

# OFFICIAL RECOMPILATION OF THE CONSTITUTION OF ALABAMA OF 1901, AS AMENDED

## PREAMBLE

We, the people of the State of Alabama, in order to establish justice, insure domestic tranquillity, 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:

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

#### **Sec. 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.

#### **Sec. 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.

#### **Sec. 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.

**Sec. 3.01. Alabama Religious Freedom Amendment.**

SECTION I. The amendment shall be known as and may be cited as the Alabama Religious Freedom Amendment.

SECTION 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., § 2000bb, 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.

SECTION 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.)

**Sec. 3.02. Religious rights and liberties.**

Every person shall be at liberty to worship God according to the dictates of his or her own conscience. No person shall be compelled to attend, or, against his or her consent, to contribute to the erection or support of any place of religious worship, or to pay tithes, taxes, or other rates for the support of any minister of the gospel. Property belonging to the state may be used to display the Ten Commandments, and the right of a public school and public body to display the Ten Commandments on property owned or administrated by a public school or public body in this state is not restrained or abridged. The civil and political rights, privileges, and capacities of no person shall be diminished or enlarged on account of his or her religious belief. No public funds may be expended in defense of the constitutionality of this amendment.

The Ten Commandments shall be displayed in a manner that complies with constitutional requirements, including, but not limited to, being intermingled with historical or educational items, or both, in a larger display within or on property owned or administrated by a public school or public body. (Amendment 942.)

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 6.01. 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 this amendment or in any enabling statute adopted pursuant to this amendment 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 this amendment. (Amendment 557.)

**Sec. 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.

**Sec. 8. Proceeding against person by information; grand jury not required in misdemeanor cases.**

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. (As amended by Amendment 37 and Amendment 598.)

**Sec. 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.

**Sec. 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.

**Sec. 11. Right to trial by jury.**

That the right of trial by jury shall remain inviolate.

**Sec. 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.

**Sec. 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.

**Sec. 13.50. Application of foreign law.**

(a) This amendment shall be known and may be cited as the American and Alabama Laws for Alabama Courts Amendment.

(b) The law of Alabama provides:

(1) The State of Alabama has developed its unique public policy of laws based on the United States Constitution, as protected by Amendment 10 to the United States Constitution.

(2) Upon becoming a state in 1819, Alabama adopted its first constitutional and statutory enactments, upon which it has built the rights, privileges, obligations, and requirements of its government and citizens.

(3) Both the provisions of the Alabama Constitution and the statutes and regulations of the State of Alabama, with interpreting opinions by its courts of competent jurisdiction, have developed the state's public policy.

(4) The public policy of the State of Alabama protects the unique rights of its citizens beginning with Article I, Section 1 of the Constitution of Alabama of 1901, guaranteeing the equality and rights of men. Except as permitted by due process of law and the right of the people to vote for self-determination, the rights, privileges, and immunities of the citizens of the State of Alabama are inviolate.

(5) Different from the law of the State of Alabama is foreign law, which is any law, rule, or legal code, or system established, used, or applied in a jurisdiction outside of the states or territories of the United States, or which exist as a separate body of law, legal code, or system adopted or used anywhere by any people, group, or culture different from the Constitution and laws of the United States or the State of Alabama.

(6) Alabama has a favorable business climate and has attracted many international businesses. While Alabama business persons and companies may decide to use foreign law in foreign courts, the public policy of Alabama is to prohibit anyone from requiring Alabama courts to apply and enforce foreign laws.

(7) The public policy of this state is to protect its citizens from the application of foreign laws when the application of a foreign law will result in the violation of a right guaranteed by the Alabama Constitution or of the United States Constitution, including, but not limited to, due process, freedom of religion, speech, assembly, or press, or any right of privacy or marriage.

(8) Article IV, Section 1, of the United States Constitution provides that full faith and credit shall be given by each state to the public acts, records, and judicial proceedings of other states. Provided, however, when any such public acts, records, and judicial proceedings of another state violate the public policy of the State of Alabama, the State of Alabama is not and shall not be required to give full faith and credit thereto.

(c) A court, arbitrator, administrative agency, or other adjudicative, arbitral, or enforcement authority shall not apply or enforce a foreign law if doing so would violate any state law or a right guaranteed by the Constitution of this state or of the United States.

(d) If any contractual provision or agreement provides for the choice of a foreign law to govern its interpretation or the resolution of any dispute between the parties, and if the enforcement or interpretation of the contractual provision or agreement would result in a violation of a right guaranteed by the Constitution of this state or of the United States, the agreement or contractual provision shall be modified or amended to the extent necessary to preserve the constitutional rights of the parties.

(e) If any contractual provision or agreement provides for the choice of venue or forum outside of the states or territories of the United States, and if the enforcement or interpretation of the contract or agreement applying that choice of venue or forum provision would result in a violation of any right guaranteed by the Constitution of this state or of the United States, that contractual provision or agreement shall be interpreted or construed to preserve the constitutional rights of the person against whom enforcement is sought. If a natural person subject to personal jurisdiction in this state seeks to maintain litigation, arbitration, an administrative proceeding, or a similarly binding proceeding in this state, and if a court of this state finds that granting a claim of forum non conveniens or a related claim violates or would likely lead to the violation of the constitutional rights of the nonclaimant in the foreign forum with respect to the matter in dispute, the claim shall be denied.

(f) Any contractual provision or agreement incapable of being modified or amended in order to preserve the constitutional rights of the parties pursuant to the provisions of this amendment shall be null and void.

(g) Nothing in this amendment shall be interpreted to limit the right of a natural person or entity of this state to voluntarily restrict or limit his, her, or its own constitutional rights by contract or specific waiver consistent with constitutional principles. However, the language of any such contract or other waiver shall be strictly construed in favor of preserving the constitutional rights of the natural person in this state. Further, no Alabama court shall be

required by any contract or other obligation entered into by a person or entity to apply or enforce any foreign law.

(h) Except as limited by subsection (g), without prejudice to any legal right, this amendment shall not apply to a corporation, partnership, limited liability company, business association, or other legal entity that contracts to subject itself to foreign law in a jurisdiction other than this state or the United States.

(i) Where the public acts, records, or judicial proceedings of another state violate the public policy of the State of Alabama, the State of Alabama shall not give full faith and credit thereto. (Amendment 884.)

**Sec. 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.

**Sec. 15. Excessive fines; cruel or unusual punishment.**

That excessive fines shall not be imposed, nor cruel or unusual punishment inflicted.

**Sec. 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.

**Sec. 17. Suspension of habeas corpus.**

That the privilege of the writ of habeas corpus shall not be suspended by the authorities of this state.

**Sec. 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.

**Sec. 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.

**Sec. 20. Imprisonment for debts.**

That no person shall be imprisoned for debt.

**Sec. 21. Suspension of laws.**

That no power of suspending laws shall be exercised except by the legislature.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 26. Right to bear arms.**

(a) Every citizen has a fundamental right to bear arms in defense of himself or herself and the state. Any restriction on this right shall be subject to strict scrutiny.

