name of the corporation by the president of the corporation and attested by the secretary of the corporation. Except for bonds it is not required that the seal be impressed or printed on contracts. It is further provided hereby that, except for bonds, the corporation may provide by resolution for a different form for the execution of contracts and for the execution thereof by an officer or agent other than the president and secretary. But in no event shall a contract, irrespective of the form and of the

person executing the same, be binding unless such contract was authorized or ratified by the corporation.

Section 18. Clarke County or any municipality within the county, is authorized, but not required, to lease, sell, donate or otherwise convey to the corporation, real or personal property, including park properties, without the necessity of authorization by election of the qualified voters of said county, the municipality, and the governing body of said county or any municipality within the county, and is hereby authorized to enter into any agreements which such corporation may deem necessary in order to effectuate such lease, sale, donation, or transfer. The governing body of Clarke County, or any municipality within the county, is further authorized to covenant with the corporation, which covenant shall likewise constitute a contract with the holders of any revenue bonds, notes or other obligations thereafter issued by the corporation, that it will not acquire, construct or operate or permit the acquisition, construction or operation within the municipality or county, of any facility in competition with the corporation so long as any of the bonds, notes or other obligations of the corporation shall remain outstanding.

Section 19. The provisions of this Amendment shall be self-executing and become effective upon the ratification of this Amendment by the people. [Amendment 465, approved Nov. 4, 1986, as amended by Amendment 477, approved Mar. 8, 1988; Amendment 477 substituted a new section 6 and deleted section 16]

Section 94-I. Clay County: Promotion of Industry, Trade and Economic Development in Clay County.

The Legislature, by general, local, or special law, may provide for the creation, incorporation, organization, operation, administration, authority, and financing of a public corporation empowered or intended to assist or aid in any way Clay County or any municipality therein in promoting industry, trade, and economic development of Clay County and each municipality situated in the county, and the Legislature may grant the corporation all powers, rights, privileges, exemptions, and authority as the Legislature considers necessary or desirable for the furtherance and accomplishment of the purposes of the public corporation. [Amendment 682, approved Nov. 7, 2000]

Section 94-J. Conecuh County: Promotion of Industrial, Commercial and Agricultural Development in City of Evergreen.

Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, the city of Evergreen in Conecuh County shall have full and continuing power and authority, subject to the election hereinafter provided for, to promote local industrial, commercial or agricultural development and the location of new industries or businesses in the city or anywhere inside the county within fifteen miles of said city, whenever such action shall be deemed by the governing body of said city to be in furtherance of such purposes; also full and continuing power and authority to do any one or more of the following:

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

2. To lease, sell for cash or on credit, exchange, or give and convey any such property described in subparagraph 1 above, to any person, firm, association or corporation, which shall locate or agree to locate a new industry or business in the city or anywhere inside the county within fifteen miles of said city.

3. To become a stockholder in any corporation which shall locate or agree to locate a new industry or business in the city or anywhere inside the county within fifteen miles of said city.

4. To lend its credit or grant public monies and things of value in aid of, or to, any individual, firm, association, or corporation, which shall locate or agree to locate a new industry or business in the city or anywhere inside the county within fifteen miles of said city.

5. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes, evidences of indebtedness, or other obligations (all of which are hereinafter referred to as "obligations"), to a principal amount not exceeding 50% of the assessed valuation of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subparagraph 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations may (in addition to any pledge or pledges authorized by subparagraph 7 of this Amendment) be issued upon the full faith and credit of said city or may be limited as to the source of their payment.

6. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes not exceeding 2% on the value of all taxable property therein as determined for state taxation in the same manner as other municipal taxes are levied and collected.

7. To pledge to the payment of any of its obligations the annual proceeds of any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations shall have been paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

The recital in any obligations that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein granted or that any special tax herein authorized has been levied and pledged to the payment of such obligations shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations shall have been paid in full. The obligations which may be issued hereunder shall not be considered an indebtedness of said city for the purposes of determining its borrowing capacity under section 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in section 216 of the Constitution, as amended.

The exercise of the powers and authority herein above set forth are subject to the prior approval thereof at an election called by the governing body of said city at which a majority of the qualified electors voting at said election shall vote in favor of such proposal. Notice of such election shall be given by publication for three consecutive weeks, the first publication to be at least thirty days before the date of the election, in a newspaper circulated in the city. The notice and ballot shall briefly summarize the proposal and in so doing may make reference to documents on file and available for public inspection in the office of the city clerk. In the event that the proposal shall include the issuance of any obligations, the principal amount of such obligations, the maturities thereof, and the maximum rate or rates of interest which they shall bear shall be set forth in the notice and on the ballot. In the event that the proposal shall include the levy and collection of any tax, the notice and ballot shall state the maximum rate of such tax. No further or other election shall be required by section 222 of the Constitution for the issuance of bonds herein authorized to be issued.

This Amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act, to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth. [Amendment 259; approved Nov. 8, 1966]

Section 94-K. Fayette County: Economic Development of Municipalities in Fayette County; Incorporation of Tom Bevill Reservoir Management Area Authority.

A. Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, any municipality in Fayette County, or any one or more of them, shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein;

4. To become a stockholder in any corporation, association or company;

5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever;

6. To become indebted and to issue and sell interest-bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness

may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment) be issued upon the full faith and credit of the municipality or may be limited as to the source of their payment;

7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in any municipality in Fayette County or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefitted by any proposed use or expenditure of the proceeds of such tax;

8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

9. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of any municipality in Fayette County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon any such municipality.

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full.

The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of any municipality in Fayette County for the purpose of determining the borrowing capacity of such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all Amendments thereto.

This Amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth.

No municipality shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of such municipality. The governing body of any municipality may provide for

holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks. [Amendment 94, approved Nov. 4, 1952]

B. Any provision of the Constitution of Alabama or Amendments thereto to the contrary notwithstanding, the Legislature by general or local law may provide for and authorize in Fayette County the incorporation of a public corporation as a political subdivision of the state to be named The Tom Bevill Reservoir Management Area Authority, for the development of that portion of North River in Fayette County and within the boundaries of The Tom Bevill Reservoir Management Area, its tributaries and watershed area, for the purposes of water conservation and supply, dam construction and reservoir development, for industrial development, flood control, navigation, irrigation, public recreation and related purposes.

Any such law:

May provide for the composition of the board of directors of the authority and specify the powers and duties of the authority and its board of directors;

May authorize the authority to investigate the resources of The Tom Bevill Reservoir Management Area, and to determine and implement the requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective;

May authorize the authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein;

May make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the authority;

May provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the authority or out of the revenues of any particular facilities and other property of the authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued;

May provide further for certain taxes;

May provide that such bonds and notes shall constitute negotiable instruments;

May provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the authority for the proper application of its revenues and the proceeds of such bonds and notes and by a nonforeclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and

May provide that bonds and notes of the authority may be issued under a trust indenture;

May provide for constructive notice of any such statutory mortgage lien;

May authorize and make provisions respecting the assumption by the authority of obligations respecting facilities and other property acquired by the authority;

May provide for the use of the proceeds of bonds and notes issued by the authority and provide for the refunding by the issuance of bonds and notes of the authority of bonds and notes theretofore issued or obligations theretofore assumed by it;

May provide that bonds and notes issued and contracts entered into by the authority pursuant to the act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state;

May authorize the Fayette County commission and the municipalities located within Fayette County to contribute money to the authority, without the necessity of an election and with or without consideration therefor;

May exempt from all taxation in this state, the authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the authority is a party, and exempt the authority from payment of certain charges to judges of probate, it grants to the authority the power to levy and collect within the boundaries of the management area certain excise taxes, sales taxes, and ad valorem taxes;

May provide that the authority shall have zoning power within the boundaries of the management area;

May provide that the authority shall be exempted from regulation and supervision by the public service commission and the state department of finance; [and]

May provide for the use of public roads in the state by the authority, and may provide for certain annual reports by the authority. [Amendment 538, approved June 2, 1992]

Section 94-L. Franklin County: Economic Development of Franklin County and Municipalities Therein; Incorporation of Regional Airport Authority by City of Red Bay and Franklin County With Political Subdivisions in Mississippi.

A. Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, Franklin County, or any municipality in Franklin County, shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein;

4. To become a stockholder in any corporation, association or company;

5. To lend this credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever;

6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment; Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment) be issued upon the full faith and credit of Franklin County, or the municipality therein, as the case may be, or may be limited as to the source of their payment.

7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in Franklin County, or upon all property in the municipality, as the case may be, or upon all property in any district the boundaries of which the governing body of the county or the municipality, as the case may be, shall describe and which it shall determine to be specially improved and benefitted by any proposed use or expenditure of the proceeds of such tax;

8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

9. To create a public authority or corporation having such powers, managed and governed by such board or governing body, and subject to such limitations as the governing body of the county or the governing body of the municipality, as the case may be, may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon Franklin County or any municipality therein.

The recital in any bonds, warrants, notes or other obligations or evidences of

indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further, and the levy and

collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full.

The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of Franklin County or any municipality therein for the purpose of determining the borrowing capacity of the county or any such municipality, as the case may be, under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all Amendments thereto.

This Amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth.

10. Neither Franklin County, nor any municipality in Franklin County, shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the county or of the municipality therein, as the case may be. The governing body of the county, or of the municipality, as the case may be, may provide for holding such election, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks. [Amendment 186, approved Dec. 5, 1961]

B. (a) The City of Red Bay and Franklin County may join with political subdivisions of the State of Mississippi to organize a regional airport authority to be located in the State of Alabama or in the State of Mississippi.

The regional airport authority shall be incorporated according to the laws of the State of Alabama relative to the incorporation of airport authorities and shall have the same powers and authority of airport authorities organized under the general laws of the State of Alabama. The incorporation procedure shall be commenced by at least three natural persons, two of whom shall be residents of the City of Red Bay, and the other or others may be residents of the political subdivisions of the State of Mississippi. The incorporators shall be qualified electors of the political subdivision which they represent.

The regional airport authority shall be governed by a board of directors as provided in the certificate of incorporation or the bylaws. The governing body of each participating political subdivision shall appoint one member to the board of directors.

The regional airport authority may issue and sell its interest-bearing revenue bonds for its corporate purposes. The principal of and the interest on all bonds shall be payable solely from, and may be secured by a pledge of the revenues derived by the regional authority from the operation of any or all of its airports, facilities, and other property. The bonds issued or contracts entered into by the authority shall not constitute or create an obligation or debt of this state or of any county, city, or town within this state, or a charge against the credit or taxing powers of this state or of any county, city, or town within this state.

(b) This Amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Franklin County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this Amendment, as provided for in section 2 of this act, and no further election shall be required. [Amendment 568, approved Nov. 8, 1994]

Section 94-M. Geneva County: Economic Development of Municipalities in Geneva County.

Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, any municipality in Geneva County, or any one or more of them, shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. To lease, sell for cash or on credit, exchange, or give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein;

4. To become a stockholder in any corporation, association or company;

5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever;

6. To become indebted and to issue and sell interest-bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment) be issued upon the full faith and credit of the municipality or may be limited as to the source of their payment;

7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in any municipality in Geneva County or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefitted by any proposed use or expenditure of the proceeds of such tax;

8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

9. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of any municipality in Geneva County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon any such municipality.

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full.

The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of any municipality in Geneva County for the purpose of determining the borrowing capacity of such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all Amendments thereto.

This Amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth.

No municipality in Geneva County shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the locality affected thereby who vote thereon at a referendum election held for such purpose. The governing body of any municipality may provide for holding such election, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published once a week for at least three successive weeks before the election in a newspaper of general circulation in the municipality. [Amendment 263, approved approved Dec. 6, 1966]

Section 94-N. Greene County: Economic Development of Greene County.

Any provision of the Constitution or laws of Alabama to the contrary notwithstanding, Greene County shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses in the county;

4. To become a stockholder in any corporation, association or company;

5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association or corporation whatever;

6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidence of indebtedness, to a principal amount not exceeding $250,000, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidence of indebtedness may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment) be issued upon the full faith and credit of Greene County, or may be limited as to the source of their payment;

7. To apply the proceeds from taxes levied and collected under the provisions of section 215 of the Constitution and Amendments thereto to the purchase, construction, lease, or acquisition of any of the property described in subsection 1 above or for the furtherance of any of the other powers or authorities granted in this Amendment: provided the proceeds from such taxes have not been pledged for debts or liabilities now existing;

8. To pledge to the payment of any bonds, warrants, notes, or other obligations or evidence of indebtedness the annual proceeds from taxes levied and collected under authority of section 215 of the Constitution and Amendments thereto which have not been pledged for debts and liabilities now existing, and to obligate itself irrevocably to continue to use the proceeds from such tax until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

9. To create a public authority or corporation having such powers, managed and governed by such board or governing body, and subject to such limitations as the governing body of Greene County may impose, by approving and filing a certificate to that effect in the office of the judge of probate of the county or secretary of state, or their respective successors in function, and to delegate to such public authority or corporation

and its board or governing body all powers and authority conferred in this Amendment upon the county.

The recital in any bonds, warrants, notes or other obligations or evidence of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that proceeds from taxes authorized under section 215 of the Constitution and Amendments thereto have been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligation or evidence of indebtedness shall have been paid in full.

The bonds, warrants, notes or other obligations or evidence of indebtedness issued hereunder shall not be considered an indebtedness of Greene County for the purpose of determining the borrowing capacity of the county under sections 224 and 225 of the Constitution.

This Amendment shall be self executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth.

10. Greene County shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the county. The governing body of the county may provide for holding such election, but in no case shall an election be held until notice of the election and of the substance of the proposition to be voted on has been published for at least three successive weeks. [Amendment 188, approved Dec. 6, 1961]

Section 94-O. Hale County: Economic Development of Hale County and Municipalities Therein.

Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, the county governing body and/or any municipality in Hale County, or any one or more of them, shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein;

4. To become a stockholder in any corporation, association or company;

5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever;

6. To become indebted and to issue and sell interest-bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment) be issued upon the full faith and credit of the county or municipality or may be limited as to the source of their payment;

7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in the county or any municipality in Hale County or upon all property in any district the boundaries of which the governing body of the county or municipality shall describe and which it shall determine to be specially improved and benefitted by any proposed use or expenditure of the proceeds of such tax;

8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

9. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of the county or any municipality in Hale County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon the governing body of the county or any municipality in Hale County.

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full.

The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of the county or any municipality in Hale County for the purpose of determining the borrowing capacity of the county or any such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all Amendments thereto.

This Amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth.

10. Neither the county nor any municipality shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the county or the affected municipality. The governing body of the county or any municipality in the county may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks. [Amendment 313, approved Jan. 18, 1972]

Section 94-P. Lamar County: Economic Development of Municipalities in Lamar County.

Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, any municipality in Lamar County, or any one or more of them, shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein;

4. To become a stockholder in any corporation, association or company;

5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever;

6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment) be issued upon the full faith and credit of the municipality or may be limited as to the source of their payment;

7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in any municipality in Lamar County or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefitted by any proposed use or expenditure of the proceeds of such tax;

8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

9. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the

governing body of any municipality in Lamar County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon any such municipality.

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further, and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full.

The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of any municipality in Lamar County for the purpose of determining the borrowing capacity of such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all Amendments thereto.

This Amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth.

10. Any municipality in Lamar County may make engagements or commitments or undertake projects authorized under the provisions of this Constitution and Amendments thereto provided any such engagement, commitment, or undertaking is first approved by a majority of the qualified electors of such municipality voting in a referendum election held for such purpose. The governing body of any municipality may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks. [Amendment 189, approved Dec. 5, 1961]

Section 94-Q. Lawrence County: Economic Development of Lawrence County and Municipalities Therein; Industrial Development Board of Lawrence County.

A. Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, Lawrence County and any municipality located therein shall have full and continuing power and authority to do any one or more of the following provided that such action is first approved by a majority of the qualified electors of the county or the municipality who vote at an election held for such purpose.

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. To lease, sell for cash or on credit, exchange or give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. To promote local industrial, commercial, or agricultural development and the location of new industries or businesses therein;

4. To become a stockholder in any corporation, association or company;

5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever;

6. To become indebted and to issue and sell interest-bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment) be issued upon the full faith and credit of the county or municipality or may be limited as to the source of their payment;

7. To levy and collect, in addition to all other taxes now authorized or permitted, a special County or municipal privilege license tax or taxes of not exceeding one percent paralleling the state sales and use taxes imposed by chapter 20 of Title 51, Code of Alabama 1940 as amended;

8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

9. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of Lawrence County or any municipality may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body and all powers and authority conferred in this Amendment upon the county and municipalities.

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full.

The bonds, warrants, notes, or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of Lawrence County for the purpose of determining the borrowing capacity of such county under section 224 of the Constitution.

This Amendment shall be self-executing; but the Legislature shall have the power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth. [Amendment 190, approved Dec. 5, 1961]

B. The Legislature may provide by local law, from time to time, for the consolidation of the power and authority granted to Lawrence County pursuant to [Amendment No. 190 of the Constitution of 1901] [subsection A hereof], or to any public authority or corporation created by Lawrence County pursuant to [Amendment No. 190] [subsection A hereof] into the Industrial Development Board of Lawrence County George C. Wallace Airpark Authority, which shall have all of the power and authority and assume all of the obligations of Lawrence County pursuant to [Amendment No. 190] [subsection A], or any public authority or corporation created by Lawrence County pursuant to [Amendment No. 190] [subsection A]. The Legislature may in addition provide by local law for the organization and membership of the board of directors of the public authority or corporation. Any taxes currently levied pursuant to [Amendment No. 190] [subsection A] shall remain in full force and effect. Any action currently [Nov. 3, 1992] required to be approved by a vote of electors shall be approved by a vote of the electors of the county. [Amendment 545, approved Nov. 3, 1992]]

Section 94-R. Lee County: Lee County and City of Opelika Economic and Industrial Development.

For the promotion of local economic and industrial development, the Lee County Commission and the City Council of the City of Opelika, any other provision of law or of this Constitution notwithstanding, shall have, independently or in cooperation with one another, full and continuing power to do any of the following:

(1) Use public funds to purchase, lease, or otherwise acquire land, or to utilize land heretofore purchased or otherwise acquired, and improve and develop such land for use as sites for industry of any kind or as industrial park projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas, and utilities to serve such sites or projects;

(2) Lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county or the City of Opelika, as applicable, all or any part of any site or industrial park project to any individual, firm, corporation, or other business entity, public or private, including any industrial development board or other public corporation or authority heretofore or hereafter created by the county or any municipality therein, for the purpose of constructing, developing, equipping, and operating industrial, commercial, research, or service facilities of any kind;

(3) Lend its credit to or grant public funds and things of value in aid of or to any individual, firm, corporation, or other business entity, public or private, for the purpose

of promoting the economic and industrial development of Lee County or the City of Opelika.

In carrying out the purposes of this Amendment, neither Lee County nor the City of Opelika shall be subject to sections 93 or 94 of this Constitution Each public corporation heretofore created by Lee County or by the City of Opelika, including specifically any industrial development board incorporated under Chapter 54, article 4, Title 11 of the Code of Alabama 1975, and any industrial development authority incorporated or reincorporated under Chapter 92A, Title 11 of the Code of Alabama 1975, is validated and the powers granted to such board or authority under its respective enabling legislation are validated notwithstanding any other provision of law or of this Constitution.

The powers granted in this Amendment may be exercised as an alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the county, or to any municipality, or to any agency, board, or authority created pursuant to the laws of this state.

Neither Lee County nor the City of Opelika shall lend its credit to or grant any public funds or thing of value to or in aid of any private entity under the authority of this Amendment unless prior thereto:

(i) The action proposed to be taken by Lee County or the City of Opelika is approved at a public meeting of the governing body of the county or city, as the case may be, by a resolution containing a determination by such governing body that the expenditure of public funds for such purpose will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities; and

(ii) At least seven days prior to the public meeting, a notice is published in the newspaper having the largest circulation in the county or in the city, as the case may be, describing in reasonable detail the action proposed to be taken, a description of the public benefits sought to be achieved by such action, and identifying each individual, firm, corporation, or other business entity to whom or for whose benefit the county or the city proposes to lend its credit or grant public funds or thing of value. For purposes of the foregoing, any sale, lease, or other disposition of property for a price equal to the fair market value thereof shall not constitute the lending of credit or a grant of public funds or thing of value in aid of private entity. [Amendment 642, approved Nov. 3, 1998]

Section 94-S. Limestone County: Economic Development of Town of Lester in Limestone County.

Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, the town of Lester in Limestone County shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein;

4. To become a stockholder in any corporation, association or company;

5. To lend this credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever;

6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment) be issued upon the full faith and credit of the town of Lester, or may be limited as to the source of their payment;

7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in the municipality, or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefitted by any proposed use or expenditure of the proceeds of such tax;

8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full.

The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of the municipality for the purpose of determining the borrowing capacity of the county under section 225 of the Constitution;

and the taxes herein authorized shall be in addition to those provided for or permitted in section 216 of the Constitution and all Amendments thereto.

9. To create a public authority or corporation having such powers, managed and governed by such board or governing body, and subject to such limitations as the governing body of the town of Lester may impose, by approving and filing a certificate to that effect in the office of the judge of probate of Limestone County or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon the municipalities;

10. The town of Lester shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the municipality. The governing body of the municipality may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks in a newspaper having general circulation in Limestone County.

This Amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth. [Amendment 244, approved Nov. 30, 1965]

Section 94-T. Madison County: Promotion of Industrial, Commercial and Agricultural Development in Madison County and City of Huntsville; Appropriations to Certain Nonprofit Organizations by City of Huntsville.

A. For the promotion of local industrial, commercial or agricultural development, Madison County and the city of Huntsville shall each have full and continuing power:

(a) To purchase, construct, lease and otherwise acquire industrial, commercial and agricultural projects, including real and personal property, plants, buildings, factories, works, facilities, machinery and equipment of any kind whatsoever,

(b) To lease, sell, exchange or otherwise convey all or any part of any such project to any person, firm or corporation, and

(c) After an approving election if required as hereinafter provided, to sell and issue for such purposes interest-bearing general obligation bonds.

Neither the county nor the city shall issue any bonds under the authority of this Amendment, other than bonds issued to finance the acqusition [acquisition] of industrial sites, unless the question of the issuance of such bonds has first been submitted to the qualified electors of the county or the city, as the case may be, and approved at such election by a majority of the qualified electors voting thereat. Each such election shall be called, held and conducted, and may be contested, in the manner provided by law for county or municipal bond elections, as the case may be.

Bonds issued under the authority of this Amendment shall not be considered indebtedness of the county or the city, as the case may be, within the meaning of sections 224 and 225 of the Constitution of Alabama, but neither the county nor the city shall at any time issue any bonds under the authority of this Amendment if as a result thereof it will have outstanding an aggregate principal amount of bonds issued hereunder in excess of twenty percent of the assessed value of the property in the county or the city, as the case may be.

Neither shall the county or the city issue any bonds under the authority of this Amendment, except bonds issued to finance the acquisition of industrial sites, unless prior thereto or contemporaneously therewith the county or the city, as the case may be, has entered into a lease or other similar agreement, with respect to the project being financed by such bonds, providing for the payment to the county or the city, as the case may be, of net rentals sufficient to pay the principal of and the interest on such bonds at the respective maturities of such principal and interest, and any bonds issued hereunder shall be secured by a pledge of such rentals and may be secured by a foreclosable mortgage on such project and by a pledge of any other taxes and revenues which the county or the city, as the case may be, is authorized by law to pledge to the payment of its bonded indebtedness.

All bonds issued under the authority of this Amendment shall be sold at public sale in the manner required by law for the sale of county or municipal bonds, as the case may be, and shall mature and be payable in annual or semi-annual installments in such amounts and at such times as to result in the aggregate amount of principal and interest maturing thereon in each year following the year of their issuance being substantially equal, but shall not be subject to any other provisions of law relating to maturities of county or municipal bonds.

In the event that any such action is necessary to prevent or cure a default in payment of the principal of or the interest on any bonds issued under the authority of this Amendment, the county or the city, as the case may be, is authorized to levy and collect ad valorem taxes, without limitation as to rate or amount, on the assessed value of all taxable property in the county or the city, as the case may be, but only so long as and only to such extent as necessary to prevent or cure any such default.

In carrying out the purposes of this Amendment, neither Madison County nor the city of Huntsville shall be subject to the provisions of section 93 [94 (?)]of the Constitution of Alabama, and the taxes which the county and the city are herein above authorized to levy and collect are in addition to all other taxes which the county and the city are authorized to levy and collect.

This Amendment shall be self-executing, but, notwithstanding any contrary provisions of section 104 of the Constitution of Alabama, the Legislature shall have the power, by general, special or local act, to enact laws supplemental hereto or in furtherance of the purposes hereof. [Amendment 245, approved Nov. 10, 1965, amending and re-stating Amendment 191, approved Dec. 5, 1961]

B. Notwithstanding the provisions of the Constitution of Alabama of 1901, as amended, the governing body of the city of Huntsville in Madison County is hereby authorized to make a one-time appropriation of money, up to a maximum total appropriation of $2,000,000.00, to one or more bona fide nonprofit organizations, each of which at the time of any such appropriation

must have been organized for the purpose of and actively engaged in fostering and coordinating volunteer citizen activity in the field of the literary, visual, and performing arts within the city of Huntsville for a period of more than five years, which said appropriation or appropriations are to be used exclusively for construction of one or more buildings located within said city, to be owned by such organization. The total maximum appropriation herein authorized may, however, at the discretion of the governing body, be made to only one such organization: provided, however, that any such appropriation may be made only upon proof that an amount equal to $1.00 for each $1.00 appropriated has first been raised from nonpublic funds and placed on deposit with a bank or trust company under an agreement, restricting the use of said funds to expenditures for the construction of one or more buildings to be occupied exclusively by one or more organizations engaged in fostering and coordinating volunteer citizen activity in the field of the literary, visual, and performing arts within the city of Huntsville. The city of Huntsville is further authorized to appropriate up to $100,000.00 annually for the general operations of any such organization, or for maintenance of any building which is occupied by any such organization.

No payment may be made by the city of Huntsville under the authority of this Amendment except upon the affirmative vote of the qualified electors of the city of Huntsville, in the election called for the ratification of this Amendment, or at a subsequent election called for such purpose as hereinafter provided. Provided, however, that if this Amendment is ratified, and a majority of the electors of the city of Huntsville do not vote in favor of such Amendment, subsequent elections for the purpose of authorizing the governing body to make such appropriations to qualified organizations may be called by the governing body in the same manner and at the same time as any other general or special municipal election, but not more than one such election shall be held during any period of 12 consecutive months.

The provisions of this constitutional Amendment shall be self-executing, but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the general purpose and objectives herein set forth.
[Amendment 514, approved June 5, 1990]

Section 94-U. Marengo County: Economic and Industrial Development in Marengo County and Its Municipalities Including Development of Inland Waterways.

A. Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, Marengo County acting through the county governing body shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein;

4. To become a stockholder in any corporation, association or company;

5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever;

6. To become indebted and to issue and sell interest-bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidence of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment) be issued upon the full faith and credit of Marengo County, or may be limited as to the source of their payment.

The recital in any bonds, warrants, notes or other obligations or evidence of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidence of indebtedness shall have been paid in full.

The bonds, warrants, notes or other obligations or evidence of indebtedness issued hereunder shall not be considered an indebtedness of Marengo County for the purpose of determining the borrowing capacity of the county under section 224 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in section 215 of the Constitution and all Amendments thereto.

7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation in the same manner as other county taxes are levied and collected. Such tax may be upon all property in the county, or upon all property in any district the boundaries of which the governing body of such county shall describe and which it shall determine to be specially improved and benefitted by any proposed use or expenditure of the proceeds of such tax;

8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidence of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidence of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

9. To create a public authority or corporation having such powers, managed and governed by such board or governing body subject to such limitations as the governing body of Marengo County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon the county;

Marengo County shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose. The governing body of the county may provide for holding such election, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published once a week for three successive weeks before the election.

This Amendment shall be self-executing; but the Legislature may enact general, special or local laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth. [Amendment 308, approved Dec. 9, 1969]

B. Any provision of the Constitution of Alabama or Amendments thereto to the contrary notwithstanding, the Legislature by general or local law may authorize, provide for and regulate the formation and operation in Marengo County of public corporations authorized to engage in promoting the industrial development of Marengo County and the municipalities therein and particularly the development and commercial use of the inland waterways in such county. Any such law may prescribe the powers and authority of any corporation formed thereunder, which may include, but shall not be limited to the following: the authority to acquire, construct, operate, improve, and finance wharves, stocks, warehouses and other port and related facilities in Marengo County; to apply for permission to operate a foreign trade zone and to establish, operate and maintain such a zone; to exercise the power of eminent domain; to borrow money for any of its corporate purposes and issue interest-bearing revenue bonds and other securities, but such corporation shall not have authority to create a debt against the state, Marengo County or any municipality or other political subdivision of Marengo County. The act may authorize Marengo County or any municipality or other political Subdivision, public corporation, agency or instrumentality of Marengo County to aid and cooperate with the corporation authorized in the act, and with or without consideration to transfer any port facilities or other property to any corporation organized under such act. Such law may exempt any corporation organized pursuant to it from some or all taxation by the state, Marengo County or any municipality in Marengo County; from tort liability; and from the payment of certain fees of public officers. [Amendment 468, approved Nov. 4, 1986]

C. For the promotion of local economic and industrial development of Marengo County, Marengo County and each municipality having its corporate limits located wholly in the county, other provisions of law or this constitution notwithstanding, shall have, independently or in cooperation with one or more of such governmental entities, without an election, full and continuing power to do all of the following:

(1) To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery, and equipment of any kind;

(2) To lease, sell for cash or on credit, exchange, give and convey any such property described in subsection (1) above, to any person, firm, association, or corporation;

(3) To promote local industrial, commercial, or agricultural development and the location of new industries or businesses therein;

(4) To lend its credit or to grant public moneys and things of value in aid of, or to any individual, firm, association, or corporation whatsoever;

(5) To become indebted and to issue and sell interest-bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding 50 percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease, or acquisition of any of the property described in subsection (1) or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness may be issued upon the full faith and credit of the county or any such municipality or may be limited as to the source of their payment;

(6) To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of the county or any such municipality may impose, by approving and filing a certificate to that effect in the office of the Judge of Probate or the Secretary of State, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon the county or any such municipality.

The recital in any bonds, warrants, notes, or other obligations or evidences of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized shall be conclusive, and no purchaser or holder thereof need inquire further.

The bonds, warrants, notes, or other obligations or evidences or indebtedness issued hereunder shall not be considered an indebtedness of the county or any such municipality for the purpose of determining the borrowing capacity of the county or any such municipality under section 224 or section 225 of the Constitution of Alabama of 1901.

In carrying out the purposes of this Amendment, neither the county nor any such municipality shall be subject to the provisions of section 94 of the Constitution of Alabama of 1901.

This Amendment shall be self-executing, but notwithstanding any contrary provisions of section 104 of the Constitution of Alabama of 1901, the Legislature shall have the right and power by general, special, or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth. No such special or local act shall be subject to the provisions of section 106 of the Constitution of Alabama of 1901.

Any actions authorized in this Amendment to be taken by the county or any such municipality which have been taken subsequent to January 1, 1998, are hereby ratified, approved, and confirmed. [Amendment 624, approved Nov. 3, 1998; appears to duplicate exactly Amendment 646 (subsection D. below), also approved Nov. 3, 1998]

D. For the promotion of local economic and industrial development of Marengo County, Marengo County Commission and each municipality having its corporate limits located wholly in the county, other provisions of law or this constitution notwithstanding, shall have, independently or in cooperation with one or more of such governmental entities, without an election, full and continuing power to do all of the following:

(1) To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery, and equipment of any kind;

(2) To lease, sell for cash or on credit, exchange, give and convey any such property described in subsection (1) above, to any person, firm, association, or corporation;

(3) To promote local industrial, commercial, or agricultural development and the location of new industries or businesses therein;

(4) To lend its credit or to grant public moneys and things of value in aid of, or to any individual, firm, association, or corporation whatsoever;

(5) To become indebted and to issue and sell interest-bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding 50 percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease, or acquisition of any of the property described in subsection (1) or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness may be issued upon the full faith and credit of the municipality or may be limited as to the source of their payment;

(6) To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of the municipality may impose, by approving and filing a certificate to that effect in the office of the Judge of Probate or the Secretary of State, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon any such municipality.

The recital in any bonds, warrants, notes, or other obligations or evidences of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized shall be conclusive, and no purchaser or holder thereof need inquire further.

The bonds, warrants, notes, or other obligations or evidences or indebtedness issued hereunder shall not be considered an indebtedness of the county or any such municipality for the purpose of

determining the borrowing capacity of the county or any such municipality under section 224 or 225 of the Constitution of Alabama of 1901.

In carrying out the purposes of this Amendment, neither the county nor any such municipality shall be subject to the provisions of section 94 of the Constitution of Alabama of 1901.

This Amendment shall be self-executing, but notwithstanding any contrary provisions of section 104 of the Constitution of Alabama of 1901, the Legislature shall have the right and power by general, special, or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth. No such special or local act shall be subject to the provisions of section 106 of the Constitution of Alabama of 1901.

Any actions authorized in this Amendment to be taken by the municipality which have been taken subsequent to January 1, 1998, are hereby ratified, approved, and confirmed. [Amendment 646, approved Nov. 3, 1998; appears to duplicate exactly Amendment 624 (subsection C above) also approved Nov. 3, 1998]

Section 94-V. Marion County: Economic Development of Municipalities in Marion County; Refunding of Certain Securities; Marion County Agriculture and Exhibit Center Authority.

Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, any municipality in Marion County, or any one or more of them, shall have full and continuing power and authority, without any election or approval other than the approval of its governing body, to do any one or more of the following:

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. To lease, sell for cash or on credit, exchange, or give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein;

4. To become a stockholder in any corporation, association or company;

5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever;

6. To become indebted and to issue and sell interest-bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment) be issued upon the full faith and credit of the municipality or may be limited as to the source of their payment;

7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in any municipality in Marion County or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefitted by any proposed use or expenditure of the proceeds of such tax;

8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

9. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of any municipality in Marion County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon any such municipality.

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full.

The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of any municipality in Marion County for the purpose of determining the borrowing capacity of such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all Amendments thereto.

This Amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth. [Amendment 84, approved Nov. 7, 1950]

B. Any provision of the Constitution or the laws of the state of Alabama to the contrary notwithstanding, any municipality in Marion County, Alabama, that has heretofore issued, or that may hereafter issue, interest-bearing bonds, warrants, notes or other securities pursuant to the provisions of that certain Amendment to the Constitution of Alabama that was proposed by Act No. 1 [Amendment No. 84] enacted at the 1950 second special session of the Legislature of Alabama (herein called "the 1950 Amendment"), shall have full and continuing power and authority to do any one or more of the following:

(1) To refund, or provide for the refunding of, any bonds, warrants, notes or other securities issued by it pursuant to the provisions of the 1950 Amendment or pursuant to the provisions hereof (whether before, at or after the maturity of the securities being so refunded and whether or not all or any part of such securities are then subject to redemption) by the sale and issuance of refunding bonds, warrants, notes or other securities in a principal amount not in excess of the principal amount of securities being refunded plus any premium necessary to redeem or retire the securities being refunded and any interest accrued on, or to accrue to the date of payment or redemption of, such securities;

(2) In the event any of the securities being so refunded cannot, by their terms, be redeemed or otherwise retired simultaneously with the issuance of the refunding securities, to invest, until the earliest date on which such redemption or retirement can be

effected, such portion of the principal proceeds from the sale of such refunding securities as may not then be used for redemption or retirement of the refunded securities, in any investments in which municipal sinking funds are authorized to be invested by the provisions of section 265 of Title 37 of the Code of Alabama of 1940, as it exists at the time of the adoption of this Amendment;

(3) To issue bonds, warrants, notes or other securities for the combined purpose of so refunding any such securities and of acquiring, constructing, extending or improving any one or more industrial or manufacturing plants or properties within the corporate limits or the police jurisdiction of such municipality, in which case the provisions of the preceding subdivisions (1) and (2) of this Amendment shall apply to those of such bonds, warrants, notes or other securities that are being issued for refunding purposes;

(4) To pledge for payment of any securities issued by it pursuant to the provisions hereof not only any taxes and revenues authorized to be pledged for securities authorized to be issued pursuant to the provisions of the 1950 Amendment, but also any other taxes or revenues that such municipality is authorized by law to pledge for payment of its general obligation bonds;

(5) To mortgage, as security for payment of any securities issued by it hereunder:

(a) Any industrial or manufacturing plants and properties acquired, constructed, extended or improved, in whole or in part, out of the proceeds from the sale of any securities being refunded, in whole or in part, by such securities, and

(b) Any industrial or manufacturing plants and properties to be acquired, constructed, extended or improved, in whole or in part, out of the proceeds from the sale of such securities; and to pledge for payment of any such securities the revenues and receipts to be derived from the leasing or sale of any such plants and properties; and

(6) In connection with the issuance of any securities by it hereunder, to reserve the right to issue additional such securities hereunder, on a parity with the securities then being issued, on such terms and conditions as shall be specified in the proceedings of its governing body or other documents under which such securities are being issued.

Any securities issued by a municipality pursuant to the provisions of this Amendment may be issued on the full faith and credit of such municipality or may be limited as to the source of their payment, all as the governing body of such municipality may determine. Any securities so issued, in whole or in part, for refunding purposes hereunder may be in the form of bonds, warrants, notes or other securities, irrespective of whether the securities being refunded thereby consist of bonds, warrants, notes or other securities or any combination thereof, and may be limited as to the source of their payment, as aforesaid, even though the securities being refunded thereby were issued on the full faith and credit of such municipality. Any securities issued by a municipality pursuant to the provisions hereof that are payable, as to both principal and interest, solely out of revenues and receipts to be derived from the leasing or sale of one or more industrial or manufacturing plants or properties owned by it shall not be considered indebtedness of such municipality for the purpose of determining its borrowing capacity under section 225 of the Constitution or under the 1950 Amendment. No municipality in Marion County, Alabama,

shall issue any securities pursuant to the provisions of the 1950 Amendment or of this Amendment, other than securities that are payable (as to both principal and interest) solely out of revenues to be derived from the leasing or sale of one or more industrial or manufacturing plants or properties owned by it, unless the principal amount of such securities, when added to the aggregate of the principal amount of any other securities of such municipality then outstanding hereunder or the 1950 Amendment, does not exceed fifty percent of the assessed value of the taxable property therein, as determined for state taxation: provided however, that securities for the payment of the principal of and the interest on which an irrevocable trust fund consisting of cash or securities that are direct general obligations of the United States of America, or both, has been established shall not, for the purposes of this Amendment or the 1950 Amendment, be considered as outstanding to the extent that the retirement thereof shall be provided by said fund (including the cash therein and all sums due to be paid by the United States of America under the terms of any such United States securities that form a part of said trust fund).

No municipality shall exercise any power and authority hereunder unless the question of whether such municipality shall have the full and continuing power to exercise all the powers and authority referred to herein shall have first been submitted to a vote of the qualified electors of said municipality at an election to be called for that purpose by the governing body of said municipality and the full and continuing exercise of said powers and authority shall have been authorized by a majority of said qualified electors voting at said election. Each election provided for herein shall be called, held, conducted and canvassed, and may be contested, in the manner provided by law for the calling, holding, conducting, canvassing and contesting of municipal bond elections: provided however, that if a majority of the qualified electors in any municipality in Marion County participating in the election on the adoption of this Amendment shall vote for the adoption hereof, then the approval of this Amendment expressed by the vote in said municipality in favor of its adoption shall of itself authorize the full and continuing exercise by such municipality of all the powers and authorities granted hereunder and in that event no additional election by the electors of said municipality shall be required to authorize the exercise of such powers. [Amendment 246, approved Nov. 30, 1965]

C. (a) There is hereby created and established the Marion County Agriculture and Exhibit Center Authority which shall consist of seven members to be appointed as follows:

(1) One member appointed by the member of the Marion County Commission representing District One;

(2) One member appointed by the member of the Marion County Commission representing District Two;

(3) One member appointed by the member of the Marion County Commission representing District Three;

(4) One member appointed by the member of the Marion County Commission representing District Four;

(5) One member appointed by the member of the Marion County Commission representing District Five;

(6) One member appointed by the state Senator representing Marion County;

(7) One member appointed by the members of the House of Representatives representing Marion County.

(b) The authority shall oversee the construction, management, maintenance, and control of any structure or facility constructed as a center for promoting cattle, horses, and livestock and for agricultural, educational, and civic exhibits. Vacancies on the authority shall be filled in the same manner as the original appointments are made. Members of the authority shall serve without compensation. The authority shall hold at least one annual meeting.

(c) The authority is authorized to do the following:

(1) To locate the exhibition center upon the site selected by the Marion County Commission;

(2) To acquire by purchase, rent, lease agreement, or otherwise the necessary facilities and to provide it with necessary equipment, furnishings, landscaping, and related facilities, including parking areas and ramps, roadways, sewers, curbs, and gutters;

(3) To enter into contracts and cooperative agreements with the local, state, and federal governments, agencies of the governments, private individuals, corporations, associations, and other organizations as the authority may deem necessary or convenient to carry out the purposes of this Amendment, the contracts and agreements to include leases to provide for industries;

(4) To accept public or private gifts, grants, and donations;

(5) To acquire property by purchase, lease, or gift;

(6) To sell, convey, transfer, lease, or donate any property, franchise, grant, easement, license, or lease or interest therein which it may own and to transfer, assign, sell, convey, or donate any right, title, or interest which it may have in any lease, contract, agreement, license, or property;

(7) To invest any funds that the authority may determine are not presently needed in the operation of its properties in bonds of the United States of America, bonds of the state, bonds of any county or municipality, and interest-bearing bank deposits;

(8) To employ personnel as may be necessary to accomplish the purposes of this Amendment. The personnel employed by the authority shall serve at the pleasure of the authority. The authority shall fix the compensation of the personnel and the compensation shall be paid from any funds of the authority. The authority shall designate the duties of the personnel;

(9) To make rules and regulations as the authority may deem necessary and desirable to provide for the operation, management, and control of the facility;

(10) To perform other acts necessary or incidental to the accomplishment of the purposes of this act, and other acts, including, but not limited to, the employment of legal and

accounting assistance, whether or not specifically authorized in the act, and not otherwise prohibited by law.

(d) The county commission may transfer property to the authority for planning for present and future purposes of the authority. [Amendment 695, approved Nov. 7, 2000]

Section 94-W. Mobile County: Promotion of Industrial, Commercial and Agricultural Development in City of Bayou La Batre.

A. Any provision or limitations in this Constitution or laws to the contrary notwithstanding, the city of Bayou La Batre shall have full and continuing power and authority to do any act hereinafter described or engage in any activity mentioned if the same is first approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose. The city or governing body thereof may purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind and may lend its credit or grant public money and things of value in aid of, or to, any individual, firm, association, or corporation, to promote local industrial, commercial, or agricultural development and the location of new industries or businesses in the city. The city or the governing body thereof may borrow money and pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full, and may pledge thereto any rental or sales proceeds of property leased, or sold by it. The provisions of this article of Amendment shall be self-executing; however, the governing body of the city shall have power to enact appropriate ordinances to implement and enforce the provisions hereof. [Amendment 220, approved Dec. 10, 1963]

B. Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, the city of Bayou La Batre, Mobile County, Alabama, shall have full and continuing power and authority, subject to the election hereinafter provided for, to promote local industrial, commercial or agricultural development and the location of new industries or businesses in or within 15 miles of said city, and whenever such action shall be deemed by the governing body of said city in its discretion to be in furtherance of such purposes, also full and continuing power and authority to do any one or more of the following:

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. To lease, sell for cash or on credit, exchange, or give and convey any such property described in subparagraph 1 above, to any person, firm, association or corporation, which shall locate or agree to locate a new industry or business in or within 15 miles of said city;

3. To become a stockholder in any corporation which shall locate or agree to locate a new industry or business in or within 15 miles of said city;

4. To lend its credit or grant public monies and things of value in aid of, or to, any individual, firm, association, or corporation, which shall locate or agree to locate a new industry or business in or within 15 miles of said city;

5. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes, evidences of indebtedness, or other obligations (all of which are hereinafter referred to as "obligations"), to a principal amount not exceeding 50% of the assessed valuation of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subparagraph 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations may (in addition to any pledge or pledges authorized by subparagraph 7 of this Amendment) be issued upon the full faith and credit of said city or may be limited as to the source of their payment;

6. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes not exceeding 2% on the value of all taxable property therein as determined for state taxation in the same manner as other municipal taxes are levied and collected;

7. To pledge to the payment of any of its obligations the annual proceeds of any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligation shall have been paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

The recital in any obligations that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein granted or that any special tax herein authorized has been levied and pledged to the payment of such obligations shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations shall have been paid in full. The obligations which may be issued hereunder shall not be considered an indebtedness of said city for the purposes of determining its borrowing capacity under section 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in section 216 of the Constitution, as amended.

The exercise of the powers and authority herein above set forth are subject to the prior approval thereof at an election called by the governing body of said city at which a majority of the qualified electors voting at said election shall vote in favor of such proposal. Notice of such election shall be given by publication for three consecutive weeks, the first publication to be at least thirty days before the date of the election, in a newspaper circulated in the city. The notice and ballot shall briefly summarize the proposal and in so doing may make reference to documents on file and available for public inspection in the office of the city clerk. In the event that the proposal shall include the issuance of any obligations, the principal amount of such obligations, the maturities thereof, and the maximum rate or rates of interest which they shall bear shall be set forth in the notice and on the ballot. In the event that the proposals shall include the levy and collection of any tax, the notice and ballot shall state the maximum rate of such tax.

No further or other election shall be required by section 222 of the Constitution for the issuance of bonds herein authorized to be issued.

This Amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act, to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth. [Amendment 261, approved Nov. 8, 1966]

Section 94-X. Morgan County: Promotion of Industrial, Commercial and Agricultural Development in Morgan County and Cities of Hartselle and Decatur; Morgan County Sheriff's Reserve; Morgan County Sheriff's Posse.

A. For the promotion of local industrial, commercial or agricultural development, Morgan County and the city of Hartselle and the city of Decatur shall each separately or any two or more of them jointly have full and continuing power:

(a) To purchase, construct, lease and otherwise acquire industrial, commercial and agricultural projects or sites, including real and personal property, plants, buildings, factories, works, facilities, machinery and equipment of any kind whatsoever;

(b) To lease, sell, exchange or otherwise convey all or any part of any such project or site to any person, firm or corporation;

(c) After an approving election as hereinafter provided, if required, to sell and issue for such purposes interest-bearing general obligation bonds.

Neither the county nor the cities shall issue any bonds under the authority of this Amendment, other than bonds issued to finance the acquisition or development of industrial sites, such development to include the extension and installation of streets and roadways and utility services, unless the question of the issuance of such bonds has first been submitted to the qualified electors of the county or the cities, as the case may be, and approved at such election by a majority of the qualified electors voting thereat. Each such election shall be called, held and conducted, and may be contested, in the manner provided by law for county or municipal bond elections, as the case may be.

Bonds issued under the authority of this Amendment shall not be considered indebtedness of the county or the cities, as the case may be, within the meaning of sections 224 and 225 of the Constitution of Alabama, but neither the county nor the cities shall at any time issue any bonds under the authority of this Amendment if as a result thereof it will have outstanding an aggregate principal amount of bonds issued hereunder in excess of twenty percent of an assessed value of the property in the county or the cities, as the case may be.

Neither shall the county or the cities issue any bonds under the authority of this Amendment, except bonds issued to finance the acquisition or development of industrial sites, such development to include the extension and installation of streets and roadways and utility services, unless prior thereto or contemporaneously therewith the county or the cities, as the case may be, has entered into a lease or other similar agreement, with respect to the project being financed by such bonds, providing for the payment to the county or the cities, as the case may

be, of net rentals sufficient to pay the principal of and the interest on such bonds at the respective maturities of such principal and interest, and any bonds issued hereunder shall be secured by a pledge of such rentals and may be secured by a foreclosable mortgage on such project and by a pledge of any other taxes and revenues which the county or the cities, as the case may be, is authorized by law to pledge to the payment of its bonded indebtedness.

All bonds issued under the authority of this Amendment shall be sold at public sale in the manner required by law for the sale of county or municipal bonds, as the case may be, and shall mature and be payable in annual or semiannual installments in such amounts and at such times as to result in the aggregate amount of principal and interest maturing thereon in each year following the year of their issuance being substantially equal, but shall not be subject to any other provisions of law relating to maturities of county or municipal bonds. In the event that any such action is necessary to prevent or cure a default in payment of the principal of or the interest on any bonds issued under the authority of this Amendment, the county or the cities, as the case may be, is authorized to levy and collect ad valorem taxes, without limitation as to rate or amount, on the assessed value of all taxable property in the county or the cities, as the case may be, but only so long as and only to such extent as necessary to prevent or cure any such default.

In carrying out the purposes of this Amendment, neither Morgan County nor the city of Hartselle nor the city of Decatur shall be subject to the provisions of section 93 of the Constitution of Alabama, and the taxes which the county and the cities are herein above authorized to levy and collect are in addition to all other taxes which the county and the cities are authorized to levy and collect.

This Amendment shall be self-executing, but notwithstanding any contrary provisions of section 104 of the Constitution of Alabama, the Legislature shall have the power, by general, special or local act, to enact laws supplemental hereto or in furtherance of the purposes hereof. [Amendment 303, approved Dec. 9, 1969]

B. The Morgan County commission is authorized to grant money to the Morgan County sheriff's reserve. Any purchases with said monies [moneys] in the Morgan County sheriff's reserve shall be the property of the Morgan County sheriff's office. [Amendment 457, approved June 3, 1986]

C. The county commission of Morgan County is hereby authorized to grant moneys to the Morgan County sheriff's posse. Any purchases with said moneys by the Morgan County sheriff's posse shall be the property of the Morgan County sheriff's office. [Amendment 502, approved Nov. 8, 1988]

Section 94-Y. Perry County: Economic Development of Municipality of Uniontown in Perry County.

Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, the municipality of Uniontown in Perry County shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein;

4. To become a stockholder in any corporation, association or company;

5. To lend this credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever;

6. To become indebted and to issue and sell interest bearing bond, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment) be issued upon the full faith and credit of the municipality of Uniontown, or may be limited as to the source of their payment;

7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in the municipality of Uniontown in Perry County, or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefitted by any proposed use or expenditure of the proceeds of such tax;

8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

9. To create a public authority or corporation having such powers, managed and governed by such board or governing body, and subject to such limitations as the governing body of the municipality of Uniontown in Perry County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon the municipality;

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full.

The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of the municipality of Uniontown in Perry County for the purpose of determining the borrowing capacity of the county under section 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in section 216 of the Constitution and all Amendments thereto.

This Amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth.

10. The municipality of Uniontown in Perry County shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the municipality. The governing body of the municipality may provide for holding such election, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks. [Amendment 155, approved Nov. 8, 1960]

Section 94-Z. Pickens County: Economic Development of Municipalities in Pickens County.

Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, any municipality in Pickens County, or any one or more of them, shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein;

4. To become a stockholder in any corporation, association or company;

5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever;

6. To become indebted and to issue and sell interest-bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment) be issued upon the full faith and credit of the municipality or may be limited as to the source of their payment;

7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in any municipality in Pickens County or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefitted by any proposed use or expenditure of the proceeds of such tax;

8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

9. To create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of any municipality in Pickens County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon any such municipality;

The recital in any bonds, warrants, notes or other obligations or evidences of

indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full.

The bonds, warrants, notes or other obligations or evidences of indebtedness issued

hereunder shall not be considered an indebtedness of any municipality in Pickens County for the purpose of determining the borrowing capacity of such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in

addition to those provided for or permitted in sections 215 and 216 of the Constitution and all Amendments thereto.

This Amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth.

10. No municipality shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of such municipality. The governing body of any municipality may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks. [Amendment 302, approved Dec. 9, 1969]

Section 94-AA. Randolph County: Promotion of Industry, Trade and Economic Development in Randolph County.

The Legislature, by general, local, or special law, may provide for the creation, incorporation, organization, operation, administration, authority, and financing of a public corporation empowered or intended to assist or aid in any way Randolph County or any municipality therein in promoting industry, trade, and economic development of Randolph County and each municipality situated in the county, and the Legislature may grant the corporation all powers, rights, privileges, exemptions, and authority as the Legislature considers necessary or desirable for the furtherance and accomplishment of the purposes of the public corporation. [Amendment 701, approved Nov. 7, 2000]

Section 94-BB. St. Clair County: Economic Development of St. Clair County and Municipalities Therein.

St. Clair County and the incorporated municipalities therein, jointly or severally, after an election held in accordance herewith shall have full and continuing power and authority to:

1. Purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. Lease, sell for cash or on credit, exchange, or give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. Promote local industrial, commercial, or agricultural development and the location of new industries or businesses therein;

4. Become a stockholder in any corporation, association or company;

5. Lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever;

6. Become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment) be issued upon the full faith and credit of the county or municipality or may be limited as to the source of their payment;

7. Levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in the county or in any

municipality in St. Clair County or upon all property in any district to be specially improved and benefitted by any proposed use or expenditure of the proceeds of such tax;

8. Pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

9. Create a public authority or corporation having such powers, managed and governed by such board or governing body and subject to such limitations as the governing body of St. Clair County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon the county or any municipality;

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full.

The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of St. Clair County or any municipality therein for the purpose of determining their borrowing capacity under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all Amendments thereto.

This Amendment shall be self-executing; but the Legislature may enact laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth.

Neither the county nor any municipality therein shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the locality affected thereby. The governing body of the county or any municipality may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks in a newspaper of general circulation in the county. [Amendment 197, approved Dec. 5, 1961]

Section 94-CC. Sumter County: Economic Development of Sumter County; Cities of York and Livingston.

A. Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, Sumter County acting through the county governing body shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein;

4. To become a stockholder in any corporation, association or company;

5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever;

6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidence of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidence of indebtedness may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment) be issued upon the full faith and credit of Sumter County, or may be limited as to the source of their payment;

The recital in any bonds, warrants, notes or other obligations or evidence of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidence of indebtedness shall have been paid in full.

The bonds, warrants, notes or other obligations or evidence of indebtedness issued hereunder shall not be considered an indebtedness of Sumter County for the purpose of determining the borrowing capacity of the county under section 224 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in section 215 of the Constitution and all Amendments thereto.

7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county

taxes are levied and collected. Such tax may be upon all property in the county, or upon all property in any district the boundaries of which the governing body of such county shall describe and which it shall determine to be specially improved and benefitted by any proposed use or expenditure of the proceeds of such tax;

8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidence of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidence of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

9. To create a public authority or corporation having such powers, managed and governed by such board or governing body subject to such limitations as the governing body of Sumter County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon the county.

Sumter County shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose. The governing body of the county may provide for holding such election, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published once a week for three successive weeks before the election.

This Amendment shall be self-executing; but the Legislature may enact general, special or local laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth. [Amendment 250, approved Nov. 30, 1965]

B. Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, the municipality of York in Sumter County shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind.

2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subsection 1 above, to any person, firm, association or corporation.

3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein.

4. To become a stockholder in any corporation, association or company.

5. To lend this credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever.

6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment) to be issued upon the full faith and credit of the municipality of York, or may be limited as to the sources of their payment.

7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in the municipality of York in Sumter County, or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefitted by any proposed use or expenditure of the proceeds of such tax.

8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

9. To create a public authority or corporation having such powers, managed and governed by such board or governing body, and subject to such limitations as the governing body of the municipality of York in Sumter County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon the municipality.

The recital in any bonds, warrants, notes or other obligations or evidences of

indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive, no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full.

The bonds, warrants, notes or other obligations or evidences of indebtedness issued

hereunder shall not be considered an indebtedness of the municipality of York in Sumter County for the purpose of determining the borrowing capacity of the county under section 225 of the Constitution; and the taxes herein authorized shall be in addition to

those provided for or permitted in section 216 of the Constitution and all Amendments thereto.

This Amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth.

10. The municipality of York in Sumter County shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the municipality. The governing body of the municipality may provide for holding such election, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks. [Amendment 221, approved Dec. 18, 1963]

C. Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, the municipality of Livingston in Sumter County shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein;

4. To become a stockholder in any corporation, association or company;

5. To lend this credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever;

6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment) be issued upon the full faith and credit of the municipality of Livingston, or may be limited as to the source of their payment;

7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in the

municipality of Livingston in Sumter County, or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefitted by any proposed use or expenditure of the proceeds of such tax;

8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

9. To create a public authority or corporation having such powers, managed and governed by such board or governing body, and subject to such limitations as the governing body of the municipality of Livingston in Sumter County may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon the municipality.

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full.

The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of the municipality of Livingston in Sumter County for the purpose of determining the borrowing capacity of the county under section 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in section 216 of the Constitution and all Amendments thereto.

This Amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth.

10. The municipality of Livingston in Sumter County shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the municipality. The governing body of the municipality may provide for holding such election, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks. [Amendment 251, approved Nov. 30, 1965]

Section 94-DD. Walker County: Economic Development of Town of Carbon Hill in Walker County; Promotion of Economic and Industrial Development in Walker County.

1. Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, the town of Carbon Hill in Walker County shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein;

4. To become a stockholder in any corporation, association or company;

5. To lend this credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever;

6. To become indebted and to issue and sell interest-bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment) be issued upon the full faith and credit of the town of Carbon Hill, or may be limited as to the source of their payment;

7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in the municipality, or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefitted by any proposed use or expenditure of the proceeds of such tax;

8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full.

The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of the municipality for the purpose of determining the borrowing capacity of the county under section 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in section 216 of the Constitution and all Amendments thereto.

9. To create a public authority or corporation having such powers, managed and governed by such board or governing body, and subject to such limitations as the governing body of the town of Carbon Hill may impose, by approving and filing a certificate to that effect in the office of the judge of probate of Walker County or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon the municipality.

10. The town of Carbon Hill shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the municipality. The governing body of the municipality may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks in a newspaper having general circulation in Walker County.

This Amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth. [Amendment 277, approved Dec. 5, 1967]

2.

For the promotion of local economic and industrial development of Walker County, Walker County and each municipality the corporate limits of which are located wholly in the county shall, other provisions of law or this constitution notwithstanding, have, independently or in cooperation with one or more of such governmental entities, full and continuing power to do all of the following:

(1) To purchase, lease, or otherwise acquire land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial sites or industrial park projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas, and utilities to serve those sites or

projects.

(2) To lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county or any such municipality, as applicable, all or any part of any site or project to any person, firm, or corporation, public or private, including any industrial development board, other public corporation or authority heretofore or hereafter created by the county or any municipality therein, for the purpose of constructing or developing, by a purchaser or lessee, and equipping and operating, industrial, transportation, distribution, warehouse or research facilities, and offices and other facilities auxiliary to the foregoing.

(3) To grant public funds to the industrial development boards, public corporations, or authorities.

Any action referred to in subdivision (1), (2), and (3) which has been taken subsequent to January 1, 1996, is ratified, approved, and confirmed. Nothing herein shall authorize the county, or any municipality therein, to construct buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither Walker County nor any municipality located wholly within Walker County shall be subject to the provisions of Sections 93 or 94 of this constitution, as amended. The Legislature shall have the power, by special or local law, to create, or provide for the creation of, any public corporation, authority, board, agency, or other entity empowered or intended to assist or aid in any way the county or the municipality in carrying out the purposes of this amendment and the special or local law shall not be subject to the provisions of Sections 104 and 106 of this constitution, as amended. This amendment shall be self-executing and the powers granted hereby may be exercised as an alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the county, or to any municipality, or to any agency, board, or authority created pursuant to the laws of this state and acting pursuant to this amendment.

No action may be taken under this amendment by the county or any of the municipalities until after the question of whether the county and the municipalities shall have the authority to take the action shall be submitted to the qualified electors of the county, at an election called for that purpose by the governing body of the county and a majority of the qualified electors voting at the election vote in favor of the county and the municipalities having the authority to take action. [Amendment 596, approved June 19, 1996]

Section 94-EE. Washington County: Washington County Port Authority.

Section 1. The governing body of Washington County, Alabama, is hereby authorized to declare by the adoption of appropriate resolution, the need for the formation of a public corporation to carry out the provisions of this act. Upon the adoption of such resolution the governing body of Washington County shall appoint five persons, each of whom must be a duly qualified elector and property owner in the said county, who shall form the board of directors of such corporation and shall proceed to organize such corporation.

Section 2. **(a)** The certificate of incorporation shall set forth:

(1) The names and resident addresses of the persons forming the corporation, together with a recital that each of them is a duly qualified elector of and property owner in Washington County;

(2) The name of the corporation;

(3) A recital that the governing body of Washington County has declared by the adoption of an appropriate resolution the need for the formation of the corporation;

(4) The location of the principal office of the corporation;

(5) A statement that the corporation is organized for the purposes set forth in this Amendment with all the powers and authorities specified in this Amendment;

(6) The period of the duration of the corporation; and

(7) Any other matters which the persons forming the corporation may choose to insert therein which shall not be inconsistent with this Amendment or with the laws of the state of Alabama.

(b) The name designated for the corporation in the certificate of incorporation shall be one indicating the purpose thereof, such as the "Washington County Port Authority" or some other name of similar import.

(c) The certificate of incorporation shall be subscribed and acknowledged by each of the persons forming the corporation before an officer or officers authorized by the laws of the state of Alabama to take acknowledgments to deeds, and the certificate of incorporation shall have attached thereto a certified copy of the resolution provided for in section 1, and a certificate by the secretary of state that the name proposed for the corporation is not identical with that of any other corporation in the state or so nearly similar thereto as to lead to confusion and uncertainty.

Section 3. The certificate of incorporation, when executed and acknowledged in conformity with section 2, shall be filed with the judge of probate of Washington County and with the secretary of state. The judge of probate shall thereupon examine the certificate of incorporation and, if he finds that the recitals contained therein are correct, that the requirements of section 2 have been complied with, and that the name is not identical with or so nearly similar to that of another corporation already in existence in this state so as to lead to confusion and uncertainty, he shall approve the certificate of incorporation and record it in an appropriate book or record in his office and shall also file the certificate of incorporation with the secretary of state. When such certificate is so filed, the corporation referred to therein shall come into existence and shall constitute a public body corporate and politic, vested with the rights and powers herein granted.

Section 4. The certificate of incorporation of the corporation incorporated under the provisions of this Amendment may at any time and from time to time be amended in the manner provided in this section. The board shall first adopt a resolution adopting an amendment to the certificate of incorporation which shall be set forth in full in the said resolution and which Amendment may include any matters which might have been included in the original certificate of incorporation.

After the adoption of the resolution proposing an amendment to the certificate of incorporation of the corporation by the board, the president and secretary of the board shall sign and file for

record in the office of the judge of probate in Washington County and in the office of the secretary of state a certificate in the name of and in behalf of the corporation under its seal, reciting the adoption of said resolution by the board. The judge of probate for Washington County shall thereupon record such certificate in an appropriate book in his office. When such certificate has been so filed and recorded, such Amendment shall become effective, and the certificate of incorporation shall thereupon be amended to the extent provided in the Amendment.

Section 5. **(a)** The corporation shall have a board of directors in which all of the powers of the corporation shall be vested pursuant to its authority, and which shall consist of five members. The directors shall be elected by the governing body of Washington County for staggered terms of office as follows:

Two (2) years for the first appointee;

Three (3) years for the second appointee;

Four (4) years for the third appointee;

Five (5) years for the fourth appointee;

Six (6) years for the fifth appointee; and thereafter

The term of office of each director shall be six (6) years.

If any director resigns or dies or becomes incapable of acting as a director or ceases to reside in Washington County or is otherwise disqualified to act, the governing body of Washington County shall elect a successor to serve for the unexpired term. Directors shall be eligible for re-election to succeed themselves in office. If at the expiration of any term of office of any director, a successor thereto shall not have been elected, then the director whose term of office shall have expired shall continue to hold office until a successor shall be so elected. No director shall be an officer or member of the governing body of Washington County.

(b) A majority of the members of the board shall constitute a quorum for the transaction of business, but any meeting of such board may be adjourned from time to time by a majority of the directors present or may be so adjourned by a single director if such director is the only director present at such meeting. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and duties of the authority. Any matter in which the board is authorized to act may be acted upon at a regular, special or called meeting. At the request of any director, the vote on any question before the board shall be taken by ayes and nays entered upon the record. All proceedings of the board shall be reduced to writing by the secretary of the board and recorded in a well-bound book which shall be open for inspection by each director and the public at all reasonable times. Copies of such proceedings when certified by the secretary of the corporation under its seal shall be received in all courts as evidence of the matters and things therein certified. The directors and officers of the corporation shall serve without compensation, except that they may be reimbursed for actual expenses incurred in the performance of their duties. Any director may be impeached and removed from office in the manner and on the same grounds provided for in section 175 of the Constitution of Alabama of 1901, and the general laws of the state for impeachment and removal of officers mentioned in said section 175.

(c) The corporation shall have a president, a vice president, a secretary and a treasurer and such other officers as the board shall deem necessary, but the office of secretary and treasurer may be held by the same person. The president and vice president of the corporation shall be elected by the board from the membership thereof; the secretary, the treasurer, and any other officer of the corporation may, but need not, be a member of the board and shall also be elected by the board. The officers of the board shall be elected at a regular meeting of the board to be held in the month of January of each year, and once elected shall serve until their successor is chosen and elected. The president, vice president, secretary and treasurer of the corporation shall also be the president, vice president, secretary and treasurer of the board, respectively.

(d) The corporation shall make to the governing body of Washington County an annual written report of its activities and of its plans for the future which report shall include a financial operating statement and balance sheet prepared by the examiner of public accounts for the state of Alabama or by a certified public accountant appointed by the corporation.

Section 6. A corporation organized and existing under the provisions of this Amendment shall have the following powers, together with all powers incident thereto or necessary for the performance of those stated herein:

(a) To adopt and from time to time amend bylaws for the regulation of its affairs and the conduct of its business;

(b) To adopt an official seal and alter the same at its pleasure;

(c) To maintain a principal office in Washington County and sub-offices at such other places as its board may designate in Washington County;

(d) To sue and be sued in its own name, excepting actions in tort against the corporation;

(e) To construct, own, operate, lease, build, install, acquire, maintain, equip, use and control marinas, ports, waterfront facilities, docks, wharves, piers, berths, quays, warehouses, loading and unloading facilities, boat and barge docking facilities, fishing facilities, pavilions, auditoriums, shops, stores, boat launching facilities, dry docks, canals, recreational facilities, campgrounds, parking facilities, office and other commercial buildings, water systems, electrical systems, gas and fuel oil pipelines and pumping stations, railroad lines and railway systems, helicopter and airline landing and loading facilities, industrial and manufacturing sites, buildings and facilities, coal and other solid fuel handling facilities, wood products manufacturing and handling facilities, agriculture and farm commodity handling, storage and processing facilities, drainage and sewage facilities, liquid and solid waste handling and disposal facilities, conveyor systems, jetties, mooring facilities, and all necessary or convenient approaches, easements, roads, streets and ways leading thereto or used in conjunction therewith; and specifically including herein bridge and road relocation, and the construction, maintenance and operation of bridges, tunnels, overpasses, underpasses, roads and sidewalks; and the construction, leasing, operation, equipping, owning, using, controlling and maintaining of public terminal and transfer facilities, flood control facilities, water and soil erosion facilities, railroad and highway bridge relocation and construction and maintenance of the same and all other types of waterway facilities pursuant to all state,

county, local and federal laws and regulations relative to the operation and maintenance of the Tombigbee river;

(f) To own, acquire, maintain and control easements, rights-of-way, streets, approaches, roads, interests in land, including the fee simple title to real property, riparian rights, and mooring rights necessary, useful or convenient in gaining access, entry or approach to waterways, rivers, canals and streams, whether or not navigable and whether or not such easements, rights of way, streets, approaches, roads, interests in land, riparian rights and mooring rights lead to property owned or controlled by the corporation;

(g) To acquire, whether by purchase, construction, exchange, gift, lease or otherwise and to improve, equip and furnish and to own and maintain or lease one or more projects or parts thereof, including all real and personal properties and interests therein which its board may deem necessary in connection therewith, regardless of whether or not any such project or projects shall then be in existence;

(h) To acquire, receive, take, hold, lease or operate, whether by purchase, gift, devise or otherwise, property of every description, whether real, personal or mixed, and to manage the same and to improve or develop any undeveloped property owned, leased or controlled by it;

(i) To sell, convey, lease or grant options for such purposes, any or all of its projects or properties, whenever its board shall find that such action is in the furtherance of the purposes for which the corporation was organized;

(j) To exchange or donate any or all of its projects or properties or parts thereof whenever its board shall find such action to be in furtherance of the purpose for which the corporation was organized;

(k) To execute and deliver such contracts or instruments of writing and to take such action as may be necessary or convenient to carry out the purposes for which the corporation was organized or to exercise any power or authority granted herein;

(l) To lease or let any project or any part thereof to such tenant or tenants for such term or terms at such compensation or rentals and subject to such provisions, limitations and conditions as its board may approve;

(m) To furnish or supply upon any property owned, leased or controlled by the corporation to any persons, machines, automobiles, and water craft thereon, for reward or compensation, any goods, commodities, safety and health care facilities, fire fighting and prevention facilities, and services convenient or useful to the owners, operators and users of any water craft, machines, and automobiles, and to persons upon property owned, leased or controlled by the corporation, including, but not limited to, food, lodging, shelter, lawful drinks, confections, oil, gasoline, motors and water craft, motor and water craft parts and equipment, guard services, space in buildings, space for buildings and structures, communication facilities, telephone systems, and the services of mechanics, repairmen and technicians;

(n) To charge fees for admission to any of its properties;

(o) To borrow money on such terms as are acceptable to the corporation for any corporate purpose and to execute and deliver its promissory note or notes and such other

agreements as may be reasonably necessary or required to consummate the loan and secure the payment of the indebtedness;

(p) To sell, exchange and convey any of its properties that may have become obsolete or worn out or that may no longer be needed or useful, subject to the approval of the directors of the corporation;

(q) To procure and agree to the procurement of insurance or guarantees from the United States of America or any agency or instrumentality thereof, or from any private insurance company, of the payment of any bonds issued by the corporation, and to pay premiums or fees for any such insurance or guarantees;

(r) To enter into contracts with, to accept aid, loans and grants from, to cooperate with, and to do any and all things not specifically prohibited by this Amendment, and other applicable laws of the state that may be necessary in order to avail itself of the aid and cooperation of the United States of America, the state, the county or any agency, instrumentality or political subsection of either thereof in furtherance of the purposes of the corporation;

(s) To appoint, employ, contract with and provide for compensation of such officers, employees and agents, including engineers, attorneys, planning consultants, fiscal advisors, architects, accountants, financial experts, fiscal agents, managers and such other advisors, consultants and agents as may in its judgment be necessary or desirable as the business of the corporation may require, including the power to fix working conditions by general rule or other conditions of employment and at its option to provide a system of disability pay, retirement compensation and pensions or any of them and to hire and fire servants, agents, employees and officers at will;

(t) To fix, establish, collect and alter landing fees, docking fees, tolls, rents and other charges for the use of any facility or other property owned or controlled by the corporation;

(u) To make and enforce rules and regulations governing the use of any property or facility or other property owned or controlled by the corporation;

(v) To procure insurance against any loss in connection with its property and other assets in such amounts and from such insurers as its board may deem desirable;

(w) To enter into a management contract or contracts with any person, firm or corporation, whether public or private, for the management, supervision or operation of all or any part of its facilities as may in the judgment of the corporation be necessary or desirable in order to perform more efficiently or economically any function for which it may become responsible in the exercise of the powers conferred upon it by this Amendment;

(x) To invest its monies [moneys](including, without limitation, the monies [moneys] held in any special fund created pursuant to any trust indenture or agreement or resolution securing any of its bonds or notes and proceeds from the sale of any of its bonds or notes) not required for immediate use in:

(1) Any debt securities that are direct, general obligations of the United States of America,

(2) Any debt securities, the payment of the principal or any interest on which is unconditionally guaranteed by the United States of America,

(3) Any time deposit with, or any certificate of deposit issued by, any bank which is organized under the laws of the United States of America or any state thereof and deposits in which are insured by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation, and

(4) Any debt obligation in which an insurance company organized under the laws of the state may legally invest its money at the time of investment by the corporation;

(y) To issue its bonds for the purpose of carrying out any of its powers and to apply proceeds from the sale of its bonds not only for payment of interest thereon prior to and during the construction and equipment of any buildings, structures, facilities or other improvements being financed thereby but also to pay bond discount, commissions or other financing charges, interest on the obligations issued in evidence of such borrowing for such period as its board shall deem advisable, fees and expenses of financial advisors and planning and management consultants, all legal, accounting, publishing, printing, recording and filing fees and expenses and such other expenses as shall be necessary or incident to such borrowing;

(z) To mortgage and pledge any or all of its projects or any part or parts thereof, as security for the payment of the principal, interest and premium, if any, on any bonds so issued and any agreements made in connection therewith, whether then owned or thereafter acquired, and to pledge the revenues and receipts therefrom or from any thereof;

(aa) To exercise the power of eminent domain in the manner provided in and subject to the provisions of Act No. 85-548, S. 287, 1985 Regular Session (Acts 1985, p. 802), as amended;

(bb) To expend funds for the purchase or lease of materials, equipment, supplies or other personal property without compliance with the provisions of the competitive bid laws then in effect in the state of Alabama that might otherwise be applicable;

(cc) To lend upon such terms and conditions as its board may deem advisable, all or any portion of the proceeds derived from the issuance of its bonds, notes or obligations to a user, whether pursuant to one or more loan agreements or in conjunction with the lease or sale of one or more facilities to such user or the purchase of any authorized purpose obligation relating to a facility or facilities operated by such user, for one or more or any combination of the following purposes:

(1) To enable such user to borrow an amount not substantially in excess of the equity (determined on any basis not resulting in a higher value for any facility in question than the estimated replacement cost or the appraised market value thereof, whichever may be greater) which such user may then have in any facility or facilities;

(2) To enable such user to refinance any outstanding indebtedness incurred or assumed in connection with the acquisition, improvement or operation of any existing facility or facilities;

(3) To enable such user to finance the costs of acquiring, by purchase, construction or otherwise, one or more facilities and/or the costs of expending or improving one or more facilities, regardless of whether any such facility has theretofore been owned or leased by such user or is to be acquired or leased by such user; and

(4) To enable such user to borrow working capital for use in the operation of one or more facilities;

(dd) To do any and all things necessary or convenient to carry out its purposes and to exercise its powers pursuant to the provisions of this Amendment.

Section 7. **(a)** All bonds issued by the corporation shall be payable solely out of the revenues and receipts derived from the leasing or sale by the board of its projects or of any thereof as may be designated in the proceedings of the board under which the bonds shall be authorized to be issued.

(b) The principal of and interest on any bonds issued by the corporation shall be secured by a pledge of the revenues and receipts out of which the same may be payable and may be secured by a mortgage and deed of trust or trust indenture conveying as security for such bonds all or any part of the property of the corporation from which the revenues or receipts so pledged may be derived. The resolution under which the bonds are authorized to be issued and any such mortgage and deed of trust or trust indenture may contain any agreements and provisions respecting the operation, maintenance and insurance of the property covered by said mortgage and deed of trust or trust indenture, the use of the revenues and receipts subject to such mortgage and deed of trust or trust indenture, the creation and maintenance of special funds from such revenues and receipts, rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made and the rights and remedies available in the event of default as the board shall deem advisable and which are not in conflict with the provisions of this article. Each pledge, agreement, mortgage and deed of trust or trust indenture made for the benefit or security of any of the bonds of the corporation shall continue effective until the principal of and interest on the bonds for the benefit of which the same were made shall have been fully paid. In the event of default in such payment or in any agreements of the corporation made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any mortgage and deed of trust or trust indenture executed as security therefor, such default may be enforced by mandamus, the appointment of a receiver, or either of said remedies, and foreclosure of such mortgage and deed of trust or trust indenture may, if provided for in said instrument, be had.

(c) All bonds issued by the corporation shall be signed by the president of its board and attested by its secretary, and the seal of the corporation shall be affixed thereto, and any interest coupons applicable to the bonds of the authority shall be signed by the chairman of its board: provided, that a facsimile of the signature of one, but not both, of said officers may be printed or otherwise reproduced on any such bonds in lieu of his manually signing the same, a facsimile of the seal of

the authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereof, and a facsimile of the signature of the president of the board may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same.

(d) Any such bonds may be executed and delivered by the corporation at any time and from time to time, shall be in such form and denominations and of such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this article, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its board. Bonds of the corporation may be sold at either public or private sale in such manner and at such price or prices and at such time or times as may be determined by the board to be most advantageous. The corporation may pay all expenses, premiums and commissions in connection with any financing done by it. All bonds, except bonds registered as to principal or as to both principal and interest, and any interest coupons applicable thereto issued by the corporation shall be construed to be negotiable instruments although payable solely from a specified source.

(e) All obligations created or assumed and all bonds issued or assumed by the corporation shall be solely and exclusively an obligation of the corporation and shall not create an obligation or debt of the state or of any county or municipality: provided that the provisions of this sentence shall not be construed to release the original obligor from liability on any bond or other obligation assumed by the corporation. Any bonds issued by the corporation shall be limited or special obligations of the corporation payable solely out of the revenues and receipts of the corporation specified in the proceedings authorizing those bonds.

(f) Bonds of a corporation are hereby made legal investments for executors, administrators, trustees and other fiduciaries, unless otherwise directed by the court having jurisdiction of the fiduciary relation or by the document that is the source of the fiduciary's authority, and for savings banks and insurance companies organized under the laws of the state.

Section 8. All moneys derived from the sale of any bonds issued by the corporation shall be used solely for the purpose or purposes for which the same are authorized, including, but without limitation to, the use of bond proceeds to establish reserve funds as security for the payment of the principal of (and premium, if any) and interest on the bonds, and any costs and expenses incidental thereto. Such costs and expenses may include but shall not be limited to the fiscal, engineering, legal and other expenses incurred in connection with the issuance of the bonds, and except in the case of refunding bonds, interest to accrue on such bonds for a period ending not later than two years from their date.

Section 9. Any bonds issued by the corporation may from time to time be refunded by the issuance, by sale or exchange, of refunding bonds payable from the same or different sources for the purpose of paying all or any part of the principal of the bonds to be refunded, any redemption premium required to be paid as a condition to the redemption prior to maturity of any such bonds that are to be so redeemed in connection with such refunding, any accrued and unpaid interest on the bonds to be refunded, any interest to accrue on each bond to be refunded to the date on which it is to be paid, whether at maturity or by redemption prior to maturity, and the expenses incurred in connection with refunding: provided, that unless duly called for redemption pursuant to provisions contained therein, the holders of any such bonds then outstanding and proposed to be refunded shall not be compelled without their consent to surrender their outstanding bonds for

such refunding. Any refunding bonds may be sold by the corporation at public or private sale at such price or prices as may be determined by its board to be most advantageous, or may be exchanged for the bonds or other obligations to be refunded. Any such refunding bonds may be executed and delivered by the corporation at any time and from time to time, shall be in such form and denominations and have such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this article, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its board.

Any refunding bonds issued by the corporation shall be issued and may be secured in accordance with the provisions of section 7, hereof.

Section 10. Upon the adoption by the board of the corporation of any resolution providing for the issuance of bonds, the corporation may, in its discretion, cause to be published once a week for two consecutive weeks, in a newspaper published or having a general circulation in Washington County, a notice in substantially the following form (the blanks being properly filled in) at the end of which shall be printed the name and title of either the president or secretary of such corporation:

> "_____, a public corporation under the laws of the state of Alabama, on the _____ day of _____, authorized the issuance of $_____ principal amount of bonds of the said public corporation for purposes authorized in the act of the Legislature of Alabama under which the said public corporation was organized. Any action or proceeding questioning the validity of the said bonds, or the pledge and the mortgage and deed of trust or trust indenture to secure the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of this notice".

Any action or proceeding in any court to set aside or question the proceedings for the issuance of the bonds referred to in said notice or to contest the validity of any such bonds, or the validity of any pledge and mortgage and deed of trust or trust indenture made therefor, must be commenced within 30 days after the first publication of such notice. After the expiration of the said period no right of action or defense questioning or attacking the validity of the said proceedings or of the said bonds or the said pledge or mortgage and deed of trust or trust indenture shall be asserted, nor shall the validity of the said proceedings, bonds, pledge, mortgage, and deed of trust or trust indenture be open to question in any court on any ground whatsoever except in an action commenced within such period.

Section 11. The corporation and all properties at any time owned by it and the income therefrom and all bonds issued by it and the income therefrom shall be exempt from all taxation in the state of Alabama, including, without limitation, ad valorem, sales, excise, license and privilege taxes: provided, however, this exemption shall not be construed to exempt concessionaires or lessees of the authority from the payment of any taxes, including licenses, privileges, or sales taxes levied by the state, county or any municipality. The certificate of incorporation of the corporation, the certificate of dissolution, all deeds or other documents whereby properties are conveyed to the corporation and all deeds, indentures or leases executed by the corporation may be filed for record in the office of the judge of probate of Washington County and, if necessary, in the office of the secretary of state, without the payment of any tax or fees other than such fees as may be authorized by law for the recording of such instrument.

Section 12. Washington County shall not in any event be liable for the payment of the principal of or interest on any bonds of the corporation or for the performance of any pledge, mortgage, obligation or agreement of any kind whatsoever which may be undertaken by the corporation, and none of the bonds of the corporation or any of its agreements or obligations shall be construed to constitute an indebtedness of Washington County within the meaning of any constitutional or statutory provision whatsoever.

Section 13. The corporation shall be exempt from the laws of the state of Alabama governing usury or prescribing or limiting interest rates.

Section 14. The corporation shall be a nonprofit corporation and no part of its net earnings remaining after payment of its expenses shall inure to the benefit of any individual, firm or corporation, except that in the event a board shall determine that sufficient provision has been made for the full payment of the expenses, bonds and other obligations of the corporation, then any net earnings of the corporation thereafter accruing shall be paid to Washington County.

Section 15. At any time when the corporation has no bonds or other obligations outstanding, its board may adopt a resolution, which shall be duly entered upon its minutes, declaring that the corporation shall be dissolved. Upon filing for record of a certified copy of the said resolution in the office of the judge of probate of Washington County, the corporation shall thereupon stand dissolved and in the event it owned any property at the time of its dissolution, the title to all its properties shall thereupon pass to Washington County.

Section 16. The existence of a corporation incorporated under the provisions of this Amendment shall prevent the subsequent incorporation hereunder of another corporation pursuant to authority granted to such corporation.

Section 17. The contracts of the corporation shall be executed in the name of the corporation by the president of the corporation and attested by the secretary of the corporation. Except for bonds it is not required that the seal be impressed or printed on contracts. It is further provided hereby that, except for bonds, the corporation may provide by resolution for a different form for the execution of contracts and for the execution thereof by an officer or agent other than the president and secretary. But in no event shall a contract, irrespective of the form and of the person executing the same, be binding unless such contract was authorized or ratified by the corporation.

Section 18. Washington County or any municipality within the county, is authorized, but not required, to lease, sell, donate or otherwise convey to the corporation, real or personal property, including park properties, without the necessity of authorization by election of the qualified voters of said county, the municipality, and the governing body of said county or any municipality within the county, and is hereby authorized to enter into any agreements which such corporation may deem necessary in order to effectuate such lease, sale, donation, or transfer. The governing body of Washington County, or any municipality within the county, is further authorized to covenant with the corporation, which covenant shall likewise constitute a contract with the holders of any revenue bonds, notes or other obligations thereafter issued by the corporation, that it will not acquire, construct or operate or permit the acquisition, construction or operation within the municipality or county, of any facility in competition with the corporation so long as any of the bonds, notes or other obligation of the corporation shall remain outstanding.

Section 19. The provisions of this Amendment shall be self-executing and become effective upon the ratification of this Amendment by the people. [Amendment 470, approved Nov. 4, 1986]

Section 94-FF. Winston County: Economic Development of Municipalities of Haleyville and Double Springs and of Municipalities of Addison and Lynn.

A. Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, the municipalities of Haleyville and Double Springs in Winston County shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. To lease, sell for cash or on credit, exchange, or give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein;

4. To become a stockholder in any corporation, association or company;

5. To lend its credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever;

6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment) be issued upon the full faith and credit of the municipalities of Haleyville and Double Springs, or may be limited as to the source of their payment;

7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in the municipalities of Haleyville and Double Springs, or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefitted by any proposed use or expenditure of the proceeds of such tax;

8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such

obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

9. To create a public authority or corporation having such powers, managed and governed by such board or governing body, and subject to such limitations as the governing bodies of the municipalities of Haleyville or Double Springs may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon the municipalities.
The recital in any bonds, warrants, notes or other obligations or evidences of

indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance, of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full.

The bonds, warrants, notes or other obligations or evidences of indebtedness issued

hereunder shall not be considered an indebtedness of the municipalities of Haleyville and Double Springs for the purpose of determining the borrowing capacity of the county under section 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in section 216 of the Constitution and all Amendments thereto.

This Amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth.

10. The municipalities of Haleyville and Double Springs shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the respective municipality. The governing body of each of the two municipalities may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks. [Amendment 104, approved Nov. 2, 1954]

B. Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, the municipalities of Addison and Lynn in Winston County shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

1. To purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind;

2. To lease, sell for cash or on credit, exchange, give and convey any such property described in subsection 1 above, to any person, firm, association or corporation;

3. To promote local industrial, commercial or agricultural development and the location of new industries or businesses therein;

4. To become a stockholder in any corporation, association or company;

5. To lend this credit or to grant public moneys and things of value in aid of, or to, any individual, firm, association, or corporation whatsoever;

6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding fifty percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease or acquisition of any of the property described in subsection 1 above or to be used in furtherance of any of the other powers or authorities granted in this Amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subsection 8 of this Amendment) be issued upon the full faith and credit of the municipalities of Addison and Lynn, or may be limited as to the source of their payment;

7. To levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in the municipalities of Addison and Lynn, or upon all property in any district the boundaries of which the governing body of such municipality shall describe and which it shall determine to be specially improved and benefitted by any proposed use or expenditure of the proceeds of such tax;

8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it;

9. To create a public authority or corporation having such powers, managed and governed by such board or governing body, and subject to such limitations as the governing bodies of the municipalities of Addison or Lynn may impose, by approving and filing a certificate to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this Amendment upon the municipalities.

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this Amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full.

The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of the municipalities of Addison and Lynn for the purpose of determining the borrowing capacity of the county under section 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in section 216 of the Constitution and all Amendments thereto.

This Amendment shall be self-executing; but the Legislature shall have the right and power by general, special or local act to adopt laws supplemental to this Amendment or in furtherance of the purposes and objectives herein above set forth.

The municipalities of Addison and Lynn shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the respective municipality. The governing body of each of the two municipalities may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks. [Amendment 256, approved Nov. 30, 1965]

Section 95. Impairing Obligation of Contracts; Revival of Barred Rights or Remedies; Removal of Cause of Action or Defense to Suit After Commencement of Suit.

There can be no law of this state impairing the obligation of contracts by destroying or impairing the remedy for their enforcement; and the Legislature shall have no power to revive any right or remedy which may have become barred by lapse of time, or by any statute of this state. After suit has been commenced on any cause of action, the Legislature shall have no power to take away such cause of action, or destroy any existing defense to such suit. [Original Section 95]

Section 96. Uniformity of Laws Regulating Court Costs and Charges and Fees, Commissions and Allowances of Public Officers; Salaries, Fees, etc., of County Officials Charged With Assessing and Collecting Ad Valorem Taxes; Abolishment, Combination or Alteration of Offices of Tax Assessor, Tax Collector or License Commissioner; Appointments and Promotions in Civil Service.

1. The Legislature shall not enact any law not applicable to all the counties in the state, regulating costs and charges of courts, or fees, commissions or allowances of public officers. [Original Section 96]

2. The Legislature may, from time to time, by general or local law applicable to the various counties of this state, establish the salaries, fees, commissions or allowances to be charged or received by the tax assessors, tax collectors, license commissioners, revenue commissioners or other officials charged with the assessing and collecting of ad valorem taxes in the various counties of this state, including changing the method and basis of their compensation; and may place any or all of such officials on a salary and further provide for disposition of the fees, commissions, allowances or other compensation theretofore paid to such officials; and may provide that the salaries of such officials may be paid from the ad valorem taxes assessed and collected by them on a pro rata basis from the various funds receiving such ad valorem taxes; provided, however, that following the effective date of any general law passed pursuant to this

constitutional Amendment, the Legislature may not thereafter either increase or decrease the salaries of such officials during any term for which such officials have been elected or appointed, and in the case of such officials who were converted from a fee basis to a salary basis of compensation, the Legislature may not decrease the salaries of such officials during any term for which such officials have been elected or appointed or may be thereafter re-elected or re-appointed. The Legislature may by local act provide for the abolishment, combination or other alteration of the offices of tax assessor, tax collector or license commissioner with approval of a majority of voters in the county affected.
In the event [this Amendment is] [the provisions hereof are] approved and subsequently ratified by the qualified electors of this state who vote thereon when it is submitted, then any law theretofore passed by the Legislature addressing the subject matter covered by this Amendment shall become effective according to the provisions of said law. [Amendment 411, approved Sept. 7, 1982]

3. A. Appointments and promotions in the civil service of this state shall be made according to merit, fitness and efficiency, to be determined, so far as practicable, by examination, which, so far as practicable, shall be competitive under such laws as the Legislature may enact.

B. It shall be the duty of the Legislature to maintain laws necessary to implement, and to provide adequate financial support for, a positive program of personnel management in the state service.

C. All state personnel laws now in effect that are not in conflict with this Article shall continue in effect until they are amended or repealed as provided by law. Civil service status acquired by employees under existing statutes shall not be affected by the provisions of this Article. [Amendment 88, approved Dec. 15, 1981]

Section 96-A. Autauga County: Compensation of Probate Judge of Autauga County; Assessing Additional Court Costs; Proceeds to be Used for Improvements in Existing Courthouse.

1. Commencing at the next term of office [i.e., after ratification November 8, 1988], the probate judge of Autauga County shall be entitled to receive compensation in the form of an annual salary. Such annual salary shall be the amount of the minimum salary prescribed by general law and shall continue for the first three years of such term of office. Thereafter, the minimum annual salary of the probate judge of Autauga County shall be 90 percent of the annual compensation and allowance paid the presiding circuit judge of the 19th judicial circuit or the minimum salary prescribed by general law, whichever is higher. Such salary shall be paid in lieu of all other fees, allowances, and percentages heretofore provided by law, and shall be paid in equal monthly installments out of the general fund in the county treasury.
All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Autauga County shall hereafter continue to be collected but shall be paid into the county general fund. [Amendment 493, approved Nov. 8, 1988]

2. In addition to any court costs or fees now [i.e., at ratification, October 12, 1999] or hereafter authorized, and notwithstanding any other provisions of the Constitution, including without limitation Sections 96, 104, and 105, there shall be an additional forty dollars ($40) fee assessed and taxed as costs on each civil and criminal case, excluding small claims, filed in circuit court,

district court, or any municipal court in Autauga County, as well as a fee not to exceed five dollars ($5) for the service of all pleadings and other documents in connection with any such action or case. The fees may not be waived by any court unless all other fees, assessments, costs, fines, and charges associated with the cases are waived. The additional fees, when collected by the clerks or other collection officers of the courts, shall be paid into the General Fund of Autauga County to be used by the county commission for the planning, designing, construction, financing, and operation of a new county jail arid the planning, design, repair, renovation, financing, and operation of the existing county courthouse. When the costs of the new county jail and the renovated county courthouse have been fully paid or when the debt service on any indebtedness incurred by the county commission to finance or refinance the costs have been retired, whichever occurs later, the additional fees authorized [by this Amendment] [herein] shall continue to be collected in all cases and shall be used to pay costs of the operation, upkeep, and maintenance of a new county jail and the renovated county courthouse. [This Amendment] [The provisions hereof] shall be self-executing and shall require no enabling legislation. [Amendment 661, approved Oct. 12, 1999]

Section 96-B. Baldwin County: Costs and Charges of Courts, and Compensation of Certain Officers.

1. The Legislature may, by general or local laws, fix, alter, and regulate the costs and charges of court and the fees, commissions, percentages, allowances, and salaries, including the method or basis of their compensation, to be charged or received by the judge of probate, sheriff, circuit clerk, register of the circuit court, tax assessor, tax collector, or any other officer of Baldwin County, and may place any of such officers on a salary and provide that the fees, commissions, percentages, and allowances collected by such officers shall be paid into the county treasury from which their salaries shall be paid. The compensation of such officers shall not be increased or diminished during their terms.

2. This [Article of Amendment] [provision] shall not become operative unless the same is approved by a majority of the qualified electors of Baldwin County who vote thereon upon its submission. [Amendment 229, approved Nov. 30, 1965]

Section 96-C. Barbour County: Costs and Charges of Courts, and Compensation of Probate Judge and Sheriff; Additional Fees Assessed in Court Cases; Compensation of Judge of Probate of Barbour County.

1. The Legislature may from time to time, by general or local laws, fix, alter and regulate the costs and charges of courts in Barbour County, and regulate the fees, commissions, percentages, allowances, and compensation to be charged or received by the probate judge and the sheriff of Barbour County, and may place the sheriff on a salary basis and provide for the fees charged or collected by him to be paid into the county treasury from which his salary shall be paid. [Amendment 290, approved Dec. 9, 1969]

2. (a) In addition to any court costs and fees now [November 8, 1994] or hereafter authorized, and notwithstanding any other provisions of the Constitution, including without limitation Sections 96, 104, and 105 of the Constitution of Alabama of 1901, there shall be an additional

twenty-five dollar ($25) fee assessed and taxed as costs on each civil case and an additional fifty dollar ($50) fee assessed on each criminal case, including traffic cases, filed in the Circuit Court, District Court, or any Municipal Court in Barbour County, as well as a fee not to exceed five dollars ($5) for the service of all pleadings and other documents in connection with any such action or case. The aforementioned fees shall not be waived by any court unless all other fees, assessments, costs, fines, and charges associated with the cases are waived. The additional fees, when collected by the clerks or other collection officers of the courts, shall be paid into the General Fund of Barbour County to be used by the county commission for the planning, designing, construction, financing, and operation of a new county jail. This Amendment shall be self-executing and shall require no enabling legislation.

(b) This Amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Barbour County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this Amendment, as provided for in Section 2 of this Amendment, and no further election shall be required. [Amendment 560, approved Nov. 8, 1994]

3. (a) Effective October 1, 1997, the Judge of Probate of Barbour County shall receive compensation in the form of an annual salary in the amount provided by general or local law, which salary may be set from time to time by the Legislature. The salary paid in lieu of all other fees, allowances, and percentages heretofore provided by law, shall be paid in equal monthly installments out of the general fund in the county treasury.

(b) All fees, commissions, allowances, percentages, and other charges collected for the use of the Judge of Probate of Barbour County shall continue to be collected, but shall be paid into the county general fund. [Amendment 601, approved Nov. 5, 1996]

Section 96-D. Bibb County: Costs and Charges of Courts, and Compensation of Sheriff and Certain Officers; Additional Fees in Certain Cases.

1. The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate, and alter the costs, charges of courts, fees, commissions, allowances, or compensation to be charged or received by the sheriff of Bibb County, and may also fix, regulate, and alter the method or basis of compensating such officer. [Amendment 306, approved Dec. 9, 1969]

2. The Legislature may, from time to time, by general or local laws applicable to or operative in Bibb County and approved by a majority of the qualified electors of Bibb County at a referendum election, fix, regulate, and alter the costs and charges of court and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the probate judge, the circuit clerk and the register, the tax assessor, and the tax collector of Bibb County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid.
In the event this Amendment is approved and a majority of the qualified electors of said county who vote thereon vote in favor of the adoption of this Amendment when it is submitted, then any law theretofore passed which places any officers in Bibb County on a salary basis, or any law

fixing, regulating, and altering the costs and charges of court and the fees, commissions, allowances, and salaries of any officer in Bibb County, may become effective without any other election having been held thereon. In the event this Amendment is approved and a majority of the qualified electors of said county who vote thereon vote against its approval, then such act or acts shall have no further force or effect. [Amendment 332, approved Dec. 18, 1973]

3. In addition to any court costs and fees now or hereafter authorized in Bibb County, the Bibb County Commission may impose by resolution of the commission an additional fee in an amount not to exceed thirty five dollars ($35) to be assessed and taxed as costs on each civil case and on each criminal case, including traffic cases, but excluding small claims cases, filed in the circuit court, district court, or any municipal court in Bibb County, as well as an additional fee not to exceed five dollars ($5) for the service of a pleading or other document in connection with any action or case. These fees shall not be waived by any court unless all other fees, assessments, costs, fines, and charges associated with the case are waived.

The additional fees when collected by the clerks or their collection officers of the courts shall be paid into the General Fund of Bibb County to be used by the Bibb County Commission for the planning, designing, construction, financing, furnishing, equipping, and operation of a new county jail. The Bibb County Commission may set and adjust by resolution the fees within the limits authorized by this Amendment based on the needs associated with the county new jail. [Amendment 628, approved Nov. 3, 1998]

Section 96-E. Blount County: Costs and Charges of Courts, and Compensation of Certain Officers; Consolidation of Offices of Tax Assessor and Tax Collector in Blount County.

1. The Legislature may, from time to time, by general or local laws applicable to or operative in Blount County and approved by a majority of the qualified electors of Blount County at a referendum election, fix, regulate, and alter the costs and charges of court and the fees, commissions, allowances and salaries, including the method and basis of their compensation, to be charged or received by the probate judge, the tax assessor, and the tax collector of Blount County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid.

In the event this Amendment is approved and a majority of the qualified electors of said county who vote thereon vote in favor of the adoption of this Amendment when it is submitted, then any law theretofore passed which places any officers in Blount County on a salary basis, or any law fixing, regulating, and altering the costs and charges of court and the fees, commissions, allowances, and salaries of any officer in Blount County, may become effective without any other election having been held thereon. In the event this Amendment is approved and a majority of the qualified electors of said county who vote thereon vote against its approval, then such act or acts shall have no further force or effect. [Amendment 344, approved Jan. 13, 1976]

2. The Legislature may from time to time, by general or local law, provide for the abolition of the offices of tax assessor and tax collector of Blount County and create a completely new office in such county and transfer to such office the duties of each of the said offices of tax assessor and tax collector in such county; provided that the officer to fill the newly created office will be

compensated for the performance of the duties of said office by a salary fixed according to law. [Amendment 430, approved Nov. 2, 1982]

Section 96-F. Bullock County: Compensation of Certain County Officers; Judge of Probate of Bullock County; Compensation; Not to Serve on County Governing Board.

1. The Legislature may by general or local laws, fix, alter, and regulate the fees, commissions, percentages, allowances, and compensation, and the method or basis of fixing the compensation to be charged or received by the tax assessor and the tax collector of Bullock County, and may put such officers on a salary basis and provide that the fees, commissions, percentages, and allowances payable to such officers according to law shall be paid into the county treasury. [Amendment 231, approved Nov. 30, 1965]

2. The Legislature may, from time to time, by general or local laws, fix, alter, and regulate the fees, commissions, percentages, allowances, and compensation, and the method or basis of fixing the compensation to be charged or received by the judge of probate of Bullock County, and may put such officer on a salary basis and provide that the fees, commissions, percentages, and allowances payable to such officer according to law shall be paid into the county treasury. The judge of probate of Bullock County shall not serve as the chairman, or as a member, of the county governing body. [Amendment 414, approved Sept. 28, 1982]

Section 96-G. Butler County: Costs and Charges of Courts, and Compensation of County Officials.

The Legislature may, from time to time, by general or local laws applicable to or operative in Butler County and approved by a majority of the qualified electors of Butler County at a referendum election, fix, regulate, and alter the costs and charges of court and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the county officials of Butler County; and may place any or all of such officials on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officials to be paid into the treasury from which their salaries are paid.
In the event this Amendment is approved and a majority of the qualified electors of said county who vote thereon vote in favor of the adoption of this Amendment when it is submitted, then any law theretofore passed which places any officials in Butler County on a salary basis, or any law fixing, regulating, and altering the costs and charges of court and the fees, commissions, allowances, and salaries of any official in Butler County, may become effective without any other election having been held thereon. In the event this Amendment is approved and a majority of the qualified electors of said county who vote thereon vote against its approval, then such act or acts shall have no further force or effect. [Amendment 353, approved Jan. 13, 1976]

Section 96-H. Calhoun and Tuscaloosa Counties: Regulation of Salaries, etc., of Certain Public Officers in Calhoun and Tuscaloosa Counties.

The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the tax assessors, tax collectors, probate judges, circuit clerks, sheriffs, and registers of the chancery courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, or consolidate any of said offices in the following named counties: Calhoun and Tuscaloosa. All acts of the regular session of the Legislature 1935 heretofore passed and applicable, or purporting to be applicable, to any or all of said counties, and fixing, or purporting to fix the compensation of said named county officers, on a salary basis, are hereby validated and confirmed. [Amendment 33, approved Dec. 17, 1935]

Section 96-I. Calhoun County: Costs and Charges of Courts in Calhoun County and Method of Disbursement Thereof.

The county governing body may from time to time, by resolution fix, alter and regulate the costs and charges of courts in Calhoun County, and the method of disbursement thereof, upon notice to affected citizens not less than 60 days from the effective date. Provided, however, a majority of the qualified electors of the county shall first give approval therefor in an election called by the county governing body to determine this issue; provided further, however, that if a majority of the qualified electors of Calhoun County who participate in the election held on the adoption of this Amendment vote in favor thereof, no further election need be held. [Amendment 412, adopted Sept. 7, 1982]
[See also Amendment 33, applicable to both Calhoun and Tuscaloosa Counties, codified above as Section 96-H]

Section 96-J. Chambers County: Costs and Charges of Courts and the Offices, Terms, and Compensation of Offices; Additional Court Charge and Fire and Rescue.

1. The Legislature may from time to time by general or local laws applicable to or operative in Chambers County fix, alter, and regulate the costs and charges of court, and the fees, commissions, percentages, allowances, or salary of, any officer of Chambers County; may provide the method and basis of compensation of such officers; may fix the terms of office of such officers; and may consolidate any of the offices held by such officers. When any such officer is compensated on a salary basis the Legislature may provide for the distribution of the fees, commissions, percentages, and allowances collectible by him, and the funds from which the salary of the officer shall be paid, any other provision of this Constitution to the contrary notwithstanding. [Amendment 103, approved Dec. 15, 1983]

2. The Chambers County commission shall establish a Chambers County fire and rescue fund. The circuit clerk of Chambers County shall assess an additional court charge against all persons convicted in Chambers County of violating state criminal law regarding driving under the influence of alcohol or the state criminal law regarding controlled substances.

First time offenders of said criminal law shall pay a court charge of twenty-five dollars ($25.00).

Second time offenders of said criminal law shall pay a court charge of fifty dollars ($50.00).

Third time offenders and all other offenders of said criminal law shall pay a court charge of one hundred dollars ($100.00).

Said court charge shall be in addition to all other charges prescribed by law. Said court charges shall be paid into the Chambers County fire and rescue fund and shall be distributed by the county commission on January 31 of each year. Said money shall be equally distributed to all chartered volunteer fire departments and chartered volunteer rescue squads established in Chambers County. The Chambers County commission shall be authorized to promulgate rules and regulations to implement the provisions of this Amendment. The Legislature shall be authorized to enact general, local or special laws to provide further for the operation of said fund, the allocation of the moneys placed in said fund and the amount of court charges levied. [Amendment 476; approved March 8, 1988]

Section 96-K. Cherokee County: Court Costs.

In addition to any court costs and fees now or hereafter authorized, and notwithstanding any other provisions of the Constitution, including without limitation Sections 96, 104 and 105 of the Constitution of Alabama of 1901, as amended, there shall be an additional $20.00 fee assessed and taxed as costs on each civil and criminal case hereafter filed in the circuit court, district court, probate court or any municipal court in Cherokee County. The aforementioned $20.00 fee/assessment in no way can be waived by any court unless all other fees, assessments, costs, fines and/or charges associated with said case are waived. Such fees, when collected by the clerks or other collection officers of such courts, shall be paid into the general fund of Cherokee County to be used for the planning, designing, construction, financing and operation of a new county jail. This Amendment shall be self-executing and shall require no enabling legislation. [Amendment 526, approved Nov. 6, 1990] [See also Amendment 43, applicable to both Cherokee and Etowah Counties, codified below as Section 96-AA]

Section 96-L. Chilton County: Costs and Charges of Courts, and Compensation of Certain Officers.

The Legislature may, from time to time, by general or local laws applicable to or operative in Chilton County, fix, regulate, and alter the costs and charges of court and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, tax assessor, tax collector, the clerk of circuit court, and the register of circuit court of Chilton County; may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. No law shall, however, be effective to increase or diminish the compensation of any such officer of Chilton County during the term for which he shall have been elected or appointed.
The Legislature may also, from time to time, by general, special or local laws, fix, regulate and alter the costs and charges of courts in Chilton County and the method of disbursement thereof. [Amendment 346, approved Jan. 13, 1976]

Section 96-M. Choctaw County: Compensation of Probate Judge.

Effective the beginning of the next term of office after ratification of this Amendment [November 23, 1988], the judge of probate of Choctaw County shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Choctaw County such salary as provided by local law. Such salary shall be the entire compensation received by such judge for his services in any official or ex officio capacity. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges previously paid to the judge of probate of Choctaw County. All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Choctaw County shall continue to be collected but shall be paid into the general fund of Choctaw County.

The county commission of Choctaw County shall provide the judge of probate with such office personnel, equipment and supplies as such county commission may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county commission and shall be paid in equal monthly installments out of the general fund of Choctaw County. [Amendment 495, approved Nov. 23, 1988]

Section 96-N. Clarke County: Costs and Charges of Courts; Compensation of Probate Judge.

1. The Legislature may, from time to time, by general or local laws, fix, alter and regulate the costs and charges of courts in Clarke County, and the method and disbursement thereof. [Amendment 416, approved Sept. 28, 1982]

2. The Legislature may, from time to time, by general or local laws applicable to or operative in Clarke County, fix, regulate, and alter the costs and charges of courts and fees, commissions, allowances, and salaries, including the method and basis of compensation, to be charged or received by the judge of probate of Clarke County; and may place the judge of probate on a salary and provide for the fees, commissions, allowances, and percentages collectible by such

officer to be paid into the treasury from which his salary is paid. [Amendment 478, approved March 8, 1988]

Section 96-O. Clay County: Costs and Charges of Courts, and Compensation of County Officers.

The Legislature may, from time to time, by general or local laws applicable to or operative in Clay County, fix, regulate, and alter the costs and charges of courts and fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the county officers of Clay County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. This Amendment shall not have been adopted unless a majority of the qualified electors of Clay County who participate in the election held on the adoption of this Amendment vote in favor thereof. [Amendment 359, approved Nov. 23, 1976]

Section 96-P. Cleburne County: Costs and Charges of Courts, and Compensation of Officers of Cleburne County.

The Legislature may from time to time, by general or local laws applicable to or operative in Cleburne County, fix, regulate, and alter the costs and charges of courts and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate or by any other officer of Cleburne County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. [Amendment 347, approved Jan. 13, 1976, amending and re-stating Amendment 331, approved Dec. 18, 1973]

Section 96-Q. Coffee County: Costs and Charges of Courts, and Compensation of County Officials; Consolidation and Abolition of Certain Offices and Establishment of Consolidated and Unified Tax System in Coffee County.

1. The Legislature may from time to time, by general or local law, fix, alter and regulate the fees, commissions, percentages, allowances and compensation to be charged and received by any official of Coffee County, including the right to place any of such officers on a salary, provide for the operation of their respective offices on such basis and provide that such officers shall continue to collect any and all fees, commissions, percentages or allowances prescribed by law to be charged or collected by them and shall pay all monies so collected into the county treasury. The Legislature may also, from time to time, by general, special or local law, fix, regulate and alter the cost and charges of courts in Coffee County, and the method of disbursement thereof. This Article of Amendment shall not become operative unless the same is approved by a majority of the qualified electors of Coffee County who vote thereon upon its submission. [Amendment 360, approved Nov. 23, 1976]

2. The Legislature may from time to time, by general or local law, provide for the establishment of a consolidated and unified system for the assessment and collection of taxes in Coffee County and for the consolidation of the offices of tax assessor and tax collector of such county into one office and for the abolition of the offices of tax assessor and tax collector of such county. Notwithstanding any provision of this Constitution to the contrary, the Legislature may, by local law, provide for the election in 1978 to fill the office of tax assessor or tax collector, of Coffee County, or such other office created pursuant to this Amendment. This authorization specifically includes, but it is not limited to, the power to suspend the general law relating to deadlines for filing qualifying documents and payment of fees, to set the terms of the offices named herein, and to prescribe the method of placing the names of the candidates on the ballot at the election. Unless otherwise provided herein, or by local law, the offices of tax assessor and tax collector of Coffee County shall be filled at the general election in 1978 for terms of two years, beginning October 1, 1979, and until a revenue commissioner of Coffee County is elected and qualified; and such revenue commissioner shall be elected at the general election of 1980 for an initial term of four years, beginning October 1, 1981, and until a successor is elected and qualified. Thereafter, unless otherwise provided by general or local law, the term of office of revenue commissioner of Coffee County shall be six years and until a successor is elected and qualified. Unless otherwise provided by the Legislature, the revenue commissioner of Coffee County shall be charged with the performance of any duty provided by law for the tax assessor and tax collector of Coffee County, and his compensation shall be fixed by the governing body of the county. Immediately upon the beginning of the first term of the office of revenue commissioner of Coffee County, the offices of tax assessor and tax collector shall be abolished. If either of the offices of tax assessor or tax collector of Coffee County should become vacant at any time from the effective date of this Amendment until October 1, 1981, the remaining officer shall thereupon become the revenue commissioner of Coffee County and shall serve as such for the balance of the term for which he was elected, and the offices of tax assessor and tax collector of Coffee County shall be abolished. Should this event occur 30 days or more before the general election of 1978, then the office of revenue commissioner of Coffee County shall be filled at such election for a term of six years, and until a successor is elected and qualified and any person who has qualified to have his name placed upon the ballot as a candidate for either tax assessor or tax collector of Coffee County shall be entitled to have his name placed upon the ballot as a candidate for revenue commissioner of Coffee County.
This Article of Amendment shall not become operative unless the same is approved by a majority of the qualified electors of Coffee County who vote thereon upon its submission.
[Amendment 377, approved Nov. 7, 1978]

Section 96-Q-1. Colbert County: Compensation, Allowances, etc., of Officers of Colbert County.

The legislature may hereafter, from time to time, by general or local laws, fix, regulate, and alter the costs and charges of courts, and the fees, commissions, percentages, allowances, or salaries to be charged or received by any officer of Colbert county, including the method and basis of fixing and paying their compensation; provided, that no county officer's compensation shall be increased or diminished during the term for which he shall have been elected or appointed.
[Amendment 136, approved Dec. 17, 1957]

Section 96-R. Conecuh County: Court Costs and Charges.

In addition to any court costs or fees now or hereafter authorized, and terms notwithstanding any other provisions of the Constitution, including without the same limitation Sections 96, 104, and 105, there shall be an additional forty dollar ($40) fee assessed and taxed as costs on each civil and criminal case, excluding credit in small claims, filed in circuit court, district court, or any municipal court in the Conecuh County, as well as a fee not to exceed five dollars ($5) for the service program of all pleadings and other documents in connection with any such action or For the case. The fees may not be waived by any court unless all other fees, Cleburne assessments, costs, fines, and charges associated with the cases are waived. n elected The additional fees, when collected by the clerks or other collection officers of state and the courts, shall be paid into the General Fund of Conecuh County to be used elected or by the county commission for the planning, designing, construction, financing, judge, and operation of a new county jail and the planning, design, repair, renovation, financing, and operation of the existing county courthouse. When the costs of the new county jail and the renovated county courthouse have been fully paid or when the debt service on any indebtedness incurred by the county commission to finance or refinance the costs have been retired, whichever occurs later, the additional fees authorized by this Amendment shall continue to be collected in all cases and shall be used to pay costs of the operation, upkeep, and maintenance of a new county jail and the renovated county courthouse. This Amendment shall be self-executing and shall require no enabling legislation. [Amendment 634, approved Nov. 8, 1998]

Section 96-S. Coosa County: Costs and Charges of Courts, and Compensation of Certain Officers of Coosa County.

The Legislature may, from time to time, by general or local laws applicable to or operative in Coosa County, fix, regulate, and alter the costs and charges of court and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, tax assessor, tax collector, and the clerk and register of the circuit court of Coosa County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. [Amendment 345, approved Jan. 13, 1976]

Section 96-T. Covington County: Compensation of Covington County Officers.

The Legislature may hereafter, from time to time, by general, special or local laws, fix, regulate and alter the fees, commissions, allowances or salaries to be charged or received by the judge of probate and other county officers of Covington County, and may put such officers on a salary basis and provide for the operation of their offices on such basis. [Amendment 479, approved March 8, 1988]

Section 96-U. Crenshaw County: Compensation of Probate Judge.

The probate judge of Crenshaw County shall be entitled to receive compensation in the form of an annual salary which shall be equal to the annual salary compensation paid by the state to the district court judge in said county. Such salary shall be paid in lieu of all other fees, allowances, and percentages heretofore provided by law, and shall be paid in equal monthly installments out of the general fund in the county treasury.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Crenshaw County shall hereafter continue to be collected but shall be paid into the county general fund. [Amendment 496, approved Nov. 8, 1988]

Section 96-U-1. Cullman County: Costs and Charges of Courts and Fees, Allowances, etc., of Officers of Dallas County.

The legislature may from time to time, by general or local laws, fix, alter, and regulate the costs and charges of courts in Cullman county, and the fees, commissions, percentages, allowances, and compensation of any officer of Cullman county, and may change the method or basis of compensating any officer of Cullman county, including the power to place any such officer on a salary and to provide for the fees, commissions, percentages, or allowances collectible by such officer to be paid into the treasury from which his salary is paid. [Amendment 137, approved Dec. 17, 1957]

Section 96-V. Dale County: Consolidation of Officers and Regulation of Fees, Compensation, etc, of Officers in Dale County; Regulation of Court Costs and Charges in Dale County.

Provided that the approval of the act by the qualified electors of Dale County at a referendum election is a prerequisite to the taking effect thereof:

1. The Legislature may from time to time, by general or local law, fix, alter and regulate the fees, commissions, percentages, allowances and compensation to be charged and received by any official of Dale County, including the right to place any of such officers on a salary, provide for the operation of their respective offices on such basis, and provide that any and all fees, commissions, percentages or allowances charged or collected by them shall be paid into the county treasury.

2. The Legislature may from time to time, by general or local law, provide for the transfer of the duties, or part of the duties, of one county officer of Dale County to another officer of such county; or consolidate any two or more offices of such county into one county office and provide for the abolition of the office or offices left without duties, or create a completely new office in such county and transfer to such office a part of the duties of each of several other offices without abolishing any office in such county; provided that the officer or officers to fill the

offices involved will be compensated for the performance of the duties of their offices by a salary fixed according to law.

Provided, however, no law enacted prior to the ratification of this Amendment putting any officer of Dale County on a salary basis, nor any law providing for the consolidation of any offices of such county shall have any force or effect, even though such act provided that it should become effective upon adoption of an amendment to the Constitution authorizing such act.

The Legislature may also, from time to time, by general, special or local laws, fix, regulate and alter the cost and charges of courts in Dale County, and the method of disbursement thereof. [Amendment 326, approved May 30, 1972]

Section 96-W. Dallas County: Salaries, etc., of Certain Public Officers of Dallas County; Fees Allowances of Certain Officers of Dallas County; Legislation as to Courts and Charges in Dallas County.

1. The salaries of the following named county officers of Dallas County, Alabama, but subject to the provisions of Section 281 of the Constitution of Alabama, are fixed as follows:

Judge of probate, $6,000.00 per annum net.

Tax assessor, $5,000.00 per annum net.

Tax collector, $5,000.00 per annum net.

Sheriff, $4,800.00 per annum net.

Circuit clerk, $2,400.00 per annum net.

Register in chancery, $1,200.00 per annum net; provided, that if the same person holds the offices of circuit clerk and register in chancery, the salary for both offices shall be $3,000.00 per annum net.

Members of the county governing body, exclusive of the judge of probate, $600.00 each per annum net.

The above named officers are hereby required to collect all charges of court, fees, commissions, allowances, percentages, salaries or other compensation provided by law, other than the salaries herein fixed, and to cover the same into the county treasury. This shall include the allowances or amounts received by the sheriff for feeding prisoners from both the state and federal government, and the county governing body of Dallas County, Alabama, shall pay the expenses incurred in feeding such prisoners out of the county treasury, but nothing herein shall be construed as interfering with the allowances or amounts provided by law for guards at the county jail or bailiffs for courts, or preventing the county governing body of Dallas County, Alabama, from making such allowances to the sheriff and his deputies for transportation on official business, including the purchase of automobiles for such use, as it may deem necessary from time

to time. The salaries of the above named county officers of Dallas County, Alabama, shall be paid out of the county treasury in equal monthly installments. The employees of said offices shall be selected by the respective officers, and allowances for their compensation shall be as follows:

1. Office of judge of probate - $6,500 per annum.

2. Office of tax assessor - $3,600.00 per annum.

3. Office of tax collector - $2,600.00 per annum.

4. Office of sheriff - $4,500.00 per annum.

5. Office of circuit clerk - $1,350.00 per annum.

6. Office of register in chancery - None.

The county governing body shall have the same authority in regard to the employment of persons for the county, and the fixing of their compensation, other than the employees in the above named offices, as provided by law. The salaries of the employees in the above enumerated offices shall be paid out of the county treasury in equal monthly installments; provided, however, that no payment of compensation for any such employee shall be made until the employee has actually rendered the service for which the payment is to be made. The Legislature of Alabama is hereby authorized and empowered, from time to time, by general or local laws, to fix, regulate and alter the employment and compensation of the employees in said offices, including the number and the method and basis of their compensation. The Legislature of Alabama is hereby authorized and empowered, from time to time, by general or local laws, but subject to the provisions of Section 281 of the Constitution of Alabama, to fix, regulate and alter the charges of court, fees, commissions, allowances, percentages, salaries or other compensation received by any officer of Dallas County, Alabama, other than the judge of probate, tax assessor, tax collector, sheriff, circuit clerk and register in chancery, including the method and basis of their compensation. [Amendment 46, approved Nov. 5, 1940]

2. The Legislature may hereafter from time to time, by general or local laws, fix, alter and regulate the fees, commissions, percentages, allowances, and compensation to be charged or received by the judge of probate, tax assessor, tax collector, sheriff, coroner, register in chancery, circuit clerk, clerk-register, and members of the court of county commissioners, board of revenue, or like governing body of Dallas County. The Legislature shall also have the power and authority to place any of such officers on a salary and to provide that the fees, commissions, percentages, and allowances collected by such officers shall be paid into the county treasury from which their salaries shall be paid. The compensation of any such officer may be increased but not diminished, during the term for which he was elected or appointed, the provisions of any article or amendment of this Constitution to the contrary notwithstanding. Amendment XLVI [46] is hereby expressly repealed. The basis of compensation of all employees of Dallas County and of the above named officers heretofore fixed pursuant to authority of Amendment XLVI [46] and in effect August 1, 1957, shall continue in force until otherwise fixed, altered or regulated by the Legislature of Alabama by general or local laws. [Amendment 138, approved Dec. 17, 1957]

3. The Legislature may from time to time, by general, special or local laws, fix, regulate, and alter the costs and charges of courts in Dallas County, and the method of disbursement thereof. [Amendment 233, approved Nov. 30, 1965]

Section 96-X. DeKalb County: Costs and Charges of Courts and Compensation of Officers of DeKalb County; Legislation as to DeKalb County; Fees, Compensation, etc., of Certain Officers of DeKalb County.

1. The Legislature may from time to time, by general or local laws, fix, alter, and regulate the costs and charges of courts in DeKalb County and the fees, commissions, percentages, allowances, and salary, including the method or basis of their compensation, to be charged or received by the judge of probate, sheriff, tax assessor, tax collector, register, and circuit clerk of DeKalb County, including the right to place any of such officers on a salary and provide for the fees charged or collected by them to be paid into the treasury from which their salaries are paid. [Amendment134, approved Dec. 17, 1957]

2. The Legislature shall not pass a special, private, or local law changing the form of government of DeKalb County, or abridging the term of any officer thereof, by the abolition of his office or otherwise, or increasing or decreasing or altering the salary or other compensation, fees, commissions, percentages, or allowances of any officer thereof, by the imposition of new, different, and additional duties, or by expense allowances, during the term for which he was elected or appointed, or at any time, unless the operation of such law shall be approved by a vote of the duly qualified electors of such county at an election held for such purpose, in the manner prescribed by such law. Nor shall the Legislature authorize the governing body of DeKalb County to increase or decrease or alter the salary or other compensation, fees, commissions, percentages, or allowances of any officer thereof, by the imposition of new, different, and additional duties, or by expense allowances, during his term, or at any time, unless the operation of the law providing therefor shall be approved by a vote of the duly qualified electors of the county, at an election held for such purpose, in the manner prescribed by such law. [Amendment

184, approved Dec. 5, 1961, repealed by sec. 1, Acts 1973, no. 758, proposing Amendment 337]

3. The Legislature may from time to time, by general or local laws applicable to or operative in DeKalb County, fix, regulate, and alter the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, sheriff, tax assessor, tax collector, and clerk and register of the circuit court of DeKalb County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers, to be paid into the treasury from which their salaries are paid. [Amendment 337, approved Nov. 5, 1974; Acts 1973, no. 758, proposing Amendment 337, also repealed Amendment 184]

Section 96-Y. Elmore County: Compensation of Certain Officers of Elmore County; Costs and Charges of Courts in Elmore County; Consolidation of Offices in Elmore County.

1. The Legislature may from time to time, by general or local laws applicable to or operative in Elmore County, fix, regulate, and alter the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, sheriff, tax assessor, tax collector, and clerk and register of the circuit court of Elmore County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. Provided, that no law changing the method or basis for compensating such officers shall become effective unless it is approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose. [Amendment 185, approved Dec. 5, 1961]

2. The Legislature may from time to time, by general, special or local laws, fix, regulate and alter the costs and charges of courts in the county of Elmore and the method of distribution thereof. [Amendment 278, approved Dec. 5, 1967]

3. The Legislature may from time to time, by general or local law, provide for the transfer of the duties, or part of the duties, of one County officer of Elmore County to another officer of such county; or consolidate any two or more offices of such county into one County office and provide for the abolition of the office or offices left without duties, or create a completely new office in such county and transfer to such office a part of the duties of each of several other offices without abolishing any office in such county; provided that the officer or officers to fill the offices involved will be compensated for the performance of the duties of their offices by a salary fixed according to law.

In the event this Amendment is approved and a majority of the qualified electors of Elmore County who vote thereon vote in favor of the adoption of this Amendment when it is submitted, then any law theretofore passed which consolidates County offices in Elmore County may become effective without any other election having been held thereon. In the event this Amendment is approved and a majority of the qualified electors of said county who vote thereon vote against its approval, then such act or acts shall have no further force or effect. [Amendment 356, approved Nov. 23, 1976]

Section 96-Z: Escambia County: Costs and Charges of Court and Compensation of Certain Officers of Escambia County.

The Legislature may, from time to time, by general or local laws applicable to or operative in Escambia County and approved by a majority of the qualified electors of Escambia County at a referendum election, fix, regulate, and alter the costs and charges of court and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the county officials of Escambia County; and may place any or all of such officials on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officials to be paid into the treasury from which their salaries are paid.

In the event this Amendment is approved and a majority of the qualified electors of said county who vote thereon vote in favor of the adoption of this Amendment when it is submitted, then any law theretofore passed which places any officials in Escambia County on a salary basis, or any law fixing, regulating, and altering the costs and charges of court and the fees, commissions, allowances, and salaries of any official in Escambia County, may become effective without any other election having been held thereon. In the event this Amendment is approved and a majority of the qualified electors of said county who vote thereon vote against its approval, then such act or acts shall have no further force or effect. [Amendment 391, approved Nov. 4, 1980]

Section 96-AA. Etowah and Cherokee Counties: Regulation of Salaries, etc., of Certain Public Officers in Etowah and Cherokee Counties.

The Legislature of Alabama may hereafter, from time to time by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the tax assessors, tax collectors, probate judges, circuit clerks, sheriffs, and registers of the equity courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, provided the salary, fees or compensation of any officer named herein shall not be increased or diminished during the term for which he shall have been elected or appointed, after his election or appointment, in the following named counties: Etowah and Cherokee. [Amendment 43, approved Nov. 5, 1940]

Section 96-BB. Etowah County: Fees, Salaries, etc., of Certain Public Officers in Etowah County; Trial Tax or Charge in Litigation in Etowah County.

1. The Legislature of Alabama may hereafter, from time to time by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by tax assessors, tax collectors, probate judges, circuit clerks, sheriffs, and registers of the chancery courts, including the right to place any one or all said officers on a salary and provide for the fees, allowances or compensation collected by

said officers to be paid into the treasury from which their salaries are paid, in the following named County: Etowah. All acts of the Legislature, heretofore passed or which may be passed by the Legislature in special or regular session at any time prior to the adoption of this Amendment, and applicable or purporting to be applicable to said county, and fixing or purporting to fix the compensation to said named County officers on a salary basis, are hereby validated and confirmed. [Amendment 62, approved Aug. 26, 1947]

2. The Legislature may by general or local law provide that a trial tax or charge on litigation of not more than _____ dollars ($_____) shall be taxed as costs in any case, action, or proceeding hereafter filed in the circuit court of Etowah County, whether at law or in equity, and that a like tax or charge of not more than _____ dollars ($_____) shall be taxed as cost in any case hereafter filed in the Etowah County court, the proceeds of such tax or charge shall be used for establishing, equipping, maintaining and operating the public law library in Etowah County established pursuant to Act No. 191, H. 596, which became effective August 1, 1955 (Acts of Alabama 1955, page 485), including the payment of the salaries of the personnel needed to operate such library. [Amendment 235, approved, Nov. 30, 1965][See also Amendment 43, applicable to both Etowah and Cherokee Counties, codified above as Section 96-AA]

Section 96-CC. Franklin County: Costs and Charges of Court and Compensation of Judge of Probate of Franklin County.

The Legislature may, by general or local laws, fix, alter, and regulate the costs and charges of court and the fees, commissions, percentages, allowances, and salary, including the method or basis of his compensation, to be charged or received by the judge of probate of Franklin County, and may place the judge of probate on a salary and provide that the fees, commissions, percentages, and allowances collected by the judge of probate shall be paid into the county treasury from which his salary shall be paid. The provisions of this constitutional Amendment shall not be implemented in Franklin County until implementation is approved by a vote of a majority of the qualified electors of Franklin County voting in an election called by the county governing body to determine said issue; provided, however, that if a majority of the qualified electors of Franklin County who participate in the election held on the adoption of this Amendment vote in favor thereof, no further election need be held. [Amendment 418, approved Sept. 28, 1982]

Section 96-DD. Geneva County: Fees, Allowances, etc., of Judge of Probate in Geneva County; Compensation of County Officers and Restructuring or Abolition of Certain Offices in Geneva County.

1. The Legislature may hereafter, from time to time, by general, special or local laws, fix, regulate and alter the fees, commissions, allowances or salaries to be charged or received by the judge of probate of Geneva County, and may put such officer on a salary basis and provide for operation of his office on such basis. [Amendment 357, approved Nov. 23, 1976]

2. The Legislature may, from time to time, by general or local laws applicable to or operative in

Geneva County, fix, regulate and alter fees, commissions, allowances and salaries, including the method and basis of the compensation to be charged or received by all of the county officers of Geneva County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances and percentages collectible by such officers to be paid into the treasury from which their salaries are paid.

The Legislature may from time to time, by general or local law, provide for the transfer of the duties of the tax assessor and tax collector of Geneva County to another officer of such county; or provide for the abolition of the said offices left without duties, or create a completely new office in such county and transfer to such office the duties of each of the said tax offices of tax assessor and tax collector in such county; provided, that the officer to fill the newly created office will be compensated for the performance of the duties of said office by a salary fixed according to law.

In the event this Amendment is approved and a majority of the qualified electors of Geneva County who vote thereon vote in favor of the adoption of this Amendment when it is submitted, then any law theretofore passed which places any such officers in Geneva County on a salary basis, or any law fixing, regulating and altering the costs and charges of court and the fees, commissions, allowances and salaries of any such officer in Geneva County, may become effective without any other election having been held thereon. In the event this Amendment is approved and a majority of the qualified electors of said county who vote thereon vote against its approval, then such act or acts shall have no further force or effect. [Amendment 372, approved Sept. 26, 1972]

Section 96-EE. Greene County: Compensation of Greene County Probate Judge; Costs and Charges of Courts in Greene County.

1. Effective the beginning of the next term of office after ratification of this Amendment [March 8, 1988], the judge of probate of Greene County shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Greene County such salary as provided by general law, unless provided otherwise by local law. Such salary shall be the entire compensation received by such judge for his services in any official or ex officio capacity. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges previously paid to the judge of probate of Greene County.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Greene County shall continue to be collected but shall be paid into the general fund of Greene County.

The county commission of Greene County shall provide the judge of probate with such office personnel, equipment and supplies as such county commission may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county commission and shall be paid in equal monthly installments out of the general fund of Greene County. [Amendment 480, approved March 8, 1988]

2. The Legislature, by general or local law, may fix, alter, and regulate the costs and charges of courts in Greene County and provide for their distribution. [Amendment 672, approved Nov. 7, 2000]

[Note: Amendment 236, approved Nov. 30, 1965, regulating salaries of the sheriff and other Greene County officers, was repealed by Amendment 433, approved Nov. 2, 1982]

Section 96-FF. Hale County: Compensation of Hale County Probate Judge; Costs and Charges of Courts in Hale County.

1. The judge of probate of Hale County shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Hale County such salary as provided by general law. Such salary shall be the entire compensation received by such judge for his services in any official or ex officio capacity. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges heretofore paid to the judge of probate of Hale County.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Hale County shall hereafter continue to be collected but shall be paid into the general fund of Hale County.

The governing body of Hale County shall provide the judge of probate with such office personnel, clerks, deputies and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county governing body and shall be paid in equal monthly installments out of the general fund of Hale County.

The Legislature may hereafter, from time to time, by general, special or local laws, fix, regulate and alter the fees, commissions, allowances, compensation or salaries to be charged or received by the judge of probate of Hale County, and may provide for the operation of his office. The Legislature may hereafter, from time to time, by general, special or local laws further provide for the distribution of the fees, commissions, allowances, percentages and other charges herein provided for.

This constitutional Amendment after its adoption shall not become effective until the beginning of the next term of office of the probate judge. [Amendment 481, approved March 8, 1988]

2. In addition to any court costs and fees now or hereafter authorized in Hale County, the Hale County Commission may impose by resolution of the commission an additional fee in an amount not to exceed fifty dollars ($50) to be assessed and taxed as costs on each civil case and on each criminal case, including domestic relations and traffic cases, but excluding small claims cases, filed in the circuit court, district court, or any municipal court in Hale County. These fees shall not be waived by any court unless all other fees, assessments, costs, fines, and charges associated with the case are waived.

The additional fees when collected by the clerks or their collection officers of the courts shall be paid into the General Fund of Hale County to be used by the commission for the planning, designing, construction, financing, furnishing, equipping, and operation of a new county jail and for general County purposes. [Amendment 686, approved Nov. 7, 2000]

Section 96-GG. Henry County: Costs and Charges of Courts, and Compensation of Probate Judge of Henry County.

The Legislature may, from time to time, by general or local laws applicable to or operative in Henry County, fix, regulate, and alter the costs and charges of courts and fees, commissions, allowances, and salaries, including the method and basis of compensation, to be charged or received by the judge of probate of Henry County; and may place the judge of probate on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officer to be paid into the treasury from which his salary is paid. This Amendment shall not have been adopted unless a majority of the qualified electors of Henry County who participate in the election held on the adoption of this Amendment vote in favor thereof. [Amendment 403, approved March 2, 1982]

Section 96-HH. Houston County: Fees, Salaries, etc., of Certain Public Officers in Houston County; Costs and Charges of Courts in Houston County.

1. The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the tax assessors, tax collectors, probate judges, circuit clerks, sheriffs, and registers of the chancery courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, or consolidate any of said offices in the following named County: Houston. All acts of the regular session of the Legislature 1943 heretofore passed and applicable, or purporting to fix the compensation of said named County officers, on a salary basis, are hereby validated and confirmed. [Amendment 48, approved Nov. 7, 1944]

2. The Legislature may, from time to time, by general or local laws, fix, regulate, and alter the costs and charges of courts in Houston County. [Amendment 605, approved Nov. 5, 1996]

Section 96-II. Jackson County: Costs and Charges of Courts, and Compensation of Certain Officers, of Jackson County.

The Legislature may from time to time, by general or local laws applicable to or operative in Jackson County, fix, regulate, and alter the costs and charges of courts and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, the tax assessor, and the tax collector, and may

place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. Provided that no law changing the method or basis for compensating such officers shall become effective unless it is approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose or is approved by a majority of the qualified electors of the county who vote on the adoption of this constitutional Amendment as provided for in section 2 hereof. [Section 2 of Acts 1977, No. 238]. [Amendment 367, approved Sept. 13, 1977]

Section 96-JJ. Jefferson County: Fees of Officers of Jefferson County.

The Legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the costs, charges of courts, fees, commissions, allowances or salaries to be charged or received by any County officer of Jefferson County, including the method and basis of their compensation. [Amendment 2, approved Nov. 16, 1912]

Section 96-KK. Lauderdale County: Compensation of Certain Officers of Lauderdale County; Regulation and Alteration of Costs and Charges of Courts in Lauderdale County; Combination of Offices of Tax Assessor and Tax Collector in Lauderdale County.

1. The Legislature may from time to time, by general or local laws applicable to or operative in Lauderdale County, fix, regulate, and alter the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, sheriff, tax assessor, tax collector, and clerk and register of the circuit court of Lauderdale County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. [Amendment 241, approved November 30, 1965]

2. The Legislature may, from time to time, by general or local law applicable to Lauderdale County, fix, regulate, and alter the costs and charges of court in the county. This Amendment shall be construed together with Amendment 241 [Subsection 1]. [Amendment 590, approved June 4, 1996]

3. The Legislature may by local act authorize the county commission of Lauderdale County, by resolution of such commission passed not later than April 1, 1984, to combine the offices of tax assessor and tax collector in said county effective September 30, 1984.

If this Amendment is passed by a majority of the qualified electors of the state and of said county who vote thereon when it is submitted, then any law theretofore passed which combines the offices of tax assessor and tax collector in said county shall become effective. If this Amendment is approved and a majority of the qualified electors of said county who vote thereon vote against its approval, then such act or acts shall have no further force or effect. [Amendment

405, approved March 2, 1982]

Section 96-LL. Lawrence County: Court Costs, Fees, Compensation, etc., of Certain Officers in Lawrence County.

The Legislature may, from time to time, by general or local laws applicable to or operative in Lawrence County, fix, regulate, and alter the costs and charges of court and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, tax assessor, tax collector, and the clerk and register of the circuit court of Lawrence County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. [Amendment 321, approved Jan. 18, 1972]

Section 96-MM. Lee County: Fees, Compensation, etc., of Elected Officials of Lee County; Validation of Court Charges in Lee County.

1. The Legislature may from time to time, by general or local laws applicable to or operative in Lee County, fix, regulate, and alter the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the elected County officials of Lee County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. Provided, that no law changing the method or basis for compensating such officers shall become effective unless it is approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose. [Amendment 362, approved Nov. 23, 1976]

2. All general laws, local laws, population based laws and other laws heretofore enacted by the Legislature and which are in effect on January 1, 1990, pertaining to or applicable to Lee County, which in whole or in part regulate costs and charges of courts are hereby in all things ratified, approved, validated and confirmed as of the date of their enactment any provision or provisions of the Constitution of Alabama of 1901 to the contrary notwithstanding. Any actions taken or payments made in accordance with the provisions of said laws are hereby ratified, approved, validated and confirmed. This Amendment shall not be construed as prohibiting the Legislature from properly enacting a law to amend or repeal said laws. [Amendment 529, approved Nov. 6, 1990]

Section 96-NN. Limestone County: Costs and Charges of Courts in Limestone County; County Jail.

The Limestone County Commission may, by resolution duly adopted and spread upon its minutes, fix, regulate, and alter the costs and charges of the courts in Limestone County to secure the funds necessary to finance the construction, renovation, and operation of a County jail. [Amendment 644, approved Nov. 3, 1988]

Section 96-OO. Lowndes County: Compensation of Lowndes County Probate Judge.

1. Effective the beginning of the next term of office after ratification of this Amendment [March 8, 1988], the judge of probate of Lowndes County shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Lowndes County such salary as provided by general law, unless provided otherwise by local law. Such salary shall be the entire compensation received by such judge for his services in any official or ex officio capacity. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges previously paid to the judge of probate of Lowndes County.

2. All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Lowndes County shall continue to be collected but shall be paid into the general fund of Lowndes County.

3. The county commission of Lowndes County shall provide the judge of probate with such office personnel, equipment and supplies as such county commission may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county commission and shall be paid in equal monthly installments out of the general fund of Lowndes County. [Amendment 483, approved March 8, 1988]

Section 96-PP. Macon County: Fees, Commissions, Allowances and Salaries of Macon County Officers; Court Costs in Macon County.

1. The Legislature may hereafter, from time to time, by general, special or local laws, fix, regulate and alter the fees, commissions, allowances or salaries to be charged or received by the judge of probate and other County officers of Macon County, and may put such officers on a salary basis and provide for the operation of their offices on such basis. [Amendment 540, approved June 2, 1992]

2. In addition to any court costs and fees now [November 6, 1990, date of ratification] or hereafter authorized to be collected, the county commission of Macon County is authorized to assess a fee not to exceed $30.00 upon the privilege of filing any initial complaint in all civil and criminal cases filed in any court, in the county, as well as a fee not to exceed $5.00 for the service of all pleadings and other documents in connection with any such action. All such fees shall be paid into the general fund and shall be applied exclusively for payment of the cost of the planning, construction and equipping of a new county jail, or for the payment of the principal of

and interest on any bonds, warrants or other obligations issued by or on behalf of the county to finance the costs of a new jail, as well as the expenses of issuance of any such bonds, warrants or other obligations. When the aforesaid costs of planning, constructing and equipping a new county jail shall be fully paid or when all such bonds, warrants or other obligations have been retired, whichever last occurs, the additional fee authorized by this Amendment to be collected shall no longer be collected. Provided, however, no additional fee provided herein shall be collected until 30 days after the county commission has signed a contract and or contracts for the construction of a new jail and construction has actually begun. [Amendment 530, approved Nov. 6, 1990]

Section 96-QQ. Madison County: Costs and Charges of Courts in Madison County; Fees, Allowances, etc., of Judge of Probate and Other Officers of Madison County.

1. The Legislature may from time to time, by general or local laws, fix, alter, and regulate the costs and charges of courts in Madison County, and the method of disbursement thereof. [Amendment 105, approved Nov. 2, 1954]

2. The Legislature may from time to time, by general or local laws, fix, alter, and regulate the fees, commissions, percentages, costs, allowances, and compensation to be charged or received by the judge of probate or any other officer of Madison County, and may place such officer on a salary, and provide that the fees, commissions, percentages, costs, and allowances collected by such officer shall be paid into the county treasury from which his salary shall be paid. [Amendment 135, approved Dec. 17, 1957]

Section 96-RR. Marengo County: Compensation of Certain Officers of Marengo County; Judge of Probate of Marengo County; Compensation, Fees, etc.

1. The Legislature may hereafter, from time to time, by general, special or local laws, fix, regulate and alter the fees, commissions, allowances or salaries to be charged or received by the tax assessor or the tax collector of Marengo County, and may put such officers on a salary basis and provide for operation of their offices on such basis. [Amendment 265, approved Dec. 6, 1966]

2. (a) The Judge of Probate of Marengo County shall receive compensation in the form of an annual salary which shall be equal to ninety percent of the annual salary compensation paid by the state to the district court judge of the county. The salary shall be paid in lieu of all other fees, allowances, and percentages heretofore provided by law and shall be paid in equal monthly installments out of the general fund of the county treasury.

(b) All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the Judge of Probate of Marengo County shall continue to be collected by the judge of probate, but shall be paid into the county general fund.

(c) The county Commission of Marengo County shall provide the judge of probate with office

personnel, clerks and deputies, and with quarters, books, stationery, furniture, equipment, and other supplies necessary for the proper and efficient conduct of the office of the judge of probate. Compensation of the personnel shall be fixed by the county commission and shall be paid in equal monthly installments out of the general fund of Marengo County.

(d) This Amendment shall be effective January 1 after its approval [November 5, 1996]. [Amendment 609, approved Nov. 5, 1996]

Section 96-SS. Marshall County: Costs and Charges of Court and Fees, etc., of Officers of Marshall County.

The Legislature may, by general or local laws, fix, alter, and regulate the costs and charges of court and the fees, commissions, percentages, allowances, and salaries, including the method or basis of their compensation, to be charged or received by the judge of probate, sheriff, circuit clerk, register of the circuit court, tax assessor, tax collector, or any other officer of Marshall County, and may place any of such officers on a salary and provide that the fees, commissions, percentages, and allowances collected by such officers shall be paid into the county treasury from which their salaries shall be paid. The compensation of such officers shall not be increased or diminished during their terms. [Amendment 215, approved Dec. 10, 1963]

Section 96-TT. Mobile County: Costs, Fees, Salaries, etc., of Certain Officers in Mobile County; Fees, Commissions, Salaries, etc., of Sheriff of Mobile County.

1. The Legislature of Alabama may hereafter from time to time by general or local laws, but subject to the provisions of section 281 of the Constitution of Alabama, fix, regulate and alter the costs, charges of court, fees, commissions, allowances or salaries to be charged or received by the following County officers of Mobile County, Alabama, being, the judge of probate, [the tax assessor, the tax collector,] [commissioner of revenue] the clerk of the circuit court, and the register of the circuit court, including the method and basis of the compensation of such officers. [Amendment 28, approved Nov. 21, 1934; brackets reflect consolidation of tax assessor and tax collector into commissioner of revenue]

2. The Legislature of Alabama may hereafter, from time to time, by general or local laws fix, alter and regulate the fees, commissions, allowances and salaries to be charged or received by the sheriff of Mobile County, and including the right to place said officer on a salary basis and provide that the fees, fines and forfeitures received or collected by said officer be paid into the treasury of Mobile County, Alabama, and to fix and provide the amount and method of compensation of such officer. All acts of the regular session of the Legislature of 1939 and 1939-1940 heretofore passed and applicable, or purporting to be applicable to said Mobile County, and fixing, or purporting to fix the basis of compensation and compensation of said officer, or placing said officer on a salary basis, are hereby ratified and confirmed. [Amendment 47, approved Nov. 5, 1940]

Section 96-UU. Monroe County: Costs and Charges of Courts in Monroe County.

The Legislature, from time to time, may fix, regulate, and alter the costs and charges of court in Monroe County and provide for the distribution of any additional revenue. [Amendment 697, approved Nov. 7, 2000]

Section 96-VV. Montgomery County: Salary Amendment; Costs and Charges of Courts in Montgomery County.

1. Commencing at the beginning of their next term of office, subsequent to the general election to be held on the first Tuesday after the first Monday of November, 1916, the compensation and allowance of the following named County officers of Montgomery County shall be as follows:

> Salary of judge of probate of Montgomery County, $5,000.00 per year net; allowance of $5,500.00 per annum for office expenses, as follows: One clerk at $1,500.00 per annum; two clerks at $1,000.00 per annum each; one clerk at $800.00 per annum, and $1,200.00 per annum for all other expenses, including extra clerks. The said $1,200.00 to be paid to the judge of probate in monthly installments and disbursed by him.
>
> The tax collector of Montgomery County shall receive a salary of $4,000.00 per year net; allowance of $1,500.00 per year for his clerk in said office, and $1,000.00 for extra help.
>
> The tax assessor of Montgomery County shall receive a salary of $4,000.00 per year net; allowance of $1,500.00 per year for a chief clerk in said office; $900.00 for an assistant clerk in said office and $600.00 per year for extra help.
>
> The sheriff of Montgomery County shall receive a salary of $4,000.00 per year net; allowance of $1,200.00 per year for a chief clerk in said office; $1,380.00 per year for a chief deputy; $2,200.00 per year for two deputies in said office, and $1,000.00 for extra assistance.

These amounts to be paid out of the county treasury of Montgomery County. This shall not interfere with the amounts now or hereafter allowed the sheriff for guards at the county jail or bailiffs for courts, nor with the provisions for feeding prisoners. The sheriff shall receive amounts now provided by law, and shall cover the same into the county treasury of Montgomery County, and the board of revenue of Montgomery County shall pay out of the county treasury of Montgomery County the expenses incurred by the sheriff in feeding said prisoners. The above named amounts shall be in lieu of all compensations and allowances to the respective named officers. These amounts shall be paid out of the county treasury of Montgomery County as the salaries of other County officers are paid. The above named officers shall collect the fees heretofore collected by them and shall cover such fees into the county treasury on the first Monday of each month. The board of revenue of Montgomery County shall provide said officers with necessary quarters, books, stationery and other conveniences. The Legislature of Alabama may hereafter from time to time by local or general laws, fix, regulate and alter the amount of the above named salaries and allowances, including the method and basis of their compensation, also fix, regulate and alter amount of compensation received by all other County officers of said

county. (Amendment 4, approved Nov. 7, 1916]

2. The Legislature may from time to time, by general or local laws, fix, alter and regulate the costs and charges of courts in Montgomery County, and the method of disbursement thereof. [Amendment 139, approved Dec. 17, 1957]

Section 96-WW. Morgan County: Regulation of Salaries, etc., of Officers of Morgan County; Consolidation of Morgan County Offices.

1. The Legislature of Alabama may hereafter, from time to time by general or local laws, fix, regulate and alter the costs and charges of courts, fees, commissions, allowances and salaries to be charged or received by any County officer of Morgan County, including, without limiting the generality of the foregoing, the judge of probate, tax collector, tax assessor, sheriff, circuit clerk, and register, including the method and basis of compensation of such officer, and may provide for the placing of any such officer on a salary and that the fees, costs, and allowances collected by such officer be paid into the county treasury. All acts of the regular or adjourned session of the Legislature of Alabama which convened in January, 1939, fixing or purporting to fix the compensation of any such officer on a salary basis are hereby validated and confirmed. [Amendment 44, approved Nov. 5, 1940]

2. The Legislature may from time to time, by general or local law, provide for the transfer of the duties, or part of the duties, of one County officer of Morgan County to another officer of such county; or consolidate any two or more offices of such county into one County office and provide for the abolition of the office or offices left without duties, or create a completely new office in such county and transfer to such office a part of the duties of each of several other offices without abolishing any office in such county; provided that the officer or officers to fill the offices involved will be compensated for the performance of the duties of their offices by a salary fixed according to law. [Amendment 330, approved Dec. 18, 1973]

Section 96-XX. Perry County: Compensation of Perry County Probate Judge.

The judge of probate of Perry County shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Perry County such salary as provided by general law. Such salary shall be the entire compensation received by such judge for his services in any official or ex officio capacity. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges heretofore paid to the judge of probate of Perry County.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Perry County shall hereafter continue to be collected but shall be paid into the general fund of Perry County.

The governing body of Perry County shall provide the judge of probate with such office personnel, clerks, deputies and such quarters, books, stationery, furniture, equipment and other

such conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county governing body and shall be paid in equal monthly installments out of the general fund of Perry County.

The Legislature may hereafter, from time to time, by general, special or local laws, fix, regulate and alter the fees, commissions, allowances, compensation or salaries to be charged or received by the judge of probate of Perry County, and may provide for the operation of his office. The Legislature may hereafter, from time to time, by general, special or local laws further provide for the distribution of the fees, commissions, allowances, percentages and other charges herein provided for.

This constitutional Amendment after its adoption [March 8, 1988] shall not become effective until the beginning of the next term of office of the probate judge. [Amendment 485, approved March 8, 1988]

Section 96-YY. Pickens County: Consolidation, etc., of Offices of Tax Assessor and Tax Collector in Pickens County; Compensation of Probate Judge of Pickens County; Taxation of Court Costs in Pickens County; Court Fees in Pickens County.

1. The Legislature may from time to time, by general or local law, provide for the transfer of the duties of the tax assessor and tax collector of Pickens County to another officer of such county; or provide for the abolition of the said offices left without duties, or create a completely new office in such county and transfer to such office the duties of each of the said offices of tax assessor and tax collector in such county; provided that the officer to fill the newly created office will be compensated for the performance of the duties of said office by a salary fixed according to law.

In the event this Amendment is approved and a majority of the qualified electors of Pickens County who vote thereon vote in favor of the adoption of this Amendment when it is submitted, then any law theretofore passed which abolished said county offices and consolidates their duties in a newly created office in Pickens County may become effective without any other election having been held thereon. In the event this Amendment is approved and a majority of the qualified electors of said county who vote thereon vote against its approval, then such act or acts shall have no further force or effect. [Amendment 366, approved Sept. 13, 1977]

2. Effective the beginning of the next term of office after ratification of this Amendment [November 3, 1992], the Judge of Probate of Pickens County shall be compensated on a salary basis. The judge shall receive in equal monthly installments from the General Fund of Pickens County such salary as provided by general law, unless provided otherwise by local law. The salary shall be the entire compensation received by the judge for services in any official or ex officio capacity. The salary shall be in lieu of all fees, commissions, allowances, percentages, and other charges previously paid to the Judge of Probate of Pickens County.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the

use of the Judge of Probate of Pickens County shall continue to be collected but shall be paid into the General Fund of Pickens County.

The county Commission of Pickens County shall provide the Judge of Probate with such office personnel, equipment, and supplies as the county Commission may consider necessary for the proper and efficient conduct of the office. Compensation of any personnel so provided shall be fixed by the county Commission and shall be paid in equal monthly installments out of the General Fund of Pickens County. [Amendment 547, approved Nov. 3, 1992]

3. In Pickens County, in addition to all other fees, there shall be taxed as costs the sum of $10.00 in each civil or quasi-civil action at law, suit in equity, criminal case, quasi-criminal case, proceedings on a forfeited bail bond or proceedings on a forfeited bond given in connection with an appeal from a judgment or conviction in the circuit court of Pickens County, or the district court of Pickens County, filed in or arising in the circuit court of Pickens County, or the district court of Pickens County, or brought by appeal, certiorari or otherwise to the circuit court of Pickens County, or the district court of Pickens County, which costs shall be collected as other costs in such cases are collected by the clerk, or ex officio clerk, of said courts or the register of the circuit court of Pickens County, as the case may be. Such fees, when collected by the clerks or other collection officers of such court, shall be paid into the county fund to be administered jointly by the sheriff and County commission for salaries, equipment and other expenses of the sheriff's department.

The provisions of this constitutional Amendment shall be retroactive to April 19, 1982, and any fees or costs collected up to and including the amount of $10.00 per action filed and the revenues therefrom expended pursuant to Act No. 82-291 of the 1982 regular session and Act No. 83-542 of the 1983 regular session of the Alabama Legislature are hereby ratified, and no further enabling legislation shall be necessary for the execution of this Amendment. [Amendment 522, adopted June 5, 1990]

4. In addition to any court costs or fees now or hereafter authorized, and notwithstanding any other provisions of the Constitution, including without limitation Sections 96, 104, and 105, there shall be an additional twenty five dollar ($25) fee assessed and taxed as costs on each civil and criminal case, excluding small claims, filed in circuit court, district court, or any municipal court in Pickens County, as well as a fee not to exceed five dollars ($5) for the service of all pleadings and other documents in connection with any such action or case. The fees may not be waived by any court unless all other fees, assessments, costs, fines, and charges associated with the cases are waived. The additional fees, when collected by the clerks or other collection officers of the courts, shall be paid into the General Fund of Pickens County to be used by the county commission for the planning, designing, construction, financing, and operation of a new county jail. This Amendment shall be self-executing and shall require no enabling legislation. On the first day of the month after the retirement of the debt to finance the construction of a new county jail, the court cost fee authorized pursuant to this Amendment shall expire and this Amendment shall be repealed. [Amendment 650, approved Nov. 3, 1998]

Section 96-ZZ. Pike County: Compensation of Judge of Probate of Pike County and Disposition of Charges, etc., Collectible by Such Official; Pike County Government Modernization.

A. The Legislature may, from time to time, by general or local laws applicable to or operative in Pike County, place the judge of probate on a salary and provide for the disposition of such charges, costs, fees, commissions, allowances, and percentages collectible by such official. [Amendment 421, approved Sept. 28, 1982]

B. Any provision of the Constitution or laws of the state of Alabama or local laws to the contrary notwithstanding, in order to modernize the operation of government in Pike County, the Legislature may, during the current session of the Legislature, provide by local act all of the following:

1. The county unit system in Pike County, for the construction, operation and maintenance of its roads and bridges, with the removal of road districts, effective January 1, 1989; and

2. The abolition of the offices of tax assessor and tax collector of Pike County and the creation of the office of revenue commissioner, and transfer of all duties, authority, records, assets and funds of both offices; and

3. The separation of the offices of judge of probate and chairman of the county commission of Pike County, effective 1994, and setting the compensation for such judge, and providing for the salary for office of chairman of County commission serving full time.

In the event this Amendment is approved by a majority of the qualified electors of Pike County who vote thereon in favor of the adoption of all three of the provisions of this Amendment when it is submitted, then any law theretofore or thereafter passed, which implements this Amendment, may become effective without any other election having been held thereon; in the event this Amendment fails and a majority of the qualified voters in Pike County voting thereon vote against its approval, such acts or act shall become null and void, and no one provision of this Amendment shall become law unless all provisions are approved, or unless the acts are separately resubmitted to the qualified electorate of Pike County for approval thereof. All three proposals in one act shall not be deemed to contravene section 45 of the Constitution of 1901.

The ballot on the approval of this Amendment shall be substantially as follows:

"Do you approve the Pike County Government Modernization Amendment?

Yes _____. No _____."

The provisions of this Amendment are self-executing as herein provided. [Amendment 503, adopted Nov. 8, 1988]

Section 96-AAA. Randolph County: Judge of Probate of Randolph County; Validation of Laws Regulating Court Costs in Randolph County.

1. The Legislature may hereafter, from time to time, by general, special or local laws, fix, regulate and alter the fees, commissions, allowances or salaries to be charged or received by the judge of probate of Randolph County, and may put such officer on a salary basis and provide for operation of his office on such basis. [Amendment 459, approved June 3, 1986]

2. All general laws, local laws, and population based laws previously enacted by the Legislature and which are in effect on January 1, 1996, pertaining to or applicable to Randolph County which in whole or in part regulate costs and charges of courts are hereby ratified, approved, validated, and confirmed as of the date of their enactment. Any actions taken or payments made in accordance with those laws are hereby ratified, approved, validated, and confirmed. This Amendment shall not be construed as prohibiting the Legislature from properly enacting a law to amend or repeal those laws. The Legislature may, by local law, increase or decrease costs and charges of courts. [Amendment 611, approved Nov. 5, 1996]

Section 96-BBB. Russell County: Cost and Charges of Probate Court, and Compensation of Certain Officers, of Russell County; Filing and Service Fees in Russell County for Financing New County Jail.

1. The Legislature may from time to time, by general or local laws, fix, alter and regulate the costs and charges of the probate courts in Russell County, and the fees, commissions, percentages, allowances and compensation of any officer of Russell County, and shall be authorized to place any such officer on a salary and to provide for the fees, commissions, percentages or allowances collectible by such officer to be paid into the treasury from which his salary is paid.

The Legislature is further authorized and empowered to delegate to the Russell County governing body its authority to regulate the salaries of County officers other than members of the county governing body. [Amendment 380, approved Nov. 7, 1978]

2. In addition to any court costs and fees now [presumably, as of ratification August 8, 1989] or hereafter authorized to be collected, the county commission of Russell County is authorized to assess a fee not to exceed thirty dollars ($30.00) upon the privilege of filing any initial complaint in all civil and criminal cases filed in any court, in the county, as well as a fee not to exceed five dollars ($5.00) for the service of all pleadings and other documents in connection with any such action. All such fees shall be paid into the general fund and shall be applied exclusively for payment of the cost of the planning, construction and equipping of a new county jail, or for the payment of the principal of and interest on any bonds, warrants or other obligations issued by or on behalf of the county to finance the costs of a new jail, as well as the expenses of issuance of any such bonds, warrants or other obligations. When the aforesaid costs of planning, constructing and equipping a new county jail shall be fully paid or when all such bonds, warrants or other obligations have been retired, whichever last occurs, the additional fee authorized by this Amendment to be collected shall no longer be collected. Provided, however, no additional

fee provided herein shall be collected until thirty (30) days after the county commission has signed a contract and or contracts for the construction of a new jail and construction has actually begun. [Amendment 507, approved August 8, 1989]

Section 96-CCC. Shelby County: Costs and Charges of Courts, and Compensation of County Officers, in Shelby County.

The Legislature may from time to time, by general or local laws, fix, alter and regulate the costs and charges of court in Shelby County and the fees, commissions, percentages, allowances, and compensation to be charged or received by the judge of probate, sheriff, tax assessor, tax collector, clerk of the circuit court, register in chancery, and any other officer of Shelby County, including the right to place any of such officers on a salary, provide for the operation of their respective offices on such basis, and provide that any and all fees, commissions, percentages, or allowances charged or collected by them, including all fees, allowances, commissions, and percentages of the tax assessor and tax collector for assessing and collecting municipal taxes, shall be paid into the county treasury; provided, that no law shall be effective to change the method of compensating any officer, nor to diminish his compensation, during the term for which he shall have been elected or appointed, and no law changing the method of compensating County officers shall be effective unless it shall have been approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose. [Amendment 249, approved Nov. 30, 1965]

Section 96-DDD. St. Clair County: Costs and Charges of Courts in St. Clair County; Distribution of Additional Revenue.

The Legislature may, from time to time, by general, special, or local law, regulate and alter the costs and charges of court in St. Clair County and provide for the distribution of any additional revenue for the purpose of establishing, operating, and maintaining the juvenile court system and juvenile programs in the county. [Amendment 613, approved Nov. 5, 1996; note: an earlier Amendment, Amendment 196, adopted Dec. 5, 1961, relating to the costs and charges of courts and compensation of certain officers in St. Clair County, was repealed by Amendment 422, adopted Sept. 28, 1982]

Section 96-EEE. Sumter County: Compensation of Sumter County Probate Judge; Validation of Laws Regulating Court Costs in Sumter County.

1. Effective the beginning of the next term of office after ratification of this Amendment [March 8, 1988], the judge of probate of Sumter County shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Sumter County such salary as provided by general law, unless provided otherwise by local law. Such salary shall be the entire compensation received by such judge for his services in any official or ex officio capacity. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges

previously paid to the judge of probate of Sumter County.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Sumter County shall continue to be collected but shall be paid into the general fund of Sumter County.

The county commission of Sumter County shall provide the judge of probate with such office personnel, equipment and supplies as such county commission may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county commission and shall be paid in equal monthly installments out of the general fund of Sumter County. [Amendment 486, approved March 8, 1988]

2. (a) All general laws, local laws, and population based laws previously enacted by the Legislature and which are in effect on January 1, 1994, pertaining to or applicable to Sumter County which in whole or in part regulate costs and charges of courts are hereby ratified, approved, validated, and confirmed as of the date of their enactment. Any actions taken or payments made in accordance with those laws are hereby ratified, approved, validated, and confirmed. This Amendment shall not be construed as prohibiting the Legislature from properly enacting a law to amend or repeal those laws.

(b) This Amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Sumter County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this Amendment, as provided for in section 2 of this act, and no further election shall be required. [Amendment 571, approved Nov. 8, 1994]

Section 96-FFF. Talladega County: Court Costs and Charges, Fees, Salaries, etc., of Officers in Talladega County; Financing Jail in Talladega County.

1. The Legislature may from time to time, by general or local laws, fix, alter, and regulate the costs and charges of courts in Talladega County, and the fees, commissions, percentages, allowances, or salary of, and the method of compensating any officer of Talladega County. [Amendment 85, approved Nov. 7, 1950]

2. In addition to any court costs and fees now or hereafter authorized, and notwithstanding any other provision of the Constitution, including without limitation Sections 96, 104 and 105 of the Constitution of Alabama of 1901, as amended, there shall be $10.00 fee assessed on all civil and criminal cases filed in the circuit court, district court or any municipal court in Talladega County. All funds generated from such fee shall be paid into the general fund of Talladega County and shall be used exclusively for the design and construction of a county jail, including the payment of principal and interest on any obligations issued by or on behalf of Talladega county:

(a) To finance such design and construction and the expenses of issuance thereof, or

(b) To refund any such objections and pay the costs of refunding. When the jail is paid

for or when all such obligations are paid in full, whichever last occurs, the additional fee levied by this Amendment shall be removed from all cases except criminal cases, upon which the said additional fee shall continue to be levied, to be used for operation, upkeep and maintenance of the county jail. This Amendment shall be self-executing and shall require no enabling legislation. [Amendment 504, approved Nov. 8, 1988]

Section 96-GGG. Tallapoosa County: Compensation of Certain Officers.

The Legislature may from time to time, by general or local laws applicable to or operative in Tallapoosa County, fix, regulate, and alter the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, sheriff, tax assessor, tax collector, and clerk and register of the circuit court of Tallapoosa County; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. Provided, that no law changing the method or basis for compensating such officers shall become effective unless it is approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose. [Amendment 297, approved Dec. 9, 1969]

Section 96-HHH. Tuscaloosa county: Validation of Court Charges in Tuscaloosa county.

All general laws, local laws, population based laws and other laws heretofore enacted by the Legislature and which are in effect on November 1, 1989, pertaining to or applicable to Tuscaloosa county; including but not limited to:

Act 80-618 of the 1980 Regular Session (Acts of 1980, p. 1054), as amended by Act 87-399 of the 1987 Regular Session (Acts of 1987, p. 570), Act 80-780 of the 1980 Regular Session (Acts of 1980, p. 1615), as amended by Act 81-1052 of the 1981 2nd Special Session (Acts of 1981 Special Sessions, p. 298), Act 79-751 of the 1979 Regular Session (Acts of 1979, p. 1336), as now codified in the Code of Alabama 1975, Sections 11-25-1 through 11-25-12, and Act 65 of the 1936 Special Session (Acts of 1936 Special Session, p. 34), as amended by Act 1086 of the 1969 Regular Session (Acts of 1969, p. 2021); which in whole or in part regulate costs and charges of courts are hereby in all things ratified, approved, validated and confirmed as of the date of their enactment any provision or provisions of the Constitution of Alabama of 1901 to the contrary notwithstanding. Any actions taken or payments made in accordance with the provisions of said laws are hereby ratified, approved, validated and confirmed. This Amendment shall not be construed as prohibiting the Legislature from properly enacting a law to amend or repeal said laws.

This Amendment shall not be construed to permit the operation of Act 79-751 of the 1979 Regular Session, as now codified in the Code of Alabama 1975 and Act 65 of the 1936 Special Session as amended at the same time unless said joint operation is otherwise authorized by law. [Amendment 524, approved June 5, 1990] [See also Amendment 33, applicable to both Calhoun and Tuscaloosa Counties, codified above as Section 96-H]

Section 96-III. Walker County: Fees, Salaries, etc., of Certain Public Officers in Walker County; Court Costs and Fees, Allowances, etc., of Officers of Walker County.

1. The Legislature of Alabama may hereafter from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the tax assessor, tax collector, probate judge, circuit clerk, sheriff, and register of the circuit court, and including the right to place anyone or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide for the method and basis of their compensation in Walker County, Alabama. No salary fixed under this Amendment shall affect the compensation of any officer already elected to either of said offices during the term for which elected, and said salaries, except for the register, shall be fixed at not less than three hundred and not more than five hundred dollars per month. The balance of said fund or savings shall be used for old age pensions in said county. [Amendment 50, approved Nov. 7, 1944]

2. The Legislature may, from time to time, by general or local laws, fix, alter, and regulate the costs and charges of courts in Walker County, and the method of disbursement thereof. Also, the Legislature may, from time to time, by general or local laws, fix, alter, and regulate the costs, charges, fees, commissions, percentages, allowances, and compensation to be charged or received by the judge of probate, sheriff, circuit clerk, register of the circuit court, tax assessor, and tax collector of Walker County, or any other county officer on a fee basis, and may place any of such officers on a salary, and provide that the costs, charges, fees, commissions, percentages, and allowances collected by such officers shall be paid into the county treasury from which their salaries and office expenses shall be paid. [Amendment 127, approved Dec. 17, 1957]

Section 96-JJJ. Washington County: Costs and Charges of Courts, and Compensation of Certain Officers, of Washington County.

The Legislature may from time to time, by general or local laws applicable to or operative in Washington County, fix, regulate, and alter costs and charges of courts and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, the tax assessor, the tax collector, and the circuit clerk; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. Provided that no law changing the method or basis for compensating such officers shall become effective unless it is approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose or is approved by a majority of the qualified electors of the county who vote on the adoption of this constitutional Amendment as provided for in section 2 hereof [Section 2 of Acts 1975, No. 611]. [Amendment 349, approved Jan. 13, 1976]

Section 96-KKK. Wilcox County: Costs and Charges of Courts in Wilcox County and Method of Distribution Thereof; Compensation of Wilcox County Probate Judge.

1. The Legislature may from time to time, by general, special or local laws, fix, regulate and alter the costs and charges of courts in the county of Wilcox and the method of distribution thereof.

The provisions of this constitutional Amendment shall not be implemented in Wilcox County until implementation is approved by a vote of a majority of the qualified electors of Wilcox County voting in an election called by the county governing body to determine said issue; provided, however, that if a majority of the qualified electors of Wilcox County who participate in the election held on the adoption of this Amendment vote in favor thereof, no further election need be held. [Amendment 434, approved Nov. 2, 1982]

2. Effective the beginning of the next term of office after ratification of this Amendment [March 8, 1988], the judge of probate of Wilcox County shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Wilcox County such salary as provided by general law, unless provided otherwise by local law. Such salary shall be the entire compensation received by such judge for his services in any official or ex officio capacity. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges previously paid to the judge of probate of Wilcox County.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Wilcox County shall continue to be collected but shall be paid into the general fund of Wilcox County.

The county commission of Wilcox County shall provide the judge of probate with such office personnel, equipment and supplies as such may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county commission and shall be paid in equal monthly installments out of the general fund of Wilcox County. [Amendment 487, approved March 8, 1988]

Section 96-LLL. Winston County: Costs and Charges of Courts in Winston County and Distribution of Revenues Therefrom; Consolidation of Offices of Tax Assessor and Tax Collector of Winston County into Office of County Revenue Commissioner. 1. The Legislature may, from time to time, by general, special or local law, fix, regulate and alter the costs and charges of any court in Winston County and the method or basis of distribution of any revenues therefrom. [Amendment 424, adopted Sept. 28, 1982]

2. The Legislature may from time to time, by general or local law, provide for the establishment of a consolidated and unified system for the assessment and collection of taxes in Winston County and for the consolidation of the offices of tax assessor and tax collector of such county into one office to be known as the county revenue commissioner and for the abolition of the offices of tax assessor and tax collector of such county.

Unless otherwise provided by law, the revenue commissioner of Winston County shall be charged with the performance of any duty provided by law for the tax assessor and tax collector of Winston County, and his compensation shall be fixed by law. Immediately upon the beginning of the first term of office of revenue commissioner of Winston County, the offices of tax assessor and tax collector shall be abolished. [Amendment 423, adopted Sept. 28, 1982]

Section 97. Payment of Salary of Deceased Officer after Date of Death.

The Legislature shall not authorize payment to any person of the salary of a deceased officer beyond the date of his death. [Original Section 97]

Section 98. Payments or Grants to Retiring Officers; Eligibility of Superintendents of Education to Participate in Teachers' Retirement System; Use of Assets of State Retirement Systems.

1. The Legislature shall not retire any officer on pay, or part pay, or make any grant to such retiring officer; however, the Legislature shall have the authority to provide that superintendents of education shall be eligible to participate in the Teachers' Retirement System of Alabama as the Legislature may see fit. [Original section 98, as amended by Amendment 513, approved June 5, 1990]

2. All of the assets, proceeds or income of the teachers', employees', state police, public and judicial retirement systems of Alabama, or any successor systems thereto, and all contributions and payments made to such systems to provide for retirement and related benefits thereunder, shall be held, invested as authorized by law, or disbursed as in trust for the exclusive purpose of providing for such benefits, refunds and administrative expenses under the management of the boards of control of the aforementioned retirement systems; and, none of such assets, proceeds, income, contributions or payments shall be used, loaned, encumbered or diverted to or for any other purpose whatsoever. [Amendment 472, approved March 8, 1988]

Section 98-A. Autauga County: Employees' Retirement System.

(a) For the purposes of this Amendment, the words "elected or appointed Autauga County official" shall mean any person holding an office that entitles the person to participate in a supernumerary program or any person appointed to serve the remaining term of an elected or appointed county official.

(b) An elected or appointed Autauga County official may not assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in that supernumerary program, may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Autauga County official may participate in

the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Elected or appointed Autauga County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office and must make the election within one year of the effective date of this Amendment. [Amendment 626, approved Nov. 3, 1998]

Section 98-B. Bibb County: Employees' Retirement System.

No person elected or appointed Sheriff of Bibb County, or any elected or appointed Bibb County official, may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that Supernumerary program. Every sheriff and other elected or appointed Bibb County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Bibb County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of' this Amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, school board member, or any official elected from a judicial circuit. All costs associated with the purchase of prior service credit as prescribed in section 36-27-6.1, Code of Alabama 1975, shall be the responsibility of the official making the purchase. [Amendment 625, approved Nov. 3, 1998]

Section 98-C. Bullock County: Phase-Out of Supernumerary Programs in Bullock County; Participation in Employees' Retirement System.

An elected or appointed Bullock County official not currently serving as such an official who is elected or appointed after the effective date of this Amendment may not assume a supernumerary office. Any person who, on the ratification of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Bullock County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Bullock County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served as a county official. For the purposes of

this Amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. [Amendment 676, approved Nov. 7, 2000]

Section 98-D. Calhoun County: Supernumerary Program Phase-Out; Participation in Employees' Retirement System.

(a) For the purposes of this Amendment, the words "elected or appointed county official" shall mean any person holding an office that entitles the person to participate in a supernumerary program or any person appointed to serve the remaining term of an elected or appointed county official.

(b) A mayor, sheriff, or elected or appointed Calhoun County official may not assume a supernumerary office after the effective date of this Amendment Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every mayor, sheriff, or elected or appointed Calhoun County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system Calhoun County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office and must make the election within one year of the effective date of this Amendment.

(c) Notwithstanding the provisions of subsection (b), the county commission may negotiate terms of any contract with a sheriff, mayor, or elected or appointed official who under this Amendment will be eligible to participate in the Employees' Retirement System. [Amendment 629, approved Nov. 3, 1998]

Section 98-E. Chambers County: Supernumerary Program Phase-Out; Participation in Employees Retirement Program.

No elected or appointed Chambers County official may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Chambers County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Chambers County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in

the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this Amendment, the words elected or appointed Chambers County official" include, subject only to express limitation, any person elected to represent Chambers County in any representative body of the state and includes any person appointed to serve the remaining term of an elected or appointed Chambers County official. The words do not include a judge, district attorney, constable, school board member, or any official elected from a judicial circuit. [Amendment 663, approved March 21, 2000]

Section 98-F. Cherokee County: Employees' Retirement System.

No elected or appointed Cherokee County official may assume a Supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Cherokee County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Cherokee County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this Amendment, the words "elected or appointed Cherokee County official" include, subject only to express limitation, any person elected to represent Cherokee County in any representative body of the state and includes any person appointed to serve the remaining term of an elected or appointed Cherokee County official. The words do not include a judge, district attorney, constable, school board member, or any official elected from a judicial circuit. [Amendment 630, approved Nov. 3, 1998]

Section 98-G. Chilton County: Phase-Out of Supernumerary Programs in Chilton County; Participation in Employees' Retirement System.

(a) No person elected or appointed Sheriff of Chilton County, or any elected or appointed Chilton County official, may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and other elected or appointed Chilton County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Chilton County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however,

the official shall forego the assumption of a supernumerary office. For the purposes of this Amendment, the words, "elected or appointed county official" shall include [any person elected to represent Chilton County in any representative body of the state and includes] any person appointed to serve the remaining term of an elected or appointed [Chilton] County official.

The words do not include a judge, district attorney, [constable,] legislator, school board member, or any official elected from a judicial circuit. All costs associated with the purchase of prior service credit as prescribed in section 36-27-6.1, Code of Alabama 1975, shall be the responsibility of the official making the purchase

(b) Act 99-319 of the 1999 Regular Session is repealed. [Amendment 680, approved Nov. 7, 2000, as amended and rewritten by Amendment 704, approved 2001 (deletions made by Amendment 704 are indicated by brackets)]

Section 98-H. Clarke County: Employees' Retirement System.

No elected Clarke County official may assume a Supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established the particular supernumerary program. Any elected Clarke County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. An elected Clarke County official holding office at the effective date of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the elected county official has served in the current office: provided, however, the elected county official shall forego the assumption of a supernumerary office. For purposes of this Amendment, the term "elected Clarke County official" shall mean any person elected to a full-time Clarke County office, and shall include any person appointed to serve the remaining term of an elected county official, but shall not include a judge, district attorney, legislator, constable, board of education member, any official elected from a judicial circuit, or any official who is allowed by law to participate in any other retirement system. [Amendment 631, approved Nov. 3, 1998]

Section 98-I. Clay County: Phase-Out of Supernumerary Programs in Clay County; Participation in Employees' Retirement System.

No elected or appointed Clay County official may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program.

Every elected or appointed Clay County official may participate in the Employees' Retirement

System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system, and shall be treated as an employee of the county. Clay County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this Amendment, the words "elected or appointed Clay County official" shall include, subject only to express limitation, any person elected to represent Clay County in any representative body of the state and includes any person appointed to serve the remaining term of an elected or appointed Clay County official. The words do not include a judge, district attorney, constable, school board member, or any official elected from a judicial circuit.

Act No. 99-320 of the 1999 Regular Session is hereby repealed. [Amendment 671, approved Nov. 7, 2000]

Section 98-J. Cleburne County: Employees' Retirement System.

No elected or appointed Cleburne County official may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Cleburne County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Cleburne County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this Amendment, the words "elected or appointed Cleburne County official" include, subject only to express limitation, any person elected to represent Cleburne County in any representative body of the state and includes any person appointed to serve the remaining term of an elected or appointed Cleburne County official. The words do not include a judge, district attorney, constable, school board member, or any official elected from a judicial circuit. [Amendment 632, approved Nov. 3, 1998]

Section 98-K. Coffee County: Supernumerary Program Phase-Out; Participation in Employees Retirement Program.

(a) For the purposes of this Amendment, the words "elected or appointed county official" shall mean any person holding an office that entitles the person to participate in a supernumerary program or any person appointed to serve the remaining term of an elected or appointed county

official.

(b) An or elected or appointed Coffee County official may not assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Coffee County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Coffee County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office and must make the election within one year of the effective date of this Amendment. [Amendment 633, approved Nov. 3, 1998]

Section 98-L. Conecuh County: Employees' Retirement System.

No person elected or appointed Sheriff of Conecuh County, or any elected or appointed Conecuh County official, may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and other elected or appointed Conecuh County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Conecuh County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this Amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, school board member, or any official elected from a judicial circuit. All costs associated with the purchase of prior service credit as prescribed in section 36-27-6 1, Code of Alabama 1975, shall be the responsibility of the official making the purchase. [Amendment 635, approved Nov. 3, 1998]

Section 98-M. Coosa County: Phase-Out of Supernumerary Program for Certain Elected Public Officials in Coosa County; Participation in Employees' Retirement System.

A mayor, sheriff, or elected or appointed Coosa County official shall not assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may

continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every mayor, sheriff, and elected or appointed Coosa County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Coosa County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this Amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. [Amendment 602, approved Nov. 5, 1996]

Section 98-N. Covington County: Employees' Retirement System.

No person elected or appointed Sheriff of Covington County, or any elected or appointed Covington County official, may assume a supernumerary office after the effective date of this Amendment Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and other elected or appointed Covington County official may participate in the Employees’ Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Covington County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees’ Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office. For the purpose of this Amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, school board member, or any official elected from a judicial circuit. All costs associated with the purchase of prior service credit as prescribed in section 36-27-6.1, Code of Alabama 1975, shall be the responsibility of the official making the purchase. [Amendment 636, approved Nov. 3, 1998]

Section 98-O. Dale County: Phase-Out of Supernumerary Programs in Dale County; Participation in Employees’ Retirement System.

No person elected or appointed Sheriff of Dale County, or any other elected or appointed Dale County official, may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program for Dale County may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms

and conditions of the law which established that supernumerary program. Every sheriff and other elected or appointed Dale County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Dale County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this Amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. [Amendment 683, approved Nov. 7, 2000]

Section 98-P. Elmore County: Elected Officials Participation in Employees' Retirement System.

No elected or appointed Elmore County official may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Elmore County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be 'specified by law for any other employee in the same retirement system. Elmore County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this Amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator constable, school board member, or any official elected from a judicial circuit. [Amendment 638, approved Nov. 3, 1998]

Section 98-Q. Franklin County: Employees' Retirement System.

No elected official or appointed Franklin County official may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Franklin County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Franklin County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office:

provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this Amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. [Amendment 639, approved Nov. 3, 1998]

Section 98-R. Geneva County: Employees' Retirement System.

No elected or appointed Geneva County official may assume a Supernumerary office after the effective date of this Amendment Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Geneva County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Geneva County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this Amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. [Amendment 640; approved Nov. 3, 1998]

Section 98-S. Greene County: Phase-Out of Supernumerary Programs in Greene County; Participation in Employees' Retirement System.

No person elected or appointed sheriff, or any elected or appointed Greene County official, may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and elected or appointed Greene County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Greene County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this Amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. [Amendment 685, approved Nov. 7, 2000]

Section 98-T. Henry County: Phase-Out of Supernumerary Programs in Henry County; Participation in Employees' Retirement System.

No person elected or appointed sheriff, or any elected or appointed Henry County official, may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in as supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and elected or appointed Henry County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Henry County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current offices: provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this Amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. [Amendment 687, approved Nov. 7, 2000]

Section 98-U. Houston County: Phase-Out of Supernumerary Program for Certain Elected Public Officials in Houston County; Participation in Employees' Retirement System.

No person elected or appointed sheriff, or any elected or appointed Houston County official, may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and elected or appointed Houston County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Houston County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this Amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. [Amendment 589, approved June 4, 1996]

Section 98-V. Lamar County: Phase-Out of Supernumerary Programs in Lamar County;

Participation in Employees' Retirement System.

An elected or appointed Lamar County official not currently serving as such an official who is elected or appointed after the effective date of this Amendment may not assume a supernumerary office. Any person who, on the ratification of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Lamar County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Lamar County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served as a county official. For the purposes of this Amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, including the county coroner, but shall not include a judge, district attorney, constable, school board member, or any official elected from a judicial circuit. [Amendment 689; approved Nov. 7, 2000]

Section 98-W. Lauderdale County: Phase-Out of Supernumerary Programs in Lauderdale County; Participation in Employees' Retirement System.

No elected or appointed Lauderdale County official may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Lauderdale County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Lauderdale County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this Amendment, the words "elected or appointed county official" shall include the sheriff and any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. [Amendment 690; approved Nov. 7, 2000]

Section 98-X. Lawrence County: Phase-Out of Supernumerary Programs in Lawrence County; Participation in Employees' Retirement System.

No elected or appointed Lawrence County official may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Lawrence County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Lawrence County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this Amendment, the words "elected or appointed Lawrence County official" include, subject only to express limitation, any person elected to represent Lawrence County in any representative body of the state and includes any person appointed to serve the remaining term of an elected or appointed Lawrence County official. The words do not include a judge, legislator, district attorney, constable, school board member, or any official elected from a judicial circuit. [Amendment 691; approved Nov. 7, 2000]

Section 98-Y. Lee County: Supernumerary Program Phase-Out; Participation in Employees' Retirement System.

In Lee County, no person first taking public office after the effective date of this Amendment may assume a Supernumerary office. Persons holding a public office in the county may participate in the Employees' Retirement System of Alabama in a separately funded unit or separately funded units if the provisions governing the participation for those persons are the same as for other regular employees participating in the Employees' Retirement System of Alabama.

A person who, on the effective date of this Amendment, is serving as a supernumerary official in Lee County, or has made an election to become a supernumerary official, or is making contributions to a supernumerary program, or is otherwise entitled to participate in the supernumerary program established by statute may continue to serve or participate in the supernumerary program, which shall include the assumption of a supernumerary office after the effective date of this Amendment, according to the terms and conditions of the law which established the supernumerary program, notwithstanding the fact that the person may be reelected after the effective date of this Amendment to the public office he or she is holding on the effective date of this Amendment or to another office covered by the supernumerary program in which he or she is participating. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. [Amendment 641, approved Nov. 3, 1998]

Section 98-Z. Limestone County: Employees' Retirement System.

No elected or appointed Limestone County official may assume a supernumerary office after the effective date of this Amendment, Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Limestone County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Limestone County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this Amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. [Amendment 645, approved Nov. 3, 1998]

Section 98-AA. Lowndes County: Phase-Out of Supernumerary Programs in Lowndes County; Participation in Employees' Retirement System.

No person elected or appointed sheriff, or any elected or appointed Lowndes County official, may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and elected or appointed Lowndes County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Lowndes County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this Amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. [Amendment 673, approved Nov. 7, 2000]

Section 98-BB. Macon County: Phase-Out of Supernumerary Programs in Macon County; Participation in Employees' Retirement System.

An elected or appointed Macon County official not currently serving as such an official who is elected or appointed after the effective date of this Amendment may not assume a supernumerary office. Any person who, on the ratification of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Macon County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Macon County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served as a county official. For the purposes of this Amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, including the county coroner, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. [Amendment 693; approved Nov. 7, 2000]

Section 98-CC. Marion County: Phase-Out of Supernumerary Programs in Marion County; Participation in Employees' Retirement System.

No person elected or appointed Sheriff of Marion County, or any elected or appointed Marion County official, may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and other elected or appointed Marion County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Marion County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this Amendment, the words, " elected or appointed county official" shall include any person elected to represent Marion County in any representative body of the state and includes] any person appointed to serve the remaining term of an elected or appointed Marion County official.

The words do not include a judge, district attorney, constable, school board member, or any official elected from a judicial circuit. All costs associated with the purchase of prior service credit as prescribed in section 36-27-6.1, Code of Alabama 1975, shall be the responsibility of the official making the purchase. [Amendment 705, approved 2001]

Section 98-CC-1. Mobile County: Pension or Retirement System in Mobile County and Municipalities Therein; Pensions of Former Officers of Mobile County and Municipalities Therein; Comprehensive Health Insurance Plan for Retired Mobile County Employees; Supernumerary Program Phase-Out; Participation in Employees' Retirement System.

1. The Legislature may hereafter, by general, local, or special laws, provide for the establishment of a pension or retirement system or systems for the benefit of public officers of Mobile county and the officers of incorporated municipalities within the county, any provision of the Constitution to the contrary notwithstanding, and may provide for the retirement of such officers on pay or part pay. But any such law shall not become operative until it is first approved by a majority of the qualified electors of the county, or of the municipality affected thereby, voting in a referendum election held for that purpose. [Amendment 150, approved Feb. 16, 1960]

2. Any provision of the Constitution to the contrary notwithstanding, any person who served as an officer of Mobile county or any municipality therein before the establishment of a pension or retirement system for the benefit of the elected or appointed officers of such county or municipalities shall be eligible to receive a pension or retirement benefit in all respects equal to officers serving when such pension or retirement system was established. The governing body of the county and of each municipality therein is hereby authorized to expend any funds not otherwise appropriated that may be required to pay the benefits payable to such former officers.

[Amendment 192, approved Dec. 5, 1961]

3. The Mobile county commission may, from time to time by resolution duly adopted and spread upon its minutes, provide for a comprehensive health insurance plan for retired county employees. If such plan is so adopted, the Mobile county commission shall determine the extent of coverage of such plan and shall prescribe rules and regulations governing participation in such plan. [Amendment 441, approved Nov. 8, 1983]

4. No elected Mobile County official may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Any elected Mobile County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. An elected Mobile County official holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this Amendment, the words "elected Mobile County official" shall mean any person elected to a full-time Mobile County office, and shall include any person appointed to serve the remaining term of an elected county official, but shall not include a judge, district attorney, legislator, constable, school board member, any official elected from a judicial circuit, or any official who is allowed by law to participate in any other retirement system. [Amendment 648, approved Nov. 3, 1998]

Section 98-DD. Morgan County: Phase-Out of Supernumerary Program for Certain Elected Public Officials in Morgan County; Participation in Employees' Retirement System.

No elected or appointed Morgan County official may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Morgan County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Morgan County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this Amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. [Amendment 592, approved June 4, 1996]

Section 98-EE. Perry County: Phase-Out of Supernumerary Programs in Perry County; Participation in Employees' Retirement System.

No person elected or appointed sheriff, or any elected or appointed Perry County official, may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and elected or appointed Perry County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Perry County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this Amendment, the words "elected or appointed county official" shall include any person elected to represent the county in any representative body of the state and any person appointed to serve the remaining term of an elected or appointed official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. [Amendment 698, approved Nov. 7, 2000]

Section 98-FF. Pike County: Phase-Out of Supernumerary Programs in Pike County; Participation in Employees' Retirement System.

(a) No elected or appointed Pike County official may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Pike County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Pike County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this Amendment, the words "elected or appointed Pike County official" include, subject only to express limitation, any person elected to represent Pike County in any representative body of the state and includes any person appointed to serve the remaining term of an elected or appointed Pike County official. The words do not include a judge, legislator, district attorney, constable, school board member, or any official elected from a judicial circuit.

(b) Act 99-407 [proposing Amendment 699] of the 1999 Regular Session is repealed. [Amendment 700, approved Nov. 7, 2000; Amendment 700 also repealed the legislative act proposing Amendment 699, also approved on Nov. 7, 2000, and thus effectively repealed Amendment 699 which, with slightly different wording (Amendment 699 did not include mayors) also provided for the phasing out of the supernumerary program.]

Section 98-GG. Randolph County: Employees Retirement System.

No elected or appointed Randolph County official may assume a Supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a Supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Randolph County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be Specified by law for any other employee in the same retirement system. Randolph County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this Amendment, the words "elected or appointed Randolph County official include, subject only to express limitation, any person elected to represent Randolph County in any representative body of the state and includes any person appointed to serve the remaining term of an elected or appointed Randolph County official. The words do not include a judge, district attorney, constable, school board member, or any official elected from a judicial circuit. [Amendment 651, approved Nov. 3, 1998]

Section 98-HH. Russell County: Phase-Out of Supernumerary Programs in Russell County; Participation in Employees' Retirement System.

No person elected or appointed sheriff, or any elected or appointed Russell County official, may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and elected or appointed Russell County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Russell County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this Amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or

appointed official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. [Amendment 702, approved Nov. 7, 2000]

Section 98-II. Shelby County: Phase-Out of Supernumerary Programs in Shelby County; Participation in Employees' Retirement System.

Section 1. No elected or appointed Shelby County official or sheriff may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Shelby County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system, and shall be treated as an employee of the county. Shelby County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this Amendment, the words "elected or appointed Shelby County official" shall include any person appointed to serve the remaining term of an elected or appointed Shelby County official. The words do not include a judge, county commissioner, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit.

Section 2. An election upon the proposed Amendment shall be held on November 13, 2001, in accordance with Amendment 555 to the Constitution of Alabama of 1901, and the general election laws of this state. [Amendment proposed by Act 2001-778; submitted to the people on Nov. 13, 2001 and reported in the press to have been passed; not yet proclaimed as ratified and no Amendment number assigned.]

Section 98-JJ. Sumter County: Phase-Out of Supernumerary Programs in Sumter County; Participation in Employees' Retirement System.

No person elected or appointed sheriff, or any elected or appointed Sumter County official, may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and elected or appointed Sumter County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Sumter County officials holding office at the time of the ratification of this Amendment shall be

eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this Amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. [Amendment 675, approved Nov. 7, 2000]

Section 98-KK. Talladega County: Supernumerary Program Phase-Out; Participation in Employees' Retirement System.

(a) For the purposes of this Amendment, the words "elected or appointed county official" shall mean any person holding an office that entitles the person to participate in a supernumerary program or any person appointed to serve the remaining term of an elected or appointed county official.

(b) A mayor, sheriff, or elected or appointed Talladega County official may not assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every mayor, sheriff, or elected or appointed Talladega County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Talladega County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office and must make the election within one year of the effective date of this Amendment.

(c) Notwithstanding the provisions of subsection (b), the county commission may negotiate terms of any contract with a sheriff, mayor, or elected or appointed official who under this Amendment will be eligible to participate in the Employees' Retirement System. [Amendment 654, approved Nov. 3, 1998]

Section 98-LL. Tallapoosa County: Phase-Out of Supernumerary Programs in Tallapoosa County; Participation in Employees' Retirement System.

No person elected or appointed sheriff, or any elected or appointed Tallapoosa County official, may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and elected or appointed Tallapoosa County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Tallapoosa County officials holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this Amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. [Amendment 703, approved Nov. 7, 2000]

Section 98-MM. Washington County: Employees' Retirement System.

No elected or appointed official of Washington County may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that Supernumerary program. Any elected or appointed Washington County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Any elected or appointed official of Washington County holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this Amendment, the words "elected or appointed official" shall include any person appointed to serve the remaining term of an elected or appointed official, including the sheriff, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. [Amendment 657, approved Nov. 3, 1998]

Section 98-NN. Winston County: Employee's Retirement System.

No elected or appointed official of Winston County may assume a supernumerary office after the effective date of this Amendment. Any person who, on the effective date of this Amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Any elected or appointed Winston County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Any elected or appointed official of Winston County holding office at the time of the ratification of this Amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office: provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this Amendment, the words "elected or appointed official" shall include any person appointed to serve the remaining term of an elected or appointed official, including the sheriff, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. [Amendment 658, approved Nov. 3, 1998]

Section 99. Restrictions on Donation or Sale of State Lands to Private Corporations or Individuals; Grant of Easements to Railroad, Telephone and Telegraph Companies.

Lands belonging to or under the control of the state shall never be donated, directly or indirectly, to private corporations, associations, or individuals, or railroad companies; nor shall such lands be sold to corporations or associations for a less price than that for which they are subject to sale to individuals: provided, that nothing contained in this section shall prevent the Legislature from granting a right of way, not exceeding one hundred and twenty-five feet in width, as a mere easement, for railroads or telegraph or telephone lines across state land, and the Legislature shall never dispose of the land covered by such right of way except subject to such easement. [Original section 99]

Section 100. Obligations and Liabilities of Corporations, etc., Held or Owned by State, Counties or Municipalities.

No obligation or liability of any person, association, or corporation held or owned by this state, or by any county or other municipality thereof, shall ever be remitted, released, or postponed, or in any way diminished, by the Legislature; nor shall such liability or obligation be extinguished except by payment thereof; nor shall such liability or obligation be exchanged or transferred except upon payment of its face value: provided, that this section shall not prevent the Legislature from providing by general law for the compromise of doubtful claims. [Original section 100]

Section 101. Lobbying in Legislature by State or County Officials.

No state or county official shall, at any time during his term of office, accept, either directly or indirectly, any fee, money, office, appointment, employment, reward, or thing of value, or of personal advantage, or the promise thereof, to lobby for or against any measure pending before the Legislature, or to give or withhold his influence to secure the passage or defeat of any such measure. [Original section 101]

Section 102. Miscegenation Laws.

[Deleted; annulled by Amendment 667, approved Nov. 7, 2000]

Section 103. Regulation, etc., of Common Carriers, Partnerships, Associations, Trusts, Monopolies and Combinations of Capital.

The Legislature shall provide by law for the regulation, prohibition, or reasonable restraint of common carriers, partnerships, associations, trusts, monopolies, and combinations of capital, so as to prevent them or any of them from making scarce Articles of necessity, trade, or commerce, or from increasing unreasonably the cost thereof to the consumer, or preventing reasonable competition in any calling, trade, or business. [Original section 103]

Section 104. Special, Private or Local Laws Prohibited in Certain Cases; Laws Placing Responsibility for County Roads in State Highway Department; Laws for Termination of Alimony Upon Remarriage or Cohabitation of Spouse; Effectiveness of Laws Providing for Expenditure of County or Municipal Funds; Expenditures by Local Government; Election of City Board of Education (Population Not Exceeding 125,000); Election of City Boards of Education (Population Exceeding 125,000).

(1) The Legislature shall not pass a special, private, or local law in any of the following cases:

(1) Granting a divorce;

(2) Relieving any minor of the disabilities of nonage;

(3) Changing the name of any corporation, association, or individual;

(4) Providing for the adoption or legitimizing of any child;

(5) Incorporating a city, town, or village;

(6) Granting a charter to any corporation, association, or individual;

(7) Establishing rules of descent or distribution;

(8) Regulating the time within which a civil or criminal action may be begun;

(9) Exempting any individual, private corporation, or association from the operation of

any general law;

(10) Providing for the sale of the property of any individual or estate;

(11) Changing or locating a county seat;

(12) Providing for a change of venue in any case;

(13) Regulating the rate of interest;

(14) Fixing the punishment of crime;

(15) Regulating either the assessment or collection of taxes, except in connection with the readjustment, renewal, or extension of existing municipal indebtedness created prior to the ratification of the Constitution of eighteen hundred and seventy-five;

(16) Giving effect to an invalid will, deed, or other instrument;

(17) Authorizing any county, city, town, village, district, or other political Subdivision of a county, to issue bonds or other securities unless the issuance of said bonds or other securities shall have been authorized before the enactment of such local or special law, by a vote of the duly qualified electors of such county, township, city, town, village, district, or other political Subdivision of a county, at an election held for such purpose, in the manner that may be prescribed by law: provided, the Legislature may, without such election, pass special laws to refund bonds issued before the date of the ratification of this Constitution;

(18) Amending, confirming, or extending the charter of any private or municipal corporation, or remitting the forfeiture thereof: provided, this shall not prohibit the Legislature from altering or rearranging the boundaries of the city, town, or village;

(19) Creating, extending, or impairing any lien;

(20) Chartering or licensing any ferry, road, or bridge;

(21) Increasing the jurisdiction and fees of justices of the peace or the fees of constables;

(22) Establishing separate school districts;

(23) Establishing separate stock districts;

(24) Creating, increasing, or decreasing fees, percentages, or allowances of public officers;

(25) Exempting property from taxation or from levy or sale;

(26) Exempting any person from jury, road, or other civil duty;

(27) Donating any lands owned by or under control of the state to any person or corporation;

(28) Remitting fines, penalties, or forfeitures;

(29) Providing for the conduct of elections or designating places of voting, or changing the boundaries of wards, precincts, or districts, except in the event of the organization of new counties, or the changing of the lines of old counties;

(30) Restoring the right to vote to persons convicted of infamous crimes, or crimes involving moral turpitude;

(31) Declaring who shall be liners between precincts or between counties.

The Legislature shall pass general laws for the cases enumerated in this section: provided that nothing in this section or Article shall affect the right of the Legislature to enact local laws regulating or prohibiting the liquor traffic; but no such local law shall be enacted unless notice shall have been given as required in section 106 of this Constitution. [Original section 104]

(2) The Legislature shall not hereafter by general, special or local law authorize the state highway department or any other agency of the state of Alabama, other than a court of county commissioners, board of revenue or like county governing body, to assume responsibility for the construction, repair or maintenance of all county roads or bridges within a county unless the assumption of such responsibility by the state highway department or other agency shall be approved by a vote of the duly qualified electors of the county in which such roads lie at an election held for such purpose, in the manner that may be prescribed by law: provided, the state highway department, or other state agency may engage in the construction, repair or maintenance of a county road or bridge upon written agreement signed by the director and a majority of the members of the county governing body; and provided further that the Legislature is not prohibited from authorizing the highway director or other state agency to designate certain routes or roads within a county as a part of the state highway system. [Amendment 142, approved Feb. 16, 1960]

(3) The Legislature may pass laws to provide for the termination of alimony upon the remarriage of the spouse receiving the alimony or upon such spouse living openly or cohabiting with a member of the opposite sex. Such laws may be made to apply retrospectively. [Amendment 390; approved Nov. 4, 1980]

(4) No law, whether general, special or local, whose purpose or effect is to provide for a new or increased expenditure of county funds held or disbursed by the county governing body shall become effective as to any county of this state until the first day of the fiscal year next following the passage of such law. The foregoing notwithstanding, a law, whether general, special or local, whose purpose or effect is to provide for a new or increased expenditure of county funds held or disbursed by the county governing body, shall become effective according to its own terms as any other law if:

(1) Such law is approved by a resolution duly adopted by and spread upon the minutes of the county governing body of the county affected thereby; or

(2) Such law (or other law or laws which specifically refer to such law) provides the respective county governing bodies with new or additional revenues sufficient to fund

such new or increased expenditures. [Amendment 474, approved March 6, 1988]

(5) No law, whether general, special or local, whose purpose or effect is to provide for a new or increased expenditure of municipal funds held or disbursed by the municipal governing body shall become effective as to any municipality of this state until the first day of the fiscal year next following the passage of such law. The foregoing notwithstanding, a law, whether general, special or local, whose purpose or effect is to provide for a new or increased expenditure of municipal funds held or disbursed by the municipal governing body, shall become effective according to its own terms as any other law if:

(1) Such law is approved by a resolution duly adopted by and spread upon the minutes of the municipal governing body of the municipality affected thereby; or

(2) Such law (or other law or laws which specifically refer to such law) provides the respective municipal governing bodies with new or additional revenues sufficient to fund such new or increased expenditures. [Amendment 491, approved Nov. 8, 1988]

(6)(a) No general law, or state executive order whose purpose or effect is to require a new or increased expenditure of funds held or disbursed by the governing body of a municipality or county, or an instrumentality thereof, shall become effective as to any municipality or county, or an instrumentality thereof, until approved by an ordinance enacted, or a resolution adopted, by the governing authority of the affected municipality, county, or instrumentality or until, and only as long as, the Legislature appropriates funds for the purpose to the affected municipality, county, or instrumentality and only to the extent and amount that the funds are provided, or until a law provides for a local source of revenue within the municipality, county, or instrumentality for the stated purpose and the affected municipality, county, or instrumentality is authorized by ordinance or resolution to levy and collect the revenue and only to the extent and amount of the revenue.

(b) [This Amendment] [The provisions of this subsection (6)] shall not apply to:

(1) A local law as defined in Article IV, section 110, Constitution of Alabama 1901;

(2) An act, state executive order requiring expenditures by a school board;

(3) An act defining a new crime or amending the definition of an existing crime;

(4) An act, statute, executive order enacted, promulgated, or adopted and effective prior to the ratification of this Amendment which by its provisions requires expenditures by the county or municipality at any time after the effective date of this Amendment;

(5) An act enacted, or state executive order promulgated or adopted to comply with a federal mandate, only to the extent of the federal mandate;

(6) An act adopted or enacted by two-thirds of those voting in each house of the Legislature and any rule or regulation adopted to implement that act or adopted pursuant thereto;

(7) An act determined by the Legislative Fiscal Office to have an aggregate insignificant

fiscal impact on affected municipalities, counties, or instrumentalities. For purposes of this subsection, the phrase "aggregate insignificant fiscal impact" shall mean any impact less than $50,000 annually;

(8)An act of general application prescribing the minimum compensation for public officials. [Amendment 621; approved Nov. 3, 1998]

(7) The Legislature by local law may provide in any municipality with a city board of education for the conducting of an authorizing referendum election regarding changing the city board of education to an elected city board of education. The Legislature by local law may authorize the governing body of any municipality with a city board of education, upon a recorded majority vote of the governing body, to call and conduct an authorizing referendum election regarding changing the city board of education of that municipality to an elected city board of education.

If a majority of the qualified electors voting in an authorizing referendum election called in either of the preceding manners vote in favor of an elected city board of education, the Legislature, from time to time, by local law may provide for the election of a city board of education in that municipality. Such local law or laws may include, but are not limited to, providing for termination of the terms of office of members of the existing city board of education; the composition of the city board of education; initial and succeeding terms of office, including staggered terms; election districts and at-large membership; qualifications; powers, duties, and responsibilities; vacancies; and compensation.

Any general law, municipal classification law, or local law providing for or authorizing an elected city board of education in any municipality enacted within the last 1,095 days prior to the ratification date of this [Amendment] [subsection 7]; is validated and confirmed. Any local referendum conducted pursuant to such general law, municipal classification law, or local law, or any combination of such laws, in which a majority of the qualified electors of the municipality voting voted in favor of an elected city board of education, is also validated and confirmed and that local referendum is considered as an authorizing referendum election for purposes [of this Amendment] [hereof].

Notwithstanding Acts 97-679 and 97-616 of the 1997 Regular Session, initial elections for the members of the Tuscaloosa City Board of Education shall occur at the regularly scheduled municipal elections in the year 2001. Public hearings shall be held by the legislative delegation and Amendments may be prepared and enacted by the Legislature which are deemed necessary and appropriate by the local delegation for any local legislation, including Acts 97-679 and 97-616 of the 1997 Regular Session, which are validated and confirmed by [this Amendment] [the provisions of this subsection]. The results of any authorizing referendum election called pursuant to this [Amendment] [subsection] shall be reported to the State Board of Education, which shall maintain a continuing record of those results for public inspection.

It is the intent of the Legislature that this [Amendment] [subsection 7] supersede any other provision of this constitution which may be construed as being in conflict with this [subsection] [Amendment].

Notwithstanding the foregoing, this [proposed Amendment] [subsection 7] shall not apply to any

municipality with a population exceeding 125,000 according to the most recent federal census. [Amendment 659, approved Nov. 22, 1999]

(8) I. The members of the city board of education of any municipality in the state with a population exceeding 125,000 shall be elected by the qualified electors of the municipality in which the city board of education is located.

II. This [Amendment] [subsection 8] shall apply to a municipality with a population exceeding 125,000 if, at the time this [Amendment] [provision] is submitted to a statewide vote, a majority of the qualified electors voting on [the Amendment] [this provision] in the respective municipality vote in favor [thereof] [of the Amendment].

III. Upon the application of this [Amendment] [subsection 8] to a respective municipality, either at the time of the ratification [of this Amendment] [hereof] or at a later time, the Legislature shall, by local law, provide for the dissolution of any existing nonelected city board of education in an applicable municipality and for the date the elected city board of education shall be constituted. The existing city board of education shall continue to function until the date of dissolution. Additionally, the Legislature, by local law, may provide for[:]

The termination of the terms of office of members of an existing city board of education;

The composition of the elected city board of education;

Initial and succeeding terms of office, including staggered terms;

Election districts and at-large membership;

Qualifications;

Powers, duties, and responsibilities;

Vacancies; and

Compensation.

IV. If a municipality comes within the application [of this subsection 8] [of this constitutional Amendment] after the date of ratification [of this constitutional Amendment] [hereof], the provisions [of this constitutional Amendment] [hereof] shall only apply to that municipality if such provisions are approved by a majority vote of the qualified electors of the municipality voting at a special referendum called and conducted pursuant to local law, adopted from time to time by the Legislature. [Amendment 665, approved June 6, 2000]

Section 104-A: Baldwin County: Fire Protection Districts in Baldwin County; Annexation in Baldwin County.

1. The Legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, and financing of local districts within Baldwin county as public corporations to provide fire fighting and prevention services; and may authorize such fire

districts to fix and collect rates, fees and charges for such services, and to provide penalties for non-payment and liens upon the property within any such district; authorize the borrowing of money and the issuance of bonds and other obligations by or on behalf of any such fire district: provided that Baldwin county shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Baldwin county:

Providing further that a majority of the qualified electors of any prospective fire fighting or prevention district created by any law authorized by this proposed Amendment shall give their prior approval to the creation of any such fire district and the fees, rates, charges, bond issue or other financing agreements thereto in an election thereon. This Amendment shall not have been adopted unless a majority of the qualified electors of this state who participate in the election held on the adoption of this Amendment vote in favor thereof. Any law enacted at the current session of the Legislature to authorize the creation of such fire districts in Baldwin County and to implement this Amendment to the Constitution (whether with or without published notice of intention) shall become effective upon the ratification of this Amendment. [Amendment 365, approved Sept. 13, 1977]

2. In Baldwin County, the Legislature may not enact a local law annexing to a municipality any territory that is separated from the annexing municipality by a body of water or separated from the annexing municipality by an interstate highway and not contiguous and connected to the municipality by a publicly owned and maintained underpass, overpass, or exchange allowing toll-free two-way access to and from the annexing municipality unless the annexation is subject to approval at a referendum election in the territory to be annexed. [Amendment 627, approved Nov. 3, 1998]

Section 104-B. Blount County: Fire Protection and Emergency Medical Services Districts in Blount County.

(a) The Legislature may, by local law from time to time, provide for the establishment of districts in Blount County for fire protection and emergency medical services and provide for mandatory annual dues in the districts upon approval of the qualified electors residing within the districts. The Legislature shall provide for the operation of the districts and for the collection of mandatory annual dues. The Legislature may limit the liability of the county for the operation of a district and provide that a district shall be exempt from all taxation. The districts may include the area currently served by the Remlap Volunteer Fire and Rescue, Inc., or may be formed in other areas of the county.

(b) Act No. 93-342, H. 970, 1993 Regular Session, is repealed.

(c) This [Amendment] [provision] shall not become effective unless approved at a referendum by a majority of the qualified electors of Blount County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this Amendment, as provided for in section 2 of this act [Acts 1994, 94-553], and no further election shall be required. [Amendment 561, approved Nov. 8, 1994]

Section 104-C. Calhoun County: Local Legislation to Change Procedure for Sale of Lands for Delinquent Taxes in Calhoun County; Election of Board of Education of City of Anniston; Water Works and Sewer Board of City of Anniston.

1. (a) Notwithstanding sections 104 and 105 to the contrary, the Legislature of the state of Alabama may enact local legislation applicable to Calhoun County to change the method prescribed by law for giving notice to delinquent Calhoun County taxpayers of their failure to pay taxes assessed against any property which is assessed to them and to change the notice required to be given them prior to the sale for taxes of the property and to change the method for issuing decrees for the sale of land and the trials held to determine whether the sales should be ordered and to change the method of giving notice to delinquent property owners to show cause why a decree of sale should not be rendered against them and to change the method regarding the sale of the property and the report of the amount of taxes collected from the sale.

(b) This Amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Calhoun County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this Amendment, as provided for in section 2 of this act [Acts 1994, No. 94-203], and no further election shall be required. [Amendment 562, approved Nov. 8, 1994]

2. The Legislature, by local act, may provide for the manner of selection of members of the Board of Education of the City of Anniston in Calhoun County and may provide further for the operation of the board. [Amendment 664, approved June 19, 2000]

3. The Water Works and Sewer Board of the City of Anniston, Alabama, shall be governed by a board of directors consisting of seven members to be appointed as follows:

Four members shall be appointed by the governing body to the City of Anniston and three members shall be appointed by the Calhoun County Legislative Delegation. Those persons serving on such board of directors on the effective date of this Amendment shall continue to hold office until the expiration of their current terms. Act 95-497, 1995 Regular Session, is hereby ratified, approved, validated, and confirmed as of the date of its enactment any provision or provisions of this constitution of the contrary notwithstanding, and all actions heretofore taken by the City of Anniston, the Calhoun County Legislative Delegation and the Water Works and Sewer Board of the City of Anniston, Alabama, pursuant to the provisions of Act 95-497, are hereby ratified, approved, validated, and confirmed. This Amendment shall be self-executing, and no amendment to the Certificate of Incorporation of said Water Works and Sewer Board shall be necessary to implement the provisions of this Amendment. [Amendment 677, approved Nov. 7, 2000]

Section 104-D. Colbert County: Laws Changing Form of Government of Colbert County or Municipalities Therein or Changing Term of Office, Compensation, Allowances, etc., of Officers Thereof.

The Legislature shall not pass a special, private, or local law changing the form of government of Colbert county or of any city, town, village, district, or other such political Subdivision of the county, or abridging the term of any officer thereof, by the abolition of his office or otherwise, or increasing or decreasing or altering the salary or other compensation, fees, commissions, percentages, or allowances of any officer thereof, by the imposition of new, different, and additional duties, or by expense allowances, during the term for which he was elected or appointed, or at any time, unless the operation of such law shall be approved by a vote of the duly qualified electors of such county, city, town, village, district, or other political subdivision of the county, at an election held for such purpose, in the manner prescribed by such law. Nor shall the Legislature authorize the governing body of Colbert county or of any political subdivision thereof to increase or decrease or alter the salary or other compensation, fees, commissions, percentages, or allowances of any officer thereof, by the imposition of new, different, and additional duties, or by expense allowances, during his term, or at any time, unless the operation of the law providing therefor shall be approved by a vote of the duly qualified electors of the county or city, town, village, district, or other political subdivision of the county affected thereby, at an election held for such purpose, in the manner prescribed by such law. [Amendment 144, adopted Feb. 16, 1960]

Section 104-E. Cullman County: Election of Members of Cullman City Board of Education.

(a) The Legislature may by local act provide for the election of the members of the Cullman City Board of Education.

(b) This Amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Cullman County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this Amendment, as provided for in section 4 of this act, and no further election shall be required.

(c) Act No. 93-536 which provides for an elected Board of Education in the City of Cullman is hereby ratified. [Amendment 566, approved Nov. 8, 1994]

Section 104-F. Elmore County: Local Service Districts.

The Legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, and financing of local districts within Elmore county as public corporations to provide any one or more of the following local services:

(a) Fighting and prevention of fires;

(b) The operation of emergency medical services, including rescue and ambulance service; authorize such district to fix and collect rates, fees and charges for such services, and to provide penalties for nonpayment and liens upon the property within such district; authorize the borrowing of money and the issuance of bonds and other obligations by or

on behalf of such district: provided that Elmore county shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Elmore county. [Amendment 466, approved Nov. 4, 1986; see also section 104-BB below, codifying Amendment 535, approved June 2, 1992, applicable in part to Elmore County]

Section 104-G. Etowah County: Election of Board of Education of City of Attalla; Annexation in Etowah County; Real Estate Licenses in Etowah County.

1. The Legislature may by local act provide for the election of the members of the board of education of the City of Attalla in Etowah County. [Amendment 537, approved June 2, 1992]

2. Any municipality that was not located wholly within the boundaries of Etowah county prior to January 1, 1986, shall not annex any territory within Etowah county without the approval of the electorate of said territory expressed in a vote on the issue of said annexation.

The provisions of this Amendment shall not apply to any municipality incorporated in the future that lies entirely within the boundaries of Etowah County.

Etowah County by a municipality located outside of the county.

The Legislature may pass local or general acts to supplement this Amendment, so long as such acts do not contravene the provisions of this Amendment. [Amendment 467, approved Nov. 4, 1986]

3. (a) In order to allow for the orderly and efficient collection of municipal business license taxes in Etowah County with respect to corporations, firms, brokers, agents, and others in the business of buying, selling, leasing, or representing others in the purchase, sale, or lease of real property in Etowah County, the Legislature may, by local law, provide for the imposition and collection of taxes as follows:

(1) Any city or municipality within Etowah County may fix and collect license taxes pursuant to sections 11-51-90 and 11-51-91, Code of Alabama 1975, for any business, trade, or profession relating to the buying, selling, or renting of real estate on commission in Etowah County if the licensee maintains its principal place of business in the corporate limits or police jurisdiction of that city or municipality;

(2) Effective January 1 following the ratification of this Amendment and each year thereafter, in addition to the taxes, if any, imposed under Subdivision (1) above, every corporation, firm, broker, agent, or other person or entity engaged in the business of buying, selling, managing, leasing, or renting of real estate on commission in Etowah County shall pay an annual business license tax at a rate to be set by the Legislature for the privilege of engaging in that business in every other city or municipality in Etowah County. The tax shall be collected by the License Commissioner of Etowah County and shall be distributed by the License Commissioner of Etowah County to each city or municipality within Etowah County on a pro rata basis based on population. The License

Commissioner of Etowah County shall be entitled to an administrative fee for administering this tax at a rate to be set by the Legislature. The fee shall to be subtracted from the license tax;

(3) Effective January 1 following the ratification of this Amendment and each year thereafter, except for the license taxes permitted or mandated under subsections (1) and (2) above, no other privilege license tax or any other fee or tax shall be imposed under sections 11-51-90 and 11-51-91, Code of Alabama 1975, or any other law by any city or municipality within Etowah County on corporations, firms, brokers, agents, or other persons or entities engaged in the business of buying, selling, managing, leasing, or renting of real estate on commission in Etowah County.

(b) This Amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Etowah County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this Amendment, as provided for in section 2 of this act, and no further election shall be required. [Amendment 684, approved Nov. 7, 2000]

Section 104-H. Fayette County: Water Coordinating and Fire Prevention Authority.

The Legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, authority and financing of a Fayette County water coordinating and fire prevention authority in all or in portions of Fayette County as a public corporation to provide any one or more of the following local public services:

Obtain, treat, and furnish water for residential, commercial or industrial purposes and for any other local service permitted by such general or local law;

Authorize such authority to fix and collect rates, fees and charges for such services, and to provide penalties for nonpayment and liens upon the property within such public water authority;

Grant or vest the privilege of eminent domain to such public water authority for the purpose of taking property for public use in accordance with Article XII, section 235, of the Constitution of Alabama of 1901;

Authorize the borrowing of money and the issuance of bonds and other obligations by or on behalf of such public water authority: provided that Fayette County shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Fayette County;

Extend the service area into one or more other counties, and

Provide for fire protection facilities or services.

Any law enacted at the 1988 special session of the Legislature to authorize the creation of such authority in Fayette County and to implement this Amendment to the Constitution (whether with

or without published notice of intention) shall become effective upon the ratification of this Amendment. [Amendment 517, approved June 5, 1990]

Section 104-I. Franklin County: Election of Superintendent of Education by Qualified Voters; Franklin County Water Coordinating and Fire Prevention Authority.

1. (a) The Franklin County Superintendent of Education shall be elected by the qualified electors residing in the jurisdiction of the Franklin County School System. The initial county superintendent of education elected pursuant to this Amendment shall be elected at the general election in 1996. The election shall be conducted in the same manner as the election of other county officers. The initial county superintendent of education elected pursuant to this Amendment shall serve from the date elected and certified until June 30, 2001. A successor shall be elected at the general election in 2000 and take office on July 1, 2001. Successors shall serve a term of four years from July 1 of the year following election and shall be elected at the general election immediately preceding the expiration of the term of the incumbent. The Franklin County Superintendent of Education shall be a resident of the area served by the Franklin County School System at the time of his or her election and shall possess all the qualifications of a county superintendent of education provided by general law. The Legislature may, from time to time, enact laws to implement and facilitate the purposes of this Amendment.

(b) Any contract of any appointed county superintendent of education shall terminate on the date the elected county superintendent of education takes office.

(c) Any actions taken pursuant to the constitutional Amendment proposed by Act 95-224, H. 80, 1995 Regular Session [Amendment 578] are ratified, validated, and confirmed. [Amendment 588, approved June 4, 1996, and in effect superceding Amendment 578, approved Nov. 7, 1995; Amendment 588 added subsection (b) to the text of Amendment 578]

2. The Legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, authority and financing of a Franklin County water coordinating and fire prevention authority in all or in portions of Franklin County as a public corporation to provide any one or more of the following local public services:

> Obtain, treat, and furnish water for residential, commercial or industrial purposes and for any other local service permitted by such general or local law;
>
> Authorize such authority to fix and collect rates, fees and charges for such services, and to provide penalties for nonpayment and liens upon the property within such public water authority;
>
> Grant or vest the privilege of eminent domain to such public water authority for the purpose of taking property for public use in accordance with Article XII, section 235, of the Constitution of Alabama of 1901;
>
> Authorize the borrowing of money and the issuance of bonds and other obligations by or on behalf of such public water authority: provided that Franklin County shall not be

responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Franklin County;

Extend the service area into one or more other counties; and

Provide for fire protection facilities or services.

Any law enacted at the 1988 special session of the Legislature to authorize the creation of such authority in Franklin County and to implement this Amendment to the Constitution (whether with or without published notice of intention) shall become effective upon the ratification of this Amendment. [Amendment 518, approved June 5, 1990]

Section 104-J. Houston County: Election of Dothan City Board of Education.

The Legislature may, by local act, provide for the election of the Dothan City Board of Education.

This Amendment shall not become operative unless it is approved by a majority of the qualified electors of the City of Dothan who vote thereon upon its submission. [Amendment 552, approved June 7, 1994]

Section 104-K. Jackson County: Fire Districts and Fire Prevention Services in Jackson County; Jackson County Water Authority.

1. The Legislature may, by general or local law, provide for the establishment of fire districts within Jackson County to provide fire fighting and prevention services; and may authorize the levy and collection of certain rates, fees, charges or taxes for such services. [Amendment 436, approved Nov. 8, 1983]

2. The Legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, authority and financing of the Jackson County water authority in all or in portions of Jackson County as a public corporation to provide any one or more of the following local public services:

Obtain, treat, and furnish water for residential, commercial or industrial purposes and for any other local service permitted by such general or local law;

Authorize such authority to fix and collect rates, fees and charges for such services, and to provide penalties for nonpayment and liens upon the property within such public water authority;

Grant or vest the privilege of eminent domain to such public water authority for the purpose of taking property for public use in accordance with Article XII, section 235, of the Constitution of Alabama of 1901;

Authorize the borrowing of money and the issuance of bonds and other obligations by or

on behalf of such public water authority: provided that Jackson County shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Jackson County; and

Extend the service area into one or more other counties.

Any law enacted at the 1989 regular session of the Legislature to authorize the creation of such authority in Jackson County and to implement this Amendment to the Constitution (whether with or without published notice of intention) shall become effective upon the ratification of this Amendment. [Amendment 519, approved June 5, 1990]

Section 104-L. Jefferson County: Prohibition of Overgrowth of Weeds and Storage and Accumulation of Certain Junk, Motor Vehicles and Litter in Jefferson County Business License Taxes in Jefferson County; Election of Board of Education in City of Bessemer; Prohibition of Prostitution in Unincorporated Areas of Jefferson County (Byron Clark Constitutional Amendment).

1. The Legislature may from time to time by local act, authorize or require the Jefferson County commission to:

(a) Prohibit the overgrowth of weeds and the storage and accumulation of junk, inoperable motor vehicles and other litter;

(b) Implement, administer and enforce said prohibition; and

(c) Assess criminal penalties for violations thereof.

All existing local acts pertaining to Jefferson County relating to the subject of this constitutional Amendment enacted prior to the adoption and ratification of this constitutional Amendment are hereby validated. [Amendment 497, approved Nov. 8, 1988]

2. In order to allow for the orderly and efficient collection of municipal business license taxes in Jefferson County with respect to corporations, firms, brokers, agents and others in the business of buying, selling, leasing or representing others in the purchase, sale or lease of real property in Jefferson County, the Legislature may, by local law, provide for the imposition and collection of such taxes as follows:

a. Any city or town within Jefferson County may fix and collect licenses pursuant to sections 11-51-90 and 11-51-91 of the Code of Alabama 1975, as amended, for any business, trade or profession relating to the buying, selling or renting of real estate on commission in Jefferson County if such licensee maintains its principal place of business in the corporate limits or police jurisdiction of that municipality.

b. Effective January 1, following the ratification of this Amendment and each year thereafter, in addition to the taxes, if any, imposed under a. above, every corporation, firm, broker, agent or other person or entity engaged in the business of buying, selling, managing, leasing or renting of real estate on commission in Jefferson County shall pay

an annual business license tax at a rate to be set by the Legislature for the privilege of engaging in such business in every other city or town in Jefferson County. Such tax shall be collected by the Revenue Director of Jefferson County and shall be distributed by the Revenue Director of Jefferson County to each city or town within Jefferson County on a pro rata basis based on population. The Revenue Director of Jefferson County shall be entitled to an administrative fee for administering this tax at a rate to be set by the Legislature; such fee to be added to the license tax collected hereunder.

c. Effective January 1, following the ratification of this Amendment and each year thereafter, except for the licenses permitted or mandated under a. and b. above, no other privilege license tax shall be imposed under sections 11-51-90 and 11-51-91 of the Code of Alabama 1975, by any city or town within Jefferson County on corporations, firms, brokers, agents or other persons or entities engaged in the business of buying, selling, managing, leasing or renting of real estate on commission in Jefferson County. [Amendment 539, approved June 2, 1992]

3. The Legislature, by local act, may provide for the election of the members of the board of education of the City of Bessemer in Jefferson County and may provide further for the operation of the board. [Amendment 606, approved Nov. 5, 1996]

4. (a) This Amendment shall apply only to the portions of Jefferson County outside the corporate limits of a municipality.

(b) For the purpose of this constitutional Amendment, the term "prostitution" shall mean the commission by a person of any natural or unnatural sexual act, deviate sexual intercourse, or sexual contact for monetary consideration or other thing of value.

(c) No person in the portion of the county outside the corporate limits of a city shall commit an act of prostitution as defined in subsection (b).

(d) No person shall solicit, compel, or coerce any person to have sexual intercourse or participate in any natural or unnatural sexual act, deviate sexual intercourse, or sexual contact for monetary consideration or other thing of value.

(e) No person shall agree to engage in sexual intercourse, deviate sexual intercourse, or sexual contact with another or participate in the act for monetary consideration or other thing of value and give or accept monetary consideration or other thing of value in furtherance of the agreement.

(f) No person shall knowingly do any of the following:

(1) Cause or aid a person to commit or engage in prostitution;

(2) Procure or solicit patrons for prostitution;

(3) Provide persons or premises for prostitution purposes;

(4) Receive or accept money or other thing of value pursuant to a prior agreement with any person whereby he or she participates or is to participate in the proceeds of any

prostitution activity;

(5) Operate or assist in the operation of a house of prostitution or a prostitution enterprise.

(g) It shall be unlawful for any bellhop, elevator operator, desk clerk, servant, or employee of a hotel, motel, inn, boardinghouse, apartment house, or any lodging place of like kind for the purpose of or in furtherance of unlawful sexual misconduct or prostitution to:

(1) Conduct any person to the room of any guest or occupant of the place;

(2) Carry any note or message to or from a person, a guest, or occupant of the place.

(h) It shall be unlawful for the owner or manager of any hotel, motel, inn, boardinghouse, apartment house, or any lodging place or like kind to employ a person who has been convicted of aiding or abetting prostitution.

(i) Each violation is a Class A misdemeanor. [Amendment 688; approved Nov. 7, 2000]

Section 104-M. Lamar County: Water Coordinating and Fire Prevention Authority.

The Legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, authority and financing of a Lamar County water coordinating and fire prevention authority in all or in portions of Lamar County as a public corporation to provide any one or more of the following local public services:

Obtain, treat, and furnish water for residential, commercial or industrial purposes and for any other local service permitted by such general or local law;

Authorize such authority to fix and collect rates, fees and charges for such services, and to provide penalties for nonpayment and liens upon the property within such public water authority;

Grant or vest the privilege of eminent domain to such public water authority for the purpose of taking property for public use in accordance with Article XII, section 235, of the Constitution of Alabama of 1901;

Authorize the borrowing of money and the issuance of bonds and other obligations by or on behalf of such public water authority: provided that Lamar County shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Lamar County;

Extend the service area into one or more other counties; and

Provide for fire protection facilities or services.

Any law enacted at the 1988 special session of the Legislature to authorize the creation of such authority in Lamar County and to implement this Amendment to the Constitution (whether with or without published notice of intention) shall become effective upon the ratification of this Amendment. [Amendment 516, approved June 5, 1990]

Section 104-N. Lauderdale County: Special, Private or Local Laws Relating to Lauderdale County and Municipalities Therein.

The Legislature shall not pass a special, private, or local law changing the form of government of Lauderdale County or of any city, town, village, district, or other such political Subdivision of the county, or abridge the term of any elected officer thereof, by the abolition of his office or otherwise, unless the operation of such law shall be approved by a vote of the duly qualified electors of such county, city, town, village, district, or other political Subdivision of the county, at an election held for such purpose, in the manner prescribed by such law. [Amendment 140, approved Nov. 4, 1958]

Section 104-O. Lee County: Police Jurisdiction and Planning and Zoning Authority of Municipalities in Lee County.

(a) In Lee County, the police jurisdiction [and planning and zoning authority] of any municipality located partially within Lee County with the exception of the municipality of Notasulga shall not extend beyond the corporate limits of the municipality. This Amendment shall affect the authority of a municipality located partially within Lee County only in Lee County

(b) This Amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Lee County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this Amendment, as provided for in section 2 of this act, and no further election shall be required.

(c) The provisions of this Amendment restricting the planning and zoning authority of any municipality affected by the Amendment shall expire on June 30, 1997. [Amendment 570, approved Nov. 8, 1994; note that the planning and zoning authority restrictions, but not the police jurisdiction restrictions, have expired]

Section 104-P. Limestone County: Municipality Police Jurisdiction in Limestone County; Limits on Municipality Planning and Zoning Regulations; Authority of County Commission.

1. In Limestone County, no police jurisdiction of a municipality located wholly or partially within Limestone County shall extend beyond the corporate limits of the municipality. [Amendment 499, approved Nov. 8, 1988]

2. In Limestone County, no planning or zoning regulation of a municipality located wholly or partially within Limestone County shall extend beyond the corporate limits of the municipality. [Amendment 643, approved Nov. 3, 1998]

3. The Limestone County commission is hereby authorized with or without charge to provide for the disposal of dead farm animals, and the excavating of human graves. [Amendment 482, approved March 8, 1988]

Section 104-Q. Macon County: Election of Two Persons to Electrical Utility Owned by City of Tuskegee.

Two persons shall be elected to the electrical utility owned by the City of Tuskegee at the same time that the mayor and city council elections are held and the elected candidates for members of the electrical utility shall qualify for office in the same manner. The election shall be conducted in the same manner as that for the election for city council. In the interim of the time between the adoption of this Amendment and the mayor-city council election, the State Senator and the Alabama House Representative representing the City of Tuskegee shall each appoint a member

on the electrical utility board owned by the City of Tuskegee to serve, only during the interim period until the election. The members of the board of directors of the electrical utility who are not members of the city council shall each receive fifty dollars ($50) per meeting, not to exceed one hundred dollars ($100) per month. [Amendment 591, approved June 4, 1996]

Section 104-R. Madison County: Local Legislation Regarding Delinquent Tax Notices in Madison County; Fire Districts in Madison County; Excavating Human Graves in Madison County; Limits on Municipal Jurisdiction.

1. Notwithstanding any provisions of section 104 to the contrary, the Legislature of the state of Alabama is authorized to enact local legislation applicable to Madison County to change the method prescribed by law for giving notice to delinquent Madison County taxpayers of their failure to pay taxes assessed against any property which is assessed to them and to further change the notice required to be given them prior to the sale for taxes of said property and to further change the method for issuing decrees for the sale of land and the trials held to determine whether such sales should be ordered and to change the method of giving notice to delinquent property owners to show cause why a decree of sale should not be rendered against them and to further change the method regarding the sale of said property and the report of the amount of taxes collected from said sale: provided that if the vote of the majority of electors in Madison County voting in the constitutional Amendment election is unfavorable to the adoption of such Amendment, said Amendment shall not be adopted. [Amendment 348, approved Jan. 13, 1976]

2. The Legislature may, by general or local law, provide for the establishment of fire districts within Madison County to provide fire fighting and prevention services; and may authorize the levy and collection of certain rates, fees, charges or taxes for such services. [Amendment 378, approved Nov. 7, 1998]

3. The Madison County commission is hereby authorized with or without charge to provide for the excavating of human graves. [Amendment 520, approved June 5,1990]

4. In Madison County, no police jurisdiction nor any planning or zoning regulation of a municipality located wholly or partially within Madison County shall extend beyond the corporate limits of the municipality. [Amendment 531, approved Nov. 6, 1990]

Section 104-S. Marion County: Public Water Authority.

The Legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, authority and financing of a Marion County public water authority in all or in portions of Marion County as a public corporation to provide any one or more of the following local public services:

Obtaining, treating, and furnishing water for residential, commercial or industrial purposes and for any other local service permitted by such general or local law;

Authorize such authority to fix and collect rates, fees and charges for such services, and

to provide penalties for nonpayment and liens upon the property within such public water authority;

Grant or vest the privilege of eminent domain to such public water authority for the purpose of taking property for public use in accordance with Article XII, section 235, of the Constitution of Alabama of 1901;

Authorize the borrowing of money and the issuance of bonds and other obligations by or on behalf of such public water authority: provided that Marion County shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Marion County;

Extend the service area into one or more other counties; and

Provide for fire protection facilities or services.

Any law enacted at the 1988 Regular Session of the Legislature to authorize the creation of such public water authority in Marion County and to implement this Amendment to the Constitution (whether with or without published notice of intention) shall become effective upon the ratification of this Amendment. [Amendment 490, approved Nov. 8, 1988]

Amendment 104-T. Marshall County: Annexation in Marshall County; Polling Places in Marshall County.

1. Any municipality that was not located wholly or in part within the boundaries of Marshall County prior to January 1, 1986, shall not annex any territory within Marshall County without the approval of the electorate of Marshall County expressed in a vote on the issue of said annexation, or approved unanimously by the Marshall County commission after notice has been given.

The provisions [hereof] [of this Amendment] shall not apply to any municipality incorporated in the future that lies entirely within the boundaries of Marshall County.

The provisions [hereof] [of this Amendment] shall not apply to any territory presently annexed within Marshall County by a municipality located outside of the county.

The Legislature may pass local or general acts to supplement [this subsection 1] [this Amendment], so long as such acts do not contravene the provisions [hereof] [of this Amendment]. [Amendment 469, approved Nov. 4, 1986]

2. Every polling place in Marshall County shall be open for voting on election day for any local, state, or national election at 7:00 A.M. and shall not close until 7:00 P.M. and shall remain open for voting for not less than 12 consecutive hours. The Marshall County Commission shall provide funds from the county general fund for any additional compensation needed for poll workers required to work the extended hours [thereby] required [by this Amendment]. [Amendment 696, approved Nov. 7, 2000]

Section 104-U. Mobile County: Fire Fighting Districts and Services in Mobile County; Investment of Municipal Funds and County Funds by Mobile County.

1. The county commission of Mobile County is hereby authorized to establish and maintain fire-fighting districts within Mobile County. The county commission is further authorized to enter into agreements with volunteer fire departments within the county for fire protection and services. The county commission is hereby empowered to set fees for fire protection and to prescribe the manner of collection and distribution of such fees. The fire fighting districts herein authorized shall not include any corporate municipality of Mobile County unless such municipality requests through resolution of its governing body to be included in such fire-fighting program. Any act heretofore enacted regarding said Mobile County fire fighting districts is hereby ratified and confirmed. [Amendment 532, approved Nov. 6, 1990]

2. The terms "municipal funds" and "county funds" as used in this [Amendment] [subsection 2] shall include all general, special, permanent, trust and other funds, regardless of source or purpose, held or administered by Mobile County, any city or town in Mobile County, or by any officer or agency thereof.

In addition to any investments or obligations provided for by general law, any municipal or county funds not needed for other purposes may be invested in the procurement of secured repurchase agreements, secured commercial paper and secured banker's acceptance, invested overnight and invested in higher yield rates of return for more flexible maturities. [Amendment 500, approved Nov. 8, 1988]

Section 104-V. Montgomery County: Fire Fighting Districts.

The governing body of Montgomery County is hereby authorized to establish and maintain fire-fighting districts within Montgomery County. Said governing body is further authorized to enter into agreements with volunteer fire departments within such county for fire protection and services: provided further, said governing body is hereby empowered to set fees for fire protection and to prescribe the manner of collection and distribution of such fees. The fire fighting districts herein authorized shall not include any corporate municipality of Montgomery County unless such municipality requests through resolution of its governing body to be included in such fire-fighting program. Any act heretofore enacted regarding said Montgomery County fire fighting districts is hereby ratified and confirmed. [Amendment 379, approved Nov. 7, 1978]

Section 104-W. Morgan County: Election of Decatur City Board of Education; Manner of Filling Vacancies on Morgan County Board of Education.

1. The Legislature may, by local act, provide for the election of the Decatur City Board of Education. [Amendment 553, adopted June 7, 1994]

2. The Legislature may, by local act, provide for the manner of filling vacancies on the Morgan County Board of Education. [Amendment 577, approved Sept. 12, 1995]

Section 104-X. Russell County: Fire Fighting Districts and Fire Protection in Russell County.

The county commission of Russell County is hereby authorized to establish fire-fighting districts within such county and enter into agreements with volunteer fire departments within such county for fire protection and services. Said districts shall exclude any corporate municipality which does not request through its governing body by resolution to be made a part of and subject to the provisions [hereof] [of this Amendment].

The county commission of Russell County shall, at its next meeting after passage and approval of this Amendment [November 7, 1978], appoint a committee consisting of the chief of each volunteer fire department within the county. The purpose of this committee will be to keep the commission informed and advised as to the status and needs of the departments and to assist the commission in the setting of priorities regarding fire protection and services.

The county commission may, in its discretion, authorize the expenditure of public funds in support of any fire district.

The Russell County commission may, upon recommendation of this committee, appoint a county fire marshal whose principal duty shall be the coordination of all fire protection within the county. This fire marshal shall perform such other tasks related to fire protection as may from time to time be assigned to him by the county commission.

This Amendment is not intended nor shall it be construed to limit the authority or scope of the volunteer fire departments within Russell County or their operation within said county. [Amendment 381, approved Nov. 7, 1978]

Section 104-Y. Shelby County: Business License Taxes on Real Estate Operations and Transactions in Shelby County; Local Public Service Districts in Shelby County; Home Rule in Shelby County.

1. (a) In order to allow for the orderly and efficient collection of municipal business license taxes in Shelby County with respect to corporations, firms, brokers, agents, and others in the business of buying, selling, leasing, or representing others in the purchase, sale, or lease of real property in Shelby County, the Legislature may, by local law, provide for the imposition and collection of taxes as follows:

> 1. Any city or municipality within Shelby County may fix and collect licenses pursuant to sections 11-51-90 and 11-51-91, Code of Alabama 1975, for any business, trade, or profession relating to the buying, selling, or renting of real estate on commission in Shelby County if the licensee maintains its principal place of business in the corporate

limits or police jurisdiction of that city or municipality.

2. Effective January 1, following the ratification of this Amendment [June 4, 1996] and each year thereafter, in addition to the taxes, if any, imposed under subsection 1 above, every corporation, firm, broker, agent, or other person or entity engaged in the business of buying, selling, managing, leasing, or renting of real estate on commission in Shelby County shall pay an annual business license tax at a rate to be set by the Legislature for the privilege of engaging in that business in every other city or municipality in Shelby County. The tax shall be collected by the License Commissioner of Shelby County and shall be distributed by the License Commissioner of Shelby County to each city or municipality within Shelby County on a pro rata basis based on population. The License Commissioner of Shelby County shall be entitled to an administrative fee for administering this tax at a rate to be set by the Legislature. The fee shall to be added to the license tax.

3. Effective January 1, following the ratification of this Amendment [June 4, 1996] and each year thereafter, except for the licenses permitted or mandated under subsections 1 and 2 above, no other privilege license tax or any other fee or tax shall be imposed under sections 11-51-90 and 11-51-91, Code of Alabama 1975, or any other law by any city or municipality within Shelby County on corporations, firms, brokers, agents, or other persons or entities engaged in the business of buying, selling, managing, leasing, or renting of real estate on commission in Shelby County.

(b) This Amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Shelby County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this Amendment, as provided for in section 2 of this act [Acts 1995, No. 95-318], and no further election shall be required. [Amendment 595, approved June 4, 1996]

2. The Legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, and financing of local districts within Shelby County as public corporations to provide any one or more of the following local public services:

(a) Fighting and prevention of fires;

(b) Furnishing water;

(c) The collection, treatment and disposal of sewage and/or garbage, trash and solid wastes;

(d) The operation of emergency medical services, including rescue and ambulance service;

(e) The guarding and protection of lives and property;

(f) Any other local service permitted by such general or local law; authorize such district to fix and collect rates, fees and charges for such services, and to provide penalties for non-payment and liens upon the property within such district; authorize the borrowing of

money and the issuance of bonds and other obligations by or on behalf of such district: provided that Shelby County shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Shelby County.

This Amendment shall not have been adopted unless a majority of the qualified electors of Shelby County who participate in the election held on the adoption of this Amendment vote in favor thereof. Any law enacted at the current session of the Legislature to authorize the creation of such districts in Shelby County and to implement this Amendment to the Constitution (whether with or without published notice of intention) shall become effective upon the ratification of this Amendment. [Amendment 343, approved Jan. 13, 1976]

3. The Legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, and financing of local districts within Shelby County as public corporations to provide any one or more of the following local public services:

(a) Fighting and prevention of fires;

(b) The operation of emergency medical services, including rescue and ambulance service; authorize such district to fix and collect rates, fees and charges for such services, and to provide penalties for nonpayment and liens upon the property within such district; authorize the borrowing of money and the issuance of bonds and other obligations by or on behalf of such district: provided that Shelby County shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Shelby County.

This Amendment shall not have been adopted unless a majority of the qualified electors of Shelby County who participate in the election held on the adoption of this Amendment vote in favor thereof. Any law enacted at the current session of the Legislature to authorize the creation of such districts in Shelby County and to implement this Amendment to the Constitution (with published notice of intention) shall become effective upon the ratification of this Amendment. [Amendment 370, approved Sept. 13, 1977; Amendment 343, codified in subsection 2 above, covers services not included in this subsection, adopted by Amendment 370. It is unclear what the effect is of the omission of those services in the later Amendment. Amendment 370 also differs from Amendment 343 in requiring that notice be published of implementing legislation]

4. ***Section 1. Home Rule.***

(a) Except as herein provided, the Shelby County Commission may adopt ordinances, resolutions, or regulations relating to its property, affairs, and county government for which no provision has been made by general law and which is not inconsistent with this Constitution or any local law enacted by the Alabama Legislature. Notwithstanding the general grant of power in the preceding sentence, the Shelby County Commission may not establish or levy any new tax or raise revenue except as authorized by this constitution or by general or local law enacted by the Legislature of the State of Alabama.

(b) The Shelby County Commission may fix the salary, compensation, expenses, and other benefits and terms of employment of those employed by the Shelby County Commission except for those subject to the jurisdiction of the Shelby County Law Enforcement Personnel Board, and establish and maintain retirement or pension systems, insurance, workers' compensation, hospitalization, and medical benefits for those employees. The Shelby County Commission shall employ a county manager and other professional staff, as it deems appropriate to be authorized and directed to perform any applicable management and administrative function associated with the management of county property and services.

Section 2. Supplementary Powers.

(a) The Shelby County Commission, in addition to, and supplementary of, all powers possessed by or conferred upon Shelby County or otherwise provided by general law, may by ordinance or resolution exercise the following powers, provide and regulate the following services, activities, programs, and facilities related thereto, and establish and provide for civil penalties for violation of its ordinances, rules, and regulations applicable thereto:

(1) Police and fire protection;

(2) Garbage and solid waste collection and disposal;

(3) Public health facilities and services, including hospitals, ambulance and emergency rescue services, and control of dangerous animals and animal nuisances;

(4) Public street and road construction and maintenance, including curbs, sidewalks, streetlights, and devices to control the flow of traffic;

(5) Parks, recreational areas, programs, and facilities;

(6) Storm water and sanitary sewage collection and disposal systems;

(7) Development, storage, treatment, purification, and distribution of water;

(8) Public housing, public buildings, and parking facilities;

(9) Public transportation;

(10) Libraries, archives, and arts and sciences programs and facilities;

(11) Economic development and tourism initiatives, developments, and projects;

(12) Adoption of codes, including building, housing, plumbing, and electrical codes for the protection of the public;

(13) Litter, trash, and rubbish regulation and control on or adjacent to public roads, streets, or highways, or on or in public buildings, public parks, and public properties.

(b) Unless otherwise provided by an act of the Legislature in effect upon ratification of this Amendment or unless otherwise provided by general law, Shelby County may not exercise any of the powers listed in subsection (a) or provide any service listed therein inside the corporate limits of any municipality or within any other territory in which a municipality or an instrumentality of a municipality is authorized by an act of the Legislature to exercise the power or provide those services, or within any other county, except by contract with the municipality, municipal instrumentality, or county affected.

Section 3. Eminent Domain.

The Shelby County Commission may exercise the power of eminent domain as is authorized by general law.

Section 4. Liability.

The Legislature may waive or limit the liability of Shelby County by law.

Section 5. Debt Limitation.

The debt incurred by Shelby County, including debt incurred on behalf of any special district, may never exceed 10 percent of the assessed value of all taxable property within Shelby County.

Section 6. The Legislature of the State of Alabama, by local law, may provide criminal penalties for violations of certain activity and certain conduct in Shelby County if the activity or conduct involves the health, safety, and welfare of the citizens of the county or involves any of the following:

(1) Litter, trash, and rubbish regulation and control on or adjacent to public roads, streets, or highways or on or in public buildings, public parks, or public properties;

(2) Control of public nuisances caused by noise levels or noxious odors, or substances;

(3) The use and control of public parks, lands, buildings, equipment, and real or personal property;

(4) Control of dangerous animals and animal nuisances.

Section 7. The Legislature, by local law, shall provide for the combination of the county offices of tax assessor and tax collector into one elected position of County Property Tax Commissioner.

Section 8. The powers granted to the Shelby County Commission by this Amendment shall not be construed to extend to any matters which the Legislature by general law has heretofore

preempted by operation of law, nor shall the powers be construed to extend to any of the following matters:

(1) Action affecting any elective county office, the salaries thereof, or the personnel thereof, except the personnel subject to the jurisdiction of the Shelby County Commission;

(2) Action affecting the composition, form, procedure for election or appointment, compensation, and expenses and allowances in the nature of compensation of the Shelby County Commission;

(3) Action defining any criminal offense or providing for criminal punishment beyond that authorized by local or general law or by the Alabama Constitution;

(4) Action extending the power of regulation over any business activity regulated by the Alabama Public Service Commission beyond that authorized by local or general law or by the Constitution;

(5) Action affecting the exercise of the power of eminent domain;

(6) Action affecting any court or the personnel thereof;

(7) Action affecting any public school system;

(8) Action affecting pari-mutuel betting or any pari-mutuel betting facility;

(9) Action affecting in any manner the property, affairs, boundaries, revenues, powers, obligations, indebtedness, or government of a municipality;

(10) Action affecting the private or civil law governing private or civil relationships, except as is incident to the exercise of an independent governmental power.

Section 9. The Legislature, by local law, may provide for the implementation and administration of the provisions of this Amendment. [Amendment proposed by Act 2001-451; reported in the press to have been approved by vote of the people, but not yet proclaimed as ratified or Amendment number assigned]

Section 104-Z. St. Clair County: Election of Board of Education for City of Pell City; Annexation in St. Clair County.

1. This Legislature may by local act provide for the election of the members of the board of education of the City of Pell City in St. Clair County. [Amendment 544, approved Nov. 3, 1992]

2. Any municipality that was not located wholly or in part within the boundaries of St. Clair County prior to January 1, 1985, shall not annex any territory within St. Clair County without the approval of the electorate of St. Clair County expressed in a vote on the issue of said annexation.

The provisions [hereof] [of this Amendment] shall not apply to any municipality incorporated in the future that lies entirely within the boundaries of St. Clair County.

The provisions [hereof] [of this Amendment] shall not apply to any territory presently annexed within St. Clair County by a municipality located outside of the county.

The Legislature may pass local or general acts to supplement [the provisions hereof] [this Amendment], so long as such acts do not contravene [the] [such] provisions [of this Amendment]. [Amendment 460, approved June 3, 1986]

Section 104-AA. Talladega County: Construction, Repair, etc., of Public Roads, Bridges, etc., in Talladega County; Election of Talladega City Board of Education; Talladega County Budget.

1. The Legislature shall, by general or local law, provide for the construction, maintenance and repair of public roads, highways, bridges and ferries in Talladega County on the basis of the county as a unit, without regard to any district or beat lines. [Amendment 534, approved Nov. 6, 1990]

2. The Legislature may by local act provide for the election of the members of the Talladega City Board of Education. [Amendment 548, approved Nov. 3, 1992]

3. The Talladega County Commission shall prepare and adopt an estimate of the income of the county for the fiscal year beginning on October 1 of the current calendar year for all public funds under its supervision and control, and to estimate for the same fiscal year the expense of operations and to appropriate for the various purposes the respective amounts that are to be used for each of such purposes: provided that the appropriations so made shall not exceed the estimated total income of the county available for appropriations. The county commission shall restrict allotments to prevent an overdraft or deficit in any fiscal year for which appropriations are made by prorating without discrimination against any county program, the available revenues among the various county programs. Such appropriations shall be payable in such proportion as the total sum of all appropriations bears to the total revenues estimates as available in each of the fiscal years.

A refusal to perform any requirement of this [subsection 3] [Amendment] or an improper or illegal performance of any requirement of this Amendment shall subject the offender to a penalty of $250.00 to be recovered in an action instituted in the circuit court of Talladega County and shall subject such offender to impeachment. [Amendment 533, approved June 2, 1992]

Section 104-BB. Tallapoosa and Elmore Counties: Election of Board of Education of City of Tallassee.

This Legislature may by local act provide for the election of the members of the board of education of the City of Tallassee in Elmore and Tallapoosa Counties. [Amendment 535, approved June 2, 1992]

Section 104-CC. Tuscaloosa County: Fire Protection or Garbage and Trash Disposal Districts in Tuscaloosa County.

The Legislature may provide for the formation of districts in Tuscaloosa County, Alabama, for establishing and maintaining a system for fighting or preventing fires or for the collection and disposal of garbage and trash or for either or both of said purposes: provided, however, that no territory lying within the limits of a municipal corporation at the time of the establishment of any such district shall be included within such district; and, provided further, that no such district shall be established unless the establishment thereof has been first approved by the qualified electors residing within the proposed district at an election held as provided for by a law or laws adopted by the Legislature. The Legislature may provide for submitting to the qualified electors residing within the proposed district the question of whether the district shall be created for either or both of the aforesaid purposes.

The expenses of establishing and maintaining any such fire fighting and fire prevention system or any such garbage collection and disposal system in a district, as the case may be, shall be paid for exclusively by the proceeds of a service charge, which shall be levied and collected in an amount sufficient to pay the said expenses. Said service charges shall be levied upon and collected from the persons and property to whom and to which such services are available; and the service charge shall be a lien upon any such property. The Legislature may provide for the enlargement of a district by the addition of territory thereto, subject to the following conditions:

(1) No territory lying within a municipal corporation at the time of such enlargement shall be added to a district;

(2) Subject to (3), next below, no territory shall be added unless the qualified electors thereof have approved the addition of such territory to the district at an election held for that purpose within the territory proposed to be added;

(3) The Legislature may provide a procedure whereby territory will be included in a district upon the written petition for its inclusion signed by at least seventy percent (70%) of the qualified electors residing within said territory;

The Legislature shall adopt laws providing for the administration of the affairs of the district by the governing body of the county or by an agency of the county, and empowering the body administering the affairs of the district to levy and collect the service charge, subject to such restrictions and conditions as the Legislature imposes. The Legislature may provide that any such service charge shall not become effective unless approved by the electors of the territory, and may provide the conditions on which an election on such service charge shall be held.

The Legislature shall be authorized to enact laws providing for the collection and enforcement of the service charges and of the lien for such charges.

The Legislature may provide for the issuance of bonds for such districts with or without an election: provided, however, that all bonds issued hereunder shall be payable only out of the proceeds of the service charge authorized hereby, and no such bond shall be a general obligation of the county. [Amendment 358, approved Nov. 23, 1976]

Section 104-DD. Winston County: Legislation as to Winston County Water Coordinating and Fire Prevention Authority.

1. The Legislature shall not pass a special or local law affecting Winston County or any city, town, village, district, or other such political Subdivision of the county, unless the operation of such law shall be approved by a vote of the duly qualified electors of such county, city, town, village, district, or other political Subdivision of the county, at an election held for such purpose, in the manner prescribed by such law. [Amendment 255, approved Nov. 30, 1965]

2. The Legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, authority and financing of a Winston County water coordinating and fire prevention authority in all or in portions of Winston County as a public corporation to provide any one or more of the following local public services:

> Obtain, treat, and furnish water for residential, commercial or industrial purposes and for any other local service permitted by such general or local law;
>
> Authorize such authority to fix and collect rates, fees and charges for such services, and to provide penalties for nonpayment and liens upon the property within such public water authority;
>
> Grant or vest the privilege of eminent domain to such public water authority for the purpose of taking property for public use in accordance with article XII, section 235, of the Constitution of Alabama of 1901;
>
> Authorize the borrowing of money and the issuance of bonds and other obligations by or on behalf of such public water authority: provided that Winston County shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Winston County;
>
> Extend the service area into one or more other counties; and
>
> Provide for fire protection facilities or services.

Any law enacted at the 1988 special session of the Legislature to authorize the creation of such authority in Winston County and to implement this Amendment to the Constitution (whether with or without published notice of intention) shall become effective upon the ratification of this Amendment. [Amendment 515, approved June 5, 1990]

Section 105. Special, Private or Local Laws; Prohibited in Cases Provided for by General Law; Exception as to Time of Holding Courts; Partial Repeal of General Laws.

No special, private, or local law, except a law fixing the time of holding courts, shall be enacted in any case which is provided for by a general law, or when the relief sought can be given by any court of this state; and the courts, and not the Legislature, shall judge as to whether the matter of

said law is provided for by a general law, and as to whether the relief sought can be given by any court; nor shall the Legislature indirectly enact any such special, private, or local law by the partial repeal of a general law. [Original section 105]

Section 106. Special, Local or Private Laws. Publication or Posting of Notice of Intent to Apply Therefore Within County or Counties Affected Prior to Introduction of Bill.; Validation of Certain Population Based Acts and Method of Amendment Thereof.

A. No special, private, or local law shall be passed on any subject not enumerated in section 104 of this Constitution, except in reference to fixing the time of holding courts, unless notice of the intention to apply therefor shall have been published, without cost to the state, in the county or counties where the matter or thing to be affected may be situated, which notice shall state the substance of the proposed law and be published at least once a week for four consecutive weeks in some newspaper published in such county or counties or if there is no newspaper published therein, then by posting the said notice for two consecutive weeks at five different places in the county or counties prior to the introduction of the bill; and proof that said notice has been given shall be exhibited to each house of the Legislature through a certification by the clerk of the house or secretary of the senate that notice and proof was attached to the subject local legislation and the notice and proof shall be attached to the original copy of the subject bill and shall be filed in the department of archives and history where it shall constitute a public record. The courts shall pronounce void every special, private, or local law which the journals do not affirmatively show was passed in accordance with the provisions of this section.

This provision shall be self-executing, and no enabling legislation shall be necessary. [Amendment 341, approved January 13, 1976, amending and re-writing the original section 106]

B. Any statute that was otherwise valid and constitutional that was enacted before January 13, 1978, by the Legislature of this state and was a general act of local application on a population basis, that applied only to a certain county or counties or a municipality or municipalities of this state, shall not be declared invalid or unconstitutional by any court of this state because it was not properly advertised in compliance with section 106[A] of this Constitution. All such population based acts shall forever apply only to the county or counties or municipality or municipalities to which they applied on January 13, 1978, and no other, despite changes in population. The population based acts referred to above shall only be amended by acts which are properly advertised and passed by the Legislature in accordance with the provisions of this Constitution. [Amendment 389, approved Nov. 4, 1980]

Section 107. Special, Private or Local Laws; Notice Required by Section 106 Prerequisite to Repeal or Amendment.

The Legislature shall not, by a special, private, or local law, repeal or modify any special, private, or local law except upon notice being given and shown as provided in the last preceding section. [Original section 107]

Section 108. Suspension of General Laws for Benefit of Individuals or Private Corporations; Exemption of Individuals or Private Corporations from Operation of General Laws.

The operation of a general law shall not be suspended for the benefit of any individual, private corporation, or association; nor shall any individual, private corporation or association be exempted from the operation of any general law except as in this article otherwise provided. [Original section 108]

Section 109. General Laws for Protection of Local and Private Interests.

The Legislature shall pass general laws under which local and private interests shall be provided for and protected. [Original section 109]

Section 110. "General Law," "Local Law" and "Special Law" Defined.

A general law is a law which in its terms and effect applies either to the whole state, or to one or more municipalities of the state less than the whole in a class. A general law applicable to such a class of municipalities shall define the class on the basis of criteria reasonably related to the purpose of the law, provided that the Legislature may also enact and change from time to time a general schedule of not more than eight classes of municipalities based on population according to any designated federal decennial census, and general laws for any purpose may thereafter be enacted for any such class. Any law heretofore enacted which complies with the provisions of this section shall be considered a general law.

No general law which at the time of its enactment applies to only one municipality of the state shall be enacted, unless notice of the intention to apply therefor shall have been given and shown as provided in section 106 of this Constitution for special, private or local laws: provided, that such notice shall not be deemed to constitute such law a local law.

A special or private law is one which applies to an individual, association or corporation. A local law is a law which is not a general law or a special or private law.

Act No. 79-263 (House Bill No. 68) entitled "An Act to establish eight classes of municipalities, by population, based on the 1970 Federal decennial census" approved June 28, 1979, and each and every Act of the Legislature thereafter enacted referred or relating to a class of municipalities as established in said Act No. 79-263 are hereby in all things ratified, approved, validated and confirmed as of the date of their enactment, any provision or provisions of the Constitution of Alabama, as amended, to the contrary notwithstanding. [Amendment 397, approved March 2, 1982, amending and re-writing the original section 110, and superceding Amendment 375, approved November 7, 1978, which had previously amended and re-written

the original section 110]

Section 111. Amendment of Bill Introduced as General Law So as to Become Special, Private or Local Law on Passage.

No bill introduced as a general law in either house of the Legislature shall be so amended on its passage as to become a special, private or local law. [Original section 111]

Article V. Executive Department

Section 112. Composition; Officers Enumerated.

The executive department shall consist of a Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, [Superintendent of Education,] Commissioner of Agriculture and Industries, and a Sheriff for each county. [Original section 112; brackets reflect fact that pursuant to Amendment 284, approved Dec. 9, 1969 Superintendent of Education no longer elected official; Amendment 284 repealed any conflicting provisions of article V]

Section 113. Supreme Executive Power Vested in Governor.

The supreme executive power of this state shall be vested in a chief magistrate, who shall be styled "The Governor of the State of Alabama." [Original section 113]

Section 114. Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, [Superintendent of Education,] and Commissioner of Agriculture and Industries; How Elected; When Election Held.

The Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, [Superintendent of Education,] and Commissioner of Agriculture and Industries shall be elected by the qualified electors of the state at the same time and places appointed for the election of members of the Legislature in the year nineteen hundred and two, and in every fourth year thereafter. [Original section 114, with brackets reflecting fact that Superintendent of Education is no longer elective office as per Amendment 284, approved Dec. 9, 1969, which repealed any conflicting provisions of article V]

Section 115. Same; Returns of Election Transmitted to Speaker of House of Representatives; Opening and Publication of Election Returns; Duties of Speaker and Legislature Ministerial in Opening and Publication of Votes; Person Having Highest Number

The returns of every election for Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, [Superintendent of Education,] Commissioner of Agriculture and Industries shall be sealed up and transmitted by the returning officers to the seat of government, directed to the Speaker of the House of Representatives, who shall, during the first week of the session to which such returns shall be made, open and publish them in the presence of both houses of the Legislature in joint convention; but the speaker's duty and the duty of the joint convention shall be

purely ministerial. The result of the election shall be ascertained and declared by the speaker from the face of the returns without delay. The person having the highest number of votes for any one of said offices shall be declared duly elected; but if two or more persons shall have an equal and the highest number of votes for the same office, the Legislature by joint vote, without delay, shall choose one of said persons for said office. Contested elections for Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, and Commissioner of Agriculture and Industries, shall be determined by both houses of the Legislature in such manner as may be prescribed by law. [Original section 115; brackets reflect fact that Amendment 284, approved Dec. 9, 1969, changed Superintendent of Education to appointive position, and repealed any conflicting provisions of article V]

Section 116. Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, [Superintendent of Education,] and Commissioner of Agriculture and Industries; Term of Office; Officers May Succeed Selves for One Additional Term.

The Governor, Lieutenant Governor, attorney general, State Auditor, Secretary of State, State Treasurer, [Superintendent of Education,] and Commissioner of Agriculture and Industries, shall hold their respective offices for the term of four years from the first Monday after the second Tuesday in January next succeeding their election and until their successors shall be elected and qualified. Each of said officers shall be eligible to succeed himself in office, but no person shall be eligible to succeed himself for more than one additional term. [section 116, as amended and re-written by Amendment 282, approved Nov. 5, 1968; brackets reflect that Amendment 284, approved Dec. 9, 1969, changed Superintendent of Education to appointive position, and repealed any conflicting provisions of article V]

Section 117. Qualifications of Governor and Lieutenant Governor; Lieutenant Governor Ex Officio President of Senate.

The Governor and Lieutenant Governor shall each be at least thirty years of age when elected, and shall have been citizens of the United States ten years and resident citizens of this state at least seven years next before the date of their election. The Lieutenant Governor shall be ex officio president of the Senate, but shall have no right to vote except in the event of a tie. [Original section 117]

Section 118. Compensation and Residency Requirements for Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, [Superintendent of Education,] and Commissioner of Agriculture and Industries.

The Governor, Lieutenant Governor, Attorney General State Auditor, Secretary of State, State Treasurer, [Superintendent of Education,] and Commissioner of Agriculture and Industries, shall receive compensation to be fixed by law, which shall not be increased or diminished during the term for which they shall have been elected, and shall, except the Lieutenant Governor, reside at the state capital during the time they continue in office, except during epidemics. The compensation of the Lieutenant Governor shall be the same as that received by the Speaker of the House, except while serving as Governor, during which time his compensation shall be the same as that allowed the Governor. [Original section 118; brackets reflect that Amendment 284, approved Dec. 9, 1969, changed Superintendent of Education to appointive position, and repealed any conflicting provisions of article V]

Section 119.

[Omitted Transition Provision]

Section 120. Governor to Faithfully Execute Laws.

The Governor shall take care that the laws be faithfully executed. [Original section 120]

Section 121. Governor May Require Reports from Officers of Executive Department and Officers and Managers of State Institutions; False Reports or Failure to File Reports Constitutes Impeachable Offense.

The Governor may require information in writing, under oath, from the officers of the executive department, named in this article, or created by statute, on any subject, relating to the duties of their respective offices, and he may at any time require information in writing, under oath, from all officers and managers of state institutions, upon any subject relating to the condition, management and expenses of their respective offices and institutions. Any such officer or manager, who makes a willfully false report or fails without sufficient excuse to make the required report on demand, is guilty of an impeachable offense. [Original section 121]

Section 122. Governor Authorized to Convene Legislature on Extraordinary Occasions; Proclamation of Governor to State Matters on Which Action Necessary.

The Governor may, by proclamation, on extraordinary occasions, convene the Legislature at the seat of government, or at a different place if, since their last adjournment, that shall have become dangerous from an enemy, insurrection, or other lawless outbreak, or from any infectious or contagious disease; and he shall state specifically in such proclamation each matter concerning which the action of that body is deemed necessary. [Original section 122]

Section 123. Reports and Information to be Given Legislature by Governor; Presentation of Budget to Legislature.

The Governor shall, from time to time, give to the Legislature information of the state of the government, and recommend for its consideration such measures as he may deem expedient; and at the commencement of each regular session of the Legislature, and at the close of his term of office, he shall give information by written message of the condition of the state; and he shall account to the Legislature, as may be prescribed by law, for all moneys received and paid out by him or by his order; and at the commencement of each regular session he shall present to the Legislature estimates of the amount of money required to be raised by taxation for all purposes. [Original section 123]

Section 124. Authority of Governor to Grant Reprieves and Commutations to Persons Under Sentence of Death; Legislature to Regulate Administration of Pardons, Paroles, Remission of Fines and Forfeitures, Suspension of Sentences and Probation; Pardon Not Relief from Civil and Political Disabilities Unless Specifically Provided.

The Governor shall have power to grant reprieves and commutations to persons under sentence of death. The Legislature shall have power to provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation. No pardon shall relieve from civil and political disabilities unless specifically expressed in the pardon. [Amendment 38, approved July 11, 1939, amending and superceding original section 124]

Section 125. Presentation of Bills to Governor for Signature; Veto Power of Governor; Procedure for Passage of Bill After Veto by Governor; Effect of Failure of Governor to Sign Bill.