(b) No citizen shall be compelled by any international treaty or international law to take an action that prohibits, limits, or otherwise interferes with his or her fundamental right to keep and bear arms in defense of himself or herself and the state, if such treaty or law, or its adoption, violates the United States Constitution. (As amended by Amendment 888.)

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 30. Immigration, emigration and exile.**

That immigration shall be encouraged; emigration shall not be prohibited, and no citizen shall be exiled.

**Sec. 31. Residence not forfeited by temporary absence from state.**

That temporary absence from the state shall not cause a forfeiture of residence once obtained.

**Sec. 32. Slavery prohibited; involuntary servitude.**

That no form of slavery shall exist in this state; and there shall not be any involuntary servitude.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 36.01. English as official language of state.**

English is the official language of the state of Alabama. The legislature shall

enforce this amendment 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 amendment, 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 amendment. (Amendment 509.)

**Sec. 36.02. Sportsperson’s Bill of Rights.**

(a) The people have a right to hunt, fish, and harvest wildlife, including by the use of traditional methods, subject to reasonable regulations, to promote wildlife conservation and management, and to preserve the future of hunting and fishing. Hunting by the public and fishing by the public shall be the preferred means of managing and controlling wildlife. This amendment shall not be construed to modify any provision of law relating to eminent domain, trespass, or property rights.

(b) This amendment shall be known as the “Sportsperson’s Bill of Rights.” (Amendment 597; Amendment 892.)

**Sec. 36.03. Sanctity of marriage.**

(a) This amendment shall be known and may be cited as the Sanctity of Marriage Amendment.

(b) Marriage is inherently a unique relationship between a man and a woman. As a matter of public policy, this state has a special interest in encouraging, supporting, and protecting this unique relationship in order to promote, among other goals, the stability and welfare of society and its children. A marriage contracted between individuals of the same sex is invalid in this state.

(c) Marriage is a sacred covenant, solemnized between a man and a woman, which, when the legal capacity and consent of both parties is present, establishes their relationship as husband and wife, and which is recognized by the state as a civil contract.

(d) No marriage license shall be issued in the State of Alabama to parties of the same sex.

(e) The State of Alabama shall not recognize as valid any marriage of parties of the same sex that occurred or was alleged to have occurred as a result of the law of any jurisdiction regardless of whether a marriage license was issued.

(f) The State of Alabama shall not recognize as valid any common law marriage of parties of the same sex.

(g) A union replicating marriage of or between persons of the same sex in the State of Alabama or in any other jurisdiction shall be considered and treated in all respects as having no legal force or effect in this state and shall not be recognized by this state as a marriage or other union replicating marriage. (Amendment 774.)

**Sec. 36.04. Mandatory participation in health care system prohibited.**

(a) In order to preserve the freedom of all residents of Alabama to provide for their own health care, a law or rule shall not compel, directly or indirectly, any person, employer, or health care provider to participate in any health care system.

(b) A person or employer may pay directly for health care services and shall not be required to pay penalties or fines for paying directly for lawful health care services. A health care provider may accept direct payment for lawful health care services and shall not be required to pay penalties or fines for accepting direct payment from a person or employer for lawful health care services.

(c) The purchase or sale of health insurance in private health care systems shall not be prohibited by law or rule. (Amendment 864.)

**Sec. 36.05. Right to work.**

(a) It is hereby declared to be the public policy of Alabama that the right of persons to work may not be denied or abridged on account of membership or nonmembership in a labor union or labor organization.

(b) An agreement or combination between an employer and labor union or labor organization which provides that a person who is not a member of the union or organization shall be denied the right to work for the employer, or where membership in the union or organization is made a condition of employment or continuation of employment by the employer, or where the union or organization acquires an employment monopoly in any enterprise, is hereby declared to be against public policy and an illegal combination or

conspiracy.

(c) No person shall be required by an employer to become or remain a member of any labor union or labor organization as a condition of employment or continuation of employment.

(d) A person may not be required by an employer to abstain or refrain from membership in any labor union or labor organization as a condition of employment or continuation of his or her employment.

(e) An employer may not require a person, as a condition of employment or continuation of employment, to pay dues, fees, or other charges of any kind to any labor union or labor organization.

(f) This amendment shall not apply to any lawful contract in force on or prior to the date of the ratification of this amendment but it shall apply in all respects to contracts entered into after the date of the ratification of this amendment, and to any renewal or extension of an existing contract. (Amendment 913.)

**Sec. 36.06. Sanctity of unborn life.**

(a) This state acknowledges, declares, and affirms that it is the public policy of this state to recognize and support the sanctity of unborn life and the rights of unborn children, including the right to life.

(b) This state further acknowledges, declares, and affirms that it is the public policy of this state to ensure the protection of the rights of the unborn child in all manners and measures lawful and appropriate.

(c) Nothing in this constitution secures or protects a right to abortion or requires the funding of an abortion. (Amendment 930.)

ARTICLE II.

STATE AND COUNTY BOUNDARIES.

**Sec. 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.

**Sec. 38. County boundaries ratified and confirmed.**

The boundaries of the several counties of this state, as they now exist, are hereby ratified and confirmed.

**Sec. 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.

**Sec. 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.

**Sec. 41. Removal of courthouse or county site.**

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.

**Sec. 41.01. Establishing or abolishing branch courthouse or division or branch of court of record.**

After the ratification of this amendment, 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.)

ARTICLE III.

DISTRIBUTION OF POWERS OF GOVERNMENT.

**Sec. 42. Legislative, executive, and judicial branches of government; separation of powers.**

(a) The powers of the government of the State of Alabama are legislative, executive, and judicial.

(b) The government of the State of Alabama shall be divided into three distinct branches: legislative, executive, and judicial.

(c) To the end that the government of the State of Alabama may be a government of laws and not of individuals, and except as expressly directed or permitted in this constitution, the legislative branch may not exercise the executive or judicial power, the executive branch may not exercise the legislative or judicial power, and the judicial branch may not exercise the legislative or executive power. (Original § 42 repealed by Amendment 905; current § 42 added by Amendment 905.)

**Sec. 43. Approval of Legislature for court orders requiring disbursement of state funds.**

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 section 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. (Original § 43 repealed by Amendment 905; current § 43 added by Amendment 905.)

**Sec. 43.01. Approval of Legislature for court orders requiring disbursement of state funds.** Repealed by Amendment 905.

**Sec. 43.02. Administration of county affairs.**

(a) Except where otherwise provided for or specifically prohibited by the constitution or by general or local law and subject to the limitations set forth herein, the county commission of each county in this state may exercise those powers necessary to provide for the administration of the affairs of the county through the programs, policies, and procedures described in subsection (b), subject to the limitations set forth in subsection (c).

(b) Subject to the limitations of subsections (a) and (c), each county commission in the state may establish:

(1) Programs, policies, and procedures relating to county personnel, including: Establishment of a county personnel system; the provision of employee benefits; allowing a deputy to be given his or her badge and pistol upon retirement; creating employee incentive programs related to matters such as attendance, performance, and safety; creating incentive programs related to the retirement of county employees; and creating employee recognition and appreciation programs.

(2) Community programs to provide for litter-free roadways and public facilities and public property and subject to any limitations in general law, programs related to control of animals and animal nuisances, provided no programs shall: a. result in the destruction of an animal unless required by the public health laws of the state; or b. relate to or restrict the use of animals for hunting purposes or the use of animals being raised for sale or kept for breeding, food or fiber production purposes, or otherwise used in connection

with farming, poultry and egg, dairy, livestock, and other agricultural or farming operations.

(3) Programs related to public transportation and programs to promote and encourage safety when using public roads and rights-of-way, provided the programs do not in any way conflict with general law.

(4) Programs related to county offices, including one-stop tag programs; commissaries for inmates at the county jail; disposal of unclaimed personal property in the custody of the county; management of the county highway department; automation of county activities; and establishment of unit or district systems for the maintenance of county roads and bridges. Programs involving the operation of the office of an elected county official may only be established pursuant to this subdivision with the written consent and cooperation of the elected official charged by law with the responsibility for the administration of the office.

(5) Emergency assistance programs, including programs related to ambulance service and programs to improve county emergency management services.

(c) Nothing in this amendment may be construed to provide a county commission any authority to levy or assess a tax or fee or to increase the rate of any tax or fee previously established, or to establish any program that would infringe on a citizen's rights with respect to the use of his or her private property or infringe on a right of a business entity with respect to its private property. Except as authorized in subdivision (4) of subsection (b), nothing in this amendment shall authorize the county commission to limit, alter, or otherwise impact the constitutional, statutory, or administrative duties, powers, or responsibilities of any other elected officials or to establish, increase, or decrease any compensation, term of office, or expense allowance for any elected officials of the county.

(d) Any programs, policies, or procedures proposed for adoption by the county commission pursuant to the authority granted under subsection (a) shall only be voted on at a regular meeting of the county commission. Prior to the adoption of the programs, policies, and procedures, the county commission shall provide notice of its intention to consider the matter by announcing at a regular county commission meeting that the matter will be on the agenda at the next regular meeting of the county commission and that any members of the public desiring to be heard on the matter will be granted that opportunity at the meeting where the matter will be considered. Notice of the meeting at which the matter will be considered by the county commission shall be given in compliance with the notice requirements for county commissions provided

in the general law. Nothing herein shall authorize a county commission to supersede, amend, or repeal an existing local law.

(e) The provisions of this amendment shall not apply to Jefferson County. (Amendment 909.)

**Sec. 43.03. Use of tax revenues collected within Major 21st Century Manufacturing Zones.**

Notwithstanding any other provision of the Constitution, public moneys, including ad valorem tax revenues, collected within a tax increment district located within a Major 21st Century Manufacturing Zone as defined by law, and proceeds of obligations issued by the municipality or county establishing the district for the purposes of redevelopment or revitalization of property located therein, may be expended for the acquisition of the property and the redevelopment, rehabilitation, or conservation thereof, and the moneys, property, and proceeds may be disposed of, whether to or for the benefit of private interests or otherwise, for such consideration as shall be determined in the discretion of the governing body of the county or municipality, as the case may be, that established the district and without regard to Sections 93 and 94 of this Constitution. Any obligations of a municipality or county issued for the purposes set forth above shall not be chargeable against the constitutional debt limit of the municipality or county. The exercise of any powers granted in the Major 21st Century Manufacturing Zone Act, Act 2013–51, by any municipality or county, or the governing body thereof, shall not be subject to those limitations or restrictions that would otherwise have been applicable under Section 93 or Section 94 of this Constitution. The Major 21st Century Manufacturing Zone Act, Act 2013–51, is hereby validated and confirmed. (Amendment 919.)

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

**Sec. 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.

**Sec. 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.

**Sec. 46. Election and terms of office of senators and representatives; vacancies in office.**

(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. 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. At the general election in the year nineteen hundred and two all the representatives, together with the senators for the even numbered districts and for the thirty- fifth district, shall be elected. The terms of those senators who represent the odd numbered districts under the law in force prior to the ratification of this Constitution, are hereby extended until the day after the general election in the year nineteen hundred and six; and until the expiration of his or her term as hereinbefore extended, each such senator shall represent the district established by this Constitution, bearing the number corresponding with that for which he or she was elected. In the year nineteen hundred and six, and in every fourth year thereafter, all the senators and representatives shall be elected.

(b) Except as provided in subsection (c), when a vacancy occurs in either house of the Legislature, the Governor shall issue a writ of election to fill the 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.

(c) When a vacancy occurs in either house of the Legislature on or after October 1 of the third year of a quadrennium, the seat shall remain vacant until a successor is elected at the next succeeding general election. (Original § 46, as amended by Amendment 97, repealed by Amendment 939; current § 46 added by Amendment 939.)

**Sec. 46.01. Continuity of Legislature in event of enemy attack.**

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 section 46 of this Constitution. (Amendment 159.)

**Sec. 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.

**Sec. 48. Time and place of meetings of legislature; maximum length of sessions.**

The legislature shall meet quadrennially at the capitol in the senate chamber, and in the hall of the house of representatives, on the second Tuesday in January next succeeding their election, or on such other day as may be

prescribed by law; and shall not remain in session longer than sixty days at the first session held under the Constitution, nor longer than fifty days at any subsequent session. If 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, 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.

**Sec. 48.01. Time and place of meetings of 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.**

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. 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, 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. The provisions of this Constitution in conflict herewith are hereby modified to conform to the provisions of this amendment. The provisions of this amendment shall become effective at the beginning of the term of the members of the legislature elected at the general election in 1946. (Amendment 57.)

**Sec. 48.02. Alabama State House.**

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.)

**Sec. 49. Compensation of members of legislature.** Amended by Amendments 39 and 57; repealed by Amendment 871.

**Sec. 49.01. Compensation and expenses of members of Legislature.**

*Section 1.* (a) The Legislature recognizes that the public trust in the legislative body is of paramount importance. The Legislature further recognizes that government transparency and accountability are vital to the preservation of the public trust. To that end, it is the purpose of this amendment to remove the power of determining legislative compensation or expenses from the hands of the Legislature itself, to validate the basis upon which legislative compensation and expenses are established in an objective manner based on measurable standards, and to allow the citizens of Alabama to vote on this issue. It is the will of the Legislature to resolve the issue of legislative compensation and expenses once and for all by providing for compensation and expenses for members of the Legislature and the President of the Senate and by providing for compensation to be paid at the same rate as the median household income in Alabama and expenses in the same amounts and manner as expenses are allowed under law for state employees generally.

(b) All laws or parts of laws in conflict with this amendment are repealed, including, but not limited to: Those portions of Amendments 39, 57, and 339 of the Constitution of Alabama of 1901, relating to the compensation and expenses of members of the Legislature; Act 87–209, Act 90–490, Act 91–95,

Act 91–108, and Act 2007–75; and Section 29–1–8, Code of Alabama 1975.

*Section 2.* The annual basic compensation for each member of the Legislature and the President of the Senate shall be the median annual household income in Alabama, as ascertained and adjusted each year by the State Personnel Board to take effect on the first day of January of each year.