Every bill which shall have passed both houses of the Legislature, except as otherwise provided in this Constitution, shall be presented to the Governor; if he approve, he shall sign it; but if not, he shall return it with his objections to the house in which it originated, which shall enter the objections at large upon the journal and proceed to reconsider it. If the Governor's message proposes no amendment which would remove his objections to the bill, the house in which the bill originated may proceed to reconsider it, and if a majority of the whole number elected to that house vote for the passage of the bill, it shall be sent to the other house, which shall in like manner reconsider, and if a majority of the whole number elected to that house vote for the passage of the bill, the same shall become a law, notwithstanding the Governor's veto. If the Governor's message proposes amendment, which would remove his objections, the house to which it is sent may so amend the bill and send it with the Governor's message to the other house, which may adopt, but can not amend, said amendment; and both houses concurring in the amendment, the bill shall again be sent to the Governor and acted on by him as other bills. If the house to which the bill is returned refuses to make such amendment, it shall proceed to reconsider it; and if a majority of the whole number elected to that house shall vote for the passage of the bill, it shall be sent with the objections to the other house, by which it shall likewise be reconsidered, and if approved by a majority of the whole number elected to that house, it shall become a law. If the house to which the bill is returned makes the amendment, and the other house declines to pass the same, that house shall proceed to reconsider it, as though the bill had originated therein, and such proceedings shall be taken thereon as above provided. In every such case the vote of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill shall be entered upon the journals of each house, respectively. If any bill shall not be returned by the Governor within six days, Sunday excepted, after it shall have been presented, the same shall become a law in like manner as if he had signed it, unless the Legislature, by its adjournment, prevent the return, in which case it shall not be a law; but when return is prevented by recess, such bill must be returned to the house in which it originated within two days after the reassembling, otherwise it shall become a law, but bills presented to the Governor within five days before the final adjournment of the Legislature may be approved by the Governor at any time within ten days after such adjournment, and if approved and deposited with the Secretary of State within that time shall become law. Every vote, order, or resolution to which concurrence of both houses may be necessary, except on questions of adjournment and the bringing on of elections by the two houses, and amending this Constitution, shall be presented to the Governor; and, before the same shall take effect, be approved by him; or, being disapproved, shall be repassed by both houses according to the rules and limitations prescribed in the case of a bill. [Original section 125]

Section 126. Authority of Governor to Veto Items in Appropriation Bills.

The Governor shall have power to approve or disapprove any item or items of any appropriation bill embracing distinct items, and the part or the parts of the bill approved shall be the law, and the item or items disapproved shall be void, unless repassed according to the rules and limitations prescribed for the passage of bills over the executive veto; and he shall in writing state specifically the item or items he disapproves, setting the same out in full in his message, but in such case the enrolled bill shall not be returned with the Governor's objection. [Original section 126]

Section 127. Succession to Office of Governor; Filling of Vacancy When Offices of Governor and Lieutenant Governor Both Vacant; Procedure When Governor or Successor Impeached, Absent from State, Disabled, etc.; Failure of Governor-Elect, Lieutenant Governor-Elect, etc., to Qualify.

In case of the Governor's removal from office, death or resignation, the Lieutenant Governor shall become Governor. If both the Governor and Lieutenant Governor be removed from office, die or resign more than sixty days prior to the next general election, at which any state officers are to be elected, a Governor and Lieutenant Governor shall be elected at such election for the unexpired term, and in the event of a vacancy in the office, caused by the removal from office, death or resignation of the Governor and Lieutenant Governor, pending such vacancy and until their successors shall be elected and qualified, the office of Governor shall be held and administered by either the President Pro Tem. of the Senate, Speaker of the House of Representatives, Attorney General, State Auditor, Secretary of State, or State Treasurer in the order herein named.

In case of the impeachment of the Governor, his absence from the state for more than twenty days, unsoundness of mind, or other disability, the power and authority of the office shall, until the Governor is acquitted, returns to the state, or is restored to his mind, or relieved from other disability, devolve in the order herein named, upon the Lieutenant Governor, President Pro Tem. of the Senate, Speaker of the House of Representatives, Attorney General, State Auditor, Secretary of State, and State Treasurer. If any of these officers be under any of the disabilities herein specified, the office of the Governor shall be administered in the order named by such of these officers as may be free from such disability. If the Governor shall be absent from the state over twenty days, the Secretary of State shall notify the Lieutenant Governor, who shall enter upon the duties of Governor; if both the Governor and Lieutenant Governor shall be absent from the state over twenty days, the Secretary of State shall notify the President Pro Tem. of the Senate, who shall enter upon the duties of Governor, and so on, in case of such absence, he shall notify each of the other officers named in their order, who shall discharge the duties of the office until the Governor or other officer entitled to administer the office in succession to the Governor returns. If the Governor-elect fail or refuse from any cause to qualify, the Lieutenant Governor-elect shall qualify and exercise the duties of Governor until the Governor-elect qualifies; and in the event both the Governor-elect and the Lieutenant Governor-elect from any cause fail to qualify, the President Pro Tem. of the Senate, the Speaker of the House of Representatives, the Attorney General, State Auditor,

Secretary of State, and State Treasurer, shall, in like manner, in the order named, administer the office until the Governor-elect or Lieutenant Governor-elect qualifies. [Original section 127]

Section 128. Procedure When Governor or Acting Governor Appears to be of Unsound Mind.

If the Governor or other officer administering the office shall appear to be of unsound mind, it shall be the duty of the Supreme Court of Alabama, at any regular term, or at any special term, which it is hereby authorized to call for that purpose, upon request in writing, verified by their affidavits, of any two of the officers named in section 127 of this Constitution, not next in succession to the office of Governor, to ascertain the mental condition of the Governor or other officer administering the office, and if he is adjudged to be of unsound mind, to so decree, a copy of which decree, duly certified, shall be filed in the office of the Secretary of State; and in the event of such adjudication, it shall be the duty of the officer next in succession to perform the duties of the office until the Governor or other officer administering the office is restored to his mind. If the incumbent denies that the Governor or other person entitled to administer the office has been restored to his mind, the Supreme Court, at the instance of any officer named in section 127 of this Constitution, shall ascertain the truth concerning the same, and if the officer has been restored to his mind, shall so adjudge and file a duly certified copy of its decree with the Secretary of State; and in the event of such adjudication, the office shall be restored to him. The Supreme Court shall prescribe the method of taking testimony and the rules of practice in such proceedings, which rules shall include a provision for the service of notice of such proceedings on the Governor or person acting as Governor. [Original section 128]

Section 129. Compensation of Acting Governor.

The Lieutenant Governor, President Pro Tem. of the Senate, Speaker of the House, Attorney General, State Auditor, Secretary of State, or State Treasurer, while administering the office of Governor, shall receive like compensation as that prescribed by law for the Governor, and no other. [Original section 129]

Section 130. Holding Office in Addition to That of Governor.

No person shall, at the same time, hold the office of Governor and any other office, civil or military, under this state, or the United States, or any other state or government, except as otherwise provided in this Constitution. [Original section 130]

Section 131. Military Powers of Governor.

The Governor shall be commander-in-chief of the militia and volunteer forces of this state, except when they shall be called into the service of the United States, and he may call out the same to execute the laws, suppress insurrection, and repel invasion, but need not command in person unless directed to do so by resolution of the Legislature; and when acting in the service of the United States, he shall appoint his staff, and the Legislature shall fix his rank. [Original section 131]

Section 132. Qualifications of Attorney General, State Auditor, Secretary of State, State Treasurer, [Superintendent of Education] and Commissioner of Agriculture and Industries.

No person shall be eligible to the office of Attorney General, State Auditor, State Treasurer, [Superintendent of Education,] or Commissioner of Agriculture and Industries unless he shall have been a citizen of the United States at least seven years, and shall have resided in this state at least five years next preceding his election, and shall be at least twenty-five years old when elected. [Original section 132; brackets reflect change in status of Superintendent of Education as per Amendment 284, approved Dec. 9, 1969; Amendment 284 repealed any conflicting provisions of article V]

Section 133. Great Seal of State.

There shall be a seal of the state, which shall be used officially by the Governor, and the seal now in use shall continue to be used until another shall have been adopted by the Legislature. The seal shall be called "The Great Seal of the State of Alabama." [Original section 133]

Section 134. Duties of Secretary of State Generally.

The Secretary of State shall be the custodian of the great seal of the state, and shall authenticate therewith all official acts of the Governor, except his approval of laws, resolutions, appointments to office, and administrative orders. He shall keep a register of the official acts of the Governor, and when necessary, shall attest them, and lay copies of same together with copies of all papers relative thereto, before either house of the Legislature, when required to do so, and shall perform such other duties as may be prescribed by law. [Original section 134]

Section 135. Issuance and Execution of Grants and Commissions.

All grants and commissions shall be issued in the name and by the authority of the state of Alabama, sealed with the great seal of the state, signed by the Governor and countersigned by the Secretary of State. [Original section 135]

Section 136. Vacancy in Office or Unsoundness of Mind of Attorney General, State Auditor, Secretary of State, State Treasurer, [Superintendent of Education] or Commissioner of Agriculture and Industries.

Should the office of Attorney General, State Auditor, Secretary of State, State Treasurer, [Superintendent of Education,] or Commissioner of Agriculture and Industries become vacant from any cause, the Governor shall fill such vacancy until the disability is removed or a successor elected and qualified. In case any of said officers shall become of unsound mind, such unsoundness shall be ascertained by the Supreme Court upon the suggestion of the Governor. [Original section 136; brackets reflect Amendment 284's alteration in status of Superintendent of Education. Amendment 284 was approved Dec. 9, 1969, and repealed any conflicting provisions of article V]

Section 137. Duties Generally and Restrictions on Receipt of Fees, etc., by Attorney General, State Auditor, Secretary of State, State Treasurer, [Superintendent of Education,] and Commissioner of Agriculture and Industries; Annual Reports by State Treasurer and State Auditor; Attorney General May be Required to Defend Suits Against State, Political Subdivisions, Officers, etc.

The Attorney General, State Auditor, Secretary of State, State Treasurer, [Superintendent of Education] and Commissioner of Agriculture and Industries shall perform such duties as may be prescribed by law. The State Treasurer and State Auditor shall, every year, at a time fixed by the Legislature, make a full and complete report to the Governor, showing the receipts and disbursements of every character, all claims audited and paid out, by items, and all taxes and revenues collected and paid into the treasury, and the sources thereof. They shall make reports oftener upon any matters pertaining to their offices if required by the Governor or the Legislature. The Attorney General, State Auditor, Secretary of State, State Treasurer, and Commissioner of Agriculture and Industries shall not receive to their use any fees, costs, perquisites of office or other compensation than the salaries prescribed by law, and all fees that may be payable for any services performed by such officers shall be at once paid into the state treasury. [The Legislature may require the Attorney General to defend any or all suits brought against the state, or any subdivision thereof, or against any state school board or state board of education, or against any county or city school board or board of education, or against like boards or commissions by whatever name designated, or against any members, officers or

employees of any such boards, or against any school official or employee throughout Alabama.]

[Original section 137. The bracketing of the term "Superintendent of Education" reflects the fact that Amendment 284, approved Dec. 9, 1969, altered the nature of that office, and also repealed any conflicting provisions of article V. The bracketing of the last sentence reflects the fact that it was added by Amendment 111, which re-wrote section 137 in toto, along with several other sections. Amendment 111 was adopted in response to court decision holding segregation unlawful, and at least some of its provisions are unconstitutional. However, the bracketed language is facially neutral and probably valid.]

Section 138. Election and Term of Office of Sheriffs; Sheriff Eligible to Succeed Self; Impeachment of Sheriff; Effect of Impeachment of Sheriff; Employees of Office of Sheriff Subject to Personnel Board in Certain Counties.

A. A Sheriff shall be elected in each county by the qualified electors thereof who shall hold office for a term of four years unless sooner removed, and he shall be eligible to such office as his own successor. Whenever any prisoner is taken from jail, or from the custody of any Sheriff or his deputy, and put to death, or suffers grievious [grievous] bodily harm, owing to the neglect, connivance, cowardice, or other grave fault of the Sheriff, such Sheriff may be impeached, under section 174 of this Constitution. If the Sheriff be impeached, and thereupon convicted, he shall not be eligible to hold any office in this state during the time for which he had been elected or appointed to serve as Sheriff. [Amendment 35, approved May 3, 1938, re-writing and superceding original section 138]

B. Employees of the Office or the Sheriff of Marshall County, except for the chief deputy, are subject to the authority of the Personnel Board of Marshall County, or its successor. [Amendment 647, approved Nov. 3, 1998]

C. All employees of the Office of the Sheriff of Walker County are subject to the authority of the Walker County Civil Service Board, or its successor. [Amendment 655, approved Nov. 3, 1998]

D. Employees of the Office of Sheriff of Madison County, except for the chief deputy, shall be under the authority of the Personnel Board of Madison County. The provisions hereof shall not affect the liability of the employees of the office of the Sheriff of Madison County. [Amendment 694, approved Nov. 7, 2000]

Article VI. Judicial Department

Section 6.01. Judicial Power.

(a) Except as otherwise provided by this Constitution, the judicial power of the state shall be vested exclusively in a unified judicial system which shall consist of a state Supreme Court, a Court of Criminal Appeals, a court of civil appeals, a trial court of general jurisdiction known as a district court, a probate court and such municipal Courts as may be provided by law.

(b) The Legislature may create judicial officers with authority to issue warrants and may vest in administrative agencies established by law such judicial powers as may be reasonably necessary as an incident to the accomplishment of the purposes for which the agencies are created. [As adopted pursuant to Amendment 328, approved Dec. 18, 1973, completely revising article VI and repealing original article VI, sections 139-172, as amended, and Amendments 317 and 323]

Section 6.02. The Supreme Court.

(a) The Supreme Court shall be the highest court of the state and shall consist of one Chief Justice and such number of associate justices as may be prescribed by law.

(b) The Supreme Court shall have original jurisdiction:

(1) Of cases and controversies as provided by this Constitution,

(2) To issue such remedial writs or orders as may be necessary to give it general supervision and control of courts of inferior jurisdiction, and

(3) To answer questions of state law certified by a court of the United States.

(c) The Supreme Court shall have such appellate jurisdiction as may be provided by law. [As adopted pursuant to Amendment 328, approved Dec. 18, 1973]

Section 6.03. Courts of Appeals.

(a) The Court of Criminal Appeals shall consist of such number of judges as may be provided by law and shall exercise appellate jurisdiction under such terms and conditions as shall be provided by law and by rules of the Supreme Court.

(b) The Court of Civil Appeals shall consist of such number of judges as may be provided by law and shall exercise appellate jurisdiction under such terms and conditions as shall be provided by law and by rules of the Supreme Court.

(c) The Court of Criminal Appeals and the court of civil appeals shall have no original jurisdiction except the power to issue all writs necessary or appropriate in aid of appellate jurisdiction of the Courts of Appeals.

(d) The Court of Criminal Appeals shall have and exercise original jurisdiction in the issuance and determination of writs of quo warranto and mandamus in relation to matters in which said court has appellate jurisdiction. Said Court shall have authority to issue writs of injunction, habeas corpus and such other remedial and original writs as are necessary to give it a general superintendence and control of jurisdiction inferior to it and in matters over which it has exclusive appellate jurisdiction; to punish for contempts by the infliction of a fine as high as one hundred dollars, and imprisonment not exceeding ten days, one or both, and to exercise such other powers as may be given to said Court by law. [As adopted pursuant to Amendment 328, approved Dec. 19, 1973]

Section 6.04. Circuit Court.

(a) The state shall be divided into judicial circuits. For each circuit, there shall be one circuit court having such divisions and consisting of such number of judges as shall be provided by law.

(b) The circuit court shall exercise general jurisdiction in all cases except as may otherwise be provided by law. The circuit court may be authorized by law to review decisions of state administrative agencies and decisions of inferior courts. It shall have authority to issue such writs as may be necessary or appropriate to effectuate its powers, and shall have such other powers as may be provided by law. [As adopted pursuant to Amendment 328, approved Dec. 19, 1973]

Section 6.05. District Court.

The district court shall be a court of limited jurisdiction and shall exercise uniform original jurisdiction in such cases, and within such geographical boundaries, as shall be prescribed by law: provided that the district court shall hold court in each county seat and at such other places as prescribed by law. The district court shall have jurisdiction of all cases arising under ordinances of municipalities in which there is no municipal court and shall hold court in each incorporated municipality of a population of 1,000 or more where there is no municipal court at places prescribed by law. [As adopted pursuant to Amendment 328, approved Dec. 19, 1973]

Section 6.06. Probate Court; Additional Probate Judgeship for Jefferson County.

(a) There shall be a probate court in each county which shall have general jurisdiction of orphans' business, and of adoptions, and with power to grant letters testamentary, and of administration, and of guardianships, and shall have such further jurisdiction as may be provided by law; provided, that whenever the circuit court has taken jurisdiction of the settlement of any estate, it shall have power to do all things necessary for the settlement of such estate, including the appointment and removal of administrators, executors, guardians, and trustees and including action upon the resignation of either of them. [As adopted pursuant to Amendment 328, approved Dec. 19, 1973; as further amended by Amendment 364, approved Sept. 13, 1977]

(b) In Jefferson County there shall be an additional probate judgeship, designated probate judgeship No. 2. Such judge shall be learned in the law, over the age of twenty-five years and a resident of the county for one year next preceding the date of taking office. The additional judgeship shall be filled by appointment by the Governor within ten days after the approval of this Amendment by the electors and proclamation of the Governor. The appointee shall hold office until his successor is elected and qualified as provided by article VI. The judge for the additional judgeship shall be elected thereafter, as are other probate judges in this state.

The existing probate judgeship in Jefferson County shall be designated judgeship No. 1. The present judge shall fill judgeship No. 1 and shall be the presiding judge. Candidates for the offices of probate judge in Jefferson County shall designate whether they are candidates for the office of the presiding judgeship which shall be designated probate judgeship No.1 or for the office of probate judgeship No. 2.

The probate judge appointed or elected for probate judgeship No. 2 shall have and exercise all the jurisdiction, power, right and authority; he shall possess all of the qualifications, perform all of the duties required; and he shall be subject to all the pains and penalties of such office as any other such judge is subject to in Jefferson County.

The expense allowances and supplements of judgeship No. 2 shall be paid in the same manner and shall be in the same amount as that of the presiding probate judge in the county. The salary of judgeship No. 2 shall be in an amount equal to 95 percent of the salary of the presiding judge in the county.

The presiding judge of the probate court in Jefferson County shall have precedence and preside at any session of court which he attends. The presiding judge shall divide the work and business of the probate court among the judges and other employees of the court and shall assign the cases to the judges of said court. The presiding judge shall employ and appoint any and all clerks, clerical help and other assistants and court officers of the probate court allowed by law. The administrative powers and duties of the probate judges and the probate court shall be under the general authority, supervision and direction of the presiding judge. Whenever the probate judges cannot agree upon any administrative matter, the presiding judge shall decide and determine such administrative matter for said judges and the court. [Amendment 384, approved March 11, 1980]

Section 6.065. Municipal Courts.

All municipal courts shall have uniform original jurisdiction limited to cases arising under municipal ordinances as prescribed by law. Judges of municipal courts shall be licensed to practice law in the state and have such other qualifications as the Legislature may prescribe. A municipal judge may serve as a judge of more than one municipal court. Expenses of municipal courts and compensation of municipal judges shall be paid in a manner prescribed by law notwithstanding the provisions of section 6.09 of this article. Municipal judges shall be appointed and vacancies filled by the governing body of the municipality, in accordance with uniform terms, conditions and procedures as may be provided by law, notwithstanding the provisions of sections 6.13, 6.14 and 6.15 of this article. The prohibited activities of section 6.08 (a) and (b) shall not be applicable to a judge of a municipal court.

The governing body of a municipality shall have the right to elect at any time to abolish the municipal court within its limits. If such election is exercised, the jurisdiction of the court abolished shall be transferred to the district court of the district in which the municipality is located. The governing body of a municipality, may, at its election, re-establish a municipal court after appropriate notice. [As adopted pursuant to Amendment 328, approved Dec. 19, 1973]

Section 6.07. Qualifications of Judges.

Judges of the Supreme Court, Courts of Appeals, circuit court and district court shall be licensed to practice law in this state and have such other qualifications as the Legislature may prescribe. Judges of the probate court shall have such qualifications as may be provided by law. [As adopted pursuant to Amendment 328, approved Dec. 19, 1973]

Section 6.08. Prohibited Activities.

(a) No judge of any court of this state shall, during his continuance in office, engage in the practice of law or receive any remuneration for his judicial service except the salary and allowances authorized by law.

(b) No judge, except a judge of a probate court, shall seek or accept any nonjudicial elective office, or hold any other office of public trust, excepting service in the military forces of the state or federal governments.

(c) The Supreme Court shall adopt rules of conduct and canons of ethics, not inconsistent with the provisions of this constitution, for the judges of all courts of this state. [As adopted pursuant to Amendment 328, approved Dec. 19, 1973]

Section 6.09. Judicial Compensation.

(a) A state judicial compensation commission is hereby created which shall recommend the salary and expense allowances to be paid from the state treasury for all the judges of this state except for judges of the probate court.

The commission shall consist of five members:

One shall be appointed by the Governor;

One by the President of the Senate;

One by the Speaker of the House, and

Two by the governing body of the Alabama state bar.

(b) Members of the judicial compensation commission shall serve for terms of four years. Any vacancy on the commission shall be filled in the same manner in which such position was originally filled. The Legislature shall appropriate sufficient funds for the expenses of the commission.

(c) No member of the commission shall hold any other public office, or office in any political party, and no member of the commission shall be eligible for appointment to a state judicial office so long as he is a member of the commission and for two years thereafter.

(d) The commission may submit a report to the Legislature at any time within the first five calendar days of any session. The recommendations of the commission shall become law upon confirmation by a joint resolution or such recommendations may be altered by an act of the Legislature at the session to which the report is submitted. The compensation of a judge shall not be diminished during his official term. [As adopted pursuant to Amendment 328, approved Dec. 19, 1973, as amended by Amendment 426, approved Nov. 2, 1982, amending 6.09(d)]

Section 6.10. Administration.

The Chief Justice of the Supreme Court shall be the administrative head of the judicial system. He shall appoint an administrative director of courts and other needed personnel to assist him with his administrative tasks. The Chief Justice may assign appellate justices and judges to any appellate court for temporary service and trial judges, supernumerary justices and judges, and retired trial judges and retired appellate judges for temporary service in any court. Adequate and reasonable financing for the entire unified judicial system shall be provided. Adequate and reasonable appropriations shall be made by the Legislature for the entire unified judicial system, exclusive of probate courts and municipal Courts. The Legislature shall receive recommendations for appropriations for the trial courts from the administrative director of courts and for the

appellate courts from each such court. [As adopted pursuant to Amendment 328, approved Dec. 19, 1973]

Section 6.11. Power to Make Rules.

The Supreme Court shall make and promulgate rules governing the administration of all courts and rules governing practice and procedure in all courts: provided, however, that such rules shall not abridge, enlarge or modify the substantive right of any party nor affect the jurisdiction of circuit and district courts or venue of actions therein; and provided further, that the right of trial by jury as at common law and declared by section 11 of the Constitution of Alabama 1901 shall be preserved to the parties inviolate. These rules may be changed by a general act of statewide application. [As adopted pursuant to Amendment 328, approved Dec. 19, 1973]

Section 6.12. Number of Circuit and District Judges.

(a) The Supreme Court shall establish criteria for determining the number and boundaries of judicial circuits and districts, and the number of judges needed in each circuit and district. If the Supreme Court finds that a need exists for increasing or decreasing the number of circuit or district judges, or for changing the boundaries of judicial circuits or districts, it shall, at the beginning of any session of the Legislature, certify its findings and recommendations to the Legislature.

(b) If a bill is introduced at any session of the Legislature to increase or decrease the number of circuit or district judges, or to change the boundaries of any judicial circuit or district, the Supreme Court must, within three weeks, report to the Legislature its recommendations on the proposed change. No change shall be made in the number of circuit or district judges, or the boundaries of any judicial circuit or district unless authorized by an act adopted after the recommendation of the Supreme Court on such proposal has been filed with the Legislature.

(c) An act decreasing the number of circuit or district judges shall not affect the right of any judge to hold his office for his full term. [As adopted pursuant to Amendment 328, approved Dec. 19, 1973]

Section 6.13. Election of Judges.

All judges shall be elected by vote of the electors within the territorial jurisdiction of their respective courts. [As adopted pursuant to Amendment 328, approved Dec. 19, 1973]

Section 6.14. Vacancies in Judicial Office.

The office of a judge shall be vacant if he dies, resigns, retires, or is removed. Vacancies in any judicial office shall be filled by appointment by the Governor; however, vacancies occurring in any judicial office in Jefferson County shall be filled [as now provided by Amendments 83 and 110 to the Constitution of Alabama] [as provided in this article herein below] as shall vacancies occurring in Mobile, Madison, Talladega and Baldwin counties and vacancies occurring in Shelby, [Madison] Wilcox, Monroe, Conecuh, Clarke, Washington, Henry, Etowah, Walker, Tallapoosa, Pickens, Greene, Tuscaloosa, and St. Clair County shall be filled as provided in the Constitution of 1901 with Amendments now or hereafter adopted, or as may be otherwise established by a properly advertised and enacted local law. A judge, other than a probate judge, appointed to fill a vacancy, shall serve an initial term lasting until the first Monday after the second Tuesday in January following the next general election held after he has completed one year in office. At such election such judicial office shall be filled for a full term of office beginning at the end of the appointed term. [As adopted pursuant to Amendment 328, approved Dec. 19, 1973; brackets indicate changes so as to reference appropriately judicial vacancy commission Amendments codified below]

Section 6.14-A. Vacancies in Office of Judge of Circuit Court Holding at Birmingham.

1. All vacancies in the office of judge of the circuit court holding at Birmingham which shall occur subsequent to January 15, 1951 shall be filled in the manner and for the time as herein provided.

The Jefferson County judicial commission is hereby created for the purpose of nominating to the Governor persons for appointment to such a vacancy. The members of such commission shall be:

(A) Two persons who are members of the Alabama Senate state bar, and

(B) Two persons who are not members of the Alabama Senate state bar, and

(C) One judge of the circuit court holding at Birmingham.

All members of such commission must reside in the territorial jurisdiction of the circuit court holding at Birmingham.

The two members of such commission who are required to be members of the Alabama Senate state bar shall be elected by the members of such bar who are regularly licensed and qualified to practice law in this state and who reside in the territorial jurisdiction of the circuit court holding at Birmingham. The executive committee of the Birmingham bar association or its successor body in such capacity, is authorized and directed to make rules, not inconsistent with this Amendment, for the election of such members of such commission as are required to be members of the Alabama Senate state bar. Such executive committee shall certify in writing to the probate judge of Jefferson County the names of the persons elected as members of such commission by such members of such bar.

The Senator and Representatives in the Alabama Legislature from Jefferson County shall elect the two members of such commission who are required not to be members of the Alabama Senate state bar. Such Senator and Representatives shall certify in writing to such probate judge the names of the persons elected by them as such members.

The judges of the circuit court holding at Birmingham shall elect the member of such commission who is required to be a judge of such circuit court. The judges of such circuit court shall certify in writing to such probate judge the name of the circuit judge elected by such circuit judges as such member.

The terms of office of all members of such commission shall be six years, except that the terms of office of the two members of the state bar first elected shall be for one and two years respectively, and of the two members first elected by the Senator and Representatives in the Alabama Senate Legislature from Jefferson County shall be for three and four years respectively, and the term of the circuit judge elected by the circuit judges shall be for five years; the length of such terms of office of the members of such commission being indicated by the respective electing bodies. The terms of the initial members of such commission shall begin on January 16, 1951. A vacancy in the office of a member of such commission shall be filled for the unexpired term in the same manner as such member was originally chosen.

The probate judge of Jefferson County shall record all such certificates of election and shall safely and permanently keep the original certificates. Forthwith upon his receipt and recordation of every such certificate, he shall send to the Governor a certified copy of every such certificate.

No member of such commission shall be eligible to succeed himself as such member or for nomination to the Governor for appointment as judge of such circuit court during the term of office for which such member shall have been selected.

The members of such commission shall not receive any salary or other compensation for their services as such members. No member of such commission other than the member required to be a judge of the circuit court shall hold any public office, and no member of such commission shall hold any official position in any political party.

If, subsequent to January 15, 1951, a vacancy occurs in the office of judge of the circuit court holding at Birmingham, such commission shall nominate to the Governor three persons having the qualifications for such office. Such nomination shall be made only by the concurrence of a majority of the members of such commission. The Governor shall appoint to the office in which the vacancy exists one of the three persons so nominated for such office. The appointee shall hold such office until the next general election for any state officer held at least six months after the vacancy occurs and until his successor is elected and qualified; the successor shall hold office for the unexpired term and until his successor is elected and qualified.

The provisions hereof shall be self-executing. [Amendment 83, approved Nov. 7, 1950]

2. Any vacancy occurring in the office of judge of the tenth judicial circuit comprised of Jefferson County only, which is required to be filled by appointment on nominations made by a judicial commission, shall be made within ninety days from the date of the submission of such nominations. In the event the Governor fails to fill the vacancy from such nominations within such period, the appointment shall be made by the Chief Justice of the Supreme Court of Alabama Senate. [Amendment 110, approved Dec. 6, 1955]

Section 6.14-B. Procedure for Filling Vacancies in Office of Judge of Circuit Court and Office of Judge of district court in Mobile County.

All vacancies in the office of judge of the circuit court and the office of judge of the district court of Mobile County which shall occur subsequent to January 15, 1982, shall be filled in the manner and for the time as herein provided.

The Mobile County judicial commission is hereby created for the purpose of nominating to the Governor persons for appointment to such a vacancy. The members of such commission shall be:

(A) Two persons who are members of the Alabama Senate state bar, and

(B) Two persons who are not members of the Alabama Senate state bar, and

(C) One judge of the circuit court of Mobile County.

All members of such commission must reside in the territorial jurisdiction of the circuit court of Mobile County.

The two members of such commission who are required to be members of the Alabama Senate state bar shall be elected by the members of such bar who are regularly licensed and qualified to practice law in this state and who reside in the territorial jurisdiction of the circuit court of Mobile County. The executive committee of the Mobile County bar association or its successor body in such capacity, is authorized and directed to make rules, not inconsistent with this Amendment, for the election of such members of such commission as are required to be members of the Alabama Senate state bar. Such executive committee shall certify in writing to the probate judge of Mobile County the

names of the persons elected as members of such commission by such members of such bar.

The Senators and Representatives in the Alabama Senate Legislature from Mobile County shall elect the two members of such commission who are required not to be members of the Alabama Senate state bar. Such Senators and Representatives shall certify in writing to such probate judge the names of the persons elected by them as such members.

The judges of the circuit court of Mobile County shall elect the member of such commission who is required to be a judge of such circuit court. The judges of such circuit court shall certify in writing to such probate judge the name of the circuit judge elected by such circuit judges as such member.

The terms of office of all members of such commission shall be six years, except that the terms of office of the two members of the state bar first elected shall be for one and two years respectively, and of the two members first elected by the Senators and Representatives in the Alabama Senate Legislature from Mobile County shall be for three and four years respectively, and the term of the circuit judge elected by the circuit judges shall be for five years; the length of such terms of office of the members of such commission being indicated by the respective electing bodies. The terms of the initial members of such commission shall begin on January 16, 1982. A vacancy in the office of a member of such commission shall be filled for the unexpired term in the same manner as such member was originally chosen.

The probate judge of Mobile County shall record all such certificates of election and shall safely and permanently keep the original certificates. Forthwith upon his receipt and recordation of every such certificate, he shall send to the Governor a certified copy of every such certificate.

No member of such commission shall be eligible to succeed himself as such member or for nomination to the Governor for appointment as judge of such circuit court or district court during the term of office for which such member shall have been selected.

The members of such commission shall not receive any salary or other compensation for their services as such members. No member of such commission other than the member required to be a judge of the circuit court shall hold any public office, and no member of such commission shall hold any official position in any political party.

If, subsequent to January 15, 1982, a vacancy occurs in the office of judge of the circuit court or in the office of judge of the district court of Mobile County, such commission shall nominate to the Governor three persons having the qualifications for such office. Such nomination shall be made only by the concurrence of a majority of the members of such commission. The Governor shall appoint to the office in which the vacancy exists one of the three persons so nominated for such office. Any vacancy occurring in the office of judge of the circuit or district court of Mobile County, which is required to be filled by appointment on nominations made by a judicial commission, shall be made within ninety days from the date of the submission of such nominations. In the event the

Governor fails to fill the vacancy from such nominations within such period, the appointment shall be made by the Chief Justice of the Supreme Court of Alabama Senate. The appointee shall hold such office until the next general election for any state officer held at least six months after the vacancy occurs and until his successor is elected and qualified; the successor shall hold office for the unexpired term and until his successor is elected and qualified.

The provisions hereof shall be self-executing. [Amendment 408, approved March 2, 1982]

Section 6.14-C. Procedure for Filling Vacancies in Office of Judge of Circuit Court in Madison County; Madison County Judicial Commission.

All vacancies in the office of judge of the circuit court and the office of judge of the district court holding in Madison County shall be filled in the manner and for the time as herein provided.

The Madison County judicial commission is created for the purpose of nominating to the Governor persons for appointment to such a vacancy. The commission shall be composed of nine members. The members of the commission shall be two persons who are members of the Alabama Senate state bar, one judge of the circuit court holding in Madison County, two members appointed by members of the Alabama Senate House of Representatives who represent Madison County, irrespective of whether such members of the House of Representatives reside in Madison County, two members appointed by members of the Alabama Senate who represent Madison County, irrespective of whether such members of the Senate reside in Madison County, and two members appointed jointly by these members of the House of Representatives and members of the Senate.

All members of the commission shall reside in the territorial jurisdiction of the circuit court holding in Madison County.

The two members of the commission who are required to be members of the Alabama Senate state bar shall be elected by the members of such bar who are regularly licensed and qualified to practice law in this state and who reside in the territorial jurisdiction of the circuit court holding in Madison County. The executive committee of the Madison County bar association, or its successor body in such capacity, is authorized and directed to make rules, not inconsistent with this Amendment, for the election of such members of the commission as are required to be members of the Alabama Senate state bar. The executive committee shall certify in writing to the judge of probate of Madison County the names of the persons elected as members of the commission by these members of the bar.

The members of the Alabama Senate House of Representatives who represent Madison County, irrespective of whether these members reside in Madison County, shall make one initial appointment of a member of the commission immediately upon the adoption of the Amendment adding this amendatory language and shall make the other initial

appointment upon the first expiration of the term of office of a member previously appointed pursuant to this Amendment by the Senators and Representatives in the Alabama Legislature residing in Madison County. These members of the Alabama Senate House of Representatives representing Madison County shall make all succeeding appointments to these two positions. These appointees shall not be members of the Alabama Senate state bar.

The members of the Alabama Senate representing Madison County, irrespective of whether these members reside in Madison County, shall make one initial appointment of a member of the commission immediately upon the adoption of the Amendment adding this amendatory language and shall make the other initial appointment upon the expiration of the term of office of the last member previously appointed pursuant to this Amendment by the Senators and Representatives of the Alabama Legislature residing in Madison County. These members of the Alabama Senate representing Madison County shall make all succeeding appointments to these two positions. These appointees shall not be members of the Alabama state bar.

The members of the House of Representatives and Senate representing Madison County, irrespective of whether these members reside in Madison County, shall jointly make two initial appointments upon the adoption of the Amendment adding this amendatory language. These members of the House of Representatives and the Senate shall jointly make all succeeding appointments to these two positions. These appointees shall not be members of the Alabama state bar.

These members of the House of Representatives and Senate, respectively, shall certify in writing to the judge of probate of Madison County the names of persons appointed by them to the commission.

The judges of the circuit court holding in Madison County shall elect the member of the commission who is required to be a judge of the circuit court. The judges of the circuit court shall certify in writing to the judge of probate the name of the circuit judge elected by the circuit judges as a member.

The terms of office of all members of the commission shall be six years. A vacancy in the office of a member of the commission shall be filled for the unexpired term in the same manner as the member was originally chosen.

The judge of probate of Madison County shall record all such certificates of election and shall safely and permanently keep the original certificates. Forthwith upon his or her receipt and recordation of every certificate, the judge of probate shall send to the Governor a certified copy of every certificate.

No member of the commission shall be eligible for nomination to the Governor for appointment as judge of the circuit court or the district court during the term of office of the commission member.

The members of the commission shall not receive any salary or other compensation for their services as members. No member of the commission other than the member

required to be a judge of the circuit court shall hold any public office, and no member of the commission shall hold any official position in any political party.

If a vacancy occurs in the office of judge of the circuit court or the office of judge of the district court holding in Madison County, the commission shall nominate to the Governor three persons having the qualifications for the office. The names of all persons considered for nomination shall be available for review by the public and shall be deemed a public record. A nomination shall be made only by the concurrence of at least five members of the commission, which vote shall be conducted at a public meeting. The member of the commission elected by the judges of the circuit court holding in Madison County shall only vote on matters before the commission in instances when the vote by other commission members has resulted in a tie. The Governor shall appoint to the office in which the vacancy exists one of the three persons so nominated for the office. If the Governor fails to make an appointment from the list within 30 days from the date it is presented to the Governor, the appointment shall be made by the Chief Justice or the acting Chief Justice of the Supreme Court from the same list. The appointee shall hold such office until the next general election for any state officer held at least six months after the vacancy occurs and until a successor is elected and qualified. At the general election, the judicial office shall be filled for a full term of office to commence on the first Monday after the second Tuesday in January following the general election. [Amendment 607, approved Nov. 5, 1996, amending and superceding Amendment 334, approved Dec. 18, 1973]

Section 6.14-D. Procedure for Filling Vacancies in Office of Judge of Circuit Court, Judge of District Court, and District Attorney in Talladega County.

In Talladega County, all vacancies in the offices of judge of the circuit court, judge of the district court, and district attorney shall be filled in the manner and for the time as provided in this Amendment.

The Talladega County judicial commission is created for the purpose of nominating to the Governor persons for appointment to any vacancy in the offices of judge of the circuit court, judge of the district court, and district attorney. The five members of the commission shall consist of the following:

> The presiding judge of the circuit court of Talladega County, as a nonvoting ex officio member who may only vote in the event of a tie vote among the other four members of the commission, and who shall preside over all meetings of the commission;
>
> The commissioner of the Alabama state board of bar commissioners representing Talladega County, as an ex officio voting member; and
>
> Three residents of Talladega County who are not members of the Alabama state bar.

Appointed members shall serve for terms of four years. A vacancy in the office of a member of the commission shall be filled for the unexpired term in the same manner as the member was originally chosen. The term of office for the initial appointed members of the commission shall begin immediately upon appointment.

The nonpayer members of the commission shall be appointed by mutual consent of the members of the state Legislature who represent Talladega County. The non-lawyer members of the commission shall not be eligible to serve two successive terms.

The presiding judge of the circuit court of Talladega County shall certify in writing to the judge of probate of Talladega County his or her own name and the name of the Alabama state bar commissioner representing Talladega County, as ex officio members. The appropriate members of the state Legislature representing Talladega County shall certify in writing to the judge of probate of Talladega County the names of the three resident members appointed to the commission.

The judge of probate of Talladega County shall record all certificates of election and shall safely and permanently keep the original and all subsequent certificates of election. Immediately upon receipt and recordation of a certificate of election, the judge of probate shall send a certified copy to the Governor.

No member of the commission shall seek appointment as a judge of the circuit court, judge of the district court, or district attorney during the term of office for which the member has been selected.

The members of the commission shall not receive any salary or other compensation for their service as members. No appointed member of the commission shall hold any public office. No member of the commission shall hold any official position in any political party.

If, after the ratification of this Amendment, a vacancy occurs in Talladega County in the offices of judge of the circuit court, judge of the district court, or district attorney, the presiding judge of the circuit court of Talladega County shall call a meeting of the commission to fill the vacancy. The commission shall nominate three persons having the qualifications for the vacant office. The nominations shall be made only by the concurrence of a majority of the members of the commission. The presiding judge of the circuit court shall certify the three nominees to the Governor, who shall appoint one to the office in which the vacancy exists. If the Governor fails to make an appointment from the submitted list within 30 days from the date of submission, the appointment shall be made from the list by the Chief Justice of the Supreme Court of Alabama. If the appointment is for a judicial vacancy, the appointee shall hold office for an initial term lasting until the first Monday after the second Tuesday in January following the next general election held after completing one year in office. At the election, the judicial office shall be filled for a full term of office beginning at the end of the appointed term. If the appointment is for the office of district attorney, the appointee shall hold office for the term or the remainder of the unexpired term as provided by law. [Amendment 615, approved Nov. 5, 1996]

Section 6.14-E. Baldwin County; Judicial Commission.

All vacancies in the office of judge of the circuit court and the office of judge of the district court holding in Baldwin County shall be filled in the manner and for the time as herein provided.

The Baldwin County judicial commission is created for the purpose of nominating to the Governor persons for appointment to a vacancy. The commission shall be composed of five members. The members of the commission shall be one person who is a member of the Alabama state bar nominated by the Baldwin County bar association, the presiding circuit judge holding in Baldwin County, one member selected by the Baldwin County commission, one member selected by the Baldwin County mayors' association where at least two thirds of the members are in attendance at the meeting where the selection is made, and one member who is not a member of the Legislature selected by the Baldwin County legislative delegation selected by random selection as designed by the members of the Alabama House of Representatives and the Alabama Senate who represent Baldwin County.

All members of the commission shall reside in the territorial jurisdiction of the circuit court holding in Baldwin County.

Only the member selected by the Baldwin County bar association and the presiding circuit judge holding in Baldwin County may be a member of the Alabama state bar. The member of the commission who is required to be a member of the Alabama state bar shall be elected by the members of the bar who are regularly licensed and qualified to practice law in this state and who reside in the territorial jurisdiction of the circuit court holding in Baldwin County the executive committee of the Baldwin County bar association, or its successor body in that capacity, shall make rules, not inconsistent with this Amendment, for the election of the member of the commission required to be a member of the Alabama state bar. The executive committee shall certify in writing to the judge of probate of Baldwin County the name of the person elected as member of the commission by these members of the bar.

The presiding circuit judge holding in Baldwin County shall certify in writing to the judge of probate of Baldwin County the remaining names of the persons selected as members of the commission.

The terms of office of all members of the commission shall be six years. In event that an initial appointment or vacancy is not filled in 30 days, the vacancy shall be filled by the members of the Baldwin County legislative delegation residing in Baldwin County within 10 days. A vacancy in the office of a member of the commission shall be filled for the unexpired term in the same manner as the member was originally chosen.

The judge of probate of Baldwin County shall record all certificates of election and shall safely and permanently keep the original certificates. Forthwith upon his or her receipt

and recordation of every certificate, the judge of probate shall send to the Governor a certified copy of every certificate.

No member of the commission shall be eligible for nomination to the Governor for appointment as judge of the circuit court or the district court during the term of office of the commission member.

The members of the commission shall not receive any salary or other compensation for their services as members. No member of the commission other than the member required to be a judge of the circuit court shall hold any public office, and no member of the commission shall hold any official position in any political party.

If a vacancy occurs in the office of judge of the circuit court or the office of judge of the district court holding in Baldwin County, the commission shall nominate within 30 days to the Governor three persons having the qualifications for the office. If the commission fails to nominate three names during the 30-day period, the names shall be selected by the members of the Baldwin County legislative delegation residing in the county within 10 days. The names of all persons considered for nomination shall be available for review by the public and shall be deemed a public record. The Governor shall appoint to the office in which the vacancy exists one of the three persons so nominated for the office. If the Governor fails to make an appointment from the list within 30 days from the date it is presented to the Governor, the appointment shall be made by the Chief Justice or the acting Chief Justice of the Supreme Court from the same list. The appointee shall hold the office until the next general election for any state officer held at least six months after the vacancy occurs and until a successor is elected and qualified. At the general election, the judicial office shall be filled for a full term of office to commence on the first Monday after the second Tuesday in January following the general election. [Amendment 660, approved Oct. 12, 1999]

Section 6.15. Tenure of Office.

(a) The term of office of each judge of a court of the judicial system of this state shall be six years.

(b) A law reducing the number of judges of the Supreme Court or of a court of appeals shall be without prejudice to the right of the judges affected to seek retention in office. The reduction shall become effective when a vacancy in the affected court occurs. [As adopted pursuant to Amendment 328, approved Dec. 19, 1973]

Section 6.16. Retirement.

The Legislature shall provide by law for the retirement of judges, including supernumerary judges, with such conditions, retirement benefits, and pensions for them and their dependents as it may prescribe. No person shall be elected or appointed to a judicial office after reaching the age of seventy years: provided that a judge over the age

of seventy may be appointed to the office of supernumerary judge if he is not eligible to receive state judicial retirement benefits. [As adopted pursuant to Amendment 328, approved Dec. 19, 1973]

Section 6.17. Judicial Inquiry Commission.

(a) A judicial inquiry commission is created consisting of nine members.

The Supreme Court shall appoint one appellate judge who shall not be a justice on the Supreme Court;

The circuit judges' association shall appoint two judges of the circuit court;

The Governor shall appoint three persons who are not lawyers, who shall be subject to Senate confirmation before serving;

The lieutenant Governor shall appoint one district judge who shall be subject to Senate confirmation; and

The governing body of the Alabama state bar shall appoint two members of the state bar to serve as members of the commission: provided, however, that on January 1, 2005, the appointment authority granted to the Lieutenant Governor shall revert to the Governor and the Governor shall thereafter be entitled to appoint three persons who are not lawyers and one district judge, all subject to Senate confirmation.

The commission shall select its own chair. The terms of the members of commission shall be four years. A vacancy on the commission shall be filled for a full term in the manner the original appointment was made.

(b) The commission shall be convened permanently with authority to conduct investigations and receive or initiate complaints concerning any judge of a court of the judicial system of this state. The commission shall file a complaint with the court of the judiciary in the event that a majority of the members of the commission decide that a reasonable basis exists:

(1) To charge a judge with violation of any canon of judicial ethics, misconduct in office, failure to perform his or her duties, or

(2) To charge that the judge is physically or mentally unable to perform his or her duties. All proceedings of the commission shall be confidential except the filing of a complaint with the court of the judiciary. The commission shall prosecute the complaints.

(c) The Supreme Court shall adopt rules governing the procedures of the commission.

(d) The commission shall have subpoena power and authority to appoint and direct its staff. Members of the commission who are not judges shall receive per diem compensation and necessary expenses; members who are judges shall receive necessary

expenses only. The Legislature shall appropriate funds for the operation of the commission. [Amendment 581, approved June 4, 1996, amending and superceding section 6.17 (and section 6.18, see below)]

Section 6.18. Court of the Judiciary.

(a) The court of the judiciary is created consisting of:

> One judge of an Appellate Court, other than the Supreme Court, who shall be selected by the Supreme Court and shall serve as chief judge of the court of the judiciary;
>
> Two judges of the circuit court, who shall be selected by the circuit judges' association; and
>
> One district judge who shall be selected by the district judges' association.
>
> Other members of the court of the judiciary shall consist of two members of the state bar, who shall be selected by the governing body of the Alabama state bar;
>
> Two persons who are not lawyers who shall be appointed by the Governor; and
>
> One person appointed by the Lieutenant Governor;

Members appointed by the Governor and Lieutenant Governor shall be subject to Senate confirmation before serving: provided, however, that on January 1, 2005, the appointment authority granted to the Lieutenant Governor shall revert to the Governor and the Governor shall thereafter be entitled to appoint three persons who are not lawyers, subject to Senate confirmation.

The court shall be convened to hear complaints filed by the judicial inquiry commission. The court shall have authority, after notice and public hearing:

> (1) To remove from office, suspend without pay, or censure a judge, or apply such other sanction as may prescribed by law, for violation of a canon of judicial ethics, misconduct in office, failure to perform his or her duties, or
>
> (2) To suspend with or without pay, or to retire a judge who is physically or mentally unable to perform his or her duties.

(b) A judge aggrieved by a decision of the court of the judiciary may appeal to the Supreme Court. The Supreme Court shall review the record of the proceedings on the law and the facts.

(c) The Supreme Court shall adopt rules governing the procedures of the court of the judiciary.

(d) The court of the judiciary shall have power to issue subpoenas. The Legislature shall provide by law for the expenses of the court. [Amendment 581, approved June 4, 1996, amending and superceding section 6.18 (and section 6.17, see above)]

Section 6.18-A. Impeachment Provisions in Article VII, Section 173 to Apply to Supreme Court Justices and Appellate Judges.

In addition to the authority conferred on the court of the judiciary in section 6.18, the provisions for impeachment in article VII, section 173, shall also apply to justices of the Supreme Court and judges of the Courts of Appeals. No proceeding for impeachment under article VII, section 173, may proceed or be initiated against a judge while the same charge or subject matter is under consideration by the judicial inquiry commission or the court of the judiciary. A finding of lack of probable cause or a termination of proceeding without a finding of wrongdoing by either the judicial inquiry commission or the court of the judiciary shall constitute a complete defense to proceedings of impeachment under article VII, section 173, and shall bar all further proceedings of impeachment as to the same charge or subject matter. No justice or judge who has been tried before the court of the judiciary shall be subject to impeachment on the same charge or subject matter. No conduct that occurred prior to the effective date of this Amendment may be the basis of a proceeding of impeachment under this section. No proceeding in impeachment under this section may be initiated without the verification, under oath, of at least 12 members of the House of Representatives as to the factual basis of the charge under which the article of impeachment is preferred. No article of impeachment shall be passed upon less than two- thirds majority of the House of Representatives and no conviction of impeachment shall be had upon less than two-thirds majority of the Senate under this section. Dissatisfaction with the ruling of a judge or justice shall not be a ground upon which impeachment under this section may proceed. [Amendment 580, approved June 4, 1996].

Section 6.19. Disqualification.

A judge shall be disqualified from acting as a judge, without loss of salary, while there is pending:

> (1) An indictment or an information charging him in the united states with a crime punishable as a felony under a state or federal law, or
>
> (2) A complaint against him filed by the judicial inquiry commission with the court of the judiciary. [As adopted pursuant to Amendment 328, approved Dec. 19, 1973]

Section 6.20. District Attorneys, Clerks, Court Revenue.

(a) A district attorney for each judicial circuit shall be elected by the qualified electors of those counties in such circuit. Such district attorney shall be licensed to practice law in this state and shall, at the time of his election and during his continuation in office, reside in the circuit. His term of office shall be for six years and he shall receive such

compensation as provided by law. Vacancies in the office of district attorney and in his staff shall be filled as provided by law.

(b) Clerks of the circuit courts shall be elected by the qualified electors in each county for a term of six years. If the office of register in chancery continues to be provided by law then the clerk of the circuit court may also fill such office in a manner prescribed by law. Vacancies in the office of clerk of the circuit court shall be filled by the judge or judges of the circuit court who have jurisdiction over the county in which the office of clerk of the circuit court is located.

(c) Persons elected to the position of constable to assist the courts of the state as provided by law shall be subject to the same restrictions, rights and limitations as are specified in section 280 of the Constitution of 1901, and no law shall prohibit the receipt of fees for the performance of official duties of said position while holding any other elected or appointed office.

(d) The revenue from fines, forfeitures and court costs produced in district courts from the exercise of jurisdiction under municipal ordinances shall be apportioned between the municipality and the state as shall be provided by law. [As adopted pursuant to Amendment 328, approved Dec. 19, 1973; incorporates the designation of "circuit solicitor" as "district attorney" earlier provided in Amendment 226, adopted Nov. 30, 1965]

Section 6.20-A. Abolition of Office of Constable in Certain Counties.

(a) The office of constable in Morgan County is hereby abolished. This provision shall not be adopted unless a majority of the qualified electors of Morgan County who participate in the election held on the adoption of the Amendment proposed by acts 1977, no. 324, p. 425, vote in favor thereof. [Amendment 368, approved Sept. 13, 1977]

(b) The office of constable in Fayette County, Alabama, may be abolished by a vote of a majority of the qualified electors of the county voting in a special election called by the county governing body to determine this issue: provided, however, that if a majority of the qualified electors of Fayette County who participate in the election held on the adoption of the Amendment proposed by acts 1982, no. 82-151 vote in favor thereof, no further election need be held. [Amendment 417, approved Sept. 28, 1982]

(c) The office of constable in Lamar county, Alabama, may be abolished by a vote of a majority of the qualified electors of the county voting in a special election called by the county governing body to determine this issue: provided, however, that if a majority of the qualified electors of Lamar County who participate in the election held on the adoption of the Amendment proposed by acts 1982, no. 82-215 vote in favor thereof, no further election need be held. [Amendment 419, approved Sept. 28, 1982]

Section 6.21. Continuation of Courts, District Attorneys, Clerks.

(a) All courts not herein authorized which are in existence at the time this article becomes effective shall retain their powers for four years, unless sooner terminated by act of the Legislature.

(b) All judges of the Supreme Court, court of criminal appeals, court of civil appeals and circuit courts shall retain their offices for the remainder of their respective terms.

(c) All justices of the Supreme Court in office when this article becomes effective shall be justices of the Supreme Court. All judges of the court of criminal appeals shall be judges of the court of criminal appeals. All judges of the court of civil appeals shall be judges of the court of civil appeals. All circuit judges in office when this article becomes effective shall be judges of the circuit courts. All city judges who are in office when this article becomes effective shall continue to be judges of their respective courts. All present city courts shall continue to function as provided by law for four years.

(d) All judges of any court in this state, excepting the Supreme Court, court of criminal appeals, court of civil appeals, circuit courts, probate courts, and city courts, whose salaries or compensation are paid by their respective counties, who are qualified under the provisions of this article, and who are holding office at the time of the approval of this constitutional Amendment by the Legislature and on the date of the establishment of the district court, shall be commissioned judges of the district court. Each such judge, accepting commission as a district judge, shall serve an initial term lasting until the first Monday after the second Tuesday in January following the next general election after he has completed three years in office as a district judge. At such election said judicial office shall be filled for a full term of office beginning at the end of the term for which such judge was commissioned.

(e) In the event a city ceases to have a city or municipal Court, all judges of any city court in this state in cities which have more than one such judge at the time of approval of this constitutional Amendment by the Legislature and on the date of the establishment of the district court, if otherwise qualified under the provisions of this article, shall be commissioned judges of the district court. Each such judge accepting commission as a district judge shall serve an initial term lasting until the first Monday after the second Tuesday in January following the next general election after he has completed three years in office as a district judge. At such election said judicial office shall be filled for a full term of office beginning at the end of the term for which such judge was commissioned.

(f) All district attorneys of any circuit of this state, who are qualified under the provisions of this article, and who are holding office at the time of the approval of this constitutional Amendment by the electors of the state, shall retain their offices for the remainder of their respective terms.

(g) All clerks of the circuit court of this state, who are holding office at the time of the approval of this constitutional Amendment by the electors of the state, shall retain their offices for the remainder of their respective terms.

(h) Except to the extent inconsistent with the provisions of this article, all provisions of law and rules of court in force on the effective date of this article shall continue in effect until superseded in the manner authorized by the Constitution. [As adopted pursuant to Amendment 328, approved Dec. 19, 1973]

Article VII. Impeachments

Section 173. Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, [Superintendent of Education], Commissioner of Agriculture and Industries and Justices of Supreme Court.

The Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, [Superintendent of Education,] Commissioner of Agriculture and Industries, and[, subject to the provisions of section 6.18-A of this Constitution,] justices of the Supreme Court and judges of the Courts of Appeal may be removed from office for willful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officer for the discharge of such duties, or for any offense involving moral turpitude while in office, or committed under color thereof, or connected therewith, by the Senate sitting as a court of impeachment, under oath or affirmation, on articles or charges preferred by the House of Representatives. When the Governor or Lieutenant Governor is impeached, the Chief Justice, or if he be absent or disqualified, then one of the Associate Justices of the Supreme Court, to be selected by it, shall preside over the Senate when sitting as a court of impeachment. If at any time when the Legislature is not in session, a majority of all the members elected to the House of Representatives shall certify in writing to the Secretary of State their desire to meet to consider the impeachment of the Governor, Lieutenant Governor, or other officer administering the office of Governor, it shall be the duty of the Secretary of State immediately to notify the Speaker of the House, who shall, within ten days after receipt of such notice, summon the members of the house, by publication in some newspaper published at the capitol, to assemble at the capitol on a day to be fixed by the speaker, not later than fifteen days after the receipt of the notice to him from the Secretary of State, to consider the impeachment of the Governor, Lieutenant Governor, or other officer administering the office of Governor. If the House of Representatives prefer articles of impeachment, the Speaker of the House shall forthwith notify the Lieutenant Governor, unless he be the officer impeached, in which event he shall notify the Secretary of State, who shall summon, in the manner herein above provided for, the members of the Senate to assemble at the capitol on a day to be named in said summons, not later than ten days after receipt of the notice from the Speaker of the House, for the purpose of organizing as a court of impeachment. The Senate, when thus organized, shall hear and try such articles of impeachment against the Governor, Lieutenant Governor, or other officer administering the office of Governor, as may be preferred by the House of Representatives. [Original section 173, with brackets indicating (a) that the Superintendent of Education should be deleted from the operation of this section, since his or her removal would now be controlled by Amendment 284, approved Dec. 9, 1969, under which the Superintendent of Education serves at the pleasure of the state board of education, and (b) that impeachment of the judges of the Supreme Court or the Courts of Appeal is subject to the provisions of section 6.18A, added by Amendment 580, approved June 4, 1996]

Section 174. [Chancellors, Judges of Circuit and Probate Courts, Judges of Courts from Which Appeal May Be Taken Directly to Supreme Court,] [Solicitors,] [District Attorneys] and Sheriffs.

The [chancellors, judges of the circuit courts, judges of the probate courts, and judges of other courts from which an appeal may by taken directly to Supreme Court, and] [solicitors] [district attorneys] and sheriffs, may be removed from office for any of the causes specified in the preceding section or elsewhere in this Constitution, by the Supreme Court, under such regulations as may be prescribed by law. The Legislature may provide for the impeachment or removal of other officers than those named in this article. [Original section 174, with brackets indicating changes that would reflect that (a) lower court judges are now subject to the removal provisions of the Judicial article, Amendment 328, sections 6.17 and 6.18, approved Dec. 18, 1973, and, unlike judges of the Supreme Court and the Courts of Appeal, see section 6.18A, added by Amendment 580, approved June 4, 1996, there is no amendment continuing the application of th impeachment provisions to lower court judges, and (b) to change the designation of "solicitor" to "district attorney" pursuant to Amendment 226, approved Nov. 30, 1965]

Section 175. Clerks of Circuit Courts, Courts of like Jurisdiction and Criminal Courts, Tax Collectors, Tax Assessors, [County Commissioners of Revenue,] County Treasurers, County Superintendents of Education, [Judges of Inferior Courts,] Coroners, [Justices of the Peace, Notaries Public,] Constables and County and Municipal Officers.

The clerks of the circuit courts, or courts of like jurisdiction, and of criminal courts, tax collectors, tax assessors, [county commissioners of revenue or other persons under whatever designation exercising the consolidated office of tax collector and tax assessor,] county treasurers, county superintendents of education, coroners, [justices of the peace, notaries public,] constables, and all other county officers, mayors, intendants, and all other officers of incorporated cities and towns in this state, may be removed from office for any of the causes specified in section 173 of this Constitution, by the circuit or other courts of like jurisdiction or a criminal court of the county in which such officers hold their office, under such regulations as may be prescribed by law; provided, that the right of trial by jury and appeal in such cases shall be secured. [Original section 175, with brackets indicating changes that would reflect (a) that the offices of tax assessor and tax collector have now been consolidated in several counties, see, e.g., Amendment 366, approved Sept. 13, 1977 (Pickens County); and (b) the elimination of the office of justice of the peace and of notary public with justice of the peace powers, Amendment 323, approved Jan. 18, 1972, with no provision for the re-establishment of those offices in revised article VI, adopted by Amendment 328, approved Dec. 18, 1973]

Section 175-A.. Walker County: Procedure for Removal of Board, Commission, Authority, or Utility Member.

In Walker County, the appointing authority of any municipal or county board, commission, or authority may remove for cause any member of the board, commission, public authority or utility appointed by the appointing authority after a hearing before the appointing authority by a two-thirds (2/3) vote. [Amendment 656, approved Nov. 3, 1988]

Section 176. Limitation on Impeachment Penalties; Accused Person Liable to Indictment and Punishment.

The penalties in cases arising under the three preceding sections shall not extend beyond removal from office, and disqualifications from holding office, under the authority of this state, for the term for which the officer was elected or appointed; but the accused shall be liable to indictment and punishment as prescribed by law. [Original section 176]

Article VIII. Suffrage and Elections

(a) Every citizen of the United States who has attained the age of eighteen years and has resided in this state and in a county thereof for the time provided by law, if registered as provided by law, shall have the right to vote in the county of his or her residence. The Legislature may prescribe reasonable and nondiscriminatory requirements as prerequisites to registration for voting. The Legislature shall, by statute, prescribe a procedure by which eligible citizens can register to vote.

(b) No person convicted of a felony involving moral turpitude, or who is mentally incompetent, shall be qualified to vote until restoration of civil and political rights or removal of disability.

(c) The Legislature shall by law provide for the registration of voters, absentee voting, secrecy in voting, the administration of elections, and the nomination of candidates. [Amendment 579, repealing and superseding the original Article VIII, Sections 177-206; if in re-compiling it is necessary to assign Section numbers the three provisions of Amendment 579 could be designated 8.01, Right to Vote, Registration; 8.02, Disqualification from Voting; and 8.03, Powers and Responsibilities of the Legislature]

Article IX. Representation

Section 197. Ratio of Senators to Representatives.

The whole number of Senators shall be not less than one-fourth or more than one-third of the whole number of representatives. [Original Section 197]

Section 198. Maximum Number of Members of House of Representatives; Apportionment of House Based on Decennial Census of United States.

The House of Representatives shall consist of not more than one hundred and five members, [unless new counties shall be created, in which event each new county shall be entitled to one representative]. The members of the House of Representatives shall be apportioned by the Legislature [among the several counties of the state,] according to the number of inhabitants [in them, respectively,] as ascertained by the decennial census of the United States, which apportionment, when made, shall not be subject to alteration until the next session of the Legislature after the next decennial census of the United States shall have been taken. [Original section 198, with brackets indicating changes that would accord with federal reapportionment requirements, under which representation of counties has been superceded by the one man, one vote requirement of proportional representation]

Section 199. Duty of Legislature to Fix Number of Representatives and Apportion Them Among Counties Following Each Decennial Census; Each County Entitled to at Least One Representative.

It shall be the duty of the Legislature at its first session after each decennial census, to fix by law the number of representatives [and to divide the state into as many house districts as there are representatives, which districts shall be as nearly equal to each other in number of inhabitants as may be, and each entitled to one representative] [and apportion them among the several counties of the state], according to the number of inhabitants in them, respectively; [provided, that each county shall be entitled to at least one representative]. [Original section 199, with brackets suggesting revisions that somewhat tracks the district setting procedure of Section 200 and more accurately reflects the necessary procedure under federal reapportionment decisions]

Section 200. Duty of Legislature to Fix Number of Senators and Divide State Into Senatorial Districts; Equality of Senatorial Districts; Senatorial Districts Not to be Changed Until Next Apportioning Session; Division of Counties Between Senatorial Districts Prohibited; Counties Within Senatorial Districts to be Contiguous.

It shall be the duty of the Legislature at its first session after each subsequent decennial census, to fix by law the number of Senators, and to divide the state into as many senatorial districts as there are Senators, which districts shall be as nearly equal to each other in the number of inhabitants as may be, and each shall be entitled to one senator, and no more; and such districts, when formed, shall not be changed until the next apportioning session of the Legislature, after the next decennial census of the United States shall have been taken; provided, that counties created after the next preceding apportioning session of the Legislature may be attached to senatorial districts. [No county shall be divided between two districts, and no district shall be made up of two or more counties not contiguous with each other.] [Original section 200, with the brackets indicating a provision that it probably invalid under federal reapportionment decisions]

Section 201. State may Provide for Enumeration of Inhabitants for Purpose of Apportionment of Representatives and Senators.

Should any decennial census of the United States not be taken, or if when taken, the same, as to this state, be not full and satisfactory, the Legislature shall have the power at its first session after the time shall have elapsed for the taking of said census, to provide for an enumeration of all the inhabitants of this state, upon which it shall be the duty of the Legislature to make the apportionment of representatives and Senators as provided for in this article. [Original Section 201]

Section 202. Initial Apportionment of House of Representatives.

[Transitional provision; omitted]

Section 203. Initial Apportionment of Senatorial Districts.

[Transitional provision; omitted]

Article X. Exemptions

Section 204. Personal Property of Value of One Thousand Dollars Exempt from Sale, Execution or Other Process of Court Issued for Collection of Debt.

The personal property of any resident of this state to the value of one thousand dollars, to be selected by such resident, shall be exempt from sale or execution, or other process of any court, issued for the collection of any debt [contracted since the thirteenth day of July, eighteen hundred and sixty-eight or after the ratification of this Constitution]. [Original section 204; brackets indicate language that could be deleted as no longer significant as a matter of actual fact]

Section 205. Homestead Not Exceeding Eighty Acres or City, Town or Village Lot Not Exceeding Two Thousand Dollars in Value Exempt from Sale, Execution or Other Process of Court Issued for Collection of Debt; Exception as to Mortgages.

Every homestead not exceeding eighty acres, and the dwelling and appurtenances thereon, to be selected by the owner thereof, and not in any city, town, or village, or in lieu thereof, at the option of the owner, any lot in a city, town, or village, with the dwelling and appurtenances thereon owned and occupied by any resident of this state, and not exceeding the value of two thousand dollars, shall be exempt from sale on execution or any other process from a court[; for any debt contracted since the thirteenth day of July, eighteen hundred and sixty-eight, or after the ratification of this Constitution]. Such exemption, however, shall not extend to any mortgage lawfully obtained, but such mortgage or other alienation of said homestead by the owner thereof, if a married man, shall not be valid without the voluntary signature and assent of the wife to the same. [Original Section 205; brackets indicate language that could be deleted as no longer significant as a matter of actual fact]

Section 206. Homestead of Family Exempt from Payments of Debt after Death of Owner During Minority of Children.

The homestead of a family, after the death of the owner thereof, shall be exempt from the payment of any debts [contracted since the thirteenth day of July, eighteen hundred and sixty-eight, or after the ratification of this Constitution], in all cases, during the minority of the children. [Original Section 206; brackets indicate language that could be deleted as no longer significant as a matter of actual fact]

Section 207. Laborers' Liens and Mechanics' Liens Not Barred by Sections 204 and 205.

The provisions of sections 204 and 205 of this Constitution shall not be so construed as to prevent a laborers' lien for work done and performed for the person claiming such exemption, or a mechanics' lien for work done on the premises. [Original Section 207]

Section 208. Homestead Exempt upon Death of Owner, Leaving Widow, but No Children.

If the owner of a homestead die, leaving a widow, but no children, such homestead shall be exempt, and the rents and profits thereof shall inure to her benefit. [Original Section 208]

Section 209. Property Rights of Females; Property of Wife Not Liable for Debts, etc., of Husband.

The real and personal property of any female in this state, acquired before marriage, and all property, real and personal, to which she may afterwards be entitled by gift, grant, inheritance, or devise, shall be and remain the separate estate and property of such female, and shall not be liable for any debts, obligations, or engagements of her husband, and may be devised or bequeathed by her, the same as if she were a femme sole. [Original Section 209]

Section 210. Waiver of Right of Exemption.

The right of exemption hereinbefore secured may be waived by an instrument in writing, and when such waiver relates to realty, the instrument must be signed by both the husband and the wife, and attested by one witness. [Original Section 210]

Article XI. Taxation

Section 211. Property Taxes to be Assessed in Exact Proportion to Value of Property.

All taxes levied on property in this state shall be assessed in exact proportion to the value of such property, but no tax shall be assessed upon any debt for rent or hire of real or personal property, while owned by the landlord or hirer during the current year of such rental or hire, if such real or personal property be assessed at its full value. [Original Section 211]

Section 211-A. Income Taxes; Disposition of Income Tax; Exemption of Homesteads from State Ad Valorem Tax; State Tax on Net Income of Corporations; Deduction of Federal Income Tax from Gross Income When Computing State Income Tax.

1. The Legislature shall have the power to levy and collect taxes for state purposes on net incomes from whatever source derived within this state, including the incomes derived from salaries, fees and compensation paid from the state, county, municipality, and any agency or creature thereof, for the calendar year, 1933, and thereafter and to designate and define the incomes to be taxed and to fix the rates of taxes, provided that the rate shall not exceed 5 percent nor 3 percent on corporations. Income shall not be deemed property for purposes of ad valorem taxes. From net income an exemption of not less than fifteen hundred dollars ($1,500.00) shall be allowed to unmarried persons and an exemption of not less than three thousand dollars ($3,000.00) shall be allowed to the head of a family, provided that only one exemption shall be allowed to husband and wife where they are living together and make separate returns for income tax. An exemption of not less than three hundred dollars ($300.00) shall be allowed for each dependent member of the family of an income tax payer under the age of 18 years. [The Legislature shall reduce the ad valorem tax from time to time when and to such an amount as the revenue derived from the income tax will justify.] In the event the Legislature levies an income tax, such tax must be levied upon the salaries, income, fees, or other compensation of state, county and municipal officers and employees, on the same basis as such income taxes are levied upon other persons. [All income derived from such tax shall be held in trust for the payment of the floating debt of Alabama until all debts due on Oct. 1st, 1932, are paid and thereafter used exclusively for the reduction of state ad valorem taxes.] [Amendment 25, also designated “article 22", approved July 18, 1933; bracketed language indicates provisions for the use of income tax proceeds subsequently superceded by Amendment 61, approved Aug. 26, 1947, subsection 2 below]

2. Section A. The entire proceeds of the income tax in the treasury of the state of Alabama on September 30, 1947, including cash and investments and the interest thereon, shall be used for the following purposes and in the following manner:

1st. The sum of $12,249,860.00 shall be and is hereby set aside and shall be and is hereby constituted an irrevocable trust fund for the purpose of paying the principal of and interest on the bonds issued by the State of Alabama commonly known as "income tax bonds," being the warrant refunding bonds issued to fund the floating debt existing October 1, 1932, which bonds were issued under the authority of Act No. 14 approved February 5, 1935 [Acts 1935, p. 27], and Act No. 50 approved February 8, 1935 [Acts 1935, p. 118].

2nd. An amount (approximately $6,700,000.00) which, when added to the sinking fund (approximately $1,857,000.00) heretofore created to pay the bonds issued by the State of Alabama, commonly known as the "old bonded debt" and as "carpet bag bonds" together with the interest on said sinking fund accrued on September 30, 1947, shall equal the principal of said bonds in the sum of $8,557,000.00, shall be and is hereby set aside, and together with said sinking fund and the interest thereon, shall be and is hereby constituted an irrevocable trust fund for the purpose of paying the principal of said bonds upon their maturity, said bonds being the class A renewal bonds, class C renewal bonds and funding renewal bonds. That both of the irrevocable trust funds herein created shall be invested in United States government securities by the Treasurer of the State of Alabama with the approval of the Governor.

3rd. The residue shall be paid over to the building commission created by Act 128 of 1945 General Acts [p. 116] to be expended by said building commission for capital outlay only for educational purposes, provided, however, that not more than twelve per centum of such amount shall be allocated to the institutions of higher learning including the state teachers colleges, and not less than eighty-eight per centum shall be allocated to county and city boards of education on an actual teacher unit basis in accordance with the minimum school program.

Section B. Beginning October 1, 1947, and thereafter, all net proceeds of such tax, plus the earnings from investment of the trust funds, must be used only in the manner and in the order following:

> (1) To replace the revenue lost to the several funds of the state by reason of the exemption of homesteads from the state ad valorem tax. All homesteads in Alabama are hereby declared to be exempt from all state ad valorem tax to the extent of at least $2,000.00 in assessed value and a sufficient amount is hereby appropriated from the proceeds of the income tax in each fiscal year to replace the revenue lost to the several funds of the state by reason of the homestead exemption herein declared;
>
> (2) The residue shall be placed in the State Treasury to the credit of the Alabama Special Education Trust Fund to be used for the payment of public school teachers salaries only.

Section C. This Amendment supersedes the provisions of Amendment XXV [25] (article XXII) [subsection 1 herein above] relating to the disposition of the income tax proceeds insofar as the same are in conflict herewith. All laws relating to the income tax, not in conflict herewith and valid on the date of the ratification of this Amendment [August 6,

1947], are hereby validated and confirmed. The provisions hereof with respect to the creation of funds and the use thereof are declared to be self-executing. [Amendment 61, approved August 6, 1947; effect of bracketed language could be carried out and it could be deleted after deleting the superceded language in subsection 1, also indicated by brackets]

3. The Legislature shall have power to levy and provide for the collection of taxes for state purposes on net income of corporations, from whatever source derived, for the calendar year 1963, or for any fiscal year beginning in the calendar year 1963, and each year thereafter, at a rate not exceeding five percent. However, the rate shall be six and one-half percent on taxable income of corporations for the calendar year 2001, or for any fiscal year beginning in the calendar year 2001, and each year thereafter. All federal income taxes paid or accrued within the taxable year by corporations shall always be deductible in computing net income taxable under the income tax laws of this state, provided that in the case of foreign corporations the amount of federal income tax deductible shall be in proportion to income derived from sources within Alabama, to be determined in accordance with such laws as the Legislature may enact. The increase in the corporate income tax rate to six and one-half percent provided for herein shall be self-executing and shall require no enabling legislation. [Amendment 662, approved March 21, 2000, amending and re-writing Amendment 212, approved Dec. 10, 1963]

4. In computing net income for state income tax purposes for the calendar year 1965 and each year thereafter, a resident individual taxpayer shall be allowed to deduct from his gross income the amount of federal income tax paid or accrued within the taxable year. A nonresident individual income taxpayer shall be allowed to deduct only that amount of federal income tax paid or accrued in the taxable year on income received from sources within the state. [Amendment 225, approved Nov. 30, 1965]

Section 212. Power to Levy Taxes Not to be Delegated.

The power to levy taxes shall not be delegated to individuals or private corporations or associations. [Original section 212]

Section 212-A. Assessments, Fees, or Charges Levied by Referendum for Promotion of Cattle Industry; Promotion of Poultry and Poultry Products; Promotion of Soybeans; Indemnification Program for Peanut Farmers; Promotion of Production, Distribution, etc., of Peanuts, Milk and Cotton; Promotion of Production, Distribution, etc., of Swine and Swine Products; Eradication or Control of Boll Weevil in Cotton; Promotion of Grain Industry; Promotion of Catfish Industry; Finance Charge, Fee or Assessment on Forest Land for Forestry Services and Forest Fire Protection.

A. Notwithstanding any other provision of this Constitution, the Legislature may hereafter, by general law, provide for the promotion of the production, distribution,

marketing, use, improvement and sale of cattle. The Legislature may provide for the promotion of cattle and the cattle industry by research, education, advertising and other methods, and the Legislature is further authorized to provide means and methods for the financing of any such promotional activity by prescribing a procedure whereby owners of cattle may by referendum held among the owners of cattle in this state levy upon themselves and collect assessments, fees, or charges upon the sale of cattle for the financing of any promotional program or activity in cooperation with processors, dealers and handlers of cattle. The Legislature shall make provisions for the nonpayment of assessments by cattle owners, and for the refund of assessments to any cattle owner dissatisfied with the assessment program. The Legislature shall provide for the collection and distribution of any such assessments or charges by dealers, handlers, processors and purchasers of cattle and provide penalties for failure to make collection and distribution of such assessments. The Legislature shall provide for the designation of a nonprofit association or organization organized for the promotion and betterment of cattle and beef products to administer and carry out such promotional program which shall include the conducting of elections or referendums among cattle owners. The Legislature shall further provide for the deposit, withdrawal, disbursement and expenditure by the designated association of any funds received subject to the supervision and control of the activities authorized herein by the Department of Agriculture and Industries and the State Board of Agriculture and Industries. Assessments, fees or other charges collected as authorized by any legislative act adopted in pursuance hereof shall not be considered as a tax within the meaning of this Constitution or any provision thereof. Any uniformity requirements of this Constitution shall be satisfied by the application of the program upon cattle and beef products. [Amendment 452, approved May 14, 1985, amending and restating Amendment 201, approved May 1, 1962]

B. Notwithstanding any other provision of this Constitution, the Legislature may hereafter, by general law, provide for the promotion of the production, distribution, marketing and use of poultry and poultry products. The Legislature may provide for the promotion of poultry and poultry products and the poultry industry by research, education, advertising and other methods, and the Legislature is further authorized to provide means and methods for the financing of any such promotional activity by prescribing a procedure whereby producers, owners or growers of poultry may by referendum held among such producers, owners or growers of poultry in this state levy upon themselves and collect assessments, fees, or charges upon the sale of poultry and poultry products for the financing of any such promotional program or activity in cooperation with processors, dealers, handlers and other buyers of poultry and poultry products. provided, no assessment levied hereunder shall exceed two and one-half cents (2 1/2 cents) per hen or other domesticated fowl or any other classes of poultry sold by producers thereof. The Legislature is authorized to make provisions for nonpayment and for the refund of assessments levied upon owners, producers or growers of poultry to any such person who does not desire to participate in the promotional program. The Legislature shall provide for the collection and distribution of assessments or charges authorized hereunder and to provide penalties for failure to make such collection and distribution of assessments. The Legislature shall provide for the designation of a

nonprofit association or organization organized for the promotion and betterment of poultry and poultry products in Alabama to administer and carry out such promotional program which shall include conducting elections or referendum among producers, owners or growers of poultry. The Legislature shall further provide for the deposit, withdrawal, disbursement and expenditure by the designated association of any funds received subject to the supervision and control of the activities authorized herein by the Department of Agriculture and Industries and the State Board of Agriculture and Industries. Assessments, fees or other charges collected as authorized by any legislative act adopted under authority hereof shall not be considered as a tax within the meaning of this Constitution or any provision thereof. Any uniformity requirements of this Constitution shall be satisfied by the application of the program upon poultry and poultry products. [Amendment 428, approved Nov. 2, 1982, amending and restating Amendment 214, approved Dec. 10, 1963]

C. The Legislature may hereafter, by general law, provide for the promotion of the production, distribution, improvement, marketing, use and sale of soybeans. The Legislature may provide for the promotion of soybeans and soybean products by research, education, advertising and other methods, and the Legislature is further authorized to provide means and methods for the financing of any such promotional activity by prescribing a procedure whereby producers of soybeans may by referendum among such producers levy upon themselves and collect assessments, fees, or charges upon the sale of soybeans for the financing of any such promotional program or activity in cooperation with buyers, processors, dealers, and handlers of soybeans. The Legislature may make provisions for the nonpayment of assessments by soybean producers, and shall make provisions for the refund of assessments to any soybean producer who does not desire to participate in an assessment program. The Legislature shall provide for the collection, disbursement, distribution or expenditure of assessments or charges authorized hereunder and to provide penalties for failure to make collection and distribution of assessments. The Legislature shall provide for the designation of a nonprofit association or organization for the promotion and betterment of soybeans and soybean products to administer and carry out such promotional program which shall include the conducting of elections or referendums among producers of soybeans. The Legislature may provide the manner by which such referendum is held, including the procedure for application for approval to conduct the referendum, the appropriate action to be taken by the State Board of Agriculture and Industries on such application, the requirements and eligibility of the association or organization which will conduct such referendum, the procedures for voting and eligibility to vote in such referendum, the details of the conduct of such referendum. The Legislature shall further provide for the deposit, withdrawal, disbursement and expenditure by the designated association of any funds received subject to the supervision and control of the activities as authorized herein by the Department of Agriculture and Industries and the State Board of Agriculture and Industries. The Legislature shall further provide a procedure whereby said association or organization is bonded, for the examination and auditing of said association or organization, and for reasonably necessary rules and regulations to be adopted by the State Board of Agriculture and Industries to effectively carry out the intent and purposes

herein enumerated. Assessments, fees or other charges collected as authorized by any legislative act adopted under authority hereof shall not be considered as a tax within the meaning of this Constitution or any provision thereof. Any uniformity requirements of this Constitution shall be satisfied by the application of the program upon soybeans.[Amendment 401, approved March 2, 1982, amending and restating Amendment 315, approved Jan. 18, 1972]

D. The Legislature may hereafter, by general law, provide for an indemnification program to peanut farmers for losses incurred as a result of Aspergillus flavus and freeze damage in peanuts. The Legislature is further authorized to provide means and methods for the financing of any such indemnification program by prescribing a procedure whereby peanut growers may by referendum among such growers levy upon themselves and collect assessments, fees or charges upon the sale of peanuts for the financing of any such indemnification program in cooperation with buyers, processors, dealers and handlers of peanuts; provided, no assessment levied hereunder shall exceed five dollars per ton on any peanuts sold by peanut growers. The Legislature shall provide for the collection and distribution of any such assessments and provide penalties for fraud in the collection or distribution of such assessments. The Legislature shall provide for the designation of a nonprofit association or organization organized for the promotion and betterment of peanut production to administer and carry out such indemnification program which shall include the conducting of elections or referendums among peanut growers and to cooperate with underwriters in executing a contract or contracts to cover claims for crop damage due to Aspergillus flavus or freeze damage. Assessments, fees or other charges collected or disbursed as authorized by any legislative act adopted in pursuance hereof shall not be considered as a tax within the meaning of this Constitution or any provision thereof. [Amendment 383, approved March 11, 1980]

E. The Legislature may hereafter, by general law, provide for the promotion of the production, distribution, improvement, marketing, use and sale of peanuts, milk and cotton. The Legislature may provide for the promotion of peanuts, milk and cotton and peanut, milk and cotton products by research, education, advertising and other methods, and the Legislature is further authorized to provide means and methods for the financing of any such promotional activity by prescribing a procedure whereby growers of peanuts, and producers of milk and cotton may by referendum among such growers and producers levy upon themselves and collect assessments, fees or charges upon the sale of peanuts, milk and cotton for the financing of any such promotional program or activity in cooperation with buyers, processors, dealers and handlers of peanuts, milk and cotton. The Legislature may make provisions for the nonpayment of assessments by peanut growers and milk and cotton producers, and shall make provisions for the refund of assessments to any peanut growers and milk or cotton producers who do not desire to participate in an assessment program. The Legislature shall provide for the collection, disbursement, distribution or expenditure of assessments or charges authorized hereunder and to provide penalties for failure to make collection and distribution of assessments. The Legislature shall provide for the designation of a nonprofit association or organization for the promotion and betterment of peanuts, milk and cotton and peanut,

milk and cotton products to administer and carry out such promotional program which shall include the conducting of elections or referendums among growers of peanuts and producers of milk and cotton. The Legislature may provide the manner by which such referendum is held, including the procedure for application for approval to conduct the referendum, the appropriate action to be taken by the State Board of Agriculture and Industries on such application, the requirements and eligibility of the association or organization which will conduct such referendum, the procedures for voting and eligibility to vote in such referendum, the details of the conduct of such referendum. The Legislature shall further provide for the deposit, withdrawal, disbursement and expenditure by the designated association of any funds received subject to the supervision and control of the activities as authorized herein by the Department of Agriculture and Industries and the State Board of Agriculture and Industries. The Legislature shall further provide a procedure whereby said association or organization is bonded, for the examination and auditing of said association or organization, and for reasonably necessary rules and regulations to be adopted by the State Board of Agriculture and Industries to effectively carry out the intent and purposes herein enumerated.

The Legislature shall provide, by enabling legislation, the definition of peanut growers and producers.

Assessments, fees or other charges collected as authorized by any legislative act adopted under authority hereof shall not be considered as a tax within the meaning of this Constitution or any provision thereof.

Any uniformity requirements of this Constitution shall be satisfied by the application of the program upon peanuts, milk and cotton. [Amendment 388, approved Nov. 4, 1980]

F. Notwithstanding any other provision of this Constitution, the Legislature may hereafter, by general law, provide for the promotion of, the production, research, distribution, marketing, use, improvement and sale of swine and swine products. The Legislature may provide for the promotion of swine and the swine industry by research, education, advertising and other methods, and the Legislature is further authorized to provide means and methods for the financing of any such promotional activity by prescribing a procedure whereby producers of swine may by referendum held among the swine producers in this state levy upon themselves and collect assessments, fees, or charges upon the sale of swine for the financing of any promotional program or activity in cooperation with processors, dealers and handlers, of swine and swine products. The Legislature may make provisions for the nonpayment of assessments by swine producers and shall make provisions for the refund of assessments to any swine producer dissatisfied with the assessment program. The Legislature shall provide for the collection and distribution of any such assessments or charges by dealers, handlers, processors and purchasers of swine and swine products and provide penalties for failure to make collection and distribution of such assessments. The Legislature shall provide for the designation of a nonprofit association or organization organized for the promotion and betterment of swine and swine products to administer and carry out such promotional

program which shall include the conducting of elections or referendums among swine producers. The Legislature may provide the manner by which such referendum is held, including the procedure for application for approval to conduct the referendum, the appropriate action to be taken by the State Board of Agriculture and Industries on such application, the requirements and eligibility of the association or organization which will conduct such referendum, the procedures for voting and eligibility to vote in such referendum and the details of the conduct of such referendum. The Legislature shall further provide for the deposit, withdrawal, disbursement and expenditure by the designated association of any funds received subject to the supervision and control of the activities as authorized herein by the Department of Agriculture and Industries and the State Board of Agriculture and Industries. The Legislature shall further provide a procedure whereby said association or organization is bonded, for the examination and auditing of said association or organization, and for reasonably necessary rules and regulations to be adopted by the State Board of Agriculture and Industries to effectively carry out the intent and purposes herein enumerated. Assessments, fees or other charges collected as authorized by any legislative act adopted in pursuance hereof shall not be considered as a tax within the meaning of this Constitution or any provision thereof. Any uniformity requirements of this Constitution shall be satisfied by the application of the program upon swine and swine products. [Amendment 400, approved March 2, 1982]

G. Notwithstanding any other provision of this Constitution, the Legislature may hereafter, by general law, provide for the eradication or control of the boll weevil in cotton. The Legislature may provide for and is authorized to provide means and methods for the financing of this activity by prescribing a procedure whereby cotton growers may, by referendum held among such growers in this state, levy upon themselves and collect assessments, fees and charges, based upon the amount of acreage of cotton planted. The Legislature is authorized to make provisions for non-payment of such assessments. The Legislature shall provide for the collection and distribution of assessments or charges authorized hereunder and to provide penalties for failure to pay said assessments. The Legislature shall provide for the designation of a non-profit organization which has been organized for the purpose of eradicating or controlling the boll weevil in cotton; to administer and carry out said eradication or control program; to also include conducting elections or referendums among cotton growers.

The Legislature shall further provide for the deposit, withdrawal, disbursement and expenditure by the designated organization of any funds received, subject to the supervision and control of the activities authorized herein by the State Department of Agriculture and Industries and the State Board of Agriculture and Industries. Assessments, fees, or other charges collected as authorized by any legislative act adopted under authority hereof shall not be considered as a tax within the meaning of this Constitution or any provision thereof. The Legislature shall further provide a procedure for the examination and auditing of said organization and for reasonable rules and regulations to be adopted by the State Board of Agriculture and Industries; to effectively carry out the intent and purposes herein enumerated. Any uniformity requirements of this

Constitution shall be satisfied by the application of the program to eradicate or control the boll weevil in cotton. [Amendment 449, approved Nov. 6, 1984]

H. The Legislature may hereafter, by general law, provide for the promotion of the production, distribution, improvement, marketing, use and sale of wheat and other feed grains as defined and authorized by the Legislature. The Legislature may provide for the promotion of wheat and other feed grains and wheat and other feed grain products by research, education, advertising and other methods. The Legislature is further authorized to provide means and methods for the financing of any such promotional activity by prescribing a procedure whereby producers of wheat and other feed grains may by referendum among such producers levy upon themselves and collect assessments, fees, or charges upon the sale of wheat and other feed grains for the financing of any such promotional program or activity in cooperation with buyers, processors, dealers, and handlers of wheat and other feed grains. The Legislature may make provisions for the non-payment of assessments by wheat and other feed grain producers, and shall make provisions for the refund of assessments to any wheat and other feed grain producer who does not desire to participate in an assessment program. The Legislature shall provide for the collection, disbursement, distribution or expenditure of assessments or charges authorized hereunder and to provide penalties for failure to make collection and distribution of assessments. The Legislature shall provide for the designation of a nonprofit association or organization for the promotion and betterment of wheat and other feed grains and wheat and other feed grain products to administer and carry out such promotional program which shall include the conducting of elections or referendums among producers of wheat and other feed grains. The Legislature may provide the manner by which such referendum is held, including the procedure for application for approval to conduct the referendum, the appropriate action to be taken by the State Board of Agriculture and Industries on such application, the requirements and eligibility of the association or organization which will conduct such referendum, the procedures for voting and eligibility to vote in such referendum, the details of the conduct of such referendum. The Legislature shall further provide for the deposit, withdrawal, disbursement and expenditure by the designated association of any funds received subject to the supervision and control of the activities as authorized herein by the Department of Agriculture and Industries and the State Board of Agriculture and Industries. The Legislature shall further provide a procedure whereby said association or organization is bonded, for the examination and auditing of said association or organization, and for reasonably necessary rules and regulations to be adopted by the State Board of Agriculture and Industries to effectively carry out the intent and purposes herein enumerated. Assessments, fees or other charges collected as authorized by any legislative act adopted under authority hereof shall not be considered as a tax within the meaning of the Constitution or any provision thereof. Any uniformity requirements of this Constitution shall be satisfied by the application of the program upon wheat and other feed grains. [Amendment 453, approved June 3, 1986]

I. The Legislature may hereafter, by general law, provide for the promotion of the production, distribution, improvement, marketing, use and sale of catfish. The

Legislature may provide for the promotion of catfish and catfish products by research, education, advertising and other methods, and the Legislature is further authorized to provide means and methods for the financing of any such promotional activity by prescribing a procedure whereby producers of catfish by referendum among such producers levy upon themselves and collect assessments, fees, or charges upon the purchase of catfish feed for the financing of any such promotional program or activity in cooperation with buyers, processors, dealers, distributors of catfish feed and handlers of catfish. The Legislature may make provisions for the nonpayment of assessments by catfish producers and shall make provisions for the refund of assessments to any purchaser of catfish feed who does not desire to participate in an assessment program.

The Legislature shall provide for the collection, disbursement, distribution or expenditure of assessments or charges authorized hereunder and to provide penalties for failure to make collection and distribution of assessments. The Legislature shall provide for the designation of a nonprofit association or organization for the promotion and betterment of catfish and catfish products to administer and carry out such promotional program which shall include the conducting of elections or referendums among producers of catfish. The Legislature may provide the manner by which such referendum is held, including the procedure for application for approval to conduct the referendum, the appropriate action to be taken by the State Board of Agriculture and Industries on such application, the requirements and eligibility of the association or organization which will conduct such referendum, the procedures for voting and eligibility to vote in such referendum, the details of the conduct of such referendum. The Legislature shall further provide for the deposit, withdrawal, disbursement and expenditure by the designated association of any funds received subject to the supervision and control of the activities as authorized herein by the Department of Agriculture and Industries and the State Board of Agriculture and Industries. The Legislature shall further provide a procedure whereby said association or organization is bonded, for the examination and auditing of said association or organization, and for reasonably necessary rules and regulations to be adopted by the State Board of Agriculture and Industries to effectively carry out the intent and purposes herein enumerated. Assessments, fees or other charges collected as authorized by any legislative act adopted under authority hereof shall not be considered as a tax within the meaning of this constitution or any provision thereof. Any uniformity requirements of this constitution shall be satisfied by the application of the program upon catfish. [Amendment 492, approved Nov. 8, 1998]

J. (1) Notwithstanding any other provision of this Constitution, the Legislature may hereafter levy a finance charge, fee or assessment on forest land in this state at a rate of a maximum of twenty (20) cents per acre on a per acre basis of forest land owned and as established by general act of the Legislature. The Legislature is authorized to provide that the proceeds generated in each county shall be earmarked for use in the respective county where raised to provide for forestry services and forest fire protection within the county. The Legislature may provide that this charge, fee, or assessment shall be levied on forest land as is defined by the Legislature, and that said charge, fee, or assessment will be assessed and collected as ad valorem taxes in this state.

The Legislature may further provide that all revenues or monies collected from said forest land shall be distributed by the office of the County Tax Collector, or similar office, to the Alabama forestry commission, State of Alabama. The Legislature shall provide that the forestry and fire prevention program set forth herein shall be administered by the Alabama forestry commission and that any funds collected but not spent in a particular fiscal year shall be carried into the next fiscal year for the same purposes in that county. The Legislature may provide that local laws heretofore enacted relating to forest fire protection, and assessing a local acreage assessment, use tax, finance charge or other fee, tax, charge or assessment, in support thereof, which conflict with the provisions of that act shall be repealed; replaced or superceded by that act at a time to be designated by the Legislature.

(2) The Legislature may from time to time pass such legislation as may be necessary to further define terms herein or to otherwise implement this Amendment or the levying, collecting, distributing or administering of fees, charges or assessments provided for herein. The Legislature may provide for and is authorized to provide the procedure whereby owners of forest land may, by referendum held among such owners in this state, levy upon themselves fees, charges and assessments, based upon the amount of acreage of forest land owned. The Legislature is authorized to make provisions for nonpayment of such fees, charges or assessments authorized hereunder and to provide penalties for failure to pay same. The Legislature may further provide for the withdrawal, disbursement and expenditure by the Alabama forestry commission of any funds received. Assessments, fees, or other charges collected as authorized by any legislative act adopted under authority hereof shall not be considered as a tax within the meaning of this Constitution or any provision thereof. The Legislature may further provide for or allow reasonable rules and regulations to be adopted by the Alabama forestry commission to effectively carry out the intent and purposes herein enumerated. Any uniformity requirements of this Constitution shall be satisfied by the application of the program to forest fire protection and similar forestry services. [Amendment 511, approved June 5, 1990]

Section 213. Creation of State Debt After Ratification of Constitution; Temporary Loans; Refunding Bonds for Existing Indebtedness; Payment of Interest on Certain Outstanding and Unpaid State Warrants; Sinking Fund for Payment of Floating Indebtedness; Warrants Not to be Drawn on State Treasury Unless Money Available for Payment; Unpaid Appropriations for Which Money Unavailable at End of Fiscal Year; Issuance of Revenue Securities by Institutions of Learning; Certain Bonds of Alabama State Docks Department Not Debt of State.

A. After the ratification of this Constitution, no new debt shall be created against, or incurred by the state, or its authority except to repel invasion or suppress insurrection, and then only by a concurrence of two-thirds of the members of each house of the Legislature, and the vote shall be taken by yeas and nays and entered on the journals; provided, the Governor may be authorized to negotiate temporary loans, never to exceed

three hundred thousand dollars, to meet the deficiencies in the treasury, and until the same is paid no new loan shall be negotiated; (provided, further, that this section shall not be so construed as to prevent the issuance of bonds for the purpose of refunding the existing bonded indebtedness of the state: provided, further, that this section shall not be construed as to prevent the Governor from paying interest at the rate of not exceeding 5% per annum payable semi-annually from July 1, 1933, on the floating indebtedness of the state at the close of business on September 30, 1932, as shown by outstanding and unpaid warrants drawn on the treasury, as provided by law, amounting in the aggregate to $16,943,357.12 and items enumerated in an act of the Legislature number 294, being Senate bill 272, approved November 9, 1932 [Acts 1932, Ex. Sess., p. 298], all of which are hereby ratified and confirmed.) All warrants and/or instruments issued or to be issued representing such indebtedness shall be a direct obligation of the state, and for the prompt and faithful payment of the principal and interest thereon, the full faith and credit of the state is hereby irrevocably pledged, and such warrants and/or instruments shall be exempt forever from all taxes of every kind. Any act creating or incurring any new debt against the state, except as herein provided for, shall be absolutely void. To create a sinking fund for the prompt and faithful payment of the floating indebtedness of the state, and interest thereon, the net proceeds of any income tax which may be levied by the Legislature pursuant to law is hereby pledged. To prevent further deficits in the State Treasury, it shall be unlawful from and after the adoption of this Amendment for the State Comptroller of the State of Alabama to draw any warrant or other order for the payment of money belonging to, or administered by, the State of Alabama upon the State Treasurer, unless there is in the hand of such treasurer money appropriated and available for the full payment of the same. In case there is, at the end of any fiscal year, insufficient money in the State Treasury for the payment of all proper claims presented to the State Comptroller for the issuance of warrants, the comptroller shall issue warrants for that proportion of each such claim which the money available for the payment of all said claims bears to the whole, and such warrants for such prorated sums shall thereupon be paid by the State Treasurer. At the end of each fiscal year all unpaid appropriations which exceed the amount of money in the State Treasury subject to the payment of the same after the proration above provided for, shall thereupon become null and void to the extent of such excess. Any person violating any of the provisions of this Amendment shall, on conviction, be punished by a fine of not exceeding five thousand dollars, or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any provisions of this Amendment shall also be ground for impeachment. [Amendment 26, approved July 18, 1933, amending original section 213]

B. Revenue bonds and other securities at any time issued by or on behalf of any state university, college or institution of learning for the purpose of acquiring, constructing and equipping any new building or facility or for the purpose of enlarging, extending or improving any existing building or facility shall not be deemed to constitute debt of the state within the meaning of subsection A [section 213, as amended, of the Constitution,] if by their terms such bonds or other securities are not made a charge on the general credit or tax revenues of the state but are made payable solely out of revenues derived

from the operation of any existing building or buildings or facility or facilities as well as from the new building or facility to be acquired or constructed with the proceeds thereof or from the enlargements, extensions or improvements to any existing building or facility to be acquired or constructed with the proceeds thereof. [Amendment 160, approved Dec. 5, 1961]

C. Bonds or other securities issued by or on behalf of the Alabama State Docks Department shall not constitute a debt of the state within the meaning of section 213 of this Constitution, as heretofore or hereafter amended, or any similar provision of this Constitution supplemental to, or superseding, said section 213, as so amended, if by their terms such bonds or securities do not constitute a charge on the general credit or tax revenues of the state, but are payable solely from any or all of the revenues from any or all of the State Docks facilities wherever situated (whether of [or] not such facilities were in existence or owned by or on behalf of the state at the time such bonds or securities were issued) or from sources other than state taxes, licenses or appropriations; provided, however, that the proceeds of any fee, tariff or charge (regardless of how denominated or calculated) collected by the Alabama State Docks Department in connection with the operation of the State Docks facilities wherever situated shall be considered revenues from such facilities within the meaning of this Amendment. [Amendment 446, approved Sept. 4, 1984]

Section 213-A. Road Bond Issue Amendment; State Roads, Highways and Bridges - Bond Issue; Bonds to Pay or Retire Alabama Bridge Commission Bonds; Bond Issue for Acquiring, etc., Public Roads, Highways and Bridges in Conjunction With United States.

1. The state is authorized to engage in the construction, improvement, repair and maintenance of public roads, highways, and bridges in the State of Alabama. To this end, and for this purpose, the state is authorized to appropriate funds; and also to issue and sell interest-bearing negotiable state bonds, in an amount not to exceed the sum of twenty-five million dollars ($25,000,000.00) to be issued in such denominations, numbers, and series, and maturing at such time, as may be provided by law; but such bonds shall bear a rate of interest not greater than six per centum per annum, payable semi-annually, and shall be sold at a price not less than the par value thereof. provided, that no bonds shall be issued or sold under this provision to such an amount that the interest thereon will exceed the net amount of vehicle license tax collected for the year preceding the issuance of same, and which is set apart for the payment of interest on said bonds. The State Highway Commission or Highway Department shall locate, construct, and maintain highways and state trunk roads so as to connect each county seat with the county seat of the adjoining county by the most direct or most feasible route, or by a permanent road, having due regard to the public welfare, and to connect the county seats of the several border counties at or near the state line with a public road in the border states. provided, that in counties which are divided into two or more judicial divisions in each of which regular terms of circuit court are held; the places where said terms of court are held shall

likewise be connected with each other. It shall be the duty of said highway commission or Highway Department to equitably apportion among the several counties the expenditure of both money and labor and the time or times of making such investments. Not less than one-quarter of a million dollars of the proceeds of these bonds shall be set aside and expended by the State Highway Commission in each county in the state. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds and for the construction, maintenance, and improvement of such public highways, roads, and bridges, the Legislature shall levy a special annual license or privilege tax on all automobiles, and on all motor driven vehicles which may be used on the public roads and highways of this state. Such bonds when issued shall be a direct obligation of the state, and for the prompt and faithful payment of the principal and interest thereon the full faith and credit of the state is hereby irrevocably pledged, and such bonds shall be exempt forever from all taxes of every kind. [Amendment 11, also designated "article XX", approved Jan. 30, 1922]

2. The state is authorized to engage in the construction, improvement, repair and maintenance of public roads, highways and bridges in the State of Alabama. To this end and for this purpose the state is authorized to appropriate funds, and also to issue and sell interest-bearing negotiable state bonds in addition to those already authorized and sold under [subsection 1 hereof] [article XX, as an Amendment [Amendment 11] to the Constitution of 1901], in an amount not to exceed the sum of twenty-five million dollars ($25,000,000.00); to be issued in such denominations, numbers and series, and maturing at such times as may be provided by law; all such bonds shall bear a rate of interest not greater than six per cent per annum, payable semi-annually, and shall be sold at a price not less than the par value thereof. The State Highway Commission or Highway Department shall locate, construct and maintain highways and state trunk roads so as to connect each county seat with the county seat of the adjoining county by the most direct or feasible route or by a permanent road, having due regard to the public welfare; and to connect the county seats of the several border counties at or near the state line with a public road in the border state. provided that in counties which are divided into two or more judicial divisions in each of which regular terms of the circuit court are held, the places where said terms of court are held, shall likewise be connected with each other. It shall be the duty of the highway commission or Highway Department to equitably apportion among the several counties of the state the expenditure of both money and labor and the time or times of making such investment. Not less than one-quarter of a million dollars of the proceeds of these bonds shall be set aside and expended by the State Highway Commission in each county in the state. To create a sinking fund for the prompt and faithful payment of the principal and interest on these bonds and for the construction, maintenance and improvement of such public highways, roads and bridges, the Legislature shall levy an excise tax, in addition to the levy made February 10, 1923, of two cents per gallon upon gasoline or any substitute therefor, or an adequate license or excise tax on any other motive power used to propel auto vehicles. Such bonds when issued shall be a direct obligation of the state and for the prompt and faithful payment of the principal and the interest thereon the full faith and credit of the state is hereby

irrevocably pledged and such bonds shall be exempt forever from taxes of every kind. [Amendment 21, also designated "article XX-A", adopted April 12, 1927]

3. The State of Alabama is hereby authorized to issue not exceeding $900,000 aggregate principal amount of bonds for the purpose of paying or retiring prior to maturity, the bonds of Alabama bridge commission (an agency of the State of Alabama) which were outstanding on July 1, 1939. Said bonds shall be general obligations of the State of Alabama, to the prompt payment of the principal of and interest on which the full faith and credit and taxing power of the state are hereby irrevocably pledged, and all of said bonds, together with any other bonds of the state providing for a pledge of said gasoline excise tax which may be authorized by constitutional Amendment ratified on the same day as this Amendment [Amendment 42] is ratified [November 5, 1940] shall be additionally secured, without priority of one bond over another, by a pledge of the proceeds of the gasoline excise tax, authorized to be pledged to the highway bonds provided for in subsection 2 hereof [the Amendment to the Constitution known as article XX-A [Amendment No. 21], subject, however, to the prior pledge of said gasoline tax to said highway bonds. The bonds hereby authorized shall bear interest at not exceeding three per centum (3%) per annum, payable semi-annually, and shall be sold at not less than the par value thereof. Said bonds and the interest thereon shall be forever exempt from taxes of every kind. Said bonds shall be issued at such time or times, in such denominations and series and shall mature at such times, not later, however, than fifteen (15) years from the date of issuance, and shall have such other terms and conditions as may be provided by law. [Amendment 42, approved Nov. 5, 1940]

4. The state is authorized to appropriate funds, and to sell and issue interest-bearing state bonds, in addition to those heretofore authorized and sold, in an aggregate principal amount not exceeding $25,000,000 for the purpose of aiding in the acquisition, construction, and improvement of public roads, highways, and bridges in the state; provided, that the proceeds derived from the sale of the bonds issued under the provisions of this Amendment may be used only for supplying the state's share of the cost of acquiring, constructing, and improving public roads, highways, and bridges in the state in conjunction with the United States and toward the cost of which funds have heretofore been or may hereafter be allocated to the state under the provisions of any law of the United States now in effect or hereafter enacted. Bonds sold and issued under the provisions of this Amendment may be issued at such time or times and in such denominations, numbers, and series, and shall mature at such time or times, and shall have such terms and conditions, as may be provided by law. Said bonds shall bear interest at a rate or rates not greater than three per centum (3%) per annum, payable semiannually, and shall be sold at not less than the face value thereof. Said bonds when issued shall be direct general obligations of the state, and for the prompt and faithful payment of the principal thereof and interest thereon the full faith and credit of the state are hereby irrevocably pledged. In addition thereto, there is hereby irrevocably pledged for payment of the principal of and interest on said bonds, pro rata and without priority of one bond over another, so much as may be necessary for said purpose of the proceeds of the gasoline excise tax heretofore pledged for payment of the public road and bridge

bonds of the State of Alabama provided for in the Amendment to the Constitution of Alabama known as article XX-A [Amendment No. 21] [subsection 2 hereof] subject, however, to the prior pledges of said tax for payment of any bonds heretofore issued pursuant to law for which the said tax has heretofore been pledged. [Amendment 87, approved Dec. 11, 1951]

Section 213-B. State Works of Internal Improvements Along Navigable Waterways and Indebtedness Therefor; Bonds for State Docks Facilities; Navigable Waterway Between Demopolis and Tennessee River and Flood Control Projects on Tributary Streams of Tombigbee River; Bonds for Theodore Ship Channel Project in Mobile Harbor; Navigable Waterway Between Montgomery and Gadsden and to The Alabama-Georgia Boundary; Bonds, etc., for Navigable Waterway Between Demopolis and Tennessee River and Tombigbee Valley Projects; When Bonds of Alabama State Docks Department Not Debt of State; Deepening, Widening and Extending of Federal Channel at Bayou La Batre and Development and Improvement of State Docks Facilities.

1. In addition to the authority heretofore granted it by section 93 of this Constitution as amended, and notwithstanding the provisions of section 213 of this Constitution as amended, and when authorized by appropriate laws passed by the Legislature, the state may, at a cost of not exceeding an additional ten million dollars engage in works of internal improvement by promoting, developing, constructing, maintaining and operating along navigable streams or waterways now or hereafter existing within the state all manner of docks, facilities, elevators, warehouses, water and rail terminals and other structures and facilities and improvements needful for the convenient use of the same, in aid of commerce and use of the waterways of the state; provided that any such work or improvements shall always be and remain under the management and control of the state through the Alabama State Docks Department or other state governing agency. When authorized by appropriate laws passed by the Legislature, the state may become indebted in an aggregate principal amount of not exceeding $10,000,000 for the purpose of carrying out the provisions of this Amendment and may cause to be issued its general direct obligation bonds for the repayment of such indebtedness and interest thereon and pledge the faith and credit of the state thereto. [Amendment 116, approved Dec. 17, 1957]

2. The State of Alabama is authorized to become indebted for improvements at the Alabama State Docks and the refunding of state docks revenue bonds, and in evidence of the indebtedness so incurred to issue and sell, in addition to all other bonds of the state, interest bearing general obligation bonds of the state not exceeding ten million dollars ($10,000,000) in principal amount. The full faith and credit and taxing power of the state are hereby pledged to the prompt and faithful payment of the principal of the bonds and the interest thereon. The Alabama State Docks Department (which term as used herein shall be construed to include any other agency of the state that may succeed to said department's functions) shall pledge and use so much of the revenues derived from its

seaport facilities as may be necessary to pay at their maturities the principal of and interest on said bonds, and may pledge, agree to use, and use so much of said revenues as the said department with the approval of the Governor may determine shall be necessary or desirable to build up and maintain a reserve for the payment of said principal and interest and for the maintenance, replacement and improvement of its seaport facilities.

The proceeds from the sale of any such bonds shall, after payment of the reasonable and necessary expenses of their issuance, be set aside in a special fund in the State Treasury and shall be paid out of the Alabama State Docks Department upon authorization by the Governor and shall be held by the said department in a special trust fund designated "State Docks Bond Fund" and therefrom be disbursed as follows:

> (a) Not exceeding $3,000,000 may be used to pay the reasonable and necessary costs of constructing and equipping works of internal improvement for use and operation as a part of the state docks facilities; provided that, if said department shall have issued subsequent to July 1, 1963, any notes in anticipation of the sale of bonds for any of said purposes, then so much as may be necessary, not exceeding $1,000,000, of said $3,000,000 shall be used to retire or fund said notes; and
>
> (b) Not exceeding $7,000,000 may be used to refund and provide for the retirement of all or such part of the outstanding revenue bonds heretofore issued by said department as the director thereof, with the approval of the Governor, shall deem advantageous, including payment of any redemption premiums required under the terms of said outstanding bonds to be paid in order to effect redemption thereof prior to their maturities; provided, that pending any redemption date or dates on which the outstanding bonds so refunded can be redeemed under their terms, any part of said $7,000,000 and any other funds of the said department may be invested in securities that are direct obligations of the United States of America, and such securities may be deposited by said department under irrevocable trust agreements, which said department is hereby authorized to enter into with any corporate trustee, and used to pay principal, interest and redemption premiums on said outstanding bonds.

Alabama State Docks Department is hereby vested with full authority, except as limited herein, to prescribe the terms of the bonds and to provide for the issuance and sale thereof. The bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both, with rights of conversion into another form, may be payable in such installments and at such place or places, may bear interest at such rate or rates, payable and evidenced in such manner, and may contain provisions for redemption at the option of the state to be exercised by the State Docks Department at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the said department in the order or orders under which the bonds are issued. The principal of each series of bonds shall mature in annual installments in such

amounts as shall be specified in the authorizing order or orders, the first of which installments shall mature not later than one year after the date of the bonds of such series and the last of which installments shall mature not later than twenty years after the date of the bonds of the same series. The largest installment of principal and interest maturing on each series of the bonds in any one year shall not exceed twice the preceding smallest installment of principal and interest maturing thereon in any prior year. None of the bonds shall be sold for less than face value plus accrued interest thereon to the date of delivery. The bonds shall be sold only at public sale or sales, either on sealed bids or at auction, after such advertisement as may be prescribed by the said department to the bidder whose bid reflects the lowest net interest cost to the state computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said department is received all bids may be rejected.

The bonds shall be signed in the name of the state by the Governor and countersigned by the State Docks Director, and the Great Seal of the State of Alabama or a facsimile thereof shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the Secretary of State; provided, that facsimile signatures of any one or any two (but not all) of said officers may be reproduced on any of such bonds in lieu of being manually signed thereon. Coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the State Treasurer, which facsimile signature shall constitute due and sufficient authentication of said coupons.

All bonds issued under the provisions of this Amendment, together with the interest income thereon, shall forever be exempt from taxation in this state.

The authorization to incur debt and issue bonds contained in this Amendment shall supersede and take the place of any authorization for Alabama State Docks Department to issue revenue bonds granted by act of the Legislature on the effective date of this Amendment.

The provisions of this Amendment shall be self-executing and authorization from or other action by the Legislature shall not be a prerequisite to the issuance of bonds hereunder. [Amendment 213, approved Dec. 10, 1963]

3. The State of Alabama is authorized to become indebted for improvements at the Alabama State Docks and in evidence of the indebtedness so incurred to issue and sell, in addition to all other bonds of the state, interest bearing general obligation bonds of the state not exceeding three million dollars ($3,000,000) in principal amount. The full faith and credit and taxing power of the state are hereby pledged to the prompt and faithful payment of the principal of the bonds and the interest thereon.

The Alabama State Docks Department (which term as used herein shall be construed to include any other agency of the state that may succeed to said department's functions) shall, subject to the provisions of the bond order relating to the sale of $10,000,000 principal amount of general obligation seaport facilities bonds of the State of Alabama dated March 1, 1964, pledge and use so much of the revenues derived from its seaport

facilities as may be necessary to pay at their maturities the principal of and interest on said bonds, and may pledge, agree to use, and use so much of said revenues as the said department with the approval of the Governor may determine shall be necessary or desirable to build up and maintain reserves for the payment of said principal and interest for the maintenance, replacement and improvement of its seaport facilities. The proceeds from the sale of any such bonds shall, after payment of the reasonable and necessary expense of their issuance, be set aside in a special fund in the State Treasury and shall be paid out to the Alabama State Docks Department upon authorization by the Governor and shall be held by the said department in a special trust fund designated "Alabama State Docks Expansion Bond Fund" and therefrom be disbursed to pay the reasonable and necessary costs of constructing and equipping works of internal improvement for use and operation as a part of the state docks facilities; provided that, if said department shall have issued any notes in anticipation of the sale of bonds for any of said purposes, then so much as may be necessary, not exceeding $1,000,000, shall be used to retire or fund said notes.

The Alabama State Docks Department is hereby vested with full authority, subject to the provisions of the bond order relating to the sale of $10,000,000 principal amount of general obligation seaport facilities bonds of the State of Alabama dated March 1, 1964, and except as limited herein, to prescribe the terms of the bonds and to provide for the issuance and sale thereof. The bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both, with rights of conversion into another form, may be payable in such installments and at such place or places, may bear interest at such rate or rates, payable and evidenced in such manner, and may contain provisions for redemption at the option of the state to be exercised by the State Docks Department at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the said department in the order or orders under which the bonds are issued. The principal of each series of bonds shall mature in annual installments in such amount as shall be specified in the authorizing order or orders, the first of which installments shall mature not later than one year after the date of the bonds of such series and the last of which installments shall mature not later than twenty years after the date of the bonds of the same series. The largest installment of principal and interest maturing on each series of the bonds in any one year shall not exceed twice the preceding smallest installment of principal and interest maturing thereon in any prior year. None of the bonds shall be sold for less than face value plus accrued interest thereon to the date of delivery. The bonds shall be sold only at public sale or sales, either on sealed bids or at auction, after such advertisement as may be prescribed by the said department to the bidder whose bid reflects the lowest net interest cost to the state computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said department is received all bids may be rejected.

The bonds shall be signed in the name of the state by the Governor and countersigned by the State Docks Director, and the Great Seal of the State of Alabama or a facsimile

thereof shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the Secretary of State; provided, that facsimile signatures of any one or any two (but not all) of said officers may be reproduced on any of such bonds in lieu of being manually signed thereon. Coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the State Treasurer, which facsimile signature shall constitute due and sufficient authentication of said coupons.

All bonds issued under the provisions of this Amendment, together with the interest income thereon, shall forever be exempt from taxation in this state.

The authorization to incur debt and issue bonds contained in this Amendment shall supersede and take the place of any authorization for Alabama State Docks Department to issue revenue bonds granted by act of the Legislature in effect on the effective date of this Amendment.

The provisions of this Amendment shall be self-executing and authorization from or other action by the Legislature shall not be a prerequisite to the issuance of bonds hereunder. [Amendment 222, approved Nov. 30, 1965]

4. The State of Alabama is authorized to become indebted for additional improvements for the Alabama State Docks and in evidence of the indebtedness so incurred to issue and sell, in addition to all other bonds of the state, interest-bearing general obligation bonds of the state not exceeding four million dollars ($4,000,000) in principal amount. The full faith and credit and taxing power of the state are hereby pledged to the prompt and faithful payment of the principal of the bonds and the interest thereon.

The Alabama State Docks Department (which term as used herein shall be construed to include any other agency of the state that may succeed to said department's functions) shall, subject to the provisions of the bond order relating to the sale of $10,000,000 principal amount of general obligation seaport facilities bonds of the State of Alabama dated March 1, 1964, pledge and use so much of the revenues derived from its seaport facilities as may be necessary to pay at their maturities the principal of and interest on the bonds herein authorized, and may pledge, agree to use, and use so much of said revenues as the said department with the approval of the Governor may determine shall be necessary or desirable to build up and maintain reserves for the payment of said principal and interest and for the maintenance, replacement and improvement of its seaport facilities. The proceeds from the sale of any such bonds shall, after payment of the reasonable and necessary expense of their issuance, be set aside in a special fund in the State Treasury and shall be paid out to the Alabama State Docks Department upon authorization by the Governor and shall be held by the said department in a special trust fund designated "Alabama State Docks Capital Extension Bond Fund" and therefrom be disbursed to pay the reasonable and necessary costs of constructing, dredging of approaches thereto and equipment of works of internal improvement for use and operation as a part of additional state docks facilities; provided that, if said department

shall have issued any notes in anticipation of the sale of bonds for any of said purposes, then so much as may be necessary, not exceeding $2,000,000, shall be used to retire or fund said notes.

The Alabama State Docks Department is hereby vested with full authority, subject to the provisions of the bond order relating to the sale of $10,000,000 principal amount of general obligation seaport facilities bonds of the State of Alabama dated March 1, 1964, and except as limited herein, to prescribe the terms of the bonds and to provide for the issuance and sale thereof. The bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both, with rights of conversion into another form, may be payable in such installments and at such place or places, may bear interest at such rate or rates, payable and evidenced in such manner, and may contain provisions for redemption at the option of the state to be exercised by the State Docks Department at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the said department in the order or orders under which the bonds are issued. The principal of each series of bonds shall mature in annual installments in such amount as shall be specified in the authorizing order or orders, the first of which installments shall mature not later than one year after the date of the bonds of such series and the last of which installments shall mature not later than twenty years after the date of the bonds of the same series. The largest installment of principal and interest maturing on each series of the bonds in any one year shall not exceed twice the preceding smallest installment of principal and interest maturing thereon in any prior year. None of the bonds shall be sold for less than face value plus accrued interest thereon to the date of delivery. The bonds shall be sold only at public sale or sales, either on sealed bids or at auction, after such advertisement as may be prescribed by the said department to the bidder whose bid reflects the lowest net interest cost to the state computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said department is received all bids may be rejected.

The bonds shall be signed in the name of the state by the Governor and countersigned by the State Docks Director, and the Great Seal of the State of Alabama or a facsimile thereof shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the Secretary of State; provided, that facsimile signatures of any one or any two (but not all) of said officers may be reproduced on any of such bonds in lieu of being manually signed thereon. Coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the State Treasurer, which facsimile signature shall constitute due and sufficient authentication of said coupons.

All bonds issued under the provisions of this Amendment, together with the interest income thereon, shall forever be exempt from taxation in this state.

The authorization to incur debt and issue bonds contained in this Amendment shall supersede and take the place of any authorization for Alabama State Docks Department

to issue revenue bonds granted by act of the Legislature in effect on the effective date of this Amendment.

The provisions [hereof][of this Amendment] shall be self-executing and authorization from or other action by the Legislature shall not be a prerequisite to the issuance of bonds hereunder. [Amendment 273, approved Dec. 5, 1967]

5. The State of Alabama is authorized to become indebted for the purpose of financing the work required of the Alabama State Docks as the local sponsoring agency for the improvement in Mobile Harbor, Alabama, known as the Theodore Ship Channel Project or for additional improvements for the Alabama State Docks and in evidence of the indebtedness so incurred to issue and sell, in addition to all other bonds of the state, interest-bearing general obligation bonds of the state not exceeding four million dollars ($4,000,000) in principal amount. The full faith and credit and taxing power of the state are hereby pledged to the prompt and faithful payment of the principal of the bonds and the interest thereon.

The Alabama State Docks Department (which term as used herein shall be construed to include any other agency of the state that may succeed to said department's functions) shall, subject to the provisions of the bond order relating to the sale of the $10,000,000 principal amount of general obligation seaport facilities bonds of the State of Alabama dated March 1, 1964, pledge and use so much of the revenues derived from its seaport facilities as may be necessary to pay at their maturities the principal of and interest on said bonds, and may pledge, agree to use, and use so much of said revenues as the said department with the approval of the Governor may determine shall be necessary or desirable to build up and maintain reserves for the payment of said principal and interest for the maintenance, replacement and improvement of its seaport facilities. The proceeds from the sale of any such bonds shall, after payment of the reasonable and necessary expense of their issuance, be set aside in a special fund in the State Treasury and shall be paid out to the Alabama State Docks Department upon authorization by the Governor and shall be held by the said department in a special trust fund and therefrom disbursed to pay the reasonable and necessary costs required of the Alabama State Docks as the local sponsoring agency for the improvement in Mobile Harbor, Alabama, known as the Theodore Ship Channel Project or to pay the reasonable and necessary costs of constructing, dredging of approaches thereto and equipment of works of internal improvement for use and operation as a part of additional state docks facilities; provided that, if said department shall have issued any notes in anticipation of the sale of bonds for any of said purposes, then so much as may be necessary, not exceeding $2,000,000, shall be used to retire or fund said notes.

The Alabama State Docks Department is hereby vested with full authority, subject to the provisions of the bond order relating to the sale of $10,000,000 principal amount of general obligation seaport facilities bonds of the State of Alabama dated March 1, 1964, and except as limited herein, to prescribe the terms of the bonds and to provide for the issuance and sale thereof. The bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of

such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both, with rights of conversion into another form, may be payable in such installments and at such place or places, may bear interest at such rate or rates, payable and evidenced in such manner, and may contain provisions for redemption at the option of the state to be exercised by the State Docks Department at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the said department in the order or orders under which the bonds are issued. The principal of each series of bonds shall mature in annual installments in such amount as shall be specified in the authorizing order or orders, the first of which installments shall mature not later than one year after the date of the bonds of such series and the last of which installments shall mature not later than twenty years after the date of the bonds of the same series. The largest installment of principal and interest maturing on each series of the bonds in any one year shall not exceed twice the preceding smallest installment of principal and interest maturing thereon in any prior year. None of the bonds shall be sold for less than face value plus accrued interest thereon to the date of delivery. The bonds shall be sold only at public sale or sales, either on sealed bids or at auction, after such advertisement as may be prescribed by the said department to the bidder whose bid reflects the lowest net interest cost to the state computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said department is received all bids may be rejected.

The bonds shall be signed in the name of the state by the Governor and countersigned by the State Docks Director, and the Great Seal of the State of Alabama or a facsimile thereof shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the Secretary of State; provided, that facsimile signatures of any one or any two (but not all) of said officers may be reproduced on any of such bonds in lieu of being manually signed thereon. Coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the State Treasurer, which facsimile signature shall constitute due and sufficient authentication of said coupons.

All bonds issued under the provisions [hereof][of this Amendment], together with the interest income thereon, shall forever be exempt from taxation in this state.

The authorization to incur debt and issue bonds contained in this Amendment shall supersede and take the place of any authorization for Alabama State Docks Department to issue revenue bonds granted by act of the Legislature in effect on the effective date of this Amendment.

The provisions of this Amendment shall be self-executing and authorization from or other action by the Legislature shall not be a prerequisite to the issuance of bonds hereunder. [Amendment 286, approved Dec. 9, 1969]

6. Any provision of the Constitution of Alabama or Amendments thereto to the contrary notwithstanding, the Legislature may by appropriate laws authorize the state to engage in works of internal improvement by fulfilling the requirements of local contribution, participation and cooperation now or hereafter established by the United States in

connection with the construction and maintenance of a navigable waterway (herein called "the waterway") between Montgomery and Gadsden and to the Alabama-Georgia boundary.

The Legislature may by appropriate laws authorize the state to become indebted, and in evidence of such indebtedness, to sell and issue its interest-bearing bonds, in an aggregate principal amount not exceeding $10,000,000, for the purpose of enabling the state to discharge obligations at any time authorized by the Legislature to be undertaken in connection with the waterway project; provided, that the expenses incurred in connection with the sale and issuance of the bonds may also be paid from the proceeds thereof. Bonds evidencing the herein provided for indebtedness may be issued as direct general obligations of the state, and the state may pledge its full faith and credit to the prompt payment of the principal of the bonds and the interest thereon. The herein provided for indebtedness shall not be construed to prohibit or limit appropriations from the general fund of the state which from time to time may be made for the purpose of enabling the state to discharge obligations at any time authorized by the Legislature to be undertaken in connection with the waterway project.

The Legislature may by appropriate laws establish a public corporation and may confer upon it, in addition to all other necessary powers, full power to undertake the obligations that the state is permitted under the foregoing provisions of this Amendment to undertake in connection with the waterway project. The Legislature may from time to time appropriate money from the general fund of the state to be expended by such public corporation and may also authorize the herein provided for general obligation bonds of the state to be sold from time to time under the supervision of such public corporation; provided, that all moneys received by such public corporation from the state, whether as appropriations from the state's general fund or as proceeds of the sale of the state's bonds, shall be expended, except for reasonable administrative expenses, in discharging obligations that the state is permitted under the foregoing provisions of this Amendment to undertake in connection with the waterway project, and shall have directed such public corporation to undertake in its stead.

Nothing herein shall authorize the Legislature to establish any such public corporation to acquire by purchase, license, lease, condemnation or otherwise a hydroelectric project (or any part thereof) heretofore or hereafter licensed by the federal power commission under the Federal Power Act of June 10, 1920, Public Law No. 280, 66th Congress, 2nd Session, and Amendments thereto, or any such project (or any part thereof) otherwise authorized by act of Congress. [Amendment 287,approved Dec. 9, 1969].

7. When authorized by appropriate laws passed by the Legislature, the State of Alabama may, in promoting and aiding the commercial flow of agricultural products within the state or in aid of commerce and use of the waterways of the state, at a cost not exceeding $10,000,000, engage in works of internal improvement by promoting, developing, constructing, maintaining and operating within the state or along navigable streams and waterways now or hereafter existing within the state all manner of elevators, facilities,

warehouses, docks, water and rail terminals and other structures and facilities and improvements needful for the convenient use of the same; provided that any such works or improvements shall always be and remain under the management and control of the state through the Alabama State Docks Department or other state governing agency and shall become part of the inland waterways facilities of the state. When authorized by appropriate laws passed by the Legislature, the state may, in addition to all other bonds of the state, become indebted in an aggregate principal amount of not exceeding $10,000,000 for the purpose of carrying out the provisions of this Amendment and may cause to be issued its general direct obligation bonds for the repayment of such indebtedness and interest thereon and pledge the faith and credit of the state thereto. [Amendment 288, approved Dec. 9, 1969]

9. Any provision of the Constitution of Alabama or Amendments thereto to the contrary notwithstanding, the Legislature may by appropriate laws authorize the state to engage in works of internal improvement within the state by fulfilling the requirements of local contribution, participation and cooperation now or hereafter established by the United States in connection with the construction and maintenance of a navigable waterway (herein called "the waterway") between Demopolis, Alabama, and the Tennessee River, including the relocation and construction of roads and bridges to and across the waterway, access roads and approaches thereto and the related engineering and rights-of-way acquisition expenses (herein called "the projects").

The Legislature may by appropriate laws authorize the state to become indebted and, in evidence of such indebtedness, to sell and issue its interest-bearing bonds, in an aggregate principal amount not exceeding $25,000,000, for the purpose of enabling the state to discharge obligations at any time authorized by the Legislature to be undertaken in connection with the waterway and the projects; provided, that the expenses incurred in connection with the sale and issuance of the bonds may also be paid from the proceeds thereof. Bonds evidencing the herein provided for indebtedness may be issued as direct general obligations of the state, and the state may pledge its full faith and credit to the prompt payment of the principal of the bonds and the interest thereon. The herein provided for indebtedness shall not be construed to prohibit or limit appropriations from the general fund of the state which from time to time may be made for the purpose of enabling the state to discharge obligations at any time authorized by the Legislature to be undertaken in connection with the waterway and the projects.

The Legislature may from time to time appropriate money from the general fund of the state to be expended by the Tombigbee Valley Development Authority, a public corporation and agency of the state, and may also authorize the herein provided for general obligation bonds of the state to be sold from time to time under the supervision of said Authority; provided, that all moneys received by said Authority from the state, whether as appropriations from the state's general fund or as proceeds of the sale of the state's bonds, shall be expended, except for reasonable administrative expenses to be paid from said appropriations and expenses of the sale of said bonds to be paid from said bond proceeds, in discharging obligations that the state is permitted under the foregoing

provisions of this Amendment to undertake in connection with the waterway and the projects and shall have directed said Authority to undertake in its stead. The bonds authorized by this Amendment shall be in addition to those authorized by that Amendment to said constitution proposed by Act No. 248 adopted at the 1967 regular session of the Legislature and ratified by the electors of the state on December 5, 1967. [Amendment 355, approved Nov. 23, 1976]

10. The Legislature may by appropriate laws authorize the state to pay a portion of the capital costs of public facilities and works of internal improvement consisting of:

(a) Fulfilling a portion of the requirements of local contribution, participation and cooperation now or hereafter established by the United States in connection with the deepening, widening and extending of the existing federal channel at Bayou La Batre, Alabama and

(b) The acquisition, development, construction, improvement, expansion, and modernization (or any of them) of general cargo handling facilities of the state docks at the Port of Mobile.

The Legislature may by appropriate laws authorize the state to become indebted and, in evidence of such indebtedness, to sell and issue its interest-bearing bonds, in an aggregate principal amount not exceeding $20,000,000, for the purpose of enabling the state to discharge obligations at any time authorized by the Legislature to be undertaken in connection with the channel deepening project and the state docks projects. The expenses incurred in connection with the sale and issuance of the bonds may also be paid from the proceeds thereof. The bonds may be sold by the bond commission authorized herein at public or private sale, with or without competitive bidding, at such price or prices and on such terms and conditions as the bond commission shall determine to be in the best interest of the state. Bonds evidencing the herein provided for indebtedness may be issued as direct general obligations of the state, and the state may pledge its full faith and credit to the prompt payment of the principal of the bonds and the interest and redemption premium (if any) thereon. The said bonds may be additionally secured by any special pledges that may be provided for by the Legislature. The herein provided for indebtedness shall not be construed to prohibit or limit appropriations from the general fund of the state which from time to time may be made for the purpose of enabling the state to discharge obligations at any time authorized by the Legislature to be undertaken in connection with the channel deepening project and the state docks projects.

The Legislature may by appropriate laws establish a bond commission and may confer upon it, in addition to all other necessary powers, full power to determine the terms and conditions of the bonds and to provide for the sale and issuance thereof. The Legislature may authorize the herein provided for general obligation bonds of the state to be sold from time to time under the supervision of such bond commission. All monies received as proceeds of the sale of the state's bonds, shall be expended, except for reasonable issuance costs and administrative expenses, in discharging obligations that the state is permitted under the foregoing provisions of this Amendment to undertake in connection with the channel deepening project and the state docks projects. The Legislature shall

enact appropriate enabling legislation to carry out the intent and purpose of this Amendment. [Amendment 510, approved June 5, 1990]

Section 213-C. Bonds for Construction and Improvement Purposes at Alabama Institute for Deaf and Blind; Same: University of Alabama Medical Center at Birmingham; Same: Alabama Polytechnic Institute [Auburn University]; Same: University of Alabama Research Institute at Huntsville.