*Section 3.* (a) No member of the Legislature or the President of the Senate may receive reimbursement for any expenses except as provided in this section.

(b) Subject to approval by the President of the Senate or by the Speaker of the House for the respective members of their Houses, and except as otherwise provided in subsection (d), a member of the Legislature may be reimbursed for any of the following:

(1) Expenses incurred for travel on official business in the same amounts or at the same rates as for state employees traveling in the service of the state under state law, rules, and policies, provided that, for a member of the Legislature, the travel is to a place outside his or her district.

(2) Actual expenses other than travel expenses incurred in the performance of official duties.

(3) Expenses authorized pursuant to Act 1196 of the 1971 Regular Session for the presiding officer of each House.

(c) Reimbursement for expenses may only be made under subdivision (1) and (2) of subsection (b) after a determination of the presiding officer of the member's House that the travel or expense is in the service of the state and on submission of a signed voucher submitted in the same manner as a request for reimbursement of expenses by a state employee.

(d) Except for the expenses of transportation, no member of the Legislature who resides less than 50 miles from the seat of government may be reimbursed for any travel expenses for travel between his or her place of residence and the seat of government.

(e) In making the determination required by subsection (c), the presiding officer of either House may not determine a particular expense incurred by any member of the Legislature was not in the service of the state on any basis that discriminates between members of the Legislature.

(f) Reimbursement for expenses authorized pursuant to this section shall be paid in a timely manner that is consistent with expense reimbursement regulations jointly promulgated by the President of the Senate and the Speaker of the House pursuant to the Alabama Administrative Procedure Act. Such regulations shall, to the extent possible, mirror similar regulations applicable to state employees. The President of the Senate and the Speaker of the House may not discriminate between members of the Legislature regarding the timely reimbursement of authorized expenses.

(g) The State Personnel Board may promulgate such rules as it deems necessary to enforce its responsibilities under this amendment and, in conjunction with the Comptroller, shall provide an annual report on compensation and reimbursement of expenses to members of the Legislature.

*Section 4.* (a) The compensation and reimbursement for expenses provided in Sections 2 and 3 shall constitute the total amounts payable to the presiding officers and members of the Legislature, beginning with the terms commencing immediately after the 2014 General Election.

(b) The Legislature may not increase, supplement, or otherwise enlarge the compensation or reimbursement for expenses payable to its members by this amendment. (Amendment 871.)

**Sec. 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.

**Sec. 51. Election of president pro tem of senate and speaker of house of representatives; temporary president and speaker; officers of each house; each house judge of election, returns and qualifications of members.**

The senate, at the beginning of each regular session, and at such other times as may be necessary, shall elect one of its members president pro tem. thereof, to preside over its deliberations in the absence of the lieutenant-governor; and the house of representatives, at the beginning of each regular session, and at such other times as may be necessary, shall elect one of its members as speaker; and the president of the senate and the speaker of the house of representatives shall hold their offices respectively, until their successors are elected and qualified. In case of the temporary disability of either of said presiding officers, 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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 employes 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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 employes 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 employe elected or appointed in pursuance of law.

**Sec. 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.**

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 employe, 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.

**Sec. 68.01. Increasing or decreasing salaries, etc., of state and county officers.**

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.)

**Sec. 68.02. Suspension of restriction on diminishing public salaries, etc.** Amendment 26A; repealed by own terms.

**Sec. 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.

**Sec. 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.

**Sec. 71. Restrictions on general appropriation bill.**

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 employe shall be increased in such bill, nor shall any appropriation be made therein for any officer or employe 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.

**Sec. 71.01. Paramount duty of Legislature to make basic appropriations at regular sessions.**

(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.

(G) Notwithstanding any provision of this amendment, any resolution authorizing the consideration of a bill proposing a local law adopted before November 8, 2016, that conformed to the rules of either body of the Legislature at the time it was adopted, is ratified, approved, validated, and confirmed and the application of any such resolution is effective from the date of original adoption. (Amendment 448; Amendment 926.)

**Sec. 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.

**Sec. 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.

**Sec. 74. Restrictions on 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. (As amended by Amendment 40.)

**Sec. 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.

**Sec. 76. Restrictions on legislation at special sessions; regular sessions; duration of regular and special sessions.**

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. Special sessions shall be limited to thirty days.

Beginning in the year 1976 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. (As amended by Amendment 339.)

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 80. Bribery — 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 86. Suppression of dueling.**

The legislature shall pass such penal laws as it may deem expedient to suppress the evil practice of dueling.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 93. State not to engage 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 sea- ports and public airports and air navigation facilities.**

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. (As amended by Amendment 1; Amendment 12; Amendment 58.)

**Sec. 93.01. Promotion of catfish industry.**

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.)

**Sec. 93.02. Promotion of cattle industry.**

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 201; Amendment 452.)

**Sec. 93.03. Eradication or control of the boll weevil in cotton.**

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.)

**Sec. 93.04. Promotion of grain industry.**

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.)

**Sec. 93.05. Indemnification program for peanut farmers.**

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.)

**Sec. 93.06. Promotion of production, distribution, etc., of peanuts, milk, and cotton.**

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 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 the association or organization is bonded, for the examination and auditing of the 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; Amendment 883.)

**Sec. 93.07. Promotion of poultry and poultry products.**

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,) 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 214; Amendment 428.)

**Sec. 93.08. Promotion of soybean industry.**

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 315; Amendment 401.)

**Sec. 93.09. Promotion of production, distribution, etc., of swine and swine products.**

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 327; Amendment 400.)

**Sec. 93.10. Organization and promotion of sheep and goat industry.**

The Legislature, by general law, may provide for the promotion of the production, distribution, improvement, marketing, use, and sale of sheep or goats. The Legislature may provide for the promotion of sheep and goats and their products by research, education, advertising, and other methods. The Legislature may provide means and methods for the financing of any promotional activity by prescribing a procedure whereby producers of sheep and goats may levy upon themselves and collect assessments, fees, or charges upon the sale of sheep and goats for the financing of any promotional program or activity in cooperation with buyers, processors, dealers, distributors, and handlers of sheep and goats. The Legislature may make provisions for the nonpayment of assessments by sheep and goat producers and shall make provisions for the refund of assessments to any producer of sheep or goats 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 by this amendment and provide penalties for failure to make the collection and distribution of assessments. The Legislature shall provide for the designation of a nonprofit association or organization for the promotion and betterment of sheep and goats and their products to administer and carry out any promotional program which shall include the conducting of elections or referendums among producers of sheep and goats. The Legislature may provide the manner by which a 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 an application, the requirements and eligibility of the association or organization which will conduct the referendum, the procedures for voting and eligibility to vote in the referendum, and the details of the conduct of the 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 by the Department of Agriculture and Industries and the State Board of Agriculture and Industries. The Legislature shall further provide a procedure for the association or organization to be bonded, for the examination and auditing of the 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 of this amendment. Assessments, fees, or other charges collected as authorized by any legislative act adopted under authority of this amendment are not to be considered a tax within the meaning of this constitution or any other provisions. Any uniformity requirements of this constitution shall be satisfied by the application of the program upon the sheep and goat industry. (Amendment 715.)

**Sec. 93.11. Drainage districts.**

*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.)

**Sec. 93.12. Public hospitals and health facilities.**

The state, notwithstanding section 93 of the Constitution as amended 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.)

**Sec. 93.13. Development of irrigation districts.**

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.)

**Sec. 93.14. Soil and water conservation commission.**

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, sections 93 and 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.)

**Sec. 93.15. Development of Bear Creek watershed area.**

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.)

**Sec. 93.16. Water management districts.**

*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 [Baldwin County § 7 and Mobile County § 18] or amendment XXII [Section 93.11]. (Amendment 257.)

**Sec. 93.17. Organization and promotion of shrimp and seafood industry.**

The Legislature, by general law, may provide for the promotion of the production, distribution, improvement, marketing, use, and sale of shrimp and seafood. The Legislature may provide for the promotion of shrimp and seafood and shrimp and seafood products by research, education, advertising, and other methods, and the Legislature is further authorized to provide the means and methods for the financing of any promotional activity by prescribing a procedure whereby producers of shrimp and seafood by referendum among such producers levy upon themselves and collect assessments, fees, or charges upon the sale of shrimp and seafood or upon diesel fuel purchased for use in any commercial shrimp boat licensed to do business in this state for the financing of any promotional program or activity in cooperation with buyers, processors, dealers, distributors, and handlers of shrimp and seafood. The Legislature may make provisions for the nonpayment of assessments by shrimp and seafood producers and shall make provisions for the refund of assessments to any handler of shrimp or seafood 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 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 shrimp and seafood products to administer and carry out such promotional program which shall include the conducting of elections or referendums among producers of shrimp and seafood. The Legislature may provide the manner by which the 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 an application, and the requirements and eligibility of the association or organization which will conduct the 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 the association or organization is bonded, for the examination and auditing of the 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 and shall be satisfied by the application of the program upon shrimp or seafood. (Amendment 766.)

**Sec. 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.**

(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.

(a) 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. (As amended by Amendment 112; Amendment 558.)

**Sec. 94.01. Promotion of economic and industrial development by county commission.**

(a) The governing body of any county, and the governing body of any municipality located therein, for which a local constitutional amendment has not been adopted authorizing any of the following, shall have full and continuing power to do any of the following:

(1) Use public funds to purchase, lease, or otherwise acquire real property, buildings, plants, factories, facilities, machinery, and equipment of any kind, or to utilize the properties heretofore purchased or otherwise acquired, and improve and develop the properties 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 the sites or projects.

(2) Lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county or the municipality, as applicable, all or any part of any real property, buildings, plants, factories, facilities, machinery, and equipment of any kind 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 the municipality, 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 the county or the municipality.

(4) Become indebted and issue 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 subdivision (1) or to be used in furtherance of any of the other powers or authorities granted in this amendment. The obligations or evidences of indebtedness may be issued upon the full faith and credit of the county or any municipality or may be limited as to the source of their payment.

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 of indebtedness issued hereunder shall not be considered an indebtedness of the county or any municipality for the purpose of determining the borrowing capacity of the county or municipality under this Constitution.

(b) In carrying out the purpose of this amendment, neither the county nor any municipality located therein shall be subject to Section 93 or 94 of this Constitution. Each public corporation heretofore created by the county or by any municipality located therein, including specifically any industrial development board incorporated under Article 4 of Chapter 54 of Title 11 of the Code of Alabama 1975, and any industrial development authority incorporated or reincorporated under Chapter 92A of Title 11 of the Code of Alabama 1975, and the Shoals Economic Development Authority enacted under Act No. 95-512, 1995 Regular Session, are validated and the powers granted to the board or authority under its respective enabling legislation are validated notwithstanding any other provision of law or of this Constitution. The powers granted by 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.

(c) Neither the county nor any municipality located therein 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 both of the following are satisfied:

(1) The action proposed to be taken by the county or municipality is approved at a public meeting of the governing body of the county or municipality, as the case may be, by a resolution containing a determination by the governing body that the expenditure of public funds for the purpose

specified will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.

(2) At least seven days prior to the public meeting, a notice is published in the newspaper having the largest circulation in the county or municipality, 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 the action, and identifying each individual, firm, corporation, or other business entity to whom or for whose benefit the county or the municipality 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 a private entity.

Nothing in this amendment shall authorize the county commission to own or operate a cable television system.

(d) This amendment shall have prospective application only. Any local constitutional amendments previously adopted and any local law enacted pursuant to such amendment shall remain in full force and effect. (Amendment 772.)

**Sec. 94.02. Tax Increment districts in counties and municipalities.**

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.)

**Sec. 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.

**Sec. 96. Uniformity of laws regulating court costs and charges and fees, commissions and allowances of public officers.**

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.

**Sec. 96.01. 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.**

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 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.)

**Sec. 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.

**Sec. 98. Payments or grants to retiring officers.**

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. (As amended by Amendment 513.)

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 102. Miscegenation laws.** Repealed by Amendment 667.

**Sec. 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.

**Sec. 104. Special, private or local laws — Prohibited in certain cases.**

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.

**Sec. 104.01. Election of city boards of education — Population 125,000 or less.**

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 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.

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 results of any authorizing referendum election called pursuant to this amendment 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 supersede any other provision of this constitution which may be construed as being in conflict with this amendment.

Notwithstanding the foregoing, this proposed amendment shall not apply to any municipality with a population exceeding 125,000 according to the most recent federal census. (Amendment 659.)

**Sec. 104.02. Election of city boards of education — Population exceeding 125,000.**

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 shall apply to a municipality with a population exceeding 125,000 if, at the time this amendment is submitted to a statewide vote, a majority of the qualified electors voting on the amendment in the respective municipality vote in favor of the amendment.

III. Upon the application of this amendment to a respective municipality, either at the time of the ratification of this amendment 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 constitutional amendment after the date of ratification of this constitutional amendment, the provisions of this constitutional amendment 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.)

**Sec. 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.

**Sec. 106. Special, private or local laws — Publication or posting of notice of intent to apply therefor within county or counties affected prior to introduction of bill.**

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 amendment shall be self-executing, and no enabling legislation shall be necessary. (As amended by Amendment 341.)

**Sec. 106.01. Validation of certain population based acts and method for amendment thereof.**

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 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.)

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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. (As amended by Amendment 375 and Amendment 397.)

**Sec. 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.

**Sec. 111.01. Laws placing responsibility for county roads in state highway department.**

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.)

**Sec. 111.02. Termination of alimony upon remarriage or cohabitation of spouse.**

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.)

**Sec. 111.03. Effectiveness of laws providing for expenditure of county funds.**

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.)

**Sec. 111.04. Effectiveness of laws providing for expenditure of municipal funds.**

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.)