1. The state is authorized to become indebted and to issue interest bearing bonds, in addition to those heretofore authorized and sold, in an aggregate principal amount not exceeding $3,000,000. The proceeds derived from the sale of said bonds shall be used solely for the purpose of paying the expenses incurred in the sale and issuance thereof and for the acquisition of sites for and the construction, reconstruction, alteration, improvement and equipment of building facilities, including the renewal or replacement of structural parts, at the Alabama Institute for Deaf and Blind. Said bonds shall be sold only at a duly advertised public sale or sales, upon sealed bids or at auction, to the bidder whose bid reflects the lowest net interest cost to the state for the bonds offered for sale, and shall be sold at not less than their face value plus accrued interest thereon. Said bonds shall be direct general obligations of the state and for the prompt and faithful payment of the principal thereof and interest thereon the full faith and credit of the state are hereby irrevocably pledged. In addition thereto, there is hereby specially and irrevocably pledged for payment of the principal of and interest on said bonds, pro rata and without priority of one bond over another by reason of prior issuance or otherwise, so much as may be necessary for said purpose of those portions of the state sales tax and the state use tax in effect at the date of the adoption of this Amendment which are required by law at the date of the adoption of this Amendment to be paid into the Alabama Special Educational Trust Fund. The said special pledge shall create a charge on the tax proceeds herein specially pledged prior to all other charges or expenses for educational or any other purposes whatsoever; provided, that in the event any other bonds should be issued under the authority of any other Amendment to the Constitution proposed by the 1957 regular session of the Legislature, or by any public corporation created pursuant to any statute enacted at said session, for payment of the principal of and interest on which the said taxes or any portion thereof should be pledged in such other constitutional Amendment or in or pursuant to authority of such statute, then the special pledge of the said taxes herein made shall be on a parity with the pledge or pledges of said taxes or portion thereof for the benefit of such other bonds. The bonds issued under this Amendment and the income therefrom shall be exempt from all taxation in the State of Alabama. The provisions of section 261 of the Constitution of Alabama shall not be deemed to apply to the tax proceeds so specially pledged or to the proceeds from any bonds issued hereunder. The Legislature shall adopt appropriate enabling legislation to carry out the intent and purpose of this Amendment. [Amendment 117, approved Dec. 17, 1957]

2. The State of Alabama is authorized to become indebted for building, construction and improved purposes at the University of Alabama Medical Center, in Birmingham, and in evidence of the indebtedness so incurred to sell and issue, in addition to all other bonds of the state, interest-bearing general obligation bonds of the state not exceeding four million five hundred thousand dollars in principal amount. The bonds shall be general obligations of the State of Alabama and the full faith and credit and taxing power of the state are hereby pledged to the prompt and faithful payment of the principal of the bonds and the interest thereon. The proceeds from the sale of such bonds are hereby appropriated and shall be used exclusively for the acquisition of lands adjacent to the University of Alabama Medical Center, in Birmingham, and to provide funds to be used to match federal funds granted by the National Institute of Health of the United States Department of Health, Education and Welfare for construction and equipment of a medical research building and to match federal funds granted under the Hill-Burton Act for the construction and equipment of a nurses' home at the medical center; provided that the expenses incurred in connection with the sale and issuance of the bonds may also be paid from such proceeds.

The board of trustees of the University of Alabama is hereby vested with full authority, except as limited herein, to provide the terms of the bonds and to provide for the sale and issuance thereof. The bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both with rights of conversion into another form, may be payable in such installments and at such place or places, may bear interest at such rate or rates payable and evidenced in such manner, and may contain provisions for redemption at the option of the state to be exercised by said board at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the said board in the resolution or resolutions whereunder the bonds are issued. The principal of each series of bonds shall mature in annual installments in such amounts as shall be specified in the resolution or resolutions of the said board under which they are issued, the first of which installments shall mature not later than one year after the date of the bonds of such series and the last of which installments shall mature not later than twenty years after the date of the bonds of the same series. When each series of bonds is issued, the maturities of the bonds of that series shall, to such extent as may be practicable, be so arranged that during each then succeeding fiscal year of the state the aggregate installments of principal and interest that will mature on all bonds that will be outstanding hereunder, immediately following the issuance of the bonds of that series, will be substantially equal; provided, that the determination by the said board that the requirements of this sentence have been complied with shall be conclusive of such compliance and the purchasers of the bonds with respect to which such determination is made and all subsequent holders thereof shall be fully protected thereby. None of the bonds shall be sold for less than face value plus accrued interest thereon to the date of delivery, and all of the bonds shall be sold only at public sale or sales, either on sealed bids or at public auction, after such advertisement as may be prescribed by the said board, to the bidder whose bid reflects the lowest net interest cost to the state computed

to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said board is received all bids may be rejected.

The bonds shall be signed in the name of the state by the Governor and countersigned by the President Pro Tempore of the Board of Trustees of the University of Alabama and the Great Seal of the State of Alabama or a facsimile thereof shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the Secretary of State; provided that facsimile signatures of any one or any two (but not all) of said officers may be reproduced on such bonds in lieu of their manually signing the same. Coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the State Treasurer, which facsimile signature is hereby adopted as due and sufficient authentication of said coupons.

All bonds issued under the provisions of this Amendment, together with the interest income thereon, shall forever be exempt from taxation in this state.

The proceeds from the sale of bonds hereby authorized, after the payment of all expenses of the sale thereof shall be set apart in a special trust fund in the State Treasury to be designated “The University of Alabama Medical Center Bond Fund;” and such proceeds shall be used solely for the purposes, herein above enumerated, for which the bonds are authorized to be issued; provided that the plans and specifications for any building constructed with moneys from said special fund shall be approved by the Alabama building commission or any agency designated by the Legislature as its successor.

The provisions of this Amendment shall be self-executing and no further authorization from the Legislature shall be a prerequisite to the validity of any bonds issued hereunder. [Amendment 119, approved Dec. 17, 1957]

3. The State of Alabama is authorized to become indebted for building, construction and improvement purposes at The Alabama Polytechnic Institute at Auburn [Auburn University], and in evidence of the indebtedness so incurred to sell and issue, in addition to all other bonds of the state, interest bearing general obligation bonds of the state not exceeding four million five hundred thousand dollars ($4,500,000) in principal amount. The bonds shall be general obligations of the State of Alabama and the full faith and credit and taxing power of the state are hereby pledged to the prompt and faithful payment of the principal of the bonds and the interest thereon. The proceeds from the sale of any such bonds shall, after payment of the expenses of their issuance, be set apart in a special fund in the State Treasury to be designated "The Alabama Polytechnic Institute [Auburn University] Building Bond Fund"; and such proceeds shall be used exclusively for the construction, reconstruction, alteration, and improvement of college building facilities, including the acquisition of sites and equipment for such facilities, for use by the School of Agriculture, the Agricultural Experiment Station, and the School of Veterinary Medicine of The Alabama Polytechnic Institute at Auburn [Auburn University]; provided, that the plans and specifications for any building constructed with money from said special fund shall be approved by the Alabama building commission or any agency designated by the Legislature as its successor.

The board of trustees of The Alabama Polytechnic Institute [Auburn University] is hereby vested with full authority, except as limited herein, to provide the terms of the bonds and to provide for the sale and issuance thereof. The bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both with rights of conversion into another form, may be payable in such installments and at such place or places, may bear interest at such rate or rates payable and evidenced in such manner, and may contain provisions for redemption at the option of the state to be exercised by said board at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the said board in the resolution or resolutions whereunder the bonds are issued. The principal of each series of bonds shall mature in annual installments in such amounts as shall be specified in the resolution or resolutions of the said board under which they are issued, the first of which installments shall mature not later than one year after the date of the bonds of such series and the last of which installments shall mature not later than twenty years after the date of the bonds of the same series. When each series of bonds is issued, the maturities of the bonds of that series shall, to such extent as may be practicable, be so arranged that during each then succeeding fiscal year of the state the aggregate installments of principal and interest that will mature on all bonds that will be outstanding hereunder, immediately following the issuance of the bonds of that series, will be substantially equal; provided, that the determination by the said board that the requirements of this sentence have been complied with shall be conclusive of such compliance and the purchasers of the bonds with respect to which such determination is made and all subsequent holders thereof shall be fully protected by such determination. None of the bonds shall be sold for less than face value plus accrued interest thereon to the date of delivery, and all of the bonds shall be sold only at public sale or sales, either on sealed bids or at public auction, after such advertisement as may be prescribed by the said board, to the bidder whose bid reflects the lowest net interest cost to the state computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said board is received all bids may be rejected.

The bonds shall be signed in the name of the state by the Governor and countersigned by the President Pro Tempore of the Board of Trustees of The Alabama Polytechnic Institute [Auburn University], and the Great Seal of the State of Alabama or a facsimile thereof shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the Secretary of State; provided, that facsimile signatures of any one or any two (but not all) of said officers may be reproduced on any of such bonds in lieu of being manually signed thereon. Coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the State Treasurer, which facsimile signature shall constitute due and sufficient authentication of said coupons.

All bonds issued under the provisions of this Amendment, together with the interest income thereon, shall forever be exempt from taxation in this state.

The provisions of this Amendment shall be self-executing and authorization from or other action of the Legislature shall not be a prerequisite to the issuance of bonds hereunder. [Amendment 120, approved Dec. 17, 1957]

4. The State of Alabama is authorized to become indebted for building, construction and improvement purposes at the University of Alabama Research Institute at Huntsville, and in evidence of the indebtedness so incurred to sell and issue, in addition to all other bonds of the state, interest-bearing general obligation bonds of the state not exceeding three million dollars in principal amount. The bonds shall be general obligations of the State of Alabama and the full faith and credit and taxing power of the state are hereby pledged to the prompt and faithful payment of the principal of the bonds and the interest thereon. The proceeds from the sale of such bonds are hereby appropriated and shall be used exclusively for the acquisition of lands, and to provide funds to be used for construction and equipment of a research institute; provided that the expenses incurred in connection with the sale and issuance of the bonds may also be paid from such proceeds.

The board of trustees of the University of Alabama is hereby vested with full authority, except as limited herein, to provide the terms of the bonds and to provide for the sale and issuance thereof. The bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as principal or interest or both with rights of conversion into another form, may be payable in such installments and at such place or places, may bear interest at such rate or rates payable and evidenced in such manner, and may contain provisions for redemption at the option of the state to be exercised by said board at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the said board in the resolution or resolutions whereunder the bonds are issued. The principal of each series of bonds shall mature in annual installments in such amounts as shall be specified in the resolution or resolutions of the said board under which they are issued, the first of which installments shall mature not later than one year after the date of the bonds of such series and the last of which installments shall mature not later than twenty years after the date of the bonds of the same series. When each series of bonds is issued, the maturities of the bonds of that series shall, to such extent as may be practicable, be so arranged that during each then succeeding fiscal year of the state the aggregate installments of principal and interest that will mature on all bonds that will be outstanding hereunder, immediately following the issuance of the bonds of that series, will be substantially equal; provided that the determination by the said board that the requirements of this sentence have been complied with shall be conclusive of such compliance and the purchasers of the bonds with respect to which such determination is made and all subsequent holders thereof shall be fully protected thereby. None of the bonds shall be sold for less than face value plus accrued interest thereon to the date of delivery, and all of the bonds shall be sold only at public sale or sales, either on sealed bids or at public auction, after such advertisement as may be prescribed by the said board, to the bidder whose bid reflects the lowest net interest cost to the state computed

to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said board is received all bids may be rejected.

The bonds shall be signed in the name of the state by the Governor and countersigned by the President Pro Tempore of the Board of Trustees of the University of Alabama and the Great Seal of the State of Alabama or a facsimile thereof shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the Secretary of State; provided that facsimile signatures of any one or any two (but not all) of said officers may be reproduced on such bonds in lieu of their manually signing the same. Coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the State Treasurer, which facsimile signature is hereby adopted as due and sufficient authentication of said coupons.

All bonds issued under the provisions of this Amendment, together with the interest income thereon, shall forever be exempt from taxation in this state.

The proceeds from the sale of bonds hereby authorized, after the payment of all expenses of the sale thereof shall be set apart in a special trust fund in the State Treasury to be designated the "University of Alabama Research Institute Bond Fund;" and such proceeds shall be used solely for the purposes, herein above enumerated, for which the bonds are authorized to be issued; provided that the plans and specifications for any building constructed with moneys from said special fund shall be approved by the Alabama building commission or any agency designated by the Legislature as its successor.

The provisions of this Amendment shall be self-executing and no further authorization from the Legislature shall be a prerequisite to the validity of any bonds issued hereunder. [Amendment 157, approved Dec. 5, 1961]

Section 213-D. Bonds for State Board of Health Hospitals and District Tuberculosis Sanitoria; Bond Issue for Building Construction and Improvement Purposes at Alabama State Hospitals and Partlow State School for Mental Deficients; Same: to Assist in Construction and Equipment of Hospitals, etc.; Same:- for Mental Hospital at University of Alabama Medical Center; Same:- for Acquisition, Improvement, etc., of Mental Health Facilities.

1. (a) Notwithstanding anything contained in the Constitution of the State of Alabama, or any Amendment thereto heretofore adopted, the Governor shall from time to time issue negotiable interest bearing bonds for the purposes and in the manner and subject to the limitations stated in this Amendment. The bonds shall be the general obligation of the State of Alabama and the full faith and credit and taxing power of the state are hereby pledged to the punctual payment of the bonds and the interest thereon. The aggregate principal amount of all bonds issued hereunder shall not exceed two million dollars ($2,000,000) and they shall mature within ten years from the date of issuance.

The proceeds from the sale of such bonds are hereby appropriated and shall be used solely for the construction of hospitals and hospital facilities pursuant to Act No. 211, S. 107, approved July 7, 1945 (General Acts of Alabama, 1945, page 330), or any act supplemental thereto or amendatory thereof; provided, that the funds appropriated hereby shall be used only for the construction of hospitals, clinics, or health centers under contracts which have been or are let on or after May 1, 1949, and that the funds shall be used to match federal funds available for hospital, clinic or health center purposes, and that the local governments in the area where each hospital, clinic or health center is to be built shall contribute at least as much money for the construction as does the state; and provided further that the state shall not contribute more than three hundred fifty thousand dollars ($350,000) to the construction of any one hospital, clinic or health center.

In determining where a hospital, clinic or health center to be constructed with the funds appropriated herein shall be located, first consideration shall be given to communities which have no hospital, clinic or health center facilities. Each county having no hospital, clinic or health center facilities shall be entitled to an allotment of not less than sixty thousand dollars ($60,000) for such facilities if application is made therefore before January 1 of each year. Any funds available for hospital, clinic or health center facilities remaining on January 1 of each year after allotments have been made to those counties having no such facilities and having not already received an allotment and which have made application therefor may be allotted to those counties having such facilities which have made application therefor. However, counties receiving prior allotments hereunder shall not be precluded from receiving a larger allotment or an additional allotment at the discretion of the State Board of Health.

District tuberculosis sanitoria in the districts set up in Act No. 287, S. 22, approved July 7, 1945 [Acts 1945, p. 474], shall be eligible for construction under the provisions of this Amendment, and 25 percent of the proceeds from the sale of bonds authorized by this Amendment shall be reserved for the construction of tuberculosis sanitoria; provided, at the end of each calendar year funds not obligated for either general or tuberculosis hospital construction may be used during the next year for either type construction; and provided further, that the local governments or authorities in the area where the sanitorium is to be built shall contribute at least as much money as does the state. A sum not to exceed forty thousand dollars ($40,000) may be used by the State Board of Health for hospital administration for each of the two (2) years ending in 1950, and 1951; this appropriation shall be cumulative.

(b) All bonds issued hereunder and interest thereon shall be payable from any funds in the State Treasury not otherwise appropriated. The bonds shall be payable in substantially equal installments of principal and interest beginning in the next fiscal year after their date; they shall bear interest at a rate not exceeding two percent per annum payable semi-annually; and they shall contain a provision for their call for payment at such a time or times prior to maturity, and at such a premium, if any, as the Governor may prescribe. All bonds issued hereunder shall be sold to the highest bidder at a duly advertised public sale, on sealed bids or at auction, and shall not be sold for less than par and accrued interest; provided, bidders may be invited to name the rate of interest which

the bonds are to bear, in which case the bonds shall not be sold at a price which would yield more than two percent according to standard bond tables, taking into account the discount and call privilege. [Amendment 74, approved Dec. 13, 1949]

2. The state is authorized to become indebted for building construction and improvement purposes at the Alabama State Hospitals and at the Partlow State School for Mental Deficients, and in evidence of the indebtedness so incurred to sell and issue, in addition to all other bonds of the state, interest bearing general obligation bonds of the state not exceeding four million dollars in principal amount. The bonds shall be general obligations of the State of Alabama and the full faith and credit and taxing power of the state are hereby pledged to the prompt and faithful payment of the principal of the bonds and the interest thereon. The proceeds from the sale of such bonds are hereby appropriated and shall be used exclusively for the acquisition of building sites; for the construction, reconstruction, alteration, and improvement of building facilities, including renewal and replacement of structural parts; and for the procurement of equipment for such buildings at the Alabama State Hospitals and at the Partlow State School for Mental Deficients; provided that the expenses incurred in connection with the sale and issuance of the bonds may also be paid from such proceeds.

All bonds issued hereunder and the interest thereon shall be payable from any funds in the State Treasury not otherwise appropriated. The bonds may be sold, executed and delivered from time to time in series, may bear such date or dates, and may bear interest at such rate or rates not exceeding four and one-half per centum per annum payable semiannually and evidenced in such manner, all as may be provided at the respective times of the sales thereof. The maturities of the bonds of each series shall, to such extent as may be practicable, be so arranged that the first maturity of the bonds of each series shall be not later than one year after the date thereof and the last maturity of the bonds of that series shall be not later than twenty years after the date thereof, and the said maturities shall be so arranged that during each then succeeding fiscal year of the state the aggregate installments of principal and interest that will mature on all bonds that will be outstanding under said Amendment, immediately following the issuance of the bonds of that series, will be substantially equal; provided, that the determination in the proceedings under which the bonds are issued that the requirements of this sentence have been complied with shall be conclusive of such compliance and the purchasers of any of the bonds and all subsequent holders thereof shall be fully protected by such determination.

The Legislature shall adopt appropriate enabling legislation to carry out the intent and purpose of this Amendment to the Constitution. [Amendment 113, approved Nov. 6, 1956, as amended by Amendment 118, approved Dec. 17, 1957]

3. (a) Notwithstanding anything contained in the Constitution of the State of Alabama, or any Amendment thereto heretofore adopted, the Governor shall from time to time issue negotiable interest-bearing bonds for the purposes and in the manner and subject to the limitation stated in this Amendment. The bonds shall be general obligations of the State of Alabama and the full faith and credit and taxing power of the state are hereby pledged

to the punctual payment of the bonds and the interest thereon. The aggregate principal amount of all bonds issued hereunder shall not exceed two million dollars ($2,000,000) and they shall mature within ten years from the date of issuance.

The proceeds from the sale of such bonds are hereby appropriated and shall be used solely for the construction and equipping of hospitals, health centers, tuberculosis hospitals or sanatoria, and related medical facilities pursuant to Act No. 211, General Acts of Alabama 1945, page 330, approved July 7, 1945; and Act 287, General Acts of Alabama 1945, page 474, approved July 7, 1945; and Act No. 46, General and Local Acts 1949, page 68, approved June 2, 1949; as said acts are now or may hereafter be amended; and such facilities established and operated by the corporate authorities of a city or town, or a county governing body under the provision of Title 22, section 189, Code of Alabama 1940, as same is now or may hereafter be amended; or any act supplemental thereto or amendatory thereof. The funds provided hereby shall be used only for construction and equipping facilities under contracts which have been or are let on or after July 1, 1955; shall be used to match federal funds available for hospital health center, and related medical facilities provided under Public Law 725, 79th Congress and Public Law 482, 83rd Congress, as said Public Laws are now or may hereafter be amended; and the local governments in the area where each hospital, health center, tuberculosis hospitals or sanatoria, or related medical facility is to be constructed or equipped shall contribute at least as much money for the construction and equipping as does the state; and provided further that the state shall not contribute more than two hundred and fifty thousand dollars ($250,000) to the construction and equipping of any tuberculosis hospital or sanatoria and one hundred thousand dollars ($100,000) for any other facility included within the scope of this Amendment.

In determining where a hospital, health center, tuberculosis hospitals or sanatoria, or related medical facility to be constructed with funds appropriated herein shall be located, consideration shall be given to the communities on the basis of relative need. Each county having no hospital, health center, tuberculosis hospitals or sanatoria, or related medical facility shall have first priority. Counties receiving prior allotments hereunder shall not be precluded from receiving an additional allotment for other facilities at the discretion of the State Board of Health. A sum not to exceed forty thousand dollars ($40,000) may be used by the State Board of Health from the proceeds of the sale of said bonds for administering the provision of this Amendment.

(b) All bonds issued hereunder and the interest thereon shall be payable from any funds in the State Treasury not otherwise appropriated. The bonds which may be issued under the provisions hereof may be executed and delivered from time to time in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal and interest or both with rights of conversion into another form, may bear interest at such rate or rates not exceeding 4% per annum payable semiannually and payable and evidenced in such manner, may contain provisions for redemption at the option of the state at such date or dates prior to their maturity and upon payment of such redemption price or prices, and may contain such other terms and conditions not inconsistent with the provisions hereof,

all as may be provided in the order of the Governor providing for the issuance thereof which shall be made at the time of each sale of any of said bonds. The principal of each series of said bonds shall mature in annual installments in such amounts as shall be specified in the order under which they are issued, the first of which installments shall mature not later than one year after the date of the bonds of such series and the last of which installments shall mature not later than ten years after the date of the bonds of the same series. When each series of said bonds is issued, the maturities of the bonds of that series shall, to such extent as may be practicable, be so arranged that during any then succeeding fiscal year of the state the aggregate installments of principal and interest that will mature on all of the said bonds that will be outstanding hereunder, immediately following the issuance of the bonds of that series, will be substantially equal; provided, that the determination in the order under which the bonds of such series are issued that the requirements of this sentence have been complied with shall be conclusive of such compliance and the purchasers of the bonds with respect to which such determination is made and all subsequent holders thereof shall be fully protected thereby. None of the said bonds shall be sold for less than face value plus accrued interest to the date of delivery, and all of the said bonds shall be sold only at public sale or sales, either on sealed bids or at public auction, after advertisement in a financial journal published in New York City at least one time not less than ten days prior to the date fixed for the sale, to the bidder whose bid reflects the lowest net interest cost to the state computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the Governor is received all bids may be rejected.[Amendment 114, approved Nov. 6, 1956, as amended by Amendment 121, approved Dec. 17, 1957]

4. The state is authorized to become indebted and to issue interest bearing bonds, in addition to those heretofore authorized and sold, in an aggregate principal amount not exceeding $3,000,000. The proceeds derived from the sale of said bonds shall be used solely for the purpose of paying the expenses incurred in the sale and issuance thereof and for the construction and equipment of a hospital building to constitute a part of the University of Alabama Medical Center, and to be used for the care and treatment of mental patients and for training of medical students in the field of mental illness. Said bonds shall be sold only at a duly advertised public sale or sales, upon sealed bids or at auction, to the bidder whose bid reflects the lowest net interest cost to the state for the bonds offered for sale, and shall be sold at not less than their face value plus accrued interest thereon. Said bonds shall be direct general obligations of the state and for the prompt and faithful payment of the principal thereof and interest thereon the full faith and credit of the state are hereby irrevocably pledged. In addition thereto, there is hereby specifically and irrevocably pledged for payment of the principal of and interest on said bonds, pro rata and without priority of one bond over another by reason of prior issuance or otherwise, so much as may be necessary for said purpose of those portions of the state taxes on the sale of spirituous or vinous liquors and of the state license taxes on those selling, storing or receiving for distribution malt or brewed beverages that are required by law on the date of the adoption of this Amendment to be paid into the Alabama Special Mental Health Fund. The said special pledge shall create a charge on the tax proceeds herein specially pledged prior to all other charges or expenses for mental health purposes

or any other purposes whatsoever. The bonds issued under this Amendment and the income therefrom shall be exempt from all taxation in the State of Alabama. The Legislature shall adopt appropriate enabling legislation to carry out the intent and purpose of this Amendment. [Amendment 141, approved Feb. 16, 1960]

5. (a) Notwithstanding anything contained in the Constitution of the State of Alabama, or any Amendment thereto heretofore adopted, the Governor shall from time to time issue negotiable interest bearing bonds for the purposes and in the manner and subject to the limitation stated in this Amendment. The bonds shall be general obligations of the State of Alabama and the full faith and credit and taxing power of the state are hereby pledged to the punctual payment of the bonds and the interest thereon. The aggregate principal amount of all bonds issued hereunder shall not exceed two million ($2,000,000) and they shall mature within ten years from the date of issuance. It is further provided that not more than one million dollars ($1,000,000) shall be issued during the biennium ending September 30, 1963, and that the additional one million dollars ($1,000,000) shall be issued in the ensuing biennium.

The proceeds from the sale of such bonds are hereby appropriated and shall be used solely for the construction and equipping of hospitals, health centers, and related facilities pursuant to Act No. 211, General Acts of Alabama 1945, page 330, and approved July 7, 1945; and Act 287, General Acts of Alabama 1945, page 474, approved July 7, 1945; and Act No. 46, General and Local Acts 1949, page 68, approved June 2, 1949; as said acts are now or may hereafter be amended; and such facilities established and operated by the corporate authorities of a city or town, or a county governing body under the provision of Code of Alabama, Title 22, section 189, as same is now or may hereafter be amended; or any act supplemental thereto or amendatory thereof. The funds provided hereby shall be used for construction and equipping facilities under contracts which have been or are let on or after July 1, 1961; shall be used to match federal funds available for hospital, health center, and related medical facilities provided under Public Law 725, 79th Congress and Public Law 482, 83rd Congress, as said public laws are now or may hereafter be amended; and that the local governments in the area where each hospital, health center, or related medical facility is to be constructed or equipped shall contribute at least as much money for the construction and equipping as does the state; and provided further that the state shall not contribute more than one hundred thousand dollars ($100,000) for any facility included within the scope of this Amendment.

In determining where a hospital, health center, or related medical facility to be constructed with funds appropriated herein shall be located, consideration shall be given to the communities on the basis of relative need. Counties receiving prior allotments hereunder shall not be precluded from receiving an additional allotment for other facilities at the discretion of the State Board of Health. A sum not to exceed sixty thousand dollars ($60,000) may be used by the State Board of Health from the proceeds of the sale of said bonds for administering the provision of this Amendment.

(b) All bonds hereunder and the interest thereon shall be payable from any funds in the State Treasury not otherwise appropriated. The bonds may be executed and delivered

from time to time in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal and interest or both with rights of conversion into another form, may contain provisions for redemption at the option of the state at such date or dates prior to their maturity and upon payment of such redemption price or prices, and may contain such other terms and conditions not inconsistent with the provisions hereof, all as may be provided in the order of the Governor providing for the issuance thereof which shall be made at the time of each sale of any of said bonds. The principal of each series of said bonds shall mature in annual installments in such amounts as shall be specified in the order under which they are issued, the first of which installments shall mature not later than one year after the date of the bonds of such series and the last of which installments shall mature not later than ten years after the date of the bonds of the same series. When each series of said bonds is issued, the maturities of the bonds of that series shall, to the extent as may be practicable, be so arranged that during any then succeeding fiscal year of the state the aggregate installments of principal and interest that will mature of all of the said bonds that will be outstanding hereunder, immediately following the issuance of the bonds of that series, will be substantially equal; provided, that the determination in the order under which the bonds of such series are issued that the requirements of this sentence have been complied with shall be conclusive of such compliance and the purchasers of the bonds with respect to which such determination is made and all subsequent holders thereof shall be fully protected thereby. None of said bonds shall be sold for less than face value plus accrued interest to the date of delivery, and all of said bonds shall be sold at public sale or sales, either sealed bids or at public auction, after advertisement in a financial journal published in New York at least one time not less than ten days prior to the date fixed for the sale, to the bidder whose bid reflects the lowest net interest cost to the state computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the Governor is received all bids may be rejected. [Amendment 158, approved Dec. 5, 1961]

6. The State of Alabama is authorized to become indebted and to sell and issue interest-bearing bonds, in addition to all other bonds of the state, in an aggregate principal amount not exceeding $15,000,000. The proceeds derived from the sale of said bonds shall be used solely for the purpose of paying the expenses incurred in the sale and issuance thereof and for the acquisition, construction and improvement of mental health facilities, including:

(a) Improvements to the existing state hospitals for the mentally ill known as Bryce and Searcy hospitals and to the existing state facilities for treatment and care of the mentally retarded known as Partlow School, for which improvements not exceeding $3,000,000 of the proceeds from the said bonds may be used,

(b) Acquisition by construction and otherwise of one or more new state facilities and regional centers, or either, for treatment and care of the mentally retarded, for which purpose not exceeding $9,000,000 of the proceeds from the said bonds may be used, and

(c) Acquisition by construction and otherwise of regional and community-based mental health centers and regional and community-based centers for treatment and care of the mentally retarded, for which purpose not exceeding $3,000,000 of the proceeds from the said bonds may be used; provided, that bond proceeds may be used for a center referred to in the foregoing clause (c) only if a portion of the cost of that center is to be paid out of funds supplied by federal grant or by contribution of local political subdivisions or other local sources, or by both federal grant and such contribution.

The improvement of a facility shall be deemed to include the renovation, modernization, remodeling, and equipment thereof and the construction of additions thereto; and the construction of a facility shall be deemed to include the acquisition of real estate sites and equipment therefor. Said bonds shall be sold only at a duly advertised public sale or sales, upon sealed bids or at auction, to the bidder whose bid reflects the lowest net interest cost to the state for the bonds offered for sale, and shall be sold at not less than their face value plus accrued interest thereon. Said bonds shall be direct general obligations of the state and for the prompt and faithful payment of the principal thereof and interest thereon the full faith and credit of the state are hereby irrevocably pledged. In addition thereto, there is hereby specially and irrevocably pledged for payment of the principal of and interest on said bonds, pro rata and without priority of one bond over another by reason of prior issuance or otherwise, that portion of an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes, levied by an act adopted at the 1967 regular session of the Legislature of Alabama, that was appropriated in the said act to the purpose of acquiring and constructing mental health facilities in the state. The said special pledge shall create a charge on the tax proceeds herein specially pledged prior to all other charges or expenses for any purpose. The bonds issued under this Amendment and the income therefrom shall be exempt from all taxation in the state. The Legislature shall adopt appropriate enabling legislation to carry out the intent and purpose of this Amendment. [Amendment 266, approved Dec. 5, 1967]

The State of Alabama is authorized to become indebted and to sell and issue interest bearing bonds, in addition to all other bonds of the state, in an aggregate principal amount not exceeding $15,000,000. Of the proceeds derived from the sale of said bonds, $7,000,000 shall be used solely for the purpose of paying the expenses incurred in the sale and issuance thereof and for the acquisition, construction, equipment and improvement of mental health facilities, including security medical facilities for persons requiring security during treatment. The improvement of a facility shall be deemed to include the renovation, modernization, remodeling, and equipment of existing facilities and the construction of additions thereto; and the construction of a facility shall be deemed to include the acquisition of sites and equipment therefor. Proceeds in the amount of $2,000,000 derived from the sale of bonds provided for herein shall be used solely for the purpose of paying the expenses incurred in the sale and issuance thereof and for the acquisition, construction, equipment and improvement of a seed technology center at Auburn University and a foundation seed processing facility at Headland, Alabama. Of the proceeds derived from the sale of said bonds $6,000,000 shall be used for the purpose of paying the interest incurred in the sale and issuance of said bonds and

for acquisition, construction and equipment of capital improvements, including, without limitation a facility or facilities for the housing, training, education and rehabilitation of prisoners. Said bonds shall be sold only at a duly advertised public sale or sales, upon sealed bids or at auction, to the bidder whose bid reflects the lowest total net interest cost to the state for the bonds offered for sale and shall be sold at not less than their face value plus accrued interest thereon. Said bonds shall be direct general obligations of the state, and for the prompt and faithful payment of the principal thereof and the interest thereon the full faith and credit of the state are hereby irrevocably pledged. The bonds issued under this Amendment and the income therefrom shall be exempt from all taxation in the state. The Legislature shall adopt appropriate enabling legislation to carry out the intent and purpose of this Amendment. [Amendment 340, approved Jan. 13, 1976].

Section 213-E. Bond Issue to Acquire, Develop, etc., State Parks and Park Facilities; State Parks System Improvement Corporation; Maintenance of State Park Systems, Public Historical Sites and Historical Parks.

1. The State of Alabama is authorized to become indebted for acquiring, providing, constructing, developing, and equipping state parks and park facilities, and in evidence of the indebtedness so incurred to issue and sell, in addition to all other bonds of the state, interest-bearing general obligation bonds of the state, not exceeding forty-three million dollars ($43,000,000) in principal amount. The proceeds from the sale of any such bonds shall, after payment of the reasonable and necessary expenses of their issuance, be set aside in the State Treasury in a special trust fund designated "State Parks Bond Proceeds Fund" and shall be disbursed therefrom on order of the Director of Conservation, approved by the Governor, for payment of costs of acquiring, providing, constructing, developing and equipping state parks and park facilities; provided, that any proceeds held in the State Parks Bond Proceeds Fund for more than thirty days shall be invested in securities which are direct and general obligations of the United States of America. The said bonds shall be direct general obligations of the state, and for the prompt and faithful payment of the principal thereof and interest thereon the full faith and credit of the state are hereby irrevocably pledged. In addition thereto, there is hereby specially and irrevocably pledged for payment of the principal of and interest on said bonds, pro rata and without priority of one bond over another by reason of prior issuance or otherwise, so much as may be necessary for said purpose of that portion of an additional privilege and license tax on the sale, storage, use, consumption, or delivery of cigarettes, levied by an act introduced at the 1967 regular session of the Legislature of Alabama as Senate Bill 280, that was appropriated in the said act to the development of state parks and state park facilities. The said special pledge shall create a charge on the tax proceeds herein specially pledged prior to all other charges or expenses for state park purposes or any other purposes whatever.

The Governor, the Director of Finance, and the Director of Conservation are hereby constituted a bond commission with full authority, except as herein specified or limited, to provide the terms of the bonds and to provide for the sale and issuance thereof. The Governor shall be the chairman of the commission, which shall meet at his call; its

proceedings shall be signed by its members and filed with the Secretary of State. The bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both, with rights of conversion into another form, may be payable in such installments and at such place or places, may bear interest at such rate or rates, payable and evidenced in such manner, and may contain provisions for redemption at the option of the state at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the said commission in the order or orders under which the bonds are issued. The principal of each series of bonds shall mature in annual installments in such amounts as shall be specified in the authorizing order or orders; provided, that the first such installment shall mature not later than one year after the date of the bonds of such series, and the last such installment shall mature not later than twenty years after the date of the bonds of the same series; and provided further, that at the time of the issuance of each series of bonds, the maturities of the bonds of that series shall, to such extent as may be practicable, be so arranged that during each then succeeding fiscal year of the state the aggregate installments of principal and interest that will mature on all bonds that will be outstanding hereunder, immediately following the issuance of the bonds of that series, will be substantially equal. The determination by the commission that the requirements of the last proviso of the preceding sentence have been complied with shall be conclusive of such compliance.

The bonds shall be signed in the name of the state by the Governor and countersigned by the Director of Finance and the Great Seal of the State of Alabama or a facsimile thereof shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the Secretary of State; provided, that the facsimile signatures of any one or any two (but not all) of said officers may be reproduced on any of such bonds in lieu of being manually signed thereon. Coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the State Treasurer, which facsimile signature shall constitute due and sufficient authentication of said coupons.

All bonds issued under the provisions of this subsection [Amendment], together with the interest income thereon, shall forever be exempt from taxation in this state.

The provisions of this Amendment shall be self-executing and authorization from or other action by the Legislature shall not be a prerequisite to the issuance of bonds hereunder. [Amendment 267, approved Dec. 5, 1967]

2. The State of Alabama is authorized to become indebted for the purpose of the acquisition, provision, construction, improvement, renovation, equipping, and maintenance of the state parks system, public historical sites, and public historical parks, and in evidence of the indebtedness so incurred to sell and issue bonds, in addition to all other bonds of the state, not exceeding one hundred ten million dollars ($110,000,000) in aggregate principal amount. The bonds shall be direct general obligations of the state and the full faith and credit and taxing power of the state are hereby pledged to the prompt

and faithful payment of the principal thereof and the interest thereon. One hundred four million dollars ($104,000,000) of the bonds shall be issued for the state by the Alabama State Parks System Improvement Corporation pursuant to the appropriate resolutions adopted by the Board of Directors of the corporation and the proceeds thereof shall be appropriated and used exclusively for the purpose of paying the expenses incurred in the sale and issuance of the bonds and for payment of the costs of the acquisition, provision, construction, improvement, renovation, equipping, and maintenance of the state parks system; provided, any lake acquired and or built with the proceeds thereof by the Department of Conservation and Natural Resources as a part of a state park must have a minimum buffer of six hundred (600) lateral feet between the shoreline and any private property. In the event that the water from any said lake is sold, the cost thereof shall be equal to the periodic costs for that portion of the bond issue incurred by the Alabama State Parks System Improvement Corporation for said lake, and shall be repaid to the Department of Conservation and Natural Resources at the same rate as the debt; service on said bond issue. Such acquisition, provision, construction, improvement, renovation, equipping and maintenance of the state parks system, shall be completed at the direction of the Alabama State Parks System Improvement Corporation with the advice and concurrence of the Joint Legislative Committee on State Parks, and all state park system land and facilities, except for existing concession operations or other existing permitted operations, shall thereafter be exclusively and solely operated and maintained by the Department of Conservation and Natural Resources, Six million dollars ($6,000,000) of the bonds shall be issued for the state by the Alabama Public Historical Sites and Parks Improvement Corporation pursuant to the appropriate resolutions adopted by the Board of Directors of the corporation and the proceeds thereof' shall be appropriated and used exclusively for the purpose of paying the expenses incurred in the sale and issuance of the bonds and for the payment of' the costs of the acquisition, provision, construction, improvement, renovations, equipping, and maintenance of public historical sites and public historical parks not under the jurisdiction of the Department of Conservation and Natural Resources. Such acquisition, provision, construction, improvement, renovation, equipping, and maintenance of public historical sites and public historical parks shall be completed at the direction of the Alabama Public Historical Sites and Parks Improvement Corporation and shall thereafter be operated by the Alabama Historical Commission, or other entity as authorized by the commission, with the advice and concurrence of the Joint Legislative Committee on State Parks.

The State of Alabama is further authorized to become indebted and in evidence thereof to sell and issue one or more series of bonds to refund all or any of the bonds herein above authorized by this Amendment in such principal amount or amounts, which may exceed the principal amount of the bonds being refunded, and in such manner as may be provided by law duly enacted by the Legislature.

The aforesaid corporations are hereby vested with the power and authority to provide for the sale and terms of the bonds hereby authorized and the issuance thereof, subject to the approval of the Governor. The bonds may be sold, executed, and delivered at any time and from time to time, may be in such forms, denominations, series, and numbers, may

be of such tenor and maturities, may bear such date or dates, may be payable in such installments and at such place or places, may bear interest at such rate or rates payable and evidenced in such manner, and may contain provisions for redemption at the option of the state to be exercised by the corporations at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the corporations in the resolution or resolutions whereunder the bonds hereby authorized are issued. The principal of each series of bonds shall mature on such date and in such amounts as shall be specified in the resolution or resolutions of the board of Directors of the corporations under which they are issued, the last of which installments shall mature not later than 20 years after the date of the bonds of the same series. All of the bonds, including refunding bonds, shall be sold only at public sale or sales, either on sealed bids or at public auction, after such advertisement as may be prescribed by the corporations, to the bidder whose bid reflects the lowest true interest cost to the state computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the corporation is received, all bids may be rejected.

The bonds shall be signed in the name of the state by the Governor of the State of Alabama and the Great Seal of the State of Alabama or a facsimile thereof shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the Secretary of State of the State of Alabama; provided that facsimile signatures of either or both of the officers may be reproduced on such bonds in lieu of their manually signing the same.

All bonds issued under the provisions of this subsection [Amendment], together with the interest income thereon, shall forever be exempt from all taxation in the state, except inheritance, estate and gift taxes.

The proceeds from the sale of the bonds by the Alabama State Parks System Improvement Corporation hereby authorized, other than refunding bonds, after the payment of all expenses of the sale thereof, shall be set apart in a special fund in the State Treasury to be designated "The Alabama State Parks System Improvement Fund," and such proceeds, together with income derived from the investment and reinvestment thereof', shall be temporarily invested until needed and disbursed, on order of the aforesaid corporation solely for the purposes, herein above described, for which the bonds are authorized to be issued.

The proceeds from the sale of the bonds by the Alabama Public Historical Sites and Parks Improvement Corporation hereby authorized, other than refunding bonds, after the payment of all expenses of the sale thereof, shall be set apart in a special fund in the State Treasury to be designated "The Alabama Public Historical Sites and Parks Improvement Fund," and such proceeds, together with income derived from the investment and reinvestment thereof, shall be temporarily invested until needed and disbursed, on order of the aforesaid corporation solely for the purposes, herein above described, for which the bonds are authorized to be issued.

No further authorization from the Legislature shall be a prerequisite to the validity of any bonds issued hereunder. However, the Legislature shall enact appropriate legislation

implementing the provisions hereof, including provisions for the issuance of refunding bonds as herein above authorized.

The Alabama State Parks System Improvement Corporation and the Alabama Public Historical Sites and Parks Improvement Corporation authorized in this [constitutional Amendment] subsection are strongly encouraged to utilize businesses and companies in all aspects of the bond and construction portions of this Amendment that reflect the racial and ethnic diversity of the state. [Amendment No. 617, approved Nov. 3, 1998]

Section 213-F. Bonds for Display of Space Science Exhibits in Madison County.

The State of Alabama is authorized to become indebted for the purpose of providing and equipping permanent facilities in Madison county, Alabama for displaying certain exhibits in cooperation with the United States Department of the Army and the National Aeronautics and Space Administration, and in evidence of the indebtedness so incurred to sell and issue, in addition to all other bonds of the state, interest bearing general obligation bonds of the state not exceeding one million nine hundred thousand dollars ($1,900,000) in principal amount. The bonds shall be general obligations of the State of Alabama and the full faith and credit and taxing power of the state are hereby pledged to the prompt and faithful payment of the principal of the bonds and the interest thereon. The proceeds from the sale of such bonds are hereby appropriated and shall be used exclusively for the purpose of paying the expenses incurred in the sale and issuance thereof and for the construction, alteration, improvement, enlargement and equipment of exhibition buildings and related facilities, including parking areas and ramps, roadways, sewers, curbs, and gutters, but not including the purchase of sites therefor. Such buildings and facilities shall be constructed by a space science exhibit commission, or such other state agency as may be created by act of the Legislature, and shall be operated by or in cooperation with the Department of the Army and the National Aeronautics and Space Administration under such arrangements as may be authorized by law.

The Alabama Space Science Exhibit Commission or any instrumentality of the state created and established for the purpose of providing for such facility, its management or control, is hereby vested with the authority to provide for the sale and terms of the bonds and the issuance thereof, subject to the approval of the Governor. The bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both with rights of conversion into another form, may be payable in such installments and at such place or places, may bear interest at such rate or rates payable and evidenced in such manner, and may contain provisions for redemption at the option of the state to be exercised by said commission at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the said commission in the resolution or resolutions whereunder the bonds are issued. The principal of each series of bonds shall mature in annual installments in such an amount as shall be specified in the resolution or resolutions of the said commission under which

they are issued, the first of which installments shall mature not later than two years after the date of the bonds of such series and the last of which installments shall mature not later than twenty-one years after the date of the bonds of the same series. When each series of bonds is issued, the maturities of the bonds of that series shall, to such extent as may be practicable, be so arranged that during each then succeeding fiscal year of the state the aggregate installments of principal and interest that will mature on all bonds that will be outstanding hereunder, immediately following the issuance of the bonds of that series, will be substantially equal; provided, that the determination by the said commission that the requirements of this sentence have been complied with shall be conclusive of such compliance and the purchasers of the bonds with respect to which such determination is made and all subsequent holders thereof shall be fully protected thereby. None of the bonds shall be sold for less than face value plus accrued interest thereon to the date of delivery, and all of the bonds shall be sold only at public sale or sales, either on sealed bids or at public auction, after such advertisement as may be prescribed by the said commission, to the bidder whose bid reflects the lowest net interest cost to the state computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said commission is received all bids may be rejected.

The bonds shall be signed in the name of the state by the Governor and countersigned by the chairman of the commission and the Great Seal of the State of Alabama or a facsimile thereof shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the Secretary of State; provided that facsimile signatures of any one or any two (but not all) of said officers may be reproduced on such bonds in lieu of their manually signing the same. Coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the State Treasurer, which facsimile signature is hereby adopted as due and sufficient authentication of said coupons.

All bonds issued under the provisions of this Amendment, together with the interest income thereon, shall forever be exempt from taxation in this state.

The proceeds from the sale of bonds hereby authorized, after the payment of all expenses of the sale thereof shall be set apart in a special fund in the State Treasury to be designated "The Alabama Space Science Exhibit Commission Fund;" and such proceeds shall be used solely for the purposes, herein above enumerated, for which the bonds are authorized to be issued.

The provisions of this Amendment shall be self-executing and no further authorization from the Legislature shall be a prerequisite to the validity of any bonds issued hereunder. However, the Legislature may enact appropriate legislation implementing its provisions. (Amendment 224, approved Nov. 30, 1965)

Section 213-G. Alabama Music Hall of Fame.

I. Any provision of the Constitution of Alabama of 1901, as amended, to the contrary notwithstanding, the Alabama Music Hall of Fame Authority (hereinafter described) is

fully authorized and empowered to sell and issue its interest bearing bonds, which shall be and constitute general obligations of the state, in an aggregate principal amount not exceeding $2,500,000. The expenses incurred in the sale and issuance of said bonds shall be paid by the authority out of the proceeds derived from the sale thereof. The proceeds of said bonds remaining after payment of said expenses shall be turned over to the State Treasurer, shall be carried in a special account of the State Treasury to the credit of the authority, and shall be subject to be drawn on solely by the authority for the purposes authorized in this Amendment.

As used in this Amendment, the following words and phrases shall have the following respective meanings:

> "Authority" means the Alabama Music Hall of Fame Authority created and established by this Amendment.
>
> "Board" means:
>
> (i) The Alabama music hall of fame board created and established by sections 41-9-680, et seq., of the Code of Alabama 1975, as amended, or
>
> (ii) Such other agency of the state which performs substantially the same functions as said board and which is declared by the Legislature to be a successor thereto or a replacement thereof.
>
> "State" means the State of Alabama.

The authority is hereby fully authorized and empowered, except as herein specified or limited, to determine the terms and conditions of said bonds and to provide for the sale and issuance thereof. Upon issuance of said bonds by the authority, the state is authorized to and shall become indebted, in addition to all other indebtedness of the state, in the aggregate principal amount of such bonds issued pursuant to this Amendment. The full faith and credit of the state are hereby irrevocably pledged for the prompt and faithful payment of the principal of said bonds and the interest and premium (if any) thereon.

The proceeds of said bonds remaining after payment of the expenses of selling and issuing the same, together with the investment income derived from said proceeds, shall be used for the purpose of providing funds for the acquisition, construction, installation and equipping of buildings and other facilities consisting of any one or more of the following to be located in Colbert county, Alabama:

> (i) A music hall of fame and exhibition facility for the display of busts, statutes, plaques, books, papers, pictures, computerized figures, memorabilia, records, films, audio tapes, video tapes, compact disks, recordings, pictures and other exhibits relating to music and musicians,
>
> (ii) A library, research and educational center for the collection and documentation of music and for music education and enrichment programs,
>
> (iii) An audio visual auditorium/theatre,

(iv) A recording studio, or

(v) Other facilities necessary or useful in connection with the use of any of the aforesaid facilities, including the acquisition of sites and equipment for any of the aforesaid facilities. Said proceeds may also be used to pay any costs and expenses incidental to the aforesaid purposes for which the bonds are authorized, which may include but shall not be limited to interest on such bonds prior to and during construction of the aforesaid facilities to be constructed with said proceeds and for not exceeding one year after completion of construction.

The authority is hereby fully authorized and empowered, except as herein specified or limited, to determine which of the aforesaid facilities shall be acquired, constructed, installed or equipped by the authority using the aforesaid proceeds. The plans and specifications for any building or other facility acquired, constructed, installed or equipped with proceeds of said bonds shall be approved solely by the authority.

The authority is also authorized and empowered to sell and issue one or more series of its bonds, which shall be and constitute general obligations of the state, to refund all or any of the bonds authorized by this Amendment in such principal amount or amounts (which may exceed the principal amount of the bonds being refunded) and in such manner as may be provided by resolution duly adopted by the authority. The authority is also hereby fully authorized and empowered, except as herein specified or limited, to determine the terms and conditions of such refunding bonds and to provide for the sale and issuance thereof. Upon issuance of said bonds by the authority, the state is authorized to and shall become indebted, in addition to all other indebtedness of the state, in the aggregate principal amount of such refunding bonds issued pursuant to this Amendment. The full faith and credit of the state are hereby irrevocably pledged for the prompt and faithful payment of the principal of said refunding bonds and the interest and premium (if any) thereon.

All of said bonds issued by the authority (including refunding bonds) may be sold only at public sale, with competitive bidding, to such person or persons, at such price or prices and upon such terms as the authority shall determine to be in the best interest of the authority and the state. Neither a public hearing nor consent of the state (including any officer, official, department or other agency of the state) shall be a prerequisite to issuance of any bonds by the authority.

Nothing in this Amendment or in any other provision of the Constitution of Alabama of 1901, as amended, shall prevent the authority from selling and issuing one or more additional series of its bonds which shall be solely revenue obligations of the authority and which shall not create general obligations or debts of the state.

II. There is hereby created and established a state agency to be known as the Alabama Music Hall of Fame Authority which shall be a public body corporate with all the powers and privileges of a corporation, for the purpose of providing for and participating in the management and control of the aforesaid facilities.

The members of the board, and their respective successors as members thereof shall constitute ex officio all the members of the authority. The Chairman, Vice Chairman, Secretary and Treasurer of the board shall constitute ex officio the Chairman, Vice Chairman, Secretary and Treasurer respectively of the authority. The authority, at its option, may appoint an assistant secretary who need not be a member of the authority. The members of the authority shall constitute the governing body of the authority. The presence of any four members of the authority shall constitute a quorum for the transaction of business. No vacancy in the membership of the authority or the voluntary disqualification or abstention of any member thereof shall impair the right of a quorum of the authority to act. Should any member of the authority cease to be a member or officer of the board by reason of death, resignation, expiration of his term of office, or for any other reason, then his successor as a member or officer of the board shall take his place as a member or officer, as the case may be, of the authority.

The authority may adopt such rules, regulations and bylaws as it may determine to be necessary or desirable for the conduct of its duties, powers or functions. The authority is authorized and empowered to use the moneys, services, facilities and employees of the board in carrying out its functions or in furthering the objects or purposes of this Amendment. Reasonable compensation and expense allowances for members or officers of the authority may from time to time be altered or provided for by legislative act. No member, officer or employee of the authority or the board shall be personally liable for any debt, obligation or liability of the authority, the board or the state.

III. The authority shall be authorized:

(a) To investigate and select an available site for its operations and housing the exhibits, including the surrounding grounds, in cooperation with the community, taking into consideration all pertinent factors affecting the suitability of such site;

(b) To acquire by rent or lease agreement or otherwise the necessary housing facilities and to establish, improve and enlarge any available facility, including providing it with necessary equipment, furnishings, landscaping and related facilities, including parking areas and ramps, roadways, sewers, curbs and gutters;

(c) To enter into such contracts and cooperative agreements with the Local, State and Federal Governments, with agencies of such governments, including the Tennessee Valley Authority, with private individuals, corporations, associations and other organizations as it may deem necessary or convenient to carry out the purposes of this Amendment, such contracts and agreements to include leases to private industry;

(d) To borrow money from private sources or such other source as may be acceptable to the authority under such terms and conditions as may be provided by resolution duly adopted by the authority and, in order to provide security for the repayment of any such private loans, to pledge such future revenues from admissions and any other sources as may, from time to time, be necessary or desirable;

(e) To issue and sell at any time, and from time to time, its revenue bonds for the purpose of providing funds to acquire, enlarge, improve, equip and maintain any facility and for the payment of obligations incurred for such purposes. The principal and interest on any such revenue bonds shall be payable out of the revenues derived from such facility and as otherwise herein provided;

(f) To make such contracts in the issuance of its bonds as may seem necessary or desirable to assure their marketability and to provide for their retirement by a pledge of all or any revenue which may come to the authority from the investment of the proceeds of the sale of such bonds or from any other source whatsoever;

(g) To accept public or private gifts, grants and donations;

(h) To acquire property by purchase, lease, gift or license;

(i) To allocate and expend funds from all donations, income and revenue from any source whatsoever coming into its treasury for the fulfillment and accomplishment of its duties and responsibilities in such manner as may be necessary and appropriate for the perfection of the purposes of this Amendment, or to transfer funds from the board to the authority or from the authority to the board;

(j) To sell, convey, transfer, lease or donate any property, franchise, grant, easement, license or lease or interest therein which it may own and to transfer, assign, sell, convey or donate any right, title or interest which it may have in any lease, contract, agreement, license or property;

(k) To perform such other acts necessary or incidental to the accomplishment of the purposes of this Amendment, whether or not specifically authorized in this Amendment, and not otherwise prohibited by law.

IV. In view of the unique character and complexity of the duties and responsibilities imposed on the authority by this Amendment, it is hereby specifically provided that the authority shall have, in addition to the power and the authority enumerated in part III of this Amendment, the right, power and authority to:

(a) Develop and institute a program of promotion and advertising of the exhibits and facilities provided for by this Amendment, said program of promotion and advertising to be conducted by the authority both within and without the state in such manner and to such extent as may be deemed economically advisable and appropriate by it;

(b) Purchase and acquire items of tangible or intangible personal property;

(c) Operate itself or, in its discretion enter into lease agreement with a person or agency of its choosing to operate, all concessions located in or on the grounds and facilities operated by the authority, any such lease agreement to be designated so as to provide maximum services and convenience to the patrons of the exhibit center and to provide reasonable revenue return to the authority.

V. The authority and the board, the property and the income of the authority and the board, all bonds issued by the authority, the income from such bonds, conveyances by or to the authority or the board, and leases, mortgages and deeds of trust or trust indentures by or to the authority or the board shall be exempt from all taxation in the state of Alabama. The authority and the board shall be exempt from all taxes levied by any county, incorporated city or town, or other political subdivision of the state, including, but without limitation to, license and excise taxes imposed in respect of the privilege of engaging in any of the activities in which the authority or the board may engage. The authority and the board shall not be obligated to pay or allow any fee, taxes or costs to the judge of probate of any county of the state in respect of the recording of any document.

The authority and the board are arms of the state, existing to carry forth important functions of the state government, and as such they constitute part of the state for purposes of article I, section 14 of the Constitution of 1901, as amended, and the members and officers of the authority and the board are state officers for purposes of said section 14 of the Constitution whose duties and functions are discretionary in nature. No proceeding, notice or approval shall be required for the issuance of any bonds, the execution of any mortgage and deed of trust or trust indenture, or the exercise of any other of its powers by the authority.

VI. Any bonds of the authority may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be such tenor and maturities, may bear such date or dates, may be payable in such installments and at such place or places, may bear interest at such rate or rates payable and evidenced in such manner, and may contain provisions for redemption at the option of the authority at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the authority in the resolution or resolutions whereunder the bonds are issued. The principal of each series of bonds shall mature in annual installments in such amounts as shall be specified in the resolution or resolutions of the said board under which they are issued, the first of which installments shall mature not later than three years after the date of the bonds of such series and the last of which installments shall mature not later than 30 years after the date of the bonds of the same series.

The bonds shall be signed in the name of the authority by its chairman and the Great Seal of the state of Alabama, or a facsimile thereof, shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the secretary of the authority; provided that facsimile signatures of said officers may be reproduced on such bonds in lieu of their manually signing the same.

The provisions of this Amendment shall be self-executing and no further authorization from the Legislature shall be a prerequisite to the validity of any bonds issued hereunder, although the Legislature may enact appropriate implementing laws, whether before or after the effective date of this Amendment, which are not in conflict herewith. Act No.

87-613, Acts of Alabama 1987, is such an implementing law and shall become effective upon the ratification of this Amendment by the qualified electors of this state.

VII. The state is authorized to pay from any of its revenues of whatsoever nature and make available to the authority at any time and from time to time such sums as the authority determines are necessary for the prompt and faithful payment of the principal, the interest and premium (if any) on the bonds of the authority in the event the authority determines that appropriations by the Legislature and other revenues of the authority (including bond proceeds) remaining after the payment of operating and other expenses are insufficient for the payment of said principal, interest and premium.

VIII. The provisions of this Amendment shall be construed liberally, it being the purpose to provide in this state appropriate housing facilities for displaying to the general public exhibits of the authority and the board and for the management and control of displays by such means as may be determined to be feasible and agreed upon by the authority and the board. [Amendment 489, approved Nov. 8, 1988]

Section 213-H. Bonds for Penal and Correctional Facilities.

The State of Alabama is authorized to become indebted and to sell and issue interest bearing bonds, in addition to all other bonds of the state, in an aggregate principal amount not exceeding $15,000,000.00, the proceeds derived from the sale of said bonds to be used solely for the purpose of paying the expenses incurred in the sale and issuance thereof and for the acquisition, construction, equipment and improvement of state prisons, facilities for the housing, training, education or rehabilitation of prisoners, and other penal and correctional institutions and facilities (including sites therefor) necessary or useful in connection with such prisons and other facilities. None of the proceeds derived from the sale of said bonds may be used to pay rents for the use of real or personal property or to make payments under any lease with option to purchase or similar contractual arrangement. The State of Alabama is also authorized to become indebted and to sell and issue bonds to refund any of the bonds herein authorized, in the amounts (which may exceed the principal amount of the bonds being refunded) and manner as may be specified by the Legislature. The bonds shall be sold only at a duly advertised public sale or sales, upon sealed bids or at auction, to the bidder whose bid reflects the lowest total net interest cost to the state for the bonds offered for sale and shall be sold at not less than their face value plus accrued interest thereon. The bonds shall be direct general obligations of the state, and for the prompt and faithful payment of the principal thereof and the interest thereon the full faith and credit of the state are hereby irrevocably pledged. The bonds issued under this provision [Amendment] and the income therefrom shall be exempt from all taxation in the state. The Legislature shall enact appropriate enabling legislation to carry out the intent and purpose of this provision [Amendment]. [Amendment 374, approved Nov. 7, 1978]

Section 213-I. Issuance of Interest Bearing Bonds for Specified Purposes.

The State of Alabama is authorized to become indebted and to sell and issue its interest bearing bonds, in addition to all other bonds of the state, in an aggregate principal amount not exceeding $520,000,000. The expenses incurred in the sale and issuance of said bonds shall be paid out of the proceeds derived from the sale thereof. The proceeds of said bonds shall be paid into the state Treasury, shall be kept continually invested pending the expenditure thereof, and shall, together with the income derived from the investment and reinvestment thereof (including income derived from the investment and reinvestment of previously derived income), be retained in one or more separate accounts of the state Treasury until expended for the purposes authorized in this Amendment and in the manner provided by law. The proceeds of said bonds remaining after payment of the expenses of selling and issuing the same, together with the investment income derived from said proceeds, shall be used solely for the purpose of paying the capital costs of public facilities and works of internal improvement consisting of:

(i) Public roads, streets, highways and bridges,

(ii) Buildings, equipment and other facilities for public schools, public technical and vocational schools and public institutions of higher education,

(iii) State prisons, facilities for the housing, training, education or rehabilitation of prisoners, and other facilities necessary or useful in connection with prisons and other penal or correctional facilities,

(iv) Mental hospitals and other mental health facilities,

(v) The improvement of navigation in Mobile Harbor by the deepening and widening of channels therein and the construction and installation of dock and wharf facilities in Mobile Harbor and on navigable inland waterways,

(vi) The renovation and restoration of buildings in the main governmental complex of the state, including the state Capitol Building and the present headquarters office building of the state Highway Department,

(vii) The construction and equipment of a new headquarters office building for the state Highway Department,

(viii) Facilities for the Alabama department of youth services,

(ix) The renovation and restoration of the state Coliseum in Montgomery county,

(x) Public parks and park facilities, the acquisition of land for conservation and preservation by the Alabama Department of Conservation and Natural Resources, the planting of shells to be used as mulch for the improvement of oyster cultivation and other maricultural activities in Alabama coastal waters, bays and sounds, and

(xi) Equipment for the Alabama Educational Television Commission.

The Legislature shall enact appropriate implementing laws to provide for the sale and issuance of the bonds authorized by this Amendment, to appropriate and allocate the proceeds thereof, together with the investment income derived from said proceeds, among the hereinbefore described purposes, and otherwise to carry out the intent and purpose of this Amendment.

The State of Alabama is also authorized to become indebted and to sell and issue one or more series of bonds to refund all or any of the bonds authorized by this Amendment in such principal amount or amounts (which may exceed the principal amount of the bonds being refunded) and in such manner as may be provided by law duly enacted by the Legislature.

All bonds issued pursuant to this Amendment (including refunding bonds) may be sold at public or private sale, with or without competitive bidding, to such person or persons, at such price or prices and upon such terms as the Governor, the Director of Finance and the state Treasurer shall determine to be in the best interests of the state. All such bonds (including refunding bonds) shall be direct, general obligations of the state, and the full faith and credit of the state are hereby irrevocably pledged for the prompt and faithful payment of the principal of said bonds and the interest and premium (if any) thereon. [Amendment 395, approved March 2, 1982]

Section 213-J. Agricultural Development Authority; Bonds; Indebtedness by State for Textile Technology and Education Facilities; Indebtedness by State for Forensic Sciences Laboratories and Education Facilities.

1. The State of Alabama is authorized to become indebted for the purpose of providing, equipping and improving facilities for the provision of animal and livestock diagnostic services and for use as educational, research and promotional facilities in the fields of agriculture, forestry and veterinary medicine, and in evidence of the indebtedness so incurred to sell and issue bonds, in addition to all other bonds of the state, not exceeding $52,000,000 in aggregate principal amount. Said bonds shall be direct general obligations of the state and the full faith and credit and taxing power of the state are hereby pledged to the prompt and faithful payment of the principal thereof and the interest thereon. The proceeds from the sale of said bonds are hereby appropriated and shall be used exclusively for the purpose of paying the expenses incurred in the sale and issuance thereof and for payment of the costs of the construction, alteration, improvement, remodeling, renovation, modernization, enlargement and equipment of buildings and related facilities, including parking areas and ramps, roadways, sewers, curbs, and gutters, but not including the purchase of sites therefor, for use:

(1) As animal diagnostic laboratories in order to provide improved animal health testing for livestock and poultry producers, veterinarians, animal owners and animal-related businesses generally,

(2) In carrying out agricultural and forestry research and for agriculture and forestry, plant science and nursery crop education at post-secondary levels,

(3) In the provision of instruction and research in the field of veterinary medicine and

(4) In providing agricultural extension services at regional research extension centers.

Said bonds shall be issued by the state pursuant to appropriate resolutions adopted by the Board of Directors of Alabama Agricultural Development Authority, and the proceeds thereof shall be allocated by said Authority for payment of the aforesaid costs in such amounts and manner as shall be authorized by act of the Legislature. Such buildings and facilities and improvements thereto shall be constructed at the direction of said Authority and shall thereafter be operated by or in cooperation with the state's Morill Act land grant universities and those institutions eligible to receive federal appropriations in support of agriculture and forestry extension and research and for the acquisition and improvement or agricultural and food sciences facilities and equipment and such other agencies and institutions as the said Authority shall determine to be appropriate and convenient therefor.

The State of Alabama is further authorized to become indebted and in evidence thereof to sell and issue one or more series of bonds to refund all or any of the bonds herein above authorized by this Amendment in such principal amount or amounts (which may exceed the principal amount of the bonds being refunded) and in such manner as may be provided by law duly enacted by the Legislature.

The aforesaid Authority is hereby vested with the power and authority to provide for the sale and terms of the bonds hereby authorized and the issuance thereof, subject to the approval of the Governor. The bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be payable in such installments and at such place or places, may bear interest at such rate or rates payable and evidenced in such manner, and may contain provisions for redemption at the option of the state to be exercised by said Authority at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the said Authority in the resolution or resolutions whereunder the bonds hereby authorized are issued. The principal of each series of bonds shall mature on such date in such amounts as shall be specified in the resolution or resolutions of the Board of Directors of the said Authority under which they are issued, the last of which installments shall mature not later than twenty-one years after the date of the bonds of the same series. All of the bonds (including refunding bonds) shall be sold only at public sale or sales, either on sealed bids or at public auction, after such advertisement as may be prescribed by the said Authority, to the bidder whose bid reflects the lowest true interest cost to the state computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said Authority is received all bids may be rejected.

The bonds shall be signed in the name of the state by the Governor and countersigned by the chairman of the said Authority and the Great Seal of the state of Alabama or a facsimile thereof shall be impressed, printed or otherwise reproduced thereon and shall

be attested by the signature of the Secretary of State; provided that facsimile signatures of any or all of said officers may be reproduced on such bonds in lieu of their manually signing the same.

All bonds issued under the provisions of this Amendment, together with the interest income thereon, shall forever be exempt from all taxation in the state, except inheritance, estate and gift taxes.

The proceeds from the sale of those bonds hereby authorized (other than refunding bonds), after the payment of all expenses of the sale thereof, shall be set apart in a special fund in the state Treasury to be designated "The Alabama Agricultural, Forestry and Veterinary Medicine Facilities Improvement Fund," and such proceeds shall be temporarily invested until needed and disbursed. together with income derived from the investment and reinvestment thereof, on order of the aforesaid Authority solely for the purposes, herein above described, for which said bonds are authorized to be issued. Proceeds and said income so disbursed may be combined with monies derived from other sources or otherwise provided by State institutions in accomplishing said purposes in such manner as said Authority shall direct, but the provision or existence of matching funds from the Federal Government or other entities or persons shall not be a prerequisite to the issuance of any bonds hereunder or to the disbursement of any proceeds thereof or any income earned on such proceeds.

No further authorizations from the Legislature shall be a prerequisite to the validity of any bonds issued hereunder However, the Legislature shall enact appropriate legislation implementing the provisions hereof, including provisions for the issuance of refunding bonds as herein above authorized. [Amendment No. 618, approved Nov. 3, 1998]

2. The State of Alabama is authorized to become indebted for the purpose of providing, equipping, and improving facilities for the purpose of providing and equipping a center for cotton, cotton products technology; and for its use as an educational, applied research, and promotional facility in the field of textile and apparel technology, and in evidence of the indebtedness so incurred to sell and issue bonds, in addition to all other bonds of the state, not exceeding five million seven hundred thousand dollars ($5,700,000) in aggregate principal amount. Said bonds shall be direct general obligations of the state and the full faith and credit and taxing power of the state are hereby pledged to the prompt and faithful payment of the principal thereof and the interest thereon. The proceeds from the sale of said bonds are hereby appropriated and shall be used exclusively for the purpose of paying the expenses incurred in the sale and issuance thereof and for payment of the costs of the construction, alteration, improvement, remodeling, renovation, modernization, enlargement, arid equipment of buildings and related facilities, including parking areas and ramps, roadways, sewers, curbs, and gutters, but not for the purchase of sites for providing and equipping a center for cotton, cotton products technology and for its use as an educational, applied research, and promotional facility in the field of textile and apparel technology. Said bonds shall be issued by the state pursuant to appropriate resolutions adopted by the Board of Directors of the Alabama Agricultural Development Authority, and the proceeds thereof shall be

allocated by said Authority for payment of the aforesaid costs in such amounts and manner as shall be authorized by an act of the Legislature. Such buildings and facilities and improvements thereto shall be constructed at the direction of said Authority arid shall thereafter be operated by an agency to be determined by the Alabama Commissioner of Agriculture and Industries in consultation and cooperation with textile and apparel-related businesses and trade associations to include, but not be limited to, the Alabama Textile Manufacturers Association, Inc., under such arrangements as may be authorized by law.

The State of Alabama is further authorized to become indebted and in evidence thereof to sell and issue one or more series of bonds to refund all or any of the bonds herein above authorized by this Amendment in such principal amount or amounts (which may exceed the principal amount of the bonds being refunded) and in such manner as may be provided by law duly enacted by the Legislature.

The aforesaid Authority is hereby vested with the power and authority to provide for the sale and terms of the bonds hereby authorized and the issuance thereof, subject to the approval of the Governor. The bonds may be sold, executed, and delivered at any time and from time to time, may be in such forms, denominations, series, and numbers, may be of such tenor and maturities, may bear such date or dates, may be payable in such installments and at such place or places. may bear interest at such rate or rates payable and evidenced in such manner, and may contain provisions for redemption at the option of the state to be exercised by said Authority at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the said Authority in the resolution or resolutions whereunder the bonds hereby authorized are issued. The principal of each series of bonds shall mature on such date in such amounts as shall be specified in the resolution or resolutions of the Board of Directors of the said authority under which they are issued, the last of which installments shall mature not later than twenty-one years after the date of the bonds of the same series. All of the bonds (including refunding bonds) shall be sold only at public sale or sales, either on sealed bids or at public auction, after such advertisement as may be prescribed by the said authority, to the bidder whose bid reflects the lowest true interest cost to the state computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said authority is received, all bids may be rejected.

The bonds shall be signed in the name of the state by the Governor and countersigned by the chairman of the said authority and the Great Seal of the state of Alabama or a facsimile thereof shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the Secretary of State; provided that facsimile signatures of any or all of said officers may be reproduced on such bonds in lieu of their manually signing the same.

All bonds issued under the provisions of this Amendment, together with the interest income thereon, shall forever be exempt from all taxation in the state, except inheritance, estate and gift taxes.

The proceeds from the sale of those bonds hereby authorized (other than refunding bonds), after the payment of all expenses of the sale thereof, shall be set apart in a special fund in the state Treasury to be designated "The Alabama Textile Technology Facilities Improvement Fund," and such proceeds shall be temporarily invested until needed and disbursed, together with income derived from the investment and reinvestment thereof, on order of the aforesaid authority solely for the purposes, herein above described, for which said bonds are authorized to be issued. Proceeds and said income so disbursed may be combined with moneys derived from other sources or otherwise provided by state institutions in accomplishing said purposes in such manner as said authority shall direct, but the provision or existence of matching funds from the Federal Government or other entities or persons shall not be a prerequisite to the issuance of any bonds hereunder or to the disbursements of any proceeds thereof or any income earned on such proceeds.

No further authorization from the Legislature shall be a prerequisite to the validity of any bonds issued hereunder, However, the Legislature shall enact appropriate legislation implementing the provisions hereof, including provisions for the issuance of refunding bonds as herein above authorized. [Amendment No. 619, approved Nov. 3, 1998]

3. The State of Alabama is authorized to become indebted for the purpose of providing, equipping and improving facilities in the State for use as forensic laboratories and education facilities for the provision of instruction and research in the field of forensic sciences and in evidence of the indebtedness so incurred to sell and issue bonds, in addition to all other bonds of the State, not exceeding $17,5OO,OOO in aggregate principal amount. Said bonds shall be direct general obligations of the State and the full faith and credit and taxing power of the State are hereby pledged to the prompt and faithful payment of the principal thereof and the interest thereon. The proceeds from the sale of said bonds are hereby appropriated and shall be used exclusively for the purpose of paying the expenses incurred in the sale and issuance thereof and for payment of the costs of the construction, alteration, improvement, remodeling, renovation, modernization, enlargement and equipment of buildings and related facilities, including parking areas and ramps, roadways, sewers, curbs, and gutters, including the purchase of sites therefor, for use as forensic sciences laboratories and educational facilities for the provision of instruction and research in the field of forensic sciences. None of the proceeds derived from the sale of the bonds may be used to pay rents for the use of real or personal property or to make payments under any lease with option to purchase or similar contractual arrangement. Said bonds shall be issued by the State pursuant to appropriate resolutions adopted by the board of directors of Alabama Forensic Sciences Bond Authority, and the proceeds thereof shall be allocated by said authority for payment of the aforesaid costs in such amounts and mariner as shall be authorized by act of the legislature.

The State of Alabama is further authorized to become indebted and in evidence thereof to sell and issue one or more series of bonds to refund all or any of the bonds hereinabove authorized by this amendment iii such principal amount or amounts (which may exceed

the principal amount of the bonds being refunded) and in such manner as may be provided by law duly enacted by the legislature

The aforesaid Authority is hereby vested with the power arid authority to provide for the sale and terms of the bonds hereby authorized and the issuance thereof, subject to the approval of the Governor. The bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be payable in such installments and at such place or places, may bear interest at such rate or rates payable and evidenced in such manner, and may contain provisions for redemption at the option of the State to be exercised by said Authority at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by the said Authority in the resolution or resolutions whereunder the bonds hereby authorized are issued. The principal of each series of bonds shall mature on such date in such amounts as shall be specified in the resolution or resolutions of the board of directors of the said Authority under which they are issued, the last of which installments shall mature not later than twenty-one years after the date of the bonds of the same series. All of the bonds (including refunding bonds) shall be sold only at public sale or sales, either on sealed bids or at public auction, after such advertisement as may be prescribed by the said Authority, to the bidder whose bid reflects the lowest true interest cost to the State computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said Authority is received all bids may be rejected.

The bonds shall be signed in the name of the State by the Governor and countersigned by the chairman of the said Authority and the Great Seal of the State of Alabama or a facsimile thereof shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the Secretary of State; provided that facsimile signatures of any or all of said officers may be reproduced on such bonds in lieu of their manually signing the same.

All bonds issued under the provisions of this amendment, together with the interest income thereon, shall forever be exempt from all taxation in the State, except inheritance, estate and gift taxes.

The proceeds from the sale of those bonds hereby authorized (other than refunding bonds), after the payment of all expenses of the sale thereof, shall be set apart in a special fund in the state Treasury to be designated "The Forensic Sciences Facilities Improvement Fund," and such proceeds shall be temporarily invested until needed and disbursed, together with income derived from the investment and reinvestment thereof, on order of the aforesaid Authority solely for the purposes, hereinabove described, for which said bonds are authorized to be issued. Proceeds and said income so disbursed may be combined with monies derived from other sources or otherwise provided by State institutions in accomplishing said purposes in such manner as said Authority shall direct, but the provision or existence of matching funds from the federal government or other entities or persons shall not be a prerequisite to the issuance of any bonds hereunder or to the disbursement of any proceeds thereof or any income earned on such proceeds.

The Alabama Forensic Sciences Bond Authority shall, to the extent possible and

practical, utilize businesses and companies in all aspects of the bond and construction portions of this amendment that reflect the racial and ethnic diversity of the state.

No further authorizations from the legislature shall be a prerequisite to the validity of any bonds issued hereunder. However, the legislature shall enact appropriate legislation implementing the provisions hereof, including provisions for the issuance of refunding bonds as hereinabove authorized. [Amendment 620, approved Nov. 3, 1998]

Section 214. Limitation on State Property Tax Rate.

The Legislature shall not have the power to levy in any one year a greater rate of taxation than sixty-five one-hundredths of one per centum on the value of the taxable property within this state. [Original Section 214]

Section 215. Limitation on County Property Tax Rates; Special County Taxes for Public Buildings, Bridges or Roads; Disposition of Revenue from Special Tax.

No county in this state shall be authorized to levy a greater rate of taxation in any one year on the value of the taxable property therein than one-half of one per centum; provided, that to pay debts existing on the sixth day of December, eighteen hundred and seventy-five, an additional rate of one-fourth of one per centum may be levied and collected which shall be appropriated exclusively to the payment of such debts and the interest thereon; provided, further, that to pay any debt or liability now existing against any county, incurred for the erection, construction, or maintenance of the necessary public buildings or bridges, or that may hereafter be created for the erection of necessary public buildings, bridges, or roads (a) any county may levy and collect such special taxes, not to exceed one-fourth of one per centum, as may have been or may hereafter be authorized by law. The proceeds of taxes levied under said proviso (a) for public building, road, or bridge purposes in excess of amounts payable on bonds, warrants, or other securities issued by the county may be spent for general county purposes, in such manner as the court of county commissioners, board of revenue, or other like county governing body may determine. [Amendment 208, approved Nov. 6, 1962, amending and restating original section 215]

Section 215-A. Additional County Taxes for County Hospitals Except in Mobile and Montgomery Counties; Special Tax for Hospital and Public Health Purposes in Counties Except Mobile, Montgomery and Jefferson, Use of Proceeds of Special Tax in Chambers; "Public Hospital Purposes" and "Public Hospital Facilities Defined"; Certain Securities or Contracts Not to Constitute "Bonds" or "Indebtedness"; Use of Certain Special County Taxes for Hospital Care and Treatment of Indigent Residents; Library County or Municipal Special Property Tax.

1. The governing body of any county in the State of Alabama except Mobile and Montgomery County must levy and collect or cause to be collected for use in the acquisition by purchase, lease or otherwise, or for the construction, operation, equipment and maintenance of a county hospital, in addition to all other taxes now authorized by law, a tax, not in excess of ten mills on each one hundred dollars, on all property situated within the county, based upon the valuation of such property in the county as assessed for state taxation, provided such tax is authorized by a majority of the qualified electors of the county voting upon such proposition at an election called and held for the purpose of authorizing such tax. Such an election may be called at any time by the governing body of any county in the state, and said governing body must call such election upon a petition being filed with the chairman or any member of said governing body requesting that such an election be called or held when said petition is signed by not less than one hundred qualified electors of the county in which said election is to be held. Said election shall be held and conducted and the results canvassed as now provided by law for holding and conducting and canvassing the returns of an election. The proceeds of the tax hereby authorized must be used exclusively for the purpose of acquiring by purchase, lease, or otherwise, or the construction, equipment, maintenance and operation of said county hospital and shall be expended for said purposes by and under the direction, supervision and control of the county governing body. [Amendment 59, approved Nov. 5, 1946]

2. If authorized by vote of a majority of the qualified electors of the county who participate in any election called for that purpose, the governing body of every county except Mobile, Montgomery and Jefferson Counties must levy and collect, in addition to all other taxes authorized by law, a special county tax, not exceeding four mills on each dollar of taxable property in the county to be used solely for acquiring, by purchase, lease, or otherwise, constructing, operating, equipping, or maintaining county hospitals, or other public hospitals, non-profit hospitals and public health facilities. An election may be called at any time by the governing body of the county, and must be called within three months of receipt of a petition, signed by not less than five percent of the qualified electors of the county, requesting that the election be called. The election shall be conducted in the manner which the governing body of the county prescribes. [Amendment 72, approved Nov. 2, 1948]

3. [This Amendment] [The provisions of this subsection 3] shall apply in all counties except Mobile and Jefferson Counties. The term "public hospital purposes" as used in this Amendment shall be construed to include the acquisition by purchase, lease, or otherwise, and the construction, equipment, operation, and maintenance of public hospital facilities. The term "public hospital facilities" as used in this Amendment shall be construed to include, public hospitals, public clinics, public health centers, nurses' homes and training facilities, and related public health facilities of any kind.

If a majority of the qualified electors of any county in the state, except Mobile and Jefferson Counties, who participate in an election held therein pursuant to the provisions

of any Amendment to the Constitution heretofore adopted shall vote at such election in favor of the levy and collection of a special county tax, within the limitations provided in such Amendment, for any one or more of the purposes included within the meaning of the term public hospital purposes, the proceeds derived from the tax authorized at such election may be applied for any one or more of the purposes for which said tax may be so voted. Whenever the tax shall be voted, the governing body of the county may anticipate the proceeds therefrom for any one or more of the purposes for which the tax shall be voted by issuing, without further election, interest bearing tax anticipation bonds, warrants, or certificates of indebtedness of said county payable solely from and secured by a pledge of not exceeding 75% of the annual proceeds from said tax received by the county.

The governing body of each county in which the said tax may be voted shall have the further power to designate as the agency of the county to acquire, construct, equip, operate and maintain public hospital facilities any public corporation heretofore or hereafter organized for hospital purposes in the county under any general law heretofore or hereafter enacted by the Legislature. When a public corporation shall be so designated, the proceeds of said tax thereafter collected shall be paid over to it and shall be used by it for any one or more of the purposes for which the tax shall have been voted; provided, that payment of the proceeds of said tax to said public corporation shall be made only to such extent as will not result in the impairment of the obligation of any contract theretofore made with respect to said tax. Said public corporation may anticipate the proceeds from said tax so required to be paid to it by issuing, for any one or more of the purposes for which the tax shall have been voted, the bonds, warrants, or certificates of indebtedness of said public corporation, and may pledge for the payment of the principal thereof and interest thereon not exceeding 75% of the annual proceeds from said tax so paid to it.

Each county in which the tax shall be voted, and in the event a public corporation shall have been designated as the agency of such county pursuant to the provisions hereof then said public corporation, shall have the power to contract with any other county or similar public corporation with respect to the acquisition by purchase, lease, or otherwise, and the construction, equipment, operation, and maintenance of public hospital facilities outside of the county and within any zone or region of which the county may be a part, and which may have heretofore been established or may hereafter be established for public hospital purposes by the Legislature or by any agency designated by it, the obligations of such contract to be payable solely out of the proceeds of said tax; provided, that the proceeds of said tax shall not be used outside of the county for any purpose for which the proceeds could not be used in the county, and shall not be used with respect to public hospital facilities located outside of the county if the tax is voted specifically for public hospital facilities located in the county.

No securities issued or contracts made by a county under the authority of this Amendment, which are payable solely out of the proceeds of said tax, and no securities

issued or contracts made by any such public corporation, whether or not issued or made under the authority of this Amendment, shall be construed to be bonds of the county or of a political subdivision thereof within the meaning of section 222 of the Constitution, or construed to create or constitute an indebtedness of the county within the meaning of section 224 of the Constitution. Said securities shall be construed to be negotiable instruments notwithstanding the fact that they may be payable solely from a limited source. All pledges of said tax and all contracts made with respect thereto pursuant to the provisions of this Amendment shall take precedence in the order in which they are made and shall create a charge on the proceeds of said tax prior to the expenses of operating and maintaining any public hospital facilities.

In each instance in which a special county tax for any one or more of the purposes included within the meaning of the term "public hospital purposes" has heretofore been authorized at an election held in a county pursuant to the provisions of any Amendment to the Constitution heretofore adopted, all provisions of this Amendment shall be applicable in said county to the same extent as if said election had been held after the adoption of this Amendment.

[The provisions hereof] [this Amendment] shall be self-executing. [Amendment 76, approved Dec. 13, 1949]

4. The Legislature may authorize the use of any portion of the proceeds of any special county tax levied for the purpose of acquiring, constructing, equipping, operating, and maintaining public hospitals, public clinics, public health centers, and related public health facilities of any kind, or for any one or more of the purposes included within the meaning of the term "public hospital purposes," for the purpose of providing hospital care and treatment for indigent residents of the county, or for the purpose of matching any state or federal funds made available for use in providing hospital care and treatment for indigent residents of the county, any provision of the Constitution to the contrary notwithstanding. Provided, however, that if any portion of the proceeds of such tax shall have been pledged to the payment of any bonds, warrants, notes, or other obligations or evidences of indebtedness, such portion of the proceeds of the tax as shall have been so pledged shall not be used for any purpose except in payment of such bonds, warrants, notes, or other obligations or evidences of indebtedness. [Amendment 125, approved Dec. 17, 1957]

6. In addition to all taxes now or hereafter authorized by the Constitution of Alabama, any county or any incorporated municipality within the state which supports, jointly supports, or proposes to support a public library is hereby authorized to levy and collect a special tax not exceeding five one hundredths of one per centum on the value of the taxable property within such county or municipality as assessed for state taxation, the proceeds of which shall be used exclusively for public library purposes; provided, that the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the county or municipality and voted for

by a majority of those voting at such election. Elections under this Amendment shall be called, held and conducted in the same way as elections on special school district tax levies. [Amendment 269, approved Dec. 5, 1967]

Section 215-B. Baldwin County: Special District Tax for Public Hospital Purposes in Baldwin County; Continuation of Same; Special Property Tax for Public Library Purposes in Baldwin County and Municipalities Therein; Ratification and Validation of Ad Valorem Tax Levies and Payments in Baldwin County.

1. In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, the governing body of Baldwin County shall levy and cause to be collected annually a special district tax, not exceeding 50 cents on each 100 dollars assessed valuation of taxable property in election precincts numbered one through seven of Baldwin County, Alabama, to be used exclusively for public hospital purposes (as the term "public hospital purposes" is defined in subsection 3 of section 215-A herein above [Amendment LXXVI [76] to the Constitution proposed by Acts of 1949, page 897, submitted December 13, 1949, and proclaimed ratified December 21, 1949]) within said election precincts numbered one through seven; provided that the time during which such tax is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in election precincts numbered one through seven of Baldwin County and voted for by a majority of such electors voting at such election. The governing body of Baldwin County may call an election at any time, and it shall be the duty of such governing body to call an election to be held within ninety days after receipt by it of a petition signed by not less than 5% of the qualified electors of said election precincts numbered one through seven, requesting that such election be called. The governing body may call such election to be held at the same time that this Amendment is submitted to the electors of the state for ratification and such election shall be effective to require the levy and collection of such tax in the event that this Amendment shall be ratified. The notice of such election, ballots to be used at such election and procedures for holding and determining the results of such election shall be prescribed by the governing body of Baldwin County. No election shall be held hereunder within one year from the date of the last election so held.

Whenever such tax shall have been authorized by vote of such qualified electors, and levied by the governing body of Baldwin County, such governing body may anticipate the proceeds therefrom for any one or more of the purposes for which the tax shall have been voted, by issuing, without further election, interest bearing tax anticipation bonds, warrants, or certificates of indebtedness of said county payable solely from and secured by a pledge of a sufficient amount of the annual proceeds from said tax received by the county.

The governing body of Baldwin County shall have power to designate as the agency of the county, to construct, acquire, equip, operate and maintain public hospital facilities for

said election precincts numbered one through seven any public corporation heretofore or hereafter organized for hospital purposes in the county. When a public corporation shall have been so designated, the proceeds of said tax thereafter collected shall be paid to it and shall be used by it for any one or more of the purposes for which the tax shall have been voted; provided, that payments of the proceeds of said tax to said public corporation shall be made only to such extent as will not result in the impairment of the obligation of any contract theretofore made with respect to said tax. Said public corporation may anticipate the proceeds from said tax so required to be paid to it by issuing, for any one or more of the purposes for which the tax shall have been voted, the bonds, warrants, or certificates of indebtedness of said corporation, and may pledge for the payment of the principal thereof and interest thereon a sufficient amount of the annual proceeds from said tax so paid to it.

No securities issued or contracts made by Baldwin County under the authority of this Amendment, which are payable solely out of the proceeds of said tax, and no securities issued or contracts made by any such public corporation, whether or not issued or made under the authority of this Amendment, shall be construed to be bonds of Baldwin County or of a political subdivision thereof within the meaning of section 222 of the Constitution, or construed to create or constitute an indebtedness of the county within the meaning of section 224 of the Constitution. Said securities shall be construed to be negotiable instruments notwithstanding the fact that they may be payable solely from a limited source. All pledges of said tax and all contracts made with respect thereto pursuant to the provisions of this Amendment shall take precedence in the order in which they are made and shall create a charge on the proceeds of said tax prior to the expenses of operating and maintaining any public hospital facilities.

As used in this subsection [article], the term "election precincts" means the election precincts or beats of the county as they existed on July 27, 1965. [Amendment 230, Nov. 30, 1965]

2. The special district tax now [August 4, 1987] levied and collected for public hospital purposes in election precincts numbered one through seven of Baldwin County, Alabama, and authorized by law shall be continued upon approval of this Constitutional Amendment and by simultaneous approval of a majority of the qualified electors in election precincts one through seven of Baldwin County voting thereon in the constitutional election submitting this proposed Amendment to the county electorate.

Upon such approval, the governing body of Baldwin County shall levy and cause to be collected annually, beginning October 1, 1987, for a period of 20 years, in addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, a special district tax of two mills on each one dollar ($1.00) assessed valuation of taxable property in election precincts numbered one through seven of Baldwin County, Alabama, to be used exclusively for public hospital purposes (as the term "public hospital purposes" is defined in subsection 3 of section 215-A herein above [Amendment LXXVI

[76] to the Alabama Constitution of 1901 proposed by Acts of 1949, page 897, submitted December 13, 1949, and proclaimed ratified December 21, 1949]) within said election precincts numbered one through seven.

Whenever such tax shall have been authorized by vote of such qualified electors, and levied by the governing body of Baldwin County, such governing body may anticipate the proceeds therefrom for any one or more of the purposes for which the tax shall have been voted, by issuing, without further election, interest bearing tax anticipation bonds, warrants, or certificates of indebtedness of said county payable solely from and secured by a pledge of a sufficient amount of the annual proceeds from said tax received by the county.

The governing body of Baldwin County shall have power to designate as the agency of the county, to construct, acquire, equip, operate and maintain public hospital facilities for said election precincts numbered one through seven any public corporation heretofore or hereafter organized for hospital purposes in the county. When a public corporation shall have been so designated, the proceeds of said tax thereafter collected shall be paid to it and shall be used by it for any one or more of the purposes for which the tax shall have been voted; provided, that payments of the proceeds of said tax to said public corporation shall be made only to such extent as will not result in the impairment of the obligation of any contract theretofore made with respect to said tax. Said public corporation may anticipate the proceeds from said tax so required to be paid to it by issuing, for any one or more of the purposes for which the tax shall have been voted, the bonds, warrants, or certificates of indebtedness of said corporation, and may pledge for the payment of the principal thereof and interest thereon a sufficient amount of the annual proceeds from said tax so paid to it.

No securities issued or contracts made by Baldwin County under the authority of this Amendment, which are payable solely out of the proceeds of said tax, and no securities issued or contracts made by any such public corporation, whether or not issued or made under the authority of this Amendment, shall be construed to be bonds of Baldwin County or of a political subdivision thereof within the meaning of section 222 of the Constitution, or construed to create or constitute an indebtedness of the county within the meaning of section 224 of the Constitution. Said securities shall be construed to be negotiable instruments notwithstanding the fact that they may be payable solely from a limited source. All pledges of said tax and all contracts made with respect thereto pursuant to the provisions of this Amendment shall take precedence in the order in which they are made and shall create a charge on the proceeds of said tax prior to the expenses of operating and maintaining any public hospital facilities.

As used in this subsection [act], the term "election precincts" means the election precincts or beats of the county as they existed on July 27, 1965.

The provisions of this subsection [this Amendment] shall be self-executing. [Amendment 471, approved Aug. 4, 1987]

3. (A) In addition to all taxes now or hereafter authorized by the Constitution of Alabama, including subsection 5 of section 215-A hereof [Amendment CCLXIX [269]], Baldwin County or any incorporated municipality within such county which supports, jointly supports, or proposes to support a public library is hereby authorized to levy and collect a special tax of not more than forty-five cents on each one hundred dollars worth of taxable property within such county or municipality as assessed for state taxation. The proceeds of all such taxes shall be used exclusively for public library purposes; provided, that the levy of such tax, the rate of such tax and the purpose thereof shall have been first submitted to the vote of the qualified electors of the county or municipality and voted for by a majority of those voting at such election.

(B) Upon petition signed by four hundred or more qualified electors of Baldwin County to the Baldwin County commission or like governing body, or upon a petition signed by two hundred or more qualified electors of any municipality in such county to the governing body of such municipality, the county commission or the governing body of the municipality shall order an election to be held to determine whether a special tax shall be levied at the rate specified by the governing body of such county or municipality for public library purposes.

(C) Elections under this Amendment relative to additional county taxes for county public library purposes shall be held at the same time any other general or special election is held in which the voters of the entire county are qualified to vote, and elections under this Amendment relative to municipal taxes for municipal library purposes shall be held at the same time any other municipal election is held.

(D) If authorized by the vote of the majority of the qualified electors voting in any such election called for the purpose, the county or city governing body, as the case may be, shall levy and collect, in addition to all other taxes authorized by law, a special annual ad valorem tax at the rate prescribed and approved by the electors voting in the election. If the majority vote at any election held hereunder is not in favor of the levy of the tax, or if at any such election the special tax shall be voted at a rate of less than forty-five cents on each one hundred dollars worth of taxable property, then the governing body of the county or city, as the case may be, may from time to time thereafter call other elections hereunder on the levy of the special tax or on the increase of the rate thereof, up to but not exceeding a total amount of forty-five cents on each one hundred dollars of taxable property, and must call any such election at the next general or special countywide election or next municipal election, as the case may be, next following the receipt of a petition in the manner and form herein prescribed. Provided, however, that not more than one election upon the levy or upon the increase of the rate of the special tax shall be held during any period of twelve consecutive months. After the special tax shall have been levied for a period of three years, the governing body of the county or city, as the case may be, upon its own original action may from time to time thereafter call other elections hereunder on the question of the discontinuance of the tax or a reduction on the rate thereof, upon the payment in full of all obligations then outstanding, if any, and when a

reduced rate will provide sufficient revenue for the purposes for which the tax was levied. If the majority of electors participating in the election vote in favor of the discontinuance or reduction in the rate of the tax, as the case may be, such discontinuance or reduction shall become effective for the tax year next succeeding the tax year in which such election is held. Provided, that not more than one election for the discontinuance or reduction in the rate of the special tax shall be held during any period of twelve consecutive months. All such elections shall be called, held and conducted in the same manner as are elections proposing the special tax. [Amendment 319, approved Jan. 18, 1972]

4. (a) All ad valorem tax levies and payments collected in Baldwin County prior to the approval of this Amendment, are hereby ratified, validated, and confirmed.

(b) This provision [Amendment] shall not become effective unless approved at a referendum by a majority of the qualified electors of Baldwin County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this Amendment [Amendment 559], as provided for in section 2 of this act [Acts 1994, No. 94-723], and no further election shall be required. [Amendment 559, approved November 4, 1994]

Section 215-C. Barbour County: Special Property Tax.

The court of county commissioners, board of revenue, or like governing body of Barbour county may levy each year hereafter, in lieu of the tax levy authorized by the first proviso of section 215, article XI of the Constitution, a special county tax on the taxable property within the county at a rate not to exceed twenty-five cents on each one hundred dollars worth of taxable property in such county, to pay any debt or liability incurred for the erection of a new county courthouse, for the construction, repair, and maintenance of other necessary public buildings, and for general county purposes; provided, that the rate of such tax, the time it is to continue, and the purpose thereof shall have been first submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at such election. The election shall be held and conducted in the same manner as county school tax elections, except that no petition of electors shall be necessary to initiate the same. [Amendment 143, adopted Feb. 16, 1960]

Section 215-D. Calhoun County: Collection and Levying of Special Property Tax for Fire Protection Services.

The Legislature declares that the fire departments which receive funds pursuant to this Amendment are organizations which are public in nature as they promote and protect the health, safety, and welfare of the citizens of the county.

In addition to all other taxes now or hereafter provided by law, there shall be levied and collected in Calhoun County a special county-wide property tax of three mills on each one dollar's worth of taxable property as assessed for the state ad valorem taxation. The proceeds of the additional taxes levied by this [Amendment][provision] shall be used exclusively for fire protection services provided by volunteer and full-time fire departments.

The Tax Assessor of Calhoun County shall assess the tax herein provided for and the tax collector shall collect the tax in the same manner and method that other ad valorem taxes are collected. The proceeds of the tax shall be paid by the tax collector directly to the Calhoun County Volunteer Firefighters' Association and to the cities. The proceeds shall be divided so that the proceeds of the tax collected within the corporate limits of any city within the county shall be allocated to the fire department of that city and the proceeds from collections in the unincorporated areas of the county shall be allocated among the volunteer fire departments which serve the unincorporated area of the county, based on the following formula:

> (a) One-third of the proceeds shall be equally divided among the volunteer fire departments which are in good standing with the Calhoun County Volunteer Firefighters' Association.
>
> (b) One-third of the proceeds shall be divided to each Volunteer fire department based upon the number of people who live within each respective fire district.
>
> (c) One-third of the proceeds shall be divided to each Volunteer fire department based upon the number of acres of land contained in each fire district.

From the proceeds collected in the police jurisdiction, but outside the corporate limits, of any city, one-third shall be allocated for the city serving the police jurisdiction and two-thirds shall be allocated to the Calhoun County Volunteer Firefighters' Association to be divided as herein prescribed.

An eligible fire department, for purposes of this Amendment, means a fire department in Calhoun County which is a member in good standing with the Calhoun County Volunteer Firefighters' Association according to guidelines established by the Alabama Volunteer Fire Department Association.

Funds paid to eligible fire departments shall be expended for fire protection and rescue services including training, supplies, equipment, and facilities. The funds may also be expended to purchase insurance to insure coverage of acts or omissions which are directly related to the functions of a fire department which are committed by the

department or the personnel of a fire department and to insure assets of the fire department. The funds may not be expended for food, drink, social activities, salaries, or fund-raising activities. After receiving funds, the fire departments shall keep accurate records to verify that the funds were properly expended. The records shall reasonably be open to the public for inspection. By September 15 of each year, the association shall file a financial statement with the Calhoun County Commission detailing the expenditure of all funds received from this Amendment during the previous 12 months. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. No new fire departments shall be funded within Calhoun County without prior approval of the Calhoun County Volunteer Firefighters' Association.

Upon dissolution or abandonment of any eligible fire department, any remaining funds derived from this provision [Amendment] or any assets purchased with funds derived from this Amendment shall, after all indebtedness has been satisfied, be transferred to the Calhoun County Volunteer Firefighters' Association. The funds and assets shall be reallocated by the association to the other fire departments based upon the formula previously set out in this provision [[Amendment]]. In the event the association is dissolved, the additional property tax levied under this provision [Amendment] shall end and no longer be levied and collected.

The personnel of fire departments provided for in this provision [Amendment] shall not be considered employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of fire departments.

This Amendment shall apply to collections of ad valorem taxes for the 1996-97 tax year and thereafter. The initial provisions hereof [of this Amendment] may hereafter be amended by local legislation which may become effective without referendum approval. [Amendment 583, approved June 4, 1996]

Section 215-E. Chambers County: Use of Special Tax for Hospital and Public Health Purposes; Levy and Collection of Special Ad Valorem Tax for Public Library Purposes.

1. Whenever the tax authorized to be levied by [subsection 2 of section 215-A] [Amendment No. LXXII [72]]to the Constitution shall have been approved by vote of the qualified electors of Chambers county and levied by the governing body of the county, the proceeds of such tax may be used for any health purposes of the county, including providing of health facilities of all kinds and of health services; and the governing body of Chambers county may, in its discretion, expend any part of the proceeds thereof in cooperation with any one or more of the municipalities of the county, or in cooperation with any public or private nonprofit hospital corporation; or the county governing body

may cooperate in the consolidation of all such hospitals, facilities and services in Chambers county and expend all or any part of the proceeds of the said tax in support thereof. [Amendment 307, approved Dec. 9, 1969]

2. The governing body of Chambers County shall, subject to succeeding provisions hereof [of this Amendment] (including those relating to approval by the Chambers County electorate), and notwithstanding anything in the Constitution or laws of Alabama to the contrary, levy and collect a special county ad valorem or property tax at the rate of twenty cents ($.20) on each one hundred dollars ($100) of taxable property in said County, for a period of ten fiscal (or ad valorem tax) years of said County. Such tax shall be in addition to any taxes now authorized, or that may hereafter be authorized, by the Constitution and laws of Alabama to be levied and collected in Chambers County or by said governing body.

The proceeds of the aforesaid tax shall be used exclusively for public library purposes in Chambers County, including particularly (but without limitation):

(a) The acquisition, construction, reconstruction, improvement, enlargement, equipment, operation, maintenance and support (or any one or more thereof) of:

(1) Any public library or libraries operated or supported (whether in whole or in part) by said County, by the Chambers County Library Board, or by any other similar public or governmental body empowered, under the Constitution and laws of Alabama, to operate or support public libraries, including particularly, but without limiting the generality of the foregoing:

(i) That certain public library located in the city of Lafayette now owned by the city of Lafayette, and

(ii) That certain public library located in the city of Valley now owned by a not-for-profit foundation or a not-for-profit corporation, and

(2) Any other public libraries, branch libraries or related public library facilities (including, without limitation, one or more buildings and any equipment and lands necessary therefor) located or to be located in Chambers County and forming or to form a part of the public library system of said County; and

(b) The payment of principal of or interest (or premium, if any) on any bonds, warrants, notes or other securities (including, without limitation, refunding securities) issued by said County for public library purposes in Chambers County; provided, that any public library, branch library or related public library facilities described in the preceding provisions hereof [of this Amendment] shall be owned either by said County, said Chambers County Library Board or other public or governmental body, or by a not-for-profit corporation or other similar nonprofit organization (regardless of how denominated or organized); and provided further,

(A) That the proceeds of such tax may be expended to pay any costs of constructing, reconstructing, improving or enlarging any additions or improvements to any building or buildings used or to be used (at least in part) by, or in connection with the operation of, the aforesaid public library located in the City of Valley, notwithstanding that such building or buildings may also then be used (or may thereafter be used) in part by, or in connection with the operation of, archives or other facilities that are not, and are not expected to be, operated for public library purposes, and

(B) That none of the proceeds of such tax may be expended to pay any costs of operating, equipping, maintaining or supporting any such facilities that are not, and are not expected to be, operated for public library purposes. In expending (or causing to be expended) the proceeds of such tax for the purposes herein authorized, and in otherwise carrying out the purposes of this Amendment, the governing body of Chambers County shall not be subject to the provisions of sections 93 and 94 of the Constitution, as amended.

If this Amendment is approved, and if a majority of the qualified electors of Chambers County who vote at the election thereon vote in favor of this Amendment hereof, then the tax herein above authorized shall be levied and collected as herein above provided, without any other election having been held thereon. However, if this Amendment is approved but a majority of the qualified electors of Chambers County who vote at the election thereon vote against it, then such tax shall not be levied unless the question of the levy of such tax as herein above provided shall have been submitted to a vote of the qualified electors of said County and approved by a majority of those voting at such election; and such tax shall, upon such approval, be levied and collected as herein above provided. Subsequent elections may be held at intervals of not less than one year, and shall be called, held and conducted in the same way, according to the general laws of Alabama (with such modifications as shall be necessary to comply with the provisions of this Amendment), as elections on the question of issuing county bonds. Following the approval of the Chambers County electorate (whether at the election on this Amendment or at a subsequent county election as herein above provided), the tax herein authorized shall, to the fullest extent consistent with the efficient and practical administration of the tax system of Chambers County and without regard to any law otherwise requiring the levy of county taxes during a certain month or on or before a particular date, be initially levied by the governing body of said County so that it shall first become due and payable on the October 1 next succeeding such election.

The provisions [hereof][of this Amendment] are and shall be self-executing, and authorization from or any other action by the Legislature shall not be a prerequisite to the levy and collection of the tax herein authorized, to the use of the proceeds of such tax as herein provided, or to the call, holding or conduct of any election in said County as herein above provided for. It is hereby specifically declared that this Amendment is not being proposed pursuant to the provisions of that certain Amendment to the Constitution

(known as Amendment No. 425) that was proposed by Act No. 82-330 adopted at the 1982 Regular Session of the Legislature of Alabama, and the provisions of the said Amendment No. 425 [as further amended by Amendment 555, codified as section 284A] are hereby declared to be inapplicable to this Amendment. [Amendment 554, approved June 7, 1994].

Section 215-F. Cherokee County: County Commission Authorized to Levy Ad Valorem Tax for Fire Protection and Rescue Services.

(a) In addition to all other ad valorem taxes levied, the Cherokee County Commission may levy on an annual basis, commencing with the tax year beginning October 1, 1995, an ad valorem tax on all taxable property located in Cherokee County at a rate of two mills per dollar of assessed value of the taxable property, the proceeds of which shall be paid into the county general fund and allocated therefrom for fire protection and rescue services.

(b) Within 30 days of payment into the county general fund of the proceeds from the additional tax levied pursuant to subsection (a) above, the county commission shall pay the proceeds generated by one and one-half mills of the additional tax levied to the Cherokee County Association of Volunteer Fire Departments and the proceeds generated from one-half of one mill to the Cherokee County Rescue Service Inc. The association shall divide its funds equally among the member fire departments of the Cherokee County Association of Volunteer Fire Departments and allocate one share thereof to the association at the quarterly meetings of the association.

(c) Funds paid to eligible volunteer fire departments shall only be expended for fire protection services, including day to day operations, training, supplies, buildings, capital improvements, and equipment. An eligible Volunteer fire department shall mean a Volunteer fire department located in Cherokee County which is certified under the guidelines of the Alabama Forestry Commission and is a member in good standing of the Cherokee County Association of Volunteer Fire Departments. Any tax proceeds allocated for fire protection and rescue services under this Amendment shall not be expended for salaries, food, drink, social activities, or fund-raising activities. After receiving funds, the volunteer fire departments shall keep accurate records to verify that the funds were properly expended. By September 15th of each year, each fire department and the county association shall file a form with the county association detailing the expenditures of all funds during the previous 12 months and setting out a schedule of all proposed projects. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. The county association shall supply the accounting forms to each eligible Volunteer fire department and the county association.

(d) Funds paid to the Cherokee County Rescue Service Inc. shall only be expended for rescue services, including day to day operations, training, supplies, buildings, capital

improvements, and equipment. In order for the Cherokee County Rescue Service to maintain eligibility for tax proceeds it shall maintain current active membership in the Alabama Association of Rescue Squads. After receiving funds, the Cherokee County Rescue Service Inc. shall keep accurate records to verify that funds were properly expended.

(e) All funds collected and disbursed under this Amendment shall be subject to audit by the State Department of Examiners of Public Accounts.

(f) Upon dissolution or abandonment of any eligible Volunteer fire department, any remaining funds shall, after all indebtedness has been satisfied, be transferred to the county association.

(g) Upon dissolution or abandonment of the Cherokee County Rescue Service Inc. any remaining funds shall, after all indebtedness has been satisfied, be held in the county general fund, until a decision can be reached by all applicable parties regarding the restoration of rescue service and the transfer of the funds for rescue services.

(h) The personnel of volunteer fire departments and the Cherokee County Rescue Service shall not be considered as employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of volunteer fire departments and the Cherokee County Rescue Service Inc. [Amendment 584, approved June 4, 1996]

Section 215-G. Chilton County: Special Property Tax for Acquiring, etc., Vocational Trade School and for Rural and Industrial Development; Special Property Tax for Fire, Medical and Emergency Services.

1. (a) The court of county commissioners, board of revenue, or like governing body of Chilton County shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of two mills on each one dollar's worth of taxable property in the county, the proceeds of which shall be used for the acquiring, constructing, enlarging, repairing, improving, equipping, furnishing, operating, or maintaining of a vocational trade school in the county and for the rural and industrial development of the county, provided that the tax has been approved by a majority of the qualified electors of the county voting thereon. The county governing body may also pledge the proceeds of the tax to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for such purposes.

(b) In event this Amendment is approved the court of county commissioners, board of revenue, or like governing body of Chilton County shall have the authority to call an election at any time. In the call for said election, there shall be submitted to the qualified

electors of Chilton County a statement of the rate of the tax, the time that it shall continue, and whether or not it shall be levied; and such tax shall be levied if a majority of the qualified electors voting at the said election should vote in favor thereof. If in said election the majority of the qualified electors of the county who vote thereon vote against its approval, the tax may not be levied unless the rate of the tax, the time it is to continue and the purpose thereof shall be again submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year and shall be held and conducted in the same manner as county school tax elections, except that no petition of electors shall be necessary to initiate the same.

(c) The power to levy granted by [this Amendment] [the provisions hereof] will not be exhausted by one election but shall remain a continuing grant unless and until it is repealed by subsequent constitutional action.

(d) [The provisions hereof] [this Amendment] shall be self-executing and shall require no enabling legislation. [Amendment 166, approved Dec. 5, 1961]

2. The County Commission of Chilton County shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, not exceeding two and one-half mills on each dollar's worth of taxable property outside the corporate limits of any incorporated municipality in the county, as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for fire, medical and emergency services to areas outside the incorporated municipalities of the county.

The tax assessor of Chilton County shall assess the tax herein provided for, and the tax collector of Chilton County shall collect the tax, in the same manner and method that other ad valorem taxes are collected, and the funds shall be distributed to the Chilton County Commission to be distributed by said commission, in equal shares, to all of the rural fire departments in said county that have and maintain an insurance services office of Alabama approved rating.

After the special tax shall have been levied for a period of twenty years from the date of ratification of this Amendment, it shall be discontinued unless a majority of qualified electors of Chilton County, participating in an election called by the county commission, shall vote in favor of its continuance. this Amendment shall not become operative as to Chilton County unless the same is approved by a majority of the qualified electors of Chilton County who vote thereon upon its submission. [Amendment 402, approved March 2, 1982]

Section 215-H. Choctaw County: Fire Protection Tax.

In Choctaw County there is hereby levied, commencing on October 1 following ratification of this Amendment [ratified November 6, 1990], in addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, a fire protection tax of one mill. The fire protection tax levied herein shall be based upon the value of real and personal property assessed by affected property owners, as shown on the records of the tax assessor of Choctaw County, Alabama, and shall be assessed and collected as are all ad valorem taxes in the county. The amount collected each year from assessment of this fire protection tax shall be set aside in a special fund to be distributed by the county commission to volunteer fire departments in the county and the Choctaw County Association of Volunteer Fire Departments. The revenues generated from this tax will be distributed to all volunteer fire departments meeting the minimum standards and the Choctaw County Association of Volunteer Fire Departments, Inc. in equal shares on a semi-annual basis on February 1st and August 1st of each year. Prior to any distribution of funds, there must be prepared and filed with the Choctaw County Commission a map setting out the various volunteer fire departments and every portion of Choctaw County must be assigned or designated to one of the respective volunteer fire departments so that every citizen in Choctaw County has fire protection from a designated Volunteer fire department. No funds shall be disbursed to any Volunteer fire department until the county has full and complete coverage for all citizens. The funds shall be audited annually by the examiners of public accounts or a qualified licensed and registered certified public accountant as to the fire protection taxes received by the county commission, as to the funds appropriated by it and as to how the funds are expended in each Volunteer fire department and to be certain that all taxes received are disbursed on an equal basis to the district and countywide organization and to further audit how the funds are expended by each department and the countywide association.

The county commission is further authorized to enter into agreements with volunteer fire departments within such county for fire protection and services. [Amendment 527, approved Nov. 6, 1990]

Section 215-I. Clarke County: Fire Protection Tax.

The Clarke County commission is hereby authorized in its discretion to establish fire districts within the geographical boundaries of Clarke County. The boundaries of such fire districts may be rearranged at the discretion of the county commission as it deems necessary, from time to time, to maximize fire protection services in the county. The county commission may use the corporate limits of the various towns and municipalities in the county as boundaries for fire districts. In such situations, such town or municipal fire district shall have its own Volunteer fire department functioning within its boundaries. Each fire district established in an area located outside of the corporate limits of a town or municipality shall likewise have its own Volunteer fire department functioning strictly within its district boundaries.

The county commission is further authorized to enter into agreements with volunteer fire departments within such county for fire protection and services.

There is hereby levied, in addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, a fire protection tax of two mills. The fire protection tax levied herein shall be based upon the value of real and personal property assessed by affected property owners, as shown on the records of the tax assessor of Clarke County, Alabama, and shall be assessed and collected as are all ad valorem taxes in the county. The amount collected each year from assessment of this fire protection tax shall be paid into the county general fund and used in furtherance of fire protection within the affected area. Prior to the levy of the fire protection tax in said county, there shall be submitted to the electors of said county, at a special election called for that purpose in said county, the question of whether the said tax shall be levied, and the said tax shall be authorized at such election by a majority of the qualified electors within the said county who vote at such election; provided further, that if a majority of the qualified electors of said county participating in the election on the ratification of this Amendment shall vote for the ratification of this Amendment, then the approval of this Amendment as expressed by the vote in said county in favor of its ratification shall, of itself, authorize the levy and collection of the tax for fire protection purposes in said county, commencing with the levy for the tax year for which taxes will become due and payable on October 1, 1987.

Elections on the question of the levy of a fire protection tax in said county may be held at any time and from time to time, provided, that if any such election held after the ratification of this Amendment the proposal to levy the tax so submitted should be defeated then the proposal may not be submitted at another election held in said county within two years from the last election held [hereunder] [under this Amendment]. [Amendment 464, approved Nov. 4, 1986]

Section 215-J. Clay County: Collection and Levying of Fees for Fire Protection and Safety Services.

The Legislature declares that the fire departments and rescue squads which receive funds pursuant to this Amendment are organizations which are public in nature as they promote and protect the health, safety, and welfare of the citizens of the county.

In addition to all other taxes now or hereafter provided by law, there shall be levied and collected in Clay County a special property tax of two mills on each one dollar's worth of taxable property as assessed for the state ad valorem taxation during the preceding year. The proceeds of the additional taxes levied by this Amendment shall be used exclusively for fire protection and safety services.

The Revenue Commissioner of Clay County shall assess the tax herein provided for and shall collect the tax in the same manner and method that other ad valorem taxes are collected. The proceeds of the tax shall be paid by the commissioner directly to the Clay County Volunteer Fire Department Association. The proceeds shall be divided by the association among the eligible volunteer fire departments and rescue squads so that the proceeds of the tax collected within the corporate limits of the Cities of Ashland and Lineville shall be allocated proportionately to the volunteer fire departments of those cities and any rescue squads serving those cities, and the proceeds from collections in the unincorporated areas of the county shall be allocated equally among the volunteer fire departments and the rescue squads which serve the unincorporated areas of the county. The rescue squads shall also receive the same percentage of the proceeds distributed proportionately to Ashland and Lineville which the rescue squads receive from the county portion of the proceeds.

An eligible fire department, for purposes of this Amendment, means a fire department in Clay County which is a member in good standing with the Clay County Volunteer Fire Department Association according to guidelines established by the Alabama Volunteer Fire Department Association.

An eligible rescue squad for purposes of this Amendment, means a rescue squad in Clay County which is in good standing according to guidelines established by the Alabama Association of Rescue Squads.

Funds paid to eligible fire departments and rescue squads shall only be expended for fire protection and safety services including training, supplies, and equipment. The funds may also be expended to purchase liability insurance to insure coverage of acts or omissions which are directly related to the functions of a fire department or rescue squad which are committed by the department or squad or the personnel of a fire department or rescue squad. The funds may not be expended for food, drink, social activities, salaries, or fund-raising activities. After receiving funds, the fire departments and rescue squads shall keep accurate records to verify that the funds were properly expended. By September 15 of each year, the association shall file a financial statement with the Clay County Commission detailing the expenditure of all funds received from this Amendment during the previous 12 months. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. No new fire departments or rescue squads shall be funded within Clay County without prior approval of the Clay County Volunteer Fire Department Association.

Upon dissolution or abandonment of any eligible fire department or rescue squad, any remaining funds derived from this Amendment or any assets purchased with funds derived from this Amendment shall, after all indebtedness has been satisfied, be transferred to the Clay County Volunteer Fire Department Association. The funds and assets shall be reallocated by the association equally to the other fire departments and

rescue squads. In the event the association is dissolved, the additional property tax levied under this Amendment shall self-destruct and no longer be levied and collected.

The personnel of fire departments and rescue squads provided for [herein] [in this Amendment] shall not be considered employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of fire departments or rescue squads.

[This Amendment] [The provisions hereof] shall apply to collections of ad valorem taxes for the 1995-96 tax year and thereafter. The initial provisions [of this Amendment] [hereof] may hereafter be amended by local legislation which may become effective without referendum approval. [Amendment 585, approved June 4, 1996]

Section 215-K. Cleburne County: Collection and Levying of Fire Protection Tax.

The Legislature declares that the fire departments which receive funds pursuant to this Amendment are organizations which are public in nature as they promote and protect the health, safety, and welfare of the citizens of the county.

In addition to all other taxes now or hereafter provided by law, there shall be levied and collected in Cleburne County a special property tax of two mills on each one dollar's worth of taxable property as assessed for the state ad valorem taxation during the preceding year. The proceeds of the additional taxes levied by this Amendment shall be used exclusively for fire protection services.

The Revenue Commissioner of Cleburne County shall assess the tax herein provided for and shall collect the tax in the same manner and method that other ad valorem taxes are collected. The proceeds of the tax shall be paid by the commissioner directly to the Cleburne County Volunteer Fire Department Association. The proceeds shall be divided by the association among the eligible volunteer fire departments in the county.

An eligible fire department, for purposes of this Amendment, means a fire department in Cleburne County which is a member in good standing with the Cleburne County Volunteer Fire Department Association according to guidelines established by the Alabama Volunteer Fire Department Association.

Funds paid to eligible fire departments shall only be expended for fire protection services including training, supplies, and equipment. The funds may also be expended to purchase liability insurance to insure coverage of acts or omissions which are directly related to the functions of a fire department which are committed by the department or the personnel of a fire department. The funds may not be expended for food, drink, social activities, salaries, or fund-raising activities. After receiving funds, the fire departments shall keep accurate records to verify that the funds were properly expended. By

September 15 of each year, the association shall file a financial statement with the Cleburne County Commission detailing the expenditure of all funds received from this Amendment during the previous 12 months. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. No new fire departments shall be funded within Cleburne County without prior approval of the Cleburne County Volunteer Fire Department Association.

Upon dissolution or abandonment of any eligible fire department, any remaining funds derived from this Amendment or any assets purchased with funds derived from this Amendment shall, after all indebtedness has been satisfied, be transferred to the Cleburne County Volunteer Fire Department Association. The funds and assets shall be reallocated by the association equally to the other fire departments. In the event the association is dissolved, the additional property tax levied under this Amendment shall self-destruct and no longer be levied and collected.

The personnel of fire departments provided for in this Amendment shall not be considered employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of fire departments.

[This Amendment] [The provisions hereof] shall apply to collections of ad valorem taxes for the 1995-96 tax year and thereafter. The initial provisions [of this Amendment] [hereof] may hereafter be amended by local legislation which may become effective without referendum approval. [Amendment 586, approved June 4, 1986]

Section 215-L. Colbert County: Special Malaria Control Property Tax; Drainage Districts.

The Court of County Commissioners of Colbert County, Alabama, is authorized to divide said county into drainage districts for the control of malaria, and said county is authorized and empowered to levy and collect in the several districts so formed, for use in the control of malaria, in addition to all other taxes now authorized by law, a special tax of three mills on all taxable property situated in the several drainage districts so formed, based upon the valuation of such property as assessed for state taxation, and to be used exclusively for the control of malaria in the drainage district in which the said tax is levied and collected, provided such tax is authorized by a majority of the qualified electors residing in such drainage district voting upon such proposition at an election called and held for the purpose of authorizing such tax, and provided that said tax shall be levied and collected for a period of ten years from the time that it is authorized at the election held in such district. Such an election may be called at any time by the court of county commissioners of said county and shall be held and conducted and the results canvassed as now provided by law for holding and conducting and canvassing the returns of a regular election. The proceeds of the tax hereby authorized shall be used exclusively

for the control of malaria in the drainage district in which it is levied and collected and shall be expended through the proper fiscal agencies of the county government under the direction of the governing body of Colbert County, and the Colbert County department of public health. [Amendment 45, approved Nov. 5, 1940]

Section 215-M. Conecuh County: Annual License Taxes, Registration, etc., on Trucks, Trailers; Fire Districts and Fire Protection Tax.

1. Notwithstanding any law to the contrary, the Conecuh County Commission is hereby authorized to establish, by validly enacted ordinance, the amount of all Conecuh county annual license taxes and registration fees and ad valorem taxes on all trucks, truck-tractors, trailers and semi-trailers located within the county. [Amendment 435, Nov. 8, 1983]

2. The Conecuh County Commission and the Conecuh County Fire Control Association are hereby authorized in their discretion to establish fire districts within the geographical boundaries of Conecuh county. The boundaries of such fire districts may be rearranged at the discretion of the county commission and the Conecuh County Fire Control Association as they deem necessary, from time to time, to maximize fire protection services in the county. The county commission and the Conecuh County Fire Control Association may use the corporate limits of the various towns and municipalities in the county as boundaries for fire districts. In such situations, such town or municipal fire district shall have its own Volunteer fire department functioning within its boundaries. Each fire district established in an area located outside of the corporate limits of a town or municipality shall likewise have its own Volunteer fire department functioning strictly within its district boundaries.

The county commission and the Conecuh County Fire Control Association are further authorized to enter into agreements with volunteer fire departments within such county for fire protection and services.

Commencing with the levy for the tax year for which taxes will become due and payable on October 1, 1991, there is hereby levied, in addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, a fire protection tax of three mills. The fire protection tax levied herein shall be based upon the value of real and personal property assessed by affected property owners, as shown on the records of the tax assessor of Conecuh county, Alabama, and shall be assessed and collected as are all ad valorem taxes in the county. The amount collected each year from assessment of this fire protection tax shall be paid into the county general fund and used in furtherance of fire protection and for rescue squads within the affected area. Prior to the levy of the fire protection tax in said county, there shall be submitted to the electors of said county, at a special election called for that purpose in said county, the question of

whether the said tax shall be levied, and the said tax shall be authorized at such election by a majority of the qualified electors within the said county who vote at such election.

Elections on the question of the levy of a fire protection tax in said county may be held at any time and from time to time, provided, that if any such election held after the ratification [Nov. 6, 1990] [of this Amendment] [hereof] the proposal to levy the tax so submitted should be defeated then the proposal may not be submitted at another election held in said county within two years from the last election held [under this Amendment] [hereunder]. [Amendment 528, Nov. 6, 1990]

Section 215-N. Covington County: Fire Protection and Special Fire Protection Property Tax.

(a) The Legislature hereby declares that the fire departments and rescue squads that receive funds pursuant to this Amendment are organizations which are public in nature, as they promote and protect the health, safety, and welfare of the citizens of the county.

(b) The County Commission of Covington County shall levy and collect a special property tax, in addition to all other taxes now or hereafter provided by law, of three mills on each one dollar's worth of taxable property as assessed for the state ad valorem taxation during the preceding year. The proceeds of the additional taxes levied by this Amendment shall be used exclusively for fire, emergency medical, and rescue services.

(c) The Revenue Commissioner of Covington County shall assess the tax herein provided for, and shall collect the fire tax in the same manner and method that other ad valorem taxes are collected. The proceeds of the tax shall be paid into a special county fund. Within thirty days of payment into the special fund, the county commission shall allocate the funds among the eligible fire departments and rescue squads. The funds shall be divided equally among the eligible fire departments and rescue squads.

(d) An eligible fire department, for purposes of this Amendment, means a fire department in Covington County that maintains an ISO-approved rating of at least Class 9, is certified under the Alabama Forestry Commission guidelines, and is a member in good standing of the Covington County Firefighters Association. An eligible rescue squad, for purposes of this Amendment, means a rescue squad that is certified by the Alabama Association of Rescue Squads or Emergency Medical Services.

(e) Funds paid to eligible fire departments and rescue squads shall only be expended for fire protection and emergency medical and rescue services including training, supplies, and equipment. The funds may also be expended to purchase liability insurance to insure coverage of acts or omissions which are directly related to the functions of a fire department or rescue squad which are committed by a fire department or rescue squad or the personnel of a fire department or rescue squad.

The funds may not be expended for food, drink, social activities or fund-raising activities. After receiving funds, the fire departments and rescue squads shall keep accurate records to verify that the funds were properly expended. By September 15 of each year, the fire departments and rescue squads shall file a financial statement with the Covington County Commission detailing the expenditure of all funds received from this Amendment during the previous twelve months. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. The Covington County Firefighters Association shall supply the accounting forms to each eligible fire department and rescue squad. No new fire departments shall be funded within Covington County without prior approval of the Covington County Firefighters Association and the Covington County Commission and without first being certified according to Alabama Forestry Commission guidelines. New departments shall attain an ISO Class 9 rating within two years of receiving fire tax funds to remain eligible. No new rescue squads shall be funded within Covington County without prior approval of the Covington County Commission.

(f) Upon dissolution or abandonment of any eligible fire department or rescue squad, any remaining funds derived from this Amendment or any assets purchased with funds derived from this Amendment shall, after all indebtedness has been satisfied, be transferred to the county commission. The funds and assets shall be reallocated by the county commission equally to the other fire departments and rescue squads. In the event there are no fire departments or rescue squads, the funds or assets shall be placed in the county general fund.

(g) The personnel of fire departments and rescue squads provided for in this Amendment shall not be considered employees, servants or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of fire departments or rescue squads.

(h) Act No. 93-317, H. 825, 1993 Regular Session, is repealed.

(i) [This Amendment] [The provisions hereof] shall not become effective unless approved at a referendum by a majority of the qualified electors of Covington County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of [this Amendment] [the provisions hereof], as provided for in section 2 of this act [Acts 1994, No. 94-346] and no further election shall be required. [Amendment 564, Nov. 8, 1994]

Section 215-O. DeKalb County: Special Tax for Hospital and Public Health Purposes; Ad Valorem Tax for Fire Protection.

1. If the tax is authorized by vote of a majority of the qualified electors of the county who participate in any election called for that purpose, the governing body of DeKalb county

must levy and collect, in addition to all other taxes authorized by law, a special county tax, not exceeding four mills on each dollar of taxable property in the county, to be used solely for acquiring, by purchase, lease, or otherwise, constructing, operating, equipping, or maintaining county hospitals, or other public hospitals, non-profit hospitals and public health facilities, or to pay any existing debt or liability incurred by the county for such purposes. An election may be called at any time by the governing body of the county, and must be called within three months of receipt of a petition signed by not less than five per cent of the qualified electors of the county requesting that the election be called. The election shall be conducted in the manner prescribed by the governing body of the county. [Amendment 65, approved Jan. 6, 1948]

2. (a) In addition to all other ad valorem taxes levied, the DeKalb County Commission may levy on an annual basis, commencing with the tax year beginning October 1, 1998, an ad valorem tax on all taxable property located in DeKalb County, excluding taxable property located within the city limits of Fort Payne, at a rate of three mills per dollar of assessed value of the taxable property. The proceeds of the tax levied pursuant to this Amendment shall be paid into the county general fund and distributed for the benefit of fire protection only.

(b) Within 30 days of payment into the county general fund, the county commission shall pay the funds to the DeKalb County Association of Fire Departments, Incorporated. The county association shall divide quarterly the funds into equal share. One share shall be distributed among all eligible volunteer fire departments, collectively, one share shall be distributed to the Alabama Forestry Commission, and two shares shall be distributed to the DeKalb County Association of Fire Departments. Of the two shares distributed to the county association, one share may be used for administrative duties, the other share may be used for fire protection in those areas not covered by a fire department, excluding the City of Fort Payne. The county commission and the county association may jointly establish rules regarding the transfer, investing, accounting, and handling of the funds.

(c) Funds paid to eligible volunteer fire departments shall only be expended for fire protection services, including training, supplies, buildings, capital improvements, and equipment. An eligible Volunteer fire department shall mean a Volunteer fire department located in DeKalb County that is certified under the guidelines of the Alabama Forestry Commission, has at least an ISO class 9 rating, and is a member in good standing of the DeKalb County Association, Incorporated. The funds may not be expended for salaries, food, drink, social activities, or fund-raising activities, After receiving funds, the eligible volunteer fire departments shall keep accurate records to verify that the funds were properly expended. By September 15th of each year, each eligible Volunteer fire department and the Alabama Forestry Commission shall file a form with the county association detailing the expenditures of all funds during the previous 12 months and setting out a schedule of all proposed projects. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. The county

association shall supply the accounting forms to each eligible Volunteer fire department and the Alabama Forestry Commission,

(d) The Alabama Forestry Commission's share of these funds collected shall be used in DeKalb County only. The funds shall be used for buildings and purchase of equipment. The funds shall not be expended for salaries.

(e) Upon dissolution or abandonment of any eligible Volunteer fire department, any remaining funds shall, after all indebtedness has been satisfied, be transferred to the county association.

(f) The personnel of volunteer fire departments and the Alabama Forestry Commission shall not be considered as employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of volunteer fire departments and the Alabama Forestry Commission. [Amendment 637, approved Nov. 3, 1998]

Section 215-P. Escambia County: Special Tax for Hospital and Public Health Purposes.

If the tax is authorized by vote of a majority of the qualified electors of Escambia County who participate in any election called for that purpose, the governing body of said county must levy and collect, in addition to all other taxes authorized by law, a special county tax, not exceeding four mills on each dollar of taxable property in the county, to be used solely for acquiring, by purchase, lease, or otherwise, constructing, operating, equipping, or maintaining county hospitals, or other public hospitals, non-profit hospitals and public health facilities. An election may be called at any time by the governing body of the county, and must be called within three months of receipt of a petition, signed by not less than five percent of the qualified electors of the county, requesting that the election be called. The election shall be conducted in the manner which the governing body of the county prescribes. [Amendment 70, approved Nov. 2, 1948]

Section 215-Q. Elmore County: Collection and Levying of Fees for Fire Protection Services and Emergency Medical Care.

(a) The Legislature may from time to time by local law authorize the county governing body of Elmore County to levy and collect fees, annually not to exceed $25.00 on each residence and $50.00 on each business located within the county, for fire protection services and emergency medical care, such local law may provide for the distribution of the fees to volunteer fire departments and to emergency medical technicians who are members of volunteer fire departments, or provide for the distribution of the fees to an

association of volunteer fire departments to be distributed by the association for the same purposes.

(b) Act No. 92-660, H. 63, 1992 Second Special Session, a proposed, but not ratified local Constitutional Amendment, relating to the same subject matter, is repealed.

(c) [This Amendment][The provisions hereof] shall not become effective unless approved at a referendum by a majority of the qualified electors of Elmore County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this Amendment [Amendment 567], as provided for in section 2 of this act [Acts 1994, No. 94-183], and no further election shall be required. [Amendment 567, approved Nov. 8, 1994]

Section 215-R. Etowah County: Fire Protection Districts; Fire Protection Tax.

The Etowah County Commission is authorized in its discretion to establish fire districts within the geographical boundaries of Etowah County, said districts to exclude any corporate municipality. Provided, however, any corporate municipality may request through resolution of its governing body to become subject to the provisions of this Amendment upon the approval of the additional tax levied herein by a majority of the qualified electors of the corporate municipality.

The county commission is further authorized to enter into agreements with volunteer fire departments within such county for fire protection and services.

There is hereby levied, in addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, a fire protection tax of three mills. The fire protection tax levied herein shall be based upon the value of real and personal property assessed by affected property owners, as shown on the records of the tax assessor of Etowah County, Alabama, and shall be assessed and collected as are all ad valorem taxes in the county. The amount collected each year from assessment of this fire protection tax shall be paid into the county general fund and used in furtherance of fire protection within the affected area. Prior to the levy of the fire protection tax in a fire district, there shall be submitted to the electors of the district, at a special election called for that purpose in the district, the question of whether the said tax shall be levied, and the said tax shall be authorized at such election by a majority of the qualified electors within any particular fire district of the county or corporate municipality therein who vote at such election; provided further, that if a majority of the qualified electors of any of the fire districts participating in the election on the ratification of this Amendment shall vote for the ratification of this Amendment [Amendment 445, proposed by Acts 1984, No. 84-132], then the approval of this Amendment [Amendment 445] as expressed by the vote in said district in favor of its ratification shall, of itself, authorize the levy and collection of

the tax for fire protection purposes in that fire district, commencing with the levy for the tax year for which taxes will become due and payable on October 1, 1985.

Elections on the question of the levy of a district fire protection tax may be held at any time and from time to time, provided, that if any such election held after the ratification of this Amendment [Amendment 445] the proposal to levy the tax so submitted should be defeated then the proposal may not be submitted at another election held in the same district within two years from the last election held under this Amendment.

Any act heretofore enacted regarding said Etowah County fire fighting districts is hereby ratified and confirmed insofar as it is consistent with this Amendment. [Amendment 445, approved Sept. 4, 1984, amending and superceding Amendment 432, approved Nov. 2, 1992]

Section 215-S. Franklin County: Hospital Tax in Districts 1, 2 and 3.