**Sec. 111.05. Effectiveness of unfunded mandates for municipalities, etc.**

(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, or a city or county board of education shall become effective as to any municipality or county, or an instrumentality thereof, or a city or county board of education until approved by an ordinance enacted, or a resolution adopted, by the governing authority of the affected municipality, county, instrumentality, or board of education or until, and only as long as, the Legislature appropriates funds for the purpose to the affected municipality, county, instrumentality, or board 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, instrumentality, or board for the stated purpose and the affected municipality, county, instrumentality, or board 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 shall not apply to:

(1) A local law as defined in Article IV, Section 110, Constitution of Alabama 1901.

(2) An act defining a new crime or amending the definition of an existing crime.

(3) An act, statute, executive order enacted, promulgated, or adopted and

effective prior to January 6, 1999, which by its provisions requires expenditures by the county or municipality at any time after that date.

(4) An act enacted, or state executive order promulgated or adopted to comply with a federal mandate, only to the extent of the federal mandate.

(5) 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.

(6) An act determined by the Legislative Fiscal Office to have an aggregate insignificant fiscal impact on affected municipalities, counties, instrumentalities, or boards. For purposes of this subsection, the phrase "aggregate insignificant fiscal impact" shall mean any impact less than \$50,000 annually.

(7) An act of general application prescribing the minimum compensation for public officials.

(8) An act, statute, administrative rule, or other provision or portion thereof addressing compensation, benefits, or due process of any employee of a board education.

(c) For the purposes of this amendment, the phrase board of education shall include the Alabama Institute for Deaf and Blind, the Alabama School of Fine Arts, and the Alabama High School of Mathematics and Science. (Amendment 621; Amendment 890.)

**Sec. 111.06. 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 fee, 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 fee, 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 93, as amended by Amendment 354.)

**Sec. 111.07. Maximum age limitations on certain appointed or elected officials prohibited.**

1. Any provision of the constitution or other law that imposes a maximum age restriction for the appointment, election, or service of an appointed or elected official, with the exception of persons elected or appointed to a judicial office pursuant to Section 155, is repealed.

2. The Legislature may not enact any law imposing a maximum age restriction for the appointment, election, or service of any appointed or elected official. (Amendment 925.)

ARTICLE V.

EXECUTIVE DEPARTMENT.

**Sec. 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.

**Sec. 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."

**Sec. 114. Governor, lieutenant governor, attorney-general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries — How elected; when election held.**

The governor, lieutenant governor, attorney-general, state auditor, secretary

of state, state treasurer, 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.

**Sec. 115. Governor, lieutenant governor, attorney-general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries — 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 of votes elected; tie votes; contested elections.**

The returns of every election for governor, lieutenant governor, attorney-general, state auditor, secretary of state, state treasurer, and 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.

**Sec. 116. Governor, lieutenant governor, attorney general, state auditor, secretary of state, state treasurer, 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, 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. (As amended by Amendment 282.)

**Sec. 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.

**Sec. 118. Compensation and residency requirements for governor, lieutenant governor, attorney-general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries.**

The governor, lieutenant governor, attorney-general, state auditor, secretary of state, state treasurer, 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.

**Sec. 119. Increase in salary of governor at session of legislature following ratification of Constitution.**

If the legislature, at the session next after the ratification of this Constitution, shall enact a law increasing the salary of the governor, such increase shall become effective and apply to the first governor elected after the ratification of this Constitution, if the legislature shall so determine.

**Sec. 120. Governor to faithfully execute laws.**

The governor shall take care that the laws be faithfully executed.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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. (As amended by Amendment 38.)

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 132. Qualifications of attorney-general, state auditor, secretary of state, state treasurer, and commissioner of agriculture and industries.**

No person shall be eligible to the office of attorney-general, state auditor, secretary of state, state treasurer, 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.

**Sec. 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."

**Sec. 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.

**Sec. 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.

**Sec. 136. Vacancy in office or unsoundness of mind of attorney-general, state auditor, secretary of state, state treasurer, or commissioner of agriculture and industries.**

Should the office of attorney-general, state auditor, secretary of state, state treasurer, 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.

**Sec. 137. Duties generally and restrictions on receipt of fees, etc., by attorney general, state auditor, secretary of state, state treasurer, 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, 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

If 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. (As amended by Amendment 111.)

**Sec. 138. Election and term of office of sheriffs; sheriff eligible to succeed self; impeachment of sheriff; effect of impeachment of sheriff.**

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 grievous [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. (As amended by Amendment 35.)

**Sec. 138.01. Appointments and promotions in civil service.**

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.)

**Sec. 138.02. Conveyance of Alabama State Docks Department property.**

(a) 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.

(b) 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 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. The provisions herein shall be self-executing.

(c) 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 443; Amendment 454; Amendment 556.)

**Sec. 138.03. Use of Assets of State Retirement Systems.**

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.)

**Sec. 138.04. Health care benefits for retired state and education employees.**

All of the assets, proceeds, and income of the Alabama Retired State Employees' Health Care Trust and the Alabama Retired Education Employees' Health Care Trust, or any successor or assignee of the trust, and all contributions and payments made to the trustees of the trusts, shall be held, invested as authorized by law, and disbursed for the exclusive purposes of providing for administrative expenses of the respective trust and health care benefits under the management of the trustees of the respective trust in accordance with the terms of its trust agreement. None of the assets, proceeds, income, contributions, or payments shall be used, loaned, encumbered, or diverted to or for any other purpose whatsoever, except, that (a) a trust may be terminated, if the State has no obligation to provide post-employment health care benefits for which the trust was established to such persons, and, in that event, the remaining assets of the trust shall revert to the State Treasury to and for the credit of the State Employees' Insurance Board, the Public Education Employees' Health Insurance Board, or its successor or assign, as the case may be, related to the terminated trust or (b) if in response to a petition of the trustees of a trust requesting that the respective trust agreement be amended, a court of competent jurisdiction determines that the amendment proposed by the trustees is necessary or otherwise advisable to accomplish one or more purposes of the act authorizing and directing the creation of the trusts. (Amendment 798.)

ARTICLE VI.

JUDICIAL DEPARTMENT.

**Sec. 139. 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 supreme court, a court of criminal appeals, a court of civil appeals,

a trial court of general jurisdiction known as the circuit court, a trial court of limited jurisdiction known as the 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. (Original §139, as amended by Amendment 111, repealed by Amendment 328; current § 139 derived from § 6.01, as added by Amendment 328.)

**Sec. 140. 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. (Original § 140 repealed by Amendment 328; current § 140 derived from § 6.02, as added by Amendment 328.)

**Sec. 141. 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. (Original § 141 repealed by Amendment 328; current § 141 derived from § 6.03, as added by Amendment 328.)

**Sec. 142. 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. (Original § 142 repealed by Amendment 328; current § 142 derived from § 6.04, as added by Amendment 328.)

**Sec. 143. 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 1000 or more where there is no municipal court at places prescribed by law. (Original § 143 repealed by Amendment 328; current § 143 derived from § 6.05, as added by Amendment 328.)

**Sec. 144. Probate court.**

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. (Original § 144 repealed by Amendment 328; current § 144 derived from § 6.06, as added by Amendment 328; as amended by Amendment 364.)

**Sec. 145. 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 [§ 148] 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 [§ 152], 6.14 [§ 153] and 6.15 [§ 154] of this article. The prohibited activities of section 6.08(a) and (b) [§ 147] 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. (Original § 145 repealed by Amendment 328; current § 145 derived from § 6.065, as added by Amendment 328.)

**Sec. 146. 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. (Original § 146 repealed by Amendment 328; current § 146 derived from § 6.07, as added by Amendment 328.)

**Sec. 147. 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. (Original § 147 repealed by Amendment 328; current § 147 derived from § 6.08, as added by Amendment 328.)

**Sec. 148. 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. (Original § 148 repealed by Amendment 328; current § 148 derived from § 6.09, as added by Amendment 328; as amended by Amendment 426.)

**Sec. 149. 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. (Original § 149 repealed by Amendment 328; current § 149 derived from § 6.10, as added by Amendment 328.)

**Sec. 150. 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. (Original § 150 repealed by Amendment 328; current § 150 derived from § 6.11, as added by Amendment 328.)

**Sec. 151. 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. (Original § 151 repealed by Amendment 328; current § 151 derived from § 6.12, as added by Amendment 328.)

**Sec. 155.01. Retirement — District attorneys and circuit clerks.**

The Legislature is authorized to provide a retirement program for district attorneys and circuit clerks of the state who are first elected or appointed on or after November 8, 2016. (Amendment 895.)

**Sec. 152. Election of judges.**

All judges shall be elected by vote of the electors within the territorial jurisdiction of their respective courts. (Original § 152 repealed by Amendment 328; current § 152 derived from § 6.13, as added by Amendment 328.)

**Sec. 153. 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, except for the provisions for the initial term of a judge appointed to fill a vacancy as provided herein, 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 of 1901 and vacancies occurring in Shelby, Madison, Wilcox, Monroe, Conecuh, Clarke, Washington, Henry, Etowah, Walker, Tallapoosa, Pickens, Greene, Tuscaloosa, [and] St. Clair county [counties] [sic] 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. Notwithstanding any other provision of any amendment to this Constitution, 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 two years 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. (Original § 153 repealed by Amendment 328; current § 153 derived from § 6.14, as added by Amendment 328; as amended by Amendment 950.)

**Sec. 154. 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. (Original § 154 repealed by Amendment 328; current § 154 derived from § 6.15, as added by Amendment 328.)

**Sec. 155. 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. (Original § 155 repealed by Amendment 328; current § 155 derived from § 6.16, as added by Amendment 328.)

**Sec. 156. 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 the 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. (Original § 156 repealed by Amendment 328; current § 156 derived from § 6.17, as added by Amendment 328; as amended by Amendment 581.)

**Sec. 157. 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 be 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. (Original § 157 repealed by Amendment 328; current § 157 derived from § 6.18, as added

by Amendment 328; as amended by Amendment 581.)

**Sec. 158. 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 [§ 157], 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. (Original § 158 repealed by Amendment 328; current § 158 derived from § 6.18A, as added by Amendment 580.)

**Sec. 159. 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. (Original § 159 repealed by Amendment 328; current § 159 derived from § 6.19, as added by Amendment 328.)

**Sec. 160. 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 continuance in office, reside in his 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. (Original § 160 repealed by Amendment 328; current § 160 derived from § 6.20, as added by Amendment 328.)

**Sec. 161. 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. (Original § 161 repealed by Amendment 328; current § 161 derived from § 6.21, as added by Amendment 328.)

**Sec. 162. Designation of Circuit Solicitor as District Attorney.**

The solicitor or prosecuting officer who prosecutes criminal cases for the state in each judicial circuit of Alabama as provided for in article 6, section 167 of this Constitution shall hereafter be designated and known as the district attorney. Wherever the words circuit solicitor or words of like import are used in any law of this state they shall be taken to mean the district attorney, unless the context in which such words are used requires a different meaning. (Original § 162 repealed by Amendment 328; current § 162 derived from Amendment 226.)

**Sec. 163. Appointment, qualifications, terms of office and compensation of registers in chancery; fees of registers of chancery to be uniform throughout state.** Repealed by Amendment 328.

**Sec. 164. Appointment and term of office of clerk of supreme court; selection of clerks of inferior courts.** Amended by Amendment 271; repealed by Amendment 328.

**Sec. 165. Election and term of office of clerks of circuit courts; clerk may serve as register in chancery; filling of vacancies in office of clerk.** Repealed by Amendment 328.

**Sec. 166. Removal of clerk of supreme court and registers in chancery.** Repealed by Amendment 328.

**Sec. 167. Election, qualifications, terms of office and compensation of circuit solicitors; appointment or election of county solicitors.** Repealed by Amendment 328.

**Sec. 168. Election of justices of the peace and constables; jurisdiction of justices of the peace; fees of justices of the peace and constables; appeals from justices of the peace; terms of office of justices of the peace and notaries public; appointment of notaries public.** Amended by Amendment 323; repealed by Amendment 328.

**Sec. 169. Exclusion of persons from courtroom in cases of rape and assault with intent to ravish.** Repealed by Amendment 328.

**Sec. 170. Style of all processes.** Repealed by Amendment 328.

**Sec. 171. Authority of legislature to abolish courts when function conferred upon some other court.** Repealed by Amendment

328.

**Sec. 172. Terms of office of incumbents not abridged.** Repealed by Amendment 328.

ARTICLE VII.

IMPEACHMENTS.

**Sec. 173. Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, members of the State Board of Education, Commissioner of Agriculture and Industries, and justices of supreme court.**

(a) The Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, members of the State Board of Education, Commissioner of Agriculture and Industries, and justices of the supreme court 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 for any offense involving moral turpitude while in office, or committed under color thereof, or connected therewith.

(b) The House of Representatives shall present articles or charges of impeachment against those persons identified in subsection (a), specifying the cause to the Senate.

(c) The Senate, sitting as a court of impeachment, shall take testimony under oath on articles or charges preferred by the House of Representatives.

(d) The Lieutenant Governor shall preside over the Senate when sitting as a court of impeachment, provided, however, that if the Governor or Lieutenant Governor is impeached, the Chief Justice, or if the Chief Justice be absent or disqualified, then one of the associate justices of the supreme court, to be selected by the court, shall preside over the Senate when sitting as a court of impeachment. No person may be convicted by the Senate sitting as a court of impeachment without the concurrence of two-thirds of the members present.

(e) 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, within 10 days after receipt of the notice, shall summon the members of the House to assemble at the capitol on a day to be fixed by the Speaker, but not later than 15 days after receipt of the notice by the Speaker from the Secretary of State, to consider the impeachment of the Governor, Lieutenant Governor, or other officer administering the office of Governor.

(f) If the House of Representatives prefers articles of impeachment, the Speaker of the House shall forthwith notify the Lieutenant Governor, unless he or she is the officer impeached, in which event the President Pro Tempore of the Senate shall be notified, who shall summon the members of the Senate to assemble at the capitol on a specified day not later than 10 days after receipt of the notice from the Speaker of the House, for the purpose of hearing and trying the 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 § 173 repealed by Amendment 904; current § 173 added by Amendment 904.)