In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, the governing body of Franklin County shall levy and cause to be collected annually a special district tax, not exceeding 50 cents on each 100 dollars assessed valuation of taxable property in districts one, two, and three of Franklin County, Alabama, to be used exclusively for public hospital purposes (as the term "public hospital purposes" is defined in Amendment LXXVI [76] [section 215-A, subsection 3] to the Constitution proposed by Acts of 1949, page 897, submitted December 13, 1949, and proclaimed ratified December 21, 1949) within said districts one, two, and three; provided that the time during which such tax is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in districts one, two, and three of Franklin County and voted for by a majority of such electors voting at such election. The governing body of Franklin County may call an election at any time, and it shall be the duty of such governing body to call an election to be held within ninety days after receipt by it of a petition signed by not less than 5% of the qualified electors of said districts one, two, and three, requesting that such election be called. The governing body may call such election to be held at the same time that this Amendment is submitted to the electors of the state for ratification and such election shall be effective to require the levy and collection of such tax in the event that this Amendment shall be ratified. The notice of such election, ballots to be used at such election and procedures for holding and determining the results of such election shall be prescribed by the governing body of Franklin County. No election shall be held hereunder within one year from the date of the last election so held.

Whenever such tax shall have been authorized by vote of such qualified electors, and levied by the governing body of Franklin County, such governing body may anticipate the proceeds therefrom for any one or more of the purposes for which the tax shall have been voted, by issuing, without further election, interest-bearing tax anticipation bonds,

warrants, or certificates of indebtedness of said county payable solely from and secured by a pledge of a sufficient amount of the annual proceeds from said tax received by the county.

The governing body of Franklin County shall have power to designate as the agency of the county, to construct, acquire, equip, operate and maintain public hospital facilities for said districts one, two, and three, any public corporation heretofore or hereafter organized for hospital purposes in the county. When a public corporation shall have been so designated, the proceeds of said tax thereafter collected shall be paid to it and shall be used by it for any one or more of the purposes for which the tax shall have been voted; provided, that payments of the proceeds of said tax to said public corporation shall be made only to such extent as will not result in the impairment of the obligation of any contract theretofore made with respect to said tax. Said public corporation may anticipate the proceeds from said tax so required to be paid to it by issuing, for any one or more of the purposes for which the tax shall have been voted, the bonds, warrants, or certificates of indebtedness of said corporation, and may pledge for the payment of the principal thereof and interest thereon a sufficient amount of the annual proceeds from said tax so paid to it.

No securities issued or contracts made by Franklin County under the authority of this Amendment, which are payable solely out of the proceeds of said tax, and no securities issued or contracts made by any such public corporation, whether or not issued or made under the authority of this Amendment, shall be construed to be bonds of Franklin County or of a political subdivision thereof within the meaning of section 222 of the Constitution, or construed to create or constitute an indebtedness of the county within the meaning of section 224 of the Constitution. Said securities shall be construed to be negotiable instruments notwithstanding the fact that they may be payable solely from a limited source. All pledges of said tax and all contracts made with respect thereto pursuant to the provisions of this Amendment shall take precedence in the order in which they are made and shall create a charge on the proceeds of said tax prior to the expenses of operating and maintaining any public hospital facilities.

Districts one, two, and three of Franklin County herein referred to are the commissioners districts one, two, and three now [December 6, 1966] established in Franklin County as authorized by law. [Amendment 262, approved Dec. 6, 1966]

Section 215-T. Hale County: County Commission Authorized to Levy Ad Valorem Tax for Fire Protection.

(a) In addition to all other ad valorem taxes levied, the Hale County Commission may levy on an annual basis, commencing with the tax year beginning October 1, 1996, an ad valorem tax on all taxable property located in Hale County at a rate of two mills per

dollar of assessed value of the taxable property, the proceeds of which shall be paid into the county general fund and distributed for the benefit of fire protection.

(b) Within 30 days of payment into the county general fund, the county commission shall pay the funds to the Hale County Fire Fighters Association. The county association shall divide the funds equally among all eligible volunteer fire departments and the Alabama Forestry Commission at each monthly meeting of the county association. The county commission and the county association may jointly establish rules regarding the transfer, investing, accounting, and handling of the funds.

(c) Funds paid to eligible volunteer fire departments shall only be expended for fire protection services, including training, supplies, buildings, capital improvements, and equipment. All eligible Volunteer fire department shall mean a Volunteer fire department located in Hale County that is certified under the guidelines of the Alabama Forestry Commission and is a member in good standing of the Hale County Association of Volunteer fire departments. The funds may not be expended for salaries, food, drink, social activities, or fund-raising activities. After receiving funds, the volunteer fire departments shall keep accurate records to verify that the funds were properly expended. By September 15th of each year, each department and the Alabama Forestry Commission shall file a form with the county association detailing the expenditures of all funds during the previous 12 months and setting out a schedule of all proposed projects. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. The county association shall supply the accounting forms to each eligible Volunteer fire department and the Alabama Forestry Commission.

(d) The Alabama Forestry Commission's share of these funds collected shall be used in Hale County only. The funds shall be used for buildings and purchase of equipment. The funds shall not be expended for salaries.

(e) Upon dissolution or abandonment of any eligible Volunteer fire department, any remaining funds shall, after all indebtedness has been satisfied, be transferred to the county association.

(f) The personnel of volunteer fire departments and the Alabama Forestry Commission shall not be considered as employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of volunteer fire departments and the Alabama Forestry Commission. [Amendment 603, approved Nov. 5, 1996]

Section 215-U. Henry County: Special Fire Protection Tax.

The Legislature declares that the fire departments which receive funds pursuant to this Amendment [the provisions hereof] are organizations which are public in nature, as they promote and protect the health, safety, and welfare of the citizens of the county.

In addition to all other taxes now or hereafter provided by law, there shall be levied and collected in Henry County a special property tax of two mills on each one dollar's worth of taxable property as assessed for the state ad valorem taxation during the preceding year. The proceeds of the additional taxes levied by this Amendment [the provisions hereof] shall be used exclusively for fire protection services.

The Revenue Commissioner of Henry County shall assess the tax herein provided for, and shall collect the tax in the same manner and method that other ad valorem taxes are collected. The proceeds shall be divided by the revenue commissioner on an equal basis among the six eligible volunteer fire departments in the county.

An eligible fire department, for purposes of [this Amendment][the provisions hereof], means a fire department in Henry County which is a member in good standing with the Alabama Volunteer Fire Department Association.

Funds paid to eligible volunteer fire departments shall only be expended for fire protection services including training, supplies, and equipment. The funds may also be expended to purchase liability insurance to insure coverage of acts or omissions which are directly related to the functions of a fire department which are committed by the department or the personnel of a fire department. The funds may not be expended for food, drink, social activities, salaries, or fund-raising activities. After receiving funds, the fire departments shall keep accurate records to verify that the funds were properly expended. By September 15 of each year, each Volunteer fire department shall file a financial statement with the Henry County Commission detailing the expenditure of all funds received from this Amendment during the previous 12 months. The filing shall also account for all unspent funds and whether the unspent funds have been obligated.

Upon dissolution or abandonment of any eligible fire department, any remaining funds derived from this Amendment [the provisions hereof] or any assets purchased with funds derived from this Amendment [the provisions hereof] shall, after all indebtedness has been satisfied, be divided equally among the remaining volunteer fire departments in the county. In the event all of the volunteer fire departments are dissolved, the additional property tax levied under this Amendment [the provisions hereof] shall self-destruct and no longer be levied and collected.

The personnel of volunteer fire departments provided for in this Amendment shall not be considered employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of fire departments.

This Amendment [The provisions hereof] shall apply to collections of ad valorem taxes for the 1996-97 tax year and thereafter. The initial provisions of this Amendment [hereof] may hereafter be amended by local legislation which may become effective without referendum approval. [section 604, approved Nov. 5, 1996]

Section 215-V. Jackson County: Special Property Tax for Acquiring, etc., Vocational Trade School and for Rural and Economic Development.

Section 1. The court of county commissioners, board of revenue, or like governing body of Jackson county shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of two mills on each one dollar's worth of taxable property in the county, the proceeds of which shall be used for the acquiring, constructing, enlarging, repairing, improving, equipping, furnishing, operating, or maintaining of a vocational trade school in the county and for the rural and industrial development of the county, provided that the tax has been approved by a majority of the qualified electors of the county voting thereon. The county governing body may also pledge the proceeds of the tax to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for such purposes.

Section 2. In event this Amendment is approved the court of county commissioners, board of revenue, or like governing body of Jackson county shall have the authority to call an election at any time. In the call for said election, there shall be submitted to the qualified electors of Jackson county a statement of the rate of the tax, the time that it shall continue, and whether or not it shall be levied; and such tax shall be levied if a majority of the qualified electors voting at the said election should vote in favor thereof. If in said election the majority of the qualified electors of the county who vote thereon vote against its approval, the tax may not be levied unless the rate of the tax, the time it is to continue, and the purpose thereof shall be again submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year and shall be held and conducted in the same manner as county school tax elections, except that no petition of electors shall be necessary to initiate the same.

Section 3. The power to levy granted by this Amendment will not be exhausted by one election but shall remain a continuing grant unless and until it is repealed by subsequent constitutional action.

Section 4. This Amendment shall be self-executing and shall require no enabling legislation. [Amendment 174, approved Dec. 5, 1961]

Section 215-W. Jefferson County: Service Charges or Property Taxes for Fire Protection, Garbage Disposal, and Parks and Recreation.

1. As used in this Amendment, these terms have the meanings here given them:

"Service district" means a district for which this Amendment provides;

"Expenses" means the expenses of establishing a district and providing the services and facilities the district is authorized to provide; and

"County governing body" means the governing body of Jefferson county.

2. The county governing body may provide for the formation of service districts in Jefferson county for any of the following purposes: to establish and maintain a system to fight or prevent fires and to furnish medical rescue services; to establish and maintain a system to collect and dispose of garbage and trash; and to provide park and recreational facilities; provided, however, that no territory lying within the limits of a municipal corporation at the time of the establishment of any such district shall be included within such district; and provided, further, that no such district shall be established unless the establishment thereof has been first approved by the qualified electors residing within the proposed district at an election held as provided for by laws heretofore or hereafter adopted by the Legislature, or as provided for by ordinances hereafter adopted by the county governing body.

A district may be established for any one or more of the foregoing purposes. The county governing body shall provide by ordinance for submitting to the qualified electors within the proposed district the question of whether the district shall be created for one or more of such purposes.

3. The district expenses shall be paid for by the proceeds of service charges or property taxes for which paragraphs 4 and 5, below, provide or by a combination of such proceeds; provided, however, that any funds received from the federal or state government may be used to pay such expenses.

4. Subject to the conditions stated in paragraph 6, below, the governing body of a district may by resolution levy service charges to pay the expenses of the district.

Said service charges shall be levied upon and collected from the persons for whom and the property for which the services and facilities are provided or made available; and such charges shall be a personal obligation of the occupant of such property and shall also be a lien upon such property, enforceable by the sale thereof.

5. Subject to the conditions stated in paragraph 6, below, the county governing body may by ordinance levy a tax on all taxable property in any district in addition to any other tax authorized by law, to pay the expenses of the district.

The taxes levied under this paragraph 5 shall be subject to the laws of the state providing for the following: the time for the levy and the payment of such taxes; the place of the payment of such taxes; the interest and penalties payable on such taxes not paid when due; the lien for the taxes; and the remedies for collection of such taxes unpaid.

6. No service charge or tax provided for by this Amendment shall become effective unless before the creation of the district involved such service charge or tax shall have

been approved at an election in the territory proposed to be established as a district held at the time of the election on establishing the proposed district or unless after the establishment of the district the following shall have occurred:

7. The provisions of this paragraph 7 shall be subject to the conditions and limitations of paragraph 11, below. The county governing body shall adopt ordinances providing for elections to be held on the question of the establishment of districts in the unincorporated areas of the county and on the question of levying service charges or taxes to pay the expenses. The county governing body shall adopt an ordinance, or ordinances, governing elections on the question of the creation of proposed districts in the unincorporated areas of the county and on the question of whether a proposed service charge or tax shall be levied. Such ordinances shall provide for the following: the form of petition for such election; the number of qualified electors residing in the district or in the proposed district required to sign the petition to secure such election; the conduct of the election and the time allowed for filing such petition in the office of the probate judge of the county, which time shall not be less than 30 days following the publication of the resolution or ordinance as required by paragraph 6, above.

8. The provisions of this paragraph 8 shall be subject to the conditions and limitations of paragraph 11, below. The county governing body by ordinance may provide for the enlargement of a district by the addition of territory thereto, subject to the following conditions:

(1) No territory lying within a municipal corporation at the time of such enlargement shall be added to a district;

(2) Subject to (3), next below, no territory shall be added unless the qualified electors thereof have approved the addition of such territory to the district;

(3) The county governing body may provide a procedure whereby territory will be included in a district upon the written petition for its inclusion signed by at least seventy percent (70%) of the qualified electors residing within said territory.

9. The provisions of this paragraph 9 shall be subject to the conditions and limitations of paragraph 11, below. The county governing body shall enact ordinances providing for the administration of the affairs of the district by the county governing body, the governing body of the district, or by any agency of the county and empowering the body administering the affairs of the district to levy and collect service charges provided for in paragraph 4, above, and the county governing body to levy the taxes provided for in paragraph 5, above, subject to the restrictions and conditions imposed by this Amendment and such additional restrictions and conditions as the county governing body, by ordinance, may impose.

10. The county governing body, by ordinance, may provide for the issuance of bonds for such districts with or without an election; provided, however, that all bonds issued hereunder shall be payable only out of the proceeds of the service charges and taxes authorized hereby, and no such bond shall be a general obligation of the county.

11. The Legislature may, from time to time, adopt laws governing service districts, including laws repealing any ordinance of the county governing body inconsistent with any law enacted by the Legislature prior to the adoption of this Amendment. If there is any inconsistency between any law enacted by the Legislature after adoption of this Amendment and any ordinance adopted by the county governing body, the law shall prevail over such ordinance. In order for a law enacted subsequent to the adoption of this Amendment to prevail over any ordinance in conflict with such law, repeal of such ordinance shall not be necessary, but such repeal of the conflicting ordinance shall be permissible. [Amendment 369, approved Sept. 13, 1977, amending and superceding Amendments 239, approved Nov. 30, 1965, and 314, approved Jan. 18, 1972]

Section 215-X. Lawrence, Limestone and Morgan Counties: Special Property Tax for General Health Purposes.

In addition to all taxes now, or hereafter authorized by the Constitution and laws of Alabama, the counties of Lawrence, Limestone and Morgan, in this state, each, shall have the power to levy and collect a special tax up to 3 mills on each dollar's worth of taxable property in the county, the proceeds of which shall be used exclusively for general health purposes; provided that such tax and the purpose or purposes thereof, and the times such taxes are proposed to be continued, shall have first been submitted to the vote of the qualified electors of each of such counties, and voted for by the majority of those voting at such elections in all three such counties. The special tax provided herein may be renewed from time to time, in the manner provided herein, for such periods of time as are necessary. If any proposal to levy the taxes is defeated in any election, subsequent elections thereon may be held at any time. The elections provided for herein shall be called, held, conducted, and governed otherwise in the manner provided for an election on the school district tax authorized in Amendment III [3], article XIX, of the Constitution of Alabama and by article 7, chapter 10, Title 52 of the Code of Alabama 1940; but the governing bodies of the counties of Lawrence, Limestone and Morgan shall each provide for paying the expense of the election in its county.

The county tax collector of each of such counties shall collect the tax in the same manner and under the same requirements and laws as the taxes of the state are collected, and he shall keep the proceeds of this tax separate and apart from all other funds, and shall keep clear accounts thereof. The tax collector shall distribute the proceeds of this special tax in the manner prescribed by the governing body of the county and the revenue derived from the tax levied hereunder shall be used for general health purposes in the county where levied or in cooperation with the other two counties named above. [Amendment 311, approved Dec. 9, 1969]

Section 215-Y. Lee County: Special Tax for Improving Enforcement of Laws Relative To, and Providing Facilities for Juveniles; Fire Fighting Districts; Levy and Collection of Financial Charges or Assessments in Fire Fighting Districts.

1. Lee County shall have power to levy and collect a special county tax not exceeding ten cents on each one hundred dollars worth of taxable property in the county as assessed for state taxation in addition to all other taxes now or hereafter authorized, the proceeds of which shall be used for the purpose of improving the enforcement in Lee County of laws relative to neglected, delinquent and dependent children and enlarging, improving and providing new services to and facilities for handling neglected, delinquent and dependent children, including capital improvements for such purposes, provided the rate of the tax and the time it is to continue and the purpose thereof, shall have been first submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at such election.

If a majority of the qualified electors of Lee County who participate in the election held on the adoption of this Amendment vote in favor thereof, the governing body of Lee County must levy and collect the special tax as herein authorized at the maximum rate specified for each of the _____ tax years next ensuing.

If a majority of the qualified electors of Lee County voting on this Amendment vote against its adoption, the governing body of Lee County may thereafter from time to time call other elections on the question of levying the special tax as herein authorized and must call such an election within three months after receipt by the said county governing body of a petition signed by not less than five percent of the qualified electors of Lee County. After the special tax herein authorized shall have been levied for a period of _____ years, the governing body of Lee County shall, on petition signed by not less than five percent of the qualified electors of the county, call an election on the question of discontinuance of the tax. If a majority of the electors voting upon the question shall vote in favor of discontinuance of the tax then the special tax shall be discontinued at the end of the tax year following the election. Such elections shall be called, held, conducted and canvassed in such manner as the governing board of Lee County shall provide.

The county governing body and any city or town of Lee County may from time to time appropriate county or municipal funds, as the case may be, for the same purposes for which the additional taxes hereby authorized may be levied. [Amendment 324, approved Jan. 18, 1972]

2. A. The County Commission of Lee County is hereby authorized to establish fire fighting districts within such county and enter into agreements with volunteer fire departments within such county for fire protection and services. Said districts shall exclude any corporate municipality which does not request through its governing body by resolution to be made a part of and subject to the provisions of this Amendment.

The County Commission of Lee County shall, at its next meeting after passage and approval of this Amendment, appoint a committee consisting of the chief of each Volunteer fire department within the county. The purpose of this committee will be to keep the commission informed and advised as to the status and needs of the departments and to assist the commission in the setting of priorities regarding fire protection and services.

The county commission may, in its discretion, authorize the expenditure of public funds in support of any fire district.

The Lee County Commission may, upon recommendation of this committee, appoint a county fire marshal whose principle [principal] duty shall be the coordination of all fire protection within the county. This fire marshal shall perform such other tasks related to fire protection as may from time to time be assigned to him by the county commission.

This Amendment is not intended nor shall it be construed to limit the authority or scope of the volunteer fire departments within Lee County or their operation within said county. [Amendment 392, approved Nov. 4, 1980]

B. The governing body of Lee County shall be and is hereby authorized to levy and to collect financial charges or assessments upon and with respect to any or all property (which financial charges or assessments, regardless of whether considered to be property taxes, need not be assessed in exact proportion to the value of property subject to such financial charges or assessments) within the boundaries of any one or more fire fighting districts in Lee County established by said governing body pursuant to the provisions of that certain Amendment to the Constitution proposed by Act No. 80-313, enacted at the 1980 Regular Session of the Legislature, and known as Amendment No. 392 [paragraph 2-A above]. Any such financial charge or assessment shall, subject to succeeding provisions of this Amendment, be so levied and collected at such rate or rates, for such period or periods of time, on such basis (whether ad valorem, or otherwise) and otherwise on such terms and conditions as shall from time to time be specified, provided or limited by the Legislature by general, special or local law, and as said governing body may, consistently with then applicable provisions of such general, special or local law, determine; provided however, that no such financial charge or assessment shall be so levied or collected in any such district unless a majority of the qualified electors residing in such district and voting at an election called for such purpose approve the levy and collection of such financial charge or assessment within such district, at such rate (not to exceed the maximum rate then permitted by law) and for such period of time (not to exceed the maximum period of time then permitted by law) as shall be briefly described or summarized on the ballot used in such election. Thereafter no increase in the rate of such financial charge or assessment above the rate or maximum rate (as the case may be) so approved by the electorate of such district, and no extension of the period of time or maximum period of time (as the case may be) for which such financial charge or assessment shall have been authorized to be levied and collected within such district,

shall be effective except upon approval by a majority of the qualified electors residing in such district and voting at an election called for such purpose. Any provision of the Constitution to the contrary notwithstanding (including specifically, but without limiting the generality of the foregoing, section 190, as amended), the Legislature may, by general, special or local law, provide for and otherwise regulate elections held under or pursuant to the provisions of this Amendment.

The proceeds of any financial charge or assessment levied and collected pursuant to the provisions of this Amendment shall be expended solely for payment of expenses of:

> (i) Providing fire protection services and facilities within the district in which such financial charge or assessment is so levied and collected (either directly or indirectly, as the Legislature may specify), but otherwise in accordance with the provisions of the aforesaid Amendment No. 392 [paragraph 2-A above], and
>
> (ii) Levying and collecting such financial charge or assessment. Any such financial charge or assessment may, any provision of the Constitution to the contrary notwithstanding, be levied upon and with respect to any property within the boundaries of the district in question regardless of whether such property is otherwise exempt from property taxation (on an ad valorem basis or otherwise).

The Legislature shall, any provision of the Constitution to the contrary notwithstanding (including specifically, but without limiting the generality of the foregoing, section 105), have the power, by general, special or local law, to provide for the implementation of the provisions of this Amendment and otherwise to enact laws in furtherance of the purposes hereof and of the aforesaid Amendment No. 392. Any such law enacted at the session of the Legislature at which this Amendment is proposed shall be and hereby is ratified, approved, validated and confirmed in all respects notwithstanding that notice of intention to apply therefor was not published as specified in section 106 of the Constitution, as amended, provided that:

> (1) Notice of intention to apply therefor and stating the substance thereof shall have been published one time in a newspaper published in Lee County, and
>
> (2) Such law by its terms becomes effective only upon the ratification of this Amendment. Furthermore, the aforesaid Amendment No. 392 [paragraph 2-A above] shall be and hereby is ratified, approved, validated and confirmed in all respects.

The provisions of this Amendment shall not, except to the extent expressly provided herein, be construed as self-executing, it being understood that no financial charge or assessment shall be levied hereunder and no election with respect thereto shall be held hereunder unless and until the Legislature, by general, special or local law, shall have:

> (a) Specified the rate or rates (or maximum rate) at which, and the period or periods (or maximum period) for which, any such financial charge or assessment may be levied, as well as the basis for any such financial charge or assessment, and

(b) Provided for elections to be held under or pursuant to the provisions of this Amendment. [Amendment 498, approved Nov. 8, 1988]

Section 215-Z. Limestone County: Tax for Malaria Control; Fire Protection Districts and Fire Protection Tax; Sales and Use Tax.

(a) The governing body of Limestone County must levy and collect for use in the control of malaria, in addition to all other taxes now authorized by law, a tax not in excess of one mill on all property situated within the county, based upon the valuation of such property in said county, as assessed for state taxation, provided such tax is authorized by a majority of the qualified electors of said county voting upon such proposition at an election called and held for the purpose of authorizing such tax. Such an election may be called at any time by the governing body of said county and shall be held and conducted and the results canvassed as now provided by law for holding and conducting and canvassing the returns of an election. The proceeds of the tax hereby authorized shall be used exclusively for the control of malaria and shall be expended through the proper fiscal agencies of the county government under the direction of the governing body of Limestone County and the Limestone County department of public health. [Amendment 34, approved May 3, 1938]

(b) The Limestone County governing body is authorized in its discretion to establish fire districts within the geographical boundaries of Limestone County, said districts to exclude any corporate municipality which does not request through resolution of its governing body to be made a part of and subject to the provisions of this Amendment. The county governing body, in its discretion, may establish, in lieu of or in addition to said fire districts, a county fire department to furnish county-wide fire protection.

The governing body may name a fire marshal for Limestone County, whose principal duty shall be the coordination of fire protection within the county including all fire departments and fire stations, either in the district or county, and their full-time and part-time employees. Upon the request of the county governing body the fire marshal shall submit a budget for the county fire department and shall perform such other tasks related to fire protection as may, from time to time, be assigned to him by the county governing body.

The governing body is hereby authorized to fix a county fire protection tax, which tax shall become effective upon the approval of a majority of electors within any particular fire district or other area of the county where the tax is to be levied. The tax fixed by the governing body shall be based upon the value of real and personal property assessed by affected property owners, as shown on the records of the tax assessor of Limestone County, Alabama, and shall be assessed and collected as are all ad valorem taxes in the county. The amount collected each year from assessment of this fire protection tax shall

be paid into the county general fund and used in furtherance of fire protection within the affected area.

The county governing body is hereby authorized upon approval by resolution adopted by said governing body to adopt, amend and repeal regulations for the safeguarding of life and property from the hazards of fire and explosion in the county, which shall be known as the Limestone County Fire Protection Code. Such regulations shall have the force and effect of law and any violation thereof may, within the discretion of the county governing body, constitute a Class A misdemeanor, as defined in Act No. 607, S. 33 of the 1977 Regular Session (Acts 1977, p. 812), and upon conviction thereof may be punishable by a fine not exceeding $1,000 or imprisonment in the county jail, not to exceed one year, or both fine and imprisonment. Said code shall be effective in all unincorporated areas of the county and in those incorporated areas which choose to come under the provisions of this act.

The county governing body is hereby authorized to employ or to authorize the employment of a fire marshal, fire inspectors, firemen, secretarial and clerical employees and any other employees which it deems necessary to carry out the provisions of this act and it is further authorized to make such expenditures for salaries, equipment, property (whether real, personal or mixed), or other expenses related to fire protection which it deems necessary to carry out the provisions of this Amendment.

The Legislature may provide for or amend, from time to time, any laws pertaining to fire districts in Limestone County. [Amendment 371, approved Sept. 5, 1978]

(c) ***Section 1.*** There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

> (a) Upon every person, firm, or corporation, (including the State of Alabama, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institution, and any association or other agency or instrumentality of such institutions) engaged, or continuing within Limestone County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other water craft and commercial fishing vessels of over five (5) tons load displacement as registered with the U.S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources), an amount equal to one percent (1%) of the gross proceeds of sales of the business except where a different amount is expressly

provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer on the gross sales of the business.

(b) Upon every person, firm or corporation engaged, or continuing within Limestone County, the business of conducting, or operating, places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution within Limestone County, or any athletic association thereof or other association whether such institution or association be a denominational, a state, or county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description with Limestone County, an amount equal to one percent (1%) of the gross receipts of any such business. Provided, however, not withstanding any language to the contrary in the prior portion of this subsection, the tax provisions so specified shall not apply to any athletic event conducted by a public primary or secondary school. The tax amount which would have been collected pursuant to this subsection shall continue to be collected by said public primary or secondary school but shall be retained by the school which collected it and shall be used by said school for school purposes.

(c) Upon every person, firm or corporation engaged or continuing within Limestone County in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, an amount equal to one-half percent (1/2 %) of the gross proceeds of the sale of such machines; provided, that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefore which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(d) Upon every person, firm or corporation engaged or continuing within Limestone County in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer, house trailer or mobile home set-up materials and

supplies including but not limited to steps, blocks, anchoring, cable pipes and any other materials pertaining thereto an amount equal to one-half percent (1/2 %) of the gross proceeds of sale of said automotive vehicle, truck trailer, semi-trailer, house trailer or mobile home set-up materials and supplies, provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of $0.00 [?] per year or part thereof during which such automotive vehicle, truck trailer, semi-trailer, or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, or house trailer shall remain the property of such person.

Where any used automobile vehicle or truck trailer, semi-trailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(e) Upon every person, firm or corporation engaged or continuing within Limestone County in the business of selling at retail any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefore which are made or manufactured for use on or in the operation of such machine, machinery, or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to one-half percent (1/2 %) of the gross proceeds of the sale thereof. Provided, however, the one-half percent (1/2 %) rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

(f) Upon every person, firm or corporation engaged or continuing within Limestone County in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefore, there is hereby levied a tax equal to one percent (1%) of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection shall be the gross proceeds of sales of such business.

Section 2. **(a)** An excise tax is hereby imposed on the storage, use or other consumption in Limestone County of tangible personal property (not including materials and supplies bought for use in fulfilling a contract for the painting, repairing, or reconditioning of vessels, barges, ships and other water craft and commercial fishing vessels of over five (5) tons load displacement as registered with the U.S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources) purchased at retail on or after the effective date of this Amendment for storage, use or other consumption in Limestone County, except as provided in subsections (b), (c), and (d), at the rate of one percent (1%) of the sales price of such property.

(b) An excise tax is hereby imposed on the storage, use or other consumption in Limestone County of any machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property purchased at retail on or after the effective date of this Amendment at the rate of one half percent (1/2 %) of the sales price of any such machine; provided, that the term "machine" as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefore, which are made or manufactured for used on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) An excise tax is hereby imposed on the storage, use or other consumption in Limestone County of any automotive vehicle or truck trailer, semi-trailer, house trailer or mobile home set-up materials and supplies including but not limited to steps, blocks, anchoring, cable pipes and any other materials pertaining thereto purchased at retail on or after the effective date of this Amendment for storage, use or other consumption in Limestone County at the rate of one half percent (1/2 %) of the sales price of such automotive vehicle, truck trailer, semi-trailer, house trailer or mobile home set-up materials and supplies. Where any used automotive vehicle, truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(d) An excise tax is hereby levied and imposed on the storage, use or other consumption in Limestone County of any machine, machinery, or equipment which is used in planting,

cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, or poultry on farms, and the parts of such machines, machinery, or equipment, attachments and replacements therefore which are made or manufactured for use on or in the operation of such machine, machinery, or equipment, and which are necessary to and customarily used in the operation of such machine, machinery, or equipment, which is purchased at retail after the effective date of this Amendment, for the storage, use or other consumption in Limestone County at the rate of one half percent (1/2 %) of the sales price of such property; regardless of whether the retailer is or is not engaged in the business in this County. Provided, however, the one half percent (1/2 %) rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities. Where any used machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products or used in connection with the production of agricultural produce or products, livestock, and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery, or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery, or equipment sold, less the credit for the used machine, machinery, or equipment taken in trade.

Section 3. The tax shall be collected by the State Department of Revenue at the same time and in the same manner as state sales and use taxes are collected. On or prior to the date the tax is due, each person subject to the tax shall file with the department a report in the form prescribed by the department. The report shall set forth, with respect to all sales and business transactions that are required to be used as a measure of the tax levied, a correct statement of the gross proceeds of all the sales and gross receipts of all business transactions. The report shall also include items of information pertinent to the tax as the department may require. Any person subject to the tax levied by this act may defer reporting credit sales until after their collection, and in the event the person defers reporting them, the person shall thereafter include in each monthly report all credit collections made during the preceding month, and shall pay the tax due at the time of filing the report. All reports filed with the department under this section shall be available for inspection by the county commission, or its designee.

Section 4. Each person engaging or continuing in a business subject to the tax levied by this Amendment, shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer because of the sale or admission. It shall be unlawful for any person subject to the tax to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount required to be added to the sale or admission price. It shall be unlawful for any person subject to the tax levied to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption or refund of any portion of the tax.

Section 5. The tax shall constitute a debt due Limestone County. The tax, together with any interest and penalties, shall constitute and be secured by a lien upon the property of any person from whom the tax is due or who is required to collect the tax. The department shall collect the tax, enforce this Amendment, and have and exercise all rights and remedies that the state or the department has for collection of the state sales and use tax. The department may employ special counsel as is necessary to enforce collection of the tax levied by this Amendment and to enforce this Amendment. The department shall pay the special counsel any fees it deems necessary and proper from the proceeds of the tax collected by it for Limestone County.

Section 6. All provisions of the state sales and use tax statutes with respect to the payment, assessment, and collection of the state sales and use tax, making of reports, keeping and preserving records, penalties for failure to pay the tax, promulgating rules and regulations with respect to the state sales and use tax, and the administration and enforcement of the state sales and use tax statutes which are not inconsistent with this Amendment shall apply to the tax levied herein. The state Commissioner of Revenue and the department shall have and exercise the same powers, duties, and obligations with respect to the tax levied under this Amendment that are imposed on the commissioner and department by the state sales and use tax statutes. All provisions of the state sales and use tax statutes that are made applicable by this Amendment to the tax levied under this Amendment, and to the administration and enforcement of this Amendment, are incorporated by reference and made a part of this act as if fully set forth herein.

Section 7. The department shall charge Limestone County for collecting the tax levied under this act in an amount or percentage of total collections as may be agreed upon by the commissioner and the Limestone County Commission. The charge shall not exceed five percent of the total amount of the tax collected in the county. The charge may be deducted each month from the gross revenues from the tax before certification of the amount of the proceeds due Limestone County for that month. The Commissioner of Revenue shall pay into the State Treasury all amounts collected under this act, as the tax is received by the department on or before the first day of each successive month. The commissioner shall certify to the State Comptroller the amount collected and paid into the State Treasury for the benefit of Limestone County during the month immediately preceding the certification. The State Comptroller shall issue a warrant each month payable to the County Treasurer of Limestone County in an amount equal to the certified amount which shall be paid into the county general fund to be divided between the Athens City Board of Education and the Limestone County Board of Education based on the average daily attendance of the two school systems.

Section 8. Effective date of this tax should be the first day of the second month following approval by the qualified electors of Limestone County. [Amendment 546 approved Nov. 3, 1992]

Section 215-AA. Marengo County: County Commission Authorized to Levy Ad Valorem Tax for Fire Protection.

(a) In addition to all other ad valorem taxes levied, the Marengo County Commission may levy on an annual basis, commencing with the tax year beginning October 1, 1997, an ad valorem tax on all taxable property located in Marengo County, excluding the city limits of Demopolis, at a rate of two mills per dollar of assessed value of the taxable property, the proceeds of which shall be paid into the county general fund and distributed for the benefit of fire protection.

(b) Within 90 days of payment into the county general fund, the county commission shall pay the funds to the Marengo County Association of Fire and Rescue Departments, Incorporated. The county association shall divide the funds equally among all the eligible volunteer fire departments and the Alabama Forestry Commission at each quarter meeting of the county association. The county commission and the county association may jointly establish rules regarding the transfer, investing, accounting, and handling of the funds.

(c) Funds paid to eligible volunteer fire departments shall only be expended for fire protection services, including training, supplies, buildings, capital improvements, and equipment. An eligible volunteer fire department shall mean a volunteer fire department located in Marengo County that is certified under the guidelines of the Alabama Forestry Commission and is a member in good standing of the Marengo County Association of Fire and Rescue Departments, Incorporated. The funds may not be expended for salaries, food, drink, social activities, or fund-raising activities. After receiving funds, the volunteer fire departments shall keep accurate records to verify that the funds were properly expended. By September 15th of each year, each department and the Alabama Forestry Commission shall file a form with the county association detailing the expenditures of all funds during the previous 12 months and setting out a schedule of all proposed projects. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. The county association shall supply the accounting forms to each eligible volunteer fire department and the Alabama Forestry Commission.

(d) The Alabama Forestry Commission's share of these funds collected shall be used in Marengo County only. The funds shall be used for buildings and purchase of equipment. The funds shall not be expended for salaries.

(e) Upon dissolution or abandonment of any eligible volunteer fire department, any remaining funds shall, after all indebtedness has been satisfied, be transferred to the county association.

(f) The personnel of volunteer fire departments and the Alabama Forestry Commission shall not be considered as employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of volunteer

fire departments and the Alabama Forestry Commission. [Amendment 610, approved Nov. 5, 1996]

Section 215-BB. Marion County: Special Tax for Hospital Purposes.

The governing body of Marion County shall have the power to levy and collect a special county tax not exceeding four mills on each dollar's worth of taxable property situated within the county, based upon the valuation of such property as assessed for state taxation, the proceeds of such tax to be used solely for the purpose of acquiring, constructing, enlarging, repairing, improving, equipping, furnishing, operating, or maintaining a county hospital or public hospital facilities in the county for which federal funds have been or may be provided. [Amendment 69, approved Nov. 2, 1998]

Section 215-CC. Marshall County: License Tax on Selling Motor Fuel; Forest Fire Protection Tax on Acreage.

1. The governing body of Marshall County, when authorized to do so by a majority of the qualified electors of the county voting in a referendum held in the manner prescribed by the county governing body, may levy and collect a county privilege license tax from any person engaged within the county in the business of selling or keeping in storage for sale gasoline, woco pep, or any other motor fuel used by self-propelled vehicles, which tax shall not be in excess of three cents per gallon on all gasoline, woco pep, or other motor fuel sold or stored, and the proceeds of which shall be used exclusively for construction and maintenance of hard surface farm-to-market roads in the county. The governing body of Marshall County shall hold such referendum not less than sixty nor more than ninety days after the ratification of this Amendment; subsequent referenda may be held at intervals of not less than two years. [Amendment 66, approved Jan. 6, 1948]

2. The Legislature may prescribe by local law for Marshall County for forest fire protection in the county and may authorize the county governing body to further promote and provide for tax on acreage, on a basis other than ad valorem, therefore. The Legislature may provide for the manner for levying and collecting such assessments and the distribution thereof. The Legislature may further provide for the administration of such forest fire protection promotion. [Amendment 439, approved Nov. 8, 1983]

Section 215-DD. Mobile County: Road Bonds and Taxes in Mobile County; Mobile County Bonds; Extension of Debt Limit for Mobile County; Bonds for Public School Buildings; Bond Issue for Capital Improvements; Budget for Mobile County Public Hospital Board; Special Tax for Public Hospital Purposes in Mobile County; Bonds for Certain Public Buildings in Mobile County; Change in Purposes of Levy and

Distribution of Special Tax Authorized by Certain Prior Amendments; General Obligation Bonds of Mobile County; Mobile County Bond Issuance; Special Property Tax for Control of Mosquitoes, Rodents and Other Vectors of Public Health and Welfare in Mobile County; Levy of Certain Privilege License Taxes by Municipalities in Mobile County.

1. Mobile County may at any time and from time to time issue its bonds for construction and improvement, or either, of hard surfaced roads, hard surfaced bridges, and surface water drainage facilities, or any thereof, in said county and, to provide for payment of the principal of and interest on such bonds, may levy and collect a special annual ad valorem tax on the taxable property in said county at a rate not exceeding one-half of one per centum (1/2 of 1%) of the assessed valuation of the taxable property in said county; provided, that the total principal amount of each series of bonds at any time issued hereunder, when added to the principal amount of all then outstanding bonds theretofore issued hereunder and of all then outstanding bonds theretofore issued under any other Constitutional Amendment that are payable from or secured by the said special tax, shall not exceed six and one-half per centum (6 1/2 %) of the assessed valuation of the taxable property situated in said county, as assessed for state taxation for the then preceding state tax year; provided, further, that the rate of the said special tax levied for payment of the bonds at any time issued hereunder and all other bonds at any time issued pursuant to any other Constitutional Amendment and payable out of or secured by said special tax shall not exceed said rate of one-half of one per centum (1/2 of 1%) hereinabove specified; and provided, further, that any bonds may be issued hereunder and said special tax for payment thereof may be levied and collected only after a majority of the qualified electors of said county voting at an election called for that purpose by the governing body of said county shall have voted in favor of the issuance of such bonds and the levy of such tax therefor.

Each such election shall be called, held, conducted, and canvassed, and notice thereof shall be given, in the manner provided by the general laws of Alabama respecting elections on the issuance of bonds by counties, as such laws may exist at the time such election is called; provided, that prior to the holding of any election hereunder, the governing body of Mobile County shall cause to be prepared engineering maps and reports respecting the proposed work on roads, bridges and drainage facilities, or any thereof, shall adopt a resolution containing a brief description, including the name if any, of each proposed item of construction or improvement, a statement of the length or location of each such item and of the estimated cost thereof, and a statement of the total amount of the bonds proposed to be issued for all work of construction or improvement described in said resolution, and shall cause said resolution to be published in a newspaper published in the county one time not less than thirty days before such election. Any number of items of construction or improvement may be described in one resolution; and the question of the issuance of bonds and the levy and collection of said tax with respect to all of the work described in each resolution shall be submitted to the voters in one single proposition at any election held hereunder. Any number of such

resolutions may be adopted on the same day, and any number of propositions may be submitted to the voters on the same day. Each engineering report prepared in accordance with the provisions hereof shall be accompanied by a certificate of the engineer preparing such report that the material proposed to be used for any road or bridge work described in such report meets the then existing specifications of the Alabama highway department applicable to the same type of construction or improvement.

The limitation of six and one-half per centum (6 1/2 %) of the assessed value of taxable property in the county, hereinabove provided for, is applicable only to the amount of bonds that may be outstanding immediately following the delivery of each series of bonds issued hereunder and shall not restrict the total amount of bonds that may be from time to time issued hereunder.

The bonds issued hereunder shall be general obligations of Mobile County secured by a pledge of its full faith and credit, and in addition thereto, the governing body of said county shall in the proceedings providing for the issuance of such bonds specially pledge for payment of the principal thereof and the interest thereon, so much of the said special tax as may be necessary to pay said principal and interest at their respective maturities. Each such pledge of the special tax made for the benefit of the bonds issued hereunder shall be on a parity with all valid pledges of said special tax theretofore or thereafter made for the benefit of bonds issued hereunder or under any other Constitutional Amendment, to such extent as shall not impair the obligations of any then existing valid pledges. The principal of each series of said bonds shall mature in annual installments, the first of which installments shall mature not later than three (3) years after the date of the bonds of said series and the last of which shall mature not later than thirty (30) years after the date of the bonds of said series; provided, that the maturities of each series of bonds issued hereunder shall be so arranged at the time of the issuance of such series of bonds that:

> (a) No annual installment of principal of the bonds of such series maturing during any fiscal year of said county shall be more than four times as great as the smallest installment of principal of any series of bonds maturing during any prior fiscal year, and
>
> (b) The aggregate amount of principal and interest that will mature in any one fiscal year with respect to that series of bonds, and all other bonds then outstanding that are payable out of or secured by a pledge of the aforesaid special tax, shall not exceed the amount of the proceeds collected from the said tax during the then next preceding tax year.

Except as herein otherwise provided, all bonds issued hereunder shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama respecting the sale, execution, issuance, and redemption of bonds by counties, as such laws may exist at the time of the delivery of such bonds.

The provisions of this Amendment shall be self-executing, and the enactment of local legislation shall not be a prerequisite to the taking of any action hereunder by the said county and its governing body; and no local legislation at any time adopted with respect to this Amendment shall be effective, and all such local legislation is hereby repealed.

Mobile County shall in addition have authority under this Amendment to make cash payments for the construction and improvement of hard surfaced roads, hard surfaced bridges and surface water drainage facilities, or any thereof, in said county, from any proceeds accumulated under the provisions of this Amendment over and above such proceeds as are now or hereafter pledged to the payment of the principal and interest on bonds, warrants, notes or other evidence of indebtedness authorized under this Amendment; provided however that no such construction or improvement work shall be started and no such cash payments shall be made unless and until such construction or improvement project, specifically named and described, has been approved by the affirmative vote of a majority of the votes cast on the question at an election in which all of the qualified electors of said county may vote; and the probate judge and all other appropriate election officials shall, upon application by the county commission of said county no less than forty days prior to any such election, include on the ballot for such election the question of whether the voters do approve such specifically named and described construction or improvement project. [Amendment 18, approved Nov. 24, 1924, as amended and superceded by Amendment 152, approved Feb. 16, 1960, and as further amended by Amendment 363, approved Nov. 23, 1976]

2. The Legislature of Alabama may authorize Mobile County to issue bonds from time to time, not exceeding in the aggregate $1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile County, and unbonded obligations of Mobile County which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said county, existing on September 30th, 1936. In September of each year after the adoption of this Amendment to the Constitution, the governing body of Mobile County shall adopt a budget based on 95 percent of the gross receipts of the general fund of the preceding year for the succeeding fiscal year beginning October 1st, and the expenses of such county for any such fiscal year shall not exceed the revenues of the county for that year. All debts contracted or liabilities incurred by the said county in excess of such revenues shall be void. The governing body of Mobile County may, during any such fiscal year, borrow additional money to the extent of twenty-five (25%) percent of the general revenues of such county for the preceding fiscal year, and pledge to secure the payment thereof the general revenues of the county for such current fiscal year only, such loans to be paid within that fiscal year or from the pledged general revenues of the county subsequently collected for that year, and any loan so made and not paid out of the general revenues of the county pledged to secure the same shall be void as to any amount remaining unpaid. The Legislature shall not, after the adoption of this Amendment, pass any law making any

claim a preferred claim against said county, and all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said county, are hereby annulled as to any future claim.

The words "governing body of Mobile County" as herein used shall include any board or Officer which is now or which may hereafter be vested with the powers and duties now or formerly exercised by the board of revenue and Road Commissioners of Mobile County, Alabama. Any person violating any of the provisions of this Amendment shall, upon conviction, be punished by a fine not exceeding $5,000.00, or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the same, and the violation of any of the provisions of this Amendment shall also be ground for impeachment. [Amendment 29, approved Dec. 17, 1935]

3. Notwithstanding any other provision of this Constitution, Mobile County shall continue to have and possess all of the rights, powers and authority granted to it by Amendment XVIII [18] of this Constitution and Act Number 246 of the Local Acts of 1927 [p. 151], as the same has been heretofore amended, and shall have and possess the power and authority to become indebted for the construction or erection of public buildings, bridges and roads within the limit prescribed by section 224 of this Constitution; provided, however, that all debts incurred or bonds issued by Mobile County under the provisions of Amendment XXIX [29] shall be in addition to the limit fixed by said section 224, and shall not be taken into account or considered in determining or arriving at the debt limit of Mobile County under said section 224, and provided further that the six and one-half percent (6 1/2 %) limitation in Amendment XVIII [18] aforesaid shall be construed to refer not to the total amount of bonds issued under authority of the Amendment, but to the total amount of bonds so issued which may be outstanding at any one time. [Amendment 60, approved Nov. 5, 1946]

4. Notwithstanding any other provision of this Constitution, Mobile County shall continue to have and possess all of the rights, powers and authority granted to it by Amendment XVIII [18] of this Constitution and shall have and possess the power and authority to become indebted for the construction or erection of public buildings, bridges and roads within the limit prescribed by section 224 of this Constitution; provided, however, that all debts incurred or bonds issued by Mobile County under the provisions of Amendments XVIII [18] and XXIX [29], and this Amendment, shall be in addition to the limit fixed by said section 224, and shall not be taken into account or considered in determining or arriving at the debt limit of Mobile County under said section 224, and provided further that the six and one-half percent (6 1/2 %) limitation in Amendment XVIII [18] aforesaid shall be construed to refer not to the total amount of bonds issued under authority of the Amendment, but to the total amount of bonds so issued which may be outstanding at any one time. And provided further, that Mobile County may become indebted, issue bonds and levy the tax as authorized by and within the limits of Amendment XVIII [18] aforesaid to pay all or part of the cost of the construction or improvement of concrete or better than concrete surfaced public roads, streets and

bridges in Mobile County, including those within or partly within any municipality, and also for the purpose of constructing, improving and equipping school buildings in an amount not to exceed $1,000,000 and in an amount not to exceed $4,000,000 to construct and equip a building or buildings to be used for a courthouse and jail, including the acquisition of sites therefor; however, in submitting the question of issuing school bonds and courthouse and jail bonds hereunder, the county governing body shall submit the issuance of bonds for such purposes as a single proposition. Courthouse, jail and school bonds authorized hereby shall be issued in the manner provided in chapter 7 of Title 12 of the Code of Alabama of 1940 as heretofore or hereafter amended.

Bonds issued hereunder, together with bonds now or hereafter outstanding under authority of Amendment XVIII [18], together with redemption premiums thereon, shall be payable from any funds heretofore and hereafter derived from the proceeds of the tax at such rate or rates not exceeding one-half of one per centum of the assessed value of the property situated in the county which may from time to time be levied or which has been levied, under said Amendment XVIII [18]. The county governing body may agree in the proceedings authorizing the issue of school bonds and courthouse and jail bonds hereunder that it will, if and to the extent necessary to prevent default in the payment of principal or interest on such bonds, use for the payment of such principal or interest, or both, as a prior lien thereon so much of the proceeds of the tax of 2 1/2 mills authorized by section 215 of the Constitution as may be necessary. Further, after 30 days from the first publication in said county of the resolution authorizing and fixing the details of any bonds authorized to be issued hereunder, such bonds and the sources of payment provided therefor in such resolution shall be incontestable in any court in this state. [Amendment 100, approved Dec. 15, 1983]

5. Mobile County is hereby authorized to become indebted for school building purposes and in evidence of the indebtedness so incurred, to sell and issue, in addition to all other bonds of the county, interest bearing bonds of the county not exceeding three million dollars ($3,000,000) in principal amount.

The bonds issued hereunder, together with the bonds now or hereafter outstanding under authority of Amendment XVIII [18], proposed by Acts 1923, page 594, and proclaimed ratified November 15, 1924 (Proclamation Record D., page 107) and Amendment C, proposed by Acts 1953, page 436, and proclaimed ratified December 28, 1953, (Proclamation Record, Volume I, page 144), together with redemption premiums thereon, shall be payable from any funds heretofore and hereafter derived from the proceeds of the tax at such rate or rates not exceeding one-half of one per centum of the assessed value of the property situated in the county which may from time to time be levied and which has been levied under Amendment XVIII [18] and also from the proceeds of any tax or taxes levied under this Amendment; and the board of revenue and Road Commissioners or other governing body of Mobile County is hereby vested with full authority to continue to levy a tax in the amount authorized by said Amendment XVIII [18], until all bonds issued pursuant to this Amendment have been paid in full, or

provision for such payment made, without again submitting the question of levying such tax and issuing such bonds to the qualified voters of Mobile County.

The proceeds from each sale of any of the bonds shall, after payment of the expenses of issuing the same, be covered into the county treasury and set apart therein in a special trust fund to be designated the "Public School Bond Fund." The money paid into such fund shall be disbursed to the custodian of county school funds, and shall be used solely for the acquisition of public school sites, for the construction, reconstruction, alteration and improvement of public school building facilities, for the procurement of equipment therefor, and for payment of obligations incurred for any of such purposes in Mobile County.

The board of revenue and Road Commissioners or other governing body of Mobile County is hereby vested with full authority except as limited herein, to provide the terms of the bonds and to provide for the sale and issuance thereof; and such county governing body is hereby specifically authorized to pledge to the payment of such bonds so much of the proceeds of any tax hereinbefore or hereafter levied pursuant to Amendment XVIII [18], which has not already been pledged to the payment of other bonds of the county, and so much of the proceeds of any tax levied pursuant to this Amendment as are needed for the payment of the bonds hereby authorized. The bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both with rights of conversion into another form, may be payable in such installments and at such place or places, may bear interest at such rate or rates payable and evidenced in such manner, and may contain provisions for redemption at the option of Mobile County to be exercised by said board of revenue and Road Commissioners or other governing body of Mobile County at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by said county governing body in the resolution or resolutions whereunder the bonds are issued. The principal of each series of bonds shall mature in annual installments in such amounts as shall be specified in the resolution or resolutions of the said county governing body under which they were issued, the first of which installments shall mature not later than one year after the date of the bonds of such series and the last of which installments shall mature not later than twenty-five years after the date of the bonds of the same series. When each series of bonds is issued, the maturities of the bonds of that series shall, to such extent as may be practicable, be so arranged that during each then succeeding fiscal year of the county the aggregate installments of principal and interest that will mature on all bonds that will be outstanding hereunder, immediately following the issuance of the bonds of that series, will be substantially equal; provided, that the determination by the said county governing body that the requirements of this sentence have been complied with shall be conclusive of such compliance and the purchasers of the bonds with respect to which such determination is made and all subsequent holders thereof shall be fully protected by such determination. None of the bonds shall be sold for less than face value plus accrued

interest thereon to the date of delivery, and all of the bonds shall be sold only at public sale or sales, either on sealed bids or at public auction, after such advertisement as may be prescribed by the said county governing body, to the bidder whose bid reflects the lowest net interest cost to the county computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said county governing body is received all bids may be rejected.

The bonds shall be signed in the name of the county of Mobile by the Chairman of the board of revenue and Road Commissioner or other presiding officer of the county governing body and shall be countersigned by the County Treasurer, and the Seal of the County, if any, or a facsimile thereof, shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the Clerk of the county governing body; provided that a facsimile of the signature of any one or any two (but not all) of the officers whose signatures appear on the bonds may be reproduced on any of the bonds in lieu of being manually signed thereon. Any coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the Chairman of the county governing body, which facsimile signature shall constitute sufficient authentication of said coupons.

All bonds issued under the provisions of this Amendment, together with the interest income therefrom, shall forever be exempt from all taxation in this state.

The provisions of this Amendment shall be self-executing, and authorization from or other action by the Legislature shall not be a prerequisite to the issuance of bonds hereunder; provided, however, that the Legislature may enact appropriate legislation, not inconsistent with this Amendment, respecting the use of the proceeds from the bonds and providing for the payment of the principal thereof and the interest thereon. [Amendment 122, approved Dec. 17, 1957]

6. Mobile County is hereby authorized to issue its bonds not exceeding $3,000,000 in principal amount for the purpose of acquiring, providing, and constructing capital improvements in the county of which not exceeding $1,000,000 aggregate principal amount shall be issued to pay the costs of acquiring, providing, and constructing public schoolhouses in the county and of which not exceeding $2,000,000 aggregate principal amount shall be issued to pay the costs of acquiring, providing, and constructing public hospital buildings in the county, provided, that the aggregate principal amount of any series of bonds at any time issued hereunder, when added to the aggregate principal amount of all bonds then outstanding that are payable from or secured by the special annual ad valorem tax authorized in Amendment XVIII [18] of the Constitution of Alabama, shall not exceed six and one-half percentum (6 1/2 %) of the assessed valuation of the taxable property situated in said county, as assessed for state taxation for the state tax year next preceding the issuance of such bonds hereunder; provided, further, that any bonds may be issued hereunder only after the question of the issuance of such bonds shall have been submitted to the qualified electors of Mobile County at an election called for

that purpose by the governing body of said county, at which a majority of said qualified electors voting at said election shall have voted in favor of the issuance of such bonds, any such election to be called, held, conducted, and canvassed, and notice thereof to be given, in the manner provided by the then existing general laws of Alabama with respect to elections on the issuance of bonds by counties; provided, however, that if a majority of the qualified electors of Mobile County participating in the election on the adoption of this Constitutional Amendment shall vote for adoption of this Amendment, then the approval of this Constitutional Amendment expressed by the said vote in favor of its adoption shall of itself authorize the issuance of the bonds provided for herein and in that event no additional election by the voters of Mobile County shall be required to authorize the issuance of said bonds. In the event that the majority vote at any election held hereunder is not in favor of the issuance of the bonds proposed at such election, the governing body of Mobile County may from time to time call other elections hereunder on the issuance of such bonds but not more than one such election shall be held during any period of twelve months.

The bonds issued hereunder shall be general obligations of Mobile County secured by a pledge of its full faith and credit, and in addition thereto, the governing body of said county shall in the proceedings providing for the issuance of such bonds specially pledge for payment of the principal thereof and the interest thereon, at the respective maturities of such principal and interest, so much as may be necessary for said purpose of the said special tax, each such pledge to be on a parity with all valid pledges of said special tax at any time made, to such extent as shall not impair the obligation of then existing valid pledges. The principal of each series of said bonds shall mature in annual installments, the first of which installments shall mature not later than three (3) years after the date of the bonds of said series and the last of which shall mature not later than thirty (30) years after the date of the bonds of said series; provided, that the maturities of each series of bonds issued hereunder shall be so arranged at the time of the issuance of such series of bonds that:

(a) No annual installment of principal of the bonds of such series maturing during any fiscal year of said county shall be more than four times as great as the smallest installment of principal of any series of bonds maturing during any prior fiscal year, and

(b) The aggregate amount of principal and interest that will mature in any one fiscal year with respect to that series of bonds, and all other bonds then outstanding that are payable out of or secured by a pledge of the aforesaid special tax, shall not exceed the amount of the proceeds collected from the said tax during the then next preceding tax year.

Except as herein otherwise provided, all bonds issued hereunder shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the issuance of such bonds respecting the sale, execution, issuance, and redemption of bonds by counties.

For payment of the principal of and interest on any bonds that may be issued hereunder, and so long as any of said principal and interest remains unpaid, the governing body of Mobile County is hereby authorized to continue the levy of the said special annual ad valorem tax provided for in said Amendment XVIII [18] at such rate as may be sufficient to pay such principal and interest at their respective maturities; provided, that the total rate of said special tax that may be levied and collected for payment of said bonds and all other bonds payable out of or secured by a pledge of said tax, shall not exceed one-half of one per centum (1/2 of 1%) of the assessed valuation of taxable property in the county.

The provisions of this Amendment shall be self-executing, and authorization from or other action by the Legislature shall not be a prerequisite to the issuance of bonds hereunder or the levy of said special tax for payment thereof. [Amendment 151, approved Feb. 16, 1960]

7. Mobile County is hereby authorized to issue its bonds not exceeding $1,737,000 in aggregate principal amount for the purpose of acquiring, providing, constructing and equipping capital improvements in said county, including the acquisition of sites therefor, of which bonds $500,000 in principal amount shall be issued to pay costs of acquiring, providing, constructing and equipping public school buildings in said county, and $500,000 in principal amount shall be issued to pay all or a part of the costs of acquiring, providing, constructing and equipping a building or buildings for use for educational purposes on the college level in said county, $606,000 in principal amount shall be issued to pay a portion of the costs of acquiring, providing, constructing and equipping one or more public hospital buildings in said county whether such buildings shall be owned by said county or by any public corporation therein, and $131,000 in principal amount shall be issued to pay all or part of the costs of acquiring, providing, constructing and equipping one or more buildings in the county for the Alabama State College; provided, that the aggregate principal amount of any series of bonds at any time issued hereunder, when added to the aggregate principal amount of all bonds then outstanding that are payable from or secured by the special annual ad valorem tax authorized in Amendment XVIII [18] of the Constitution of Alabama, as amended, shall not exceed six and one-half per centum (6 1/2 %) of the assessed valuation of the taxable property situated in said county, as assessed for state taxation for the state tax year next preceding the issuance of such bonds hereunder; provided, further, that no bonds may be issued under the authority of this Constitutional Amendment until after the question of the issuance of such bonds shall have been submitted to the qualified electors of Mobile County at an election called for that purpose by the governing body of said county and a majority of said qualified electors voting at said election shall have voted in favor of the issuance of such bonds, any such election to be called, held, conducted, and canvassed, and notice thereof to be given, in the manner provided by the then existing general laws of Alabama pertaining to elections on the issuance of bonds by counties; provided, however, that if a majority of the qualified electors of Mobile County participating in the election on the adoption of this Constitutional Amendment shall vote for adoption of this Amendment, then the approval of this Amendment expressed by the said vote in favor of its adoption shall of

itself authorize the issuance of the bonds provided for herein and in that event no additional election by the electors of Mobile County, shall be required to authorize the issuance of said bonds. If the majority of the qualified electors of Mobile County participating in the election on the adoption of this Amendment should not vote in favor of the adoption of this Amendment, or if the majority of the qualified electors of Mobile County voting at any election held under the provisions of this Amendment should not vote in favor of the issuance of the bonds proposed at such election, the governing body of Mobile County may from time to time call other elections hereunder on the issuance of such bonds, but not more than one such election shall be held during any period of twelve months.

The bonds issued hereunder shall be general obligations of Mobile County for the payment of the principal of and interest on which the full faith and credit of said county shall be irrevocably pledged, and in addition thereto there shall be irrevocably pledged for payment of said principal and interest, at the respective maturities thereof, so much as may be necessary for said purpose of the said special tax, each such pledge to be on a parity with all valid pledges of said special tax at any time made, to such extent as shall not impair the obligation of then existing valid pledges. The principal of each series of bonds issued under the provisions of this Amendment shall mature in annual installments, the first of which installments shall mature not later than three (3) years after the date of the bonds of said series and the last of which shall mature not later than thirty (30) years after the date of the bonds of said series; provided, that the maturities of each series of bonds issued hereunder shall be so arranged at the time of the issuance of such series of bonds that:

> (a) No annual installment of principal of the bonds of such series maturing during any fiscal year of said county shall be more than four times as great as the smallest installment of principal of the same series maturing during any prior fiscal year, and
>
> (b) The aggregate amount of principal and interest that will mature in any one fiscal year with respect to that series of bonds, and all other bonds then outstanding that are payable out of or secured by a pledge of the aforesaid special tax, shall not exceed the amount of the proceeds collected from the said tax during the then next preceding tax year.

Except as herein otherwise provided, all bonds issued hereunder shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the issuance of such bonds respecting the sale, execution, issuance, and redemption of bonds by counties. The indebtedness evidenced by the bonds issued hereunder or under any other Amendment to the constitution which are payable out of or secured by a pledge of said special tax shall be in addition to and shall not be charged against the limitation on the indebtedness of said county provided for in section 224 of the constitution.

For payment of the principal of and interest on all bonds that may be issued hereunder, and so long as any of said principal and interest remains unpaid, the governing body of Mobile County is hereby authorized to continue the levy of the said special annual ad valorem tax provided for in said Amendment XVIII [18] at such rate as may be sufficient to pay such principal and interest at their respective maturities; provided, that the total rate of said special tax that may be levied and collected for payment of said bonds and all other bonds payable out of or secured by a pledge of said tax shall not exceed one-half of one per centum (1/2 of 1%) of the assessed valuation of taxable property in said county.

The provisions of this Amendment shall be self-executing, and authorization from or other action by the Legislature shall not be a prerequisite to the issuance of bonds hereunder or the levy of said special tax for payment thereof. [Amendment 193, approved Dec. 5, 1961]

8. A. The following terms, wherever used in this Amendment, shall be given the respective meanings hereinafter set forth.

> "The board" means Mobile County public hospital board, a public corporation existing under Act No. 46 adopted at the 1949 regular session of the Legislature of Alabama, as amended.
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> "The 1955 board" means Mobile County hospital board created and provided for in Act No. 105 adopted at the 1955 regular session of the said Legislature, as amended.
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> "Public hospital facilities" means public hospitals of all types, public clinics, public health centers, related public health facilities such as laboratories, out-patient departments, nurses' homes, and nurses' training facilities, and other facilities operated in connection with public hospitals.
>
> "Public hospital purposes" means the acquisition, by purchase, lease, donation or otherwise, and the construction, equipment, operation and maintenance of public hospital facilities, including the treatment and care of indigent patients.
>
> "Participating municipality" means each municipality in Mobile County having a population in excess of one thousand, according to the last federal census or any subsequent federal or other official census.
>
> "Local subdivision" means Mobile County and each participating municipality.

B. The board is hereby authorized and directed to prepare a budget for each of its fiscal years setting forth:

> (a) The estimated amount of all expenditures that the board anticipates making during such fiscal year for payment of administering, operating and maintaining any public hospital facilities owned or managed by the board, including expenses

for treatment and care of indigent patients, payment of rentals with respect to any such public hospital facilities, payment of costs of the acquisition and equipment of public hospital facilities, and payment of installments of principal and interest, or either, maturing during that fiscal year on obligations incurred or securities issued by the board for any of the aforesaid purposes; and

(b) The estimated amount of all moneys that the board anticipates receiving during the same fiscal year and that the board has the right lawfully to apply for payment of the estimated expenditures set forth in the same budget, including revenue of the board from the operation of any public hospital facilities owned or operated by it, and any donations, taxes, appropriations, contributions by the United States and any income or receipts from any other source that the board has the right lawfully to use for payment of the said expenditures. Whenever the board shall determine that the estimated amount of the said expenditures during any fiscal year will exceed the estimated amount of the said receipts during any fiscal year, as shown by the budget for that fiscal year, then the board shall have the power to allocate the said deficit among Mobile County and each participating municipality, the amount allocated to each local subdivision being a sum constituting the same proportion of the total of the said deficit that the population of that local subdivision bears to a figure equal to the population of the entire of Mobile County plus the population of each participating municipality, all such population figures to be based on the last federal census or any subsequent federal or other official census, and shall have the power to assess, levy and collect from Mobile County and each participating municipality a sum equal to the portion of the deficit allocated by the board to each local subdivision, which sum shall be payable to the board by each local subdivision in twelve (12) equal monthly installments on the first day of each month in the fiscal year with respect to which the said budget was made; provided, however, that if a special annual ad valorem county tax for public hospital purposes shall be voted in Mobile County, then the power of the board to allocate any deficit among the local subdivisions and to assess, levy, and collect the amounts so allocated shall terminate after payment of the monthly installment falling due on the January 1 next succeeding the October 1 on which any such ad valorem tax so voted shall first be payable. The assessments and levies that the board is herein authorized to make, shall constitute binding obligations and debts of the local subdivisions collectible by suit or action brought by the board in any court of competent jurisdiction; but such obligations on the part of the aforesaid local subdivisions shall not be deemed to constitute debts of any local subdivision within the meaning of either section 224 or section 225 of the Constitution.

The Legislature shall have the continuing power by local or special legislation adopted at any time and from time to time, and without compliance with the provisions of section 106 of the Constitution, to specify the character and the maximum capacity or size of the public hospital facilities with respect to which items of expenditure may be included in

any budget prepared by the board hereunder. Any such legislation adopted prior to the effective date of this Amendment is hereby validated. The requirements of this Amendment, and of any such legislation at any time adopted, as to the character and capacity or size of the public hospital facilities with respect to which items of expenditures may be included in any budget prepared by the board hereunder shall cease to be effective upon the termination, under the provisions hereof, of the power of the board to make allocation of the aforesaid deficit among the local subdivisions.

C. The 1955 Board is hereby authorized to transfer to the board, and the board is hereby authorized to assume, all assets, contracts, properties, obligations and liabilities of the 1955 Board. The corporate existence of the 1955 Board and all of its acts in acquiring property, making contracts and incurring obligations and liabilities are hereby validated; and the transfer by the 1955 Board to the board of all of the said assets, contracts, properties, obligations and liabilities and the assumption of all thereof by the board, to such extent as the said transfer and assumption shall have taken place on the date when this Amendment becomes a part of the Constitution, are hereby validated. Following the completion of such transfer and assumption, the governing body of Mobile County is authorized to adopt a resolution declaring the 1955 Board to be dissolved, whereupon it shall be dissolved.

D. Bonds and other securities issued by the board shall not be deemed to constitute debts of Mobile County within the meaning of section 224 of the Constitution or debts of any participating municipality within the meaning of section 225 of the Constitution, and shall not be deemed to constitute bonds of Mobile County or of any political subdivision thereof within the meaning of section 222 of the Constitution, regardless of whether any such bonds or other securities may be made payable from, or secured by a pledge of, the assessments herein provided for, the proceeds of any contract between the board and any local subdivision, all or part of the proceeds from any tax of any kind that may be allocated or appropriated to the board, revenues from operation of public hospital facilities owned or operated by the board, or any other revenues of the board. All pledges of any revenues of the board that may be made by it for the benefit of any securities issued by it shall take precedence in the order in which made and shall create a charge on the revenues so pledged prior to the expenses of operating and maintaining any public hospital facilities. [Amendment 194, approved Dec. 5, 1961]

9. A. The following terms, wherever used in this Amendment, shall be given the respective meanings hereinafter set forth.

> "The Special tax" means the special county tax herein provided for.
>
> "The Board" means Mobile County public hospital board, a public corporation existing under Act No. 46 adopted at the 1949 regular session of the Legislature of Alabama, as amended.

"Public hospital facilities" means public hospitals of all types, public clinics, public health centers, related public health facilities such as laboratories, outpatient departments, nurses' homes, and nurses' training facilities and other facilities operated in connection with public hospitals.

"Public hospital purposes" means the acquisition by purchase, lease, donation or otherwise, and the construction, equipment, operation and maintenance of public hospital facilities, including the treatment and care of indigent patients.

B. If authorized by the vote of the majority of the qualified electors of Mobile County who participate in any election called for the purpose, the governing body of Mobile County must, subject to and in accordance with the provisions of this Amendment, levy and collect, in addition to all other taxes authorized by law, a special annual ad valorem county tax at a rate not exceeding [three mills] [six mills] on each dollar of taxable property in Mobile County, the proceeds from which shall be used solely for public hospital purposes.

C. If a majority of the qualified electors of Mobile County participating in the election on the adoption of this Amendment shall vote for adoption of this Amendment, then the approval of this Amendment expressed by the said vote in favor of its adoption shall of itself authorize the special tax and in that event no additional election by the voters of Mobile County shall be required to authorize the levy of the special tax. If the majority vote at any election held hereunder is not in favor of the levy of the tax, or if at any such election the special tax shall be voted at a rate of less than [three mills] [six mills] on each dollar of taxable property in Mobile County, then the governing body of Mobile County may from time to time thereafter call other elections hereunder on the levy of the special tax or on the increase of the rate thereof, up to but not exceeding [three mills] [six mills] on each dollar of taxable property, and must call any such election within three months after the receipt by the said governing body of a petition for the calling of such election signed by not less than five percent of the qualified electors of Mobile County; provided, however, that not more than one election upon the levy of the special tax or upon the increase in the rate thereof, up to but not exceeding [three mills] [six mills] as aforesaid, shall be held during any period of twelve consecutive months.

After the special tax shall have been levied for a period of five years, the governing body of Mobile County may from time to time thereafter call other elections hereunder on the question of the discontinuance of the tax or a reduction in the rate thereof, such discontinuance or reduction to become effective for the tax year of the county next succeeding the tax year during which any obligations of the board that may be outstanding at the time of the election and that are payable out of or secured by any part of the special tax shall be finally retired; and after said five year period, the said governing body must call an election on the question of said discontinuance or reduction within three months after receipt by the said governing body of a petition for such election signed by not less than five percent of the qualified electors of Mobile County.

If a majority of the qualified electors of Mobile County voting in any election upon the discontinuance of the special tax or reduction of the rate thereof should vote in favor of such discontinuance or reduction, then the special tax shall be discontinued or its rate reduced, as the case may be, such discontinuance or reduction to become effective for the tax year next succeeding the tax year when any of the aforesaid obligations outstanding at the time of the election shall be retired; provided, however, that not more than one election upon the discontinuance of the special tax or a reduction in the rate thereof shall be held during any period of twelve consecutive months.

If the special tax shall be discontinued or its rate reduced pursuant to any election held hereunder, its levy or an increase in its rate up to the aforesaid maximum of [three mills] [six mills] may be authorized at a subsequent election or elections held hereunder, and the special tax may thereafter again be discontinued or reduced in rate pursuant to subsequent election or elections held hereunder, it being the intention hereof that the power of the governing body of Mobile County to call elections hereunder, and its duty to call them upon receipt of petition as herein provided, shall be continuous, subject only to the requirement that not more than one election may be held hereunder during any period of twelve consecutive months. All elections held under the provisions of this Amendment shall be called, held, conducted, and canvassed in such manner as the governing body of Mobile County shall prescribe.

D. Not later than February 1 in each tax year for which the special tax may be authorized hereunder to be levied, the board will certify to the governing body of Mobile County the rate of the special tax, not exceeding the rate at the time authorized by vote of the qualified electors of Mobile County as herein provided, that the board has determined should be levied in order to supply the funds needed for public hospital purposes during the next ensuing fiscal year of the board. During the month of February in each such tax year the governing body of Mobile County shall levy the special tax at such rate as may be certified by the board to be necessary, up to but not exceeding the rate then authorized as aforesaid, and the special tax so levied shall be due and payable on the then ensuing October 1.

If the board should fail to make such certification with respect to the rate to be levied in any tax year, the governing body of Mobile County shall levy the special tax for that tax year at the maximum rate then authorized by vote of the qualified electors of the county as herein provided. All moneys derived from the collection of the special tax [(after deduction of costs of assessment and collection thereof pursuant to any statutory provisions at the time applicable)] shall be paid over to the board as received and used by the board for public hospital purposes in the county. The board may anticipate the proceeds from the special tax by issuing for any one or more public hospital purposes the bonds, warrants, or other securities, of the board and may pledge for payment of the principal thereof and interest thereon not exceeding 75% of the annual proceeds from the special tax. All such pledges of the special tax shall take precedence in the order in which they are made and shall create a charge on the special tax prior to the expenses of

operating and maintaining any public hospital facilities. Bonds and other securities issued by the board, including those that may be issued in anticipation of the special tax and also any other securities issued by the board, shall not be deemed to constitute debts of Mobile County within the meaning of section 224 of the Constitution and shall not be construed to be bonds of the county or of any political subdivision thereof within the meaning of section 222 of the Constitution.

E. The rate of ad valorem taxation for general municipal purposes that is at the time otherwise permitted by the Constitution to each particular municipal corporation in Mobile County shall be reduced for the tax year of the municipality next succeeding any tax year of Mobile County for which the special tax shall have been levied at a rate exceeding one and one-half mills on each dollar of taxable property in the county, any such reduction to be by a rate of millage equal to the rate [of millage by which the special tax so levied shall exceed one and one-half mills on each dollar of taxable property in the county] [by which the special tax levied for that tax year exceeds one and one-half mills on each dollar of such taxable property or by one and one-half mills on each dollar of taxable property in the county, whichever shall be the lesser reduction] .

F. The rate of ad valorem taxation for general county purposes that is at the time otherwise permitted to Mobile County by the Constitution shall be reduced, for any tax year for which the special tax shall be levied, any such reduction to be by the same rate of millage at which the special tax shall be levied for the same tax year or by one mill on each dollar of taxable property in the county, whichever shall be the lesser reduction.

G. The rate of that certain ad valorem tax authorized by Amendment XVIII [18] to the Constitution, as amended by the Amendment to the Constitution known as Amendment XLII [42], and provided for also in those certain Amendments to the Constitution known as Amendments LX [60], C [100], CXXII [122], and CLI [151] and in the Constitutional Amendment proposed by that certain act of the 1961 regular session of the Legislature of Alabama that was introduced in the said Legislature as House Bill 1067 [Amendment No. 193] shall be reduced, for each tax year for which the special tax shall have been levied at a rate exceeding one mill on each dollar of taxable property in the county, any such reduction to be by one-half mill on each dollar of taxable property in the county or by a rate of millage equal to the rate by which the special tax levied for that tax year exceeds one mill on each dollar of such taxable property, whichever shall be the lesser reduction.

H. Mobile County and each municipal corporation therein are hereby prohibited from making any appropriation or payment to the board during any tax year of the county in which the special tax shall be collected, except to provide funds for constructing and equipping public hospital facilities, unless any such appropriation or payment shall have been authorized by a majority of the qualified electors of the political subdivision proposing to make such appropriation or payment at an election held on the question in the said political subdivision. [Amendment 195, approved Dec. 5, 1961, with

Amendments made by Amendment 248, approved Nov. 30, 1965, to Paragraphs B, C, D, and E indicated by brackets]

10. Mobile County shall have power to levy and collect a special county tax not exceeding twenty cents on each one hundred dollars worth of taxable property in the county as assessed for state taxes in addition to all other taxes now or hereafter authorized, for public hospital purposes, provided the rate of the tax and the time it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at such election.

If a majority of the qualified electors of Mobile County who participate in the election held on the adoption of this Amendment vote in favor thereof, the governing body of Mobile County must levy and collect the special tax as herein authorized at the maximum rate specified for each of the four tax years next ensuing.

If a majority of the qualified electors of Mobile County voting on this Amendment vote against its adoption, the governing body of Mobile County may thereafter from time to time call other elections on the question of levying the special tax as herein authorized and must call such an election within three months after receipt by the said county governing body of a petition signed by not less than five percent of the qualified electors of Mobile County. After the special tax herein authorized shall have been levied for a period of four years, the governing body of Mobile County shall, on petition signed by not less than five percent of the qualified electors of the county, call an election on the question of discontinuance of the tax. If a majority of the electors voting upon the question shall vote in favor of discontinuance of the tax then the special tax shall be discontinued at the end of the tax year following the election. Such elections shall be called, held, conducted and canvassed in such manner as the governing board of Mobile County shall provide. [Amendment 275, approved Dec. 5, 1967]

11. Section A. As used in this Amendment the following terms shall be given the following respective meanings:

> "County" means Mobile County.
>
> "Special tax" means the annual ad valorem tax at the rate of 1/2 of 1 per centum (equivalent to 5 mills on each dollar) of the assessed valuation of the taxable property in the county authorized to be levied by the county by the Amendment known as Amendment XVIII [18] to the Constitution of Alabama, as amended by the Amendment to the Constitution known as Amendment CLII [152], and also provided for in the Amendments to the Constitution known as Amendments C [100], CXXII [122], CLI [151], CXCIII [193], and CXCV [195].

Section B. Mobile County is hereby authorized to issue from time to time its bonds, not exceeding $3,000,000 in aggregate principal amount, of which $1,000,000 in principal amount shall be issued for the purpose of acquiring, providing, constructing and

equipping a building for use as a Juvenile Detention Home for the county in conjunction with the Juvenile Court of the county, and $2,000,000 in principal amount shall be issued for the purpose of acquiring, providing, constructing and equipping additions and improvements to the county courthouse building in the county; provided, that if all of the proceeds from the bonds issued for either of the said purposes shall not be needed for the purpose for which they were issued then the balance not so needed may in the sound judgment of the governing body of the county be expended for the said other purpose. The aggregate principal amount of all bonds at any time issued under this Amendment, when added to the aggregate principal amount of all then outstanding bonds theretofore issued by the county under any other Amendment to the Constitution of Alabama that are payable from or secured by the special tax shall not exceed 6 1/2 per centum of the assessed valuation of the taxable property situated in the county as assessed for state taxation for the state tax year next preceding that during which any bonds herein authorized shall be issued.

No bonds may be issued under the authority of this Amendment until after the question of the issuance of such bonds shall have been submitted to the qualified electors of the county at any election called for that purpose by the governing body of the county and a majority of the said qualified electors voting at the said election shall have voted in favor of the issuance of such bonds; provided, that if a majority of the qualified electors of the county participating in the election on the adoption of this Amendment shall vote for the adoption thereof, then the approval of this Amendment expressed by the said vote in favor of its adoption shall of itself authorize the issuance of the bonds provided for in this Amendment and no additional election by the electors of the county shall be required to authorize the issuance of the said bonds. If the majority of the qualified electors of the county participating in the election on the adoption of this Amendment should not vote in favor of the adoption of this Amendment, or if the majority of the qualified electors of the county voting at any election called by the governing body of the county under the provisions of this Amendment should not vote in favor of the issuance of the bonds proposed at an election so called, the governing body of the county may from time to time call other elections hereunder on the issuance of such bonds, but not more than one such election shall be held during any period of twelve consecutive months. Any such election called by the governing body of the county shall be called, held, conducted and canvassed, and may be contested, in the manner and within the time provided by the then existing general laws of Alabama pertaining to elections on the issuance of bonds by counties.

The bonds issued hereunder shall be general obligations of the county for the payment of the principal of and interest on which the full faith and credit of the county shall be irrevocably pledged, and in addition thereto there shall be irrevocably pledged for payment of the said principal and interest so much of the special tax as may be necessary to pay the said principal and interest at their respective maturities, each such pledge to be on a parity with all valid pledges of the special tax at any time heretofore or hereafter

made, to such extent as shall not impair the obligation of any then existing valid prior pledges.

The principal of each series of bonds issued under this Amendment shall mature in annual installments, the first of which installments shall mature not later than three (3) years after the date of the bonds of that series and the last of which shall mature not later than thirty (30) years after the date of the bonds of that series; provided, that the maturities of each series of bonds issued under this Amendment shall be arranged so that:

> (a) No annual installment of principal of the bonds of such series maturing during any fiscal year of the county shall be more than four times as great as the smallest installment of principal of the same series maturing during any prior fiscal year, and
>
> (b) The aggregate amount of principal and interest that will mature in any one fiscal year with respect to that series of bonds, and also all other bonds theretofore issued by the county and then outstanding that are payable out of or secured by a pledge of the special tax, shall not exceed the amount of the proceeds collected from the special tax during the then next preceding tax year. Except as herein otherwise provided, all bonds issued under this Amendment shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the issuance of such bonds respecting the sale, execution, issuance and redemption of bonds by counties. The indebtedness evidenced by the bonds issued under this Amendment or under any other Amendment to the Constitution which are payable out of or are secured by a pledge of the special tax shall be in addition to and shall not be charged against the limitation on the indebtedness of the county provided for in section 224 of the Constitution.

So long as the principal of or interest on any of the bonds issued under this Amendment remains unpaid, the governing body of Mobile County shall continue the levy of the special tax at such rate as may be sufficient to pay the said principal and interest at their respective maturities; provided, that the total rate of the special tax that may be levied and collected for payment of the said bonds and all other bonds payable out of or secured by a pledge of the special tax shall not exceed 4 1/2 mills on each dollar of the assessed valuation of all properties subject to taxation by the county as assessed for state taxation and that the said rate of 4 1/2 mills on each dollar of the said assessed valuation shall be reduced for each tax year for which the special hospital tax authorized in paragraph G of the Amendment to the Constitution known as Amendment No. CXCV [195] shall have been levied at a rate exceeding 1 mill on each dollar of the taxable property in the county, any such reduction to be by 1/2 mill on each dollar of the assessed valuation of the taxable property in the county or by rate of millage equal to the rate by which the said special hospital tax levied for that tax year exceeds one mill on each dollar of the assessed valuation of such taxable property, whichever shall be the lesser reduction. The

provisions of this paragraph shall be applicable, however, only to such extent as shall not impair the obligation of any pledges of the special tax heretofore made for the benefit of any bonds issued by the county prior to the adoption of this Amendment.

The provisions of this Amendment shall be self-executing, and authorization from or other action by the Legislature shall not be a prerequisite to the issuance of bonds hereunder or the levy of the special tax for payment thereof. [Amendment 300, approved Dec. 9, 1969]

12. A. As used in this Amendment the following terms shall be given the following respective meanings:

> "County" means Mobile County.
>
> "Special tax" means the annual ad valorem tax at the rate of 1/2 of 1 per centum (equivalent to 5 mills on each dollar) of the assessed valuation of the taxable property in the county authorized to be levied by the county by the Amendment known as Amendment XVIII [18] to the Constitution of Alabama, as amended by the Amendment to the Constitution known as Amendment CLII [152], and also provided for in the Amendments to the Constitution known as Amendments C [100], CXII [112], CLI [151], CXCIII [193], and CXCV [195].

B. Commencing with the levy for the tax year beginning October 1, 1969 (for which tax year the special tax will become payable on October 1, 1970) the special tax shall be levied annually by the governing body of the county on the assessed valuation of all property subject to taxation by the county, as assessed for state taxation for the next preceding year, at the following rates for the following respective purposes:

> (a) One-half (1/2) mill on each dollar (equivalent to 1/20 of 1%) of the said assessed valuation shall be levied for the general purposes of the county to be paid into and disbursed by the governing body of the county out of the general fund of the county; and
>
> (b) Four and one-half (4 1/2) mills on each dollar (equivalent to 9/20 of 1%) of the said assessed valuation shall be levied for payment of the principal of and interest on all bonds of the county heretofore and hereafter issued that are payable out of or secured by a pledge of the special tax; provided, that the said rate of 4 1/2 mills on each $1.00 of the said assessed valuation shall be reduced for each tax year for which the special hospital tax authorized in paragraph G of the Amendment to the Constitution known as Amendment No. CXCV [195] shall have been levied at a rate exceeding 1 mill on each dollar of the taxable property in the county, any such reduction to be by 1/2 mill on each dollar of the assessed valuation of the taxable property in the county or by rate of millage equal to the rate by which the said special hospital tax levied for that tax year exceeds one

mill on each dollar of the assessed valuation of such taxable property, whichever shall be the lesser reduction. [Amendment 301 approved Dec. 9, 1969]

13. Section A. As used in this Amendment the following terms shall be given the following respective meanings:

"County" means Mobile County.

"Outstanding securities" means any bonds, warrants, notes or other securities issued by the county subsequent to September 30, 1979, and prior to February 1, 1984, that are payable in whole or in part out of proceeds received by the county from the ad valorem tax authorized the section 215 of the Constitution of Alabama of 1901, as amended.

"Outstanding special tax securities" means any securities at the time outstanding that are payable in whole or in part out of proceeds of the special tax.

"Special tax" means the annual ad valorem tax on each dollar of the assessed valuation of taxable property in the county authorized to be levied by the county by the Amendment known as Amendment XVIII [18] to the Constitution of Alabama, as amended by the Amendment to the Constitution known as Amendment CLII [152], and also provided for in the Amendments to the Constitution known as Amendments C, CXXII, CLI, CXCIII, CXCV and CCC [100, 122, 151, 193, 195 and 3001, and by procedures taken under the Amendments to the Constitution known as Amendments CCCXXV and CCCLXXIII [325 and 373].

Section B. Mobile County is hereby authorized to apply proceeds of the special tax to the payment of the principal of and interest on and premium, if any) that will hereafter mature or otherwise become payable on the outstanding securities. The right of the county to apply the proceeds of the special tax for payment of the outstanding securities shall be subject to the provisions of this Constitution respecting the special tax and the pledge thereof for the benefit of the outstanding special tax securities. The proceeds of the special tax may be used for payment of the principal and interest on (and premium, if any) the outstanding securities, whether or not any bonds are issued hereunder.

Section C. Mobile County is hereby authorized to issue from time to time its bonds for the purpose of refunding all or any one or more of the issues of outstanding securities. The aggregate principal amount of all bonds at any time issued under this Amendment, when added to the aggregate principal amount of all then outstanding bonds theretofore issued by the county under any other Amendment to the Constitution of Alabama that are payable from or secured by the special tax shall not exceed 6 1/2 per centum of the assessed valuation of taxable property situated in the county as assessed for county taxation for the fiscal year of the county next preceding that during which any bonds herein authorized shall be issued.

No bonds may be issued under the authority of this Amendment until after the question of the issuance of such bonds shall have been submitted to the qualified electors of the county at an election called for that purpose by the governing body of the county and a majority of the said qualified electors voting at the said election shall have voted in favor of the issuance of such bonds; provided, that if a majority of the qualified electors of the county participating in the election on the adoption of this Amendment shall vote for the adoption thereof, then the approval of this Amendment expressed by the said vote in favor of its adoption shall of itself authorize the issuance of the bonds provided for in the first sentence of this Amendment and no additional election by the electors of the county shall be required to authorize the issuance of those bonds. If the majority of the qualified electors of the county participating in the election on the adoption of this Amendment should not vote in favor of the adoption of this Amendment, or if the majority of the qualified electors of the county voting at any election called by the governing body of the county under the provisions of this Amendment should not vote in favor of the issuance of the bonds proposed at an election so called, the governing body of the county may from time to time call other elections hereunder on the issuance of such bonds, but not more than one such election shall be held during any period of twelve consecutive months. Any such election called by the governing body of the county shall be called, held, conducted and canvassed, and may be contested, in the manner and within the time provided by the then existing general laws of Alabama pertaining to elections on the issuance of bonds by counties.

The bonds issued hereunder shall be general obligations of the county for the payment of the principal of and interest on which the full faith and credit of the county shall be irrevocably pledged, and in addition thereto there shall be irrevocably pledged for payment of the said principal and interest so much of the special tax as may be necessary to pay the said principal and interest at their respective maturities, each such pledge to be on a parity with all valid pledges of the special tax at any time heretofore or hereafter made, to such extent as shall not impair the obligations of any then existing valid prior pledges.

All bonds issued under this Amendment may be in such aggregate principal amounts, may be in such form and denominations and of such tenor and maturities, may be payable in such installments and at such time or times, not exceeding in the case of each such bond 30 years from its date, and may contain such provisions not inconsistent with this Amendment as shall be provided in the proceedings of the governing body of the county whereunder such bonds shall be authorized to be issued. Except as herein otherwise provided, all bonds issued under this Amendment shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the issuance of such bonds respecting the sale, execution, issuance and redemption of bonds by counties. The indebtedness evidenced by the bonds issued under this Amendment or under any other Amendment to the Constitution which are payable out of or are secured by a pledge of the special tax shall be in addition to and shall not be

charged against the limitation on the indebtedness of the county provided for in section 224 of the Constitution.

So long as the principal of or interest on any of the bonds issued under this Amendment remains unpaid, the governing body of Mobile County shall continue the levy of the special tax at such rate as may be sufficient to pay the said principal and interest at their respective maturities. The rate at which the county may levy the special tax is hereby fixed at 6+ mills on each dollar of the assessed valuation of properties subject to taxation by the county as assessed for county taxation, which rate shall be the maximum rate at which the county may levy the special tax except to the extent that the said rate may be increased pursuant to provisions of this constitution hereafter adopted. Such rate shall not be subject to adjustment pursuant to the provisions of Amendment 195 to the constitution.

Section D. The provisions of this Amendment shall be self-executing, and authorization from or other action by the Legislature shall not be a prerequisite to the issuance of bonds hereunder, the levy of the special tax for payment thereof, or the use of the proceeds of the special tax for the purpose of paying the principal of or interest on the outstanding securities. [Amendment 447, approved Sept. 4, 1984]

14. Section A. As used in this Amendment the following terms shall be given the following respective meanings:

> "County" means Mobile County.
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> "Outstanding warrants" means those two general obligation warrants of the county, each in the principal amount of $1,000,000, dated April 15, 1986 and maturing October 15, 1986, and any of the county's notes, warrants or bonds issued after October 1, 1986 to refund such general obligation warrants.
>
> "Special tax" means the annual ad valorem tax at the rate of 65 one-hundredths of 1 per centum (equivalent to 6 2 mills on each dollar) of the assessed valuation of the taxable property in the county authorized to be levied by the county by the Amendment known as Amendment XVIII [18] to the Constitution of Alabama, as amended by the Amendments to the Constitution known as Amendments CLII [152], CCCI [301] and CCCLXIII [3631, and also provided for in the Amendments to the Constitution known as Amendments C [100], CXXII [122], CLI [151], CXCIII [193], CXCV [195] {j CCC [300], and CDXLVII [447].

Section B. The county is hereby authorized to issue from time to time its bonds, not exceeding $14,500,000 in aggregate principal amount, of which not in excess of $2,000,000 in aggregate principal amount shall be issued for the purpose of acquiring and improving, alone or in conjunction with other counties or municipal corporations, certain land located in the county for use by the Department of the Navy of the United States of America; not in excess of $2,000,000 in aggregate principal amount shall be issued for

the purpose of acquiring and/or developing land, in one or more locations, for use as one or more industrial parks; not in excess of $500,000 in aggregate principal amount shall be issued for the purpose of constructing and equipping an intergovernmental office and service center for agricultural agencies; not in excess of $3,500,000 in aggregate principal amount shall be issued for the purpose of acquiring, constructing and equipping additions and improvements to the present county courthouse building in the county; not in excess of $4,500,000 in aggregate principal amount shall be issued for the purpose of acquiring, constructing and equipping additions and improvements to the present county jail facilities in the county; and not in excess of $2,000,000 in aggregate principal amount shall be issued for the purpose of refunding all or any portion of the outstanding warrants.

Section C. The county is hereby authorized to issue from time to time its bonds for the purpose of refunding all or any portion of any obligations of the county outstanding as of October 1, 1986 which are payable out of the proceeds of the special tax. Such bonds may be issued in any principal amount so long as the net proceeds of the sale thereof, after payment of expenses of issuance and sale thereof, do not exceed the principal amount of the obligations to be refunded. Part of the cash proceeds paid to the county at the time of the sale of any such refunding bonds as a result of decreased debt service may be used by the governing body of the county to finance salary increases or bonuses for employees of the county, not to exceed five percent (5%) across the board for all employees.

Section D. The aggregate principal amount of all bonds at any time issued under this Amendment, when added to the aggregate principal amount of all then outstanding bonds theretofore issued by the county under any other Amendment to the Constitution of Alabama that are payable from or secured by the special tax shall not exceed 6 1/2 per centum of the assessed valuation of the taxable property situated in the county as assessed for state taxation for the state tax year next preceding that during which any bonds herein authorized shall be issued.

No bonds may be issued under the authority of this Amendment until after the question of the issuance of such bonds shall have been submitted to the qualified electors of the county at any election called for that purpose by the governing body of the county and a majority of the said qualified electors voting at the said election shall have voted in favor of the issuance of such bonds; provided, that if a majority of the qualified electors of the county participating in the election at which this Amendment is voted on and voting on the question of the adoption of this Amendment shall vote for the adoption thereof, then the approval of this Amendment expressed by the said vote in favor of its adoption shall of itself authorize the issuance of the bonds provided for in this Amendment and no additional election by the electors of the county shall be required to authorize the issuance of the said bonds. If the majority of the qualified electors of the county participating in the election at which this Amendment is voted on and voting on the question of the adoption of this Amendment should not vote in favor of the adoption of

this Amendment, or if the majority of the qualified electors of the county voting at any election called by the governing body of the county under the provisions of this Amendment should not vote in favor of the issuance of the bonds proposed at an election so called, the governing body of the county may from time to time call other elections hereunder on the issuance of such bonds, but not more than one such election shall be held during any period of twelve consecutive months. Any such election called by the governing body of the county shall be called, held, conducted and canvassed, and may be contested, in the manner and within the time provided by the then existing general laws of Alabama pertaining to elections on the issuance of bonds by counties.

The bonds issued hereunder shall be general obligations of the county for the payment of the principal of and interest on which the full faith and credit of the county shall be irrevocably pledged, and in addition thereto there shall be irrevocably pledged for payment of the said principal and interest so much of the special tax as may be necessary to pay the said principal and interest at the respective maturities of such bonds, each such pledge to be on a parity with all valid pledges of the special tax at any time heretofore or hereafter made, to such extent as shall not impair the obligation of any than existing valid prior pledges.

Bonds may be issued under this Amendment in one or more series, and may bear interest which is tax exempt under the laws of the state of Alabama and the United States of America or which is not exempt from such taxation. Bonds issued hereunder may be sold at either public or private sale in such manner, at such price or prices and at such time or times as may be determined by the governing body of the county to be most advantageous. The principal of each series of bonds issued under this Amendment shall mature in annual installments, the first of which installments shall mature not later than three (3) years after the date of the bonds of that series and the last of which shall mature not later than thirty (30) years after the date of the bonds of that series and otherwise may mature in such amounts during each fiscal year of the county as the governing body of the county shall determine, without regard to the limitations set forth in the Amendment to the Constitution known as Amendment CLII [152]; provided, that the maturities of each series of bonds issued under this Amendment shall be arranged so that the aggregate amount of principal and interest that will mature in any one fiscal year with respect to that series of bonds, and also all other bonds theretofore issued by the county and then outstanding that are payable out of or secured by a pledge of the special tax, shall not exceed the amount of the proceeds collected from the special tax during the then next preceding tax year.

Except as herein otherwise provided, all bonds issued under this Amendment shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the issuance of such bonds respecting the sale, execution, issuance and redemption of bonds by counties. The indebtedness evidenced by the bonds issued under this Amendment or under any other Amendment to the Constitution which are payable out of or are secured by a pledge of the special tax shall be in addition to and

shall not be charged against the limitation on the indebtedness of the county provided for in section 224 of the Constitution.

The governing body of the county shall comply with the provisions of the state of Alabama competitive bid law (section 41-16-20, et seq., Code of Alabama of 1975), to the extent such law is applicable.

Section E. So long as the principal of or interest on any of the bonds issued under this Amendment remains unpaid, the governing body of the county shall continue the levy of the special tax at such rate as may be sufficient to pay the said principal and interest at their respective maturities; provided, that the total rate of the special tax that may be levied and collected for payment of the said bonds and all other bonds payable out of or secured by a pledge of the special tax shall not exceed the rate at which the county may levy the special tax as fixed under the Amendment to the Constitution known as Amendment CDXLVII [447], except to the extent that the said rate may be increased pursuant to provisions of this Constitution hereafter adopted. Such rate shall not be subject to adjustment pursuant to the provisions of the Amendment to the Constitution known as Amendment CXCV [195].

Section F. This Amendment is not intended to ratify or validate any contractual arrangements heretofore or hereafter entered into with respect to the sale of any bonds issued and sold hereunder.

Section G. The provisions of this Amendment shall be self-executing, and authorization from, or other action by, the Legislature shall not be a prerequisite to the issuance of bonds hereunder or the levy of the special tax for payment thereof. [Amendment 463, approved Nov. 4, 1986]

15. The Legislature may authorize the levy and collection of a one mill ad valorem tax in Mobile County on real and [tangible] personal property that is subject to such tax under the laws of this state for the purpose of controlling mosquitoes, rodents and other vectors of public health and welfare significance [and other general heal purposes; provided however, the portion of such tax, levied and collected, allocated to general health purposes shall in no event exceed fifty percent (50%) of such tax, levied and collected;] and any acts of the Legislature on this subject applicable to Mobile County that were enacted prior to the adoption of this Amendment are hereby validated and reconfirmed. Provided however, such enabling legislation shall not become effective until this Amendment is, or its provisions are, approved by a majority of the electors of Mobile County voting at the election held for the purpose of approving this Amendment, or at any election at which such a proposal is submitted. In the event this Amendment passes, but does not receive a majority vote of the Mobile County electorate, voting at the election, the county governing body of Mobile County may by resolution submit a similar proposal to the electors of Mobile County for their approval; however, no such proposal shall be submitted to the people more often than every two years. [Amendment 351, approved Jan. 13, 1976, as amended by Amendment 361, approved Nov. 23, 1976

and by Amendment 393, approved Nov. 4, 1980, brackets indicating the Amendments made by Amendments 361 and 393]

16. No incorporated municipality in Mobile County shall have power to levy, impose, or collect a privilege license tax upon or in respect of the employees of an employer which is measured by or based on income derived from wages, salaries, commissions, or bonuses, for personal services rendered, unless the levying thereof shall have been authorized before the enactment of such ordinance by a vote of the duly qualified electors of the city or town at an election held for such purpose, in the manner prescribed by the city or town council or commission. [Amendment 219, approved Dec. 10, 1963]

Section 215-EE. Monroe County: Fire Protection Districts and Taxes.

The Monroe County Commission is hereby authorized in its discretion to establish fire districts within the geographical boundaries of Monroe County. The boundaries of such fire districts may be rearranged at the discretion of the county commission as it deems necessary, from time to time, to maximize fire protection services in the county. The county commission may use the corporate limits of the various towns and municipalities in the county as boundaries for fire districts. In such situations, such town or municipal fire district shall have its own volunteer fire department functioning within its boundaries. Each fire district established in an area located outside of the corporate limits of a town or municipality shall likewise have its own volunteer fire department functioning strictly within its district boundaries.

The county commission is further authorized to enter into agreements with volunteer fire departments within such county for fire protection and services.

Commencing with the levy for the tax year for which taxes will become due and payable on October 1, 1989, there is hereby levied, in addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, a fire protection tax of three mills. The fire protection tax levied herein shall be based upon the value of real and personal property assessed by affected property owners, as shown on the records of the tax assessor of Monroe County, Alabama, and shall be assessed and collected as are all ad valorem taxes in the county. The amount collected each year from assessment of this fire protection tax shall be paid into the county general fund and used in furtherance of fire protection and for rescue squads within the affected area. Prior to the levy of the fire protection tax in said county, there shall be submitted to the electors of said county, at a special election called for that purpose in said county, the question of whether the said tax shall be levied, and the said tax shall be authorized at such election by a majority of the qualified electors within the said county who vote at such election.

Elections on the question of the levy of a fire protection tax in said county may be held at any time and from time to time, provided, that if any such election held after the

ratification of this Amendment the proposal to levy the tax so submitted should be defeated then the proposal may not be submitted at another election held in said county within two years from the last election held under this Amendment. [Amendment 501, approved Nov. 8, 1988]

Section 215-FF. Montgomery County: Special tax for hospital and public health purposes; fire fighting districts; special ad valorem tax for fire protection and emergency services.

1. If the tax is authorized by vote of a majority of the qualified electors of the county in an election called for that purpose, Montgomery County shall have power to levy and collect a special county tax not exceeding four mills on each dollar of taxable property in the county to be used solely for acquiring, constructing, operating, equipping or maintaining county hospitals or other public hospitals, non-profit hospitals and public health facilities. The board of revenue of said county may within the limit of four mills on each dollar of taxable property propose a rate of taxation sufficient for acquiring, constructing and maintaining such hospitals and facilities and the number of years necessary for such tax to be levied for such purpose, and a rate of taxation to be levied thereafter sufficient to maintain such hospitals or facilities. A county wide election may be called at any time by the board of revenue of said county to be conducted in the manner prescribed by law for general elections, and at which election there shall be submitted to the vote of the qualified electors of the county the said tax as proposed by the board of revenue of said county. Such tax must be levied if authorized by vote of the majority of the qualified electors of the county who participate in the election called for that purpose. [Amendment 63, approved Aug. 26, 1947]

2. The governing body of Montgomery County is hereby authorized to establish and maintain fire fighting districts within Montgomery County. Said governing body is further authorized to enter into agreements with volunteer fire departments within such county for fire protection and services. Provided further, said governing body is hereby empowered to set fees for fire protection and to prescribe the manner of collection and distribution of such fees. The fire fighting districts herein authorized shall not include any corporate municipality of Montgomery County unless such municipality requests through resolution of its governing body to be included in such fire fighting program. Any act heretofore enacted regarding said Montgomery County fire fighting districts is hereby ratified and confirmed. [Amendment 379, approved Nov. 7, 1978]

3. The Legislature declares that all volunteer fire departments, including volunteer fire departments that have emergency medical technicians that are members, are organizations that are public in nature and serve to protect the health, safety, and welfare of the citizens of Montgomery County.

In addition to all ad valorem taxes levied for fire protection, the Montgomery County Commission may levy and collect a special ad valorem tax, not to exceed two and one-half mills in any year on each dollar of assessed value of the property taxed, on property in the unincorporated area of Montgomery County for the purpose of providing fire protection in the unincorporated area of Montgomery County.

The tax provided in this act shall be levied, collected, administered, and enforced at the same time, in the same manner, and under the same requirements and laws as state ad valorem taxes. The officials collecting or assessing the tax shall be entitled to the same fees and compensation as are provided for collecting and assessing ad valorem taxes. The proceeds of the tax shall be paid into the county general fund. Within thirty days after payment into the county general fund, the Montgomery County Commission shall pay the funds to the Montgomery County Association of Volunteer Firefighters, hereafter referred to as the county association. The county association shall distribute the funds as follows:

(1) Sixty (60) percent shall be divided equally among all eligible volunteer fire departments.

(2) Thirty (30) percent shall be divided according to a percentage based upon the monies collected in a fire district compared to the total monies collected. The county association shall notify the Revenue Commissioner within 30 days after this act becomes operative of the designated fire districts. The boundaries of the fire districts may be rearranged at the discretion of the county association as they deem necessary, from time to time, to maximize fire protection services in the county.

(3) Ten (10) percent of the money shall be designated as discretionary fund of the county association to be used for any expenditure otherwise allowable under this act.

In order to be an eligible volunteer fire department for purposes of this act, a volunteer fire department shall be in good standing with the Montgomery County Association of Volunteer Firefighters.

Funds disbursed to eligible volunteer fire departments pursuant to this act shall be expended only for fire protection and emergency medical services, including but not limited to, training, supplies, buildings, capital improvements, equipment, insurance, professional services, and dues. The funds shall not be expended for food, drink, social activities, or fund-raising activities. After receiving the funds, the volunteer fire departments shall keep accurate records to verify that the funds are properly expended. By September 15th of each year, the department shall file a report with the county association detailing the expenditure of all funds during the previous twelve months and setting out a schedule of all proposed projects. The filing shall account for all unspent funds and whether unspent funds have been obligated. Unspent funds that have not been

obligated which exceed the amount of total receipts paid to the department for the prior year from this tax shall be returned to the county association for redistribution equally among the other fire departments. The county association shall supply the accounting forms to each eligible volunteer fire department. The copy of the year-end report shall be filed with the county commission and shall be audited by the Examiners of Public Accounts of the state on the same basis as county funds are audited.

Upon dissolution or abandonment of an eligible volunteer fire department, all remaining funds derived from this act or assets purchased with the funds derived from this act shall be transferred to the county association.

Prior to the levy of the fire protection tax in the unincorporated areas of county, there shall be submitted to the electors at a special election called for that purpose in the county, the question of whether the tax shall be levied. If a majority of the qualified electors within the unincorporated area of the county who vote at the election approve the tax, the tax shall be effective and levied. If a majority of the qualified electors within the unincorporated area of the county who vote at the election do not approve the tax, the tax shall not be effective and shall not be levied.

Elections on the question of the levy of a fire protection tax in the county may be held at any time and from time to time. Notwithstanding the foregoing, if at an election held after the ratification of this Amendment the proposal to levy the tax so submitted is defeated, then the proposal may not be submitted at another election held in the county within two years from the last election held under this Amendment. [Amendment 551, approved July 13, 1993]

Section 215-GG. Morgan County: Special Tax for Hospital Purposes; Special Property Tax for Library Service; Additional Ad Valorem Tax for Mallard-Fox Creek Project.

1. Morgan County may levy and collect a tax upon all taxable property situated therein at a rate not in excess of ten cents on each one hundred dollars of taxable property, which tax shall be used exclusively for the construction, equipping, enlargement, acquisition, repair, or operation of public hospital properties situated in said county owned or proposed to be acquired in said county by the city of Decatur and Morgan County. Said tax shall be in addition to all other taxes now authorized by law, but shall not be levied until it shall have been authorized by a majority of the qualified electors of such county voting at an election called by the governing body of said county at which there shall be submitted to a vote the rate of such tax, the time it is to continue, and the purpose or purposes thereof. Such elections may be called and had from time to time, and shall be had, governed and determined under such rules and regulations as the governing body of said county may prescribe. Said tax may be pledged by the governing body of said county to secure payment of any debt incurred by said county or by any public

corporation for hospital purposes in said county. [Amendment 52, subpart B., approved Nov. 14, 1946]

2. The court of county commissioners, board of revenue or like governing body of Morgan County shall have the power to levy and collect a special property tax, in addition to all other taxes, now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding 5 mills on each dollar's worth of taxable property in the county as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for purposes of library service; provided that such tax and the purpose or purposes thereof, and the time such tax is proposed to be continued, shall have been first submitted to the vote of the qualified electors of the county and voted for by a majority of those voting at such election. Elections under this Amendment shall be called, held and conducted in the same way as elections on special school district tax levies. [Amendment 318, approved Jan. 18, 1972]

3. In Morgan County, if the tax or the continuation of an expiring tax for specified purposes or for purposes other than originally levied, not exceeding one and one-half (1 1/2) mills on each dollar of taxable property in the county, by vote of a majority of the affected qualified electors of the county who participate in any election called for that purpose, the governing body of Morgan County shall continue for other than the original purposes, or levy and collect in addition to any and all other taxes authorized by law said ad valorem taxes until the Mallard-Fox creek project bond issue is repaid, for 25 years or whichever first occurs. An election shall be called by the county governing body as they deem necessary and such election shall be conducted in the manner which said governing body prescribes; provided, however, a public hearing with notice shall first be called on the subject at which a majority of the members of the county commission approve a resolution therefor.

The provisions of this Amendment shall be construed in pari materia with any and all other Amendments relating to Morgan County and ad valorem taxation. [Amendment 484, approved March 8, 1988]

Section 215-HH. Perry County: County Commission Authorized to Levy Ad Valorem Tax for Fire Protection.

(a) In addition to all other ad valorem taxes levied, the Perry County Commission may levy on an annual basis, commencing with the tax year beginning October 1, 1995, an ad valorem tax on all taxable property located in Perry County at a rate of three mills per dollar of assessed value of the taxable property, the proceeds of which shall be paid into the county general fund and distributed for the benefit of fire protection.

(b) Within 30 days of payment into the county general fund, the county commission shall pay the funds to the Perry County Association of Volunteer Fire Departments. The county association shall divide the funds equally among all eligible volunteer fire

departments and the Alabama Forestry Commission at the quarterly meetings of the county association. The county commission and the county association may jointly establish rules regarding the transfer, investing, accounting, and handling of the funds.

(c) Funds paid to eligible volunteer fire departments shall only be expended for fire protection services, including training, supplies, buildings, capital improvements, and equipment. An eligible volunteer fire department shall mean a volunteer fire department located in Perry County that is certified under the guidelines of the Alabama Forestry Commission and is a member in good standing of the Perry County Association of Volunteer Fire Departments. The funds may not be expended for salaries, food, drink, social activities, or fund-raising activities. After receiving funds, the volunteer fire departments shall keep accurate records to verify that the funds were properly expended. By September 15th of each year, each department and the Alabama Forestry Commission shall file a form with the county association detailing the expenditures of all funds during the previous 12 months and setting out a schedule of all proposed projects. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. The county association shall supply the accounting forms to each eligible volunteer fire department and the Alabama Forestry Commission.

(d) The Alabama Forestry Commission's share of these funds collected shall be used in Perry County only. The funds shall be used for buildings and purchase of equipment. The funds shall not be expended for salaries.

(e) Upon dissolution or abandonment of any eligible volunteer fire department, any remaining funds shall, after all indebtedness has been satisfied, be transferred to the county association.

(f) The personnel of volunteer fire departments and the Alabama Forestry Commission shall not be considered as employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of volunteer fire departments and the Alabama Forestry Commission. [Amendment 593, approved June 4, 1996]

Section 215-II. Pickens County: Fees for Disposal of Solid Waste; Ad Valorem Tax; Fire Protection.

1. The Pickens County governing body shall levy and impose a fee of not less than sixty dollars per ton on solid waste, as defined by general law, disposed of at any commercial disposal site in the county. Said governing body is hereby authorized to implement such rules and regulations as it deems necessary to impose and collect such disposal fees and the proceeds of such fees shall be deposited in the county treasury to be expended for the general operations of the county. [Amendment 521]

2. (a) In addition to all other ad valorem taxes levied, the Pickens County Commission may levy on an annual basis, commencing with the tax year beginning October 1, 1998, an ad valorem tax on all taxable property, located in Pickens County at a rate of three mills per dollar of assessed value of the taxable property. The proceeds of the tax levied pursuant to this Amendment shall be paid into the county general fund and distributed for the benefit of fire protection only.

(b) Within 30 days of payment into the county general fund, the county commission shall pay the funds to the Pickens County Volunteer Firefighters' Association. The county association shall divide the funds equally among all eligible volunteer fire departments, collectively, and the Pickens County Volunteer Firefighters' Association at each bimonthly meeting of the county association. The county association may establish rules regarding the transfer, investing, accounting, and handling of the funds.

(c) Funds paid to eligible volunteer departments shall only be expended for fire protection services, including training, supplies, buildings, capital improvements, and equipment. An eligible volunteer fire department shall mean a volunteer fire department located in Pickens County that is certified under the guidelines of the Alabama Forestry Commission, shall have at least an ISO class 9 rating, and is a member in good standing of the Pickens County Association of Volunteer Fire Departments. The funds may not be expended for salaries, food, drink, social activities, or fund-raising activities. After receiving funds, the eligible volunteer fire departments shall keep accurate records to verify that the funds were properly expended. By September 15th of each year, each department shall file a form with the county association detailing the expenditures of all funds during the previous 12 months and setting out a schedule of all proposed projects. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. The county association shall supply the accounting forms to each eligible volunteer fire department.

(d) Upon dissolution or abandonment of any eligible volunteer fire department, any remaining funds shall, after all indebtedness has been satisfied, be transferred to the county association.

(e) The personnel of eligible volunteer fire departments shall not be considered as employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of eligible volunteer fire departments. [Amendment 649, approved Nov. 3, 1998]

Section 215-JJ. Pike County: Truck Tax Authorized.

Notwithstanding any law to the contrary, the Pike County Commission is hereby authorized to establish, by validly enacted ordinance, the rate of all local ad valorem

taxes, whether levied by local governing bodies of other lawful entities, on all truck-tractors, trailers and semitrailers located within the county. [Amendment 458, approved June 3, 1986]

Section 215-KK. Randolph County: Privilege, License Taxes, etc. for Funding Facilities in Randolph County; Randolph County Facilities Building Fund; Collection and Levying of Fees for Fire Protection and Safety Services in Randolph County.

Part A. (A) As used in this Amendment, the following terms shall be given the following respective meanings:

"County" means Randolph County, Alabama.

"County facilities" means:

(a) Any land, building, equipment and any other facility or facilities necessary or useful in the housing, confinement, detention, feeding, treatment, rehabilitation and training of persons held in lawful custody, and

(b) Any land, building, equipment or other facility useful as a county courthouse building.

"County facilities building fund" means the county facilities building fund established herein for the purpose of receiving certain tax receipts required by the provisions hereof to be paid therein.

"Existing ad valorem tax" means the two and one-half mill special ad valorem tax authorized to be levied by the county pursuant to section 215 of the Constitution.

"Securities" means any bonds or warrants, including refunding bonds or warrants, issued by the county under the provisions of this Amendment.

"Special ad valorem tax" means the special county hospital ad valorem tax authorized to be levied by the county pursuant to Amendment No. 72 to the Constitution.

"Special sales tax" means the special county privilege, license and excise taxes authorized and directed by this Amendment to be levied by the county on those engaged in the business of selling tangible personal property at retail and conducting places of amusement in the county and paralleling the state sales and use taxes.

"Special taxes" means the special ad valorem tax, the special sales tax, and the existing ad valorem tax.

(B) The county is hereby authorized and directed, within 60 days after the proclamation of the ratification of this Amendment, to levy and collect, or provide for the collection of special privilege, license and excise taxes on those engaged in the business of selling tangible personal property and conducting places of amusement in the county at the rate of one-half of one percent (0.5%) of the gross receipts of the businesses made subject to the special sales tax, which tax shall, to the fullest extent possible, parallel the sales and use taxes levied by the state. All revenues derived by the county from the levy of the special sales tax, less the cost of collection of such revenues not to exceed 5% thereof to be paid to the department of revenue, shall be paid into the county facilities building fund. The county shall discontinue the levy of the special sales tax when all of the securities issued hereunder shall have been paid in full, or when the county shall have expended the sum of $1,500,000 out of the county facilities building fund to pay costs of county facilities, whichever shall last occur.

(C) The county is hereby authorized and directed (subject to prior pledges and agreements, if any) to pay, out of taxes collected each year, beginning with taxes collected with respect to the tax year that began October 1, 1982, one-half of the tax receipts derived from the levy of the special ad valorem tax into the county facilities building fund. The county shall discontinue paying such tax receipts into the county facilities building fund when all of the securities issued hereunder have been paid in full, or when the county shall have expended the sum of $1,500,000 out of the county facilities building fund to pay costs of county facilities, whichever shall last occur.

(D) The county is hereby authorized and directed (subject to prior pledges and agreements, if any) to pay four-tenths of the tax receipts derived by the county from the levy of the existing ad valorem tax into the county facilities building fund. The county shall discontinue paying such tax receipts into the county facilities building fund when all of the securities issued hereunder have been paid in full, or when the county shall have expended the sum of $1,500,000 out of the county facilities building fund to pay costs of county facilities, whichever shall last occur.

(E) The county is hereby authorized and directed to establish the county facilities building fund for the purpose of receiving the moneys required to be paid therein by the provisions hereof. Funds on deposit in the county facilities building fund shall be used to pay the costs of acquiring, providing, constructing and equipping new county facilities, renovating, reconstructing, improving, enlarging or equipping any existing county facilities or any combination thereof, up to an amount not exceeding $1,500,000, and to pay principal of and interest and premium, if any, on securities issued hereunder to finance county facilities.

(F) The county is hereby authorized to sell and issue from time to time its securities, not exceeding $1,500,000 in aggregate principal amount, for the purpose of acquiring, providing, constructing and equipping new county facilities, renovating, reconstructing, improving, enlarging or equipping any existing county facilities or any combination thereof and to pledge for payment of the securities the portions of the special taxes required to be paid into the county facilities building fund.

For the purpose of refunding any securities, including refunding securities issued under the provisions of this Amendment, whether the refunding shall occur before, at or after the maturity of the securities refunded and for the purpose of paying all premiums and expenses of the refunding (including attorneys' fees, costs of printing the refunding securities, fiscal agents' fees, and accountants' fees), the county is hereby authorized to sell and issue from time to time refunding securities in an aggregate principal amount not exceeding the sum of:

(a) The outstanding principal amount of the securities to be refunded,

(b) The interest (accrued or to accrue) to the respective maturities of the securities to be refunded, or if the securities to be refunded are to be called for redemption, either on the earliest date on which under their terms they may be redeemed or some later date or dates, the interest (accrued or to accrue) on the securities to be refunded to the date or dates on which they are to be called for redemption,

(c) The amount of any redemption premium required, by the terms of the securities, to be paid as a condition to their redemption prior to their respective maturities, and

(d) The amount of any expenses (actual or estimated) of such refunding.

The securities issued hereunder may but need not be general obligations of the county, but shall be secured by the portions of the special taxes pledged for their payment in the proceedings of the county whereunder the securities are authorized to be issued and required to be paid into the county facilities building fund.

All securities issued under this Amendment may be in such form and denominations and of such tenor and maturities, may bear interest at such rate or rates, payable at such time or times, not exceeding thirty (30) years from their date, may be sold at public or private sale and may contain such provisions not inconsistent with this Amendment as shall be provided in the proceedings of the governing body of the county wherein such securities are authorized to be issued. The power to levy the special sales tax, to pay as required herein the portions of the special ad valorem tax and the existing ad valorem tax into the county facilities building fund and the power to issue the securities shall be in addition to all other powers which the county may have under this Constitution and the laws of Alabama. The indebtedness evidenced by the securities issued under this Amendment

shall be in addition to and shall not be charged against the limitation on the indebtedness of the county provided for in section 224 of the Constitution.

(G) It is the intention hereof that the governing body of the county shall:

(a) Levy the special sales tax, and

(b) Pay one-half of the revenues from the special ad valorem tax and four-tenths of the revenues from the existing ad valorem tax (subject only to prior pledges of either thereof) as shall together be sufficient to provide funds to pay costs of county facilities herein provided for, either directly or through payment of the principal of and interest (and premium, if any) on the securities authorized to be issued hereunder, all to the end that adequate county facilities will be available in the county.

Proceeds of the special taxes that are not needed in any fiscal year to pay principal of and interest on securities issued hereunder or to refund securities shall be used to pay costs of constructing and maintaining the county facilities herein provided for, or to purchase and retire securities or call securities for redemption prior to the maturity thereof.

(H) The provisions of this Amendment shall be self-executing, and authorization from or any other action by the Legislature shall not be a prerequisite to the issuance of the securities hereunder or to the levy of the special taxes or the use of the proceeds of the special taxes as provided herein; provided, however, that the provisions of this Amendment shall not become operative unless approved by a majority of the qualified electors of Randolph County who vote thereon at a referendum election held for such purpose upon the call of the Randolph County Commission, and provided further, that if this Amendment is approved by the qualified electors of Randolph County who vote thereon upon its submission, such election shall constitute a referendum held for such purpose and no further election need be called.

(I) It is hereby specifically declared that this Amendment is not being proposed pursuant to the provisions of that certain Amendment to the Constitution (known as Amendment No. 425) that was proposed by Act No. 82-330 adopted at the 1982 Regular Session of the Legislature of Alabama, and provisions of the said Amendment 425 are hereby declared to be inapplicable. [Amendment 442, approved Nov. 8, 1983]

Part B. (A) As used in this Amendment, the following terms shall be given the following respective meanings:

"Costs Of County Facilities" means the costs of acquiring, providing, constructing and equipping new county facilities, renovating, reconstructing, improving, enlarging or equipping any existing county facilities or any combination thereof.

"County" means Randolph County, Alabama.

"County Facilities" means:

(a) Any land, building, equipment and any other facility or facilities necessary or useful in the housing, confinement, detention, feeding, treatment, rehabilitation or training of persons held in lawful custody, and

(b) Any land, building, equipment or other facility useful as a county courthouse building.

"County facilities building fund" means the county facilities building fund to be established by the county pursuant to the provisions hereof for the purpose of receiving certain tax receipts required by the provisions hereof to be paid therein.

"Existing ad valorem tax" means the two and one-half mill road, bridge and public building ad valorem tax authorized to be levied by the county pursuant to section 215 of the Constitution.

"Related securities" means any bonds or warrants, including refunding bonds or warrants, issued for purposes for which securities may be issued hereunder after the effective date of this Amendment under the provisions of any other Amendment to the Constitution or statute, provided that the governing body of the county in the proceedings authorizing the issuance of such bonds or warrants has pledged for the payment of such bonds or warrants those moneys required by the provisions hereof to be paid into the county facilities building fund.

"Securities" means any bonds or warrants, including refunding bonds or warrants, issued by the county under the provisions of this Amendment.

"Special ad valorem tax" means the special county hospital ad valorem tax authorized to be levied by the county pursuant to Amendment No. 72 to the Constitution.

"Special taxes" means the special ad valorem tax and the existing ad valorem tax.

(B) The county is hereby authorized and directed (subject to prior pledges and agreements, if any) to pay, out of taxes collected each year, beginning with taxes collected with respect to the tax year that began October 1, 1982, one-half of the tax receipts derived from the levy of the special ad valorem tax into the county facilities building fund. The county shall discontinue paying such tax receipts into the county facilities building fund when all of the securities issued hereunder and any related securities issued by the county have been paid in full, or when the county shall have expended the sum of $1,500,000 out of the county facilities building fund to pay costs of county facilities, whichever shall last occur.

(C) The county is hereby authorized and directed (subject to prior pledges and agreements, if any) to pay, out of taxes collected each year, beginning with taxes

collected with respect to the tax year that began October 1, 1982, four-tenths of the tax receipts derived by the county from the levy of the existing ad valorem tax into the county facilities building fund. The county shall discontinue paying such tax receipts into the county facilities building fund when all of the securities issued hereunder and any related securities issued by the county have been paid in full, or when the county shall have expended the sum of $1,500,000 out of the county facilities building fund to pay costs of county facilities, whichever shall last occur.

(D) The county is hereby authorized and directed to establish the county facilities building fund for the purpose of receiving the moneys required to be paid therein by the provisions hereof and any other tax receipts or other moneys of the county that the county may determine to pay therein. Funds on deposit in the county facilities building fund shall be used to pay costs of county facilities, up to an amount not exceeding $1,500,000, and to pay principal of and interest and premium, if any, on (1) securities issued hereunder to finance costs of county facilities and (2) related securities issued to finance costs of county facilities.

(E) The county is hereby authorized to sell and issue from time to time its securities, not exceeding $,500,000 in aggregate principal amount, for the purpose of financing costs of county facilities and to pledge for payment of the securities the portions of the special taxes required to be paid into the county facilities building fund.

For the purpose of refunding any securities, including refunding securities issued under the provisions of this Amendment, whether the refunding shall occur before, at or after the maturity of the securities refunded and for the purpose of paying all premiums and expenses of the refunding (including, without limitation, attorneys' fees, costs of printing the refunding securities, fiscal agents' fees, and accountants' fees), the county is hereby authorized to sell and issue from time to time refunding securities in an aggregate principal amount not exceeding the sum of:

(a) The outstanding principal amount of the securities to be refunded,

(b) The interest (accrued or to accrue) to the respective maturities of the securities to be refunded, or if the securities to be refunded are to be called for redemption, either on the earliest date on which under their terms they may be redeemed or some later date or dates, the interest (accrued or to accrue) on the securities to be refunded to the date or dates on which they are to be called for redemption,

(c) The amount of any redemption premium required, by the terms of the securities, to be paid as a condition to their redemption prior to their respective maturities, and

(d) The amount of any expenses (actual or estimated) of such refunding.

The securities issued hereunder may but need not be general obligations of the county, but shall be secured by the portions of the special taxes pledged for their payment in the

proceedings of the county whereunder the securities are authorized to be issued and required to be paid into the county facilities building fund.

All securities issued under this Amendment may be in such form and denominations and of such tenor and maturities, may bear interest at such rate or rates, payable at such time or times, not exceeding 30 years from their date, may be sold at public or private sale and may contain such provisions not inconsistent with this Amendment as shall be provided in the proceedings of the governing body of the county whereunder such securities are authorized to be issued. The power to pay, as required herein, the portions of the special ad valorem tax and the existing ad valorem tax into the county facilities building fund and the power to issue the securities shall be in addition to all other powers which the county may have under this Constitution and the laws of Alabama. The indebtedness evidenced by the securities issued under this Amendment shall be in addition to all other indebtedness authorized to be incurred by the county and shall not be charged against the limitation on the indebtedness of the county provided for in section 224 of the Constitution.

(F) The county is hereby authorized to pledge for payment of principal of and interest (and premium, if any) on related securities the portions of the special taxes required to be paid into the county facilities building fund.

(G) It is the intention hereof that the governing body of the county shall pay one-half of the revenues from the special ad valorem tax and four-tenths of the revenues from the existing ad valorem tax (subject only to prior pledges of and agreements pertaining to either thereof) as shall, together with any other moneys paid into the county facilities building fund, be sufficient to provide funds to make available county facilities for the county, either directly through payment of costs of county facilities or through payment of the principal of and interest (and premium, if any) on the securities authorized to be issued hereunder and on any related securities that may be issued by the county for the purpose of paying costs of county facilities, all to the end that adequate county facilities will be available in the county. Proceeds of the special taxes paid into the county facilities building fund that are not needed within 12 months of the date of such payment to pay principal of and interest on securities issued hereunder or on related securities or to refund securities shall be used to pay costs of constructing and maintaining the county facilities herein provided for, or to purchase and retire securities or related securities or to call securities or related securities for redemption prior to the maturity thereof.

(H) The provisions of this Amendment shall be self-executing, and authorization from or any other action by the Legislature shall not be a prerequisite to the issuance of the securities hereunder or to the use of the proceeds of the special taxes as provided herein; provided, however, that the provisions of this Amendment shall not become operative unless approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose upon the call of the county commission, and provided further, that if this Amendment is approved by the qualified electors of the

county who vote thereon upon its submission, such election shall constitute a referendum held for such purpose and no further election need be called.

(I) It is hereby specifically declared that this Amendment is not being proposed pursuant to the provisions of that certain Amendment to the Constitution (known as Amendment No. 425) that was proposed by Act No. 82-330 adopted at the 1982 Regular Session of the Legislature of Alabama, and provisions of the said Amendment 425 are hereby declared to be inapplicable to this Amendment. [Amendment 444, approved March 13, 1984]

Part C. The Legislature declares that the fire departments and rescue squads which receive funds pursuant to this Amendment are organizations which are public in nature as they promote and protect the health, safety, and welfare of the citizens of the county.

In addition to all other taxes now or hereafter provided by law, there shall be levied and collected in Randolph County a special property tax of two mills on each one dollar's worth of taxable property as assessed for the state ad valorem taxation during the preceding year. The proceeds of the additional taxes levied by this Amendment shall be used exclusively for fire protection and safety services.

The Revenue Commissioner of Randolph County shall assess the tax herein provided for and shall collect the tax in the same manner and method that other ad valorem taxes are collected. The proceeds of the tax shall be paid by the commissioner directly to the Randolph County Volunteer Fire Department Association. The proceeds shall be divided by the association so that the proceeds of the tax collected within the corporate limits of the City of Roanoke shall be allocated to the volunteer fire department of the city and the proceeds from collections in the unincorporated areas of the county shall be allocated equally among the volunteer fire departments and the rescue squad which serve the unincorporated area of the county.

An eligible fire department, for purposes of this Amendment, means a fire department in Randolph County which is a member in good standing with the Randolph County Volunteer Fire Department Association according to guidelines established by the Alabama Volunteer Fire Department Association.

An eligible rescue squad for purposes of this Amendment, means a rescue squad in Randolph County which is in good standing according to guidelines established by the Alabama Association of Rescue Squads.

Funds paid to eligible fire departments and rescue squads shall only be expended for fire protection and safety services including training, supplies, and equipment. The funds may also be expended to purchase liability insurance to insure coverage of acts or omissions which are directly related to the functions of a fire department or rescue squad which are committed by the department or squad or the personnel of a fire department or rescue squad. The funds may not be expended for food, drink, social activities, salaries,

or fund-raising activities. After receiving funds, the fire departments and rescue squads shall keep accurate records to verify that the funds were properly expended. By September 15 of each year, the association shall file a financial statement with the Randolph County Commission detailing the expenditure of all funds received from this Amendment during the previous 12 months. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. No new fire departments or rescue squads shall be funded within Randolph County without prior approval of the Randolph County Volunteer Fire Department Association.

Upon dissolution or abandonment of any eligible fire department or rescue squad, any remaining funds derived from this Amendment or any assets purchased with funds derived from this Amendment shall, after all indebtedness has been satisfied, be transferred to the Randolph County Volunteer Fire Department Association. The funds and assets shall be reallocated by the association equally to the other fire departments and rescue squads. In the event the association is dissolved, the additional property tax levied under this Amendment shall self-destruct and no longer be levied and collected.

The personnel of fire departments and rescue squads provided for in this Amendment shall not be considered employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of fire departments or rescue squads.

This Amendment shall apply to collections of ad valorem taxes for the 1995-96 tax year and thereafter. The initial provisions of this Amendment may hereafter be amended by local legislation which may become effective without referendum approval. [Amendment 594, approved June 4, 1996]

Section 215-LL. St. Clair County: Fee on Disposal of Out-of-State Solid Waste; County Commission Authorized to Levy Ad Valorem Tax for Fire Protection and Emergency Medical Services.

1. The St. Clair County governing body shall levy and impose a fee of not less than sixty dollars per ton on out-of-state solid waste, as defined by general law, disposed of at any commercial disposal site in the county. Said governing body is hereby authorized to implement such rules and regulations as it deems necessary to impose and collect such disposal fees and the proceeds of such fees shall be deposited in the county treasury to be expended for the general operations of the county. [Amendment 523, approved June 5, 1990]

2. (a) In addition to all other ad valorem taxes levied, the St. Clair County Commission may levy on an annual basis, commencing with the tax year beginning October 1, 1997, an ad valorem tax on all taxable property located in St. Clair County at a rate of two mills

per dollar of assessed value of the taxable property, the proceeds of which shall be paid into an expendable fire protection trust fund in the county treasury and allocated therefrom for fire protection and emergency medical services.

(b) Within 30 days of payment into the fire protection trust fund of the proceeds from the additional tax levied pursuant to [subsection] (a), each eligible are department in the county shall make a requisition to the county commission for a share of the tax proceeds in the fund. The county commission shall divide the funds equally among the eligible fire departments of St. Clair County.

(c) Funds allocated to eligible fire departments shall only be expended for fire protection and emergency medical services including day to day operations, training, supplies, buildings, capital improvements, and equipment. All expenditures shall be documented with the county commission. An eligible fire department means a fire department located in St, Clair County which is certified under the guidelines of the Alabama Forestry Commission. Any tax proceeds allocated for fire protection and emergency medical services under this Amendment may not he expended for salaries, food, drink, social activities, or fundraising activities. After receiving funds, the fire departments shall keep accurate records to verify that the funds were properly expended. By September 15th of each year, each fire department shall file a form with the county commission detailing the expenditures of all funds during the previous 12 months and setting out a schedule of all proposed projects. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. The St. Clair County Fire and Emergency Medical Service Association shall supply the accounting forms to each eligible volunteer fire department.

(d) The fire protection trust fund provided for in subsection (a) shall be audited by the State Department of Examiners of Public Accounts when the county is audited

(e) Upon dissolution or abandonment of any eligible fire department, any remaining funds shall, after all indebtedness has been satisfied, be transferred back to the fire protection trust fund to be allocated to the remaining eligible fire departments

(f) Personnel of eligible fire departments shall not be considered as employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of volunteer fire and emergency medical services departments. [Amendment 652, approved Nov. 3, 1998]

Section 215-MM. Sumter County: Fire Protection Tax.

(a) In addition to all other ad valorem taxes levied, the Sumter County Commission may levy on an annual basis, commencing with the tax year beginning October 1 after the effective date of this Amendment, an ad valorem tax on all taxable property, located in

Sumter County at a rate of three mills per dollar of assessed value of the taxable property. The proceeds of the tax levied pursuant to this Amendment shall be paid into the county general fund and distributed for the benefit of fire protection only.

(b) Within 30 days of payment into the county general fund, the county commission shall pay the funds to the Sumter County Volunteer Firefighters' Association. The county association shall divide the funds equally among all eligible volunteer fire departments collectively, and the Alabama Forestry Commission at each bimonthly meeting of the county association. The county commission and the county association may jointly establish rules regarding the transfer, investing, accounting, and handling of the funds.

(c) Funds paid to eligible volunteer fire departments shall only be expended for fire protection services, including training, supplies, buildings, capital improvements, and equipment. An eligible volunteer fire department shall mean a volunteer fire department located in Sumter County that is certified under the guidelines of the Alabama Forestry Commission, shall have at least an ISO class 9 rating, and is a member in good standing of the Sumter County Association of Volunteer Fire Departments. The funds may not be expended for salaries, food, drink, social activities, or fund-raising activities. After receiving funds, the eligible volunteer fire departments shall keep accurate records to verify that the funds were properly expended. By September 15th of each year, each department and the Alabama Forestry Commission shall file a form with the county association detailing the expenditures of all funds during the previous 12 months and setting out a schedule of all proposed projects. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. The county association shall supply the accounting forms to each eligible volunteer lire department and the Alabama Forestry Commission.

(d) The Alabama Forestry Commission's share of the funds collected shall be used in Sumter County only. The funds shall be used for buildings and purchase of equipment. The funds shall not be expended for salaries.

(e) Upon dissolution or abandonment of any eligible volunteer fire department, any remaining funds shall, after all indebtedness has been satisfied, be transferred to the county association.

(f) The personnel of eligible volunteer fire departments and the Alabama Forestry Commission shall not be considered as employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of eligible volunteer fire departments and the Alabama Forestry Commission. [Amendment 653, approved Nov. 3, 1998]

Section 215-NN. Talladega County: Levy and Collection of Additional Property Taxes; Fire Protection Districts; Mandatory Dues.

1. In addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, the governing body of Talladega County is hereby authorized to levy and collect a special school tax not to exceed three-tenths of one percent on the value of the taxable property within the county, the proceeds of which shall be used exclusively for public school purposes; and a special tax not to exceed two-tenths of one percent on the value of the taxable property within the county, the proceeds of which shall be used exclusively for the construction and maintenance of county roads and bridges. The governing body of Talladega County may fix the rates of the additional taxes authorized herein, at its discretion, without submitting the question of levying such additional taxes to a vote of the qualified electors of the county. [Amendment 98, approved Dec. 15, 1953]

2. The Legislature may, by local law, from time to time, provide for the establishment of districts in Talladega County for fire protection and provide for mandatory annual dues in the districts. The Legislature shall provide for the operation of the districts and for the collection and disposition of the mandatory annual dues. The Legislature may limit the liability of the county for the operation of a district and provide that a district shall be exempt from all taxation. The districts may include incorporated and unincorporated areas of the county which need and are willing to subscribe to the fire protection services. [Amendment 614, approved Nov. 5, 1996]

Section 215-OO. Tallapoosa County: Hospital Tax and Tax Anticipation Bonds; Establishment of Fire Districts and Levy of Charges for Fire Protection and Emergency Medical Services.

1. In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, the governing body of Tallapoosa County shall levy and cause to be collected annually a special district tax, not exceeding 50 cents on each 100 dollars assessed valuation of taxable property in districts three and four of Tallapoosa County, Alabama, to be used exclusively for public hospital purposes (as the term "public hospital purposes" is defined in Amendment LXXVI [76] to the Constitution proposed by Acts of 1949, page 897, submitted December 13, 1949, and proclaimed ratified December 21, 1949) within said districts three and four; provided that the time during which such tax is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in districts three and four of Tallapoosa County and voted for by a majority of such electors voting at such election. The governing body of Tallapoosa County may call an election at any time, and it shall be the duty of such governing body to call an election to be held within ninety days after receipt by it of a petition signed by not less than 5% of the qualified electors of said districts three and four, requesting that such election be called. The governing body may call such

election to be held at the same time that this Amendment is submitted to the electors of the state for ratification and such election shall be effective to require the levy and collection of such tax in the event that this Amendment shall be ratified. The notice of such election, ballots to be used at such election and procedures for holding and determining the results of such election shall be prescribed by the governing body of Tallapoosa County. No election shall be held hereunder within one year from the date of the last election so held.

Whenever such tax shall have been authorized by vote of such qualified electors, and levied by the governing body of Tallapoosa County, such governing body may anticipate the proceeds therefrom for any one or more of the purposes for which the tax shall have been voted, by issuing, without further election, interest bearing tax anticipation bonds, warrants, or certificates of indebtedness of said county payable solely from and secured by a pledge of a sufficient amount of the annual proceeds from said tax received by the county.

The governing body of Tallapoosa County shall have power to designate as the agency of the county, to construct, acquire, equip, operate and maintain public hospital facilities for said districts three and four, any public corporation heretofore or hereafter organized for hospital purposes in the county. When a public corporation shall have been so designated, the proceeds of said tax thereafter collected shall be paid to it and shall be used by it for any one or more of the purposes for which the tax shall have been voted; provided, that payments of the proceeds of said tax to said public corporation shall be made only to such extent as will not result in the impairment of the obligation of any contract theretofore made with respect to said tax. Said public corporation may anticipate the proceeds from said tax so required to be paid to it by issuing, for any one or more of the purposes for which the tax shall have been voted, the bonds, warrants, or certificates of indebtedness of said corporation, and may pledge for the payment of the principal thereof and interest thereon a sufficient amount of the annual proceeds from said tax so paid to it.

No securities issued or contracts made by Tallapoosa County under the authority of this Amendment, which are payable solely out of the proceeds of said tax, and no securities issued or contracts made by any such public corporation, whether or not issued or made under the authority of this Amendment, shall be construed to be bonds of Tallapoosa County or of a political subdivision thereof within the meaning of section 222 of the Constitution, or construed to create or constitute an indebtedness of the county within the meaning of section 224 of the Constitution. Said securities shall be construed to be negotiable instruments notwithstanding the fact that they may be payable solely from a limited source. All pledges of said tax and all contracts made with respect thereto pursuant to the provisions of this Amendment shall take precedence in the order in which they are made and shall create a charge on the proceeds of said tax prior to the expenses of operating and maintaining any public hospital facilities.

The districts three and four of Tallapoosa County herein referred to are the districts three and four provided for in Act No. 241, Local Laws of Alabama, approved September 7, 1923 (Local Acts of 1923, pages 144, 145). [Amendment 198, approved Dec. 5, 1961]

2. (a) Upon approval of the E911 Board of Commissioners of Tallapoosa County, districts may be established for fire protection and emergency medical services within the geographical boundaries of Tallapoosa County. Each district for fire fighting and emergency medical services of Tallapoosa County is authorized, in its discretion, to levy a service charge for fire protection and emergency medical services in an amount it deems reasonable on each dwelling and commercial building in Tallapoosa County. A service charge if approved by the majority of the voters residing in the proposed fire district shall be collected by the Board of Directors of the proposed district that has response coverage for the district unless otherwise provided by law. The proceeds from the service charge less any costs of collection shall be used by the district for fire protection and emergency medical service.

(b) This Amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Tallapoosa County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this Amendment, as provided for in section 2 of this act, and no further election shall be required. [Amendment 572, approved Nov. 4, 1994]

Section 215-PP. Tuscaloosa County: Special Property Tax for Recreational Purposes.

The county commission or like governing body of Tuscaloosa County shall have the power to levy and collect a special property tax, in addition to all other taxes, now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding 10 mills on each dollar's worth of taxable property in the county as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for developing parks and multi-recreation areas and facilities, and for other recreational purposes; provided that such tax and the purpose or purposes thereof, and the time such tax is proposed to be continued shall have been first submitted to the vote of the qualified electors of the county and voted for by a majority of those voting at such election. Such governing body may also become indebted, and in evidence of such indebtedness issue and sell interest bearing bonds in an amount not to exceed $20,000,000.00 in principal amount, provided that before the issuance of such bonds the question of whether such bonds shall be issued shall have first been submitted to and approved by the qualified electors of Tuscaloosa County at an election. Both the question of levying the tax and the issuing and selling of bonds may be submitted at the same election; or either question may be submitted at a separate election. Either the tax may be levied but no bonds issued, or bonds may be issued and no tax levied hereunder, if other funds are available for the

payment of the bonds. The proceeds from taxes levied under authority of this Amendment and of all bonds issued hereunder shall be used for developing parks and multi-recreation areas and facilities and for other recreational purposes and all or any part thereof may be appropriated to any county park and recreation authority duly organized and existing pursuant to law in such county and by such authority used for the above-named purposes. The elections provided for herein shall be called, held, conducted and canvassed, and may be contested, in the manner provided by law for the calling, holding, conducting, canvassing and contesting of county bond elections, and if the levy of the tax or the issuance of said bonds shall be authorized at any such elections, the tax may be levied and bonds may be sold and issued from time to time in the manner provided by law for the authorization and sale of county bonds. In the event the voters of Tuscaloosa County do not authorize the levy of the tax or the issuance and sale of said bonds at any election called hereunder then other elections may be called by the governing body of Tuscaloosa County from time to time until the voters of Tuscaloosa County do authorize the levy of the tax or the issuance and sale of said bonds; provided that no two elections shall be held within one year of each other. The indebtedness herein authorized shall be in addition to all other indebtedness authorized prior to the adoption of this Amendment. [Amendment 333, approved Dec. 18, 1973]

Section 215-QQ. Walker County: Special Road Tax; Hospital Tax in District 2.

1. (a) The county of Walker, state of Alabama, shall have power to levy and collect a special road tax not exceeding fifty cents on each hundred dollars worth of taxable property in said county in addition to that now authorized or that may hereafter be authorized for the erection, construction or maintenance of the necessary public roads, bridges or ferries and in addition to that now authorized under section 215 of article XI of the Constitution, which special county tax so levied and collected shall be applied exclusively to the purpose for which the same was so levied and collected, provided, that the rate of such tax, the time it is to continue and the purpose thereof shall have first been submitted to the vote of the qualified electors of the county, and voted for by a majority of those voting at such election.

(b) Twenty-five per centum of all moneys derived from property lying within the municipalities and arising from the tax proposed herein shall be paid to such municipality and shall, by it, be expended for upkeep of its streets.

(c) The court of county commissioners, boards of revenue, or other governing body of said county may, or upon written petition of ten per centum of the qualified voters of Walker County, shall call and submit said election provided for and authorized by section 1 hereof to the qualified electors of Walker County either at the time of the general election or at a special election called for that purpose; provided, that said election shall be called and held in accordance with the law now or that may be enacted governing

county bond elections, and in conformity with the general election laws of the state. [Amendment 19, approved Nov. 4, 1924]

2. In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, the governing body of Walker County shall levy and cause to be collected annually a special district tax, not exceeding 50 cents on each 100 dollars assessed valuation of taxable property in district two of Walker County, Alabama, to be used exclusively for public hospital purposes (as the term "public hospital purposes" is defined in Amendment LXXVI [76] to the Constitution proposed by Acts of 1949, page 897, submitted December 13, 1949, and proclaimed ratified December 21, 1949) within said district two; provided that the time during which such tax is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in district two of Walker County and voted for by a majority of such electors voting at such election. The governing body of Walker County may call an election at any time, and it shall be the duty of such governing body to call an election to be held within ninety days after receipt by it of a petition signed by not less than 5% of the qualified electors of said district two, requesting that such election be called. The governing body may call such election to be held at the same time that this Amendment is submitted to the electors of the state for ratification and such election shall be effective to require the levy and collection of such tax in the event that this Amendment shall be ratified. The notice of such election, ballots to be used at such election and procedures for holding and determining the results of such election shall be prescribed by the governing body of Walker County. No election shall be held hereunder within one year from the date of the last election so held.

Whenever such tax shall have been authorized by vote of such qualified electors, and levied by the governing body of Walker County, such governing body may anticipate the proceeds therefrom for any one or more of the purposes for which the tax shall have been voted, by issuing, without further election, interest-bearing tax anticipation bonds, warrants, or certificates of indebtedness of said county payable solely from and secured by a pledge of a sufficient amount of the annual proceeds from said tax received by the county.

The governing body of Walker County shall have power to designate as the agency of the county, to construct, acquire, equip, operate and maintain public hospital facilities for said district two, any public corporation heretofore or hereafter organized for hospital purposes in the county. When a public corporation shall have been so designated, the proceeds of said tax thereafter collected shall be paid to it and shall be used by it for any one or more of the purposes for which the tax shall have been voted; provided, that payments of the proceeds of said tax to said public corporation shall be made only to such extent as will not result in the impairment of the obligation of any contract theretofore made with respect to said tax. Said public corporation may anticipate the proceeds from said tax so required to be paid to it by issuing, for any one or more of the purposes for which the tax shall have been voted, the bonds, warrants, or certificates of

indebtedness of said corporation, and may pledge for the payment of the principal thereof and interest thereon a sufficient amount of the annual proceeds from said tax so paid to it.

No securities issued or contracts made by Walker County under the authority of this Amendment, which are payable solely out of the proceeds of said tax, and no securities issued or contracts made by any such public corporation, whether or not issued or made under the authority of this Amendment, shall be construed to be bonds of Walker County or of a political subdivision thereof within the meaning of section 222 of the Constitution, or construed to create or constitute an indebtedness of the county within the meaning of section 224 of the Constitution. Said securities shall be construed to be negotiable instruments notwithstanding the fact that they may be payable solely from a limited source. All pledges of said tax and all contracts, made with respect thereto pursuant to the provisions of this Amendment shall take precedence in the order in which they are made and shall create a charge on the proceeds of said tax prior to the expenses of operating and maintaining any public hospital facilities.

District two of Walker County herein referred to is the commissioner's district two now established in Walker County as authorized by law. [Amendment 276, approved Dec. 5, 1967]

Section 215-RR. Washington County: Special Tax and Bond Issue for Public Buildings; Fire Districts.

1. (a) Washington County may become indebted in an aggregate principal amount not exceeding one million dollars in addition to the indebtedness of the county outstanding on the effective date hereof, for the sole purpose of financing the construction and equipment of a courthouse and jail and acquiring sites therefor. The county may issue and sell interest bearing general obligation bonds and pledge to the payment of the principal thereof and interest thereon the full faith and credit of the county and the proceeds of the special county tax provided for in section 2 [subsection (b)].

(b) In addition to all other taxes now or hereafter authorized by law, the court of county commissioners, board of revenue, or other like governing body of Washington County shall have the power to levy and collect, for a period not exceeding twenty years, a special ad valorem tax on property situated within said county, at a rate not exceeding four mills on each dollar of property as assessed for state taxation for the preceding year, the proceeds of said tax to be used solely for acquiring sites and constructing and equipping a courthouse and jail within said county or to pay any debt incurred for that purpose pursuant to section 1. Before any special ad valorem tax is levied, however, the question as to whether the tax shall be levied shall be first submitted to a vote of the qualified electors of the county at an election to be called by the governing body of the county, and shall be approved by a majority of the electors who vote thereon at said election. The election shall be called, held, conducted and canvassed, and may be contested in the same manner as provided by law for calling, holding, conducting and

canvassing county bond elections. Upon the expiration of any tax authorized pursuant to this Amendment, no further tax shall be authorized hereunder.

(c) In the event the qualified electors of Washington County do not authorize the levy of the special county tax provided for in section 2 [subsection (b)] at any election called hereunder, then other elections may be called by the county governing body from time to time until the electors of the county do authorize and approve the levy, provided that not more than two elections shall be held in the same year. If a majority of the electors of Washington County who participate in the election as to the adoption of this Constitutional Amendment vote to approve the Amendment, such expression of the will of the electors of Washington County shall of itself authorize the levying of the special tax provided for and the issuance of the bonds. Approval of the tax levy at any election held hereunder shall be sufficient authority for issuance of the bonds as provided in section 1.

(d) Bonds issued pursuant to this Amendment and the income therefrom shall be exempt from taxation.

(e) The Legislature may enact appropriate legislation to implement the provisions of this Amendment. [Amendment 199, approved Dec. 15, 1961]

2. The Washington County Commission is hereby authorized in its discretion to establish fire districts within the geographical boundaries of Washington County. The boundaries of such fire districts may be rearranged at the discretion of the county commission as it deems necessary from time to time, to maximize fire protection services in the county. The county commission may use the corporate limits of the various towns and municipalities in the county as boundaries for fire districts. In such situations, such town or municipal fire district shall have its own volunteer fire department functioning within its boundaries. Each fire district established in an area located outside of the corporate limits of a town or municipality shall likewise have its own volunteer fire department functioning strictly within its district boundaries.

The county commission is further authorized to enter into agreements with volunteer fire departments within such county for fire protection and services.

There is hereby levied commencing October 1, 1989, in addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, a fire protection tax of two mills. The fire protection tax levied herein shall be based upon the value of real and personal property assessed by affected property owners, as shown on the records of the tax assessor of Washington County, Alabama, and shall be assessed and collected as are all ad valorem taxes in the county. The amount collected each year from assessment of this fire protection tax shall be paid into the county general fund and used in furtherance of fire protection within the affected area. [Amendment 505, Nov. 5, 1988]

Section 215-SS. Wilcox County: Additional Ad Valorem Tax; Schools; General Fund.

There is hereby levied an additional ad valorem tax, in Wilcox County, on taxable property, at a rate not to exceed an additional 10 mills on each dollar of taxable property in such county. The net revenues generated by said additional tax shall be allocated in the county treasury in the following manner:

Three (3) mills to the public school fund;

Seven (7) mills to the county general fund.

The provisions of this Amendment shall be implemented upon its passage and ratification.

Act 85-410, H. 777, Regular Session 1985, a Constitutional Amendment proposing higher ad valorem taxes and which proposed act is pending ratification by the people, is hereby repealed and rescinded. [Amendment 461, approved June 3, 1986]

Section 215-TT. Winston County: Additional Taxes for Hospital Purposes.

In addition to all other taxes now or hereafter authorized by law, the court of county commissioners, board of revenue, or like governing body of Winston County shall have the power to levy and collect, for a period not exceeding twenty years, a special ad valorem tax on property situated within said county, at a rate of five mills on each dollar of property as assessed for state taxation for the preceding year, the proceeds of said tax to be used solely for acquiring, by purchase, lease, or otherwise, constructing, operating, equipping, or maintaining county hospitals or other public hospitals, nonprofit hospitals, and public health facilities. Provided, the question of levying the tax, the purpose thereof, and the time such tax is proposed to be continued shall have been first approved by a majority of the qualified electors of Winston County voting at a referendum to be held for that purpose. The referendum shall be held on the same day as the first countywide primary, general, or special election held in the county after the ratification of this Amendment. The board of revenue, court of county commissioners or like governing body of the county shall order and provide for holding the referendum on such date. [Amendment 254, approved Nov. 30, 1965]

Section 216. Limitation on Property Tax Rates of Municipal Corporations; Municipal Tax Amendment Increasing Property Tax Rates for Particular

Municipalities; Increased Tax Authorization for Municipalities with Rates below Specified Level.

1. No city, town, village, or other municipal corporation, other than as provided in this article, shall levy or collect a higher rate of taxation in any one year on the property situated therein than one-half of one per centum of the value of such property as assessed for state taxation during the preceding year; provided, that for the purpose of paying debts existing on the sixth day of December, eighteen hundred and seventy-five, and the interest thereon, a tax of one per centum may be levied and collected, to be appropriated exclusively to the payment of such indebtedness; and provided further, that this section shall not apply to the city of Mobile, which city may from and after the ratification of this Constitution, levy a tax not to exceed the rate of three-fourths of one per centum to pay the expenses of the city government, and may also levy a tax not to exceed three-fourths of one per centum to pay the debt existing on the sixth day of December, eighteen hundred and seventy-five, with interest thereon, or any renewal of such debt; and, provided further, that this section shall not apply to the cities of Birmingham, Huntsville, and Bessemer, and the town of Andalusia, which cities and town may levy and collect a tax not to exceed one-half of one per centum in addition to the tax of one-half of one per centum as hereinbefore allowed to be levied and collected, such special tax to be applied exclusively to the payment of interest on bonds of said cities of Birmingham, Huntsville, and Bessemer, and town of Andalusia, respectively, heretofore issued in pursuance of law, or now authorized by law to be issued and for a sinking fund to pay off said bonds at the maturity thereof; and, provided further, that this section shall not apply to the city of Montgomery, which city shall have the right to levy and collect a tax of not exceeding one-half of one per centum per annum upon the value of the taxable property therein, as fixed for state taxation, for general purposes, and an additional tax of not exceeding three-fourths of one per centum per annum upon the value of the property therein, as fixed for state taxation, to be devoted exclusively to the payment of its public debt, interest thereon, and renewals thereof, and to the maintenance of its public schools, and public conveniences; and, provided further, that this section shall not apply to Troy, Attalla, Gadsden, Woodlawn, Brewton, Pratt City, Ensley, [and] Wylam, [and Avondale,] which cities and towns may from and after the ratification of this Constitution, levy and collect an additional tax of not exceeding one-half of one per centum; and, provided further, that this section shall not apply to the cities of Decatur, [New Decatur,] and Cullman, which cities may from and after the ratification of this Constitution, levy and collect an additional tax of not exceeding three-tenths of one per centum per annum; such special tax of said city of Decatur to be applied exclusively for the public schools, public school buildings, and public improvements; and such special tax of New Decatur and Cullman to be applied exclusively for educational purposes, and to be expended under their respective boards of public school trustees; but this additional tax shall not be levied by Troy, Attalla, Gadsden, Woodlawn, Brewton, Pratt City, Ensley, Wylam, [Avondale,] Decatur, [New Decatur,] or Cullman unless authorized by a majority vote of the qualified electors voting at a special election held for the purpose of ascertaining whether or not said tax shall be levied; and, provided further, that the purposes for which such special

tax is sought to be levied shall be stated in such election call, and, if authorized, the revenue derived from such special tax shall be used for no other purpose than that stated; and, provided further, that the additional tax authorized to be levied by the city of Troy, when so levied and collected, shall be used exclusively in the payment of the bonds and interest coupons thereon, hereafter issued in the adjustment of the present bonded indebtedness of said city; and, provided further, that the additional tax authorized to be levied and collected by the city of Attalla shall, when so levied and collected, be used exclusively in the payment of bonds to the amount of not exceeding twenty-five thousand dollars and the interest coupons thereon, hereafter to be issued in the adjustment of the present indebtedness of said city; provided further that the governing boards of said cities, which are authorized to levy an additional tax after the holding of an election as aforesaid, are hereby authorized to provide by ordinance the necessary machinery for the holding of said election and declaring the result thereof. [Original section 216, brackets indicate cities that have been merged into other municipalities]

2. The municipalities of Tuscumbia, Sheffield, Hurtsboro, Russellville, Lanett, Demopolis, Pell City, Heflin, Columbiana, Carrollton, Opelika, Fairhope, Pine Hill, Scottsboro, Stevenson, Ashland, Brewton, Pollard, Flomaton, Atmore, Inglenook, Tuskegee, Aliceville, Gordo, Reform, Livingston, Camden, Monroeville, Phoenix and Girard, Birmingham, Bessemer, Florence, Huntsville, Selma, Fairfield, Anniston, Athens, Jacksonville, Auburn, Carbon Hill, and Lafayette in the State of Alabama, shall have the power and right to levy and collect a tax of one-half of one per centum in any one year on property situated therein, based on the valuation of such property as assessed for state taxation for the tax year ending on the 30th day of September next, succeeding the levy; provided, that for the purpose of paying bonds issued and outstanding at the time of the adoption of this Amendment and the interest thereon, and for the purpose of paying bonds which may be issued after the adoption of this Amendment and the interest thereon, an additional tax of one-half of one per centum may be levied and collected by said corporations; provided further, that a majority of the qualified electors of any of said municipal corporations voting at an election called for that purpose may vote a special tax not to exceed one-half of one per centum in any one year for any special purpose or purposes, which tax shall be used only for the purpose or purposes for which same is levied and collected; provided, however, that the total tax to be levied by any of said municipal corporations shall not exceed one and one-half (1 1/2) per centum in any one year. Provided, further, that the adoption of this Amendment, shall in no wise affect, limit, modify, abridge, or impair the power, authority or right of either of said municipal corporations to levy and collect the special school taxes, now or hereafter vested in or conferred upon them, or any of them, under the Constitution or any Amendment thereto; including the power of said city of Selma to levy and collect the taxes for schools and school purposes vested in and conferred upon said city of Selma by the Amendment to the Constitution of Alabama adopted thereto, at the general election held in November, 1916, and which was submitted under Law Number 315, General Laws, 1915, page 337 [Amendment No. 6]. Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by

the law applicable to the municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such election shall contain the words:

"For ___ Excess rate of taxation for the year (or years) ___."and

"Against ___ excess rate of taxation for the year (or years) ___."

The rate of taxation proposed in excess of the rate of one (1) per centum to be shown in the blank space provided therefor and the year or years in which the proposed rate is to apply to be shown in the blank space provided therefor; and in the event different excess rates are proposed for different years the words mentioned shall be repeated as often as may be necessary to show separately the different rates proposed to be applied to the respective years. And the voter shall record his choice, whether for or against the excess rate or rates, shown by placing a cross mark before or after the words expressing his choice. Nothing herein contained shall in any wise change or affect the rights of any holder of bonds of said municipal corporations heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality but when a proposition is submitted to the electors to levy a special tax for a specific purpose, and such proposition is defeated no second election for the same purpose shall be held in one year thereafter. [Amendment 8, approved Dec. 29, 1919]

3. The following municipal corporations, Jasper, Cordova, Dora, Oxford, Talladega, Citronelle, Girard, Albany, and Tuscaloosa, through their respective constituted governing authorities may levy and collect a rate of taxation on the property situated therein, not exceeding in the total in any one year one per centum of the value of such property as assessed as provided by the Constitution and the statutes now or hereafter enacted pursuant to the Constitution; provided that the adoption of this Amendment, shall in no wise affect, limit, modify, abridge or impair the power, authority, or right of any of said municipal corporations to levy and collect the special school taxes, now or hereafter vested in or conferred upon them under the Constitution or any Amendment thereto, which said special school taxes shall be in excess of said one per centum herein provided for. [Amendment 13, approved Nov. 7, 1922]

4. The municipalities of Thorsby, Piedmont, and Greenville, and Roanoke, and Greensboro and Calera, Florala and Opp, Evergreen and Fayette, and Clayton and Clio in the State of Alabama, shall have the power and right to levy and collect a tax of one-half of one per centum in any one year on property situated therein, based on the valuation of such property as assessed for state taxation for the tax year ending on the thirtieth day of September next succeeding the levy; provided that for the purpose of paying bonds or indebtedness issued and outstanding at the time of the adoption of this Amendment and the interest thereon, for the purpose of paying bonds or indebtedness which may be issued or incurred after the adoption of this Amendment and the interest thereon, and an additional tax of one-half of one per centum may be levied and collected by said corporations; provided further, that a majority of the qualified electors of any of said municipal corporations voting at an election called for that purpose may vote a special tax not to exceed one-half of one per centum in any one year for any special purpose or

purposes, which tax shall be used only for the purpose or purposes for which same is levied and collected; provided, however, that the total tax to be levied by any of said municipal corporations shall not exceed one and one-half (1 1/2) per centum in any one year. Alabama City shall have the power and right to levy and collect a tax of three-quarters of one per centum in any one year on property situated therein, based on the valuation of such property as assessed for state taxation. Provided, further, that the adoption of this Amendment shall in no wise affect, limit, modify, abridge or impair the power, or authority or right of either of said municipal corporations to levy and collect the special school taxes, now or hereafter vested in or conferred upon them, or any of them, under the Constitution or any Amendment thereto; including the power of the city of Selma to levy and collect the taxes for schools and school purposes vested in and conferred upon said city of Selma by the Amendment to the Constitution of Alabama adopted thereto at the general election held in November, 1916, and which was submitted under Law Number 315, General Laws 1915, page 337 [Amendment No. 6], each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to the municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such election shall contain the words:

"For ___ excess rate of taxation for the year (or years) ___ ;" and

"Against ___ excess rate of taxation for the year (or years) ___ ."

The rate of taxation proposed in excess of the rate of one (1) per centum to be shown in the blank space provided therefor and the year or years in which the proposed rate is to apply to be shown in the blank spaces provided therefor; and in the event different excess rates are proposed for different years the words mentioned shall be repeated as often as may be necessary to show separately the different rates proposed to be applied to the respective years. And the voter shall record his choice, whether for or against the excess rate or rates shown by placing a cross mark before or after the words expressing his choice. Nothing herein contained shall in any wise change or affect the rights of any holder of bonds of municipal corporations heretofore issued. Elections to authorize the levy of such special tax may be held as often as ordered by the governing body of the municipality but when a proposition is submitted to the electors to levy a special tax for a specific purpose, and such proposition is defeated no second election for the same shall be held in one year thereafter. [Amendment 17, approved Nov. 4, 1924]

5. Each municipal corporation in this state whose annual ad valorem tax rate is otherwise limited by the Constitution or any Amendment thereto less than one and one-fourth per centum (1 1/4 %) of the value of the property situated therein as assessed for state taxation during the preceding year shall have, in addition to the power to levy and collect such ad valorem tax each year at the rate authorized immediately prior to the adoption of this Amendment, the further power to levy and collect each year an additional tax or taxes to such extent that the total ad valorem tax rate of such municipal corporation shall not exceed one and one-fourth per centum (1 1/4 %) in any one year on the property situated therein based on the valuation of such property as assessed for state taxation

during the preceding year; provided, that before any such additional tax may be so levied and collected a majority of the qualified electors of any such municipal corporation voting at an election called for that purpose shall vote in favor of the levy thereof; provided further, that the total ad valorem tax or taxes to be levied and collected by any such municipal corporation shall not exceed one and one-fourth per centum (1 1/4 %) in any one year; and provided further, that the adoption of this Amendment shall in no wise affect, limit, modify, abridge or impair the power, authority or right of any such municipal corporation to levy and collect the special school taxes now or hereafter vested or conferred upon them, or any of them, under the Constitution or any Amendment thereto, which said special school taxes shall be in excess of said one and one-fourth per centum (1 1/4 %) herein provided for. Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such elections shall specify the purpose for which the proposed additional rate of taxation shall be authorized and shall contain the words:

> "For ___ % additional rate of taxation"; and
>
> "Against ___ % additional rate of taxation"; the additional rate of taxation proposed to be shown in the blank space provided therefor.

The voter shall record his choice, whether for or against the additional rate shown, by placing a cross mark before or after the words expressing his choice. The proceeds of any such additional tax so authorized at any such election shall be used only for the purpose for which the same shall be authorized at such election. Elections to authorize the levy of such additional tax may be held as often as ordered by the governing body of the municipality, but when a proposition is submitted to the electors to levy such additional tax for a specific purpose and such proposition is defeated then no second election for the same purpose shall be held in one year thereafter. [Amendment 56, approved Nov. 5, 1946]

Section 216-A. City of Alabaster: Additional Ad Valorem Taxes.

In the city of Alabaster in Shelby County, in addition to any and all other taxes heretofore levied, the municipal governing body is authorized to levy an additional ad valorem tax on personal and real property in an amount not to exceed 10 mills on each dollar of taxable property. Said tax shall be designated for the city general fund. Such additional tax shall be retroactive to the tax due as of October 1, 1973, and each year thereafter. The additional ad valorem tax imposed by this Act shall be collected at the same time and in the same manner as existing ad valorem taxes are collected.

No vote by the electorate shall be necessary after the passage of this Amendment to implement its provisions. [Amendment 409, approved March 2, 1982]

Section 216-B. Municipality of Attalla: Ad valorem tax election.

(a) The municipality of Attalla, Alabama, through its governing body, may levy and collect from and after the date of this Amendment the present rate of one percent ad valorem tax per annum, and said amount to be devoted to the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said municipality, but before any additional tax now authorized by law can be levied, it must be voted by a majority of qualified electors of the municipality voting on such proposition at an election called by the governing body of said municipality for such purposes; providing that the total tax levied for all purposes by the said municipality of Attalla shall not exceed one per centum in any one year on the property situated therein, based on the valuation of such property as assessed for state taxation.

(b) The adoption of this Amendment shall in no wise effect, limit, modify, abridge or impair the power, authority or right of such municipality to levy and collect the special school taxes now or hereafter vested in or conferred upon it under the Constitution or any Amendment thereto.

(c) Each election held under the provisions of this Amendment shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to municipal corporations, for elections to order the issuance of municipal bonds. The ballots used at such election shall contain the following words:

> "For authorization of a continuation of taxation at a rate not to exceed one percent per annum for the purpose of the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said municipality."
>
> "Against authorization of a continuation of taxation at a rate not to exceed one percent per annum for the purpose of the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said municipality."

The rate of taxation proposed shall be printed upon the ballot in the space indicated therefor and for the year or years in which the proposed rate is to apply, and the purpose or purposes for which said tax is to be used shall likewise be placed in the respective places therefor. The voter shall record his choice either for or against authorization of the proposed rate for the proposed purpose or purposes by placing a cross mark before or after the words expressing his choice. Nothing herein contained shall in any wise change or effect the rights of any holder of bonds of said municipal corporations heretofore issued. Elections in said municipality to order the levy of such tax may be held as often as ordered by the governing body thereof, but when a proposition is submitted to the said municipality hereunder and such proposition is defeated, no second election shall be held in such municipality for one year thereafter. This Amendment shall be self-operative without any additional legislation. [Amendment 31, Dec. 17, 1932]

Section 216-C. City of Auburn: Special Property Tax for Recreational Purposes.

The city of Auburn may levy and collect annually an additional tax of one-fifth of one per centum upon the value of the property therein as assessed for state taxation, the proceeds of which shall be applied exclusively for public recreational projects, provided the rate of the tax, the time it is to continue, which shall not exceed twenty-five years, and the purpose thereof shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at such election. The taxes authorized in this article shall be in addition to the taxes heretofore or hereafter authorized by this Constitution and the laws of this state. The council or commission of the city may on its own motion, and shall upon written petition of not less than five per centum of the qualified electors of the city, call and provide for holding elections under this article. [Amendment 242, approved Nov. 30, 1965]

Section 216-D. City of Birmingham: Special Ad Valorem Tax for Paying Principal and Interest on Bonds.

Section 1. In addition to all other taxes now or hereafter authorized by law, the governing body of the city of Birmingham shall have the power and authority to levy and collect each year a special ad valorem tax of fifty cents (50 cents) on each one hundred $100) dollars worth of taxable property in the city of Birmingham, based on the valuation of such property as assessed for state taxation for the tax year ending on the 30th day of September next succeeding the levy, to be used by the city of Birmingham solely for paying principal and interest on general obligation bonds of the city of Birmingham heretofore or hereafter issued under authority of law; provided that the authority to levy such tax in accordance with this Amendment to the Constitution shall first have been approved by the qualified electors of the city of Birmingham, prior to the first annual levy thereof, as hereinafter provided.

Section 2. In the event this Amendment is approved and a majority of the qualified electors of the city of Birmingham who vote thereon vote in favor of the adoption of this Amendment when it is submitted, the governing body of the city of Birmingham shall have the power and authority to levy and collect thereafter each year the special ad valorem tax provided for in section 1 hereof. In the event this Amendment is approved and a majority of the qualified electors of the city of Birmingham who vote thereon vote against its approval, the authority to levy and collect said tax shall not be given unless the rate of the tax and the purpose thereof shall have been again submitted to a vote of the qualified electors of the city of Birmingham and voted for by a majority of those voting at the election prior to the first annual levy of such tax. Each such election shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to the city of Birmingham for elections to authorize the issuance of municipal bonds. The ballots used at such election shall contain the words:

"For special ad valorem tax of fifty cents per one hundred dollars of taxable property" and

"Against special ad valorem tax of fifty cents per one hundred dollars of taxable property."

The voter shall record his choice, whether for or against the special ad valorem tax by placing a cross mark before or after the words expressing his choice. Voting machines shall be used in any such election to the extent required by law. In the event the authority to levy the special ad valorem tax is defeated, subsequent elections for the approval of such tax may nevertheless be held again but no election shall be held within one year of any previous such election. Once the authority to levy such tax has been approved no further election shall be required thereon. [Amendment 240, approved Nov. 30, 1965]

Section 216-E. City of Demopolis: Special Property Tax.

The city of Demopolis shall have power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of five mills on each dollar of taxable property situated therein, for public educational purposes; provided that before such tax may be levied and collected the question of levying the tax, the purpose thereof, and the time such tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the election. The provisions of this Amendment shall become self-executing upon approval by a majority of the qualified electors of the state and the majority of qualified electors of the city of Demopolis voting thereon. The election shall be ordered, held and conducted as provided by law for calling, holding and conducting district school tax elections. [Amendment 385, approved March 11, 1980]

Section 216-F. Municipality of Haleyville: Property Tax.

The municipal corporation of Haleyville, through its constituted governing authority may levy and collect a rate of taxation on the property situated therein, not exceeding in the total in any one year one per centum of the value of such property as assessed as provided by the Constitution and the statutes now or hereafter enacted pursuant to the Constitution; provided that the adoption of this Amendment, shall in no wise affect, limit, modify, abridge or impair the power, authority, or right of said municipal corporation to levy and collect the special school taxes, now or hereafter vested in or conferred upon it under the Constitution or any Amendment thereto, which said special school taxes shall be in excess of said one per centum herein provided for. [Amendment 54, approved Nov. 14, 1956]

Section 216-G. City of Mountain Brook: Additional Property Tax.

1. Any provision of the Constitution and laws of the State of Alabama to the contrary notwithstanding, the city of Mountain Brook, in Jefferson County, shall have, in addition to the power to levy and collect ad valorem tax each year at the rate authorized immediately prior to the adoption of this Amendment, the further power to levy and collect each year an additional tax of one-fourth of one per centum based upon the value of the property therein as fixed for state taxation; provided, that before any such additional tax may be so levied and collected a majority of the qualified electors of said municipal corporation voting at an election called for that purpose shall vote in favor of the levy thereof; and provided further, that the adoption of this Amendment or the levying of said tax shall in no wise affect, limit, modify, abridge or impair the power, authority or right of such municipality to levy and collect the special school taxes now or hereafter vested or conferred upon it under the Constitution, or any Amendment thereto. Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as may be provided by law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such elections shall contain the words:

> "For 1/4 % additional rate of taxation," and
>
> "Against 1/4 % additional rate of taxation," so that the voter may record his choice for or against said additional tax. [Amendment 209, approved Nov. 6, 1962]

2. (a) Any provision of the Constitution and laws of the State of Alabama to the contrary notwithstanding, the city of Mountain Brook, in Jefferson County, shall have, in addition to the power to levy and collect ad valorem tax each year at the rate authorized immediately prior to the adoption of this Amendment, the further power to levy and collect each year an additional tax of three-fourths of one per centum based upon the value of the property therein as fixed for state taxation. No such additional tax of three-fourths of one per centum shall be levied under the authority of this Amendment unless a majority of the qualified electors of said municipal corporation voting in the election on the adoption of this Amendment shall vote for such adoption, provided that if the majority of the qualified electors of the said municipal corporation voting in the said election should not vote in favor of such adoption, or if the majority of the qualified electors of the said municipal corporation at any election subsequently called under the authority of this Amendment should not vote in favor of the levy of the said additional tax at an election so called, the governing body of the said municipal corporation may call other elections hereunder on the question of the levy of said tax without further act of the Legislature, but not more than one such election shall be held during any period of twenty-four consecutive months.

(b) Any provision of the Constitution of Alabama to the contrary notwithstanding, the city of Mountain Brook, in Jefferson County, shall have, in addition to the power to levy and collect ad valorem tax each year at the rate authorized immediately prior to the adoption of this Amendment, the further power to increase the rate at which ad valorem taxes are levied by said municipal corporation above the limit now provided in the Constitution provided that the proposed increase shall have been:

(1) Proposed by the governing body of the said municipal corporation after a public hearing on such proposal,

(2) Thereafter approved by an act of the Legislature, and

(3) Subsequently approved by a majority vote of the qualified electors of the said municipal corporation who vote on the proposal. Section 217 (h) of the Constitution of Alabama of 1901 as amended providing that ad valorem taxes in the aggregate levied by all taxing authorities shall never exceed 1 1/2 % of the fair and reasonable market value of the property in any one taxable year shall not apply to property in the city limits of said municipal corporation provided that ad valorem taxes levied by the governing body of said municipal corporation shall never exceed 1 1/2 % of the fair and reasonable market value of the property in any one taxable year.

(c) Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as may be provided by law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. [Amendment 336, approved Nov. 5, 1974]

Section 216-H. City of Vestavia Hills: Additional Property Tax.

Section 1. In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied an additional tax of nine and three-fourths (9 3/4) mills based upon the value of the property therein as fixed for state taxation; provided the levy of said tax shall first have been approved by the qualified electors of Vestavia Hills as hereinafter provided.

Section 2. In the event this Amendment is approved and a majority of the qualified electors of Vestavia Hills who vote thereon in favor of the adoption of this Amendment when it is submitted, the additional tax provided for in section 1 shall be levied and collected without any other election having been held thereon. In the event this Amendment is approved and a majority of the qualified electors of Vestavia Hills who vote thereon vote against its approval, the tax shall not be levied unless the issue shall have been again submitted to a vote of the qualified electors of Vestavia Hills and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year. [Amendment 352, approved Jan. 13, 1976]

Section 216-I. Municipalities of Walker County: Prohibition on license, excise taxes on wages or salaries.

No municipal corporation in Walker County, Alabama shall have power or be authorized to levy, impose, assess, or collect any license, excise, tax, or fee on the right to work for wages or on salary in the service of an employer; and any such levy heretofore made shall be null and void. [Amendment 133, approved Dec. 17, 1957]

Section 217. Classification of Taxable Property for Purposes of Ad Valorem Taxation; Taxable Property to Be Taxed by State, Counties, Municipalities, etc., at Same Rate; Assessment Ratios for Purposes of Ad Valorem Taxation; Increase or Decrease of Assessment Ratios by Counties, Municipalities, etc.; Increase or Decrease of Ad Valorem Tax Rates by Counties, Municipalities, etc.; Maximum Amount of Ad Valorem Tax; Certain Property to Be Assessed at Current Use Value and Not Market Value; Exemption of Certain Property from Ad Valorem Taxation; Interpretation of Authority for Counties, Municipalities, etc., to Levy Taxes, Borrow Money, etc., in Relation to Assessment of Property; Counties, Municipalities, etc., Authorized to Levy Additional Ad Valorem Tax for Costs of Certain State-wide Reappraisal of Property.

(a) On and after October 1, 1978, all taxable property within this state, not exempt by law, shall be divided into the following classes for the purposes of ad valorem taxation:

Class I. All property of utilities used in the business of such utilities.

Class II. All property not otherwise classified.

Class III. All agricultural, forest and single-family owner-occupied residential property, and historic buildings and sites.

Class IV. All private passenger automobiles and motor trucks of the type commonly known as “pickups” or “pickup trucks” owned and operated by an individual for personal or private use and not for hire, rent or compensation.

(b) With respect to ad valorem taxes levied by the state, all taxable property shall be forever taxed at the same rate. On and after October 1, 1978, such property shall be assessed for ad valorem tax purposes according to the classes thereof as herein defined at the following ratios of assessed value to the fair and reasonable market value (except as otherwise provided in subsection (j) hereof) of such property:

Class I. Thirty (30) per centum.

Class II. Twenty (20) per centum.

Class III. Ten (10) per centum.

Class IV. Fifteen (1)5 per centum.

(c) With respect to ad valorem taxes levied by counties, municipalities or other taxing authorities, all taxable property shall be forever taxed at the same rate. On and after October 1, 1978, such property shall be assessed for ad valorem tax purposes according to the classes of property defined in subsection (a) hereof and at the same ratios of assessed value to the fair and reasonable market value thereof as fixed in subsection (b) hereof, except as otherwise provided in subsection (j) hereof and this subsection (such ratios being herein called "assessment ratios"). In connection with the ad valorem taxes that a county, municipality or other taxing authority is authorized or required to levy and collect pursuant to any provision of this Constitution, for the ad valorem tax year beginning October 1, 1978, any such taxing authority may, subject to criteria established by act of the Legislature, by resolution of the governing body of that taxing authority, at any time not later than September 30, 1979, increase or decrease the assessment ratio applicable to any class of taxable property, such increase or decrease to be effective for ad valorem tax years beginning on and after October 1, 1978.

If:

(1) A county, municipality or other taxing authority adjusts an assessment ratio pursuant to the preceding sentence and

(2) The receipts from all ad valorem taxes levied by or with respect to such taxing authority during the ad valorem tax year beginning October 1, 1978, exceed by more than five percent, or are less than 95 percent of, the receipts from such ad valorem taxes for the ad valorem tax year beginning October 1, 1977:

Then at any time not later than September 30, 1980, for ad valorem tax years beginning on and after October 1, 1979, the taxing authority may, subject to criteria established by act of the Legislature, by resolution of the governing body of that taxing authority, adjust any assessment ratio applicable to any class of taxable property.

On and after October 1, 1979, the governing body of any county, municipality or other taxing authority may, subject to criteria established by act of the Legislature, at any time increase or decrease the assessment ratio applicable to any class of taxable property; provided, that any proposed adjustment to an assessment ratio to be made pursuant to this sentence, whether an increase or a decrease, shall have been:

(1) Proposed by the governing body of the taxing authority after a public hearing on such proposal,

(2) Thereafter approved by an act of the Legislature, and

(3) Subsequently approved by a majority vote of the qualified electors residing in the taxing authority who vote on the proposal at a special election called and held in accordance with the law governing special elections. No decrease in an assessment ratio pursuant to this subsection (c) shall be permitted with respect to either of the ad valorem tax years beginning October 1, 1978, and October 1,

1979, if such county, municipality or other taxing authority has increased any millage rate under subsection (e) of this section with respect to such ad valorem tax year.

The Legislature shall enact general laws applicable to all counties, municipalities and other taxing authorities regulating and establishing criteria for the exercise of the powers granted such taxing authorities to adjust assessment ratios as hereinabove provided. Such assessment ratios as herein authorized may vary among taxing authorities so long as each such assessment ratio is uniform within a taxing authority. Any decrease in any assessment ratio pursuant to this subsection shall not jeopardize the payment of any bonded indebtedness secured by any tax levied by the taxing authority decreasing the assessment ratio. Any action authorized by this subsection to be taken by a taxing authority, or the governing body thereof, shall, other than in the case of a municipality, be taken by resolution of the governing body of the county in which such taxing authority is located acting on behalf of such taxing authority.

(d) With respect to ad valorem taxes levied by the state or by any county, municipality or other taxing authority, no class of taxable property shall have an assessment ratio of less than five per centum nor more than 35 per centum.

(e) A county, municipality or other taxing authority may decrease any ad valorem tax rate at any time, provided such decrease shall not jeopardize the payment of any bonded indebtedness secured by such tax. For the ad valorem tax year beginning October 1, 1978, when the tax assessor of each county shall complete the assembly of the assessment book for his county for that ad valorem tax year and the computation of ad valorem taxes that will be paid upon such assessment, he shall certify to each authority within his county that levies an ad valorem tax the amount of ad valorem tax that will be produced by every levy in that ad valorem tax year but excluding for this purpose any assessment of new taxable property not previously subject to taxation (except "escaped" property as defined by law) added to the tax rolls of such county for the ad valorem tax year in which such certification is made that was not included on the tax rolls for the next preceding ad valorem tax year.

Any county, municipality or other taxing authority, at any time not later than September 30, 1979, may increase the rate at which any ad valorem tax is levied by or with respect to that taxing authority above the limit otherwise provided in this Constitution, provided that the amount of the above-described certification of anticipated tax receipts with respect to such tax is less than 120 percent of the actual receipts from such tax for the ad valorem tax year beginning October 1, 1977, such increase to be effective for ad valorem tax years beginning on and after October 1, 1978; provided, that any such millage increase shall not exceed in mills the total of:

(i) The number of additional mills that is necessary, when added to the millage rate imposed with respect to such tax on each dollar of taxable property situated in the taxing authority for the ad valorem tax year beginning October 1, 1977, to produce revenue that is not less than and that is substantially equal to that

received by the taxing authority with respect to such tax during such immediately preceding ad valorem tax year, plus

(ii) A number of additional mills equal to 20 percent of the total mills imposed by that taxing authority with respect to such tax on each dollar of taxable property situated in the taxing authority for the ad valorem tax year beginning October 1, 1977.

If, for the ad valorem tax year beginning October 1, 1978, the receipts from any ad valorem tax with respect to which any millage rate has been increased pursuant to the immediately preceding sentence are less than 95 percent of the receipts from such ad valorem tax for the ad valorem tax year beginning October 1, 1977, then at any time not later than September 30, 1980, the taxing authority may increase any millage rate with respect to such ad valorem tax in the manner provided in the immediately preceding sentence, such increase to be effective for ad valorem tax years beginning on and after October 1, 1979. It is further provided that all millage adjustments shall be made in increments of not less than one tenth (1/10) mill.

(f) On and after October 1, 1979, any county, municipality or other taxing authority may at any time increase the rate at which any ad valorem tax is levied above the limit otherwise provided in this Constitution; provided, that the proposed increase to be made pursuant to this subsection shall have been:

(1) Proposed by the governing body of the taxing authority after a public hearing on such proposal,

(2) Thereafter approved by an act of the Legislature, and

(3) Subsequently approved by a majority vote of the qualified electors residing in the taxing authority who vote on the proposal at a special election called and held in accordance with the law governing special elections.

Any adjustments or other actions authorized to be made or taken pursuant to this subsection and subsection (e) hereof shall be made or taken by resolution of the governing body of such taxing authority, or if there is no such governing body and in the case of a taxing authority other than a municipality, by resolution of the governing body of the county in which such taxing authority is located acting on behalf of such taxing authority. The provisions of subsections (c), (e) and (f) of this section shall not apply to ad valorem taxes levied by the state.

(g) The Legislature is authorized to enact legislation to implement the provisions of this section and may provide for exemptions from taxation; provided, that unless otherwise expressly provided, no Amendment to this section shall be construed to repeal any statutory exemption existing on the effective date of any such Amendment hereto.

(h) Wherever any constitutional provision or statute provides for, limits or measures the power or authority of any county, municipality or other taxing authority to levy taxes, borrow money or incur indebtedness in relation to the assessment of property therein for

state taxes or for state and county taxes, such provision shall mean as assessed for county or municipal taxes, as the case may be.

(i) Except as otherwise provided in this Constitution, including any Amendment thereto whenever adopted with respect to taxable property located in the city of Mountain Brook, the city of Vestavia Hills, or the city of Huntsville, the amount of ad valorem taxes payable to the state and to all counties, municipalities and other taxing authorities with respect to any item of taxable property described as Class I property shall never exceed 2 percent of the fair and reasonable market value of such taxable property in any one ad valorem tax year, such amount with respect to any item of Class II property shall never exceed 1 1/2 percent of the fair and reasonable market value of such taxable property in any one ad valorem tax year, such amount with respect to any item of Class IV property shall never exceed 1 1/4 percent of the fair and reasonable market value of such taxable property in any one ad valorem tax year, and such amount with respect to any item of Class III property shall never exceed 1 percent of the fair and reasonable market value of such taxable property in any one ad valorem tax year. Whenever the total amount of ad valorem property taxes otherwise payable by any taxpayer with respect to any item of taxable property shall exceed in any one ad valorem tax year the maximum amount of such taxes permitted by this section, such amount of taxes shall be reduced by subtracting that amount of tax due that is in excess of the amount of tax otherwise permissible under the Constitution. In connection with the taxation of any item of taxable property, the amount of tax to be subtracted with respect to each authority levying and collecting any ad valorem property tax shall be in the same proportion to the total amount of tax to be subtracted that the total number of mills on each dollar of taxable property situated in the taxing authority levied by such taxing authority bears to the total number of mills on each dollar of taxable property situated in the taxing authority levied by all taxing authorities with respect to such item of taxable property. Before sending to any taxpayer any notice relating to the collection of ad valorem taxes, the tax collector in each county shall determine whether any portion of the amount of ad valorem property tax otherwise due with respect to any item of taxable property shall be subtracted pursuant to the provisions of this subsection and shall apportion the amount to be subtracted in accordance with the provisions of this subsection.

(j) Notwithstanding any other provision of this section, on and after October 1, 1978, taxable property defined in subsection (a) hereof as Class III property shall, upon application by the owner of such property, be assessed at the ratio of assessed value to the current use value of such taxable property and not the fair and reasonable market value of such property. The Legislature may enact laws uniformly applicable to the state and all counties, municipalities and other taxing authorities establishing criteria and procedures for the determination of the current use value of any eligible taxable property and procedures for qualifying such property for assessment at its current use value. The Legislature may also enact laws uniformly applicable to the state and all counties, municipalities and other taxing authorities providing for the ad valorem taxation of any taxable property ceasing to qualify for current use valuation; provided, however, that any

additional tax on taxable property ceasing to qualify for current use valuation shall not apply to more than the three ad valorem tax years immediately preceding such cessation of qualification (including as one such year the year in which cessation of qualification occurs).

(k) The following property shall be exempt from all ad valorem taxation: the real and personal property of the state, counties and municipalities and property devoted exclusively to religious, educational or charitable purposes, household and kitchen furniture, all farm tractors, all farming implements when used exclusively in connection with agricultural property and all stocks of goods, wares and merchandise.

(l) Notwithstanding the other provisions of this section, with respect to the costs of reappraisal incident to the state-wide reappraisal of property heretofore authorized by the Legislature, each county, municipality or other taxing authority for ad valorem tax years beginning on and after October 1, 1978, may impose and levy an additional ad valorem tax of not more than two mills on all taxable property located in the taxing authority in order to reimburse itself for its payment of such costs of reappraisal or to pay any unpaid costs or its pro rata share of such unpaid costs of reappraisal. The taxes provided for in this subsection, or any pro rata part thereof, shall terminate at the end of the ad valorem tax year in which sufficient funds are received from the taxes to pay in full the said reappraisal costs and any receipts from such taxes that are received during the ad valorem tax year of their termination that are not needed for the purposes specified herein may be used by the taxing authority levying the tax for general purposes of the taxing authority. The taxes authorized in this subsection shall not exceed in the aggregate, with respect to any item of taxable property located in the taxing authority, a total of two mills for all such taxes levied by all taxing authorities in a county and not two mills for each taxing authority in a county. If more than one such taxing authority in a county has paid or owes all or a portion of its reappraisal costs, such two mills shall be prorated among such taxing authorities in the county as they may agree, or if they cannot agree, in the percentage which each such taxing authority's costs of reappraisal bear to the total costs of reappraisal of all taxing authorities in the county. The provisions of this subsection shall apply only to the costs incurred by a taxing authority incident to the state-wide reappraisal of property heretofore authorized by the Legislature, the amount of which costs shall be certified by the department of revenue, and shall not be applicable to any future reappraisals that may be required by law.

(m) If any portion of this section should be declared invalid by any court of competent jurisdiction, such invalidity shall not affect the validity of any of the remaining portions of this section, which shall continue effective. [Amendment 373, approved Nov. 7, 1978, amending and superceding Amendment 325, approved May 30, 1972, which amended and superceded original section 217]

Section 218. Counties and Municipal Corporations Exempt from Payment of Charges Payable from State Treasury.

The Legislature shall not have the power to require counties or other municipal corporations to pay any charges which are now payable out of the state treasury. [Original section 218]

Section 219. Inheritance and Estate Taxes.

[Article XXI] section 219 of the [present] [original] Constitution is hereby annulled and set aside and hereafter the Legislature of Alabama may provide for the assessment, levy and collection of a tax upon inheritances and for the levying of estate taxes not to exceed in the aggregate the amounts which may by any law of the United States be allowed to be credited against or deducted from any similar tax upon inheritances or taxes on estates assessed or levied by the United States on the same subject. The Legislature shall have the power to levy such inheritance or estate taxes in the State of Alabama only so long as and during the time an inheritance or estate tax is enforced by the United States against Alabama inheritances or estate, and shall only be exercised or enforced to the extent of absorbing the amount of any deduction or credit which may be permitted by the laws of the United States now existing or hereafter enacted to be claimed by reason thereof as deduction or credit against such similar tax of the United States applicable to Alabama inheritances or estates. [Amendment 23, also denominated "article XXI", approved Nov. 10, 1931, amending and superceding original section 219]

Article XI-A. Public Trusts And Funds

Section 11-A. 01. Game and Fish Fund.

There is hereby created and shall be a fund in the State Treasury, which shall be known as the Game And Fish Fund. This fund shall consist of:

a. All monies received from all occupational licenses or privilege taxes imposed by the state on any person, firm or corporation for engaging in any business or activity relating to taking, catching, capturing or killing any fur-bearing or game animal or game bird in this state or the taking, catching, capturing or killing of any freshwater fish or aquatic animal in the public waters of this state;

b. All monies derived from the levying or imposition upon any person, firm or corporation of any tax, license, permit, certificate, fee or any other charge, by whatsoever name called, pursuant to the game and fish laws of this state or rules and regulations promulgated thereunder;

c. All monies paid, derived, received or arising from fines, penalties and forfeitures pursuant to the game and fish laws of this state and the rules and regulations promulgated thereunder;

d. All monies derived from the administration and enforcement of the game and fish laws of this state or rules and regulations promulgated thereunder;

e. All monies derived from the sale of hunting and fishing licenses or permits;

f. All monies derived from the sale of lands, timber or other natural resources owned by the game and fish division of the department of conservation;

g. All monies accruing to the game and fish fund from any other source whatsoever.

No funds accruing to the game and fish fund of the State of Alabama from any source whatsoever shall be expended for any other purpose than the payment of administrative costs of the game and fish activities of the department of conservation and for the protection, propagation, preservation, investigation of game and fish and public use of the game and fish resources of this state. [Amendment 272, approved Dec. 5, 1967]

Section 11-A. 02. Alabama Heritage Trust Fund.

Section 1. Creation of Trust Fund.

For the continuing benefit of the State of Alabama and the citizens thereof, there is hereby created an irrevocable, permanent trust fund named "The Alabama Heritage Trust Fund" which shall be funded and administered in accordance with the provisions of this Amendment.

Section 2. Definitions.

As used in this Amendment, the following words and phrases shall have the following respective meanings:

> "Alabama Housing Finance Authority" means:
>
> (i) The public corporation and instrumentality of the State organized pursuant to the provisions of Act No. 80-585 enacted at the 1980 Regular Session of the Legislature, or
>
> (ii) Any other public corporation and instrumentality of the State which performs substantially the same functions as said corporation organized pursuant to said Act No. 80-585 and which is declared by the Legislature to be a successor thereto or replacement thereof.
>
> "Amortized premium", when used with reference to any eligible investment acquired for a purchase price (exclusive of accrued interest) reflecting a premium above the face or par amount thereof, means an amount determined by first dividing the total dollar amount of the premium at which such investment was purchased by the number of days between the date of purchase and the maturity of such investment (or other date when the principal thereof is contractually required to be paid to the holder thereof) and by then multiplying the quotient so obtained by the number of days between the date of purchase and the date as of which such amount is to be determined.
>
> "Board" means the board of trustees of the trust fund.
>
> "Commission" means the "Alabama Heritage Trust Fund Legislative Oversight Commission" created in this Amendment.
>
> "Eligible investments" means any of the following:
>
> (1) Demand deposits (whether or not interest bearing) in federally insured banks, interest bearing time deposits (whether or not evidenced by certificates of deposit) in federally insured banks, and banker's acceptances endorsed and guaranteed by federally insured banks; provided that non-interest bearing deposits shall

constitute an eligible investment for moneys in the trust fund for only so long as sound business practice shall require such moneys to be held in such deposits pending the investment thereof in other eligible investments or the disbursement thereof in accordance with the provisions of this Amendment; provided further that the aggregate amount of deposits (including both demand and time deposits) of the trust fund in any one bank at any time plus the aggregate amount of banker's acceptances of such bank then held by the trust fund[:]

(i) [S]hall not exceed ten percent (10%) of the total trust capital and

(ii) [S]hall not exceed ten percent (10%) of the combined capital, surplus and undivided profits of such bank unless any excess of the combined amount of deposits and banker's acceptances over ten percent of such combined capital, surplus and undivided profits shall be secured by obligations described in subsections (2) and (3) of this definition having at all times a market value (exclusive of accrued interest) at least equal to such excess amount of deposits and banker's acceptances, including accrued interest thereon;

(2) Bonds, notes or other evidences of indebtedness that are direct obligations of the United States of America or that are unconditionally guaranteed as to both principal and interest by the United States of America;

(3) Bonds, debentures, notes or other evidences of indebtedness issued or guaranteed by any of the following agencies or corporations: Federal Farm Credit Bank, Federal Intermediate Credit Banks, the Export-Import Bank of the United States, Federal Land Banks, the Federal National Mortgage Association, the Tennessee Valley Authority, the Governmental National Mortgage Association, the Federal Financing Bank, the Farmers Home Administration, or any agency or instrumentality of the United States of America which shall be established for the purpose of acquiring the obligations of any of the foregoing or otherwise providing financing therefor;

(4) Repurchase agreements with federally insured banks or with government bond dealers reporting to and trading with the Federal Reserve Bank of New York, provided that such repurchase agreements are secured by obligations described in subsections (2) and (3) of this definition; and

(5) Interest bearing time deposits (whether or not evidenced by certificates of deposit) in savings and loan associations[:]

(a) [T]he deposits of which are insured to the maximum extent possible by the Federal Savings and Loan Insurance Corporation or any agency of the United States of America that may succeed to its functions and

(b) [T]he principal office of which is located in the state; provided further that the aggregate amount of deposits of the trust fund in any one savings and loan association at any time:

(i) [S]hall not exceed ten percent (10%) of the total trust capital and

(ii) [S]hall not exceed ten percent (10%) of the net worth of such savings and loan association unless any excess of the amount of deposits over ten percent (10%) of such net worth shall be secured by obligations described in subsections (2) and (3) of this definition having at all times a market value (exclusive of accrued interest) at least equal to such excess amount of deposits, including accrued interest thereon.

"Federally insured bank" means any bank, whether organized under the laws of the United States of America or the laws of any state thereof, which is a member of the Federal Deposit Insurance Corporation or which obtains deposit insurance to the maximum extent possible from any agency of the United States of America that may succeed to the functions of the Federal Deposit Insurance Corporation.

"Fiscal year" means the fiscal year of the state as may from time to time be provided by law.

"Oil and gas capital payment" means any payment (except any royalty or other payment described in the last sentence of this definition) received by the state or any agency or instrumentality thereof as all or part of the consideration for the sale, leasing or other disposition by the state or any agency or instrumentality thereof of any right to explore and drill for or to produce oil, gas or other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area. Any royalty or other payment that is based upon, or determined with respect to, the production of oil, gas or other hydrocarbon minerals and that is paid to the state or any agency or instrumentality thereof in advance of the actual realization of the production upon which it is based or with respect to which it is determined shall be considered an oil and gas capital payment irrespective of whether it is to be credited, in whole or in part, against future payments based upon, or determined with respect to, the actual production of oil, gas or other hydrocarbon minerals. No royalty or other payment shall be considered an oil and gas capital payment if it is based upon, or determined with respect to, the production of oil, gas or other hydrocarbon minerals actually realized at or prior to the time such royalty or other payment is remitted to the state or any agency or instrumentality thereof.

"State" means the State of Alabama.

"Trust capital" means all assets of the trust fund other than trust income that is at the time subject to appropriation by the Legislature and has not become part of the trust capital.

"Trust fund" means "The Alabama Heritage Trust Fund" created by this Amendment.

"Trust income", when used with reference to any period, means the net income received during such period from the investment and reinvestment of all assets of the trust fun4, determined in accordance with the provisions of section 5(c) of this Amendment.

"Trustee" means a member of the board of trustees of the trust fund.

Section 3. Management of Trust Fund Vested in Board of Trustees.

(a) The trust fund shall be under the management and control of the board, and all powers necessary or appropriate for the management and control of the trust fund shall be vested solely in the board. The board shall have a membership of nine trustees consisting of the Governor, the State Treasurer, the Director of Finance (or such other official as may by law succeed to the responsibilities of the Director of Finance), two Trustees appointed by the Governor, two Trustees appointed by the Lieutenant Governor, and two Trustees appointed by the Speaker of the House of representatives. The Governor, the State Treasurer and the Director of Finance shall each serve as a Trustee ex officio, and the service of each such official as a Trustee shall begin and end concurrently with the beginning and end of his or her tenure in such office.

As promptly as practicable after the effective date of this Amendment, the other Trustees shall be appointed for the following initial terms: The Trustees to be appointed by the Governor shall be appointed for terms beginning immediately upon their respective appointments and ending at noon on October 1 in the first and second calendar years, respectively, next following the calendar year in which this Amendment shall become effective;the Trustees to be appointed by the Lieutenant Governor shall be appointed for a term beginning immediately upon his or her appointment and ending at noon on October 1 in the third calendar year next following the calendar year in which this Amendment shall become effective; andthe Trustees to be appointed by the Speaker of the House of representatives shall be appointed for a term beginning immediately upon his or her appointment and ending at noon on October 1 in the fourth calendar year next following the calendar year in which this Amendment shall become effective. Thereafter, the term of office of each appointed Trustee shall be six years, commencing at noon on the October 1 on which the term of the immediate predecessor Trustee shall end.

(b) If at any time there shall be a vacancy among the appointed Trustees, a successor Trustee shall be appointed to serve for the unexpired term applicable to such vacancy.

The appointment of each appointed Trustee (other than those initially appointed), whether for a full six-year term or to complete an unexpired term, shall be made by the same officer of the state who appointed the Trustee whose term shall have expired or is to expire or in whose position on the board a vacancy otherwise exists and shall be made not earlier than thirty (30) days prior to the date on which such Trustee is to take office as such. Each appointed Trustee shall hold office from the effective date of his or her appointment until his or her confirmation or rejection by the Senate as provided in subsection (c) of this section, and, if confirmed by the Senate, until the expiration of the term (or portion thereof) for which he or she was appointed; provided that if the term of any Trustee shall expire prior to the reappointment of such Trustee or prior to the appointment of his or her successor, such Trustee shall continue to serve until his or her successor is appointed, and if such Trustee is reappointed for a new term after the expiration of the immediately preceding term which he or she has been serving, his or her new term of office shall be deemed to have commenced at noon on the October 1 on which the immediately preceding term shall have expired. Trustees shall be eligible for reappointment without limit as to the number of terms previously served.

(c) At the beginning of every regular session of the Legislature the Governor shall certify to the Senate the names of all who shall have been appointed as Trustees since the commencement of the last regular session of the Legislature, and the Senate shall confirm or reject each of them as it shall determine to be in the best interests of the state. If the Senate takes no action during such regular session with respect to any Trustee whose appointment was so certified, such Trustee shall be deemed to have been confirmed by the Senate. If the Senate rejects the appointment of any Trustee, such rejection shall immediately terminate the service of such Trustee and the resulting vacancy in the membership of the board shall be filled by a subsequent appointment made in accordance with the provisions of subsection (b) of this section. Trustees appointed during a regular session of the Legislature shall not be subject to confirmation or rejection by the Senate until the regular session of the Legislature next succeeding their appointment.

(d) Each appointed Trustee shall, at the time of his or her appointment and at all times during his or her term of office, be a qualified elector of the state, and a failure by any Trustee to remain so qualified during such term shall cause a vacancy of the office of such Trustee. Each appointed Trustee shall have recognized competence and experience in the evaluation and management of investments. No person holding a full-time office or position of employment with the United States of America, the state, any county or municipality in the state, or any instrumentality, agency or subdivision of any of the foregoing, shall be eligible for appointment as a Trustee. Any person who is an appointed Trustee shall be deemed to vacate his or her office as such Trustee by the acceptance of any office or employment which, had such person held such office or been so employed at the time of his or her appointment as a Trustee, would have rendered such person ineligible for appointment as a Trustee. Service by any person as a member, Director,

Trustee or other participant in the management or administration of any governmental agency, board or commission, or public educational institution, or other public body of the United States of America, the state, or any county or municipality or other political subdivision shall not render such person ineligible for appointment as a Trustee unless such service constitutes full-time employment. Any appointed Trustee may be impeached and removed from office as a Trustee in the same manner and on the same grounds provided in section 174 of the Constitution of Alabama of 1901, or successor provision thereof, and the general laws of the state for impeachment and removal of the officers of the state subject to said section 174 or successor provision thereof. The Governor, the State Treasurer and the Director of Finance may not be impeached and removed from office as a Trustee apart from their impeachment and removal from the respective offices by virtue of which, ex officio, they serve as Trustees.

(e) The Governor, the State Treasurer and the Director of Finance shall perform the duties of Trustees, ex officio, without any compensation other than that to which they are respectively entitled as Governor, State Treasurer and Director of Finance. Appointed Trustees shall be entitled to such compensation for their services as may from time to time be provided by law duly enacted by the Legislature, but the power to provide compensation of appointed Trustees shall be discretionary with the Legislature and nothing in this Amendment shall be construed to confer upon such Trustees an absolute right to any compensation for their services. Each appointed Trustee shall be reimbursed for expenses actually incurred in the performance of his or her duties as a Trustee.

(f) A majority of the Trustees shall constitute a quorum for the transaction of business by the board, and decisions shall be made on the basis of a majority of the quorum then present and voting, with each Trustee to have a single vote. No vacancy in the membership of the board or the voluntary disqualification or abstention of any Trustee shall impair the right of a quorum to exercise all of the powers and duties of the board. The Governor shall be the Chairman and presiding officer of the board, and the board may appoint such other officers to perform such duties, not inconsistent with the provisions of this Amendment or applicable law, as the board shall deem necessary or appropriate. In addition to such regular meetings of the board as may be provided by law or by bylaws or rules duly adopted by the board, special meetings of the board may be called by the Governor acting alone or by any three other Trustees acting in concert, in each case upon two days' notice to each Trustee given in person or by registered letter or telegram; provided, however, that such notice to each Trustee may be waived by such Trustee, either before or after the meeting with respect to which such notice would otherwise be required. Any meeting held by the board for any purpose shall be open to the public, except that executive or secret sessions may be held by the board when the character or good name of a person is involved. All proceedings of the board shall be reduced to writing on behalf of the board and maintained in the permanent records of the board, a copy of which shall be filed in the principal office of the board and shall be open

for public inspection there during regular business hours. The principal office of the board shall be the principal office of the Director of Finance.

(g) No Trustee shall vote on or participate in the discussion or consideration of any matter coming before the board in which such Trustee, personally or through family connections or business associations, has any direct or indirect pecuniary interest, including, but without limitation thereto, decisions of the board concerning the investment of moneys constituting part of the trust fund in any deposit or obligation of any bank or corporation in which such Trustee may have such an interest. If there shall be brought before the board any matter in which a Trustee shall have any interest which may conflict with his duties as a Trustee, he or she shall immediately make a complete disclosure to the board of such interest and shall thereafter withdraw from participation in any deliberation and decision of the board with respect to such matter.

(h) The board shall have all of the powers necessary to carry out and effectuate the purposes and provisions of this Amendment, including, without limiting the generality of the foregoing, the following powers:

(1) To adopt, alter and repeal bylaws, regulations and rules for the regulation and conduct of its affairs and business;

(2) To make, enter into and execute contracts, agreements and other instruments and to take such other action8 as may be necessary or convenient to accomplish any purpose for which the trust fund was created or to exercise any power expressly, or by reasonable implication, granted by this Amendment;

(3) To enter into contracts with, to accept aid and grants from, to cooperate with and to do any and all things that may be necessary in order to avail itself of the aid and cooperation of the United States of America, the state or any agency, instrumentality or political subdivision of either thereof in furtherance of the purposes of this Amendment; and

(4) To appoint, employ and contract with such employees, agents, advisors and consultants, including, but not limited to, attorneys, accountants, financial experts and such other advisors, consultants and agents as may in its judgment be necessary or desirable, and to fix their compensation; provided, however, that any obligation created or assumed by the board shall not create any pecuniary obligation or liability of the state or the trust fund other than such as shall be payable out of moneys appropriated by the Legislature to defray the expenses of the board in carrying out the purposes of this Amendment. No lien or charge against any assets of the trust fund for any purpose whatsoever shall be created by or result from any law enacted by the Legislature or any action taken by the board or any other department, agency or instrumentality of the state.

(i) The expenses of making and disposing of investments such as brokerage commissions, legal expenses referable to a particular transaction, transfer taxes and other customary transactional expenses shall, as provided in section 5 (c) of this Amendment, be payable from the investment income of the trust fund, but no administrative or other expenses not specifically required to make or dispose of a particular investment shall be payable out of any assets of the trust fund. The Legislature shall provide for the administrative and other necessary expenses of the board in the same manner as it provides for the expenses of operating other departments and agencies of the state.

Section 4. Sources of Trust Capital.

(a) There shall be transferred from the General Fund of the state into the trust fund, as the initial trust capital, moneys in an amount equal to the sum of[:]

(i) [A]ll proceeds of any oil and gas capital payments received by the state at any time after January 1, 1981, and on or before November 1, 1981, and

(ii) [A]ll income or profit derived from the investment and reinvestment of the proceeds of such oil and gas capital payments (including income or profit derived from the investment and reinvestment of previously derived income or profit) prior to the transfer of such proceeds into the trust fund, less and except the following:

(1) Any amount of such proceeds, income or profit which has been disbursed by the state, prior to the effective date of this Amendment, for the use of the Board of Corrections pursuant to the provisions of Act No. 81-764 enacted at the 1981 Regular Session of the Legislature;

(2) Any amount of such proceeds, income or profit which has been disbursed by the state, prior to the effective date of this Amendment, for the use of the department of mental health pursuant to the provisions of Act No. 81-770 enacted at the 1981 Regular Session of the Legislature;

(3) Any amount of such proceeds, income or profit which has been appropriated by the Legislature, prior to the effective date of this Amendment, for the use or benefit of the Alabama Housing Finance Authority and which, as of the effective date of this Amendment, is required by any then applicable law to be held apart from the trust fund and not included with the moneys to be transferred into such fund as part of the initial trust capital;

(4) Any amount of such proceeds, income or profit not exceeding $6,000,000 which has been appropriated by the Legislature, prior to the effective date of this Amendment, for the reimbursement of the counties of the state for expenses incurred by such counties in the incarceration or confinement of convicts or other prisoners who are the responsibility of the state; and

(5) Any amount of such proceeds, income or profit not exceeding $10,000,000 which has been appropriated by the Legislature, prior to the effective date of this Amendment, for the support and encouragement of educational, agricultural and industrial activities involving basic and applied scientific research and development.

Promptly following the effective date of this Amendment, the State Treasurer shall take all actions necessary to transfer to the board the possession, control and management of the initial trust capital. If at the time of such transfer into the trust fund all or part of the initial trust capital is invested in certificates of deposit or other investments which cannot be converted into cash prior to the maturity thereof without loss of interest or other penalty, the State Treasurer shall directly transfer such certificates of deposit or other investments to the board as part of the initial trust capital without first converting the same into cash. In the event that any certificates of deposit or other investments shall be transferred into the trust fund, the initial trust capital shall include only the income or profit from such certificates of deposit or other investments that has been received by the state on or before such transfer or that constitutes accrued interest, amortized discount or other amounts which, in accordance with generally accepted accounting principles, should be considered as having been earned by the state as of the date of such transfer. To the extent that any income or profit derived from such certificates of deposit or other investments is referable to any period after the transfer thereof into the trust fund, such income or profit shall constitute trust income and shall not constitute part of the trust capital (except to the extent otherwise provided by section 5 (a) of this Amendment). Any provision of this Amendment to the contrary notwithstanding, no oil and gas capital payment received by the state after November 1, 1981, or any income from the investment thereof, shall, unless subsequently authorized by law, be transferred into the trust fund.

(b) The trust capital shall be augmented by any trust income which, as provided in section 5(a) of this Amendment, shall have remained in the trust fund beyond the end of the fiscal year next succeeding the fiscal year during which it was received without having been appropriated for any purpose by act of the Legislature. The trust capital shall also consist of[:]

(i) [S]uch other moneys or assets as the Legislature may by law appropriate and transfer to the trust fund as a permanent part thereof and

(ii) [S]uch other moneys or assets as may be contributed to the trust fund from any source.

Section 5. Investment of Moneys in Trust Fund; Appropriation of Trust Income.

(a) Except to the extent otherwise provided in section 6 of this Amendment, the trust capital shall be held in perpetual trust and shall not be appropriated by the Legislature or expended or disbursed for any purpose other than to acquire eligible investments in accordance with the provisions of this Amendment. All eligible investments acquired, in whole or in part, with moneys constituting part of the trust capital shall to the extent of such moneys constitute part of the trust capital, but any trust income derived therefrom shall be subject to appropriation and withdrawal by the Legislature to the extent provided in this Amendment. Until and including the last day of the fiscal year next succeeding the fiscal year during which any trust income shall be received into the trust fund, the Legislature may at any time and from time to time, whether before or after the actual receipt of such trust income, enact laws appropriating all or any part of such trust income for any lawful purpose, and any trust income so appropriated may be withdrawn from the trust fund at any time after the receipt thereof; provided, however, that the right of the Legislature to appropriate any trust income prior to the actual receipt thereof shall not be construed to authorize the recognition and withdrawal of any moneys equivalent to such trust income prior to the actual receipt thereof into the trust fund. If any trust income shall not be appropriated by a law which becomes effective on or before the last day of the fiscal year next succeeding that during which it was received, such trust income shall thereafter cease to be subject to appropriation and shall become part of the trust capital to be held in the trust fund on the same terms and conditions as are applicable to all other assets constituting the trust capital. Any trust income appropriated by a law becoming effective on or before the last day of the fiscal year next succeeding that during which it was received shall remain trust income even though it is permitted to remain in the trust fund after the end of such fiscal year, and any such trust income shall be subject to withdrawal from the trust fund at any time thereafter in the manner provided by law for the purposes for which it shall theretofore have been appropriated.

(b) To the extent practicable, the board shall keep all moneys at any time held in the trust fund (including both trust capital and trust income) invested in such eligible investments as shall, in its sole and uncontrolled judgment, produce the greatest trust income over the term of such investments while preserving the trust capital. In making any investment of moneys held in the trust fund, the board shall exercise the judgment and care, under the circumstances prevailing at the time of such investment, which an institutional investor of the highest standard of prudence, intelligence and financial expertise would exercise in the management and investment of large assets entrusted to it not for the purpose of speculative profit but for the permanent generation and disposition of funds, considering the

probable safety of capital as well as the expected amount and frequency of income. The board shall have full power and authority to select the eligible investments in which moneys held in the trust fund shall at any time be invested, and, to the extent not inconsistent with any express provision of this Amendment, the eligible investments so selected shall be acquired from such issuers, underwriters, brokers or other sellers on such terms and conditions, shall be acquired for purchase prices reflecting such discount below or premium above the par or face amount thereof, shall bear such dates and be in such form, denominations and series, shall mature or be subject to mandatory redemption on such dates, shall bear interest at such rate or rates payable at such intervals or, alternatively, shall provide income to the holder thereof in such other manner (including, without limitation thereto, the purchase of such investments at a discount which represents all or part of the income or profit to be derived therefrom), shall be unsecured or secured in such manner, shall contain such provisions for prepayment or redemption at the option of the issuer or obligor, and shall contain or be subject to such other provisions as shall, in all of the foregoing respects, be determined by the board in the exercise of its sole and uncontrolled judgment. The board shall have full power and authority to invest the trust capital in long-term investments producing trust income in accordance with such schedule as the board shall, in the exercise of its sole and uncontrolled judgment, determine to be in the best interests of the state, and in determining such schedule the board may emphasize future benefits in preference to near-term needs. The board shall have complete and uncontrolled discretion in making decisions as to when moneys in the trust fund shall be invested, as to the purchase price or other acquisition cost to be paid or incurred in acquiring investments for the trust fund, as to when investments constituting part of the trust fund shall be sold, liquidated or otherwise disposed of, and, notwithstanding the provisions of section 100 of the Constitution of Alabama of 1901, as to the amount and nature of the price or other consideration to be received by the trust fund upon the sale, liquidation or other disposition of investments constituting part of the trust fund; provided, however, that to the extent the provisions of this Amendment authorize the withdrawal of moneys from the trust fund (including both trust capital and trust income) pursuant to appropriation by the Legislature, the board shall invest the moneys so subject to withdrawal in investments which shall mature or otherwise be subject to liquidation on such terms as will provide cash when required for withdrawal from the trust fund. No law shall be enacted nor any action taken by the Executive Department of the state which impairs or interferes with the power, authority and discretion conferred upon the board by this Amendment with respect to the acquisition, management, control and disposition of investments at any time constituting part of the trust fund.

(c) The trust income for any period shall be the net income (determined as hereinafter provided) actually received in cash or cash equivalents during such period from the investment and reinvestment of all moneys held in the trust fund (including both moneys representing trust capital and moneys representing previously received trust income that has not become part of the trust capital). No accrual or other accounting calculation or classification shall constitute the basis for recognizing trust income unless the moneys in question shall have been actually received and paid into the trust fund. The trust income for any period shall consist of the aggregate interest received from investments during such period plus any profit realized during such period from any payment, sale, liquidation or other disposition of investments resulting in the receipt of an amount greater than the purchase price thereof, less[:]

> (i) [A]ny negative audit adjustments to income and any losses with respect to investments which are required to be charged against the income of the trust fund for such period pursuant to the provisions of subsection (d) of this section,
>
> (ii) [A]ny accrued interest paid as part of the purchase price of investments acquired during such period, and
>
> (iii) [A]ll expenses of selling and disposing of investments during such period such as brokerage commissions, legal expenses referable to a particular transaction, transfer taxes and other customary transactional expenses. For purposes of determining the amount of the trust capital at any time held in the trust fund, any investment acquired for a purchase price reflecting a discount below its face or par amount shall, at all times prior to its payment, sale, liquidation or other disposition, be valued at its original purchase price. If any investment is acquired for a purchase price reflecting a premium above its face or par amount, then, for purposes of calculating trust income, the cumulative interest or other income theretofore received from such investment as of any time shall be reduced by the then applicable amortized premium of such investment. For purposes of determining the amount of trust capital at any time held in the trust fund, any investment acquired for a purchase price reflecting a premium above its face or par amount shall, at all times prior to its payment, sale, liquidation or other disposition, be valued at its original purchase price less its then applicable amortized premium.

(d) The trust income shall be adjusted in accordance with the succeeding provisions of this subsection if the application of generally accepted accounting principles in connection with the annual audit of the trust fund requires any negative

adjustment of income, including the recognition of any reduction in value or write off of investments for reasons relating to the probability of their payment or collectibility, or if any loss is realized upon any payment, sale, liquidation or other disposition of any investment resulting in the receipt of any amount less than the value thereof determined in accordance with the provisions of this Amendment; provided, however, that no reduction in value of any investment shall be made because the rate of interest or other yield thereon has fallen below the market rates then applicable to comparable investments. Any audit adjustment resulting in a charge against income or any loss realized from the payment, sale, liquidation or other disposition of investments, as the case may be, shall be charged first against any trust income which, as of the time such adjustment is made or such loss is realized, has accumulated in the trust fund and is then available for withdrawal, whether or not theretofore appropriated, and if the amount to be so charged is greater than the amount of accumulated trust income subject to withdrawal, such amount shall be charged against trust income thereafter received in the current and succeeding fiscal years until the full amount of such audit adjustment or loss, as the case may be, has been recovered or made good out of the investment income of the trust fund, and from and after the time that such audit adjustment is made or such loss is realized, as the case may be, no income of the trust fund shall be considered trust income for purposes of this Amendment until the full amount of such adjustment or loss shall have been so recovered or made good. In the event that, as a result of any audit adjustment or any realized loss, the aggregate amount of income appropriated and withdrawn from the trust fund as of any time during or at the end of any fiscal year exceeds the aggregate trust income which, taking into account such adjustment or loss, should have been available for withdrawal at or before such time, then, and in such event, the excess amount so withdrawn need not be returned to the trust fund from the General Fund of the state or from any other source of funds available to the state, but the amount of such excess withdrawal shall be recovered through charges against future income of the trust fund as above provided.

(e) To the extent appropriate and not at the time prohibited by law, the board shall use the facilities of the State Treasurer in the administration of the trust fund, including, but without limitation thereto, the keeping of records, the management of bank accounts, the transfer of funds and the safekeeping of securities evidencing investments.

(f) The board shall cause an annual audit of the trust fund to be performed for each fiscal year by the state auditor or, in the discretion of the board, by an independent accounting firm and shall cause a report of such audit to be prepared in accordance with applicable accounting principles and made public within ninety (90) days following the end of the fiscal year covered thereby. The board shall cause to be prepared and publicized such financial and other information concerning the trust fund as may from time to time be provided by law duly enacted by the Legislature, but in the absence of any law directing the preparation and publication of different reports, the board shall cause to be prepared and made public, within thirty (30) days after the end of each quarterly period in each fiscal year, a report containing[:]

(i) [A] statement of the trust capital then held in the trust fund showing any changes thereto since the last quarterly report,

(ii) [A] statement of the trust income then held in the trust fund showing receipts and withdrawals therefrom during the quarterly period in question and further showing the portion thereof previously appropriated and the portion thereof subject to appropriation but not then appropriated,

(iii) [A] statement of the investments then held in the trust fund including descriptions thereof and the respective values thereof,

(iv) [A] statement of the trust income received to date during the current fiscal year,

(v) [I]f such report covers the first, second or third quarterly period, an estimate of the trust income anticipated for the entire current fiscal year and for each of the remaining quarterly periods thereof, and

(vi) [A]n estimate of the trust income anticipated for the next succeeding fiscal year and in each of the quarterly periods thereof.

Section 6. Alternative Disposition of Certain Trust Fund Moneys.

(a) By any duly enacted law or laws, whether becoming effective before or after the effective date of this Amendment, the Legislature may appropriate moneys constituting trust capital or trust income or a combination of both for the use or benefit of the Alabama Housing Finance Authority in such aggregate amount as, when added to any amount

excluded from the initial trust capital pursuant to clause (3) of the first sentence of section 4 of this Amendment, shall not exceed the sum of $19,500,000. All or any part of the moneys so appropriated may be held in the trust fund until disbursed for the purpose for which appropriated, or all or any part of such moneys may be immediately withdrawn from the trust fund and transferred to the Alabama Housing Finance Authority for the use thereof or, alternatively, transferred to the state and held by it until used to pay expenses for and on behalf of such authority, all in accordance with such law or laws as may from time to time be enacted by the Legislature.

(b) In order to provide an alternative source for the moneys appropriated for the use of the Board of Corrections pursuant to the provisions of Act No. 81-764 enacted at the 1981 Regular Session of the Legislature, the Legislature may, by any duly enacted law or laws, whether becoming effective before or after the effective date of this Amendment, appropriate moneys constituting trust capital or trust income or a combination of both for the use of the Board of Corrections in making capital expenditures; provided, however, that the aggregate amount so appropriated for the use of the Board of Corrections and withdrawn from the trust fund shall not exceed an amount computed as the difference between $45,000,000 and the sum of:

(i) The amount excluded from the initial trust capital pursuant to clause (1) of the first sentence of section 4 of this Amendment and

(ii) All other amounts at any time appropriated by the Legislature from the proceeds of bonds of the State or other sources for the use of the Board of Corrections in substitution for or replacement of all or any part of the moneys appropriated pursuant to said Act No. 81-764.

(c) In order to provide an alternative source for the moneys appropriated for the use of the department of mental health pursuant to the provisions of Act No. 81-770 enacted at the 1981 Regular Session of the Legislature, the Legislature may, by any duly enacted law or laws, whether or not becoming effective before or after the effective date of this Amendment, appropriate moneys constituting trust capital or trust income or a combination of both for the use of the department of mental health in making capital expenditures; provided, however, that the aggregate amount so appropriated for the use of the department of mental health and withdrawn from the trust fund shall not exceed an amount computed as the difference between $65,000,000 and the sum of:

(i) The amount excluded from the initial trust capital pursuant to clause (2) of the first sentence of section 4 of this Amendment and

(ii) All other amounts at any time appropriated by the Legislature from the proceeds of bonds of the state or other sources for the use of the department of mental health in substitution for or replacement of all or any part of the moneys appropriated pursuant to said Act No. 81-770.

Section 7. Limitation of Personal Liability of Trustees.

An individual Trustee shall not in any way be personally liable for any liability, loss or expense suffered by the trust fund unless such liability, loss or expense arises out of or results from the willful misconduct or wrongdoing of such Trustee.

Section 8. Legislative Oversight Commission.

(a) There is hereby created the Alabama Heritage Trust Fund Legislative Oversight Commission to consist of the Lieutenant Governor, the Speaker of the House, and five members each from the House of Representatives and the Senate to be appointed by the Speaker of the House and the Lieutenant Governor, respectively. If the Legislature is in regular session at the time this Amendment shall become effective, the original members of the Commission shall be appointed at such regular session, and if the Legislature is not in regular session at the time this Amendment shall become effective, the members of the Commission shall be appointed at the next regular session of the Legislature. The original members of the Commission shall serve for the remainder of their elected terms of office as members of the Legislature, and the terms of office of members of the Commission shall thereafter correspond to the full four-year terms for which members of the Legislature are elected. If at any time there shall be a vacancy among the appointed members of the Commission, a successor shall be appointed from the same body of the Legislature as that to which the previous incumbent belonged, and such successor shall serve for the remainder of the unexpired term of such previous incumbent.

(b) The Commission shall hold an organizational meeting at the state capitol within ten (10) days after the appointment of the original members thereof, and shall elect a Chairman and vice Chairman from among its members. Thereafter, the Commission shall meet, from time to time, at the call of the Chairman or vice Chairman or upon the request of seven or more members, with such notice and in accordance with such procedure as shall be prescribed by the rules of the Commission.

(c) The Commission shall adopt its own rules of procedure for the transaction of business, except as otherwise provided in this Amendment. A majority of the members of the Commission shall constitute a quorum for the purpose of transacting any business or performing any authorized duties. All members of the Commission, including both those who serve ex officio and those who are appointed, shall have an equal vote. The Commission shall keep full and complete minutes in writing of its proceedings, and every action taken shall be authorized by duly adopted resolution recorded in such minutes.

(d) Each member of the Commission shall be entitled to his or her regular legislative compensation and per diem and travel expenses for each day he or she attends a meeting or conducts business of the Commission, and such compensation and expenses shall be paid as provided by law out of the funds from time to time appropriated by the Legislature to pay the expenses of administering the trust fund.

(e) The Commission shall monitor and evaluate the management of the trust fund by the board, shall report to the Legislature on both the present and future availability of trust income for appropriation by the Legislature, and shall recommend to the Legislature the enactment of such laws respecting the trust fund as the Commission shall deem desirable; provided, however, that nothing contained in this Amendment respecting the Commission shall be construed to authorize the Legislature to enact laws inconsistent with the express provisions of this Amendment.

Section 9. Amendment Self-Executing.

This Amendment shall be self-executing, but the Legislature shall have the right and power to enact laws supplemental to this Amendment and in furtherance of the purposes and objectives thereof, provided that such laws are not inconsistent with the express provisions of this Amendment. [Amendment 394, approved March 2, 1982]

Section 11-A. 03. Alabama Trust Fund.

Section 1. For the continuing benefit of the State of Alabama and the citizens thereof, there is hereby created an irrevocable, permanent trust fund named "the Alabama Trust Fund" which shall be funded and administered in accordance with the provisions of this Amendment.

Section 2. As used in this Amendment, the following words and phrases shall have the following respective meanings:

> "Board" means the board of trustees of the trust fund.
>
> "Eligible investments" means any of the following:
>
> (1) Demand deposits (interest bearing) in federally insured banks and interest bearing deposits (whether or not evidenced by certificates of deposit) in federally insured banks; provided, however, that said deposits plus interest shall be fully secured by obligations described in subsections (2) and (3) of this definition, to the extent that said deposits plus interest exceed insurance available from the Federal Deposit Insurance Corporation or from any agency of the United States of America that may succeed to the functions of the Federal Deposit Insurance Corporation;
>
> (2) Bonds, notes and other evidences of indebtedness that are direct obligations of the United States of America or that are unconditionally guaranteed as to both principal and interest by the United States of America;

(3) Bonds, debentures, notes or other evidences of indebtedness issued or guaranteed by any federal agencies or government-sponsored enterprises authorized to issue their own debt instruments, including, without limitation to, the following: Federal Farm Credit Bank, Federal Intermediate Credit Banks, the Export-Import Bank of the United States, Federal Land Banks, the Federal National Mortgage Association, the Tennessee Valley Authority, the Governmental National Mortgage Association, the Federal Financing Bank, Federal Banks for Cooperatives, Federal Home Loan Banks, Federal Home and Loan Mortgage Association or the Farmers Home Administration;

(4) Repurchase agreements with federally insured banks or with government bond dealers reporting to and trading with the Federal Reserve Bank of New York, provided that such repurchase agreements are secured by obligations described in subsections (2) and (3) of this definition; and

(5) Interest bearing time deposits (whether or not evidenced by certificates of deposit) in savings and loan associations:

(a) The deposits of which are insured to the maximum extent possible by the Federal Savings and Loan Insurance Corporation or any agency of the United States of America that may succeed to its functions and

(b) The principal office of which is located in the state; provided, however, that said deposits plus interest shall be secured by obligations described in subsections (2) and (3) of this definition, to the extent that said deposits plus interest exceed insurance available from the Federal Savings and Loan Insurance Corporation or from any agency of the United States of America that may succeed to the functions of the Federal Savings and Loan Insurance Corporation;

(6) Corporate securities, provided, however, that no more than a maximum of 25 percent of the trust capital may be invested in such securities by the board at any time and provided further that no more than a maximum of one percent of the 25 percent may be invested in any one corporation. The Legislature may provide authorization to the board to invest up to a maximum of 40 percent in corporate securities by a three-fifths vote of the membership of both the House of Representatives and the Senate. All corporate securities shall at the time of purchase by the board carry a rating of "A" or better by Moody's and/or Standard and Poors; provided, however, that if neither Moody's nor Standard and Poors is in existence or ceases to issue bond ratings, then, in that event, otherwise eligible corporate securities must carry one of the three highest grade or quality ratings issued by the securities rating firm that, in the opinion of the board, is recognized as the most reputable.

"Federally insured bank" means any bank which has its principal office located in Alabama, whether organized under the laws of the United States of America or the laws of this state, and which is a member of the Federal Deposit Insurance Corporation or which obtains deposit insurance to the maximum extent possible from any agency of the United States of America that may succeed to the functions of the Federal Deposit Insurance Corporation.

"Fiscal year" means the fiscal year of the state as may from time to time be provided by law.

"Oil and gas capital payment" means any payment (including any royalty payment) received after August 1, 1984, by the state or any agency or instrumentality thereof as all or part of the consideration for the sale, leasing or other disposition by the state or any agency or instrumentality thereof of any right to explore and drill for or to produce oil, gas or other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area and shall include any revenue by the state from federal oil and gas leases off the coast of Alabama. Any royalty or other payment, with the exception of any taxes heretofore or hereafter levied that is based upon or determined with respect to, the production of oil, gas or other hydrocarbon minerals and that is paid to the state or any agency or instrumentality thereof regardless of the time of such payment shall be considered an oil and gas capital payment.

"State" means the State of Alabama.

"Trust capital" means all assets of the trust fund other than trust income.

"Trust fund" means "the Alabama Trust Fund" created by this Amendment.

"Trust Income" means the net income received by the state, subsequent to the transfer of the initial trust capital by the State Treasurer to the board, from the investment and reinvestment of all assets of the trust fund, determined in accordance with the provisions of this Amendment.

"Trustee" means a member of the board of trustees of the trust fund.

Section 3. **(a)** The trust fund shall be under the management and control of the board, and all powers necessary or appropriate for the management and control of the trust fund shall be vested solely in the board. The board shall have a membership of nine Trustees consisting of the Governor, the State Treasurer, the Director of Finance (or such other official as may by law succeed to the responsibilities of the Director of Finance), three Trustees appointed by the Governor, two Trustees appointed by the Lieutenant Governor, and one Trustee appointed by the Speaker of the House of representatives. The Governor, the State Treasurer and the Director of Finance shall each serve as a Trustee ex officio, and the service of each such official as a Trustee shall begin and end concurrently with the beginning and end of his or her tenure in such office.

As promptly as practicable after the effective date of this Amendment, the other Trustees shall be appointed for the following initial terms:

The Trustees to be appointed by the Governor shall be appointed for terms beginning immediately upon their respective appointments and ending at noon on October 1, in the first, second and third calendar years, respectively, next following the calendar year in which this Amendment shall become effective;

the Trustees to be appointed by the Lieutenant Governor shall be appointed for terms beginning immediately upon their respective appointments and ending at noon on October 1, in the fourth and fifth calendar years, respectively, next following the calendar year in which this Amendment shall become effective; and the Trustee to be appointed by the Speaker of the House of representatives shall be appointed for a term beginning immediately upon his or her appointment and ending at noon on October 1, in the sixth calendar year next following the calendar year in which this Amendment shall become effective. Thereafter, the term of office of each appointed Trustee shall be six years, commencing at noon on October 1 on which the term of the immediate predecessor Trustee shall end.

(b) If at any time there shall be a vacancy among the appointed Trustees, a successor Trustee shall be appointed to serve for the unexpired term applicable to such vacancy. The appointment of each appointed Trustee (other than those initially appointed), whether for a full six-year term or to complete an unexpired term, shall be made by the same officer of the state who appointed the Trustee whose term shall have expired or is to expire or in whose position on the board a vacancy otherwise exists and shall be made not earlier than 30 days prior to the date on which such Trustee is to take office as such. Each appointed Trustee shall hold office from the effective date of his or her appointment by and with the consent of the Senate and shall hold office until his or her successor is appointed as provided for herein. Trustees shall be eligible for reappointment without limit as to the number of terms previously served.

(c) At the beginning of each session of the Legislature the Governor shall certify to the Senate for confirmation the names of all who shall have been appointed as Trustees since the commencement of the last session of the Legislature.

(d) Each appointed Trustee shall, at the time of his or her appointment and at all times during his or her term of office, be a qualified elector of the state, and a failure by any Trustee to remain so qualified during such term shall cause a vacancy of the office of such Trustee. Each appointed Trustee shall have recognized competence and experience in the evaluation and management of investments. Any appointed Trustee may be impeached and removed from office as a Trustee in the same manner and on the same grounds provided in section 174 of the Constitution of Alabama of 1901, or successor provision thereof, and the general laws of the state for impeachment and removal of the officers of the state subject to said section 174 or successor provision thereof. The Governor, the State Treasurer and the Director of Finance may not be impeached and removed from office as Trustees apart from their impeachment and removal from the respective offices by virtue of which, ex officio, they serve as Trustees.

(e) The Governor, the State Treasurer and the Director of Finance shall be entitled to vote, and shall perform the duties of Trustees, ex officio, without any compensation other than that to which they are respectively entitled as Governor, State Treasurer and Director of Finance. Appointed Trustees shall be entitled to such compensation for their services as

may from time to time be provided by law duly enacted by the Legislature, but the power to provide compensation of appointed Trustees shall be discretionary with the Legislature and nothing in this Amendment shall be construed to confer upon such Trustees an absolute right to any compensation for their services. Each Trustee shall be reimbursed for expenses actually incurred in the performance of his or her duties as a Trustee.

(f) A majority of the Trustees shall constitute a quorum for the transaction of business by the board, and decisions shall be made on the basis of a majority of the quorum then present and voting, with each Trustee to have a single vote. No vacancy in the membership of the board or the voluntary disqualification or abstention of any Trustee shall impair the right of a quorum to exercise all of the powers and duties of the board. The Governor shall be the Chairman and Presiding Officer of the Board. The Director of Finance shall be Vice Chairman, and the State Treasurer shall serve as Secretary. The board may appoint such other officers to perform such duties, not inconsistent with the provisions of this Amendment or applicable law, as the board shall deem necessary or appropriate. In addition to such regular meetings of the board as may be provided by law or by bylaws or rules duly adopted by the board, special meetings of the board may be called by the Governor acting alone or by any three other Trustees acting in concert, in each case upon two days' notice to each Trustee given in person or by registered letter or telegram; provided, however, that such notice to each Trustee may be waived by such Trustee, either before or after the meeting with respect to which such notice would otherwise be required. Any meeting held by the board for any purpose shall be open to the public, except that executive sessions may be held by the board when the character or good name of a person is involved. All proceedings of the board, except executive sessions, shall be reduced to writing on behalf of the board and maintained in the permanent records of the board, a copy of which shall be filed in the principal office of the board and shall be open for public inspection there during regular business hours. The principal office of the board shall be the principal office of the Director of Finance.

(g) No Trustee shall vote on or participate in the discussion or consideration of any matter coming before the board in which such Trustee, personally or through family connections or business associations, has any direct or indirect pecuniary interest, including, but without limitation thereto, decisions of the board concerning the investment of moneys constituting part of the trust fund in any deposit or obligation of any bank or corporation in which such Trustee may have such an interest. If there shall be brought before the board any matter in which a Trustee shall have any interest which may conflict with his or her duties as a Trustee, he or she shall immediately make a complete disclosure to the board of such interest and shall thereafter withdraw from participation in any deliberation and decision of the board with respect to such matter.

(h) The board shall have all of the powers necessary to carry out and effectuate the purposes and provisions of this Amendment, including, without limiting the generality of the foregoing, the following powers:

(1) To adopt, alter and repeal bylaws, regulations and rules for the regulation and conduct of its affairs and business;

(2) To make, enter into and execute contracts, agreements and other instruments and to take such other actions as may be necessary or convenient to accomplish any purpose for which the trust fund was created or to exercise any power expressly, or by reasonable implication, granted by this Amendment;

(3) To enter into contracts with, to accept aid and grants from, to cooperate with and to do any and all things that may be necessary in order to avail itself of the aid and cooperation of the United States of America, the state or any agency, instrumentality or political subdivision of either thereof in furtherance of the purposes of this Amendment; and

(4) To appoint, employ and contract with such employees, agents, advisors and consultants, including, but not limited to, attorneys, accountants, financial experts and such other advisors, consultants and agents as may in its judgment be necessary or desirable, and to fix their compensation; provided, however, that any obligation created or assumed by the board shall not create any pecuniary obligation or liability of the state or the trust fund other than such as shall be payable out of moneys appropriated by the Legislature to defray the expenses of the board in carrying out the purposes of this Amendment. No lien or charge

against any assets of the trust fund for any purpose whatsoever shall be created by or result from any law enacted by the Legislature or any action taken by the board or any other department, agency or instrumentality of the state.

(i) The expenses of making and disposing of investments, such as brokerage commissions, legal expenses referable to a particular transaction, transfer taxes and other customary transactional expenses shall be payable out of any trust income of the trust fund. The Legislature shall provide for the administrative and other necessary expenses of the board in the same manner as it provides for the expenses of operating other departments and agencies of the state.

Section 4. **(a)** There shall be transferred from the General Fund of the state into the trust fund, as the initial trust capital, moneys in an amount equal to the sum of all proceeds of any oil and gas capital payments received by the state pursuant to the sealed bids awarded on August 14, 1984, including any revenues and earnings deposited in any fund pursuant to section 9-17-68, Code of Alabama 1975; provided, however, that the division of lands of the department of conservation and natural resources shall be entitled to four percent of the $347,483,000 which has been received by the state pursuant to the sealed bids awarded on August 14, 1984, which sum shall be carried in the State Treasury to the credit of the State Lands Fund.

Promptly following the effective date of this Amendment, the State Treasurer shall take all actions necessary to transfer to the board the possession, control and management of the initial trust capital. If at the time of such transfer into the trust fund all or part of the initial trust capital is invested in certificates of deposit or other investments which cannot be converted into cash prior to the maturity thereof without loss of interest or other penalty, the State Treasurer shall directly transfer such certificates of deposit or other investments to the board as part of the initial trust capital without first converting the same into cash. In the event that any certificates of deposit or other investments shall be transferred into the trust fund, the initial trust capital shall not include the income or profit from such certificates of deposit or other investments that has been received by the state on or before such transfer or that constitutes accrued interest, amortized discount or other amounts which in accordance with generally accepted accounting principles, should be considered as having been earned by the state as of the date of such transfer. Any such income or profits from such certificates of deposit or other investments that has been received by the state on or before such transfer shall remain in the general fund subject to appropriation by the Legislature. To the extent that any income or profit derived from such certificates of deposits or other investments is referable to any period after the transfer thereof into the trust fund, such income or profit shall not constitute trust capital nor trust income but shall remain in the general fund subject to appropriation by the Legislature.

(b) The trust capital shall be augmented by[:]

(i) [S]uch other moneys or assets as the Legislature may by law appropriate and transfer to the trust fund as a permanent part thereof;

(ii) [S]uch other moneys or assets as may be contributed to the trust fund from any source; and

(iii) [A]ll proceeds of any oil and gas capital payments as defined in this Amendment subsequent to August 14, 1984; provided, however, that the division of lands of the department of conservation and natural resources shall be entitled to one percent of all proceeds of any oil and gas capital payments as defined in this Amendment subsequent to August 14, 1984, which sum shall be carried in the State Treasury to the credit of the State Lands Fund.

In addition, within 90 days after September 1, 2001, the board of trustees of the Alabama Heritage Trust Fund shall transfer the trust capital of the Alabama Heritage Trust Fund to the Alabama Trust Fund and shall transfer the trust income of the Alabama Heritage Trust Fund to the State General Fund. The trust capital received by the Alabama Trust Fund from the Alabama Heritage Trust Fund shall thereafter be trust capital of the Alabama Trust Fund. The Alabama Heritage Trust Fund, the board of trustees of the Alabama Heritage Trust Fund, and all other aspects of the Alabama Heritage Trust Fund shall terminate and dissolve 90 days after September 1, 2001.

(c) Provided, however, beginning with state fiscal year 1989-90, one percent of the income from the Alabama Trust Fund shall be reinvested in the Alabama Trust Fund; two percent of such income shall be reinvested in the following year; and one additional percent of such income each subsequent year shall be reinvested until a total of 10 percent of such income from the Alabama Trust Fund each year shall be reinvested in the Alabama Trust Fund.

Section 5. **(a)** The trust capital shall be held in perpetual trust and shall not be appropriated by the Legislature or expended or disbursed for any purpose other than to acquire eligible investments in accordance with the provisions of this Amendment. All eligible investments acquired, in whole or in part, with moneys constituting part of the trust capital shall to the extent of such moneys constitute part of the trust capital, but any trust income derived therefrom shall be paid directly into the general fund as it is received by the board, subject to appropriation and withdrawal by the Legislature.

(b) To the extent practicable, the board shall keep all moneys at any time held in the trust fund invested in such eligible investments as shall, in its sole and uncontrolled judgment, produce the greatest trust income over the term of such investments while preserving the trust capital. In making any investment of moneys held in the trust fund, the board shall exercise the judgment and care, under the circumstances prevailing at the time of such investment, which an institutional investor of the highest standard of prudence, intelligence and financial expertise would exercise in the management and investment of large assets entrusted to it not for the purpose of speculative profit but for the permanent generation and disposition of funds, considering the probable safety of capital as well as the expected amount and frequency of income. The board shall have full power and authority to select the eligible investments in which moneys held in the trust fund shall at any time be invested, and, to the extent not inconsistent with any express provision of this Amendment, the eligible investments so selected shall be acquired from such issuers, underwriters, brokers or other sellers on such terms and conditions; shall be acquired for purchase prices reflecting such discount below or premium above the par or face amount thereof; shall bear such dates and be in such form, denominations and series; shall mature or be subject to mandatory redemption on such dates; shall bear interest at such rate or rates payable at such intervals or, alternatively, shall provide income to the holder thereof in such manner (including, without limitation thereto, the purchase of such investments at a discount which represents all or part of the income or profit derived therefrom); shall be unsecured or secured in such manner and subject to the provisions of section 2, paragraphs 2 and 3; shall contain such provisions for prepayment or redemption at the option of the issuer or obligor; and shall contain or be subject to such other provisions as shall, in all of the foregoing respects, be determined by the board in exercise of its sole and uncontrolled judgment. The board shall have full power and authority to invest the trust capital in any eligible investments producing trust income in accordance with such schedule as the board shall, in the exercise of its sole and uncontrolled judgment, determine to be in the best interests of the state, and in determining such schedule the board may emphasize future benefits in preference to near-term needs. The board shall have complete and uncontrolled discretion in making decisions as to when moneys in the trust fund shall be invested, as to the purchase price or other acquisition cost to be paid or incurred in acquiring investments for the trust fund, as to when investments constituting part of the trust fund shall be sold, liquidated or otherwise disposed of, and, as to the amount and nature of the price or other consideration to be received by the trust fund upon the sale, liquidation or other disposition of investments constituting part of the trust fund. No law shall be enacted nor any action taken by the Executive Department of the state which impairs or interferes with the power, authority and discretion conferred upon the board by this Amendment with respect to the acquisition, management, control and disposition of investments at any time constituting part of the trust fund.

(c) To the extent appropriate and not at the time prohibited by law, the board shall use the facilities of the State Treasurer in the administration of the trust fund, including, but without limitation thereto, the keeping of records, the management of bank accounts, the transfer of funds and the safekeeping of securities evidencing investments.

(d) The board shall cause an annual audit of the trust fund to be performed for each fiscal year by the state examiners of public accounts or, in the discretion of the board, by an independent certified public accounting firm and shall cause a report of such audit to be prepared in accordance with applicable accounting principles. The board shall cause to be prepared and publicized such financial and other information concerning the trust fund as may from time to time be provided by law duly enacted by the Legislature, but in the absence of any law directing the preparation and publication of different reports, the board shall cause to be prepared and made public, within 30 days after the end of each quarterly period in each fiscal year, a report containing[:]

(i) [A] statement of the trust capital then held in the trust fund showing any changes thereto since the last quarterly report,

(ii) [A] statement of the trust income received during the quarterly period in question,

(iii) [A] statement of the investments then held in the trust fund including descriptions thereof and the respective values thereof,

(iv) [A] statement of the trust income received to date during the current fiscal year, and

(v) [A]ny other information determined by the board to reflect a full and complete disclosure of the financial operations of the fund.

Section 6. An individual Trustee shall not in any way be personally liable for any liability, loss or expense suffered by the trust fund unless such liability, loss or expense arises out of or results from the willful misconduct or wrongdoing of such Trustee.

Section 7. This Amendment shall be self-executing, but the Legislature shall have the right and power to enact laws supplemental to this Amendment and in furtherance of the purposes and objectives thereof, provided that such laws are not inconsistent with the express provisions of this Amendment. [Amendment 450, approved May 14, 1985]

Section 11-A. 04. Investment of Capital and Income from Alabama Heritage Trust Fund or Alabama Trust Fund.

Any other provision of this Constitution to the contrary notwithstanding, trust capital and trust income held in either the Alabama Heritage Trust Fund or the Alabama Trust Fund may be invested in such kinds of investments and in accordance with such conditions as shall from time to time be authorized by law for the investment of any of the the trust funds of either the teachers' retirement system of Alabama or the Employees' Retirement System of Alabama; provided, however, that if any restrictive conditions at any time made applicable by law to either the teachers' retirement system of Alabama or the Employees' Retirement System of Alabama should prohibit investments that would otherwise be permitted for the Alabama Trust Fund by Amendment No. 450 to the Constitution of Alabama of 1901, then, notwithstanding the restrictive conditions applicable to said retirement systems, the investments permitted by said Amendment No. 450 shall be permitted for trust capital and trust income held in either the Alabama Heritage Trust Fund or the Alabama Trust Fund; and provided further, that for purposes of implementing the preceding proviso with respect to the investment of funds held in the Alabama Heritage Trust Fund, any provision of said Amendment No. 450 which refers to the whole or any percentage of the trust capital of the Alabama Trust Fund in connection with the investment thereof shall be deemed to refer to the trust capital of the Alabama Heritage Trust Fund.

Any provision of this Constitution to the contrary notwithstanding, any capital gains realized from the sale of any investments forming a part of either the Alabama Heritage Trust Fund or the Alabama Trust Fund shall become a part of the trust capital of the fund in which such investments were held and shall be subject to all restrictions applicable to the preservation of such trust capital. [Amendment 488, approved Nov. 8, 1988]

Section 11-A. 05. Acquisition, Maintenance and Protection of Unique Lands and Water Areas.

Section 1. Declaration of Purpose.

The Legislature of Alabama finds that Alabama is endowed with a rich diversity of natural areas having unique ecological systems, plant and animal life, geological formations, wildlife habitats, recreational values and scenic beauty. As a part of the continuing growth of the population and the economic development of the state, it is necessary and desirable that certain lands and waters be set aside, managed and preserved for use as state parks, nature preserves, recreation areas, and wildlife management areas. In order to meet the state's outdoor recreation needs and to protect the natural heritage of Alabama for the benefit of present and future generations, it is the policy of the state to:

(a) Protect, manage, and enhance certain lands and waters of Alabama with full recognition that this generation is a Trustee of the environment for succeeding generations;

(b) Protect, to the fullest extent practicable, recreational lands and areas of unique ecological, biological and geological importance; and

(c) Promote a proper balance among population growth, economic development, environmental protection, and ecological diversity. Accordingly, there is hereby established the Alabama Forever Wild Land Trust for

the purpose of identifying, acquiring, managing, protecting and preserving natural lands and waters that are of environmental or recreational importance.

Section 2. Definitions.

(1) "Alabama Trust Fund" means the irrevocable, permanent trust fund created by Amendment 450 to this Alabama Constitution of 1901.

(2) "Alabama Trust Fund Board" means the board of trustees of the Alabama Trust Fund as established by Amendment 450 to this Alabama Constitution of 1901.

(3) "Appraised Value" means that price estimated in terms of money at which the property would change hands between a willing and financially able buyer and a willing seller, neither being under any compulsion to buy or sell.

(4) "Board" means the board of trustees of the Alabama Forever Wild Land Trust, as established by section 4 of this Amendment.

(5) "Commissioner" means the Commissioner of the Alabama Department of Conservation and Natural Resources or any other officer of the state who, by law, shall succeed to his responsibilities.

(6) "Conservation Easement" means a right, whether or not stated in the form of restriction, easement, covenant or condition, in any deed, will, or other instrument executed by or on behalf of the owner of land providing for the retention of properties predominantly in their natural, scenic, open or wooded condition, or as suitable habitat for fish and wildlife, or as recreational lands.

(7) "Dedication" means the transfer to the state of an estate, interest, or right in a natural area to fulfill the purposes of this Amendment.

(8) "Department" means the Alabama Department of Conservation and Natural Resources or any other department or agency of the state that, by law, shall succeed to its functions and responsibilities.

(9) "Final Approval Committee" means a Committee, as established by section 6 of this Amendment, to be composed of the Governor, the Lieutenant Governor and the Speaker of the House of Representatives.

(10) "Forever Wild Land Trust" means the Alabama Forever Wild Land Trust created by this Amendment.

(11) "Instrument of Dedication" means any written document by which an estate, interest, or right in a natural area is formally dedicated as a natural area preserve.

(12) "Land" or "lands" means real property and any interests therein, including, but not limited to, fee simple titles, ownership interests less than fee simple, leases, easements, licenses, restrictions and use agreements. Such property and interests therein shall also include wetlands, estuarine areas and submerged lands and the waters thereon.

(13) "Natural Area" means any property, whether publicly or privately owned,

(a) [T]hat retains or has generally reestablished its natural character, though it need not be completely natural and undisturbed, or

(b) [W]hich is important in preserving rare or vanishing flora and fauna, native ecological systems, fish and wildlife habitats, geological, natural, scenic or similar features of scientific, recreational, or educational value benefitting the citizens of the state.

(14) "Natural Area Preserve" means a natural area that has been dedicated pursuant to section 12 of this Amendment.

(15) "State" means the State of Alabama.

(16) "Stewardship" means the maintenance, protection, operation, enhancement, and management of lands acquired for the Forever Wild Land Trust.

(17) "Trustee" means a member of the board of trustees of the Forever Wild Land Trust.

(18) "Trust income" means the net income received by the state from the investment and reinvestment of all assets of the Alabama Trust Fund, determined in accordance with the provisions of Amendment Number 450 of the Constitution of Alabama of 1901.

(19) In dividing the state into geographical regions:

(a) "Central District" means the following counties of the state: Autauga, Bibb, Chambers, Chilton, Clay, Coosa, Elmore, Greene, Hale, Jefferson, Lee, Perry, Pickens, Randolph, Shelby, Sumter, Talladega, Tallapoosa, and Tuscaloosa.

(b) "Northern District" means those counties in the geographical region of the state north of the Central District, as defined above.

(c) "Southern District" means those counties in the geographical region of the state south of the Central District, as defined above.

(20) "Person" means any individual, firm, corporation, trust, partnership, or association.

Section 3. Establishment of Forever Wild Land Trust, Lead Management Agency, and Categories of Lands to be Acquired.

(a) For the purposes set forth in this Amendment, there is hereby established the Alabama Forever Wild Land Trust, which shall be a permanent trust to be funded and administered in accordance with the provisions of this Amendment. Title to all properties acquired for the Forever Wild Land Trust shall be vested in the Alabama Trust Fund for the State of Alabama. The Department shall serve as the lead management agency with respect to all lands acquired and shall have the responsibility of providing to the board administrative support as necessary.

(b) In order to protect the natural heritage and diversity of Alabama for future generations, the state, acting through the Forever Wild Land Trust, will acquire lands, the title of which shall be held in the Alabama Trust Fund, to ensure their protection and use for conservational, educational, recreational or aesthetic purposes. These lands may include, but shall not be limited to, the following: Wetlands, river corridors, lakes and streams, and the banks and shores thereof, springs, riverine, montane, plain, coastal, and other kinds of terrain, geological systems, areas supporting threatened or endangered species, sensitive and ecologically important lands, unusual habitat types, forests and woodlands, fish and wildlife habitats, wilderness areas, unusual assemblages of wildflowers, natural lands, waters or wetlands that will provide public hunting and fishing, lands having other distinctive natural or recreational characteristics, and lands that will constitute suitable additions to the state's system of parks and fish and wildlife management areas.

(c) Property purchased with Forever Wild Land Trust moneys or which become part of the trust property through dedication or by some other means shall be subject to the condemnation of easements, rights-of-way and other necessary rights and estates in property by or on behalf of corporations that construct, own or operate railroads, pipelines for the transportation of oil, gas, fuel or water, hydroelectric or other electric generating facilities and electric lines, telephone transmission lines and other communication facilities, or any other public utility or method of transportation which serves, or is intended to serve, the public convenience and necessity to the same extent and under the same conditions that such lands, if owned by private persons, would be subject to condemnation by such corporations under federal or state law now in effect or hereafter enacted. No use of any such lands as determined by the board shall constitute a use thereof for public purposes that will require proof of actual necessity by any corporation seeking to condemn such lands.

(d) Notwithstanding any other provision of this Amendment, no property shall be acquired for the Alabama Trust Fund or with moneys from the Forever Wild Land Trust through condemnation or the use of eminent domain.

(e) No funds or assets of the Forever Wild Land Trust derived from any source shall be expended or used to construct or improve buildings, structures or facilities used for human lodging, feeding or entertainment, including, without limitation thereto, hotels and other lodging facilities, restaurants, convention centers and meeting halls, golf courses, dancing or meeting pavilions, tennis courts, recreational dams, exhibition halls, and similar facilities that have a principal purpose not related to the stewardship of properties of the Forever Wild Land Trust, the title of which is held in the Alabama Trust Fund, in their natural state; provided, however, that nothing herein contained shall be construed to prohibit the expenditure of funds allocated to the Stewardship Account for the construction and maintenance of roads, bridges, culverts, drainage facilities, hiking trails, boat launching ramps and other improvements located on

Trust Lands to provide reasonable public access thereto, for the construction and maintenance of visitors' centers and facilities, interpretive displays and other facilities for the guidance and education of visitors, for the construction and maintenance of facilities and the acquisition of equipment necessary or appropriate in connection with the performance of stewardship responsibilities (including housing for custodial personnel), or for any other purpose reasonably related to the stewardship responsibilities of the board.

Section 4. Establishment of Board of Trustees of the Alabama Forever Wild Land Trust.

(a) There is hereby established the board of trustees of the Alabama Forever Wild Land Trust, which shall consist of fifteen voting members as follows:

(1) One member shall be the commissioner of the Department who shall also serve as Chairman of the Board.

(2) One member shall be the State Forester.

(3) Three members which shall be appointed by the Alabama Commission on Higher Education from Departments of Biology, Zoology, Environmental Sciences and Wildlife Science from eligible four-year institutions of higher education in Alabama. An eligible institution shall consist of a public or private four-year college or university, offering a degree in biology or one of its divisions, and having an enrollment of at least 1500 undergraduate students. There shall be one professional biologist appointed to the board from eligible institutions in the Northern District of the state, one from such institutions in the Central District of the state, and one from such institutions in the Southern District of the state, as said districts are defined in section 2 hereof. Each eligible institution in the appropriate geographical region shall be entitled to submit one nomination to the Alabama Commission on Higher Education for the professional biologist Trustee from that region on the board.

(4) One member shall be the Executive Director of the Marine Environmental Sciences Consortium.

(5) There shall be three members from each of the three geographical regions of the state as defined in section 2 of this Amendment, as follows. Provided, however, at least one appointee by the Governor, at least one appointee by the Lieutenant Governor and at least one appointee by the Speaker of the House of Representatives shall be black. If none of the recommending groups recommend a black to the appointing authority, said appointing authority shall appoint a black on his or her own initiative.

(A) One member from the Northern District shall be appointed by the Governor from a list of names presented by Group A and shall serve an initial term of six years. One member from the Northern District shall be appointed by the Lieutenant Governor from a list of names presented by Group B and shall serve an initial term of four years. One member from the Northern District shall be appointed by the Speaker of the House of Representatives from a list of names presented by Group C and shall serve an initial term of two years.

(B) One member from the Central District shall be appointed by the Lieutenant Governor from a list of names presented by Group C and shall serve an initial term of six years. One member from the Central District shall be appointed by the Speaker of the House of Representatives from a list of names presented by Group A and shall serve an initial term of four years. One member from the Central District shall be appointed by the Governor from a list of names presented by Group B and shall serve an initial term of two years.

(C) One member from the Southern District shall be appointed by the Speaker of the House of Representatives from a list of names presented by Group B and shall serve an initial term of six years. One member from the Southern District shall be appointed by the Governor from a list of names presented by Group C and shall serve an initial term of four years. One member from the Southern District shall be appointed by the Lieutenant Governor from a list of names presented by Group A and shall serve an initial term of two years.

(D) Any successor appointments and appointments to vacancies shall be made in the same manner as described in subparagraphs (A), (B) and (C) above, and members appointed after the initial term of that

office has expired shall serve for six-year terms, except that no member shall serve consecutive six-year terms.

(E) It is the intent of this Amendment that the eastern and western areas of the three geographical regions of the state shall be represented on the board of trustees.

(6) Each person appointed to the board shall be and remain an Alabama resident and shall have a

demonstrated knowledge of and commitment to land acquisition for the purposes of conservation and recreation. Organizations making recommendations to the appointing officials shall be Alabama organizations or the Alabama chapter of national organizations in order to ensure that the decisions affecting Alabama's future are made by Alabama residents.

The recommending groups are composed as follows:

(A) "Group A" shall consist of non-profit organizations, each having its principal programs extending generally throughout the state, whose demonstrated primary concerns are environmental protection for the state and its citizens and non-consumptive use and preservation of natural areas, and whose membership exceeds 750 individual residents of Alabama, including, but not limited to, The Nature Conservancy of Alabama, the Alabama Audubon Council (comprising the chapters in Alabama of the National Audubon Society), The Alabama Conservancy, the Alabama Chapter of the Sierra Club, and their respective successor organizations.

(B) "Group B" shall consist of business, industry, trade associations and professional organizations, each having its principal programs extending generally throughout the state, and having a demonstrated concern for balancing economic growth with protection for the environment and increased recreational opportunities, including, but not limited to, the Business Council of Alabama, the Alabama Forestry Association, Alabama Forest Resources Center, the Alabama Farmers Federation, the Petroleum Council of Alabama, the Association of County Commissions of Alabama, and their respective successor organizations.

(C) "Group C" shall consist of non-profit organizations, each having its principal programs extending generally throughout the state, whose demonstrated primary purposes are to promote hunting, fishing, camping or other compatible recreational activities or conservation for such purposes, and whose membership exceeds 750 individual residents of Alabama, including, but not limited to, the Alabama Wildlife Federation, the Alabama State Advisory Council of Ducks Unlimited, Bowhunters of Alabama Inc., the Coastal Land Trust, Inc., the Gulf Coast Conservation Association, the Tennessee Valley Waterfowl Association, the Alabama Rifle and Pistol Association, the Alabama Chapter of the Safari Club International (whether or not those named organizations meet the membership requirement), and their respective successor organizations.

(D) In order to qualify as a recommending organization, each organization not specifically listed in this section must file with the Secretary of State and with the named organizations within the same "group", by January 1 preceding the date of expiration of term of office of Trustees hereunder, a written statement of intent to nominate persons to serve on the board. This statement must include a request for designation of the "group" within which the organization plans to nominate Trustees and information demonstrating that the organization qualifies to make such nominations. It shall also include a copy of the organization's charter, stating its purpose. Should the Secretary of State or any of the named organizations within the same group oppose in writing the eligibility of the new organization to nominate members of the board or the designation of the "group" within which it proposes to nominate members, then the Secretary of State shall determine the eligibility of the applying organization to submit nominations for membership on the board and, if determined eligible, the "group" within which it shall submit nominations. In making this decision, the Secretary of State shall give due consideration to the views submitted to him by the organizations in the "group" within which the new organization proposes to submit nominations. An organization, together with its affiliates, cannot recommend names to the appointing officials as a member of more than one "group".

Each organization submitting nominations may submit, to the appropriate appointing official for that position on the board, the names of not more than two of its members who have the qualifications to serve in the position for which they are being nominated. In the event that no organization within a group recommends names to the appointing official, then that official may appoint a Trustee from that group solely of his own choice.

(E) Terms of office of the initial Trustees shall begin on the January 1 following ratification of this Amendment, or on the first day of the third month following said ratification, whichever shall first occur. Terms of office of successor Trustees shall begin and end on anniversaries of that date. In the case of the initial appointments of Trustees,

nominations shall be made to the appropriate appointing officials not later than one month after ratification of this Amendment, and appointments by said officials shall be made by the date of beginning of the initial Trustees' terms of office. Nominations of successor Trustees shall be made to the appropriate appointing officials not later than two months prior to the expiration of the Trustees' terms of office, and said officials shall appoint new Trustees within 30 calendar days after the expiration of said terms. In the event a Trustee resigns or dies, or otherwise vacates his office, the Commissioner or the Secretary of State shall promptly notify the appropriate nominating organizations and shall publish notice of such vacancy once a week for three successive weeks in three newspapers of regional circulation in this state with a request for new nominations from any group that may qualify to do so under the provisions of this Amendment. Nominations for a replacement Trustee shall be made to the appointing official during the 30 calendar days following such death, resignation or other vacation of office, and the appointing official shall appoint a replacement Trustee not later than the end of the next succeeding 30 calendar days thereafter. In the event the appropriate appointing official fails to make an initial appointment or an appointment within said 30-day periods for appointment after expiration of term of office or after death, resignation or other vacation of office, the right to make an appointment to fill that vacancy shall fall to the next appointing official in line of rotation of the Governor to the Lieutenant Governor to the Speaker of the House (with the Governor then to follow the Speaker); and, if that successor appointing official fails to make such appointment within 30 days, then the right to make the appointment shall fall to the next succeeding appointing official, all to the end that there will, as nearly as possible, always be a full complement of Trustees on the board. Trustees appointed to fill a vacancy other than by reason of expiration of term of office shall serve the remainder of the unexpired term of the Trustee being replaced.

Section 5. Rights, Powers, and Duties of the Board.

(a) The board is to meet at least quarterly each year for the transaction of its business and to review the progress of the Forever Wild Land Trust. It shall review written requests from state agencies, private organizations, and private citizens proposing that certain properties or interests therein be acquired. For purposes of establishing a quorum, there must be present at least three-fifths (3/5) of the members of the board then in office at any board meeting in order to conduct business; provided, however, that in absence of a quorum, the members present, by majority vote, may adjourn the meeting from time to time until a quorum shall attend. Any board action or recommendation must be approved by at least three-fifths (3/5) of the members of the entire board then in office, unless specified otherwise in this Amendment. Using its own knowledge and expertise, as well as the knowledge and expertise of the scientific community and state and federal agencies, the board shall adopt a priority list of properties to be considered for acquisition. Recognizing that real estate transactions must involve willing sellers and may involve complicated procedures that could affect the availability of property, the Department shall, to the extent practicable, follow the directions of the board in acquiring lands or waters. Provided, however, the Forever Wild Land Trust may only purchase or acquire an interest in property from the priority list of properties adopted by the board.

(b) In addition to the site-specific management and allowable use guidelines referred to in section 9, the board may recommend to the Department rules, regulations and management criteria, which the board feels would be beneficial to carrying out the goals and purposes of this Amendment.

(c) The board shall assist the Department in developing and maintaining an inventory of areas and sites which through acquisition become state natural and/or recreational areas and shall make public as desirable information regarding their location, management, regulation, and permissible public uses.

(d) The board shall prepare and submit to the Governor and the state Legislature, on or before February 1 of each year, a report which shall describe and account for all expenditures and acquisitions by the Forever Wild Land Trust for the preceding fiscal year, as well as plans for the current fiscal year. The board shall present this annual report to the public at a public meeting to be held within ten days after February 1 of each year. The public meeting shall be an informal process to present information on the Forever Wild Land Trust to the public and give the public an opportunity to have a dialogue with the board regarding its future plans and operations.

(e) Before purchasing or acquiring any interest in lands with moneys from the Forever Wild Land Trust, the board, acting through the Commissioner, or the Commissioner on his own initiative, shall obtain at least two appraisals from certified real estate appraisers. In no event shall the board expend more than the "appraised value", as defined in section 2 of this Amendment, in purchasing such lands; provided, however, that by affirmative vote of at least three-fourths (3/4) of the members of the board, the board may expend up to 125 percent of the appraised value for such purchase where such action is necessary to accomplish the purposes and goals of this Amendment.

(f) The board may assume indebtedness on behalf of the Forever Wild Land Trust that may be owed with respect to real or personal property given, donated, contributed or devised to the Forever Wild Land Trust, or that may be secured by a mortgage, deed of trust or security interest covering such property, and to agree to pay such indebtedness from current assets or future revenues of the Forever Wild Land Trust; provided that the present value of all installments of principal and of interest on such indebtedness at the time of the assumption thereof, determined in accordance with accepted principles and using a discount rate equal to the rate of interest payable on such indebtedness, shall be less than 80% of the fair market value of such property as determined by an active public market for such property or an appraisal performed by an independent, professionally qualified appraiser.

(g) The board may contract for the purchase of tracts or parcels of land in which the purchase price shall be payable in future installments, together with such rate of interest on the unpaid balance of such purchase price as the board shall determine to be reasonable, and to secure the payment of such installments, together with the interest thereon, by purchase money mortgages on the land so acquired and by a pledge of future revenues committed to the Forever Wild Land Trust, including, without limitation thereto, any portion of the trust income allocated to said trust by section 7 of this Amendment; provided that such installments shall in no event exceed 80% of the fair market value of such property determined as set forth in the preceding subsection and provided further that the total cumulative indebtedness assumed each year under the preceding sub-section (f) together with the total cumulative indebtedness incurred each year by purchase money mortgages as provided in this sub-section (g) shall be limited to no more than 25% of the trust income allocated to said trust for the preceding year.

(h) The board may enter into contracts with any person, nonprofit organization, corporation, governmental entity or other entity concerning tracts or parcels of land that constitute desirable acquisitions for the Forever Wild Land Trust pursuant to which such person, nonprofit organization, corporation, governmental entity or other entity will agree to acquire and hold such land, or to hold such land if theretofore acquired by such person, nonprofit organization, corporation, governmental entity or other entity and to sell or donate such land to the Forever Wild Land Trust at some future date, in the interim preserving and managing such land in its natural state subject to such conditions, including the reimbursement of expenses, as the board shall deem advantageous for the ultimate acquisition and preservation of such land.

(i) The board may sell, lease or exchange specific properties or interests therein acquired or held by the Alabama Trust Fund for the Forever Wild Land Trust. Any such sale or exchange shall be made at not less than the "appraised value", as defined in section 2 of this Amendment; provided, however, that by affirmative vote of at least three-fourths (3/4) of the members of the board, the board may authorize and direct the commissioner to sell or exchange property of said trust for not less than 85 percent of the appraised value where such action is necessary to accomplish the purposes and goals of the Amendment. All moneys received from any such sale or lease shall be paid into the Forever Wild Land Trust.

(j) The board shall establish a technical advisory committee, consisting of the State Forester, the President of the Alabama Chapter of the Wildlife Society, the State Geologist, and any other person whom the board may desire to appoint, for the purpose of obtaining advice and assistance in performing the board's functions and duties under this Amendment.

(k) In addition, the board is authorized at its discretion:

(1) [T]o establish procedures relating to the confidentiality of information where necessary to accomplish the purposes and goals of this Amendment;

(2) [T]o cooperate or contract with any federal, state or local government agency, private organization, or individual to accomplish any of the purposes and goals of this Amendment, paying any reasonable fees or expenses in connection with such cooperation or contracts from moneys held under or within the Forever Wild Land Trust;

(3) [T]o recommend that moneys paid into the Forever Wild Land Trust be allowed to accumulate, with only the income thereon being spent, or that the corpus or principal of the Forever Wild Land Trust be expended in whole or in part;

(4) To do any and all things necessary to take advantage of federal, state, or local government or private funds donated or obtainable through the use of the Forever Wild Land Trust; and

(5) To adopt, alter and repeal bylaws, regulations and rules in accordance with the provisions of the Administrative Procedure Act for the regulation and conduct of its affairs and business in accordance with the provisions of the Alabama Administrative Procedures Act.

(l) Members of the board and the technical advisory committee shall be entitled to receive the per diem allowance and travel expenses provided by law to state employees. These expense payments shall be for the sole purpose of travel to and from their places of residence to meetings and for travel involving official business of the Forever Wild Land Trust. Those members who are state officials or employees shall serve without compensation or expense allowances other than that to which they are otherwise entitled in the positions they hold.

(m) The commissioner and the Department are hereby specifically authorized and empowered to carry out all directions and recommendations of the board made hereunder to accomplish the purposes of the Forever Wild Land Trust and this Amendment.

Section 6. Final Approval Committee.

There is hereby established a Final Approval Committee to be composed of the Governor, the Lieutenant Governor and the Speaker of the House of Representatives.

Before purchasing or leasing any property, or acquiring any interest therein, with any funds from the Forever Wild Land Trust or selling any properties previously purchased from the Forever Wild Land Trust, the board shall submit to the Final Approval Committee a written proposal of the purchase, lease, sale or acquisition of any other interest in property. Said proposal shall include a legal description of the property to be purchased, leased or sold; the proposed purchase, lease or sale price; and any additional terms of the sale, purchase, lease or other interest therein. The Final Approval Committee shall approve or disapprove the proposal by a majority vote of the full membership of said Committee within 30 days after the date of submission of the proposal. Failure of the Committee to act within 30 days of submission shall constitute approval of said proposal.

Section 7. Source of Funds.

(a) Beginning with the state's 1992-1993 fiscal year, there shall be allocated and paid into the Forever Wild Land Trust the percentage of trust income earned from the Alabama Trust Fund that would have been reinvested in the Alabama Trust Fund under section 4(c) of Amendment Number 450 to this Alabama Constitution of 1901. Notwithstanding section 4(c) of Amendment Number 450 to the Alabama Constitution of 1901, the percentage of trust income earned from the Alabama Trust Fund shall be allocated to the Forever Wild Land Trust as follows:

(1) For the 1992-1993 fiscal year, four percent (4%) of the trust income earned from the Alabama Trust Fund.

(2) For the 1993-1994 fiscal year, five percent (5%) of the trust income earned from the Alabama Trust Fund.

(3) For the 1994-1995 fiscal year, six percent (6%) of the trust income earned from the Alabama Trust Fund.

(4) For the 1995-1996 fiscal year, seven percent (7%) of the trust income earned from the Alabama Trust Fund.

(5) For the 1996-1997 fiscal year, eight percent (8%) of the trust income earned from the Alabama Trust Fund.

(6) For the 1997-1998 fiscal year, nine percent (9%) of the trust income earned from the Alabama Trust Fund.

(7) Thereafter, ten percent (10%) of the trust income earned from the Alabama Trust Fund; provided, however, that in no event shall such trust income paid to the Forever Wild Land Trust exceed $15 million in any one fiscal year.

(b) The Alabama Trust Fund board shall provide the board of trustees of the Forever Wild Land Trust with advice and assistance in the investment of funds in the Forever Wild Land Trust.

(c) Title to the property acquired from funds in the Forever Wild Land Trust shall be held in the Alabama Trust Fund for the State of Alabama. Provided, however, the Alabama Trust Fund board shall not have any responsibility for nor any control over the approving or disapproving of the acquisition, disposition or use of any such property. Nothing in this Amendment or Amendment 450 to this Alabama Constitution of 1901 shall be construed so as to require the Alabama Trust Fund Board to have a fiduciary responsibility for the investment of Forever Wild Land Trust funds or the production of income from property acquired by the board of trustees of the Forever Wild Land Trust.

(d) The amounts allocated to the Forever Wild Land Trust shall be included in determining whether the trust income received by the state from the Alabama Trust Fund equals or exceeds $60,000,000 for the purposes of the County Government Capital Improvement Act (codified at sections 11-29-1 through 11-29-7 of the Code of Alabama, 1975, as amended) and the Municipal Government Capital Improvement Act (codified at sections 11-66-1 through 11-66-7 of the Code of Alabama, 1975, as amended). In no event shall any provision hereof serve to decrease the amount of income from the Alabama Trust Fund which is to be appropriated to the Municipal Government Capital Improvement Fund and the County Government Capital Improvement Fund under the above-referenced acts.

Section 8. Donations of Property.

Any person making a donation of any property or any interest therein, to the state for the purposes of this Amendment, shall receive, irrespective of any other provisions of the income tax laws of the state, twice the ordinary deduction for state income tax purposes for the taxable year in which the property or interest is donated. Provided, however, the value of any such property or interest therein, subject to this double deduction, shall be limited to the actual value of the property, or any interest therein, donated to the state which shall not include any indebtedness, encumbrances or liens assumed by the Forever Wild Land Trust or the value of any interests or rights retained by the donor.

For the purposes of this section, the "actual value" of property shall be the appraised value for ad valorem taxation purposes, averaged over the preceding five years.

Section 9. Stewardship Account.

The Alabama Trust Fund board shall establish a separate account within the Alabama Trust Fund to be known as the Forever Wild Land Trust Stewardship Account. When the Forever Wild Land Trust acquires property or an interest in property pursuant to this Amendment, the board of trustees of the Forever Wild Land Trust shall set aside an amount from the Forever Wild Land Trust equal to fifteen percent (15%) of the appraised value of the land acquired, or the land affected if less than a fee interest was acquired. The Alabama Trust Fund board shall provide for the investment of the Stewardship Account. The board of trustees of the Alabama Forever Wild Land Trust may authorize the Department to expend any interest income generated from the investment of funds within the Stewardship Account by the Alabama Trust Fund Board. Provided, however, the commissioner shall notify the board of trustees in writing if he determines that the interest income projected to be generated from the Forever Wild Land Trust Stewardship Account for the next fiscal year will be insufficient to properly manage property acquired by the Forever Wild Land Trust. The board may authorize by a three-fifths (3/5) vote that funds within the corpus of the Forever Wild Land Trust Stewardship Account be expended by the Department for management purposes for the next fiscal year, provided that funds from the Stewardship Account may not be expended to purchase additional property or interests therein. Within one year after the Forever Wild Land Trust acquires any properties pursuant to this Amendment, the board of trustees of the Forever Wild Land Trust shall develop management and allowable use guidelines which shall be followed by the Department in the administration and stewardship of that piece of property. The Lands Division of the Department shall, in accordance with such general directions as may be given by the board of trustees, coordinate management of properties acquired pursuant to this Amendment and expenditures from the Stewardship Account. All lands will be managed under the multiple-use management principle; to insure that all resource values including recreation, hunting, fishing, boating, hiking, aesthetics, soil, water, forest management and minerals are protected or enhanced. No use will be allowed that is not compatible with the primary purpose for acquiring the land. In coordinating such management within the Department, the Game and Fish Division of the Department shall manage wildlife and fisheries programs; the State Parks Division of the Department shall manage parks programs; the Lands Division of the Department shall manage natural areas programs through its Natural Heritage Program; and the Lands Division of the Department shall manage other activities and programs relating to Forever Wild Land Trust properties. The Forestry Commission shall serve as consultant to the Department for the purpose of managing the forest and forestry resources programs. Any income that may be generated from the property or from any use of said property acquired through the Forever Wild

Land Trust shall be treated as interest income of the Alabama Trust Fund and shall accrue to the credit of the general fund of the State of Alabama.

The right of the public to hunt and fish on the lands and easements acquired under the provisions of this act shall not be abridged or restricted, subject to such rules, regulations, seasons and limits as are established by the Department of Conservation and Natural Resources.

Section 10. Enforceability of Conservation Restrictions; Recordation; Acquisition and Disposal of Interests.

(a) No conservation restriction or easement as defined in section 2 of this Amendment held by any governmental body shall be unenforceable on account of lack of privity of estate or contract or lack of benefit to particular land or on account of the benefit being assignable to or being assigned to any other governmental body with like purposes. All such restrictions and easements shall be duly recorded and indexed in the manner of other conveyances of interests in land, and shall describe the land subject to the restrictions or easements by adequate legal description or by reference to a recorded plat showing its boundaries.

Such conservation restrictions are interests in land and may be acquired by any governmental body which has power to acquire interests in land, in the same manner as it may acquire other interests in land. Such a restriction or easement may be enforced by injunction or proceeding in equity, and shall entitle the holder of it to enter the land in a reasonable manner and at reasonable times to assure compliance. Such a restriction or easement may be released in whole or in part, by the holder for such consideration, if any, as the holder may determine, in the same manner as the holder may dispose of land or other interest in land, subject to such conditions as may have been imposed at the time of creation of the restriction.

This section shall not be construed to imply that any restriction, easement, covenant or condition which does not have the benefit of this section shall, on account of any provision hereof, be unforceable. Nothing in this Amendment shall diminish the powers granted by any law to acquire by purchase, gift, eminent domain or otherwise as restricting the use of an existing or future easement, express or implied, in favor of any utility or other holder of an easement for public purpose. The existence of conservation easements or restrictions shall not of itself be proof of value as a measure of damages in any eminent domain proceedings.

(b) When a conservation restriction or easement is held by public body under the program established by this Amendment, the real property subject thereto shall be assessed for taxation purposes on the basis of the true cash value of the property or as otherwise provided by law, less such reduction in value as may result from the granting of the conservation restriction or easement. The value of the interest held by the public body shall be exempt from property taxation to the same extent as other public property.

Section 11. Alabama Natural Heritage Program.

(a) The Alabama Natural Heritage Program is hereby established as a part of the Lands Division of the Department, or its duly designated successor, and shall be funded from the Forever Wild Land Trust or the Forever Wild Land Trust Stewardship Account as provided by the board, and from private donations.

(b) For purposes of this program, the Department, subject to approval by the board, shall:

(1) Produce an inventory of Alabama's natural heritage resources, including their location and ecological status.

(2) Maintain a natural heritage data bank of inventory data and other relevant information for ecologically significant sites supporting natural heritage resources. Information from this data bank may be made available to public agencies and to private institutions or individuals for environmental assessment and land management purposes.

(3) Develop a Natural Heritage Plan which suggests priorities for the protection, acquisition and management of dedicated natural area preserves.

(4) Establish procedures relating to the confidentiality of data and inquiries for information in order to protect natural resources and encourage use by public agencies and private organizations and individuals in planning or conducting their activities.

Section 12. Dedication of Natural Area Preserves.

(a) The department shall, in the name of the state and upon the recommendation of the board, accept the dedication of natural areas on lands deemed by the board and the commissioner to qualify as natural area preserves under the provisions of this Amendment. Natural area preserves may be offered for dedication by voluntary act of the owner. The owner of a qualified natural area may transfer fee simple title or other interest in land to the state. Natural area preserves may be acquired by gift, grant or purchase.

(b) Dedication of a natural area preserve shall become effective only upon acceptance of the instrument of dedication by the board and the commissioner.

(c) The instrument of dedication may:

(1) Contain restrictions and other provisions relating to management, use, development, transfer, and public access, and may contain any other restrictions and provisions as may be necessary or advisable to further the purposes of this Amendment;

(2) Define, consistent with the purposes of this Amendment, the respective rights and duties of the owner and of the state and provide procedures to be followed in case of violations of the restrictions;

(3) Recognize and create reversionary rights, transfers upon condition or with limitations, and gifts over; and

(4) Vary in provisions from one natural area preserve to another in accordance with differences in the characteristics and conditions of the several areas.

(d) Public departments, commissions, boards, counties, municipalities, corporations, colleges, universities and all other agencies and instrumentalities of the state and its political subsections may dedicate suitable areas within their jurisdiction as natural area preserves in accordance with the powers and authorities granted to such organizations by existing state legislation.

(e) The board may enter into amendments to the instrument of dedication upon finding that such amendments will not permit an impairment, disturbance, use, or development of the area inconsistent with the provisions of this Amendment. If the fee simple estate in the natural area preserve is not held by the state under this article, no amendment may be made without the written consent of the owner of the other interests therein.

Section 13. Sunset Provision.

Beginning with the state's 2012-2013 fiscal year and each succeeding fiscal year, all moneys to be paid into the Forever Wild Land Trust shall be paid to the Alabama Trust Fund in the event the Legislature has not provided for the continuation of payments into the Forever Wild Land Trust Fund as provided for in this section, provided that 2.5% of the trust income earned from the investment of funds in the Alabama Trust Fund shall continue to be paid to the Forever Wild Stewardship Account established in section 9 of this Amendment until such time as the Legislature, by legislative act, determines that interest income earned from the investment of funds within the corpus of the Stewardship Account is sufficient for the proper administration and stewardship of properties acquired from the Forever Wild Land Trust. And provided further, that the Legislature, by legislative act, or by the enactment of a constitutional amendment may continue payment of the revenues provided in section 7 hereof, or at any time provide for the payment of other revenues, into the Forever Wild Land Trust. At such time as the payment of trust income into the Forever Wild Land Trust shall cease, the percentage of trust income accruing to said trust fund shall be paid into the Alabama Trust Fund each year to become a part of the corpus of the Alabama Trust Fund.

Section 14. Amendment Self-Executing.

This Amendment shall be self-executing, but the Legislature shall have the right and power to enact laws supplemental hereto and in furtherance of the purposes and objectives hereof, provided that such laws are not inconsistent with the provisions of this Amendment.

Section 15. Severability.

If any provision of this Amendment, or the application of any provision to any entity, person, or circumstance is for any reason adjudged by a court of competent jurisdiction to be invalid, the remainder of this Amendment and its application shall not be affected. [Amendment 543, approved Nov. 3, 1992]

Section 11-A. 06. "Penny Trust Fund" Established for Promotion of Public Health and Public Schools.

(a) There shall be established and maintained the "penny trust fund" within the State Treasury to promote the public health and the public schools. Citizens may make voluntary donations to the penny trust fund. All donations and funds received shall be held in perpetual trust and shall not be subject to legislative appropriation or otherwise expended.

(b) Earnings, including accrued interest and dividends, shall be retained in the penny trust fund, not subject to appropriation until the State Treasurer certifies that sufficient moneys exist in the Fund or until the fiscal year which begins in 2000, whichever comes first; then and afterward, only 90 percent of the prior fiscal year's earnings to be subject to appropriation. Capital gains taken on the sale of any securities shall revert to the principal of the penny trust fund.

(c) Funds in the penny trust fund are to be managed and invested by the State Treasurer who may receive funds from any source not prohibited by law.

(d) Fifty percent of the earnings subject to appropriation shall be dedicated to the programs and projects which promote the public health, and 50 percent dedicated to the public schools.

(e) The Legislature shall have power to implement this Amendment by appropriate legislation. [Amendment 512, approved June 5, 1990]

Section 11-A. 07. Trust Funds for Long-Term Benefit of Cities.

Part I. As used in this Amendment, the following terms shall have the following meanings:

(a) Authorized City. Any city in which the voters have authorized the establishment of one or more trust funds in the manner provided in this Amendment, notwithstanding section 94 of this Constitution.

(b) Authorized Investment. Any investment authorized by law for the investment of any of the trust funds of either the Teachers' Retirement System of Alabama or the Employees' Retirement of Alabama.

(c) Authorizing Ordinance. An ordinance of an authorized city adopted in accordance with this Amendment.

(d) City. Any city with a population of 150,000 or more according to the latest federal decennial census.

(e) Governing Body. The city council, city commission, or other legislative body authorized under general law to adopt ordinances for the operation and governance of a city.

(f) Investment Policy. A written statement setting forth the mode and manner for investing the assets of a trust fund in authorized investments, establishing benchmarks and criteria for measuring investment performance and compliance with the investment policy, and specifying a requirement for the preparation and publication of periodic reports on investment performance and investment policy compliance.

(g) Trust Fund. A fund established pursuant to this Amendment.

Part II. The governing body of any authorized city may establish by ordinance one or more trust funds for the continuing benefit of the authorized city and its citizens which shall be funded and administered in accordance with the ordinance and this Amendment.

Part III. The authorizing ordinance shall include the following provisions:

(a) The amount and source of funds to be initially set aside in the trust fund.

(b) The conditions of expenditure of the principal of or earnings on the assets of the trust fund, or any other conditions, which conditions may include a request by the mayor, approval by any specified number of members of the governing body of the authorized city greater than a simple majority of the members, or any other conditions.

(c) An investment policy for the trust fund.

(d) Provision for the custody of the assets of the trust fund by the Finance Director of the authorized city, or a bank, savings association or trust company with a place of business in Alabama, which is organized and existing under the laws of this state, any other state of the United States, or the United States and which is authorized pursuant to the laws of this state or the United States, to conduct, and is conducting in this state, the business of a trust company, or with respect to a bank or savings association, the business of making loans and taking deposits, selected in a manner specified in the authorizing ordinance.

(e) Any other provisions, not inconsistent with this Amendment, as may be deemed appropriate by the governing body.

Part IV. An authorizing ordinance once adopted may be subsequently amended only as proposed in an ordinance adopted by the governing body, approved by the mayor, and approved by a majority of the qualified electors of an authorized city voting at an election called for such purpose. Approval by a majority of the qualified electors shall not be required for an amendment to an authorizing ordinance for the sole purpose of providing for the deposit of additional funds or authorized investments into a previously established trust fund. An authorized city may call and pay the expenses of elections for the purpose of considering amendments to an authorizing ordinance.

Part V. In the event this Amendment is approved and a majority of the qualified electors of a city who vote thereon vote in favor of the adoption of this Amendment when it is submitted to them for approval, the governing body may establish one or more trust funds as provided in this Amendment. In the event this Amendment is approved and a majority of the qualified electors of a city who vote thereon vote against the adoption of this Amendment when it is submitted to them for approval, the authority to establish one or more trust funds as provided herein shall not be given unless the question of authority to establish trust funds is again submitted to a vote of the qualified electors of a city and voted in the affirmative by a majority of those voting at the election. Each such election shall be ordered, held, canvassed, and may be contested in the same manner as is provided by law applicable to the city for elections to authorize the issuance of municipal bonds. In the event the authority to establish trust funds is defeated, subsequent elections for the approval of the authority may be held again, but no election shall be held within one year of any previous election. Once authority to establish trust funds has been approved, no further election shall be required thereon.

Part VI. The authority and powers conferred by this Amendment are intended to be in addition to, and not in derogation of, authority and powers otherwise provided by law.

Part VII. This Amendment is intended to supersede any conflicting constitutional provisions or statutes. Notwithstanding the foregoing, the Legislature may enact laws supplemental to this Amendment and in furtherance of the purposes and objectives thereof, provided that those laws are not inconsistent with the express provisions of this Amendment. [Amendment 623, approved Jan. 6, 1999]

Section 11-A. 08. Distribution of Oil and Gas Revenues by Escambia County Commission.

The Escambia County Commission shall distribute oil and gas revenues as provided in this Amendment.

1. The Escambia County Oil and Gas Severance Trust, established by Act No. 84-576, H. 664 of the 1984 Regular Session (Acts 1984, p. 1198), its corpus and income shall be continued as provided by sections 1 and 2 of that act.

2. The members of the Escambia County Commission, or their successors in office, shall constitute the trustees of the trust. Provided, however, the members of the Escambia County Commission, or their successors in office, may in their discretion, appoint one or more trustees or escrow agents for the trust which trustees or escrow agents shall be trust companies or national or state banks having powers of a trust company within or without the State of Alabama. The trustees shall invest the corpus of the trust only in direct general obligations of, or obligations the payment of the

principal of and interest on which are conditionally and irrevocably guaranteed by the United States of America. Provided, however, that, notwithstanding any legal limitation that might otherwise be applicable, the trustees shall further have the authority in their discretion to invest such trust fund in certificates of deposit of any savings and loan associations or banks whether federally or state chartered whose principal office is located in the state, provided that such funds so invested are fully secured by pledge of eligible United States treasury securities. [Amendment 536, approved June 2, 1992]

Section 11-A. 09. Investments of Assets of Class 2 Municipality Police and Fire Fighters Pension Plans.

The capital and income from any Policemen's and Fire Fighters' Pension Fund for a Class 2 municipality, may be invested in such kinds of investments and in accordance with such conditions as shall, from time to time, be authorized by law for the investment of the Alabama Heritage Trust Fund and the Alabama Trust Fund or any of the trust funds of either the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama. [Amendment 541, approved June 2, 1992]

Section 11-A. 10. County and Municipal Government Capital Improvement Trust Fund; Alabama Capital Improvement Trust Fund.

Section I. The Legislature finds that the capital improvements and technology required by many governmental programs could be more efficiently funded through the establishment of a special trust fund dedicated to funding such improvements. Additionally, municipal and county governments require assistance in the funding of capital improvements. In order to meet these requirements, it is necessary and prudent to redistribute a portion of the Oil and Gas Capital Payments now being paid into the Alabama Trust Fund under Amendment No. 450 to the Constitution of Alabama of 1901. Accordingly, this Amendment establishes the County and Municipal Government Capital Improvement Fund and the Alabama Capital Improvement Trust Fund to be administered in accordance with the provisions of this Amendment. Finally, the Legislature finds that it is necessary and desirable to issue general obligations bonds for the purposes of[:]

(i) [M]aking substantial capital improvements to the state dock facilities at the Port of Mobile,

(ii) [P]romoting economic development and industrial recruitment in the state,

(iii) [P]roviding local government match monies required to issue federal grant revenue bonds for road and bridge improvements and

(iv) [P]roviding funds to municipal governments for infrastructure improvements.

Section II. As used in this Amendment, the following words and phrases shall have the following respective meanings:

"Alabama Trust Fund" means the irrevocable, permanent trust fund created by Amendment No. 450 to the Constitution of Alabama of 1901.

"Alabama Capital Improvement Trust Fund" means one of the special trust funds created by this Amendment.

"Capital Improvements" means capital outlay projects that include the planning, designing, inspection, purchasing, construction, reconstruction, improvement, repair or renovation of permanent buildings, docks, structures and sites therefor for the executive, legislative or judicial branches of state government. The term "Capital Improvement" shall also mean the construction or improvement of roads and bridges in the highway system; payment of debt service on the bonded indebtedness issued by the State of Alabama or any public corporation or authority of the State of Alabama; funding economic development and industrial recruitment activities; and the procurement of technical equipment, including computer and telecommunications equipment, required for the operation of any governmental entity.

"County and Municipal Capital Improvement Trust Fund" means one of the special trust funds created by this Amendment.

"Docks Improvements" means the acquisition, development, construction, improvement, expansion and modernization of the State Docks facilities (including, without limitation, cargo handling facilities) at the Port of Mobile.

"Docks Improvement Costs" means all costs and expenses incurred in connection with the capital Improvements, including, without limitation, the following:

(a) The costs of acquiring, constructing, installing and equipping Docks Improvements, including all obligations incurred for labor and to contractors, subcontractors, builders and materialmen.

(b) The costs of acquiring land or rights in land and any costs incidental thereto, including recording fees.

(c) The costs of contract bonds and of insurance of all kinds that may be required or necessary during the acquisition, construction or installation of Docks Improvements.

(d) The costs of architectural and engineering services, including test borings, surveys, environmental mitigation, supervision of construction and the like with respect to Docks Improvements.

(e) The costs of acquiring and installing fixtures and equipment, excavation, removal and demolition of structures, and provisions for drainage, stormwater retention, installation of utilities, and similar facilities, and paving.

(f) Interest accruing with respect to General Obligation Bonds for a period of up to two years after the issuance of such General Obligation Bonds.

(g) All costs, expenses and fees incurred in connection with the issuance of General Obligation Bonds, including, without limitation, all legal, accounting, financial, printing, recording, filing and other fees and expenses.

(h) The costs for obtaining bond insurance, letters of credit, or other forms of credit enhancement or liquidity facilities.

(i) All other costs of a nature comparable to or required in connection with those described.

(j) Reimbursement to any person of any of the foregoing costs incurred by such person either for its own account, or for the account of the State of Alabama and without regard to when incurred.

"Economic Development Costs" means the costs and expenses incurred or to be incurred by the state in connection with economic development projects and the recruitment of industrial prospects to the state including, without limitation, site preparation and infrastructure improvements, the costs of training and educating workers in the state and acquiring and constructing training facilities in the state, together with the costs, expenses and fees incurred in connection with the issuance of General Obligation Bonds for such purposes and the costs for obtaining bond insurance and other forms of credit enhancement on General Obligation Bonds issued for such purposes, and the reimbursement to any person of any of the foregoing costs incurred by such person either for its own account or for the account of the State of Alabama, its agencies or authorities.

"Fiscal year" means the period beginning October 1 and ending September 30 of the following calendar year.

"General Fund" means the general fund in the State Treasury of the State of Alabama.

"General Obligation Bonds" means bonds, including refunding bonds, to be issued by the State of Alabama for the purpose of financing Docks Improvements Costs, Economic Development Costs, Local Government Match Funds and Municipal Infrastructure Costs, as provided in this Amendment.

"Local Government Match Funds" means the monies required to be provided by the State of Alabama as a condition to the issuance of federal grant revenue bonds for road and bridge improvements, together with the costs, expenses and fees incurred in connection with the issuance of General Obligation Bonds for such purposes and the costs of obtaining bond insurance and other forms of credit enhancement on General Obligation Bonds for such purposes.

"Municipal Infrastructure Costs" means the cost of acquiring and constructing municipal infrastructure improvements through the Alabama Department of Transportation, together with the costs, expenses and fees incurred in connection with the issuance of General Obligation Bonds for such purposes and the costs of obtaining bond insurance and other forms of credit enhancement on General Obligation Bonds for such purposes.

"Oil and Gas Capital Payment" means any payment (including any royalty payment) received by the state or any agency or instrumentality thereof as all or part of the consideration for the sale, leasing or other disposition by the state or any agency or instrumentality thereof of any right to explore and drill for or to produce oil, gas or other hydrocarbon minerals in any area on the water side of the high water mark of Mobile Bay or in any other offshore area and shall include any revenue by the state from federal oil and gas leases off the coast of Alabama. Any royalty or other payment, with the exception of any taxes heretofore or hereafter levied, that is based upon or determined with respect to, the production of oil, gas or other hydrocarbon minerals and that is paid to the state or any agency or instrumentality thereof regardless of the time of such payment shall be considered an oil and gas capital payment.

"Realized Capital Gains" means gains from the sale or exchange of assets of the Alabama Trust Fund, other than fixed income assets, to the extent they exceed losses from the sale of such assets. The amount of gain or loss on the sale of an asset shall be determined by subtracting from the proceeds of selling the asset its fair market value as of the end of the immediately preceding fiscal year, or, in the case of the fiscal year in which this Amendment is ratified, its fair market value as of the first business day following ratification of this Amendment.

"Trust Income" means the Trust Income as defined in Amendment Numbers 450 and 488 to the Constitution of Alabama of 1901.

"Unrealized Capital Gains" means the excess of the fair market value of the Alabama Trust Fund on the last day of the fiscal year over the fair market value of the trust fund on the last day of the immediately preceding fiscal year. The fair market value of the trust fund on the last day of a fiscal year shall be determined without including the Trust Income for the fiscal year; realized capital gains for the fiscal year; or the fair market value of fixed income assets. For the fiscal year beginning October 1, 2001, the fair market value of the assets on September 30, 2002, shall be determined without regard to the fair market value on the date of transfer of the assets transferred from the Alabama Heritage Trust Fund.

Section III. Distributions of Trust Income and capital gains earned by the Alabama Trust Fund shall be made annually in accordance with the following:

(a) In any fiscal year in which the Trust Income exceeds $60,000,000, ten percent (10%) of the Trust Income shall be distributed to the Municipal Government Capital Improvement Fund created in section 11-66-4, Code of Alabama 1975, and ten percent (10%) of the Trust Income shall be distributed to the County Government Capital Improvement Fund created in section 11-29-4, Code of Alabama 1975. The Director of Finance shall certify such amounts to the State Comptroller, who shall make the required distributions not later than April 15 of the following fiscal year. The distributions provided for in this section shall be in lieu of and not in addition to the distributions required by sections 11-29-5 and 11-66-5, Code of Alabama 1975. The remainder of the Trust Income shall be paid into the General Fund, except as provided by Amendment 543 to the Constitution of Alabama of 1901. Provided, however, the fiscal year following the first fiscal year that the Forever Wild Land Trust receives fifteen million dollars ($15,000,000) from the trust income of the Alabama Trust Fund, one-fourth (1/4) of one percent of the trust income earned from the Alabama Trust Fund shall be allocated to the Alabama Senior Services Trust Fund. This allocation shall increase each fiscal year by one-fourth (1/4) of one percent of the trust income earned from the Alabama Trust Fund; provided, however, that in no event shall such trust income paid to the Alabama Senior Services Trust Fund exceed five million dollars ($5,000,000) in any one fiscal year.

(b) Notwithstanding any other provision of this constitution, within 30 days following the end of each fiscal year, the board of trustees of the Alabama Trust Fund may transfer up to seventy-five percent (75%) of the realized capital gains for such fiscal year. The amount distributed shall be divided as follows: ten percent (10%) to the County Government Capital Improvement Fund created in section 11-29-4, Code of Alabama 1975, and ten percent (10%) to the Municipal Government Capital Improvement Fund created in section 11-66-4, Code of Alabama 1975, and the remainder of such realized capital gains shall be paid into the General Fund, except that a portion of such realized capital gains shall be

distributed in the same manner as and deemed to be a part of trust income for purposes of the distributions required under sections 7 and 13 of Amendment 543 to the Constitution of Alabama of 1901.

(c) Notwithstanding any other provision of this constitution, within 30 days following the end of each fiscal year, the board of trustees of the Alabama Trust Fund may transfer up to seventy-five percent (75%) of the unrealized capital gains for such fiscal year. The amount distributed shall be divided as follows: ten percent (10%) to the County Government Capital Improvement Fund created in section 11-29-4, Code of Alabama 1975, and ten percent (10%) to the Municipal Government Capital Improvement Fund created in section 11-66-4, Code of Alabama 1975, and the remainder of such unrealized capital gains shall be paid into the General Fund except that a portion of such unrealized capital gains shall be distributed in the same manner as and deemed to be a part of trust income for purposes of the distributions required under sections 7 and 13 of Amendment 543 to the Constitution of Alabama of 1901.

Section IV. Beginning on October 1 immediately following the ratification of this Amendment, 35% of all Oil and Gas Capital Payments paid into the Alabama Trust Fund in any fiscal year shall be transferred by the State Treasurer to the special trust funds created by this Amendment in the following manner[:]

> (a) [A]n amount equal to seven percent (7%) of all Oil and Gas Capital Payments received by the Alabama Trust Fund during the preceding fiscal year shall be paid into the County and Municipal Government Capital Improvement Trust Fund; and
>
> (b) [A]n amount equal to twenty-eight percent (28%) of all Oil and Gas Capital Payments received by the Alabama Trust Fund during the preceding fiscal year shall be paid into the Alabama Capital Improvement Trust Fund.

Section V. **(a)** Funds in the Alabama Capital Improvement Trust Fund shall be invested by the board of trustees in such kinds of investments as are authorized for the investment of the Alabama Trust Fund. All income of such funds (determined in the same manner as Trust Income of the Alabama Trust Fund) shall be deposited into the General Fund.

(b) Funds in the County and Municipal Government Capital Improvement Trust Fund shall be invested by the board of trustees in such kinds of investments as are authorized for the investment of the Alabama Trust Fund. All income of such fund (determined in the same manner as Trust Income of the Alabama Trust Fund) shall be deposited into the County and Municipal Government Capital Improvement Trust Fund subject to distribution pursuant to section VI.

(c) The board of trustees shall determine from time to time the asset allocation of investments in the Alabama Trust Fund and shall determine the annual amount of Realized and Unrealized Capital Gains to be transferred to the General Fund. The Secretary-Treasurer of The Retirement Systems of Alabama shall be the initial manager of 50 percent of the assets, and financial institutions and other corporate entities with general trust powers shall be the initial manager or managers of 50 percent of the assets in the Alabama Trust Fund, subject to guidelines provided by the board of trustees. The board of trustees shall have the power to appoint another person or persons to manage all or any portion of the assets in the Alabama Trust Fund upon a two-thirds vote of the board of trustees.

Section VI. On April 1 of each year, the State Comptroller shall distribute one-half of all Trust Income earned during the preceding fiscal year from the investment of funds contained in the County and Municipal Government Capital Improvement Trust Fund to the Municipal Government Capital Improvement Fund created by section 11-66-4, Code of Alabama 1975, and one-half of said Trust Income to the County Government Capital Improvement Fund created by section 11-29-4, Code of Alabama 1975. Distributions of Trust Income to the Municipal Government Capital Improvement Fund shall be administered in accordance with section 11-66-6, Code of Alabama 1975. Distributions of Trust Income to the County Government Capital Improvement fund shall be administered in accordance with section 11-29-6, Code of Alabama 1975.

Section VII. Funds in the Alabama Capital Improvement Trust Fund may be appropriated for Capital Improvements only upon the certification of the Governor, based upon the recommendation of the Director of Finance, that funds are needed for particular Capital Improvements. The Governor's certification for such Capital Improvements shall be contained in his or her budgets for the operation of state government submitted annually to the Legislature.

Legislative appropriations from this Fund that are in excess of those contained in the Governor's certification must be accompanied by legislative findings of fact explaining the appropriations that differ from or are in excess of those certified by the Governor. The foregoing notwithstanding, the Legislature may appropriate funds from this trust fund for Capital Improvements upon a recorded majority vote of each house.

Section VIII. The State of Alabama is authorized to become indebted and to sell and issue its interest-bearing General Obligation Bonds, in addition to all other bonds of the state, in an aggregate principal amount not exceeding $350 million. The General Obligation Bonds issued pursuant to this Amendment shall be general obligations of the State, and the full faith and credit of the State are hereby irrevocably pledged for the prompt and faithful payment of the principal, interest and redemption premium (if any) on the General Obligation Bonds.

Section IX. The Governor, the Director of Finance, the commissioner of Revenue, the Chairman of the Senate Finance and Taxation General Fund Committee and the Chairman of the House Ways and Means General Fund Committee are hereby constituted a Bond Commission with full authority, except as herein specified or limited, to determine the terms and conditions of the General Obligation Bonds and to provide for the sale and issuance thereof. No member of the Bond Commission shall receive compensation in any form for any services performed by him or her in and about his or her duties as a member or officer of the Bond Commission. The Bond Commission shall meet at the call of the Governor, who is hereby designated its chairman. Three members of the Bond Commission (at least one of which shall be the Chairman of the Senate Finance and Taxation-General Fund Committee or the Chairman of the Ways and Means-General Fund Committee) shall constitute a quorum for the transaction of business, and all proceedings of the Bond Commission shall be reduced to writing, recorded in a substantial record book and filed with the Director of Finance, who is hereby designated as the Secretary of the Bond Commission and who shall keep the records of the proceedings of the Bond Commission.

Section X. The proceeds of the General Obligation Bonds shall be paid into the State Treasury, shall be kept continually invested pending the expenditure thereof, and shall, together with the income derived from the investment and reinvestment thereof (including income derived from the investment and reinvestment of previously derived income), be retained in one or more separate accounts of the State Treasury until expended for the purposes authorized in this Amendment and in the manner provided by law. The proceeds of such General Obligation Bonds, together with the investment income derived from said proceeds, shall be used solely for the purpose of paying Docks Improvement Costs, Economic Development Costs, Local Government Match Funds and/or Municipal Infrastructure Costs. Not more than $50 million of the proceeds of such General Obligation Bonds shall be spent for local government match funds and not more than $15 million of such proceeds shall be spent for municipal infrastructure costs.

Section XI. There is hereby appropriated for the payment of the General Obligation Bonds such monies out of the Alabama Capital Improvement Fund as are necessary to pay principal of, interest on and redemption premium (if any) on the General Obligation Bonds. Monies in the Alabama Capital Improvement Trust Fund are also hereby appropriated for the payment of principal of, interest on and redemption premium (if any) on bonds authorized to be issued pursuant to Amendments Nos. 618, 619 and 620 of the Constitution of Alabama of 1901. [Amendment 666, approved Nov. 7, 2000]

Section 11-A. 11. Distribution of Alabama Trust Fund Income.

(a) For the purposes of this Amendment, the following terms shall have the following meanings:

1. Fiscal year. The fiscal year of the State as may from time to time be provided by law.

2. County Government Capital Improvement Fund. The fund created in section 11-29-4, Code of Alabama 1975.

3. Municipal government Capital Improvement Fund. The fund created in section 11-66-4, Code of Alabama 1975.

4. The Alabama Trust Fund or Trust Fund. The fund created by Amendment 450 of the Constitution of Alabama of 1901.

5. Trust Income. The net income received by the state, subsequent to the transfer of the initial trust capital by the State Treasurer to the board of trustees of the trust fund, from the investment and reinvestment of all assets of the trust fund, determined in accordance with the provisions of Amendment 450 of the Constitution of Alabama of 1901. Trust income does not include income which become part of the trust capital of the trust fund, but for the purpose of this Amendment shall include the amounts allocated to the Forever Wild Land Trust Fund as provided in section 7(d) of Amendment 543 of the Constitution of Alabama of 1901.

(b) Beginning October 1 of the fiscal year immediately following ratification of this Amendment, in addition to all other appropriations heretofore or hereafter made, there is hereby annually appropriated from the State General Fund to the county government capital improvement fund and to the municipal government capital improvement fund each an amount equal to at least 10 percent of the trust income from the Alabama Trust Fund at the time as the trust income received by the state in the preceding fiscal year equals or exceeds sixty million dollars ($60,000,000) as calculated pursuant to Amendment 450 and section 7(d) of Amendment 543 of the Constitution of Alabama of 1901. No funds shall be appropriated in any fiscal year for which in the previous fiscal year trust income received by the state was less than sixty million dollars ($60,000,000).

(c) The county government capital improvement fund appropriation shall be distributed to the several counties of the state and shall be paid on April 15 of the fiscal year for which each annual appropriation is made as follows:

> Part of the funds to be paid to counties that is equal to 45.45 percent of the total of that portion shall be allocated equally among the 67 counties of the state; and the entire residue of the portion to be paid to counties, being an amount equal to 54.55 percent of that portion, shall be allocated among the 67 counties of the state on the basis of the ratio of the population of each county to the total population of the state according to the then next preceding federal decennial census.

(d) The municipal government capital improvement fund appropriation shall be distributed to the incorporated municipalities of the state and shall be paid on April 15 of the fiscal year for which each annual appropriation is made as follows:

> (1) Each incorporated municipality in the state with a population of less than 1,000 shall receive one thousand dollars ($1,000); each incorporated municipality in the state with a population of 1,000 or more shall receive two thousand five hundred dollars ($2,500).
>
> (2) The residue of the portion to be paid to the incorporated municipalities in the state shall be distributed among the incorporated municipalities in the state on the basis of the ratio of the population of each municipality incorporated to the total population of all the incorporated municipalities in the state according to the then next preceding federal decennial census.

(e) The County Government Capital Improvement Fund and the Municipal County Government Capital Improvement Fund shall continue in existence until and unless extinguished by an amendment to the Constitution of Alabama of 1901.

(f) The State Comptroller shall make all allocations of funds and shall make the distribution and payments thereof pursuant to the allocations provided for in this Amendment. All funds allocated to the County Government Capital Improvement Fund and to the Municipal Government Capital Improvement Fund shall only be expended for any purposes as are now or hereafter authorized by general act of the Legislature. [Amendment 668, approved Nov. 7, 2000]

Article XII. Corporations

Municipal Corporations

Section 220. Consent of Municipal Corporation Prerequisite to Use of Public Property for Public Utility or Private Enterprise Purposes.

No person, firm, association, or corporation shall be authorized or permitted to use the streets, avenues, alleys, or public places of any city, town, or village for the construction or operation of any public utility or private enterprise, without first obtaining the consent of the proper authorities of such city, town, or village. [Original section 220]

Section 221. Payment of State License Tax, etc., Not to Excuse Payment of Other Privilege and License Taxes.

The Legislature shall not enact any law which will permit any person, firm, corporation, or association to pay a privilege, license, or other tax to the State of Alabama, and relieve him or it from the payment of all other privilege and license taxes in the State. [Original section 221]

Section 222. Issuance of Bonds by Counties, Municipal Corporations, Districts and Other Political Subdivisions of Counties; Issuance of Revenue Bonds and Other Revenue Securities by Municipalities; Certain County Revenue Securities Not to Constitute Bonds or Indebtedness; Bonds and Other Securities Issued by Public Corporations Not County Bonds or Indebtedness; Counties May Issue Bonds to Acquire and Install Voting Machines.

1. The Legislature, after the ratification of this Constitution, shall have authority to pass general laws authorizing the counties, cities, towns, villages, districts, or other political subdivisions of counties to issue bonds, but no bonds shall be issued under authority of a general law unless such issue of bonds be first authorized by a majority vote by ballot of the qualified voters of such county, city, town, village, district, or other political subdivision of a county, voting upon such proposition. The ballot used at such election shall contain the words:

> "For _____ bond issue," and
>
> "Against _____ bond issue" (the character of the bond to be shown in the blank space), and the voter shall indicate his choice by placing a cross mark before or after the one or the other.

This section shall not apply to the renewal, refunding, or reissue of bonds lawfully issued, nor to the issuance of bonds in cases where the same have been authorized by laws enacted prior to the ratification of this Constitution, nor shall this section apply to obligations incurred or bonds to be issued to procure means to pay for street and sidewalk improvements or sanitary or storm water sewers, the cost of which is to be assessed, in whole or in part, against the property abutting said improvements or drained by such sanitary or storm water sewers. [Original section 222]

2. Revenue bonds and other revenue securities at any time issued by a municipality for the purpose of extending, enlarging or improving any water, sewer, gas or electric system then owned by such municipality shall not be deemed to constitute bonds or indebtedness of such municipality within the meaning of sections 222 and 225 of this Constitution if by their terms such bonds or other securities are not made a charge on the general credit or tax revenues of the issuing municipality and are made payable solely out of revenues derived from the operation of any one or more of such systems. [Amendment 107, approved Nov. 2, 1954]

3. Revenue bonds or other revenue securities at any time issued by a county for the purpose of extending, enlarging or improving any water, sewer, gas or electric system then owned by such county shall not be deemed to constitute bonds or indebtedness of such county within the meaning of sections 222, 224 or Amendment No. 342 of this Constitution, if by their terms such bonds or other securities are not made a charge on the general credit or tax revenues of the issuing county and are made payable solely out of revenues derived from the operation of any one or more of such systems. [Amendment 398, approved March 2, 1982]

4. Each public corporation heretofore or hereafter organized or created in this state pursuant to authorization or determination by any municipality or municipalities, or county or counties, or the governing body of any one or more thereof, shall for the purposes of sections 222, 224, and 225 of this Constitution be deemed to be a separate entity from such municipality or municipalities, or county or counties. Bonds and other securities heretofore or hereafter issued by any public corporation so organized shall not be deemed to constitute bonds or indebtedness within the meaning of said sections even though property, whether or not capable of producing income, may have been transferred to such public corporation by any one or more of such municipalities or counties either with or without the payment of pecuniary or other consideration. [Amendment 108, approved Nov. 2, 1954]

5. ***Section 1.*** The several counties of the state may become indebted and issue and sell general obligation bonds or other evidence of such indebtedness for the purpose of paying the cost of installing and providing for the use of voting machines at all elections held within the county and the municipalities therein, (any provision of article 12 of this Constitution to the contrary notwithstanding). Such debts may be created and evidence thereof issued without a vote of the qualified electors of the county, but any debt so created shall be repaid within 20 years from the date of its creation.

Section 2. The Legislature may enact general, special or local laws to enforce and implement this Amendment. [Amendment 200, approved May 1, 1962]

6. Revenue bonds at any time issued by a municipality:

(a) For the purpose of enlarging, improving or expanding any manufacturing, industrial or commercial project then owned by such municipality and acquired by it pursuant to the provisions of Act No. 756 enacted at the 1951 regular session of the Legislature of Alabama as heretofore amended, or

(b) For the combined purpose of so enlarging, improving or expanding any such project and of refunding any revenue bonds theretofore issued by it under said Act 756, shall not be deemed to constitute bonds or indebtedness of such municipality within the meaning of sections 222 and 225 of this Constitution if by their terms such bonds are not made a charge on the general credit or tax revenues of the issuing municipality and are made payable solely out of revenues to be derived by such municipality from the leasing of such project as so enlarged, improved or expanded. Each municipality in the state is hereby authorized so to issue such revenue bonds, for either or both such purposes, at any time and from time to time and on the same terms and conditions, with the necessary changes in details, as prescribed in said Act No. 756 for the issuance of revenue bonds for the purpose of acquiring such a project, anything in the Constitution of this State or in said Act No. 756 to the contrary notwithstanding. [Amendment 228, approved Nov. 30, 1965]

Section 223. Limitation on Assessments for Public Improvements by Municipal Corporations.

No city, town, or other municipality shall make any assessment for the cost of sidewalks or street paving, or for the cost of the construction of any sewers against property abutting on such street or sidewalk so paved, or drained by such sewers, in excess of the increased value of such property by reason of the special benefits derived from such improvements. [Original section 223]

Section 224. Limitation on County Indebtedness; Bonds for Civic Centers in Certain Counties.

1. No county shall become indebted in an amount including present indebtedness, greater than three and one-half per centum [five percentum] of the assessed value of the property therein; provided, this limitation shall not affect any existing indebtedness in excess of such three and one-half per centum, [five percentum] which has already been created or authorized by existing law to be created[; provided, that any county which has already incurred a debt exceeding three and one-half per centum of the assessed value of the property therein, shall be authorized to incur an indebtedness of one and a half per

centum of the assessed value of such property in addition to the debt already existing]. Nothing herein contained shall prevent any county from issuing bonds, or other obligations, to fund or refund any indebtedness now existing or authorized by existing laws to be created. [Original section 224, with brackets indicating increase in percentage limitation (and the deletion, apparently, of the proviso as to an additional one and one-half percent) by Amendment 342, approved Jan. 13, 1976]

2.Any corporation heretofore or hereafter created in any county of the state having a population of 500,000 or more, according to the last or any subsequent federal census, for the purpose of establishing, maintaining and operating a civic center in the municipality in which the county seat of such county is situated, shall be authorized, without the necessity of any election, to issue bonds, warrants or other evidences of indebtedness, and to pledge for the payment of the principal and interest due thereon any revenues received, or to be received, by such corporation and any tax proceeds appropriated or allocated (in whole or in part) to such public corporation by or pursuant to any act of the legislature of Alabama or by or pursuant to any resolution or ordinance of such county or any municipality therein, any provision of the Constitution or laws of Alabama to the contrary notwithstanding. No such bonds, warrants or other evidences of indebtedness issued by such corporation shall be considered indebtedness of such county or any municipality therein within the meaning of sections 224 and 225 of the Constitution of Alabama. The rent or rentals that the county or any such municipality may be obligated to pay under the terms of any lease between the said corporation and the said county or any such municipality shall not be considered as indebtedness of said county or any such municipality within the meaning of sections 224 and 225 of the Constitution of Alabama. No tax levied by the state or any municipality or county of the state shall apply to any such corporation, unless such tax applies to the county and the city wherein the corporation is located. The word "tax" as herein used, shall include any ad valorem tax, or other direct tax, and any excise, privilege or license tax.

The following are hereby in all things validated and confirmed, any provision or provisions of the Constitution of Alabama of 1901 to the contrary notwithstanding: Acts numbered 524 [p. 767], 525 [p. 776] and 547 [p. 798] enacted at the 1965 regular session of the legislature of Alabama; Act No. 114 [p. 153] enacted at the second special session of 1965 of the legislature of Alabama; and all corporations established by said Act No. 547, as well as all acts done under the authority of any of said acts, including (without limitation) the acquisition of property, the making of contracts and the incurring of obligations and liabilities. Further, that certain bill introduced in the Alabama house of representatives on August 3, 1967 as House Bill 823, as said bill was finally enacted into law, is hereby validated and confirmed, any provision of the Constitution of 1901 to the contrary notwithstanding; provided that said bill (or a substitute therefor) is enacted by the legislature of Alabama and is approved by the governor (or becomes law without such approval). [Amendment 280, approved Dec. 5, 1967, amending Amendment 238, approved Nov. 30, 1965]

Section 224-A-1. Geneva County: Bond Issue for Construction and Equipment of Courthouse and Jail in Geneva County.

Geneva county is hereby authorized to incur indebtedness to the extent of not exceeding $600,000 in principal amount, and to issue its bonds in evidence of the indebtedness so incurred, for the purpose of constructing and equipping a new courthouse and jail in said county and, in order to provide for the payment for the principal of and interest on said bonds and any redemption premium necessary for the redemption thereof and the expense of maintaining the courthouse and jail so constructed, to levy and collect a special ad valorem tax on all taxable property in said county at a rate not exceeding 2 1/2 mills on each dollar of the assessed valuation of said property as assessed for state taxation; provided, that the said special tax shall cease to be levied when the principal of and interest on the bonds issued under the authority contained in this amendment shall have been paid. Said bonds may be issued and said tax may be levied only after the question of the issuance of said bonds and the levy of said tax shall have been submitted to the qualified electors of said county at an election called for that purpose by the governing body of said county and a majority of said qualified electors voting at said election shall have voted in favor of the issuance of said bonds and the levy of said tax, which election shall be called, held, conducted, canvassed and may be contested, and notice thereof shall be given, in the manner provided by the then existing laws of Alabama with respect to elections on the issuance of bonds by counties; provided further, that if a majority of the qualified electors of said county participating in the election on the adoption of this amendment shall vote for the adoption thereof then the approval of this amendment expressed by the vote in said county in favor of its adoption shall of itself authorize the issuance of the bonds and the levy of the tax herein authorized, and in that event no additional election by the electors of said county shall be required to authorize the issuance of said bonds or the levy of said tax. At any election held under this amendment the question of the issuance of said bonds and the levy of said tax shall be submitted as a single proposition. In the event the majority vote in said county on the adoption of this amendment is against the adoption hereof, or in the event the majority vote at any election held in said county pursuant to the provisions of this amendment after its adoption is not in favor of the issuance of the bonds and the levy of the tax proposed at such election, the governing body of said county may from time to time call other elections hereunder on the issuance of said bonds and the levy of said tax, but not more than one such election shall be held during any period of twelve consecutive months. The power to become indebted, to issue bonds in evidence of such indebtedness, and to levy the tax as herein authorized shall be in addition to all other powers which the said county may have under the Constitution and laws of Alabama, and shall not be chargeable against the amount of indebtedness which may be incurred or the rate of taxes which may be levied under the Constitution and laws in effect prior to the adoption of

this amendment.

All bonds issued under this amendment shall be general obligations of the county secured by an irrevocable pledge of its full faith and credit and of the said special tax to the extent necessary to pay the principal of and interest on said bonds. The governing body of said county may further, if it deems such action desirable, pledge for payment of the principal of and interest on said bonds any other tax which said county may be authorized to levy under any provision of the Constitution. All bonds issued hereunder shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the sale of said bonds respecting the maturities, sale, execution and redemption of bonds by counties. Any special tax which may be levied hereunder shall be levied and collected in accordance with the general laws of Alabama at the time in force respecting the levy and collection of ad valorem taxes by counties. [Amendment 187, approved Dec. 5, 1961]

Section 224-A. Henry County: Bonds for Courthouse and Jail in Henry County.

Henry County is hereby authorized to incur indebtedness to the extent of not exceeding $700,000 in aggregate principal amount, and to issue its bonds in evidence of the indebtedness so incurred, for the combined purpose of constructing and equipping a new courthouse and a new jail in said county. Said bonds may be issued only after the question of the issuance thereof shall have been submitted to the qualified electors of said county at an election called for that purpose by the governing body of said county and a majority of said qualified electors voting at said election shall have voted in favor of the issuance of said bonds, which election shall be called, held, conducted, canvassed and may be contested in the manner provided by the then existing laws of Alabama with respect to elections on the issuance of bonds by counties; provided however, that if a majority of the qualified electors of said county participating in the election on the adoption of this Amendment shall vote for the adoption thereof then the approval of this Amendment expressed by the vote in said county in favor of its adoption shall of itself authorize the issuance of the bonds, and in that event no additional election by the electors of said county shall be required to authorize the issuance of said bonds. In the event the majority vote in said county on the adoption of this Amendment is against the adoption hereof, or in the event the majority vote at any election held in said county pursuant to the provisions of this Amendment after its adoption is not in favor of the issuance of the bonds proposed at such election, the governing body of said county may from time to time call other elections hereunder on the issuance of said bonds, but not more than one such election shall be held during any period of twelve consecutive months. The power to become indebted and to issue bonds in evidence of such indebtedness shall be in addition to all other powers which the said county may have under the Constitution and laws of Alabama, and any bonds issued pursuant to this

Amendment shall not be chargeable against the amount of indebtedness which said county may incur under the Constitution and laws in effect prior to the adoption of this Amendment.

All bonds issued under this Amendment shall be general obligations of the county secured by an irrevocable pledge of its full faith and credit. The governing body of said county may further, if it deems such action desirable, pledge for payment of the principal of and the interest on said bonds any tax which said county may be authorized to levy under any provision of the Constitution. All bonds, issued hereunder shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the sale of said bonds respecting the maturities, sale, execution and redemption of bonds by counties. [Amendment 237, approved Nov. 3, 1965]

Section 224-B. Jefferson County: Sewer Bonds.

In addition to any indebtedness now authorized, Jefferson County may become indebted and may issue bonds therefor in an amount not exceeding 3 percent of the assessed valuation of the taxable property in said county in order to pay the expenses of constructing, improving, extending and repairing sewers and sewerage treatment and disposal plants in said county. Said bonds shall be general obligations of Jefferson County but shall also be payable primarily from and secured by a lien upon the sewer rentals or service charges, which shall be levied and collected in an amount sufficient to pay the principal of and interest on such bonds, replacements, extensions and improvements to, and the cost of operation and maintenance of, the sewers and sewerage treatment and disposal plants. Such sewer rentals or service charges shall be levied upon and collected from the persons and property whose sewerage is disposed of or treated by the sewers or the sewerage treatment or disposal plants and whether served by the part of the sewer system then being constructed, improved, or extended or by some other part of such system; and such charges or rentals shall be a personal obligation of the occupant of the property the sewerage from which is disposed of by such sewers or treated in such plants and shall also be a lien upon such property, enforceable by a sale thereof.

Before issuing any bonds or levying or collecting any such sewer service charges or rentals, the proposal shall first be submitted to and approved by a majority of the voters of the county voting at an election to be called by the governing body thereof. Notice of such election shall be given by publication once a week for four successive weeks immediately prior to such election in a newspaper published and of general circulation in Jefferson County. Such notice and the ballot shall set forth the purpose for which the bonds are proposed to be issued, the estimated cost of the proposed undertaking, the amount of bonds to be issued, the serial maturities thereof, and the maximum rate of interest such bonds are to bear, and a recital that the proposal includes the levying of sewer service charges or rentals to be secured by liens upon the property served. Such elections shall in all respects not herein otherwise provided be conducted and the results

thereof ascertained and declared in accordance with the law then in force relating to county bond elections. If at any such election a majority of the voters vote in favor of the proposed undertaking and the bonds, the bonds so voted may be issued at one time or from time to time as the governing body of the county shall deem advisable.

With the prior approval of the governing body of any incorporated municipality therein, Jefferson County may take over, own, possess, control, expand, improve, maintain and operate any sewers or sewerage treatment or disposal plants of such incorporated municipality or, if such incorporated municipality has no sewers, Jefferson County may construct sewers therein. Such sewers and plants shall thereupon become a part of a combined and consolidated sewer system for Jefferson County.

The governing body of Jefferson County shall have full power and authority to manage, operate, control and administer the sewers and plants herein provided for and, to that end, may make any reasonable and nondiscriminatory rules and regulations fixing rates and charges, providing for the payment, collection and enforcement thereof, and the protection of its property. Liens for sewer rentals or service charges shall be foreclosed in such manner as may be provided by law for foreclosing municipal assessments for public improvements. This Amendment is self-executing.

The authority to issue bonds shall cease December 31, 1958. The authority to levy and collect sewer charges and rentals shall be limited to such charges as will pay the principal of and interest on the bonds and the reasonable expense of extending, improving, operating and maintaining said sewers and plants; and when the bonds shall have been paid off, service charges and rentals shall be accordingly reduced, it being the intent and purpose of this Amendment that the expenses of needed improvements and extensions and maintenance and operation of the sewers and sewerage treatment and disposal plants and no other expenditures shall be paid from such service charges and rentals. [Amendment 73, approved Nov. 2, 1948]

Section 224-C. Lawrence County: Bonds for Courthouse.

Lawrence County may become indebted and may issue bonds therefor in an amount not exceeding $130,000 in addition to that now authorized, for the construction of and equipping of a courthouse in said county. To pay said indebtedness, and interest thereon, Lawrence County may levy and collect an annual tax on all property situated therein at a rate not in excess of 3 mills. The indebtedness, the bonds and the tax authorized hereby shall be in addition to those authorized prior to the adoption of this Amendment. But no such additional indebtedness shall be incurred, no such bonds shall be issued and no such tax shall be levied until the estimated cost of the construction and equipping of said courthouse hereby proposed to be built, its time of completion, and the amount of the increased indebtedness, the rate of interest to be paid thereon, and the period over which the bonds to be issued will be refunded, shall have been determined upon and made public by the county governing body of said county; and the proposed increase in

indebtedness and the issuance of bonds and the increase in rate of taxation first shall have been authorized by a majority of the qualified electors of said county voting upon such proposal at an election to be called by said county governing body for said purposes to be held not less than sixty (60) nor more than (120) one hundred twenty days after the adoption of this Amendment. [Amendment 30, approved Dec. 17, 1935]

Section 224-D. Macon County: Indebtedness for Daniel "Chappie" James Aerospace Memorial by Macon County.

Macon County is hereby authorized to incur indebtedness to the extent of not exceeding $3,500,000 in aggregate principal amount, and to issue its bonds in evidence of the indebtedness so incurred, for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial." Such bonds may be issued only after the question of the issuance thereof shall have been submitted to the qualified electors of said county at an election called for that purpose by the governing body of said county and a majority of said qualified electors voting at said election shall have voted in favor of the issuance of said bonds, which election shall be called, held, conducted, and canvassed, and may be contested, in the manner and within the time provided by the then existing laws of Alabama pertaining to elections on the issuance of bonds by counties; provided however, that if a majority of the qualified electors of said county participating in the election on the adoption of this Amendment shall vote for the adoption thereof, then the approval of this Amendment expressed by the voters of said county in favor of its adoption shall of itself authorize the issuance of the bonds, and in that event no additional election by the electors of said county shall be required to authorize the issuance of said bonds. In the event the majority of the qualified electors of said county participating in the election on the adoption of this Amendment should not vote in favor of the adoption thereof, or in the event the majority vote at any election held in said county pursuant to the provisions of this Amendment after its adoption is not in favor of the issuance of the bonds proposed at said election, the governing body of said county may from time to time call other elections hereunder on the issuance of said bonds, but not more than one such election shall be held during any period of twelve consecutive months. The power to become indebted and to issue bonds in evidence of such indebtedness shall be in addition to all other powers which the said county may have under the Constitution and laws of Alabama, and any bonds issued pursuant to this Amendment shall not be chargeable against the amount of indebtedness which said county may incur under the Constitution and laws of Alabama in effect prior to the adoption of this Amendment. All bonds issued under this Amendment shall be general obligations of the county secured by an irrevocable pledge of its full faith and credit, may (any provisions of the Constitution and laws of this State to the contrary notwithstanding) be additionally secured by a special and irrevocable pledge of a sufficient amount of the proceeds from the special 1/4 of 1%

ad valorem tax authorized by section 215 of the Constitution of Alabama, as amended, to be levied and collected by the county, shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the sale of said bonds respecting the maturities, sale, execution and redemption of bonds by counties.

The provisions of this Amendment shall be self-executing. [Amendment 437, approved Nov. 8, 1983]

Section 224-E. Madison County: Bonds for School Buildings.

Madison County is hereby authorized to incur indebtedness to the extent of not exceeding $2,000,000 in aggregate principal amount, and to issue its bonds in evidence of the indebtedness so incurred, for the purpose of acquiring, providing, constructing and equipping public school buildings in said county and of acquiring sites therefor. Such bonds may be issued only after the question of the issuance thereof shall have been submitted to the qualified electors of said county and an election called for that purpose by the governing body of said county and a majority of said qualified electors voting at said election shall have voted in favor of the issuance of said bonds, which election shall be called, held, conducted, and canvassed, and may be contested, in the manner and within the time provided by the then existing laws of Alabama pertaining to elections on the issuance of bonds by counties; provided however, that if a majority of the qualified electors of said county participating in the election on the adoption of this Amendment shall vote for the adoption thereof, then the approval of this Amendment expressed by the voters of said county in favor of its adoption shall of itself authorize the issuance of the bonds, and in that event no additional election by the electors of said county shall be required to authorize the issuance of said bonds. In the event the majority of the qualified electors of said county participating in the election on the adoption of this Amendment should not vote in favor of the adoption thereof, or in the event the majority vote at any election held in said county pursuant to the provisions of this Amendment after its adoption is not in favor of the issuance of the bonds proposed at said election, the governing body of said county may from time to time call other elections hereunder on the issuance of said bonds, but not more than one such election shall be held during any period of twelve consecutive months. The power to become indebted and to issue bonds in evidence of such indebtedness shall be in addition to all other powers which the said county may have under the constitution and laws of Alabama, and any bonds issued pursuant to this Amendment shall not be chargeable against the amount of indebtedness which said county may incur under the constitution and laws of Alabama in effect prior to the adoption of this Amendment. All bonds issued under this Amendment shall be general obligations of the county secured by an irrevocable pledge of its full faith and credit, may (any provisions of the constitution and laws of this State to the contrary

notwithstanding) be additionally secured by a special and irrevocable pledge of a sufficient amount of the proceeds from the special 1/4 of 1% ad valorem tax authorized by section 215 of the Constitution of Alabama, as amended, to be levied and collected by the county, shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the sale of said bonds respecting the maturities, sale, execution and redemption of bonds by counties.

The provisions of this Amendment shall be self-executing. [Amendment 320, approved Jan. 18, 1972]

Section 224-F. Marengo County: Bonds for Courthouse.

Marengo County is hereby authorized to incur indebtedness to the extent of not exceeding $400,000 in aggregate principal amount, and to issue its bonds in evidence of the indebtedness so incurred, for the purpose of constructing and equipping a new courthouse in said county. Said bonds may be issued only after the question of the issuance thereof shall have been submitted to the qualified electors of said county at an election called for that purpose by the governing body of said county and a majority of said qualified electors voting at said election shall have voted in favor of the issuance of said bonds, which election shall be called, held, conducted, canvassed and may be contested in the manner provided by the then existing laws of Alabama with respect to elections on the issuance of bonds by counties; provided however, that if a majority of the qualified electors of said county participating in the election on the adoption of this Amendment shall vote for the adoption thereof then the approval of this Amendment expressed by the vote in said county in favor of its adoption shall of itself authorize the issuance of the bonds, and in that event no additional election by the electors of said county shall be required to authorize the issuance of said bonds. In the event the majority vote in said county on the adoption of this Amendment is against the adoption thereof, or in the event the majority vote at any election held in said county pursuant to the provisions of this Amendment after its adoption is not in favor of the issuance of the bonds proposed at such election, the governing body of the said county may from time to time call other elections hereunder on the issuance of said bonds, but not more than one such election shall be held during any period of twelve consecutive months. The power to become indebted and to issue bonds in evidence of such indebtedness shall be in addition to all other powers which the said county may have under the Constitution and laws of Alabama, and any bonds issued pursuant to this Amendment shall not be chargeable against the amount of indebtedness which said county may incur under the Constitution and laws of Alabama in effect prior to the adoption of this Amendment. All bonds issued under this Amendment shall be general obligations of the county secured by an irrevocable pledge of its full faith and credit, shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the sale of said bonds respecting the maturities, sale, execution and redemption of bonds by counties.

If the said bonds are authorized to be issued, either by a majority of the qualified electors of said county participating in the election on the adoption of this Amendment voting for the adoption thereof or by a majority of the qualified electors of said county voting in favor of the issuance of said bonds at a separate county bond election on the question of the issuance of said bonds, and if the said bonds or any part thereof are actually issued, the governing body of said county shall thereafter have the power, without any further election, to agree to levy and collect, and to levy and collect, for a period of not exceeding seven years and for the sole purpose of paying the principal and interest on such bonds and creating a reserve therefor, a special additional annual ad valorem tax of not exceeding two mills on each dollar's worth of taxable property in said county, as assessed for state taxation for the preceding tax year. The said county shall not, however, in any event have the power to levy said tax or any part thereof with respect to any tax year beginning after final payment and retirement of said bonds. The term "taxable property" as used in this Amendment shall include any property that has heretofore been or may hereafter be exempted from county taxes pursuant to the provisions of sections 3 to 5, inclusive, of Title 51 of the Code of Alabama of 1940, as amended, or other similar statute, and the tax herein provided for, if authorized, levied and collected, shall be levied on and collected with respect to all such property just as if it had not been exempted from county taxes. Any provision of section 71 of Title 51 of the Code of Alabama of 1940 to the contrary notwithstanding, the tax herein provided for may, if authorized to be levied, be levied by the governing body of the county at any time prior to the September 1 next preceding the date on which such tax is to become due and payable.

The provisions of this Amendment shall be self-executing. [Amendment 264, approved Dec. 6, 1966]

Section 224-G. Marion County: Bonds for Public Hospitals.

The provisions of section 224 of the Constitution of Alabama notwithstanding, the governing body of Marion County, Alabama, is hereby authorized to issue bonds, warrants, or other evidences of indebtedness and to pledge in payment of the principal and interest due upon any such bonds, warrants, or other evidences of indebtedness, only the proceeds derived, or to be derived, from any special county privilege, license or excise taxes heretofore or hereafter levied and collected within Marion County, Alabama, for the sole and exclusive purpose of constructing, equipping, operating, maintaining or improving public hospitals or related hospital or health facilities, including clinics, nursing homes, public health centers and laboratory facilities, or for such other public purposes of any kind and description as in the judgment of the governing body of the county of Marion is meet and proper. The proceeds derived from the sale of such bonds, warrants, or other evidences of indebtedness, may be used by the governing body of Marion County for any or all of the purposes enumerated herein, and no other. The bonds, warrants, or other evidences of indebtedness issued and sold under the provisions of this Amendment may be interest bearing bonds, warrants, or other evidences of

indebtedness with maturity date fixed at any time within thirty years next succeeding the date of issuance of such securities.

The tax levied and the method of collection provided therefor by Act No. 115 approved June 22, 1949 [Acts 1949, p. 139], levying in Marion County, Alabama, and additional special privilege or license taxes and excise taxes be and the same hereby is in all things validated and confirmed, any provision or provisions of the Constitution of Alabama of 1901 to the contrary notwithstanding. [Amendment 75, approved Dec. 13, 1949]

Section 224-H. Morgan County: Bonds for Jail Building.

Morgan County may become indebted and may issue bonds therefor in an amount not exceeding $115,000.00 in addition to that now authorized, for the acquiring and paying for additional real property adjoining that where the court house and jail now set and constructing and equipping a jail building in said county. To pay said indebtedness and interest thereon, Morgan County may levy and collect an annual tax on all property situated therein at a rate not in excess of one mill. The indebtedness, the bonds and the tax authorized hereby shall be in addition to those authorized prior to the adoption of this Amendment. But no such additional indebtedness shall be incurred, no such bonds shall be issued and no such tax shall be levied until the estimated cost of acquiring and paying for additional real property adjoining that where the court house and jail now set and the cost of the construction and equipping of said jail building in said county hereby proposed to be built, its time of completion, the amount of the increased indebtedness, the rate of interest to be paid thereon and the period over which the bonds to be issued will be refunded, shall have been determined upon and made public by the county governing body of said county; and the proposed increase in indebtedness and the issuance of bonds and the increase in rate of taxation first shall have been authorized by a majority of the qualified electors of said county voting upon such proposal at an election to be called by said county governing body for said purpose to be held not less than sixty nor more than ninety days after the adoption of this Amendment. [Amendment 36, approved Nov. 8, 1938]

Section 224-I. Tuscaloosa County: Extension of Debt Limit.

Tuscaloosa County may become indebted, and in evidence of such indebtedness may sell and issue its interest-bearing bonds, to the extent of not exceeding $2,500,000.00 in principal amount, for the purpose of constructing and equipping a county courthouse and jail in said county and acquiring land therefor; provided, that before any such bonds shall be issued the question of whether said bonds shall be issued shall have first been submitted to a vote of the qualified electors of said county at an election to be called for that purpose by the governing body of said county and the issuance of said bonds shall have been authorized by a majority of said qualified electors voting at said election. The elections provided for herein shall be called, held, conducted and canvassed, and may be

contested, in the manner provided by law for the calling, holding, conducting, canvassing and contesting of county bond elections, and if the issuance of said bonds shall be authorized at any such election they may be sold and issued from time to time in the manner provided by law for the authorization and sale of county bonds. In the event the voters of Tuscaloosa County do not authorize the issuance and sale of said bonds at any election called hereunder then other elections may be called by the governing body of Tuscaloosa County from time to time until the voters of Tuscaloosa County do authorize the issuance and sale of said bonds; provided that no two elections shall be held within one year of each other. Provided further that if the majority of the voters of Tuscaloosa County participating in the election as to the adoption of this constitutional Amendment vote for such adoption of this Amendment then this expression of the voters of Tuscaloosa County for this Amendment shall of itself authorize the issue and sale of said bonds and then no additional election by the voters of Tuscaloosa County shall be required to authorize the issue and sale of said bonds and such bonds may be issued and sold as the full obligation of Tuscaloosa County without an additional election. In the event the voters of Tuscaloosa County do not authorize the issuance and sale of said bonds at any such elections herein referred to, authorized or called hereunder then other special elections shall be called by the governing body of Tuscaloosa County from time to time until the voters of Tuscaloosa County do authorize the issuance and sale of said bonds; provided that no two special elections shall be held within one year of each other except the first special election herein provided for; and provided further that such special elections shall be held at least once every two years until said bonds are authorized. When authorized said bonds shall be promptly sold and such courthouse and jail shall forthwith be built. Tuscaloosa County shall and is hereby specifically authorized to acquire adequate lands for said courthouse and jail and approaches and parking spaces. Such courthouse and jail may be built as one building or as separate buildings as the governing body of Tuscaloosa County may determine and shall be properly and adequately equipped and furnished. The indebtedness herein authorized shall be in addition to all other indebtedness authorized prior to the adoption of this Amendment. [Amendment 115, approved Nov. 6, 1956]

Section 224-J. Washington County: Indebtedness to Improve Roads and Bridges in Washington County.

Washington County may become indebted and may issue bonds for the construction or improvement of public roads and bridges in said county in an amount not to exceed the debt limits prescribed for counties by this Constitution. To pay said indebtedness and interest thereon, Washington County may impose and collect an annual road paving fee on all motor vehicle licenses issued in the county. The indebtedness, the bonds and the fee authorized hereby shall be in addition to those authorized by the Constitution of Alabama prior to the adoption of this Amendment. But no such additional indebtedness shall be created, and no such additional bonds shall be issued, and no such additional fee

shall be levied, until each improvement or construction proposed to be built thereby and its approximate location shall have been determined upon and made public by the Washington County commission, and the proposed increase of indebtedness or issue of bonds or fee therefor shall have been first authorized by a majority vote by ballot of the qualified voters of Washington County voting upon such proposition. Any local, special or general legislation enacted by the Legislature to augment or implement the provisions of this Amendment need not be advertised as provided in section 106 or any other provision of this Constitution. [Amendment 410, approved March 2, 1982]

Section 225. Indebtedness of Municipal Corporations--Limitation; Exception as to Sheffield and Tuscumbia; Limitation Not Applicable to Obligations or Indebtedness Exempted by Constitution or Amendments Thereto; Certain Obligations of Municipality Having less than 6,000 Inhabitants Not Indebtedness Within Meaning Hereof.

1. No city, town or other municipal corporation having a population of less than six thousand, except as hereafter provided, shall become indebted in an amount, including present indebtedness, exceeding twenty per centum of the assessed value of the property therein, except for the construction of or purchase of waterworks, gas or electric lighting plants, or sewerage, or for the improvements of streets, for which purposes an additional indebtedness not exceeding three per centum may be created; provided, this limitation shall not affect any debt now authorized by law to be created, nor any temporary loans to be paid within one year, made in anticipation of the collection of taxes, not exceeding one fourth of the annual revenues of such city or town. All towns and cities having a population of six thousand or more are hereby authorized to become indebted in an amount, including present indebtedness, not exceeding twenty per centum of the assessed valuation of the property therein, provided that there shall not be included in the limitation of the indebtedness of such last described cities and towns the following classes of indebtedness, to-wit: Temporary loans, to be paid within one year, made in anticipation of the collection of taxes and not exceeding one fourth of the general revenues, bonds, or other obligations already issued, or which may hereafter be issued for the purpose of acquiring, providing, or constructing school houses, waterworks, and sewers; and obligations incurred and bonds issued for street or sidewalk improvements, where the cost of the same, in whole or in part, is to be assessed against the property abutting said improvements; provided, that the proceeds of all obligations issued as herein provided in excess of said twenty per centum shall not be used for any purpose other than that for which said obligations were issued. Nothing contained in this article shall prevent the funding or refunding of valid obligations existing at the time of such funding or refunding. This section shall not apply to the cities of Sheffield and Tuscumbia.

The limitations specified in this section shall not be applicable to any obligations or indebtedness that may be exempted from the said limitations by the provisions of any

portion of this Constitution, including any Amendment thereto at any time adopted. [Amendment 268, approved Dec. 5, 1967, amending, restating, and superceding original section 225]

2. Obligations hereafter incurred and securities hereafter issued for any of the following purposes and under the following circumstances by a municipality having a population of less than six thousand inhabitants shall not be deemed to constitute indebtedness of such municipality within the meaning of section 225 of this Constitution:

(a) For the purpose of acquiring, providing or constructing sanitary or storm water sewers, or street or sidewalk improvements, the cost of which, in whole or in part, is to be assessed against the property drained, served or benefited by such sewers or abutting such improvements; or

(b) For the purpose of acquiring, providing or constructing school houses, provided that there shall be pledged for payment of the principal of and interest on such obligations or securities a tax which the governing body of such municipality shall have determined, upon the basis of its estimate of the revenues from said tax, will be sufficient to pay said principal and interest at their respective maturities.[Amendment 126, approved Dec. 17, 1957].

Section 225-A. Tuskegee: Indebtedness for Daniel AChappie@ James Aerospace Memorial.

The city of Tuskegee in Macon County is hereby authorized to incur indebtedness to the extent of not exceeding $3,500,000 in aggregate principal amount, and to issue its bonds in evidence of the indebtedness so incurred, for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial." Such bonds may be issued only after the question of the issuance thereof shall have been submitted to the qualified electors of said municipality at an election called for that purpose by the governing body of said municipality and a majority of said qualified electors voting at said election shall have voted in favor of the issuance of said bonds, which election shall be called, held, conducted, and canvassed, and may be contested, in the manner and within the time provided by the then existing laws of Alabama pertaining to elections on the issuance of bonds by municipalities; provided, however, that if a majority of the qualified electors of said municipality participating in the election on the adoption of this Amendment shall vote for the adoption thereof, then the approval of this Amendment expressed by the voters of said municipality in favor of its adoption shall of itself authorize the issuance of the bonds, and in that event no additional election by the electors of said municipality shall be required to authorize the issuance of said bonds. In the event the majority of the qualified electors of said municipality participating in the election on the adoption of this Amendment should not vote in favor of the adoption thereof, or in the event the majority vote at any election held in said municipality pursuant to the provisions of this

Amendment after its adoption is not in favor of the issuance of the bonds proposed at said election, the governing body of said municipality may from time to time call other elections hereunder on the issuance of said bonds, but not more than one such election shall be held during any period of twelve consecutive months. The power to become indebted and to issue bonds in evidence of such indebtedness shall be in addition to all other powers which the said municipality may have under the Constitution and laws of Alabama, and any bonds issued pursuant to this Amendment shall not be chargeable against the amount of indebtedness which said municipality may incur under the Constitution and laws of Alabama in effect prior to the adoption of this Amendment. All bonds issued under this Amendment shall be general obligations of the municipality secured by an irrevocable pledge of its full faith and credit, may (any provisions of the Constitution and laws of this State to the contrary notwithstanding) be additionally secured by a special and irrevocable pledge of a sufficient amount of the proceeds from the 1 1/4 % ad valorem tax authorized by Amendment 56 to the Constitution of Alabama, to be levied and collected by the municipality, shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the sale of said bonds respecting the maturities, sale, execution and redemption of bonds by municipalities.

The provisions of this Amendment shall be self-executing. [Amendment 438, approved Nov. 8, 1983]

Section 226. Same--Municipal Corporations Whose Present Indebtedness Exceeds Constitutional Limitation; Exception as to Sheffield and Tuscumbia.

No city, town, or village, whose present indebtedness exceeds the limitation imposed by this Constitution, shall be allowed to become indebted in any further amount, except as otherwise provided in this Constitution, until such indebtedness shall be reduced within such limit; provided, however, that nothing herein contained shall prevent any municipality, except the city of Gadsden, from issuing bonds already authorized by law; provided, further, that this section shall not apply to the cities of Sheffield and Tuscumbia. [Original section 226]

Section 227. Liability of Public Utilities in Municipal Corporations for Damages to Abutting Property Owners.

Any person, firm, association, or corporation, who may construct or operate any public utility along or across the public streets of any city, town, or village, under any privilege or franchise permitting such construction or operation, shall be liable to abutting proprietors for the actual damage done to the abutting property on account of such construction or operation. [Original section 227]

Section 228. Maximum Term of Public Utility Franchises in Cities and Towns Having Population of Six Thousand or More.

No city or town having a population of more than six thousand shall have authority to grant to any person, firm, corporation, or association the right to use its streets, avenues, alleys, or public places for the construction or operation of water works, gas works, telephone or telegraph line, electric light or power plants, steam or other heating plants, street railroads, or any other public utility, except railroads other than street railroads, for a longer period than thirty years. [Original section 228]

Private Corporations

Section 229. Special Laws Conferring Corporate Powers Prohibited; General Law as to Grant or Amendment of Corporate Charters; Corporation Franchise Taxes to Be Paid; Exemption of Benevolent, Educational or Religious Corporations and Federal Building and Loan Associations from Franchise Taxes.

The Legislature shall pass no special act conferring corporate powers, but it shall pass general laws under which corporations may be organized and corporate powers obtained, subject, nevertheless, to repeal at the will of the Legislature; and shall pass general laws under which charters may be altered or amended. The Legislature shall, by general laws, provide for the payment to the State of Alabama of a franchise tax by corporations organized under the laws of this State which shall be in proportion to the amount of capital stock; but strictly benevolent, educational or religious corporations or federal building and loan associations organized pursuant to an act of congress known as the Home Owners' Loan Act of 1933, as amended, and as the same may hereafter be amended, or building and loan associations organized under or authorized to do business by the laws of Alabama shall not be required to pay such a tax on their withdrawable or repurchasable shares. The charter of any corporation shall be subject to Amendment, alteration, or repeal under general laws. Exemption of the shares of building and loan associations from franchise taxes heretofore provided by statute is ratified. [Amendment 27, approved Dec. 17, 1935, amending and restating original section 229]

Section 230. Cancellation of Certain Corporate Charters.

All existing charters, under which a bona fide organization shall not have taken place and business commenced in good faith within twelve months from the time of the ratification

of this Constitution, shall thereafter have no validity. [Original section 230; transitional provision that could be deleted]

Section 231. Limitation on Remitting Forfeiture of Corporate Charters.

The Legislature shall not remit the forfeiture of the charter of any corporation now existing or alter or amend the same, nor pass any general or special law for the benefit of such corporation, other than in execution of a trust created by law or by contract, except upon condition that such corporation shall thereafter hold its charter subject to the provisions of this Constitution. [Original section 231; also something of a transitional provision that could be deleted]

Section 232. Foreign Corporations Doing Business in State; Nonresidents Making Mortgage Loans Through Licensed Real Estate Brokers.

A. No foreign corporation shall do business in this state without having at least one known place of business and an authorized agent or agents therein, and without filing with the Secretary of State a certified copy of its articles of incorporation or association. Any foreign corporation, whether or not such corporation has qualified to do business in this state by filing with the Secretary of State a certified copy of its articles of incorporation or association, may be sued only in those counties where such suit would be allowed if the said foreign corporation were a domestic corporation. The Legislature shall, by general law, provide for the payment to the State of Alabama of a franchise tax by such corporation, but such franchise tax shall be based on the actual amount of capital employed in this state. Strictly benevolent, educational, or religious corporations shall not be required to pay such a tax. [Amendment 473, approved March 8, 1988, amending and restating original section 232]

B. ***Section 1.*** Any corporation which is not organized under the laws of this State and has no place of business in this state may take and hold mortgages on real property located within this state, deposit the proceeds thereof in a bank account, or bank accounts, in this state, collect the debts secured thereby and may appoint a custodian or collection agent, who must be duly licensed under the laws of this State, to engage in the business of mortgage loan broker, to hold for such non-resident such securities, collect such debts, manage any property acquired by foreclosure thereof, sell and dispose of any property acquired by foreclosure thereof and enforce the provisions of such mortgages and no such foreign corporation shall be deemed to be doing business in this state solely by reason of doing any or all of the acts designated herein; provided, however, that any custodian or agent appointed under the provisions of this Amendment by any such foreign corporation shall pay all applicable municipal license taxes and shall pay an occupational license tax as mortgage loan broker to the State of Alabama of one hundred

dollars ($100.00) for the first year that such broker represents each such foreign corporation and five dollars ($5.00) annually for representing each such foreign corporation thereafter. Any foreign corporation which engages in any of the acts prescribed in this section may sue or be sued in this state in relation to any such mortgages held by it, or real property, securities or debts acquired by it and service of process may be perfected upon such foreign corporation by service upon any resident licensed mortgage loan broker appointed as custodian or agent by such corporation in this state.

Section 2. No foreign corporation, which does no other acts in this state than those provided in section 1 hereof, shall be required to pay any franchise tax, qualification fee, permit fee, nor shall it be required in any other way to qualify to do business in this state.

Section 3. This Amendment shall be self-executing, but the Legislature may, by general act, make provision for enforcement thereof and provide penalties for the violation thereof. [Amendment 154, approved Nov. 8, 1960]

Section 233. Corporations Restricted to Business Authorized by Charter.

No corporation shall engage in any business other than that expressly authorized in its charter or articles of incorporation. [Original section 233]

Section 234. Restrictions on Issuance of Corporate Stock and Bonds.

No corporation shall issue stocks or bonds except for money, labor done, or property actually received; and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased except in pursuance of general laws, nor without the consent of the persons holding the larger amount in value of stock, first obtained at a meeting to be held after thirty days' notice, given in pursuance of law. [Original section 234]

Section 235. Taking of Property for Public Use by Municipal and Other Corporations.

Municipal and other corporations and individuals invested with the privilege of taking property for public use, shall make just compensation, to be ascertained as may be provided by law, for the property taken, injured, or destroyed by the construction or enlargement of its works, highways, or improvements, which compensation shall be paid before such taking, injury, or destruction. The Legislature is hereby prohibited from denying the right of appeal from any preliminary assessment of damages against any such corporations or individuals made by viewers or otherwise, but such appeal shall not

deprive those who have obtained the judgment of condemnation from a right of entry, provided the amount of damages assessed shall have been paid into court in money, and a bond shall have been given in not less than double the amount of the damages assessed, with good and sufficient sureties, to pay such damages as the property owner may sustain; and the amount of damages in all cases of appeals shall on demand of either party, be determined by a jury according to law. [Original section 235]

Section 236. Security for Dues from Private Corporations; Liability of Stockholders.

Dues from private corporations shall be secured by such means as may be prescribed by law; but in no case shall any stockholder be individually liable otherwise than for the unpaid stock owned by him or her. [Original section 236]

Section 237. Issuance of Preferred Stock by Corporations.

No corporation shall issue preferred stock without the consent of the owners of two-thirds of the stock of said corporation. [Original section 237]

Section 238. Authority of Legislature to Revoke Charters of Incorporation.

The Legislature shall have the power to alter, amend, or revoke any charter of incorporation now existing and revocable at the ratification of this Constitution, or any that may be hereafter created, whenever, in its opinion, such charter may be injurious to the citizens of this State, in such manner, however, that no injustice shall be done to the stockholders. [Original section 238]

Section 239. Telegraph and Telephone Companies.

Any association or corporation organized for the purpose, or any individual, shall have the right to construct and maintain lines of telegraph and telephone within this state, and connect the same with other lines; and the Legislature shall, by general law of uniform operation, provide reasonable regulations to give full effect to this section. No telegraph or telephone company shall consolidate with or hold a controlling interest in the stock or bonds of any other telegraph or telephone company owning a complete line, or acquire, by purchase or otherwise, any other competing line of telegraph or telephone. [Original section 239]

Section 240. Corporations May Sue and Be Sued like Natural Persons.

All corporations shall have the right to sue, and shall be subject to be sued, in all courts in like cases as natural persons. [Original section 240]

Section 241. "Corporation" Defined.

The term "corporation," as used in this article shall be construed to include all joint stock companies, and all associations having any of the powers or privileges of corporations, not possessed by individuals or partnerships. [Original section 241]

Railroads and Canals

Section 242. When Railroads and Canals Deemed Public Highways; Railroad and Canal Companies; Common Carriers; Rights of Railroad Companies Generally.

All railroads and canals not constructed and used exclusively for private purposes, shall be public highways, and all railroad and canal companies shall be common carriers. Any association or corporation organized for the purpose shall have the right to construct and operate a railway between any points in this state, and connect at the state line, with railroads of other states. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and each shall receive and transport the freight, passengers, and cars, loaded or empty, of the others, without delay or discrimination. [Original section 242]

Section 243. Regulation of Railroad Companies Vested in Legislature.

The power and authority of regulating railroad freight and passenger tariffs, the locating and building of passenger and freight depots, correcting abuses, preventing unjust discrimination and extortion and requiring reasonable and just rates of freight and passenger tariffs, are hereby conferred upon the Legislature, whose duty it shall be to pass laws from time to time regulating freight and passenger tariffs, to prohibit unjust discrimination on the various railroads, canals, and rivers of the state, and to prohibit the charging of other than just and reasonable rates and enforce the same by adequate penalties. [Original section 243]

Section 244. Giving Free Passes or Discount Tickets to Members of Legislature or Officers Exercising Judicial Functions.

No railroad or other transportation company or corporation shall grant free passes or sell tickets or passes at a discount, other than as sold to the public generally, to any member of the Legislature or to any officer exercising judicial functions under the laws of this State; and any such member or officer receiving such a pass or ticket for himself, or procuring the same for another, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding five hundred dollars, and at the discretion of the court trying the case, in addition to such fine, may be imprisoned for a term not exceeding six months, and upon conviction, shall be subject to impeachment and removal from office. The courts having jurisdiction shall give this law specially in charge to the grand juries, and when the evidence is sufficient to authorize an indictment, the grand jury must present a true bill. The Circuit Court or any other court of like jurisdiction in any county into or through which such member or officer is transported by the use of such prohibited pass or ticket, shall have jurisdiction of the case, provided only one prosecution shall be had for the same offense; and, provided further, that the trial and judgment for one offense shall not bar a prosecution for another offense when the same pass or ticket is used; and, provided further, that nothing herein shall prevent a member of the Legislature who is a bona fide employe of a railroad or other transportation company or corporation at the time of his election, from accepting or procuring for himself or another, not a member of the Legislature, or officer exercising judicial functions, a free pass over the railroads or other transportation company or corporation by which he is employed. [Original section 244]

Section 245. Railroad Companies Not to Give Rebates or Bonuses in Nature Thereof; Deceiving or Misleading Public as to Rates.

No railroad company shall give or pay any rebate, or a bonus in the nature thereof, directly or indirectly, or do any act to mislead or deceive the public as to the real rates charged or received for freights or passage; and any such payments shall be illegal and void, and these prohibitions shall be enforced by suitable penalties. [Original section 245]

Section 246. Acceptance of Article Prerequisite to Benefits of Future Legislation.

No railroad, canal, or transportation company in existence at the time of the ratification of this Constitution, shall have the benefit of any future legislation by general or special laws other than in execution of a trust created by law or by contract, except on the condition of complete acceptance of all the provisions of this article. [Original section 246]

Article XIII. Banks And Banking

Section 247. Authority of Legislature Restricted.

The Legislature shall not have the power to establish or incorporate any bank or banking company or moneyed institution for the purpose of issuing bills of credit or bills payable to order or bearer, except under the conditions prescribed in this Constitution. [Original section 247]

Section 248. Banking Laws to Be General; Specie Basis; Authority of Banks to Issue Bills to Circulate as Money.

No bank shall be established otherwise than under a general banking law, nor other than upon a specie basis; provided, that any bank may be established with authority to issue bills to circulate as money in an amount equal to the face value of bonds of the United States, or of this state, convertible into specie at their face value, which shall, before such bank is authorized to issue its bills for circulation, be deposited with the state treasurer or other depository prescribed by law, in an amount equal to the aggregate of such proposed issue, with power in such treasurer or depository to dispose of any or all of such bonds for a sufficient amount of specie to redeem the circulating notes of such bank at any time and without delay, should such bank suspend specie payment or fail to redeem its notes on demand. [Original section 248]

Section 249. Bills or Notes Issued as Money Redeemable in Gold or Silver; Laws Not to Sanction Suspension of Specie Payments.

All bills or notes issued as money shall be at all times redeemable in gold or silver, and no law shall be passed sanctioning directly or indirectly the suspension by any bank or banking company of specie payment. [Original section 249]

Section 250. Preference of Certain Creditors in Case of Insolvency of Bank.

[Repealed by Amendment 5, approved Nov. 7, 1916]

Section 251. Duration of Corporations Not Limited; Renewal of Existing Charters Not Required.

There shall be no limit of time for the duration of a corporation hereafter organized as a bank or banking company, and it shall not be necessary hereafter to renew or extend the life or charter of any such corporation now existing. And all extensions of the life or charter of any such corporations are hereby ratified and confirmed. [Amendment 51, approved Nov. 7, 1944, amending, restating, and superseding original section 251]

Section 252. Maximum Rate of Interest.

No bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed by law to individuals for lending money. [Original section 252]

Section 253. State and Political Subdivisions Thereof Not to Be Stockholders in Banks or Lend Credit Thereto.

Neither the state nor any political subdivision thereof, shall be a stockholder in any bank, nor shall the credit of the state or any political subdivision thereof be given or lent to any banking company, association, or corporation. [Original section 253]

Section 254. Examination of Banks by Public Officers; Semiannual Reports by Banks.

The Legislature shall by appropriate laws provide for the examination, by some public officer, of all banks and banking institutions and trust companies engaged in banking business in this state; and each of such banks and banking companies or institutions shall, through its president, or such other officer as the Legislature may designate, make a report under oath of its resources and liabilities at least twice a year. [Original section 254]

Section 255. Applicability of Article.

The provisions of this article shall apply to all banks except national banks, and to all trust companies and individuals doing a banking business, whether incorporated or not. [Original section 255]

Article XIV. Education

Section 256. Duty of Legislature to Establish and Maintain Public School System; [[Apportionment of Public School Fund; Separate Schools for White and Colored Children]]; [Educational Policy of State;] [[Authority of Legislature to Provide for or Authorize Establishment and Operation of Schools by Persons, Municipalities, Etc.; Grant, Donation, Sale or Lease of Funds and Property for Educational Purposes; Election of Certain Schools for Attendance by Parents of Minors.]]

The Legislature shall establish, organize, and maintain a liberal system of public schools throughout the state for the benefit of the children thereof between the ages of seven and twenty-one years. [[The public school fund shall be apportioned to the several counties in proportion to the number of school children of school age therein, and shall be so apportioned to the schools in the districts or townships in the counties as to provide, as nearly as practicable, school terms of equal duration in such school districts or townships. Separate schools shall be provided for white and colored children, and no child of either race shall be permitted to attend a school of the other race.]] [Original section 256]

[It is the policy of the state of Alabama to foster and promote the education of its citizens in a manner and extent consistent with its available resources, and the willingness and ability of the individual student, but nothing in this Constitution shall be construed as creating or recognizing any right to education or training at public expense, nor as limiting the authority and duty of the Legislature, in furthering or providing for education, to require or impose conditions or procedures deemed necessary to the preservation of peace and order.]

[[The Legislature may by law provide for or authorize the establishment and operation of schools by such persons, agencies or municipalities, at such places, and upon such conditions as it may prescribe, and for the grant or loan of public funds and the lease, sale or donation of real or personal property to or for the benefit of citizens of the state for educational purposes under such circumstances and upon such conditions as it shall prescribe. Real property owned by the state or any municipality shall not be donated for educational purposes except to nonprofit charitable or eleemosynary corporations or associations organized under the laws of the state.

To avoid confusion and disorder and to promote effective and economical planning for education, the Legislature may authorize the parents or guardians of minors, who desire that such minors shall attend schools provided for their own race, to make election to that end, such election to be effective for such period and to such extent as the Legislature may provide.]] [Amendment 111, approved 1956, purporting to revise, restate, and supercede original section 256 (as well as other sections).]

[Note: The legal situation with regard to section 256 is complex and uncertain. Amendment 111, including its revised Amendment 256, was adopted following the

United States Supreme Court's decision in Brown v. Board of Education, 347 U. S. 483 (1954) in an attempt to avoid integration of the public schools. In Alabama Coalition for Equity, Inc. v. Guy Hunt, Civ. Action 90-883, Montgomery Circuit Court (the "Equity Funding case"), the trial court ruled that the last two sentences of original section 256 were invalid, as were all three sentences of Amendment 111's revision of section 256. The trial court held, however, that the first sentence of section 256 remained in effect. (Trial Court Order, August 13, 1991) The trial court rejected an argument that the first sentence of Amendment 111's revision of section 256 was valid and superceded the first sentence of the original section 256. The brackets in the heading and text above reflect this ruling. It is generally conceded that the last two sentences of both the original section 256 and the Amendment 111 revision of section 256 are invalid, and this is denoted with double brackets. The validity of the first sentence of the Amendment 111's revision of section 256 is still being actively advocated, so that sentence is marked with only single brackets. Since the continuing validity of the first sentence of the original section 256 was recognized by the trial court order, that provision is unbracketed. It should be noted that on January 10, 2002, the Alabama Supreme Court ordered a rehearing of the Equity Funding case, directing the parties to address the issue of whether Amendment 111 was properly ratified, and, if so, what effect it had on the original section 256.]

Section 257. Principal from Sale, etc., of School Property to be Preserved; Disposition of Income Therefrom.

The principal of all funds arising from the sale or other disposition of lands or other property, which has been or may hereafter be granted or entrusted to this state or given by the United States for educational purposes shall be preserved inviolate and undiminished; and the income arising therefrom shall be faithfully applied to the specific object of the original grants or appropriations. [Original section 257]

Section 258. Property Donated or Appropriated for Educational Purposes and Estates of Persons Dying Without Will or Heirs to be Applied to Maintenance of Public Schools.

All lands or other property given by individuals, or appropriated by the state for educational purposes, and all estates of deceased persons who die without leaving a will or heir, shall be [faithfully applied to the maintenance of the public schools] [used or applied to the furtherance of education]. [Amendment 111, approved 1956, revising and restating the original section 258 by substituting the language "used or applied in furtherance of education" for the original language "faithfully applied to the maintenance of the public schools". because of the circumstances under which Amendment 111 was adopted, see note under section 256 above, it may be unconstitutional even though the language of amended section 258 is not racially discriminatory on its face.]

Section 259. Use of Poll Taxes for Support of Public Schools.

All poll taxes collected in this state shall be applied to the support of of the public schools in the respective counties where collected.] [Omit; poll taxes illegal under federal law and have been deleted in revised Article VIII of the Alabama Constitution]

Section 260. Certain Income to be Applied to Support and Maintenance of Public Schools; Special Annual Tax for Schools; Maximum Annual Levy on Taxable Property; Priority for Payment of Bonded Indebtedness of State; Title to Sixteenth Section of School Lands in Mobile County.

A. The income arising from the sixteenth section trust fund, the surplus revenue fund, until it is called for by the United States government, and the funds enumerated in sections 257 and 258 of this Constitution, together with a special annual tax of thirty cents on each one hundred dollars of taxable property in this state, which the Legislature shall levy, shall be applied to the support and [maintenance of the public schools] [furtherance of education], and it shall be the duty of the Legislature to increase the [public school] [educational] fund from time to time as the necessity therefor and the condition of the treasury and the resources of the state may justify; provided, that nothing herein contained shall be so construed as to authorize the Legislature to levy in any one year a greater rate of state taxation for all purposes, including schools, than sixty-five cents on each one hundred dollars' worth of taxable property; and provided further, that nothing herein contained shall prevent the Legislature from first providing for the payment of the bonded indebtedness of the state and interest thereon out of all the revenue of the state. [Original section 260, with Amendment 111 changes ("furtherance of education" substituted for "maintenance of public schools", "educational" for "public schools") indicated by brackets. Amendment 111 was approved in 1956]

[Except as they may be specifically set aside in trust funds or otherwise applied to the payment of indebtedness, all proceeds of income or other taxes levied by the state, and of all special ad valorem or other taxes levied by counties and other municipalities, or school districts, pursuant to the Constitution as heretofore amended, for public school purposes, shall be applied to the support and furtherance of education pursuant to section 256 of the Constitution, as amended.] [Sentence added by Amendment 111, approved 1956]

B. The Legislature shall have power to divest the state of Alabama of title to that certain sixteenth section of school lands described as follows: section 16, township 4 south, range 2 west, St. Stephens meridian, in Mobile County, and may provide for the grant of such lands and the income therefrom to the board of trustees of the University of South Alabama. [Amendment 289, approved Dec. 9, 1989]

Section 261. Percentage of School Funds for Teachers' Salaries.

Not more than four per cent. of all moneys raised or which may hereafter be appropriated for the support of public schools, shall be used or expended otherwise than for the payment of teachers employed in such schools; provided, that the Legislature may, by a vote of two-thirds of each house, suspend the operation of this section. [Original section 261]

Section 262. Selection, Qualifications, Powers, Duties and Tenure of State Board of Education and Superintendent of Education.

1. General supervision of the public schools in Alabama shall be vested in a state board of education, which shall be elected in such manner as the Legislature may provide.

2. The chief state school officer shall be the state superintendent of education, who shall be appointed by the state board of education and serve at its pleasure. The authority and duties of the superintendent of education shall be determined by the state board of education according to such regulations as the Legislature may prescribe. The superintendent of education shall receive an annual salary which shall be fixed by the Legislature of Alabama and shall be paid from the state treasury in installments as the salaries of other state officers are paid.

3. The Legislature shall enact appropriate laws to implement or enforce this article of amendment.

4. The provisions of article V and XIV of the Constitution of Alabama as amended in conflict with this article are expressly repealed. However, this Amendment shall not be so construed as to effect the election or term of the state superintendent of education chosen before it becomes valid as a part of the Constitution. [Amendment 284, approved Dec. 9, 1969; paragraph 4's repeal of any conflicting provisions of Article 14 repeals the original section 262, which vested supervision of the schools in an elected superintendent of education]

Section 263. School Funds Not to be Used for Support of Sectarian or Denominational Schools.

No money raised for the support of the public schools shall be appropriated to or used for the support of any sectarian or denominational school. [Original section 263]

Section 264. Board of Trustees of State University.

The state university shall be under the management and control of a board of trustees, which shall consist of two members from each congressional district in the state, an additional member from the congressional district which includes the site of the first campus of the university, the superintendent of education, and the Governor, who shall be ex officio president of the board. The members of the board of trustees as now constituted shall hold office until their respective terms expire under existing law, and until their successors shall be elected and confirmed as hereinafter required. The additional trustees provided for by this Amendment shall be elected by the existing members of the board, and confirmed by the Senate in the manner provided below, for initial terms of not more than six years established by the board so that one term shall expire each three years in each congressional district. Successors to the terms of the existing and additional trustees shall hold office for a term of six years, and shall not serve more than three consecutive full six-year terms on the board; provided however that a trustee shall retire from the board and vacate office at the annual meeting of the board following that trustee's seventieth birthday. Election of additional and successor trustees or of trustees to fill any vacancy created by the expiration of a term or by the death or resignation of any member or from any other cause shall be by the remaining members of the board by secret ballot; provided, that any trustee so elected shall hold office from the date of election until confirmation or rejection by the Senate, and, if confirmed, until the expiration of the term for which elected, and until a successor is elected. At every meeting of the Legislature the superintendent of education shall certify to the Senate the names of all who shall have been so elected since the last session of the Legislature, and the Senate shall confirm or reject them, as it shall determine is for the best interest of the university. If it rejects the names of any members, it shall thereupon elect trustees in the stead of those rejected. No trustee shall receive any pay or emolument other than his actual expenses incurred in the discharge of his duties as such. Upon the vacation of office by a trustee, the board, if it desires, may bestow upon a trustee the honorary title of trustee emeritus, but such status shall confer no responsibilities, duties, rights, or privileges as such. [Amendment 399, approved March 2, 1982, amending, restating and superceding original section 264]

Section 265. Annual Payment of Interest on Funds of University of Alabama; Authority to Abolish Military System at University.

After the ratification of this Constitution there shall be paid out of the treasury of this state at the time and in the manner provided by law, the sum of not less than thirty-six thousand dollars per annum as interest on the funds of the University of Alabama, heretofore covered into the treasury, for the maintenance and support of said institution; provided, that the Legislature shall have the power at any time they deem proper for the best interest of said university to abolish the military system at said institution or reduce

the said system to a department of instruction, and that such action on the part of the Legislature shall not cause any diminution of the amount of the annual interest payable out of the treasury for the support and maintenance of said university. [Original section 265; at least the proviso could be omitted]

Section 266. Board of Trustees of Auburn University.

Section 1. Auburn University shall be under the management and control of a board of trustees. The board of trustees shall consist of one member from each of the congressional districts in the state as the same were constituted on the first day of January, 1961, one member from Lee County, two at-large members both of whom shall be a resident of the continental United States, the state superintendent of education serving on the date this amendatory language is ratified, who shall serve until leaving the office of superintendent, one additional at-large member who shall be a resident of the continental United States, and who shall succeed the current State Superintendent of Education on the board of trustees immediately upon the superintendent leaving office, and the Governor, who shall be ex officio president of the board.

Appointment of the initial two at-large members shall be made by the Governor by and with the advice and consent of the Senate. Otherwise, the trustees from each congressional district, from Lee County, and all subsequent at-large trustees, including the at-large position created upon the vacating of office of the current State Superintendent of Education, shall be appointed by the appointing committee created herein, by and with the advice and consent of the Senate. The appointment of members to fill a vacated position with a partially expired term of office shall also be made by the appointing committee as provided herein.

A board of trustees appointing committee is established composed of the following members:

> The President Pro Tem of the Board of Trustees of Auburn University or the designee of the President Pro Tem. The designee shall be a member of the Board of Trustees of Auburn University.
>
> A member of the Board of Trustees of Auburn University selected by the board of trustees.
>
> Two members of the Auburn Alumni Association Board of Directors, who are not current employees of Auburn University, selected by the Auburn Alumni Association Board of Directors.
>
> The Governor or a designee of the Governor who is an alumnus of Auburn University but who is not a current member of the Auburn Board of Trustees nor

a current member of the Auburn Alumni Association Board of Directors nor a current employee of Auburn University.

The Governor, or the designee of the Governor, shall serve as chairperson of the appointing committee. If the chairperson fails to call a meeting within 90 days prior to the expiration of the term of a sitting board member or within 30 days following the creation of a vacancy by death, resignation, or other cause, a majority of the committee, in writing, may call a meeting giving at least 10 days notice. In the absence of the chairperson or another member designated by the chairperson to preside, the majority of the committee shall choose its own chairperson.

When appropriate, the appointing committee shall meet to address the appointment of any of the following:

A person to fill the at-large position on the Board of Trustees of Auburn University created upon the vacating of office by the current State Superintendent of Education.

Persons to fill an expired or soon-to-be expired term of office of any member of the Board of Trustees of Auburn University, including the two at-large positions initially appointed by the Governor.

Persons to fill the remainder of a partially expired term of office of any position on the Board of Trustees of Auburn University which has been vacated by reason of death, resignation, or other cause, including the two at-large positions initially appointed by the Governor.

The appointing committee, by majority vote, shall appoint an individual to fill the respective position on the board of trustees. The committee shall ensure that appointments are solicited from all constituencies, are inclusive, and reflect the racial, gender, and economic diversity of the state. A person may not be appointed to the Board of Trustees of Auburn University while serving on the appointing committee.

A trustee shall hold office for a term of seven years, and may serve no more than two full seven-year terms of office. Appointment and service for a portion of an unexpired term shall not be considered in applying the two-term limit.

Each member of the board of trustees as constituted on the date this amendatory language is ratified may serve the remainder of his or her current term and shall be eligible, if otherwise qualified, to serve for no more than two additional seven-year terms.

No person shall be appointed as a member of the board of trustees after having reached 70 years of age.

Of the two persons initially appointed by the Governor to serve in the at-large positions, one shall be appointed to serve an initial term of four years and one shall be appointed to serve an initial term of seven years. Thereafter, successors to these positions, who shall be appointed by the appointing committee, shall serve terms of office of the same duration as other members. These initial terms shall be considered as full terms in applying the two-term limit.

One more than half of the members of the board shall constitute a quorum, but a smaller number may adjourn from day to day until a quorum is present.

A term shall begin only upon confirmation by the Senate. A member may continue to serve until a successor is confirmed, but in no case for more than one year after completion of a term.

No trustee shall receive any pay or emolument other than his or her actual expenses incurred in the discharge of duties as such.

No employee of Auburn University shall be eligible to serve as a member of the board of trustees.

The appointing committee, or the Governor, in regard to the two initial at-large appointments, shall submit the name of the persons selected for appointment to the Secretary of the Senate, who shall inform the Senate of the receipt of such submission. If the Senate is in regular session at that time, the submission shall be made by the conclusion of the next legislative day following the appointment. If the Senate is not in regular session at the time of appointment, the submission shall be made before the commencement of the next regular session.

If the entire Senate, by a majority vote, confirms the submission, the appointee shall immediately assume office. An appointee may not begin service prior to Senate confirmation.

If the submission is not confirmed by the entire Senate by a majority vote by the conclusion of the legislative session, the submission shall be considered rejected.

A submission to the Senate may be withdrawn at any time by the Governor in regard to the two initial at-large appointments made by the Governor. A submission to the Senate may be withdrawn at any time by the appointing committee in regard to appointments made by the committee.

Upon the rejection of a submission or the withdrawal of a submission, the appointment and confirmation process specified in this Amendment shall commence anew.

The same name may be submitted to the Senate for the same position on the board more than one time.

Upon the expiration of a term of office, a member of the board of trustees shall continue to serve until a successor is appointed pursuant to this Amendment, is confirmed by the entire Senate by majority vote, and assumes office. If a successor is not confirmed by the conclusion of the regular session in which one or more names for the position were initially submitted, the former holder of the position may continue to serve until a successor is appointed and confirmed, but in no case shall this continuation be longer than one year after completion of the term of office.

If any position on the board of trustees becomes vacant during a term of office by reason of death, resignation, or other cause, a person shall be appointed by the appointing committee to fill the remainder of the unexpired term of office pursuant to the procedure provided for other appointments made by the appointing committee. The position shall be considered vacant until a person is confirmed by a majority vote of the entire Senate.

Section 2. [Original] section 266 [as amended]of article 14 of the Constitution of Alabama of 1901 is hereby repealed. [Amendment 670, approved Nov. 7, 2000, amending, restating, and superceding Amendment 161, approved Dec. 5, 1961, which in turn amended restated and superceded the original section 266]

Section 267. Change of Location of [Alabama Polytechnic Institute] [Auburn University], Alabama Schools for the Deaf and Blind or Alabama Girls Industrial School.

The Legislature shall not have power to change the location of the state university, or the [Alabama Polytechnic Institute] [Auburn University], or the Alabama Schools for the Deaf and Blind, or the Alabama Girls' Industrial School, as now established by law, except upon a vote of two-thirds of the Legislature taken by yeas and nays and entered upon the journals. [Original section 267, with brackets indicating change of name of Alabama Polytechnic Institute to Auburn University, as per Amendment 161, approved Dec. 5, 1961; see section 267 above]

Section 268. Provision for Taking School Census.

The Legislature shall provide for taking a school census by townships and districts throughout the state not oftener than once in two years, and shall provide for the punishment of all persons or officers making false or fraudulent enumerations and returns; provided, the state superintendent of education may order and supervise the taking of a new census in any township, district, or county, whenever he may have reasonable cause to believe that false or fraudulent returns have been made. [Original section 268]

Section 269. Special County [School] [Educational] Taxes; Special Tax for Educational Purposes in Cities of Decatur and Cullman and for Hospital Purposes in Morgan County; Special County and District School Taxes; Additional Property Tax for County Educational Purposes; Additional Special District School Tax; Ratification of Public School Taxes.

1. The several counties in this state shall have power to levy and collect a special tax not exceeding ten cents on each one hundred dollars of taxable property in such counties, for the support of [public schools] [furtherance of education in such manner as may be authorized by the Legislature]; provided, that the rate of such tax, the time it is to continue, and the purpose thereof, shall have been first submitted to a vote of the qualified electors of the county, and voted for by three-fifths of those voting at such election; but the rate of such special tax shall not increase the rate of taxation, state and county combined, in any one year, to more than one dollar and twenty-five cents on each one hundred dollars of taxable property; excluding, however, all special county taxes for public buildings, roads, bridges, and the payment of debts existing at the ratification of the Constitution of eighteen hundred and seventy-five. [The funds arising from such special school tax shall be so apportioned and paid through the proper school officials to the several schools in the townships and districts in the county that the school terms of the respective schools shall be extended by such supplement as nearly the same length of time as practicable; provided, that this section shall not apply to the cities of Decatur, New Decatur, and Cullman.] [Original section 269, with brackets indicating the change made by Amendment 111's version of section 269, which was to substitute the phrase "furtherance of education in such manner as may be authorized by the Legislature" for the term "public schools" in the first sentence, and to delete the last sentence. Amendment 111 was approved in 1956. As to possible challenges to Amendment 111, see the note following section 256]

2. A. Notwithstanding the proviso to the contrary in [original] section 269 of this Constitution, the special tax for educational purposes provided for by that section may be levied and collected upon taxable property situated in the city of Decatur (formerly the cities of Decatur and New Decatur). Upon the adoption of this Amendment the governing body of Morgan County shall order an election at which the qualified electors of the city of Decatur shall determine whether or not such special tax shall be levied and collected on taxable property in said city. Said election shall be held and determined as now provided by law for determining whether or not the special one mill county school tax shall be levied, and if a majority of the electors participating in said election vote in favor of said levy, said special tax shall be levied upon the taxable property in the city of Decatur during the tax years commencing with the tax year beginning next after said election and ending with the tax year beginning on October 1, 1967, and thereafter said special tax may be levied and collected as is now or hereafter may be provided by law.

B. Morgan County may levy and collect a tax upon all taxable property situated therein at a rate not in excess of ten cents on each one hundred dollars of taxable property, which tax shall be used exclusively for the construction, equipping, enlargement, acquisition, repair, or operation of public hospital properties situated in said county owned or proposed to be acquired in said county by the city of Decatur and Morgan County. Said tax shall be in addition to all other taxes now authorized by law, but shall not be levied until it shall have been authorized by a majority of the qualified electors of such county voting at an election called by the governing body of said county at which there shall be submitted to a vote the rate of such tax, the time it is to continue, and the purpose or purposes thereof. Such elections may be called and had from time to time, and shall be had, governed and determined under such rules and regulations as the governing body of said county may prescribe. Said tax may be pledged by the governing body of said county to secure payment of any debt incurred by said county or by any public corporation for hospital purposes in said county.

C. Notwithstanding the proviso to the contrary in section 269 of this Constitution, the special tax for educational purposes provided for by that section may be levied upon taxable property situated in the city of Cullman. [Amendment 52, approved Nov. 5, 1946]

3. [Article XIX,] ***Section 1.*** The several counties in the state shall have power to levy and collect a special county tax not exceeding thirty cents on each one hundred dollars worth of taxable property in such counties in addition to that now authorized or that may hereafter be authorized for public school purposes, and in addition to that now authorized under section 260 of article XIV of the Constitution; provided, that the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the county, and voted for by a majority of those voting at such election.

Section 2. The several school districts of any county in the state shall have power to levy and collect a special district tax not exceeding thirty cents on each one hundred dollars worth of taxable property in such district for public school purposes; provided, that a school district under the meaning of this section shall include incorporated cities or towns, or any school district of which an incorporated city or town is a part, or such other school districts now existing or hereafter formed as may be approved by the county board of education; provided further, that the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the district and voted for by a majority of those voting at such election; provided further, that [no district tax shall be voted or collected except in such counties as are levying and collecting not less than a three-mill special county school tax] [notwithstanding any other provision of this constitution or any law to the contrary, the levy of a countywide tax shall not be required as a condition precedent for the levy and collection of any district school tax in any school district in the state].

Section 3. The funds arising from the special county school tax levied and collected by any county shall be apportioned and expended as the law may direct, and the funds arising from the special school tax levied in any district which votes the same independently of the county shall be expended for the exclusive benefit of the district, as the law may direct. [Amendment 3, approved Nov. 7, 1916; brackets in "section 2" indicate amendments made by Amendment 669, approved Nov. 7, 2000, deleting the proviso that "no district tax shall be voted or collected except in such counties as are levying and collecting not less than a three-mill special county school tax" and instead providing that the levy of a countywide school tax is not a condition precedent to the levy of any district school tax]

4. The court of county commissioners, board of revenue, or other like governing body of each of the several counties in the state shall have the power to levy and collect a special county tax of not to exceed fifty cents on each one hundred dollars of taxable property, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, for educational purposes, on the value of the taxable property in the county as assessed for state taxation, provided the purpose thereof, and the time such tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at such election. If any proposal to levy the tax is defeated in any election, subsequent elections thereon may be held at any time. The election provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the school district tax authorized in constitutional Amendment III [3]. [Amendment 202, approved May 1, 1962]

5. In addition to any and all taxes now authorized, or that may be hereafter authorized by the Constitution and laws of Alabama, the several school districts of any in the state shall have power to levy and collect an additional special district school tax not exceeding thirty cents on each one hundred dollars worth of taxable property in such district for public school purposes in addition to that now authorized or that may hereafter be authorized for public school purposes; provided, that a school district under this section shall include incorporated cities or towns, or any school district of which an incorporated city or town is a part, or such other school districts now existing or hereafter formed as may be approved by the county board of education; provided, further, that the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the district, and voted for a majority of those voting at such election. [Amendment 382, approved March 11, 1980]

6. Any provision of the Constitution of Alabama 1901, as amended, to the contrary notwithstanding, all ad valorem taxes for public school or education purposes in the state of Alabama which have been approved by a majority vote of the appropriate electorate prior to March 1, 1990, and the levy and collection thereof from the date of the initial levy thereof, are hereby authorized, ratified and confirmed regardless of any statutory or

constitutional defects, mistakes, errors or ambiguities in the authorization or levy thereof or the election thereon, or in any act of the Legislature with respect thereto; provided, however, that the authorization, ratification and confirmation effected by this Amendment shall not be applicable to any tax the validity of which is being challenged in appropriate judicial proceedings in any proper court on the date the act proposing this Amendment is adopted. [Amendment 525, approved Nov. 6, 1980]

Section 269-A Baldwin County: Additional Tax for School Purposes in Baldwin County.

Section 1. The court of county commissioners, board of revenue, or other like governing body of Baldwin County shall have power to levy and provide for collection of an additional county tax of fifty cents on each one hundred dollars worth of taxable property in the county, for public school purposes, in the same manner and subject to the same election requirements as provided in the third Amendment to this Constitution with respect to other county school taxes. The tax herein authorized shall be in addition to all other county taxes authorized in this Constitution as amended, and the proceeds thereof shall be spent for public school purposes only.

Section 2. If this Amendment is approved and a majority of the qualified electors of the county who vote thereon vote in favor of the adoption of this Amendment when it is submitted, the additional tax provided for in section 1 may be levied and collected thereafter without any other election having been held thereon. But if this Amendment is approved and a majority of the qualified electors of the county who vote thereon vote against its approval, the tax may not be levied unless the rate of the tax, the time it is to continue, and the purpose thereof shall have been again submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year, and shall be called, held, and conducted in the same way, according to the general laws, as other elections on the question of levying special county school taxes. [Amendment 162, approved Dec. 5, 1961]

Section 269-B. Blount County: Special School Tax in City of Oneonta.

Section 1. In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of one dollar on each one hundred dollars' worth of taxable property in the school tax district of the city of Oneonta, Blount County, to be used solely for public school purposes; provided the levy of said tax shall first have been approved by the qualified electors of the school district as hereinafter provided.

Section 2. In the event this Amendment is approved and a majority of the qualified electors of the school tax district of the city of Oneonta who vote thereon vote in favor of the adoption of this Amendment when it is submitted, the additional tax provided for in section 1 shall be levied and collected without any other election having been held thereon. In the event this Amendment is approved and a majority of the qualified electors of the school tax district of the city of Oneonta who vote thereon vote against its approval, the tax shall not be levied unless the rate of the tax, the time it is to continue and the purpose thereof shall have been again submitted to a vote of the qualified electors of the school tax district of the city of Oneonta and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year and shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the school district tax authorized in constitutional Amendment III [3]; provided however, that it shall not be a condition precedent to any election on the school district tax herein provided for or to the levy and collection of such tax that a like or any other countywide school tax be [is] being levied and collected in Blount County.

Section 3. In the event the special school tax herein authorized shall be approved as herein provided and the board of education of the city of Oneonta anticipates the proceeds therefrom by issuing securities payable, in whole or in part, out of such proceeds, the provisions of sections 220, 221 and 224 of Title 52 of the Code of Alabama of 1940 shall not apply to any such securities. [Amendment 299, approved Dec. 9, 1969]

Section 269-C. Bullock County: License Taxes for School Purposes in Bullock County.

The court of county commissioners, board of revenue or other like governing body of Bullock County may, to raise revenue for support of the public schools within the county, fix and collect license taxes for any business, trade, occupation or profession engaged in or carried on within the county, provided the rate of such licenses, the time they are to be continued and the purpose thereof shall have been first submitted to the vote of the qualified electors of the county and voted for by a majority of those voting at such election. Such elections shall be held in the same manner as county school tax elections, except that no petition of electors shall be necessary to initiate the same. Provided that such governing body of Bullock County shall not levy a privilege or license tax on any business or occupation on which a privilege or license tax is levied by sections 176-180, and 182-186 of Title 51 of the Code of Alabama 1940, as amended and in effect at the date of adoption of this Amendment. [Amendment 163, approved Dec. 5, 1961]

Section 269-D. Butler County: Special Property Tax for Educational Purposes in Butler County.

The court of county commissioners, board of revenue, or like governing body of Butler County shall levy and collect a special property tax, in addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one percent on the value of the property in the county as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes, provided that such tax and the purpose or purposes thereof, and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at such election. The special tax provided for herein may be reduced from time to time, in the manner provided herein, for such periods of time as are necessary. If any proposal to levy a tax is defeated in any election, subsequent elections thereon may be held at any time. The election provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the school district tax authorized in Amendment III [3], article XIX, of the Constitution of Alabama, by article 7, chapter 10, Title 52, Code of Alabama (1940). The tax shall be collected in the same manner and under the same requirements and laws as the taxes of the state are collected. [Amendment 131, approved Dec. 17, 1957]

Section 269-E. Calhoun County: Special School Tax in Calhoun County; Use of Special School Tax Funds, Refunding of Bonds, etc., in Calhoun County; Special School Tax in City of Anniston; Application of Special School Taxes in City of Anniston; Special Tax in School Districts of Calhoun County; Special District School Tax in Calhoun County; Special Property Tax for Educational Purposes in City of Anniston.

1. In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of fifty cents on each one hundred dollars worth of taxable property in the cities of Jacksonville, Piedmont and Anniston and in the several school districts of Calhoun County to be used solely for public school purposes; provided such tax and the time it is to continue shall have been first submitted to the vote of the qualified electors of the school district in which such tax is to be collected and voted for by a majority of those voting at such election; otherwise said tax shall not be collected. A special separate election is hereby called on the first Tuesday after sixty days following the date this Constitutional provision becomes effective, in the cities of Jacksonville, Piedmont and Anniston and in the several school districts of Calhoun County, at which election the qualified voters in the cities of Jacksonville, Piedmont and Anniston and in the several school districts of Calhoun County may vote as to whether said special school tax herein levied shall be effective for a period of thirty years, and if the majority of those voting at said election

vote in favor of said special school tax herein referred to, such school tax shall immediately be levied and collected annually thereafter on the first day of October by the tax collector of Calhoun County, and, if pledged, paid to the cities of Jacksonville, Piedmont and Anniston; otherwise by him immediately paid to the board of education of the cities of Jacksonville, Piedmont and Anniston, for a period of thirty years from the date of said election in the cities of Jacksonville, Piedmont and Anniston, and in the several school districts of Calhoun County and a special separate election is likewise hereby called in each other school district in Calhoun County on the first Tuesday after sixty days following the date this Constitutional provision becomes effective and the qualified electors of each such other school district in Calhoun County shall vote as to whether said special school tax herein levied shall be effective in their respective districts for a period of thirty years, and where a majority of those voting at said election in any such school district vote in favor of said special school tax such special school tax shall be immediately levied and collected annually thereafter on the first day of October by the tax collector of Calhoun County and if pledged, paid to county of Calhoun; otherwise by him immediately paid to the board of education of Calhoun County, for a period of thirty years in any such school district where the majority of such electors voting at said election vote therefor. This section shall be self-executing.

The funds arising from the special school tax to be levied hereunder and to be collected therefrom shall be expended for public school purposes for the exclusive benefit of the school district in which collected with all such tax collected in the city of Jacksonville to be expended in the city of Jacksonville and with all such tax collected in the city of Piedmont to be expended in the city of Piedmont and all such tax collected within the Anniston school district to be expended in the Anniston school district. After said tax has been voted, and without further authorization or authority, as and when requested by the boards of education of the cities of Jacksonville, Piedmont and Anniston, the cities of Jacksonville, Piedmont and Anniston shall issue and sell interest bearing bonds with principal and interest to be paid from the funds to be derived from the special school tax hereby levied in the cities of Jacksonville, Piedmont and Anniston and in the school districts in which the cities of Jacksonville, Piedmont and Anniston are located, for the sole purpose of construction and improvement of school buildings and the acquiring of sites therefor; provided, said net proceeds of said bonds shall immediately be paid to the boards of education of the cities of Jacksonville, Piedmont and Anniston and said bonds shall not be issued for a longer period than thirty years, and said funds to be derived from said special school tax may be pledged by the cities of Jacksonville, Piedmont and Anniston for the payment of said bonds and the interest thereon, and provided that said bonds shall not be a general obligation of the cities of Jacksonville, Piedmont and Anniston or of Calhoun County and shall not be charged to the constitutional debt limit of the cities of Jacksonville, Piedmont and Anniston or of Calhoun County. After said tax has been voted, and without further authorization or authority, as and when requested by the board of education of Calhoun County, Calhoun County shall issue and sell interest bearing bonds with principal and interest to be paid from the funds to be derived from the

special school tax hereby levied in each school district in Calhoun County, other than in the cities of Jacksonville, Piedmont and Anniston and the school districts in which the cities of Jacksonville, Piedmont and Anniston are located, for the sole purpose of the construction and improvement of public school buildings and the acquiring of sites therefor; provided, the net proceeds of said bonds shall immediately be paid to the board of education of Calhoun County and that said bonds shall not be issued for longer than thirty years and said funds arising from said school tax may be pledged by Calhoun County for the payment of said bonds and interest thereon and provided that said bonds shall not be a general obligation of Calhoun County and shall not be charged to the constitutional debt limit of Calhoun County.

Except as herein otherwise provided the elections hereinabove provided for shall be called, held, and conducted as provided by law for calling, holding and conducting of district school tax elections. The governing bodies of the cities of Jacksonville, Piedmont and Anniston shall appoint and designate the officers, managers, clerks and returning officers and shall call, canvass, tabulate, and declare the result of the elections provided for in the cities of Jacksonville, Piedmont and Anniston and in the school districts in which the cities of Jacksonville, Piedmont and Anniston are located. The governing body of Calhoun County shall appoint and designate the election officers, managers, clerks, and returning officers and shall call, canvass, tabulate, and declare the result of the elections as to any and all school districts in Calhoun County, other than in the cities of Jacksonville, Piedmont and Anniston and the school districts in which the cities of Jacksonville, Piedmont and Anniston are located. All such elections shall otherwise be conducted, held, canvassed, tabulated and the results declared as general elections are conducted, held, canvassed, tabulated and the results declared in Alabama. [Amendment 68, approved Jan. 6, 1948]

2. Any funds derived from the voted special school taxes levied in certain cities and school districts in Calhoun County under the provisions of that certain amendment to the Constitution proposed by Act No. 587 enacted at the 1947 regular session of the Legislature of Alabama [Amendment No. 68] that are not needed to pay debt service on bonds issued under said amendment, or to comply with any other covenants contained in proceedings authorizing the issuance of such bonds, may, to such extent as the governing body of the political subdivision or agency entitled thereto may determine are excess of the amount then needed for the specific public school purpose for which said taxes were voted, be used for public school purposes generally. Any bonds which are now outstanding or which may hereafter be issued under the provisions of said amendment or this Amendment may at any time and from time to time be refunded, whether before, at or after the maturity of the bonds refunded, by the issuance of new bonds, payable from the same sources as those refunded, in a principal amount sufficient to pay said bonds so refunded and any premium necessary to redeem, pay, purchase or otherwise retire said bonds; and bonds may be issued for the combined purpose of so refunding any such bonds and obtaining funds for acquiring, constructing and improving public school

buildings, including sites therefor. Notwithstanding the fact that they may be payable solely from a specified source, all bonds hereafter issued under the provisions of said amendment or this Amendment shall be negotiable instruments within the meaning of the negotiable instruments law of Alabama if they otherwise possess all the characteristics of negotiable instruments under the laws of Alabama and shall be legal investments for trust funds. Bonds authorized to be issued hereunder shall be issued in the same manner and by the same respective political subdivisions as those authorized to be issued under said amendment proposed by said Act No. 587 [Amendment No. 68] and may be so issued without the necessity of any further election. No bonds issued hereunder shall be chargeable against the constitutional debt limit of the political subdivision by which they are issued. [Amendment 165, approved Dec. 5, 1961]

3. (a) In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of fifty cents on each one hundred dollars worth of taxable property in the school tax district of the city of Anniston in Calhoun County, to be used solely for public school purposes, such tax to be levied and collected for a period of thirty years commencing with the tax year beginning October 1, 1977, with the first year's tax being payable October 1, 1978; provided such tax and the time it is to continue shall have been first submitted to the vote of the qualified electors of the school district in which such tax is to be collected, and voted for by a majority of those voting at such election; otherwise said tax shall not be collected. A special separate election is hereby called on the first Tuesday after sixty days following the date this Amendment becomes effective, to be held in the school tax district of the city of Anniston in Calhoun County, at which election the qualified voters in said school tax district may vote as to whether said special school tax herein levied shall be effective; and if the majority of those voting at said election vote in favor of said special school tax, such school tax shall, commencing with the tax year beginning October 1, 1977, be levied and collected as other property taxes in said school district are levied and collected for a period of thirty years. If the proceeds of the tax are pledged to the payment of the principal and interest of the bonds hereinafter provided for, the tax collector of Calhoun County shall, upon collection thereof, pay such proceeds to the city of Anniston, and if the proceeds of the tax are not so pledged, he shall pay such proceeds to the board of education of the city of Anniston. This section shall be self-executing.

(b) After said tax has been voted, and without further authorization, and notwithstanding that any such request may be made prior to October 1, 1977, the city of Anniston shall, as and when requested by the board of education of Anniston, issue and sell interest bearing bonds, with principal and interest to be paid from the proceeds to be derived from said special school tax, for the sole purpose of construction and improvement of school buildings within such school tax district, and acquiring sites therefor. The net proceeds of the sale of such bonds shall be immediately paid to the board of education of the city of Anniston. The proceeds to be derived from said special school tax may be pledged by the city of Anniston for the payment of said bonds and the interest thereon, but said bonds

shall not be a general obligation of the city of Anniston or of Calhoun County, and shall not be charged to the constitutional debt limit of the city of Anniston or of Calhoun County.

(c) Except as herein otherwise provided the election hereinabove provided for shall be called, held and conducted as provided for by law for the calling, holding and conducting of district school tax elections; provided, however, that the governing body of the city of Anniston shall call said election, it shall give at least thirty days' notice thereof by publication in some newspaper published in the city of Anniston and by written notices posted in three public places within the city for at least thirty days prior to said election, it shall appoint and designate the officers, managers, clerks and returning officers to conduct said election, it shall furnish the supplies and facilities necessary for the holding of said election, it shall pay out of the city treasury the expenses incident to the holding of said election, it shall designate the polling places to be used in said election, and it shall canvass, tabulate and declare the result of said election. [Amendment 232, approved Nov. 30, 1965]

4. (a) The purpose of this Amendment is to clarify and make further provisions regarding the public school purposes for which the following special school taxes, heretofore voted in the school district of the city of Anniston, may be applied:

> (1) The special annual ad valorem school tax at the rate of fifty cents (50cents) on each one hundred dollars ($100.00) of taxable property which was voted for public school purposes at the special election held in the said school district on March 16, 1948, pursuant to call of the said election made in that certain amendment to the Constitution proposed by Act No. 587 adopted at the 1947 regular session of the Legislature (sometimes known as, and herein called, Amendment 68), and which was levied by Amendment 68 for public school purposes in the said school district for a period of thirty years commencing with the tax year beginning October 1, 1947, and with the last year's tax being payable October 1, 1977; and
>
> (2) The special annual ad valorem school tax at the same rate which was voted for public school purposes at the special election held in the said school district on February 15, 1966, pursuant to call of the said election made in that certain amendment to the Constitution proposed by Act No. 72 adopted at the 1965 regular session of the Legislature (sometimes known as, and herein called, Amendment 232), and which was levied by Amendment 232 for public school purposes in the said school district for a period of thirty years commencing with the tax year beginning October 1, 1977, and with the first year's tax being payable October 1, 1978.

(b) In addition to the public school purposes specifically mentioned in Amendment 68, in Amendment 232, and in that certain amendment to the Constitution, supplemental to

Amendment 68, that was proposed by Act No. 1045 adopted at the 1961 regular session of the Legislature (sometimes known as, and herein called, Amendment 165), that portion of the proceeds from the special school tax levied by Amendment 68 in the school district of the city of Anniston that is not needed to pay debt service on bonds heretofore issued by the city of Anniston under Amendment 68 or under Amendment 165, or to comply with any other covenants contained in proceedings authorizing the issuance of the said bonds, and also the proceeds from the special school tax levied by Amendment 232 may be used to pay the principal of and interest on any securities (including, but without limitation to, warrants) that may hereafter be issued by the city of Anniston, pursuant to request by the city board of education of Anniston, for the purpose of (i) paying costs of acquiring, constructing and improving public school buildings in the said school district, (ii) refunding the principal of warrants or other securities issued by the said city, after the effective date of Amendment 232, for payment of costs of acquisition, construction and improvement of public school buildings, or (iii) the combined purpose of payment of such costs and such refunding. Costs of constructing a school building shall be deemed to include the costs of acquiring a site therefor. Any such securities may be either general obligations of the city of Anniston secured by a pledge of the proceeds of either or both of the said school taxes or may be special obligations of the said city payable solely out of and secured by a pledge of the proceeds of either or both of the said taxes; and any such securities shall be issued by the said city pursuant to the powers conferred on municipalities by existing statutes. Any pledges that may hereafter be made either hereunder or under Amendment 232 with respect to the proceeds from the special school tax levied by Amendment 232, shall take precedence in the order in which they are made. Any pledges that may hereafter be made either hereunder or under Amendment 165, with respect to the proceeds from the special school tax levied by Amendment 68 shall take precedence in the order in which they are made and shall be subordinate to the pledges heretofore made by the city of Anniston pursuant to either Amendment 68 or Amendment 165. If the proceeds of the tax levied by Amendment 232 should at any time be pledged pursuant to either this Amendment or Amendment 232, the tax collector of Calhoun County shall, upon collection thereof, pay such proceeds to the city of Anniston; and until the proceeds of the special tax levied by Amendment 232 are so pledged, he shall pay such proceeds to the board of education of the city of Anniston. If pledges are hereunder made with respect to either or both of the said special school taxes, and if the governing body of the city of Anniston shall hereafter determine that the proceeds from the tax or taxes so pledged are in excess of the amount needed to satisfy the said pledges and any other then outstanding pledges made under any of the other amendments herein referred to, then the said proceeds, to the extent of the said excess, may be applied for other public school purposes in the said school district.

(c) The provisions hereof are supplemental to Amendments 68, 165, and 232 and the powers and authority herein granted shall be in addition to the powers and authority conferred by the said amendments.

(d) Each of the said special elections held as aforesaid on March 16, 1948, and on February 15, 1966, is hereby validated, in spite of any irregularities in connection with the giving of notice or the holding thereof or any other irregularity in connection therewith. [Amendment 281, approved Dec. 5, 1967]

5. In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, each school district in Calhoun County, except the school district comprising the city of Anniston, shall have the power to levy and collect for public school purposes in such district an annual special ad valorem tax on the taxable properties in such district at a rate not exceeding in any one year five mills on each dollar of the value of the said properties as the same shall be assessed for state taxation; provided that prior to the levy of any special tax authorized in this paragraph, there shall be submitted to the electors of the district in which the tax is proposed to be levied, at a special election called for that purpose in the said district, the question of whether the said tax or any part thereof shall be levied, the rate thereof, the time it is to continue (which shall not exceed thirty years), and the purpose thereof, and the said tax shall be authorized at such election by a majority of the qualified electors of the district voting at such election; provided further, that if a majority of the qualified electors of any of the said districts participating in the election on the ratification of this Amendment shall vote for the ratification of this Amendment, then the approval of this Amendment as expressed by the vote in said district in favor of its ratification shall, of itself, authorize the levy and collection of the said special tax for public school purposes in that district for a period of thirty years commencing with the levy for the tax year for which taxes will become due and payable to the said district on the October 1 next following the date of the said election on the ratification of this Amendment.

Elections on the question of the levy of a district tax under the provisions of this Amendment may be held at any time and from time to time, provided, that if at any such election held after the ratification of this Amendment the proposal to levy the tax so submitted should be defeated then the proposal may not be submitted at another election held in the same district within one year from the last election held under this Amendment. Each such election held after the ratification of this Amendment shall be called and held, the results declared, and the tax levied and collected in the same manner as now or hereafter provided by law in the case of school district taxes authorized by Amendment III [3] to the Constitution of Alabama, except that no countywide tax shall be required as a condition precedent for a district tax under this Amendment.

The funds arising from the district tax herein authorized to be levied in each school district shall be expended for the exclusive benefit of the school district in which such district tax is levied. Nothing in this Amendment shall be deemed to prevent the consolidation of any two or more school districts in Calhoun County in accordance with the applicable provisions of general law. [Amendment 291; approved Dec. 9, 1969]

6. In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, each school district in Calhoun County, except the school district comprising the city of Anniston, shall have the power to levy and collect for public school purposes in such district an annual special ad valorem tax on the taxable properties in such district at a rate not exceeding in any one year five mills on each dollar of the value of the said properties as the same shall be assessed for state taxation; provided, that the said special ad valorem district tax shall not be levied in any such district for any year prior to the year for which the said tax if levied will become due and payable on October 1, 1978; provided further, that prior to the levy of any special tax authorized in this paragraph, there shall be submitted to the electors of the district in which the tax is proposed to be levied, at a special election called for that purpose in the said district, the question of whether the said tax or any part thereof shall be levied, the rate thereof, the time it is to continue (which shall not exceed thirty years), and the purpose thereof, and the said tax shall be authorized at such election by a majority of the qualified electors of the said district who vote at such election; provided further, that if a majority of the qualified electors of any of the said districts participating in the election on the ratification of this Amendment shall vote for the ratification of this Amendment, then the approval of this Amendment as expressed by the vote in said district in favor of its ratification shall, of itself, authorize the levy and collection of the said special tax for public school purposes in that district for a period of thirty years commencing with the levy for the tax year for which taxes will become due and payable to the said district on October 1, 1978.

Elections on the question of the levy of a district tax under the provisions of this Amendment may be held at any time and from time to time, provided, that if at any such election held after the ratification of this Amendment the proposal to levy the tax so submitted should be defeated then the proposal may not be submitted at another election held in the same district within six months from the last election held under this Amendment. Each such election held after the ratification of this Amendment shall be called and held, the results declared, and the tax levied and collected in the same manner as now or hereafter provided by law in the case of school district taxes authorized by Amendment III [3] to the Constitution of Alabama, except that no county-wide tax shall be required as a condition precedent for a district tax under this Amendment.

The funds arising from the district tax herein authorized to be levied shall be expended for the exclusive benefit of the school district in which such district tax is levied. Nothing in this Amendment shall be deemed to prevent the consolidation of any two or more school districts in Calhoun County in accordance with the applicable provisions of general law.

Pursuant to the amendment to the Constitution of Alabama sometimes known as Amendment LXVIII [68] (proposed by Act No. 587 adopted at the 1947 Regular Session of the Legislature of Alabama) [recompiled as subsection 1 hereinabove], there is

currently being levied in each school district in Calhoun County a special district school tax at the same rate as is specified in the first paragraph of this Amendment, but the last tax year for which the special tax provided for in the said Amendment LXVIII [68] [subsection 1 hereinabove] is authorized to be levied is the tax year for which taxes will become due and payable on October 1, 1977. It is intended by this Amendment to make provision for the authorization of the continued levy in each school district in Calhoun County, except the school district comprising the city of Anniston, of a special district ad valorem school tax at the same rate as, but in lieu of, the tax authorized in the said Amendment LXVIII [68] [subsection 1 hereinabove], to commence with the tax year next following the final tax year for which the tax provided for in the said Amendment No. LXVIII [68] [subsection 1 hereinabove] is authorized to be levied. It is not intended by this Amendment to provide for or authorize an increase in the total rate of taxation for public school purposes in excess of that currently authorized to be levied in the several school districts in Calhoun County. [Amendment 335, approved Dec. 18, 1973]

7. The city of Anniston shall have power to levy and collect a special property tax in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of three mills on each dollar of taxable property situated therein, for educational purposes; provided that before such tax may be levied and collected the question of levying the tax, the purpose thereof, and the time such tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the election. The election shall be ordered, held, and conducted as provided by law for calling, holding and conducting district school tax elections. [Amendment 350, approved Jan. 13, 1976]

Section 269-F. Chambers County: Special Ad Valorem Tax for School Purposes on Real and Tangible Personal Property Within Chambers County.

In addition to all other taxes now or hereafter authorized by law, the governing body of Chambers County shall have the power to levy and collect, for a period of not exceeding twelve years, a special ad valorem tax on real and tangible personal property only, situated within said county, at a rate not exceeding five mills on each dollar's worth of said real and tangible personal property, as assessed for state taxation for the preceding tax year, the proceeds of said tax to be used solely for acquiring, constructing and equipping public school buildings within said county, including public school buildings for any city school system therein; provided, however, that the special ad valorem tax authorized herein shall be levied only in the event that no other additional ad valorem tax is authorized to be levied by a constitutional amendment submitted at the 1953 regular session of the Legislature; and provided further, that before said special ad valorem tax shall be levied, the question as to whether said tax shall be levied shall have first been submitted to a vote of the qualified electors of said county at an election to be called by the governing body of said county, and shall have been voted for by a majority of said

qualified electors voting at said election. The election provided for herein shall be called, held, conducted and canvassed, and may be contested in the same manner as provided by law for the calling, holding, conducting and canvassing of county bond elections. Upon the expiration of any tax authorized pursuant to this Amendment, no further tax shall be authorized hereunder.

In the event the said special ad valorem tax shall be authorized by a majority of the qualified electors voting on said question at said election, the governing body of said county shall thereupon be authorized to sell and issue its tax anticipation bonds for the purposes for which said tax was authorized, which bonds shall be in such amount as the governing body of said county shall designate, and shall be subject to the provisions of the general laws pertaining to the issuance of county bonds except that no further election shall be required therefor. The revenue derived from the sale of said bonds shall be expended by the Chambers County board of education for the purposes stated herein. Any bonds issued pursuant to this Amendment shall be payable solely out of the proceeds of the said special ad valorem tax hereby authorized, which shall be pledged therefor, and after the issuance of said bonds, the proceeds of said tax remaining after payment of the cost of assessment and collection shall be used only for payment of the principal of and interest on said bonds, the creation and maintenance of a reserve therefor, and the redemption thereof. Said bonds shall constitute negotiable instruments although payable from a limited source and shall be eligible for the investment of trust funds. The said bonds shall not constitute general obligations of the said county and shall be in addition to all other bonds which said county has heretofore issued or is authorized to issue under the Constitution and laws of Alabama. [Amendment 102, approved Dec. 15, 1953]

Section 269-G. Cherokee County: Special School District Tax.

In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, the several school districts of Cherokee County, Alabama, shall have the power to levy and collect a special district tax of fifty cents on each one hundred dollars worth of taxable property in such districts for public school purposes; provided, that the time during which such tax is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in each such district and voted for by a majority of those voting at such election, the election to be held in the same manner as now provided by law for an election on the school district tax authorized in article XIX of the Constitution of Alabama. The funds arising from such special tax levied in any district which votes the same independently of the county shall be expended for the exclusive benefit of the district as the law may direct. [Amendment 78, approved Dec. 13, 1949]

Section 269-H. Chilton County: Special Property Tax for Acquiring, Etc., Vocational Trade School and for Rural and Industrial Development in Chilton County.

Section 1. The court of county commissioners, board of revenue, or like governing body of Chilton County shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of two mills on each one dollar's worth of taxable property in the county, the proceeds of which shall be used for the acquiring, constructing, enlarging, repairing, improving, equipping, furnishing, operating, or maintaining of a vocational trade school in the county and for the rural and industrial development of the county, provided that the tax has been approved by a majority of the qualified electors of the county voting thereon. The county governing body may also pledge the proceeds of the tax to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for such purposes.

Section 2. In event this Amendment is approved the court of county commissioners, board of revenue, or like governing body of Chilton County shall have the authority to call an election at any time. In the call for said election, there shall be submitted to the qualified electors of Chilton County a statement of the rate of the tax, the time that it shall continue, and whether or not it shall be levied; and such tax shall be levied if a majority of the qualified electors voting at the said election should vote in favor thereof. If in said election the majority of the qualified electors of the county who vote thereon vote against its approval, the tax may not be levied unless the rate of the tax, the time it is to continue and the purpose thereof shall be again submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year and shall be held and conducted in the same manner as county school tax elections, except that no petition of electors shall be necessary to initiate the same.

Section 3. The power to levy granted by this Amendment will not be exhausted by one election but shall remain a continuing grant unless and until it is repealed by subsequent constitutional action.

Section 4. This Amendment shall be self-executing and shall require no enabling legislation. [Amendment 166, approved Dec. 5, 1961]

Section 269-I. Choctaw County: Additional Tax for School Purposes in Choctaw County.

Section 1. The court of county commissioners, board of revenue, or other like governing body of Choctaw County shall have power to levy and provide for collection of an additional county tax of fifty cents on each one hundred dollars worth of taxable property

in the county, for public school purposes, in the same manner and subject to the same election requirements as provided in the third Amendment to this Constitution with respect to other county school taxes. The tax herein authorized shall be in addition to all other county taxes authorized in this Constitution as amended, and the proceeds thereof shall be spent for public school purposes only.

Section 2. If this Amendment is approved and a majority of the qualified electors of the county who vote thereon vote in favor of the adoption of this Amendment when it is submitted, the additional tax provided for in section 1 may be levied and collected thereafter without any other election having been held thereon. But if this Amendment is approved and a majority of the qualified electors of the county who vote thereon vote against its approval, the tax may not be levied unless the rate of the tax, the time it is to continue, and the purpose thereof shall have been again submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year, and shall be called, held, and conducted in the same way, according to the general laws, as other elections on the question of levying special county school taxes. [Amendment 167, approved Dec. 5, 1961]

Section 269-J. Clarke County: Additional Tax for School Purposes in Clarke County.

Section 1. The court of county commissioners, board of revenue, or other like governing body of Clarke County shall have power to levy and provide for collection of an additional county tax of fifty cents on each one hundred dollars worth of taxable property in the county, for public school purposes, in the same manner and subject to the same election requirements as provided in the third Amendment to this Constitution with respect to other county school taxes. The tax herein authorized shall be in addition to all other county taxes authorized in this Constitution as amended, and the proceeds thereof shall be spent for public school purposes only.

Section 2. If this Amendment is approved and a majority of the qualified electors of Clarke County who vote thereon vote in favor of the adoption of this Amendment when it is submitted, the additional tax provided for in section 1 may be levied and collected thereafter for a period of 20 years without any other election having been held thereon. But if this Amendment is approved and a majority of the qualified electors of the county who vote thereon vote against its approval, the tax shall not be levied unless the rate of the tax, the time it is to continue, and the purpose thereof shall have been again submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year, and shall be called, held, and conducted in the same way, according to the general

laws, as other elections on the question of levying special county school taxes. [Amendment 168, approved Dec. 5, 1961]

Section 269-K. Clay County: Special School Tax in Clay County.

Section 1. If authorized at an election held for such purpose, the governing body of Clay County may levy and collect a special county tax at a rate not exceeding one-half of one percent on the value of the taxable property within the county as assessed for state taxation, the proceeds of which shall be used exclusively for public school purposes.

Section 2. An election shall be ordered by the county governing body to determine whether or not a special tax shall be levied for public school purposes as authorized herein upon the request of the county board of education, and the election shall be held and conducted in accordance with general laws providing for school tax elections pursuant to constitutional Amendment III [3]. [Amendment 169, approved Dec. 5, 1961]

Section 269-L. Cleburne County: Special School District Taxes in Cleburne County.

In addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, the several school districts or Cleburne county shall have the power to levy and collect a special district tax of fifty cents ($.50) on each one hundred dollars ($100) worth of taxable property in such districts for public school purposes; provided, that the time during which such tax is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in each such district and voted for by a majority of those voting at such election, the election to be held in the same manner as now provided by law for an election on the school district tax authorized in article XIX of the Constitution of Alabama. The funds arising from such special tax levied in any district which votes the same independently of the county shall be expended for the exclusive benefit of the district, as the law may direct.[Amendment 123, approved Dec. 17, 1957]

Section 269-M. Coffee County: Additional Taxes for School Purposes in Coffee County; Warrants Payable from Proceeds of Special School Taxes in Coffee County.

1. The court of Coffee County commissioners, board of revenue, or other like governing body of Coffee County shall have power to levy and provide for collection of an additional district school tax of fifty cents on each one hundred dollars worth of taxable property in the several school districts within the county, in the same manner and subject to the same election requirements as provided in the third Amendment to this

Constitution with respect to other district school taxes. The tax herein authorized shall be in addition to all other taxes authorized in this Constitution as amended, and the proceeds thereof shall be spent for public school purposes only. [Amendment 206, approved May 1, 1962]

2. In addition to all other purposes for which the county board of education or any city board of education in Coffee County is authorized by law to issue and sell warrants payable out of the proceeds from any special school tax or special tax for educational purposes generally, duly levied pursuant to this Constitution or amendments thereto, the county board of education of Coffee County or the city board of education of any city in such county is authorized to issue and sell warrants payable out of the proceeds of such special taxes for the purpose of refinancing any deficit created by proration of school funds prior to June 1, 1963. before any warrants are issued hereunder the existence of such deficit and the amount thereof shall be determined by the state department of examiners of public accounts and certified to the board of education desiring to issue the warrants. All warrants issued hereunder shall be issued, sold, redeemed and otherwise handled in the same manner and upon the same terms and conditions as warrants issued pursuant to article 4, chapter 10, Title 52, Code of 1940. [Amendment 216, approved Dec. 10, 1963]

Section 269-N. Colbert County: Special Tax by School Districts of Colbert County; Special Property Tax for Educational Purposes in City of Tuscumbia; Same - City of Sheffield; Same - City of Muscle Shoals; Special School Tax in School Districts Nos. 1 and 2 of Colbert County.

1. In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, the several school districts of Colbert County, Alabama shall have the power to levy and collect a special district tax of fifty cents on each one hundred dollars worth of taxable property in such districts for school purposes; provided, that the levying of such tax and the time during which it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in each such district and voted for by a majority of those voting at such election; and further provided that such election shall be held in the same manner as now provided for an election on the school district tax authorized in article XIX of the Constitution of Alabama; and be it further provided that the funds arising from the special school tax levied in any district which votes the same independently of the county shall be expended for the exclusive benefit of the district as the law may direct. [Amendment 130, approved Dec. 7, 1957]

2. The city of Tuscumbia shall have power to levy and collect a special property tax in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of five mills on each dollar of taxable property situated therein, for educational

purposes; provided that before such tax may be levied and collected the question of levying the tax, the purpose thereof, and the time such tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the election. The election shall be ordered, held, and conducted as provided by law for calling, holding and conducting district school tax elections. [Amendment 170, approved Dec. 5, 1961]

3. The city of Sheffield shall have power to levy and collect a special property tax in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of five mills on each dollar of taxable property situated therein, for educational purposes; provided that before such tax may be levied and collected the question of levying the tax, the purpose thereof, and the time such tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the election. The election shall be ordered, held, and conducted as provided by law for calling, holding and conducting district school tax elections. [Amendment 171, approved Dec. 5, 1961]

4. The city of Muscle Shoals shall have power to levy and collect a special property tax in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of five mills on each dollar of taxable property situated therein, for educational purposes; provided that before such tax may be levied and collected the question of levying the tax, the purpose thereof, and the time such tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the election. The election shall be ordered, held, and conducted as provided by law for calling, holding and conducting district school tax. [Amendment 172; approved Dec. 5, 1961]

5. The governing body of Colbert County shall have power to levy and collect annually a special school district tax not exceeding one dollar on each one hundred dollars' worth of taxable property in school districts number one and number two in Colbert County, as assessed for state taxation, for public school purposes, provided the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors of the districts and voted for by a majority of those voting at such election. Such tax shall be in addition to all other taxes provided for by law. The funds arising from such special district tax levied and collected by the county shall be expended for the exclusive benefit of the districts. Elections under this Amendment shall be called, held, and conducted in the same way that elections are called, held, and conducted in relation to the levying of special school district taxes under the third Amendment to the Constitution. [Amendment 293; approved Dec. 9, 1969]

Section 269-O. Coosa County: Special Tax in School Districts of Coosa County.

The several school districts of Coosa County shall have power to levy and collect a special district school tax not exceeding fifty cents on each one hundred dollars worth of taxable property in such district, provided the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the district and voted for by a majority of those voting at such election. The special district tax authorized by this Amendment shall be in addition to all other school district taxes authorized by law. The election provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided by law for elections on the special county school tax authorized in Amendment III [3] to the Constitution. The revenue derived from the tax shall be used exclusively for the support and furtherance of education and for constructing and equipping school buildings and acquiring sites therefor. [Amendment 145, approved Feb. 16, 1960]

Section 269-P. Covington County: Special School Tax in School Districts Nos. 1 and 2 of Covington County.

1. The governing body of Covington County shall have power to levy and collect annually a special school district tax not exceeding fifty cents on each one hundred dollars' worth of taxable property in school districts number 1 and 2, Covington County as assessed for state taxation, for public school purposes, provided the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors of the districts and voted for by a majority of those voting at such election. Such tax shall be in addition to all other taxes provided for by law. The funds arising from such special district tax levied and collected by the county shall be expended for the exclusive benefit of the public schools in said districts. Election under this Amendment shall be called, held, and conducted in relation to the levying of special school district taxes under the third Amendment to the Constitution.

2. If a majority of the qualified electors of school districts number 1 and 2, Covington County, who participate in the election on the adoption, then the approval of the amendment as expressed by such vote shall of itself authorize the levying of the special tax provided for herein at the maximum rate specified for a period not exceeding twenty years. [Amendment 292, approved Dec. 9, 1969]

Section 269-Q. Dale County: Special Property Tax for Educational Purposes in City of Ozark and Dale County; City of Ozark Special Property Tax.

1. The court of county commissioners, board of revenue or like governing body of Dale County shall have the power to levy and collect a special property tax in addition to all other taxes, now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one half of one percent on the value of the taxable property in the county

situated outside the corporate limits of Ozark, as such property was assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes, but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes, which pledges shall take priority as provided in such bonds, warrants, or other evidences of indebtedness; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the county residing outside the corporate limits of Ozark, and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on the property in the county situated outside the corporate limits of Ozark shall be called and held in the same manner as now provided by law for an election on the school district tax authorized in Amendment III [3], article XIX, of the Constitution of Alabama. The tax on property situated outside the corporate limits of Ozark shall be collected in the same manner and under the same requirements and laws as the taxes of the state are collected, and the revenues derived from such tax shall be used solely for school construction and other educational purposes in the territory of the county outside the corporate limits of Ozark.

The city of Ozark shall likewise have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of not exceding [exceeding] one half of one percent on the value of the taxable property situated within the corporate limits of the city, as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes, but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes, which pledges shall take priority as provided in such bonds, warrants or other evidences of indebtedness; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on property situated within the corporate limits of Ozark shall be ordered and held in the same manner as provided by the law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The additional tax, authorized by this Amendment to be levied on property situated within the corporate limits of Ozark shall be collected in the same manner and under the same requirements and laws as other taxes levied on property by the city of Ozark are collected, and the revenues derived from this tax shall be used solely for school construction and other educational purposes within the limits of the city of Ozark.

If any proposal to levy a tax hereunder is defeated in any election, subsequent elections thereon may be held at any time.

This Amendment shall be self-executing. [Amendment 295, approved Dec. 9, 1969]

2. The city of Ozark shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding seven-tenths of one percent of the value of the taxable property situated within the corporate limits of the city, as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes, but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes, which pledges shall take priority as provided in such bonds, warrants or other evidences of indebtedness; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on property situated within the corporate limits of Ozark shall be ordered and held in the same manner as provided by the law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The additional tax, authorized by this Amendment to be levied on property situated within the corporate limits of Ozark[,] shall be collected in the same manner and under the same requirements and laws as other taxes levied on property by the city of Ozark are collected, and the revenues derived from this tax shall be used solely for school construction and other educational purposes within the limits of the city of Ozark.

If any proposal to levy a tax hereunder is defeated in any election, subsequent elections thereon may be held at any time.

This Amendment shall be self-executing. [Amendment 462, approved Aug. 5, 1986]

Section 269-R. Dallas County: Additional School Tax in City of Selma.

The city of Selma, in addition to the taxes it is now authorized and empowered to levy and collect, shall levy and collect annually an additional tax of two-tenths of one per centum upon the value of the property therein as fixed for state taxation, to be applied exclusively to the maintenance of public schools therein, and shall levy and collect annually a further additional tax of one-tenth of one per centum upon the value of the property therein as fixed for state taxation, to be applied exclusively to public school buildings therein and improvements and repairs thereon, or to the payment of indebtedness contracted for the same by the city of Selma, or to the maintenance of public schools therein or to any one or more of these purposes; provided that these taxes shall be in lieu of all other city taxes now required to be levied or appropriated by the city of Selma for the support of schools or for school purposes [Amendment 6, approved Nov. 7, 1916]

Section 269-S. DeKalb County: Special Property Tax for Educational Purposes in Dekalb County; Warrants Payable out of Proceeds of Special Taxes for Educational Purposes in Dekalb County; Special School Tax for City of Fort Payne; Special Property Tax for Educational Purposes for City of Fort Payne.

1. The court of county commissioners, board of revenue, or like governing body of DeKalb County shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of seven and one-half mills on each dollar's worth of taxable property in the county as assessed for state taxation during the preceding year, provided that the question of levying the tax, the purpose thereof, and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at such election; and, provided further, that the total of all taxes levied for educational or school purposes in any school district of the county shall not exceed a total of fourteen and one-half mills on each dollar's worth of taxable property located in the district. If any proposal to levy the tax is defeated in any election, subsequent elections thereon may be held at any time. The election provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the school district tax authorized in Amendment III [3], article XIX, of the Constitution of Alabama, by article 7, chapter 10, Title 52, Code of Alabama (1940). The tax shall be collected in the same manner and under the same requirements and laws as the taxes of the state are collected. The proceeds of the tax authorized by this Amendment shall be used exclusively for educational purposes, provided that the revenue derived from four and one-half mills of the total rate of taxation authorized herein shall be devoted only to purposes of capital outlay, and the revenue derived from the remaining three mills shall be devoted to current operating expenses. [Amendment 146, approved Feb. 16, 1960]

2. In addition to all other purposes for which the county board of education or any city board of education in DeKalb County is authorized by law to issue and sell warrants payable out of the proceeds from any special school tax or special tax for educational purposes generally, duly levied pursuant to this Constitution or amendments thereto, the county board of education of DeKalb County or the city board of education of any city in such county is authorized to issue and sell warrants payable out of the proceeds of such special taxes for the purpose of refinancing any deficit created by proration of school funds prior to June 1, 1962. before any warrants are issued hereunder the existence of such deficit and the amount thereof shall be determined by the state department of examiners of public accounts and certified to the board of education desiring to issue the warrants. All warrants issued hereunder shall be issued, sold, redeemed and otherwise handled in the same manner and upon the same terms and conditions as warrants issued pursuant to article 4, chapter 10, Title 52, Code of 1940. [Amendment 210, approved Nov. 6, 1962]

3. (a) In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of one dollar on each one hundred dollars worth of taxable property in the school tax district of the city of Fort Payne in DeKalb County to be used solely for public school purposes; provided such tax and the time it is to continue shall have been first submitted to the vote of the qualified electors of the said school tax district in which such tax is to be collected and voted for by a majority of those voting at such election; otherwise said tax shall not be collected. A special separate election is hereby called on the first Tuesday after sixty days following the date this Amendment becomes effective in the school tax district of the city of Fort Payne, in DeKalb County, at which election the qualified voters in the said school tax district of DeKalb County may vote as to whether said special school tax herein levied shall be effective; and if the majority of those voting at said election vote in favor of said special school tax, such school tax shall immediately be levied and collected annually thereafter on the first day of October by the tax collector of DeKalb County and paid to the city of Fort Payne. The proceeds of the tax are hereby solely for public school purposes. This section shall be self-executing.

(b) Except as herein otherwise provided the election hereinabove provided for shall be called, held and conducted as provided by law for calling, holding and conducting of district school tax elections. The governing body of the city of Fort Payne shall appoint and designate the officers, managers, clerks and returning officers and shall call, canvass, tabulate, and declare the result of the election provided for in the city of Fort Payne. The election shall otherwise be conducted, held, canvassed, tabulated and the results declared as general elections are conducted, held, canvassed, tabulated and the results declared in Alabama. [Amendment 234, approved Nov. 30, 1965]

4. In addition to all taxes now, or hereafter authorized by the Constitution and laws of Alabama, the city of Fort Payne, DeKalb County, Alabama, shall have the power to levy and collect a special school tax up to 7 1/2 mills on each dollar's worth of taxable property in the city of Fort Payne, DeKalb County, Alabama, the proceeds of which shall be used exclusively for school purposes; provided that such tax and the purpose or purposes thereof, and the times such taxes are proposed to be continued, shall have first been submitted to the vote of the qualified electors of the city of Fort Payne, DeKalb County, Alabama, and voted for by the majority of those voting at such election. The special tax provided herein may be renewed from time to time, in the manner provided herein, for such periods of time as are necessary. If any proposal to levy the taxes is defeated in any election, subsequent elections thereon may be held at any time. The elections provided for herein shall be called, held, conducted, and paid for by the city of Fort Payne, DeKalb County, Alabama, and governed otherwise in the manner provided for an election on the school district tax authorized in Amendment three, article 19 of the Constitution of Alabama. By article 7, chapter 10, Title 52 of the Code of Alabama 1940.

The county tax collector shall collect the tax in the same manner and under the same requirements and laws as the taxes of the state are collected, and he shall keep the proceeds of this tax separate and apart from all other funds, and shall keep clear account thereof. The tax collector shall distribute the proceeds of this special tax in such manner as to turn over to the custodian of the city school funds of the city of Fort Payne, DeKalb County, Alabama, the revenue derived from the tax levied on all taxable property situated in the city of Fort Payne, DeKalb County, Alabama. Such revenues to be used by the city board of education for educational purposes in connection with schools located in the corporate limits of the city of Fort Payne, DeKalb County, Alabama.

In the event that any special property tax herein authorized shall be authorized by a majority of the qualified electors voting on the question at the election, the city board of education of the city of Fort Payne, Alabama, may at such times as to them seem necessary and proper, sell and issue their tax anticipation bonds for the purposes for which the tax was authorized, which bonds shall be in such amounts as the respective board of education shall designate and, except as otherwise provided herein shall be subject to the provisions of the general laws now pertaining to the issuance by city boards of education of capital outlay warrants, and no further election shall be required for the issuance of such bonds. The revenue derived from the sale of these bonds shall be expended by the Fort Payne city board of education, for public school purposes only. Any bonds issued under the authority of this Amendment shall be payable solely out of the proceeds of the special property tax hereby authorized, all or any part of which may be pledged therefor. The bonds issued under the authority of this Amendment shall constitute negotiable instruments, although payable from a limited source, and shall be eligible for the investment of trust funds. The bonds shall not constitute general obligations of the city of Fort Payne, DeKalb County, Alabama, and shall be in addition to all other bonds or warrants which the city board of education have heretofore issued or are authorized to issue under the Constitution and laws of Alabama.

The proceeds of the tax herein levied may be used for any school purpose. In addition to capital outlay, may be used for operating purposes, or any other purpose in connection with the school system of the city of Fort Payne, DeKalb County, Alabama, as may be determined by the city board of education. [Amendment 279, approved Dec. 5, 1967]

Section 269-T. Etowah County: Special School Tax in Etowah County; Special Property Tax for Educational Purposes in Etowah County.

1. In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, the several school districts of Etowah County, Alabama, shall have power to levy and collect a special district tax of fifty cents on each one hundred dollars worth of taxable property in such districts for public school purposes; provided, that a school district under the meaning of this section shall include

Etowah County, exclusive of the municipalities of Gadsden and Attalla as one district, the city of Gadsden as one district, and the city of Attalla as one district; provided further, that the time such tax is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors in each such district and voted for by a majority of those voting at such election; and further provided that such election shall be held in the same manner as now provided for an election on the school district tax authorized in article XIX [Amendment 3] of the Constitution of Alabama; and be it further provided that the funds arising from the special school tax levied in any district which votes the same independently of the county shall be expended for the exclusive benefit of the district as the law may direct. [Amendment 67, approved Jan. 6, 1948]

2. The court of county commissioners, board of revenue or like governing body of Etowah County shall have the power to levy and collect a special property tax, in addition to all other taxes, now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one half of one percent on the value of the taxable property in the county situated outside the corporate limits of Gadsden and Attalla, as such property was assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes, but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes which pledges shall take priority as provided in such bonds, warrants, or other evidences of indebtedness; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the county residing outside the corporate limits of Gadsden and Attalla, and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on the property in the county situated outside the corporate limits of Gadsden and Attalla shall be called and held in the same manner as now provided by law for an election on the school district tax authorized in Amendment III [3], article XIX, of the Constitution of Alabama. The tax on property situated outside the corporate limits of Gadsden and Attalla shall be collected in the same manner and under the same requirements and laws as the taxes of the state are collected, and the revenues derived from such tax shall be used solely for schools and other educational purposes in the territory of the county outside the corporate limits of Gadsden and Attalla.

If any proposal to levy a tax hereunder is defeated in any election, subsequent elections thereon may be held at any time.

Nothing contained in this Amendment shall be construed to authorize the levy and collection of an additional tax on property situated within the corporate limits of the cities of Gadsden or Attalla.

This Amendment shall be self-executing. [Amendment 269, approved Dec. 5, 1967]

Section 269-U. Franklin County: Additional Tax for School Purposes in Franklin County; Further Provisions as to Additional Tax for School Purposes in Franklin County.

A. The court of county commissioners, board of revenue, or other like governing body of Franklin County shall have power to levy and provide for collection of an additional county tax of fifty cents on each one hundred dollars worth of taxable property in the county, for public school purposes, in the same manner and subject to the same election requirements as provided in the third Amendment to this Constitution with respect to other county school taxes. The tax herein authorized shall be in addition to all other county taxes authorized in this Constitution as amended, and the proceeds thereof shall be spent for public school purposes only. [Amendment 173, approved Dec. 5, 1961]

B. 1. The court of county commissioners, board of revenue, or other like governing body of Franklin County shall have power to levy and collect the special property tax authorized by Amendment CLXXIII [173] on all the taxable property in the county situated outside the corporate limits of the city of Russellville, as such property was assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for public school purposes; provided that such tax and the purpose or purposes thereof and the time the tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of Franklin County residing outside the city of Russellville, and voted for by a majority of those voting at the election. Elections on proposals to levy the tax on the property in the county situated outside the city of Russellville shall be called and held in the same manner as now provided by law for an election on the school district tax authorized in Amendment III [3], article XIX, of the Constitution.

2. The county governing body may likewise levy and collect said special property tax on the property situated within the city of Russellville, as assessed for state taxation during the preceding year, provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of the city of Russellville and voted for by a majority of those voting at the election.

3. The additional taxes levied on property under Amendment CLXXIII [173] and this Amendment shall be collected in the same manner and under the same requirements and laws as other taxes levied on property for public school purposes. [Amendment 211, approved Nov. 6, 1962]

Section 269-V. Jackson County: Special Property Tax for Acquiring, Etc., Vocational Trade School and for Rural and Industrial Development in Jackson County; Additional Property Taxes for Educational Purposes in Jackson County.

A. ***Section 1.*** The court of county commissioners, board of revenue, or like governing body of Jackson County shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of two mills on each one dollar's worth of taxable property in the county, the proceeds of which shall be used for the acquiring, constructing, enlarging, repairing, improving, equipping, furnishing, operating, or maintaining of a vocational trade school in the county and for the rural and industrial development of the county, provided that the tax has been approved by a majority of the qualified electors of the county voting thereon. The county governing body may also pledge the proceeds of the tax to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for such purposes.

Section 2. In event this Amendment is approved the court of county commissioners, board of revenue, or like governing body of Jackson County shall have the authority to call an election at any time. In the call for said election, there shall be submitted to the qualified electors of Jackson County a statement of the rate of the tax, the time that it shall continue, and whether or not it shall be levied; and such tax shall be levied if a majority of the qualified electors voting at the said election should vote in favor thereof. If in said election the majority of the qualified electors of the county who vote thereon vote against its approval, the tax may not be levied unless the rate of the tax, the time it is to continue, and the purpose thereof shall be again submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year and shall be held and conducted in the same manner as county school tax elections, except that no petition of electors shall be necessary to initiate the same.

Section 3. The power to levy granted by this Amendment will not be exhausted by one election but shall remain a continuing grant unless and until it is repealed by subsequent constitutional action.

Section 4. This Amendment shall be self-executing and shall require no enabling legislation. [Amendment 174, approved Dec. 5, 1961]

B. The court of county commissioners, board of revenue, or like governing body of Jackson County shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of five mills on each dollar's worth of taxable property in the county as assessed for state taxation during the preceding year, provided that the question of levying the tax, the purpose thereof, and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at such election; and provided further, that the total of all taxes levied for educational or school purposes in any school district of the county shall not exceed a total of fourteen and one-half mills on each dollar's worth of taxable property located in the district. If any proposal to levy the tax is defeated in any election,

subsequent elections thereon may be held at any time. The election provided for herein shall be called, held, conducted, paid for and governed otherwise in the manner provided for an election on the school district tax authorized in Amendment III [3], article III [XIX], of the Constitution of Alabama, by article 7, chapter 10, Title 52, Code of Alabama 1940. The tax shall be collected in the same manner and under the same requirements and laws as the taxes of the state are collected. The proceeds of the tax authorized by this Amendment shall be used exclusively for educational purposes, provided that the revenue derived from four and one-half mills of the total rate of taxation authorized herein shall be devoted only to purposes of capital outlay, and the revenue derived from the remaining three mills shall be devoted to current operating expenses. [Amendment 203, approved May 1, 1962]

Section 269-W. Jefferson County : Consolidation School Tax Amendment; Special District Tax for Furtherance of Education in Jefferson County; Special Tax in Mountain Brook School District in Jefferson County.

1. Jefferson County shall have power to levy and collect an additional tax of 50 cents on each $100 of taxable property therein for public school purposes in the same manner and subject to the same election requirements as are now provided in the third Amendment to this Constitution with respect to county school taxes; provided that in any incorporated municipality where special or additional taxes are being levied and collected for public school purposes, including the servicing of debts incurred for public schools, the additional tax herein provided for shall be reduced by the amount of such special or additional municipal public school taxes in the corporate limits where such special or additional municipal public school taxes are being levied and collected and during the time such taxes are levied and collected; and provided further that only qualified electors residing within the area in which the additional tax herein authorized is proposed to be levied shall have the right to vote at any election held for the purpose of voting such additional tax, and qualified voters residing in incorporated municipalities which are levying and collecting a full tax of 50 cents on each $100 of taxable property for public school purposes shall not be entitled to vote at such election. So long as the public schools in any incorporated municipality are operated separately from those of Jefferson County, the funds arising from such additional tax on taxable property in such municipality shall be expended only by the board of education or other authority charged with the operation of the public schools in such municipality and only for the benefit of the public schools therein. The additional tax herein authorized shall be in addition to the county and the district school taxes authorized in section 269 of and the third Amendment to this Constitution and in addition to the county taxes authorized in section 215 thereof. All statutes relating to the holding of elections and the levy and collection of taxes in counties under the third Amendment to this Constitution, with the exception hereinabove provided, shall apply. [Amendment 82, approved Nov. 7, 1950]

2. In addition to any taxes now authorized or that may hereafter be authorized by the Constitution and laws of Alabama, the several school districts of Jefferson County shall, subject to an election in each such school district as hereinafter provided, have power to levy and collect a special district tax of not exceeding fifty (50) cents on each one hundred dollars ($100) of taxable property in such district for the furtherance of education therein. A school district within the meaning of this section shall include (a)[that part of Jefferson County outside of the municipalities of Birmingham, bessemer, Fairfield, Tarrant city and Mountain Brook as one district, except that the Jefferson County board of education is authorized and empowered to designate any part or portion of said district as a separate school district.] (b) the city of Birmingham as one district, (c) the city of bessemer as one district, (d) the city of Fairfield as one district, (e) the city of Tarrant City as one district, and (f) the city of Mountain Brook as one district. No tax shall be levied hereunder unless the rate of such tax, the time such tax is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors in each such district and voted for by a majority of those voting at such election. Any election on any such district tax shall be called and held, the results declared, and the tax levied and collected in the same manner as now or hereafter provided by law in the case of school district taxes authorized by Amendment III [3] to the Constitution of Alabama, except that no county-wide tax shall be required as a condition precedent for a district tax under this Amendment. The holding of one election shall not preclude a later election in the same district but no election in a district shall be held within two years from the date of the last election held in such district under the authority of this Amendment. [The proceeds of any special district tax authorized by this Amendment shall be expended for the support of education only in the special district or separate district in which the tax is levied.][Amendment 175, approved Nov. 8, 1966, as amended by Amendment 260, approved Nov. 8, 1966, substituting the bracketed language in subsection (a) for that in subsection (a) of the original Amendment 175, and as further amended by Amendment 298, approved Dec. 9, 1969, substituting the bracketed language in the last sentence for that in the last sentence of the original Amendment 175]

3. In addition to all taxes now authorized or that may hereafter be authorized by the Constitution of Alabama to be levied by the special school district in Jefferson County known as the Mountain Brook school district (which immediately prior to the adoption of this Amendment comprised the territory embraced within the corporate limits of the city of Mountain Brook), including any additional territory that may hereafter be added to the said district, shall have power to levy and collect, for public school purposes in the said district, a special district ad valorem tax at a rate or rates not exceeding in the aggregate sixty cents on each one hundred dollars (equivalent to six mills on each dollar) of the assessed valuation of the property in the said district subject to taxation by it.

No tax shall be levied under the authority of this Amendment until after the question of the levy of such tax, the rate thereof, the time it is to continue, and the purpose thereof

shall have been first submitted to the vote of the qualified electors of the said district at an election duly called for that purpose by the governing body of the said county and a majority of the qualified electors of the said district voting at such election shall have voted in favor of the levy of the said tax; provided, that if a majority of the qualified electors of the said district participating in the election on the adoption of this Amendment shall vote for such adoption, then the approval of this Amendment expressed by the said vote in favor of its adoption shall of itself constitute approval of the levy of the said tax at the rate of sixty cents on each one hundred dollars of the said assessed valuation for a period of thirty years commencing with the levy for the tax year for which county ad valorem taxes will become due and payable on the October 1 next succeeding the date of such election and no additional election by the electors of the said district shall be required to authorize the levy of the said tax at the said rate and for the said period of time. If the majority of the qualified electors of the said district participating in the election on the adoption of this Amendment should not vote for such adoption, or if the majority of the qualified electors of the said district voting at any election subsequently called by the governing body of the said county under the provisions of this Amendment should not vote in favor of the levy of the said tax at an election so called, the governing body of the county may from time to time call other elections hereunder on the question of the levy of the said tax, but not more than one such election shall be held during any period of twelve consecutive months.

Each election that may be called by the governing body of the said county on the question of the levy of the district tax herein authorized shall be called and held and the results thereof declared in the same manner and at the same time as may be provided by law for the calling and holding of school district taxes generally, and the said tax shall be levied and collected in the same manner and at the same times as may be provided by law for the levy and collection of school district taxes generally; provided, that no countywide tax shall be required as a condition precedent to the calling or holding of any such election or to the levy or collection of the district tax herein authorized. The proceeds from any district tax levied under this Amendment shall be expended solely for public school purposes in the said district. [Amendment 316, approved Jan. 18, 1972]

Section 269-X. Lamar County: Additional Tax for School Purposes in Lamar County.

Section 1. The court of county commissioners, board of revenue, or other like governing body of Lamar County shall have power to levy and provide for collection of an additional county tax of fifty cents on each one hundred dollars worth of taxable property in the county, for public school purposes, in the same manner and subject to the same election requirements as provided in the third Amendment to this Constitution with respect to other county school taxes. The tax herein authorized shall be in addition to all

other county taxes authorized in this Constitution as amended, and the proceeds thereof shall be spent for public school purposes only.

Section 2. If this Amendment is approved and a majority of the qualified electors of Lamar County who vote thereon vote in favor of the adoption of this Amendment when it is submitted, the additional tax provided for in section 1 may be levied and collected thereafter for a period of 20 years without any other election having been held thereon. But if this Amendment is approved and a majority of the qualified electors of the county who vote thereon vote against its approval, the tax shall not be levied unless the rate of the tax, the time it is to continue, and the purpose thereof shall have been again submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year, and shall be called, held, and conducted in the same way, according to the general laws, as other elections on the question of levying special county school taxes. [Amendment 176, approved Dec. 5, 1961]

Section 269-Y. Lauderdale County: Special Property Tax for Educational Purposes in Lauderdale County; Special School Tax for City of Florence.; School District Tax in Lauderdale County.

A. The court of county commissioners, board of revenue or like governing body of Lauderdale County shall have the power to levy and collect a special property tax, in addition to all other taxes, now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one-half of one per cent on the value of the taxable property in the county situated outside the corporate limits of Florence, as such property was assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes, but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes, which pledges shall take priority as provided in such bonds, warrants, or other evidences of indebtedness; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the county residing outside the corporate limits of Florence, and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on the property in the county situated outside the corporate limits of Florence shall be called and held in the same manner as now provided by law for an election on the school district tax authorized in Amendment III [3], article XIX, of the Constitution of Alabama. The tax on property situated outside the corporate limits of Florence shall be collected in the same manner and under the same requirements and laws as the taxes of the state are collected, and the revenues derived from such tax shall be used for school construction and other educational purposes solely in the territory of the county outside the corporate limits of Florence.

If any proposal to levy a tax hereunder is defeated in any election, subsequent elections may be held at intervals of not less than two years.

This Amendment shall be self-executing. [Amendment 177, approved Dec. 5, 1961]

B. ***Section 1.*** The court of county commissioners or other like governing body of Lauderdale County may levy and collect a special tax at a rate not exceeding one-half of one percent on the value of the taxable property within the city of Florence, the proceeds of which shall be used exclusively for public school purposes, but shall not be used for or pledged to the payment of bonds or warrants, by the board of education of the city of Florence or its successor in function, provided the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the city and voted for by a majority of those voting at such election.

Section 2. Elections may be called, held and conducted pursuant to this Amendment in accordance with general laws providing for and regulating elections on district school taxes authorized by the third Amendment to this Constitution, but subsequent elections thereon may be held at intervals of not less than two years. [Amendment 178, approved Dec. 5, 1961]

C. The Lauderdale County school district of Lauderdale County shall, subject to authorization at an election in each local school tax district as hereinafter provided, have power to levy and collect a special district tax, at a rate not exceeding ten mills on each dollar of the assessed valuation of the taxable property in such district for public school purposes therein, which special tax shall be in addition to all taxes now authorized or that may hereafter be authorized by the Constitution of Alabama to be levied in such district; provided, that no tax shall be levied under this Amendment unless the rate of such tax, the time it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of the local school tax district in which the tax is proposed to be levied and shall have been authorized by a majority of the qualified electors voting at the election at which the submission is made. Each election held under this Amendment shall be called and held, the ballots canvassed, the results declared, and the tax levied and collected in the same manner as is now or may hereafter be provided by law in the case of school district taxes authorized by Amendment No. 3 to the Constitution of Alabama, except that no countywide or systemwide tax shall be required to be levied as a condition precedent to either the authorization or levy of a local school district tax under this Amendment. The holding of one election shall not preclude a later election in the same district under the authority of this Amendment. The proceeds of any special district tax authorized by this Amendment shall be expended solely for capital outlay purposes in the public schools in the district in which the tax shall be levied.

The county board of education of Lauderdale County may from time to time, without the necessity of any election, change the boundaries of any local school tax district at any time existing in the county, or consolidate any two or more school districts therein, if the

taxes authorized to be levied for public school purposes in all of the territory in such district after such change of boundaries or consolidation is effected shall be at the same aggregate rate and for the same duration of time; provided, that nothing contained herein shall be construed to impair or permit the impairment of the obligation of any contract created with respect to any securities theretofore issued with respect to any school district. The provisions of the preceding sentence shall not be deemed to abridge any existing power conferred on the said county board of education by any existing law, but shall be in addition thereto. [Amendment 404, approved March 2, 1982]

Section 269-Z. Lawrence County: Tax Elections in Certain School Districts in Lawrence County; Special School District in Lawrence County; Authorizing the Creation of Special School Districts, Etc., in Lawrence County; Special Tax in School Districts of Lawrence County and Change in Boundaries of School Districts.

1. Town Creek school district No. 59, Landersville school district No. 23, and Moulton school district No. 28, in Lawrence County, Alabama, shall each have the right and power by vote of a majority of the qualified electors of such district at an election held for that purpose to levy and collect for the purpose of acquiring, constructing or repairing of school buildings in such districts or paying for school buildings already built, a tax of not over five mills in any one year, in addition to all other taxes now authorized by law. The election in such district to determine whether or not such tax shall be levied shall be called, held and conducted as now provided by law for calling, holding and conducting of elections to determine whether or not a three-mill district school tax shall be levied and collected. [Amendment 20, approved Nov. 4, 1924]

2. Enon school district, Hendon school district, Oakville school district, Cave Springs school district, Center school district, Piney Grove school district, Shiloh school district and Speake school district in Lawrence County, Alabama, shall each have the right and power by vote of a majority of the qualified electors of such district at an election held for that purpose to levy and collect for the purpose of, acquiring, constructing or repairing of school buildings in such districts or paying for school buildings already built, a tax of not over three mills in any one year, in addition to all other taxes now authorized by law. The election in such district to determine whether or not such tax shall be levied shall be called, held and, conducted as now provided by law for calling, holding and conducting of election [Amendment 32, approved Dec. 17, 1935]

3. The board of education of Lawrence County may designate and establish a special school district within the school district in which the municipality of Courtland is located, and it may become indebted and issue bonds in an amount not exceeding one hundred thousand dollars ($100,000) for the construction and equipment of a school building within said district. To pay said indebtedness, and the interest thereon, Lawrence County may levy and collect an annual tax on all property situated within said district, at

a rate not in excess of five mills; provided, whenever enough has been collected to retire the bonds and pay the interest thereon the tax will cease and any surplus remaining will revert to the Courtland school district. The indebtedness, the bonds, and the tax herein authorized shall be in addition to those heretofore authorized; but no such additional indebtedness shall be incurred, no such bonds shall be issued, and no such tax shall be levied, until the estimated cost of constructing and equipping said school building hereby proposed to be built, its time of completion, and the amount of the increased indebtedness, the rate of interest to be paid thereon, and the period over which the bonds to be issued will be refunded, shall have been determined upon and made public by the board of education of said county, and the proposed increase in indebtedness and the issuance of bonds and the increase in the rate of taxation shall have been authorized by a majority of the qualified electors of said special school district voting upon such proposal at an election to be called by the county governing body for said purposes, said election to be held not less than sixty (60) nor more than one hundred twenty (120) days after the adoption of this Amendment. The election provided for herein shall be called, held, and conducted as three-mill school tax elections are held pursuant to article 7, chapter 10, Title 52 of the Code of Alabama (1940). [Amendment 79, approved Dec. 13, 1949]

4. The board of education of Lawrence County may designate one or more school districts within said county (except that no part of the territory embraced within the special school district established under the provisions of the amendment of the Constitution proposed by Act No. 473 of the regular session of the Legislature of Alabama of 1949 [Acts 1949, p. 690] shall be included in any such special school district) and may sell the issue bonds in an amount not exceeding one hundred fifty thousand dollars ($150,000) for each such special school district for the construction, improving, adding to, or equipping of a school building, or buildings, within said district. To pay the principal of and interest on said bonds and any redemption premium thereon, Lawrence County may levy and collect an annual tax on all taxable property situated within the special school district with respect to which such bonds may be issued, at a rate not in excess of five mills on each dollar's worth of said property as assessed for state taxation for the preceding tax year; provided, that whenever said tax has produced an amount sufficient to pay the principal of and interest on said bonds the tax shall not be thereafter levied and any surplus remaining therefrom shall be used for general school purposes in said school district. The bonds and tax herein authorized shall be in addition to those heretofore authorized, and no such bonds shall be issued, no such tax shall be levied, until the estimated cost of constructing, improving, adding to, or equipping the school building or buildings to be built in such district, its estimated time of completion, the maximum principal amount of the bonds proposed to be issued, the maximum rate of interest to be paid thereon, and the period over which the bonds to be issued will be retired, shall have been determined and made public by the board of education of said county, and the proposed issuance of bonds and increase in the rate of taxation shall have been authorized by a majority of the qualified electors of such special school district voting upon such proposal at an election to be called by the county governing body for

said purpose, said election to be held not less than sixty days after the adoption of this Amendment, but at anytime thereafter at the discretion of the said county governing body. The election provided herein shall be called, held, conducted and canvassed, and may be contested, as in the case of three mill school tax elections held pursuant to article 7, chapter 10, Title 52 of the Code of Alabama of 1940. Any bonds issued pursuant to this Amendment shall be payable solely out of the proceeds of said tax which may be pledged therefor, but said bonds shall constitute negotiable instruments although payable from a limited source, and said bonds shall be eligible for the investment of trust funds. This Amendment shall be self-executing. [Amendment 99, approved Dec. 15, 1953]

5. Each school district of Lawrence County shall, subject to authorization at an election in such district as hereinafter provided, have power to levy and collect a special district tax, at a rate not exceeding five mills on each dollar (being equivalent to 50 cents on each $100) of the assessed valuation of the taxable property in such district for public school purposes therein, which special tax shall be in addition to all taxes now authorized or that may hereafter be authorized by the Constitution of Alabama to be levied in such district; provided, that no tax shall be levied under this Amendment unless the rate of such tax, the time it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of the district in which the tax is proposed to be levied and shall have been authorized by a majority of the qualified electors voting at the election at which the submission is made. Each election held under this Amendment shall be called and held, the ballots canvassed, the results declared, and the tax levied and collected in the same manner as is now or may hereafter be provided by law in the case of school district taxes authorized by Amendment III [3] to the Constitution of Alabama, except that no countywide tax shall be required to be levied as a condition precedent to either the authorization or levy of a district tax under this Amendment. The holding of one election shall not preclude a later election in the same district under the authority of this Amendment. The proceeds of any special district tax authorized by this Amendment shall be expended solely for public school purposes in the district in which the tax shall be levied.

The county board of education of Lawrence county may from time to time, without the necessity of any election, change the boundaries of any school district at any time existing in the county, or consolidate any two or more school districts therein, if the taxes authorized to be levied for public school purposes in all of the territory in such district after such change of boundaries or consolidation is effected shall be at the same aggregate rate and for the same duration of time; provided, that nothing contained herein shall be construed to impair or permit the impairment of the obligation of any contract created with respect to any securities theretofore issued with respect to any such school district. The provisions of the preceding sentence shall not be deemed to abridge any existing power conferred on the said county board of education by any existing law, but shall be in addition thereto. [Amendment 294, approved Dec. 9, 1969]

Section 269-AA. Lee County: Special Property Tax for Educational Purposes in Lee County and City of Opelika; Special Property Tax for Educational Purposes in City of Auburn; Special School District Tax in Lee County.

1. The court of county commissioners, board of revenue or like governing body of Lee County shall have the power to levy and collect a special property tax, in addition to all other taxes, now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one-half of one per cent on the value of the taxable property in the county situated outside the corporate limits of Auburn and Opelika, as such property was assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes, but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes, which pledges shall take priority as provided in such bonds, warrants, or other evidences of indebtedness; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the county residing outside the corporate limits of Auburn and Opelika, and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on the property in the county situated outside the corporate limits of Auburn and Opelika shall be called and held in the same manner as now provided by law for an election on the school district tax authorized in Amendment III [3], article XIX, of the Constitution of Alabama. The tax on property situated outside the corporate limits of Auburn and Opelika shall be collected in the same manner and under the same requirements and laws as the taxes of the state are collected, and the revenues derived from such tax shall be used solely for school construction and other educational purposes in the territory of the county outside the corporate limits of Auburn and Opelika.

The city of Opelika shall likewise have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one-half of one per cent on the value of the taxable property situated within the corporate limits of the city, as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes, but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes, which pledges shall take priority as provided in such bonds, warrants, or other evidences of indebtedness; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on property situated within the corporate limits of Opelika shall be ordered and held in the same manner as provided by the law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The additional tax, authorized by this Amendment to be levied on property situated within the corporate limits of Opelika, shall be collected in the same manner and under the same

requirements and laws as other taxes levied on property by the city of Opelika are collected, and the revenues derived from this tax shall be used solely for school construction and other educational purposes within the limits of the city of Opelika.

If any proposal to levy a tax hereunder is defeated in any election, subsequent elections thereon may be held at any time.

Nothing contained in this Amendment shall be construed to authorize the levy and collection of an additional tax on property situated within the corporate limits of the city of Auburn.

This Amendment shall be self-executing. [Amendment 147, approved Feb. 16, 1960]

2. In addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, the city of Auburn shall have the power to levy and collect a special property tax, at a rate of not exceeding one-half of one per cent in any one year, on the value of the property in the city, as assessed for state taxation during the preceding year, the proceeds of which tax shall be used exclusively for the support and furtherance of education but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for educational purposes. Any such pledges shall take priority as provided in such bonds, warrants, or other evidences of indebtedness. before any such tax may be levied, the maximum rate of such tax, the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the city of Auburn and voted for by a majority of such electors voting at such election. The maximum rate, the purpose or purposes and the duration of such special tax provided for herein may be renewed, extended, revoked, or amended from time to time by like vote of the qualified electors of the city of Auburn; provided, however, that no revocation or amendment shall be effective as to any tax pledged to the payment of any bonds, warrants, or other evidences of indebtedness. If any proposal to levy a tax is defeated in any election, subsequent elections thereon may be held at any time. Each election held under the provisions hereof shall be ordered, held, paid for, canvassed and may be contested in the same manner as is or may be provided by the law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. [Amendment 148, approved Feb. 16, 1960]

3. In addition to all other taxes now or hereafter authorized, the governing body of Lee County, in the state of Alabama, is authorized to levy, in the school district of the said county that comprises all of the territory of the said county outside of the corporate limits of the cities of Auburn and Opelika, a special district tax at a rate not exceeding 50cents on each $100 of the valuation of the taxable property in the said district as assessed for state taxation; provided, that no such tax shall be levied hereunder unless the rate of the said tax, the time it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of the said district and voted for by a majority of those voting in such election; provided, further, that if a majority of the qualified electors

of the said district participating in the election on the adoption of this Amendment shall vote for the adoption thereof, then the approval of this Amendment expressed by the said vote in favor of its adoption shall of itself authorize the levy of the said tax, without an additional election, for a period of thirty consecutive years commencing with the levy for the tax year beginning October 1, 1969. Each election on the levy of the said tax held subsequent to the ratification of this Amendment shall be called, held, conducted and canvassed, and notice thereof shall be given, in the manner and within the time provided by the then existing general laws of Alabama pertaining to elections on the levy of district school taxes under the provisions of Amendment III [3] to the Constitution, except that the holding of any such election in the said district or the collection of the said tax therein shall not be dependent upon the levy and collection of any other tax, including specifically the three-mill special county school tax provided for in the said Amendment III [3]. If the majority of the qualified electors of the said district participating in the election on the adoption of this Amendment should not vote in favor of the adoption of this Amendment, or if the majority of the qualified electors of the said district voting at any election called by the governing body of Lee County under the provisions of this Amendment should not vote in favor of the levy of the said tax proposed at the election so called, the governing body of Lee County may from time to time call other elections hereunder on the levy of the said tax, but not more than one such election shall be held during any period of twelve consecutive months.

Nothing contained in this Amendment shall be construed to authorize the levy of an additional tax on any property within the corporate limits of either the city of Auburn or the city of Opelika. [Amendment 309, approved Dec. 9, 1969]

Section 269-BB. Macon County: Additional Ad Valorem Tax in Macon County for Education Purposes.

The Legislature may authorize the levy and collection of a ten mill ad valorem tax in Macon County, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, on real and personal property that is subject to such tax under the laws of this state, for public education purposes.

The tax authorized by this Amendment shall not be levied in Macon County until it is approved by a vote of the electorate of said county or unless a majority of the qualified electors of Macon County who vote at the statewide election called for the submission of this Amendment shall approve it. [Amendment 420, approved Sept. 28, 1982]

Section 269-CC. Madison County: Huntsville Special School Tax; Special Tax in School District No. 1 of Madison County; Special School Tax in School District No. 1 of Madison County; Special School Taxes in City of Huntsville; Repeal of School

Tax Exemptions in Madison County; Ratification of Levy and Collection of Certain Sales and Use Taxes in School District No. 1 in Madison County.

1. (a) In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of fifty cents on each one hundred dollars worth of taxable property in the school tax district of the city of Huntsville in Madison County to be used solely for public school purposes; provided such tax and the time it is to continue shall have been first submitted to the vote of the qualified electors of the said school tax district in which such tax is to be collected and voted for by a majority of those voting at such election, otherwise said tax shall not be collected. A special separate election is hereby called on the first Tuesday after sixty days following the date this Amendment becomes effective in the school tax district of the city of Huntsville in Madison County, at which election the qualified voters in the said school tax district of Madison County may vote as to whether said special school tax herein levied shall be effective; and if the majority of those voting at said election vote in favor of said special school tax such school tax shall immediately be levied and collected annually thereafter on the first day of October by the tax collector of Madison County and paid to the city of Huntsville. The proceeds of the tax are hereby pledged solely to the payment of the principal and interest of the bonds hereinafter provided for. This section shall be self-executing.

(b) After said tax has been voted, and without further authorization the city of Huntsville shall issue and sell interest bearing bonds with principal and interest to be paid from the proceeds of the tax herein levied. The proceeds of the sale of the bonds shall be used for the sole purpose of constructing and improving school buildings and acquiring sites therefor; provided, the net proceeds of the bonds shall be paid immediately to the board of education of the city of Huntsville. The principal amount of the bonds shall in no event exceed the sum of five hundred seventy-five thousand dollars ($575,000). All bonds issued hereunder shall be payable in annual installments, the first of which shall be payable not more than two years after the date of the bonds, and the last within the period of usefulness of the improvements for which the bonds are issued. Such bonds shall be callable at any time upon the payment of the principal amount thereof plus a premium equal to one year's interest thereon. The bonds shall not be a general obligation of the city of Huntsville or of Madison County and shall not be charged to the constitutional debt limit of the city of Huntsville or Madison County.

(c) If sufficient revenue has been produced by the tax levied in paragraph (A) of this Amendment to pay the principal amount of the bonds issued hereunder with interest thereon prior to the expiration of the period for which the tax was levied, the tax shall immediately cease and shall no longer be collected or enforced, and the bonds shall be redeemed forthwith.

(d) Except as herein otherwise provided the election hereinabove provided for shall be called, held and conducted as provided by law for calling, holding and conducting of

district school tax elections. The governing body of the city of Huntsville shall appoint and designate the officers, managers, clerks and returning officers and shall call, canvass, tabulate, and declare the result of the election provided for in the city of Huntsville. The election shall otherwise be conducted, held, canvassed, tabulated and the results declared as general elections are conducted, held, canvassed, tabulated and the results declared in Alabama. [Amendment 80, approved Dec. 13, 1949]

2. In addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, a special tax of five mills on each dollar's worth of taxable property situated in school district No. 1, of Madison County, is hereby authorized, the proceeds of which shall be used exclusively for public school purposes within the said district.

If in the election on this amendment the amendment receives the favorable vote of a majority of the qualified electors of the district who vote hereon, a special tax of five mills shall be collected in the district, as other special school district taxes are collected, for the tax year ending September 30, 1959, and for each succeeding tax year thereafter until the tax is repealed as herein provided.

If in the election on this Amendment a majority of the qualified electors of the district who vote hereon vote against the amendment, the special tax hereby authorized may be levied only if the question of levying the tax, and the purpose thereof, shall have been first submitted to the vote of the qualified electors of the district and voted for by a majority of the electors participating in the election. The election shall be called, held, conducted, and governed by the applicable provisions of article 7, chapter 10, Title 52, Code of Alabama (1940), which governs elections on special school district taxes; and the tax hereby authorized shall be levied and collected in the district as other special school district taxes are levied and collected. If the proposal to levy the tax is defeated in any such election, it may not again be submitted to a vote for one year, but after the expiration of one year, and at intervals of at least one year thereafter, such proposal may be resubmitted to the qualified electors of the district.

After the special tax authorized hereby has been levied, the court of county commissioners, board of revenue or like governing body of Madison County, upon receipt of a petition signed by not less than twenty per cent of the qualified electors who reside in the district, must call an election at which the question of the repeal of the tax, upon payment of all obligations then outstanding, if any, shall be submitted to the qualified electors of the district. Should a majority of the qualified electors participating in this election vote for the repeal of the tax, it shall cease immediately upon the payment in full of all outstanding pledges, if any, against it. Should a majority of the electors participating in the election vote against repeal, the question of repeal may not again be submitted to a vote for one year; but after the expiration of one year, and at intervals of at least one year thereafter, upon receipt of a petition signed by not less than twenty per cent of the qualified electors residing within the district, the county governing body may order the question of repeal of the tax resubmitted to the qualified electors of the district.

The elections provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided by article 7, chapter 10, Title 52, Code of Alabama (1940), for an election on the special district school taxes authorized by Amendment III [3] to the Constitution of Alabama. The collection of the tax shall also be governed by the applicable provisions of article 7, chapter 10, Title 52, Code of Alabama (1940), and the proceeds shall be used exclusively for public school purposes within the district.

This Amendment shall be self-executing. [Amendment 149, approved Feb. 16, 1960]

3. ***Section 1.*** In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of fifty cents on each one hundred dollars' worth of taxable property in school tax district No. 1, Madison County, Alabama, which comprises all of Madison County, Alabama except the city of Huntsville, Alabama to be used solely for public school purposes; provided the levy of said tax shall first have been approved by the qualified electors of the school district as hereinafter provided.

Section 2. In the event this Amendment is approved and a majority of the qualified electors of said school tax district No. 1, Madison County, Alabama, who vote thereon vote in favor of the adoption of this Amendment when it is submitted, the additional tax provided for in section 1 shall be levied and collected for a period of thirty years without any other election having been held thereon. In the event this Amendment is approved and a majority of the qualified electors of school tax district No. 1, Madison County, Alabama, who vote thereon vote against its approval, the tax shall not be levied unless the rate of the tax, the time it is to continue and the purpose thereof shall have been again submitted to a vote of the qualified electors of school tax district one, Madison County, Alabama, and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year and shall be called, held, conducted, paid for and governed otherwise in the manner provided for an election on the school district tax authorized in constitutional Amendment III [3]. [Amendment 304, approved Dec. 9, 1969]

4. ***Section 1.*** In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of fifty cents on each one hundred dollars' worth of taxable property in the school tax district of the city of Huntsville in Madison County to be used solely for public school purposes; provided the levy of said tax shall first have been approved by the qualified electors of the school district as hereinafter provided.

Section 2. In the event this Amendment is approved and a majority of the qualified electors of the school tax district of the city of Huntsville who vote thereon vote in favor of the adoption of this Amendment when it is submitted, the additional tax provided for in section 1 shall be levied and collected for a period of thirty years without any other election having been held hereon. In the event this Amendment is approved and a

majority of the qualified electors of the school tax district of the city of Huntsville who vote thereon vote against its approval, the tax shall not be levied unless the rate of the tax, the time it is to continue and the purpose thereof shall have been again submitted to a vote of the qualified electors of the school tax district of the city of Huntsville and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year and shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the school district tax authorized in constitutional Amendment III [3]. [Amendment 305, approved Dec. 9, 1969]

5. (a) In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of fifty cents on each one hundred dollars worth of taxable property in the school tax district of the city of Huntsville in Madison County to be used solely for public school purposes; provided the levy of said tax shall first have been approved by the qualified electors of the school district as hereinafter provided.

(b) The proceeds of said tax shall be used exclusively for [public school purposes of any nature whatsoever] [constructing and improving school buildings and acquiring sites therefor] in the school tax district of the city of Huntsville, Alabama.

(c) The provisions of this Amendment to the Constitution of 1901, amending Amendment No. 218, allowing the proceeds from the tax levied herein to be used for school purposes of whatsoever nature within the district shall become effective upon the adoption of this Constitutional Amendment; provided, however, that the provisions of this Amendment shall not become operative in the city of Huntsville unless approved by a majority of the qualified electors of the school tax district of the said city who vote thereon at a referendum election held for such purpose upon the call of the authorized official therein. Such election may be called no more frequently than every two years; provided further, that if this Amendment is approved by a majority of the qualified electors of the school tax district of the city of Huntsville who vote thereon upon its submission, such election shall constitute a referendum held for such purpose and no further election need be called. Subsequent elections shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the school district tax authorized in Constitutional Amendment No. 3. [Amendment 407, approved March 2, 1982, amending and restating Amendment 218, approved Dec. 10, 1963, by substituting in subsection (b) the bracketed language "for public school purposes of any nature whatsoever" for the bracketed language that appeared in the original Amendment 218 restricting use of the proceeds of the tax imposed by subsection (a) "for constructing and improving school buildings and acquiring sites therefor".]

6. All exemptions authorized by section 40-9-19, Code of Alabama 1975, as amended, against that portion of any local ad valorem taxes levied on any property situated in Madison County that upon collection has the proceeds thereof earmarked for public

school purposes are hereby repealed and such exemptions shall no longer be granted against said portion of such local taxes. [Amendment 455, approved June 3, 1986]

7. Any provision of the Constitution of Alabama of 1901, as amended, to the contrary notwithstanding, all sales and use taxes for public school or education purposes imposed pursuant to Act No. 82-525 in School District One in Madison County which have been approved by a majority vote of the qualified electors of School District One in Madison County prior to January 1, 1996, and the levy and collection thereof from the date of the initial levy thereof, are hereby authorized, ratified, and confirmed regardless of any statutory or constitutional defects, mistakes, errors, or ambiguities, including without limitation, with respect to the authorization, adoption, or levy thereof or the election thereon, any failure to publish any required notice, or any act of or failure to act by the Legislature with respect thereto; provided, however, that the authorization, ratification, and confirmation effected by this Amendment shall not be applicable to any sales and use tax which is being challenged in appropriate judicial proceedings in any proper court on the date the act proposing this Amendment is adopted. [Amendment 608, approved Nov. 5, 1996]

Section 269-DD. Marengo County: Special Property Tax in City of Demopolis.

The city of Demopolis shall have power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of five mills on each dollar of taxable property situated therein, for public educational purposes; provided that before such tax may be levied and collected the question of levying the tax, the purpose thereof, and the time such tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the election. The provisions of this Amendment shall become self-executing upon approval by a majority of the qualified electors of the state and the majority of qualified electors of the city of Demopolis voting thereon. The election shall be ordered, held and conducted as provided by law for calling, holding and conducting district school tax elections. [Amendment 385, approved March 11, 1980]

Section 269-EE. Marion County: Special Property Taxes for School Purposes in Marion County; Special District Tax for Hamilton Special School District in Marion County.

1. The court of county commissioners, board of revenue or other like governing body of Marion County may levy and collect a special property tax, in addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, at a rate not exceeding one-half of one percent on the value of the property in the county as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for

current operating expenses of public schools, excluding capital outlays or debt service; provided that the rate of such tax and the purpose or purposes thereof, and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at such election; provided, further that the funds derived by the county under this Amendment shall be apportioned between the county and any independent city school system existing in the county in the same proportion that state funds are distributed under the minimum program funds. If any proposal to levy a tax as provided in this Amendment is defeated in any election, subsequent elections thereon may be held at any time. The elections provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided for elections on school district taxes authorized in Amendment III [3], article XIX of the Constitution, as prescribed by article 7, chapter 10, Title 52, Code 1940. [Amendment 205, approved May 1, 1962]

2. In addition to any taxes now authorized or that may hereafter be authorized by the Constitution and laws of Alabama, the county commission or other governing body of Marion County shall, subject to an election in the Hamilton special school district in such county, as hereby created, have power to levy and collect a special district tax of not exceeding one dollar on each one hundred dollars of taxable property in such district for capital outlay purposes for the Marion County school system within said special district. Hamilton special school district shall be composed of the following area (all in Marion County and in the several beats (election precincts) of such county hereinafter named, as such beats are established pursuant to law, when this Amendment is ratified): All of beats 1, 2, 3, 4, 5, and 17; in beat 6, Range 14 West, Township 9 S, Sections 4, 9, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36, and in Range 13 W, Township 9 S, Sections 19, 20, 29, 30, 31, 32, and 33; in beat 10, Range 13 W, Township 10 S, Sections 26, 35, and 36, and in Range 12 W, Township 10 S, Section 31, and in Range 13 W, Township 11 S, all of Sections 1 and 2 north of the Buttahatchee river, and in Range 12 W, Township 11 S, all of Sections 4, 5 and 6 north of the Buttahatchee river; in beat 11, Range 12 W, Township 11 S, Sections 8, 16, 17, and 18, and all of Sections 4, 5, 6, 7 and 9 south of the Buttahatchee river, and in Range 13 W, Township 11 S, Sections 11, 13, 14, and 23 and all of Sections 1, 2, and 12 south of the Buttahatchee river; and in beat 16, Range 13 W, Township 11 S, Sections 19, 20, 21, 22, 28, 29, 30, and 31, and in Range 14 W, Township 11 S, Sections 24, 25, 26, 35, and 36, and in Range 14 W, Township 12 S, Section 2. No tax shall be levied hereunder unless the rate of such tax, the time such tax is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in Hamilton special school district and voted for by a majority of those voting at such election. Any election on such district tax shall be called and held, the result declared, and the tax levied and collected in the same manner as now or hereafter provided by law in the case of school district taxes authorized by Amendment 3 to the Constitution of Alabama, except that no county-wide tax shall be required as a conditioned precedent for a district tax under this Amendment. The holding of one election shall not preclude a later election in Hamilton district, but no election in such

district shall be held within two years from the date of the last election held in such district under the authority of this Amendment. The proceeds of the special district tax shall be used only for public school capital outlay purposes in the district; but may be pledged to secure the payment of principal and interest on warrants or other evidences of indebtedness issued and sold for public school capital outlay purposes in such district by the county school board or other public body charged with the duties, powers and authority of conducting and operating the public schools in Hamilton district; which pledge shall take priority as provided in such warrants or other evidence of indebtedness and is in consonance with the provisions of existing law, at the time of the issuance and sale of the said warrants, touching the issue and sale of warrants of school bodies for capital outlay purposes. The power to levy, granted by this Amendment, will not be exhausted by one election but shall remain a continuing grant unless and until it be repealed by subsequent constitutional action.

This Amendment shall be self executing and shall require no enabling legislation. [Amendment 329, approved Dec. 18, 1973]

Section 269-FF. Marshall County: Special Property Tax for Public School Buildings in Marshall County.

In addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama a special tax or taxes not to exceed five mills on each dollar's worth of taxable property in Marshall County is hereby authorized, the proceeds of which shall be used exclusively for erecting, constructing, remodeling, renovating, repairing, furnishing and equipping public school buildings in Marshall County; provided that any tax and the purpose thereof shall have first been submitted to the vote of the qualified electors of the county and voted for by a majority of those electors participating in the election. The election shall be called, held, conducted and governed by the applicable provisions of Code of Alabama (1940), Title 52, chapter 10, article 7, which governs elections on special school taxes and the tax hereby authorized shall be levied and collected as other special school taxes are levied and collected. If the proposal to levy the tax is defeated in an election it may not be again submitted to a vote for one year, but after the expiration of one year, and at intervals of one year thereafter, such question may be resubmitted to the qualified electors. Should a tax of less than five mills on each dollar's worth of taxable property be approved at an election thereon then at the expiration of one year from the date of the election at which such tax was approved, and at intervals of one year thereafter, the question of levying an additional tax for such purposes may again be submitted to a vote of the qualified electors of the county until the total of all taxes levied pursuant to the authority hereby conferred is five mills.

After any tax levied pursuant to authority hereby conferred shall have been collected for five years the court of county commissioners, board of revenue or other county governing

body, upon receipt of a petition, signed by not less than twenty percent of the qualified electors of the county must call an election at which the question of repeal of the tax upon payment of all obligations then outstanding shall be submitted to the qualified electors of the county. Should a majority of the voters participating at this election vote for the repeal of the tax it shall cease as soon as the outstanding pledges against it have been paid in full. Should a majority of the electors participating in the election vote against repeal the question of repeal may not again be submitted to a vote for one year, but after the expiration of one year, and at intervals of one year thereafter, upon receipt of a petition signed by twenty percent of the qualified electors of the county, the county governing body may order the question of repeal of the tax resubmitted to the qualified electors of the county.

The elections provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided by Code of Alabama (1940), Title 52, chapter 10, article 7, for an election on the special county school tax authorized in Amendment III [3] to the Constitution of Alabama. The collection of the tax shall also be governed by the applicable provisions of the Code of Alabama (1940), Title 52, chapter 10, article 7, and the proceeds shall be used exclusively for the purposes authorized at the election approving the levy. [Amendment 101, approved Dec. 15, 1983]

Section 269-GG. Mobile County: School Tax ; Special Property Tax for School Capital Outlay Purposes in Mobile County; Education First Amendment.

1. The county of Mobile, through its constituted governing authorities, may levy and collect for public school purposes, a rate of taxation, on the property situated therein, not exceeding in the total of any one year, one-fifth (1/5) of one (1) per centum of the value of such property as assessed as provided by the Constitution of Alabama and the statutes now or hereafter enacted pursuant to the said Constitution of Alabama, which said one-fifth (1/5) of one (1) per centum shall be in addition to taxes levied and collected under and pursuant to the authority of section 215 of the Constitution of Alabama of 1901, and taxes levied and collected under and pursuant to article XIX of the Constitution of Alabama of 1901, which article XIX was added to said Constitution by amendment; and existing laws attempting or purporting to authorize, empower and direct the said constituted authorities of the county of Mobile to levy and assess such a special tax in addition to the taxes levied and collected under and pursuant to section 215 of the Constitution as aforesaid and taxes levied and collected under and pursuant to article XIX of the Constitution as aforesaid are hereby validated and confirmed. [Amendment 16, approved Nov. 4, 1924]

2. The county commission; or other governing body by whatever named called or styled; of Mobile County is authorized and shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution

and laws of the state of Alabama, of one-half of one percent (1/2 of 1%) on the value of the taxable property in the county, as such property was assessed for taxation during the preceding year. The proceeds of such tax shall be used exclusively for public school capital outlay purposes but may be pledged to secure the payment of principal and interest on warrants or other evidence of indebtedness issued and sold for public school capital outlay purposes by the board of school commissioners of Mobile County or other public body charged with the duties, powers and authority of conducting and operating public schools in Mobile County; which pledge shall take priority as provided in such warrants or other evidence of indebtedness and is in consonance with the provisions of existing law, at the time of the issuance and sale of the said warrants, touching the issue and sale of warrants by school bodies, for capital outlay purposes; provided that before such tax shall be levied, there shall be submitted to the qualified electors of Mobile County a statement of the rate of the tax, the time that it shall continue, and whether or not it shall be levied; and such tax shall be levied if a majority of the qualified electors voting at the said election should vote in favor thereof; and provided further, that if a majority of the qualified electors of Mobile County participating in the election on the adoption of this Constitutional amendment shall vote for the adoption of this Amendment, then the approval of this Amendment, expressed by said vote in said county in favor of its adoption, shall of itself authorize the levy and collection of the said special property tax for a period of thirty years commencing with the levy for the tax year of said county for which taxes will become due and payable to said county on October 1, 1962. Subsequent elections held hereunder shall be called, held and governed in all respects by the law that at the time of the said elections, is in effect for elections to determine whether or not a special county-wide school tax shall be levied and collected under the provisions of Amendment III [3] (article XIX) of the Constitution of Alabama. The proceeds of the said tax shall be used solely for public school capital outlay purposes.

The power to levy, granted by this Amendment, will not be exhausted by one election but shall remain a continuing grant unless and until it be repealed by subsequent Constitutional action.

Should, at any election by the qualified electors of Mobile County held hereunder, as hereinbefore provided for, the proposal to tax be defeated; the proposal to tax may be renewed and another election had at any time, upon complying with the requisites of law for the calling of such elections; provided, however, that no such subsequent election may be had within one year after the election in which the proposal was defeated.

This Amendment shall be self-executing and shall require no enabling legislation. [Amendment 179, approved Dec. 5, 1961]

3. ***Section I.*** This Amendment shall be entitled the "Education First Amendment."

Section II. As used in this Amendment, the following terms shall be given the following respective meanings:

(1) "Motor Fuel Tax" means a privilege or license tax levied upon every person, firm, or corporation selling, delivering, or withdrawing from storage or keeping in storage for sale or delivery in the county, any gasoline, naphtha, or other liquid motor fuels, or any device or substitutes therefor, commonly used in internal combustion engines, including diesel oil, tractor fuel, gas oil, distillate or liquefied gas, kerosene, jet fuel, or any substitutes or devices therefor, when sold, distributed, stored, or withdrawn from storage in the corporate limits of the City of Mobile and the City of Prichard for use in the operation of any motor vehicle upon the highways, but not including "kerosene oil," "fuel oil," or "crude oil" commonly used for lighting, heating, or industrial purposes, in an amount equal to two cents ($.02) per gallon sold, delivered, withdrawn from storage, or kept in storage for sale or delivery. Provided, however, that the fuel tax herein provided for shall not be levied or paid on the sale of such motor fuels in interstate commerce, or to the federal government or any agency of the federal government, or to the State of Alabama, or to any incorporated municipality for municipal purposes, or to the county commission for county purposes, or to the board of school commissioners for the use or purposes of such board, or for use in operating or propelling tractors used exclusively for agricultural purposes, or for use in operating or propelling commercial fishing boats, or to such motor fuels which are withdrawn from storage for delivery only to a point or points outside the county, when the distributor or seller of such motor fuels prepares and files with the revenue commissioner of the county written statements sworn and subscribed to showing the name and address of the person and to whom such motor fuels are or have been delivered by the distributor or seller, the volume and kind of such motor fuels and the dates of such withdrawals, and the point or points outside the county to which the motor fuels are delivered, or are to be delivered. Where any excise tax which may be levied hereby upon the sale, use, distribution, storage, or withdrawal from storage of such motor fuels shall have been paid to the revenue commissioner of the county by any person, firm, or corporation, such payment shall be sufficient, the intent being that the tax shall be paid but once.

(2) "Property Tax" means an ad valorem tax on the value of taxable property, as assessed for state taxation during the preceding tax year; provided, however, that such tax shall not be levied and assessed against any private passenger automobiles or motor trucks of the type commonly known as "pickups" or "pickup trucks" owned and operated by an individual for personal or private use and not for hire, rent, or compensation.

(3) "Sales and Use Tax" means a privilege or license tax levied on account of business activities, in an amount determined by application of applicable rates against gross sales or gross receipts, or an excise tax on storage, use, or other consumption of tangible personal property, as the case may be, which shall

parallel, except for the rate of the tax, the state sales and use taxes levied pursuant to Chapter 23, Title 40, of the Code of Alabama 1975, as the same may be amended from time to time; provided, that in the event of the repeal of the statutes imposing the state sales and use taxes, the sales and use tax levied hereunder shall apply to and be imposed upon every person upon whom, had it not been for such repeal, the state sales and use taxes would have been levied.

Section III. In addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, there is hereby levied and shall be collected a tax, the proceeds of which shall be used exclusively for public school purposes in Mobile County, including, without limitation, the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes. The taxes levied hereunder shall be determined as provided in section 4 of this Amendment and shall be:

(1) With respect to the areas of Mobile County within the corporate limits of the Cities of Mobile and Prichard, either (but not both) of the following:

a. a property tax at the rate of 12 mills on each $1 on property located within the corporate limits of the City of Mobile and the City of Prichard in Mobile County; or

b. a property tax at the rate of 8 mills on each $1 on all property located within the corporate limits of the City of Mobile and the City of Prichard in Mobile County and an additional motor fuel tax in such jurisdictions at the rate of two cents ($.02) per gallon.

(2) With respect to the areas of Mobile County outside the corporate limits of the Cities of Mobile and Prichard, either (but not both) of the following:

a. a property tax at the rate of 12 mills on each $1 on property located outside the corporate limits of the City of Mobile and the City of Prichard in Mobile County; or

b. a property tax at the rate of 4 mills on each $1 on all property located outside the corporate limits of the City of Mobile and the City of Prichard in Mobile County and a sales and use tax at the rate of one-half percent (.5%) on account of business activities in areas of Mobile County outside the City of Mobile and the City of Prichard.

Section IV. The taxes levied hereunder shall be determined by referendum to be held in Mobile County simultaneously with the referendum on the approval of this Amendment. The question shall be submitted to the qualified voters of Mobile County, in a referendum separate from and in a position on the ballot immediately following the proposition on the approval of this Amendment, in the following form:

Question (1) "If the Education First Amendment is approved by the voters, which of the following taxes to be levied for public school purposes do you favor? Vote for one.

"___ FOR a property tax at the rate of 12 mills on each $1 on all property located within the corporate limits of the City of Mobile and the City of Prichard in Mobile County; or

"___ FOR a property tax at the rate of eight mills on each $1 on all property located within the corporate limits of the City of Mobile and the City of Prichard in Mobile County and an additional motor fuel tax at the rate of two cents ($.02) per gallon in those jurisdictions."

The foregoing question shall be submitted to and voted on only by the electors residing in the Cities of Mobile and Prichard in Mobile County.

Question (2) "If the Education First Amendment is approved by the voters, which of the following taxes to be levied for public school purposes do you favor? Vote for one.

"___ FOR a sales and use tax at the rate of one-half percent (.5%) in all areas located outside the corporate limits of the Cities of Mobile and Prichard in Mobile County and a special ad valorem tax at the rate of four mills on each $1 on property located in all areas of the county outside the corporate limits of the Cities of Mobile and Prichard; or

"___ FOR a property tax at the rate of 12 mills on each $1 on all property located outside the corporate limits of the City of Mobile and the City of Prichard in Mobile County."

The foregoing question shall be submitted to and voted on only by the electors residing in areas outside the corporate limits of the Cities of Mobile and Prichard in Mobile County.

The taxes shall be levied upon approval of this Amendment and in accordance with the results of the referenda provided for in this section. Failure of a person to vote on such question shall not affect the vote of that person on the question of the approval of this Amendment. Likewise, the vote cast or the failure of a voter to vote on the approval of this Amendment shall not affect his or her vote on the foregoing questions.

The judge of probate shall develop the two separate ballots to be submitted to each group of voters.

Section V. Any property tax levied hereby shall be levied each year, without limit as to time, effective with the tax year commencing October 1, 2000, which tax is due and payable October 1, 2001; provided, that if this Amendment is approved and proclaimed ratified later than September 30, 2001, it shall be effective with the first tax year as to

which taxes become payable after the date it is proclaimed ratified. Except as to the exemption from such tax as provided in section 2, such tax shall be assessed and collected in the same manner as all other ad valorem taxes with respect to property in Mobile County. Notwithstanding the foregoing, any property annexed into the corporate limits of the City of Mobile or the City of Prichard shall not be subject to the 12-mill or eight-mill additional ad valorem tax levied pursuant to the proposition in question (1) in Section 4 for a period of five years after annexation. During that five years, such property shall be subject to the same amount of ad valorem tax as is levied on property located outside the corporate limits of the City of Mobile and the City of Prichard.

Section VI. Any sales and use tax levied hereby shall be without limit as to time and shall be effective at the beginning of the third month following the month in which this Amendment is proclaimed ratified. Any sales and use tax levied hereunder shall be administered and collected by the governing body of Mobile County or by such other officials to whom such duties may be delegated by the governing body of Mobile County from time to time. Any procedure or provision involving the State Department of Revenue which is incorporated herein by reference to the statutes imposing the state sales and use taxes shall be deemed to apply, with respect to the sales and use tax levied hereby, to the officer charged with the duty of administering and collecting such tax by the governing body of Mobile County. The governing body of Mobile County is hereby authorized to take such action as shall be necessary and appropriate to provide for the administration and collection of any sales and use tax levied hereby, including, without limitation, provisions for the making of returns or reports, the contents of returns or reports, collection and payment of taxes, keeping of records, penalties, assessments, and notices and examinations of taxpayers and their books, but all such provisions shall be parallel to the corresponding procedures with respect to the state sales and use taxes to the extent practicable. The proceeds of such tax, net of costs of collection, shall be paid to the Board of School Commissioners of Mobile County or its successors.

Section VII. Any motor fuel tax levied hereby shall be effective at the beginning of the third month following the month in which this Amendment is proclaimed ratified.

Section VIII. The provisions of this Amendment shall be self-executing, and authorization from or any other action by the Legislature or the governing body of Mobile County shall not be a prerequisite to the levy or collection of the taxes provided for herein or the use of the proceeds thereof for public school purposes in Mobile County.

Section IX. The actions and authority conferred by this constitutional amendment, specifically including, without limitation, the tax or taxes levied hereby and the method of determining the tax or taxes to be levied, are in all things validated and confirmed, any provision or provisions of the Constitution of Alabama of 1901, or any other laws of the state to the contrary notwithstanding, and to the extent that the provisions of this Amendment may be inconsistent with provisions of any other provision or provisions of

the Constitution of Alabama of 1901, or any other laws of the state, the provisions of this Amendment shall control. [Amendment 706, approved 2001]

Section 269-HH. Monroe County: Special School Tax in Monroe County.

In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, the several school districts of Monroe County, Alabama shall have the power to levy and collect a special district tax of thirty cents on each one hundred dollars worth of taxable property in such districts for school purposes; provided, that the levying of such tax and the time during which it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in each such district and voted for by a majority of those voting at such election; and further provided that such election shall be held in the same manner as now provided for an election on the school district tax authorized in article XIX of the Constitution of Alabama; and be it further provided that the funds arising from the special school tax levied in any district which votes the same independently of the county shall be expended for the exclusive benefit of the district as the law may direct. [Amendment 86, approved Nov. 7, 1950]

Section 269-II. Morgan County: Additional Taxes in Morgan County for Public School Purposes; Hartselle City School Taxes; Ad Valorem Tax in Morgan County; Ad Valorem Tax in City of Hartselle; Additional Ad Valorem Tax Within Portion of City of Decatur in Morgan County.

1. Each school district in Morgan County, shall have power to levy and collect additional taxes on the taxable property located in the district of not to exceed $.55 per $100 worth of taxable property located in the district for public school purposes; provided, that the total of special county and school district taxes levied in the district for public school purposes under section 260 of this Constitution and all amendments to this Constitution including the present amendment shall not exceed a rate of $1.25 per $100 worth of taxable property located in the district, except that in determining whether the said rate of $1.25 per $100 will be exceeded there shall be excluded from such calculation taxes levied and collected under the authority of any amendment to this Constitution wherein it is stated that the adoption thereof will not affect the power, right or authority to levy special school taxes; provided further, that the adoption of this Amendment shall in nowise limit, modify, abridge, or impair the power, authority or right of counties, municipalities, or school districts to levy and collect special school taxes or taxes of any kind for schools or school purposes vested in and conferred upon them, or any of them, by this Constitution, any amendment thereto, or any provisions of state law, or to make appropriations for schools or school purposes.

A school district within the meaning of this Amendment shall include school districts which consist of incorporated cities or towns, or any school district of which an

incorporated city or town is a part or such other school districts now existing or hereafter formed as may be approved by the county board of education.

The rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the district and voted for by a majority of those voting at such election.

The funds derived from the tax levied in any school district under this Amendment shall be expended for the exclusive benefit of the district. [Amendment 106, approved Nov. 2, 1954]

2. The school district taxes now levied and collected for the Hartselle city board of education and authorized by law shall be continued upon approval of this Amendment by the qualified electors voting thereon in said school district. Said taxes shall be continued for a period of thirty years, commencing October 1, 1987. Notice shall be given, the ballot prepared and the election conducted in the same manner as required by law for elections on school district taxes and constitutional amendments. The ballot shall be substantially as follows:

> "For continuation of all school district taxes now provided by law?
>
> Yes _____ No _____."

If a majority of the qualified electors voting thereon shall vote in favor of continuing such taxes then the said taxes shall be continued; if a majority of the qualified electors voting thereon vote in opposition of continuing such taxes then the provisions of this act shall become null and void and have no effect.

Only the persons who at the time of the election are qualified voters of said district 70 shall be entitled to participate in the question.

The provisions of this act shall be construed in pari materia with all other provisions relating to school district taxes in Morgan County, except as there is a direct conflict herewith. [Amendment 456, approved June 3, 1986]

3. (a) In lieu of the ad valorem taxes otherwise authorized by section 269 and Amendment 3 to the Constitution of Alabama of 1901, and enabling statutory provisions thereto, the Morgan County Commission may levy annually, commencing with the tax year beginning October 1, 1995, an ad valorem tax on all taxable property located in Morgan County, Alabama at a rate of 5.8 mill per dollar assessed value of the property, the proceeds of which shall be distributed to the Board of Education of Morgan County in proportions as the proceeds would be distributable if the taxes were levied under the authority of section 269 and Amendment 3 and enabling statutory provisions relating thereto.

(b) The authority conferred by this constitutional amendment shall be self-executing in the event this Amendment is duly adopted and ratified at the election required by the act which this Amendment is proposed. [Amendment 573, approved Sept. 12, 1995]

4. (a) In lieu of the special district school tax of forty cents per one hundred dollars of assessed value which the Morgan County Commission is authorized to levy for the benefit of the public schools in the City of Hartselle, Alabama, the Morgan County Commission shall be authorized to levy on an annual basis, commencing with the tax year beginning October 1, 1995, an ad valorem tax on all taxable property located within the City of Hartselle, at a rate of four mills per dollar of assessed value of the taxable property, the proceeds of which shall be distributed to the Hartselle City Board of Education.

(b) The authority conferred by this constitutional amendment shall be self-executing in the event this Amendment is duly adopted and ratified at the election required by the act by which this Amendment is proposed. [Amendment 574, approved Sept. 12, 1995]

5. (a) In addition to all other ad valorem taxes which the Morgan County Commission is authorized by law to levy for the benefit of the public schools in the City of Decatur, Alabama, the Morgan County Commission shall be authorized to levy on an annual basis, commencing with the tax year beginning October 1, 1995, an ad valorem tax on all taxable property located within that portion of the City of Decatur which lies in Morgan County at the rate of 3.6 mills per dollar of assessed value of the taxable property, the proceeds of which shall be distributed to the Decatur City Board of Education.

(b) The authority conferred by this constitutional amendment shall be self-executing in the event this Amendment is duly adopted and ratified at the election required by the act by which this Amendment is proposed. [Amendment 575; approved Sept. 12, 1995]

6. (a) In addition to all other ad valorem taxes which the Morgan County Commission is authorized by law to levy for the benefit of the public schools within the jurisdiction of the Morgan County Board of Education, the Morgan County Commission may levy on an annual basis, commencing with the tax year beginning October 1, 1995, an ad valorem tax on all taxable property in Morgan County located outside the corporate limits of the City of Decatur and the City of Hartselle, as those corporate limits exist on the first day of each ad valorem tax year, at a rate of four mills per dollar of assessed value of the taxable property, the proceeds of which shall be distributed to the Morgan County Board of Education.

(b) The authority conferred by this constitutional amendment shall be self-executing in the event this Amendment is duly adopted and ratified at the election required by the act by which this Amendment is proposed. [Amendment 576, approved Sept. 12, 1995]

Section 269-JJ. Randolph County: Special Property Tax for Educational Purposes in School District No. 2 of Randolph County; Same - School District No. 1, Randolph County.

1. The city of Roanoke shall have the power to levy and collect in school district No. 2 of Randolph County a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of not more than one-half of one percent on the value of the property situated in the district as assessed for state taxation during the preceding year; provided that all such additional property taxes shall be levied and collected solely for educational purposes and may be pledged to the payment of the principal and interest on bonds, warrants, or other evidences of indebtedness issued for educational purposes, and provided, further, that the rate of such tax and the purpose or purposes thereof and the time such tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of such district and voted for by a majority of those voting at the election. Each election held under the provisions of this Amendment shall be ordered, held, conducted, paid for, and governed otherwise in the same manner as provided by the law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. Elections to authorize the levy of such additional tax or taxes may be held as often as ordered by the governing body of the city of Roanoke, but when a proposition is submitted to the electors to levy such additional tax, and such proposition is defeated, then no subsequent election shall be held hereunder in the district for a period of one year thereafter.

The revenue derived from the additional tax authorized by this Amendment shall be used solely for the construction of schools and other educational purposes in school district No. 2 of Randolph County.

This Amendment shall be self-executing. [Amendment 156, approved Nov. 18, 1960]

2. The court of county commissioners, board of revenue, or other like governing body of Randolph Randolph County may levy and collect a special property tax, in addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, at a rate not exceeding one-half of one percent on the value of the taxable property in school district number one, as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes; provided, that the rate of such tax and the purpose or purposes thereof, and the time such tax is to be continued, which shall not exceed thirty years, shall have been first submitted to a vote of the qualified electors of district one and voted for by a majority of those voting at the election. If any proposal to levy a tax is defeated in any election, subsequent elections thereon may be held at any time. The elections shall be called, held, conducted, paid for, and governed otherwise in the manner provided for elections on school district taxes as authorized in Amendment III [3], article XIX, of the Constitution, and by article 7, of chapter 10, Title 52, Code of Alabama 1940, as heretofore or hereafter amended. [Amendment 180, approved Dec. 5, 1961]

Section 269-KK. Russell County: Special School Tax in Russell County; Tax Anticipation Bonds.

In addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, Russell County shall have the power to levy and collect a special county-wide school tax of eight mills on each dollar's worth of taxable property in Russell County, the proceeds of which shall be used exclusively for public school purposes; provided that such tax and the purpose or purposes thereof, and the time such tax is proposed to be continued, shall have been first submitted to the vote of the qualified electors of the county and voted for by a majority of those voting at such election. The special tax provided for herein may be renewed from time to time, in the manner provided herein, for such periods of time as are necessary. If any proposal to levy the tax is defeated in any election, subsequent elections thereon may be held at any time. The elections provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the school district tax authorized in Amendment III [3], article XIX of the Constitution of Alabama, by article 7, chapter 10, Title 52, Code of Alabama (1940). The county tax collector shall collect the tax in the same manner and under the same requirements and laws as the taxes of the state are collected, and he shall keep the proceeds of this tax separate and apart from all other funds, and shall keep clear accounts thereof. The tax collector shall distribute the proceeds of this special tax in such manner as to turn over to the custodian of the county school funds of Russell County the revenue derived from the tax levied on all taxable property situated outside the corporate limits of Phenix City, such revenues to be used by the county board of education for educational purposes in connection with schools located or to be located outside the corporate limits of Phenix City, and to turn over to the custodian of school funds of the city school system of Phenix City the revenue derived from the tax levied on all taxable property situated within the corporate limits of Phenix City, such revenues to be used by the city board of education for educational purposes in connection with schools located or to be located within the corporate limits of Phenix City.

In the event that any special property tax authorized herein shall be authorized by a majority of the qualified electors voting on the question at the election, the county board of education of Russell County and the city board of education of Phenix City may, at such times as to them seem necessary and proper, sell and issue their tax anticipation bonds for the purposes for which the tax was authorized, which bonds shall be in such amounts as the respective board of education shall designate and, except as otherwise provided herein, shall be subject to the provisions of the general laws now pertaining to the issuance by county and city boards of education of capital outlay warrants, and no further election shall be required for the issuance of such bonds. The revenue derived from the sale of these bonds shall be expended by the county board of education and the Phenix City board of education for public school purposes only. Any bonds issued under

the authority of this Amendment shall be payable solely out of the proceeds of the special property tax hereby authorized, all or any part of which may be pledged therefor. The bonds issued under the authority of this Amendment shall constitute negotiable instruments, although payable from a limited source, and shall be eligible for the investment of trust funds. The bonds shall not constitute general obligations of the county and shall be in addition to all other bonds or warrants which the county or city boards of education have heretofore issued or are authorized to issue under the Constitution and laws of Alabama. [Amendment 124, approved Dec. 17, 1957]

Section 269-LL. Special School Tax in St. Clair County.

In addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, there is hereby levied and shall be collected a special school tax of fifty cents on each one hundred dollars worth of taxable property in St. Clair County, the proceeds of which shall be used exclusively for public school purposes; provided, the time the tax is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the county and voted for by a majority of those voting at such election. The election provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the school district tax authorized in Amendment III [3], article XIX of the Constitution of Alabama, by article 7, chapter 10, Title 52 of the Code of Alabama (1940). The collection of the tax and the use of the proceeds shall also be governed by the applicable provisions of article 7, chapter 10, Title 52 of the Code of Alabama (1940). [Amendment 77, approved Dec. 13, 1949]

Section 269-MM. Talladega County: Levy and Collection of Additional Property Taxes in Talladega County; Special School Tax in Talladega County; Special School Tax in School District No. 1 of Talladega County; Special School District Taxes in Talladega County.

A. In addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, the governing body of Talladega County is hereby authorized to levy and collect a special school tax not to exceed three-tenths of one percent on the value of the taxable property within the county, the proceeds of which shall be used exclusively for public school purposes; and a special tax not to exceed two-tenths of one percent on the value of the taxable property within the county, the proceeds of which shall be used exclusively for the construction and maintenance of county roads and bridges. The governing body of Talladega County may fix the rates of the additional taxes authorized herein, at its discretion, without submitting the question of levying such additional taxes to a vote of the qualified electors of the county. [Amendment 98, approved Dec. 15, 1953]

B. In addition to all taxes of every kind now or hereafter authorized by the Constitution and laws of Alabama, the court of county commissioners, the board of revenue or other like governing body of Talladega County may levy and collect a special school tax not to exceed three-tenths of one percent of the value of the taxable property within the county, or the value of the taxable property within any school district in the county, the proceeds of which shall be used exclusively for public school purposes, provided the rate of such tax, the time it is to continue, and the purpose thereof shall have been first submitted to a vote of the qualified electors of the county; and if voted for by a majority of the qualified electors of the county, such tax shall be levied on all taxable property within the county, and if not voted for by a majority of the qualified electors of the county but voted for by a majority of the qualified electors of one or more school districts within the county then such tax shall be levied on all taxable property within each school district in which a majority of the qualified electors of such district vote for such tax, and the proceeds of such tax shall be used exclusively for public school purposes within the school districts of the county which vote for the tax. The question of the levy of such tax may be presented to the qualified electors of the county as a whole or to the qualified electors of any school district within the county and if rejected by the qualified electors of the county or by the qualified electors of any school district, may be re-submitted to the qualified electors of the county or of such school district after the expiration of one year from the last election. The court of county commissioners or other like governing body of Talladega County shall call all elections herein provided for upon being presented with a resolution of the Talladega County board of education requesting that an election be called. [Amendment 181, approved Dec. 5, 1961]

C. 1. The governing body of Talladega County shall have power to levy and collect annually a special school district tax not exceeding thirty cents on each one hundred dollars worth of taxable property in school district number one, Talladega County, as assessed for state taxation, for public school purposes, provided the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors of the district and voted for by a majority of those voting at such election. Such tax shall be in addition to all other taxes provided for by law. The funds arising from such special district tax levied and collected by the county shall be expended for the exclusive benefit of the district. Elections under this Amendment shall be called, held, and conducted in the same way that elections are called, held, and conducted in relation to the levying of special school district taxes under the third Amendment to the Constitution.

2. If a majority of the qualified electors of school district number one, Talladega County, who participate in the election on the adoption of this article of amendment vote in favor of such adoption, then the approval of the amendment as expressed by such vote shall of itself authorize the levying of the special tax provided for herein at the maximum rate specified for a period not exceeding twenty years. [Amendment 252, approved Nov. 30, 1965]

D. In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, the several school districts of Talladega County shall have the power to levy and collect a special district tax of fifty cents on each one hundred dollars' worth of taxable property in such districts for public school purposes; provided, that the time during which such tax is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in each such district and voted for by a majority of those voting at such election, the election to be held in the same manner as provided by Code of Alabama 1940, Title 52, chapter 10, article 7 for an election on the school district tax authorized in article XIX [Amendment No. 3, article XIX] of the Constitution of Alabama. The funds arising from such special tax levied in any district which votes the same independently of the county shall be expended for the exclusive benefit of the district as the law may direct. [Amendment 310, approved Dec. 9, 1969]

Section 269-NN. Tallapoosa County: Additional Property Taxes in School Districts of Tallapoosa County.

In addition to any taxes now authorized by the Constitution and laws of Alabama, the governing body of Tallapoosa County shall have the power to levy and collect in any school district in the county a special district tax not to exceed three-fourths of one percent (3/4 %) on the value of the taxable property within such district for school purposes; provided that the levying of such tax and the purpose thereof shall have been first submitted to a vote of the qualified electors in each such district and approved by a majority of those voting at such election. The election shall be called, held, conducted and canvassed and may be contested as in the case of three-mill school tax elections held pursuant to chapter 10, article 7, Title 52, Code of Alabama of 1940. All funds arising from the special school tax levied in any district of the county shall be expended for the exclusive benefit of that district as the law may direct. Provided, however, that such tax shall not apply to any property which is subject to an additional municipal tax for school purposes, in the same or a greater amount, levied pursuant to the authority of amendment LVI [56] to the Constitution of Alabama, so long as such municipal tax is levied and collected. [Amendment 129, approved Dec. 17, 1957]

Section 269-OO. Tuscaloosa County: Special School Tax; Special Property Tax for Educational Purposes in Tuscaloosa County.

1. In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of fifty cents on each one hundred dollars worth of taxable property in the city of Tuscaloosa and in the several school districts of Tuscaloosa County, to be used solely for public school purposes, provided such tax, and the time it is to continue, shall have been first submitted

to the vote of the qualified electors of the school district in which such tax is to be collected and voted for by a majority of those voting at such election; otherwise said tax shall not be collected. A special separate election is hereby called on the first Tuesday after sixty days following the date this constitutional provision becomes effective, in the city of Tuscaloosa and in the school district in Tuscaloosa County of which the city of Tuscaloosa is a part at which election the qualified voters in the city of Tuscaloosa and in the school district in Tuscaloosa County of which the city of Tuscaloosa is a part may vote as to whether said special school tax herein levied shall be effective for a period of thirty years, and if the majority of those voting at said election vote in favor of said special school tax herein referred to, such school tax shall immediately be levied and collected annually thereafter on the first day of October by the tax collector of Tuscaloosa County and, if pledged, paid to the city of Tuscaloosa; otherwise by him immediately paid to the board of education of the city of Tuscaloosa, for a period of thirty years from the date of said election in the city of Tuscaloosa and in the school district of which the city of Tuscaloosa is a part, and a special separate election is likewise hereby called in each other school district in Tuscaloosa County on the first Tuesday after sixty days following the date this constitutional provision becomes effective and the qualified electors of each such other school district in Tuscaloosa County shall vote as to whether said special school tax herein levied shall be effective in their respective districts for a period of thirty years, and where a majority of those voting at said election in any such school district vote in favor of said special school tax such special school tax shall be immediately levied and collected annually thereafter on the first day of October by the tax collector of Tuscaloosa County and, if pledged, paid to the county of Tuscaloosa; otherwise by him immediately paid to the board of education of Tuscaloosa County, for a period of thirty years in any such school district where a majority of such electors voting at said election vote therefor. This section shall be self-executing.

The funds arising from the special school tax to be levied hereunder and to be collected therefrom shall be expended for public school purposes for the exclusive benefit of the school district in which collected with all such tax collected in the city of Tuscaloosa to be expended in the city of Tuscaloosa. After said tax has been voted, and without further authorization or authority, as and when requested by the board of education of the city of Tuscaloosa, the city of Tuscaloosa shall issue and sell interest bearing bonds with principal and interest to be paid from the funds to be derived from the special school tax hereby levied in the city of Tuscaloosa and in the school district in which the city of Tuscaloosa is located, for the sole purpose of the construction and improvement of school buildings and the acquiring of sites therefor; provided, said net proceeds of said bonds shall immediately be paid to the board of education of the city of Tuscaloosa and said bonds shall not be issued for a longer period than thirty years, and said funds to be derived from said special school tax may be pledged by the city of Tuscaloosa for the payment of said bonds and the interest thereon, and provided that said bonds shall not be a general obligation of the city of Tuscaloosa or of Tuscaloosa County and shall not be

charged to the constitutional debt limit of the city of Tuscaloosa or of Tuscaloosa County. After said tax has been voted, and without further authorization or authority, as and when requested by the board of education of Tuscaloosa County, Tuscaloosa County shall issue and sell interest-bearing bonds with principal and interest to be paid from the funds to be derived from the special school tax hereby levied in each school district in Tuscaloosa County, other than in the city of Tuscaloosa and the school district in which the city of Tuscaloosa is located, for the sole purpose of the construction and improvement of public school buildings and the acquiring of sites therefor; provided the net proceeds of said bonds shall immediately be paid to the board of education of Tuscaloosa County and that said bonds shall not be issued for longer than thirty years and said funds arising from said school tax may be pledged by Tuscaloosa County for the payment of said bonds and interest thereon and provided that said bonds shall not be a general obligation of Tuscaloosa County and shall not be charged to the constitutional debt limit of Tuscaloosa County.

Except as herein otherwise provided the elections hereinabove provided for shall be called, held and conducted as provided by law for calling, holding and conducting of district school tax elections. The governing body of the city of Tuscaloosa shall appoint and designate the officers, managers, clerks and returning officers and shall call, canvass, tabulate and declare the result of the elections provided for in the city of Tuscaloosa and in the school district in which the city of Tuscaloosa is located. The governing body of Tuscaloosa County shall appoint and designate the election officers, managers, clerks and returning officers and shall call, canvass, tabulate and declare the result of, the elections as to any and all school districts in Tuscaloosa County other than in the city of Tuscaloosa and the school district in which the city of Tuscaloosa is located. All such elections shall otherwise be conducted, held, canvassed, tabulated and the results declared as general elections are conducted, held, canvassed, tabulated and the results declared in Alabama. [Amendment 71, approved Nov. 12, 1948]

2. ***Section 1.*** The court of county commissioners, board of revenue or like governing body of Tuscaloosa County shall have the power to levy and collect a special property tax, in addition to all other taxes, now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one-half of one per cent on the value of the taxable property in the county situated outside the territory subject to the jurisdiction and control of the city board of education of Tuscaloosa, as such property was assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the county residing outside the territory subject to the jurisdiction and control of the city board of education of Tuscaloosa, and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on the property in the county situated outside the territory subject to the jurisdiction and control of the city board of education of Tuscaloosa shall be called and held in the same manner as now

provided by law for an election on the school district tax authorized in Amendment III [3], article XIX, of the Constitution of Alabama. The tax on property situated outside the territory subject to the jurisdiction and control of the city board of education of Tuscaloosa shall be collected in the same manner and under the same requirements and laws as the taxes of the state are collected, and the revenues derived from such tax shall be used solely for school construction and other educational purposes in the territory of the county outside the territory subject to the jurisdiction and control of the city board of education of Tuscaloosa.

Section 2. The court of county commissioners, board of revenue or like governing body of Tuscaloosa County shall likewise have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one-half of one per cent on the value of the taxable property situated within the territory subject to the jurisdiction and control of the city board of education of Tuscaloosa, as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the territory and voted for by a majority of those voting at the election. Except as herein otherwise provided, elections on proposals to levy this tax on property situated within the territory subject to the jurisdiction and control of the city board of education of Tuscaloosa shall be ordered and held in the same manner as provided by the law applicable to elections on school district taxes. The additional tax, authorized by this Amendment to be levied on property situated within the territory subject to the jurisdiction and control of the city board of education of Tuscaloosa, shall be collected in the same manner and under the same requirements and laws as other taxes levied on property in the city of Tuscaloosa are collected, and the revenues derived from this tax shall be used solely for school construction and other educational purposes within the territory subject to the jurisdiction and control of the city board of education of Tuscaloosa.

Section 3. If any proposal to levy a tax hereunder is defeated in any election, subsequent elections thereon may be held at intervals of not less than one year.

Section 4. The special school tax herein authorized shall be effective for a period of thirty years.

Section 5. This Amendment shall be self-executing, and no enabling legislation shall be necessary. [Amendment 164, approved Dec. 5, 1961]

Section 269-PP. Special School Taxes in Walker County; Special Property Tax for Educational Purposes in City of Jasper.

A. ***Section 1.*** If authorized at an election held for such purpose, the governing body of Walker County may levy and collect a special county tax at a rate not exceeding one-half of one percent on the value of the taxable property within the county as assessed for state taxation, the proceeds of which shall be used exclusively for public school purposes; provided, however, that the governing body of Walker County shall not levy the special county property tax authorized by this Amendment in addition to any tax authorized by a constitutional amendment proposed by the Legislature at the same session of the Legislature at which this Amendment was proposed authorizing the governing body of each of the several counties in the state to levy an additional property tax for school purposes [Amendment No. 202]. This tax shall be apportioned among the county and city school systems on a teacher unit basis in the manner that minimum program funds are distributed.

Section 2. An election shall be ordered by the county governing body to determine whether or not a special tax shall be levied for public school purposes as authorized herein upon the request of the county board of education, and the election shall be held and conducted in accordance with general laws providing for school tax elections pursuant to constitutional Amendment III [3]. [Amendment 204, approved May 1, 1962]

B. 1. The council or commissioners or other like governing body of the city of Jasper may levy and collect a special tax at a rate not exceeding one-half of one percent on the value of the taxable property within the city, the proceeds of which tax shall be used exclusively for educational purposes, provided the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors of the city of Jasper and voted for by a majority of those voting at such election.

2. Elections may be called, held and conducted under this Amendment in accordance with general laws providing for and regulating elections on district school taxes as authorized by the third Amendment to this Constitution. [Amendment 253, approved Nov. 30, 1965]

Section 269-RR. Washington County: Additional School Tax in Washington County.

Section 1. The court of county commissioners, board of revenue, or other like governing body of Washington County shall have power to levy and provide for collection of an additional county tax of fifty cents on each one hundred dollars worth of taxable property in the county, for public school purposes, in the same manner and subject to the same election requirements as provided in the third Amendment to this Constitution with respect to other county school taxes. The tax herein authorized shall be in addition to all

other county taxes authorized in this Constitution as amended, and the proceeds thereof shall be spent for public school purposes only.

Section 2. If this Amendment is approved and a majority of the qualified electors of the county who vote thereon vote in favor of the adoption of this Amendment when it is submitted, the additional tax provided for in section 1 may be levied and collected thereafter without any other election having been held thereon. But if this Amendment is approved and a majority of the qualified electors of the county who vote thereon vote against its approval, the tax may not be levied unless the rate of the tax, the time it is to continue, and the purpose thereof shall have been again submitted to a vote of the qualified electors of the county and voted for by majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year, and shall be called, held, and conducted in the same way, according to the general laws, as other elections on the question of levying special county school taxes. [Amendment 182, approved Dec. 5, 1961]

Section 269-SS. Winston County: Special Tax for School Purposes in Winston County.

The court of county commissioners, board of revenue, or other like governing body of Winston County shall have power to levy and collect a special county tax not exceeding fifty cents on each one hundred dollars worth of taxable property in such county in addition to taxes now authorized or that may hereafter be authorized for public school purposes, and in addition to that now authorized under section 260 of article XIV and Amendment III [3] of the Constitution; provided, that the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors of the county, and voted for by a majority of those voting at such election. The election provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the special county school tax authorized in Amendment III [3] to the Constitution of Alabama. [Amendment 153, approved Feb. 16, 1960]

Section 270. Applicability of Article to Mobile County.

The provisions of this article and of any act of the Legislature passed in pursuance thereof [to establish, organize, and maintain a system of public schools throughout the state] [for educational purposes], shall apply to Mobile County only so far as to authorize and require the authorities designated by law to draw the portions of the funds to which said county shall be entitled for school purposes and to make reports to the superintendent of education as may be prescribed by law; and all special incomes and

powers of taxation as now authorized by law for the benefit of public schools in said county shall remain undisturbed until otherwise provided by the Legislature; provided, that separate schools for each race shall always be maintained by said school authorities. [Original section 270, with brackets indicating change in language under Amendment 111's version of section 270 ("for educational purposes" substituted for "to establish, organize, and maintain a system of public schools throughout the state"); see notes under section 256 as to challenges to validity of Amendment 111, approved 1956]

Article XV. Militia

Section 271. Composition of Militia; Organizing, Arming and Disciplining Militia; Naval Militia May Be Organized.

The Legislature shall have power to declare who shall constitute the militia of the state, and to provide for organizing, arming, and disciplining the same; and the Legislature may provide for the organization of a state and naval militia. [Original section 271]

Section 272. Conformance with Regulations of United States Department of Defense and Laws of United States; Administration of Military Affairs by Military Department and Adjutant General.

The Legislature, in providing for the organization, equipment, and discipline of the state military forces, shall conform as nearly as practicable to the regulations of the department of defense of the United States, and the laws of the United States, governing the armed forces of the United States. All affairs pertaining to the state military forces shall be administered by a state military department, which shall be headed by the adjutant general, who shall be responsible to the Governor as commander-in-chief. [Amendment 89, approved Dec. 1, 1951, amending, restating, and superceding original section 272 (as well as original sections 273 and 276)]

Section 273. Appointment, Suspension, Discharge, Removal and Retirement of Officers of State Military Forces; Qualifications of Personnel of Federally-recognized National Guard.

Officers of the state military forces, including the adjutant general, shall be appointed, and shall be subject to suspension, discharge, removal, or compulsory retirement as such, solely on the basis of military proficiency, character and service, as determined by department of defense regulations and military usages sanctioned by the military laws of the United States, anything in this Constitution to the contrary notwithstanding. The qualifications of personnel of the federally recognized national guard shall be as prescribed in pertinent regulations and policies of the United States Department of Defense. [Amendment 89, approved Dec. 1, 1951, amending, restating, and superceding original section 273 (as well as original sections 272 and 276)]

Section 27. Volunteer Organizations.

Volunteer organizations of infantry, cavalry, and artillery and naval militia may be formed in such manner and under such restrictions and with such privileges as may be provided by law. [Original Sectin 274]

Section 275. Immunity of Members from Arrest While Attending, Going to or Returning from Musters, Parades and Elections.

The militia and volunteer forces shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at musters, parades, and elections, and in going to and returning from the same. [Original section 275]

Section 276. Appointment of Adjutant General, General Officers and Governor's Staff.

The Governor shall, with the advice and consent of the Senate, appoint the adjutant general and all general officers. The Governor shall appoint his own staff, as may be provided by law. [Amendment 89, approved Dec. 1, 1951, amending, restating, and superceding original section 276 (as well as original sections 272 and 273)]

Section 277. Safe Keeping of Arms, Ammunition, Military Records, etc.

The Legislature shall provide for the safe keeping of the arms, ammunition, and accoutrements, and military records, banners, and relics of the state. [Original section 277]

Section 278. Officers and Men Not Entitled to Compensation When Not in Active Service.

The officers and men of the militia and volunteer forces shall not be entitled to or receive any pay, rations, or emoluments when not in active service. [Original section 278]

Article XVI. Oath Of Office

Section 279. Required of Members of Legislature and Executive and Judicial Officers; Form; Administration.

All members of the Legislature, and all officers, executive and judicial, before they enter upon the execution of the duties of their respective offices, shall take the following oath or affirmation:

"I, _____, solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability. So help me God."

The oath may be administered by the presiding officer of either house of the Legislature, or by any officer authorized by law to administer an oath. [Original Section 279]

Article XVII. Miscellaneous Provisions

Section 280. Holding State and Federal Office at Same Time; Holding Two State Offices at Same Time.

No person holding an office of profit under the United States, except postmasters, whose annual salaries do not exceed two hundred dollars, shall, during his continuance in such office, hold any office of profit under this state; nor, unless otherwise provided in this Constitution, shall any person hold two offices of profit at one and the same time under this state, except justices of the peace, constables, notaries public, and commissioner of deeds. [Original section 280]

Section 281. Compensation of Civil Officers Not to Be Increased or Diminished During Term for Which Elected or Appointed.

The salary, fees, or compensation of any officer holding any civil office of profit under this state or any county or municipality thereof, shall not be increased or diminished during the term for which he shall have been elected or appointed. [Original section 281; see also section 68, where Amendment 92 has been placed]

Section 282. Duty of Section to Enact Laws to Effectuate Constitution.

It is made the duty of the section to enact all laws necessary to give effect to the provisions of this Constitution. [Original section 282]

Section 283. Validation of Certain Acts Relating to Bonded Debt of State; Governor Authorized to Act Thereunder.

The act of the general assembly of Alabama entitled "An act to consolidate and adjust the bonded debt of the State of Alabama," approved February 18th, 1895, and an act amendatory thereof entitled "An act to amend section 6 of an act to consolidate and adjust the bonded debt of the State of Alabama, approved February 18th, 1895," which said last named act was approved February 16th, 1899, are hereby made valid, and both of said acts shall have the full force and effect of law, except in so far as they authorize the redemption before maturity of the bonds authorized by said acts to be issued. The Governor is authorized and empowered to act under the same and to carry out all the provisions thereof; provided, that the bonds authorized to be issued by said acts and issued thereunder may be made payable at any time, not exceeding fifty years from the

date thereof, and shall not be redeemable until their maturity. [Original section 283; perhaps could now be deleted]

Article XVIII. Mode Of Amending The Constitution

Section 284. Manner of Proposing Amendments; Submission of Amendments to Electors; Election on Amendments; Proclamation of Result of Election; Basis of Representation in Legislature Not to Be Changed by Amendment; Adoption of Proposed Constitutional Amendments Affecting Only One County .

1. Amendments may be proposed to this Constitution by the Legislature in the manner following: The proposed amendments shall be read in the house in which they originate on three several days, and, if upon the third reading three-fifths of all the members elected to that house shall vote in favor thereof, the proposed amendments shall be sent to the other house, in which they shall likewise be read on three several days, and if upon the third reading three-fifths of all of the members elected to that house shall vote in favor of the proposed amendments, the Legislature shall order an election by the qualified electors of the state upon such proposed amendments, to be held either at the general election next succeeding the session of the Legislature at which the amendments are proposed or upon another day appointed by the Legislature, not less than three months after the final adjournment of the session of the Legislature at which the amendments were proposed. Notice of such election, together with the proposed amendments, shall be given by proclamation of the Governor, which shall be published in every county in such manner as the Legislature shall direct, for at least four successive weeks next preceding the day appointed for such election. On the day so appointed an election shall be held for the vote of the qualified electors of the state upon the proposed amendments. If such election be held on the day of the general election, the officers of such general election shall open a poll for the vote of the qualified electors upon the proposed amendments; if it be held on a day other than that of the general election, officers for such election shall be appointed; and the election shall be held in all things in accordance with the law governing general elections. In all elections upon such proposed amendments, the votes cast thereat shall be canvassed, tabulated and returns thereof be made to the secretary of state, and counted, in the same manner as in elections for representatives in the Legislature; and if it shall thereupon appear that a majority of the qualified electors who voted at such election upon the proposed amendments voted in favor of the same, such amendments shall be valid to all intents and purposes as parts of this Constitution. The result of such election shall be made known by proclamation of the Governor. Representation in the Legislature shall be based upon population, and such basis of representation shall not be changed by constitutional amendments. [Amendment 24, approved July 18, 1933, amending, restating and superceding original section 284]

2. (a) Any proposed constitutional amendment which affects or applies to only one county shall be adopted as a valid part of the constitution by a favorable vote of a majority of the qualified electors of the affected county who vote on the amendment. Any

proposed constitutional amendment which affects or applies to only one political subdivision within a county or counties shall be adopted as a valid part of the constitution by a favorable vote of a majority of the qualified electors of both the county and the political subdivision affected by the amendment who vote on the amendment. The proposed amendment may provide for a separate referendum in a political subdivision of less than a county if a simultaneous referendum is not possible because of conflicting voting precincts.

(b) The proposed amendment shall first be approved by at least a three-fifths vote of the elected members of each house of the Legislature with no dissenting vote cast and approved by a majority vote of the Local Constitutional Amendment Commission. The commission shall be composed of the Governor, Presiding Officer of the Senate, Attorney General, Secretary of State, and Speaker of the House of Representatives. The Legislature may by general act specify procedures for the Local Constitution Amendment Commission, but may not expand its role beyond deciding whether the amendment affects more than one county or more than one political subdivision in one or more counties.

(c) Notice of the election, together with the proposed amendment, shall be given by proclamation of the Governor, which proclamation shall be published once a week for four successive weeks next preceding the day appointed for the election in each newspaper qualified to run legal notices in the county or counties affected.

(d) In the event any constitutional amendment proposed for adoption pursuant to this amendment is approved by at least a three-fifths vote of the elected members of each house of the Legislature but with one or more dissenting votes cast, the amendment shall be treated as a statewide amendment as described in subsection (e).

(e) If after having been approved by at least a three-fifths vote of the elected members of each house of the Legislature without a dissenting vote cast the proposed amendment is not approved by a majority vote the Local Constitutional Amendment Commission, it shall automatically be submitted in a statewide referendum in accordance with the procedures for proposed statewide constitutional amendments under sections 284 and 285 of the Constitution of Alabama of 1901. If the proposed amendment is submitted in a statewide referendum, it shall not become effective unless approved at a referendum by a majority of the qualified voters of the affected county voting on the proposition and the affected political subdivision voting on the proposition, if it affects less than the whole county. The referendum in a political subdivision may be held at the same time as the election for the ratification of the proposed amendment, or at another time if provided by the proposed amendment.

(f) Notwithstanding any provision of the Constitution of Alabama of 1901, to the contrary, all constitutional amendments which have been adopted by a majority vote of the appropriate electorate pursuant to that certain amendment proposed by Acts 1982,

No. 82-330 (Amendment 425) to the Constitution of Alabama of 1901, are hereby ratified and confirmed. [Amendment 555, approved Nov. 8, 1994, amending and superceding Amendment 425, approved Nov. 2, 1982]

Section 285. Election Ballots; Affirmative Vote of Majority of Electors Voting Required for Passage.

Upon the ballots used at all elections provided for in section 284 of this Constitution the substance or subject matter of each proposed amendment shall be so printed that the nature thereof shall be clearly indicated. Following each proposed amendment on the ballot shall be printed the word "Yes" and immediately under that shall be printed the word "No." The choice of the elector shall be indicated by a cross mark made by him or under his direction, opposite the word expressing his desire, and no amendment shall be adopted unless it receives the affirmative vote of a majority of all the qualified electors who vote at such election. [Original section 285]

Section 286. Manner of Calling Convention for Purpose of Altering or Amending Constitution; Repeal of Act or Resolution Calling Convention; Jurisdiction and Power of Convention Not Restricted.

No convention shall hereafter be held for the purpose of altering or amending the Constitution of this state, unless after the Legislature by a vote of a majority of all the members elected to each house has passed an act or resolution calling a convention for such purpose the question of convention or no convention shall be first submitted to a vote of all the qualified electors of the state, and approved by a majority of those voting at such election. No act or resolution of the Legislature calling a convention for the purpose of altering or amending the Constitution of this state, shall be repealed except upon the vote of a majority of all the members elected to each house at the same session at which such act or resolution was passed; provided, nothing herein contained shall be construed as restricting the jurisdiction and power of the convention, when duly assembled in pursuance of this section, to establish such ordinances and to do and perform such things as to the convention may seem necessary or proper for the purpose of altering, revising, or amending the existing Constitution. [Original section 286]

Section 287. Votes by Legislature on Proposed Amendments or Bills or Resolutions Calling Conventions; Acts or Resolutions Proposing Amendments or Calling Conventions Not to Be Submitted to Governor for Approval.

All votes of the Legislature upon proposed amendments to this Constitution, and upon bills or resolutions calling a convention for the purpose of altering or amending the

Constitution of this state, shall be taken by yeas and nays and entered on the journals. No act or resolution of the Legislature passed in accordance with the provisions of this article, proposing amendments to this Constitution, or calling a convention for the purpose of altering or amending the Constitution of this state, shall be submitted for the approval of the Governor, but shall be valid without his approval. [Original section 287]