**Sec. 174. Judges of the district and circuit courts, judges of the probate courts, judges of courts from which appeal may be taken directly to supreme court, district attorneys, and sheriffs.**

The judges of the district and circuit courts, judges of the probate courts, and judges of other courts from which an appeal may be taken directly to the supreme court, district attorneys, and sheriffs, may be removed from office for any of the causes specified in Section 173 or elsewhere in this constitution, by the supreme court, or under such regulations as may be prescribed by rule of the Supreme Court of Alabama or law. The Legislature may provide for the impeachment or removal of other officers than those named in this article. (Original § 174 repealed by Amendment 904; current § 174 added by Amendment 904.)

**Sec. 175. County officers, and officers of an incorporated city or town.**

A county officer and officer of an incorporated city or town may be tried for impeachment for any of the causes specified in Section 173 and upon conviction be removed from office by a court having jurisdiction to try felony cases in the county or circuit in which the officer holds his or her office. The Legislature shall provide by law the method of proceeding under this section, provided the right to trial by jury and appeal in such cases shall be secured. (Original § 175 repealed by Amendment 904; current § 175 added by Amendment 904.)

**Sec. 176. Limitation on impeachment penalties; accused person liable to indictment and punishment.**

The penalties in cases arising under this article [does] 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 § 176 repealed by Amendment 904; current § 176 added by Amendment 904.)

ARTICLE VIII.

SUFFRAGE AND ELECTIONS.

**Sec. 177. Suffrage and elections.**

(a) Only a 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. (Original § 177 repealed by Amendment 579; current § 177 added by Amendment 579; as amended by Amendment 865 and Amendment 949.)

**Sec. 178. Residency, registration and poll tax requirements for electors.** Amended by Amendments 96 and 207; repealed by Amendment 579.

**Sec. 179. Method of voting.** Repealed by Amendment 579.

**Sec. 180. Persons qualified to register as electors — Prior to December 20, 1902.** Repealed by Amendment 579.

**Sec. 181. Persons qualified to register as electors — After January 1, 1903.** Amended by Amendments 55, 91, and 223; repealed by Amendment 579.

- Sec. 182. Certain persons disqualified from registering and voting.**  
Repealed by Amendment 579.
- Sec. 183. Qualifications as elector required to participate in primary elections, party conventions, mass meetings or other methods of political party action.** Repealed by Amendment 579.
- Sec. 184. Applicability of article as to elections held after 1902 general election.** Repealed by Amendment 579.
- Sec. 185. Oath or affirmation when vote challenged; false oath or affirmation constitutes perjury.** Repealed by Amendment 579.
- Sec. 186. Legislature to provide for registration procedure after January 1, 1903; procedure for registration prior to January 1, 1903.** Repealed by Amendment 579.
- Sec. 187. County board of registrars to furnish list of registered voters to judges of probate by February 1, 1903; judges of probate to file list with secretary of state by March 1, 1903; term for which registration valid; certificate of registration to be furnished elector when place of residence changed.** Repealed by Amendment 579.
- Sec. 188. Certain information to be furnished prior to registration.**  
Repealed by Amendment 579.
- Sec. 189. Testimony may be required of any person other than defendant in trials of contested elections, proceedings to investigate elections and criminal prosecutions under election laws; immunity from prosecution due to testimony given.** Repealed by Amendment 579.
- Sec. 190. Duty of legislature to pass laws regulating elections, primary elections and purging of registration lists.**  
Amended by Amendment 41; repealed by Amendment 579.
- Sec. 191. Protection against evils of intoxicating liquors at elections.**  
Repealed by Amendment 579.
- Sec. 192. Electors immune from arrest going to, attending and returning from elections.** Repealed by Amendment 579.
- Sec. 193. Returns of elections for certain officials to be made to secretary of state.** Repealed by Amendment 579.

**Sec. 194. Poll tax — Amount; maximum age for payment; when due and payable; when delinquent; returns of collections to be separate from other collections.** Repealed by Amendment 579.

**Sec. 194<sup>1/2</sup>. Exemption of veterans of foreign wars from payment of poll tax.** Amendment 10; Amendment 14; Amendment 49; Amendment 90; Amendment 109; repealed by Amendment 579.

**Sec. 195. Poll tax — Payment of tax of another; advance of money for payment in order to influence vote.** Repealed by Amendment 579.

**Sec. 196. Severability of article.** Repealed by Amendment 579.

## ARTICLE IX.

### REPRESENTATION.

**Sec. 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.

**Sec. 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.

**Sec. 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 the taking of the decennial census of the United States in the year nineteen hundred and ten, and after each subsequent decennial census, to fix by law the number of representatives 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.

**Sec. 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 taking of the decennial census of the United States in the year nineteen hundred and ten, and 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 to each other.

**Sec. 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.

**Sec. 202. Initial apportionment of house of representatives. Re-**

pealed by its own terms.

**Sec. 203. Initial apportionment of senatorial districts.** Repealed by its own terms.

## ARTICLE X.

### EXEMPTIONS.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

**Sec. 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.

ARTICLE XI.

TAXATION AND FINANCE.

**Sec. 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.

**Sec. 211.01. Income taxes.**

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.)

**Sec. 211.02. Disposition of income tax; exemption of homesteads from state ad valorem tax.**

*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) [Article XI, § 211.01] 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, 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.)

**Sec. 211.03. State tax on net income of corporations.**

The legislature shall have power to levy and provide for the collection of taxes for state purposes on taxable 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 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 by this amendment shall be self-executing and shall require no enabling legislation. (Amendment 212; as amended by Amendment 662.)

**Sec. 211.04. Deduction of federal income tax from gross income when computing state income tax.**

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.)

**Sec. 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.

**Sec. 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; un- paid appropriations for which money unavailable at end of**

**fiscal year.**

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. (As amended by Amendment 26.)

*DOCKS AND WATERWAY IMPROVEMENTS*

**Sec. 213.01. State works of internal improvement along navigable waterways and indebtedness therefor.**

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.)

**Sec. 213.02. Bonds for state docks facilities.**

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.)

**Sec. 213.03. Bonds for state docks facilities.**

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.)

**Sec. 213.04. Navigable waterway between Demopolis and Tennessee River and flood control projects on tributary streams of Tombigbee River.**

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.)

**Sec. 213.05. Bonds for state docks facilities.**

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 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.)

**Sec. 213.06. Works of internal improvement along navigable waterways.**

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.)

**Sec. 213.07. Bonds for Theodore ship channel project in Mobile Harbor.**

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 there to 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 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.)

**Sec. 213.08. Navigable waterway between Montgomery and Gadsden and to the Alabama-Georgia boundary.**

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.)

**Sec. 213.09. Works of internal improvement along navigable waterways.**

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.)

**Sec. 213.10. Development, improvement, etc., of state docks facilities at Port of Mobile.**

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.)

**Sec. 213.11. Bonds, etc., for navigable waterway between Demopolis and Tennessee River and Tombigbee Valley projects.**

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.)

**Sec. 213.12. Bonds of Alabama State Docks Department not debt of state.**

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.)

**Sec. 213.13. 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.**

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.)

*EDUCATIONAL INSTITUTIONS*

**Sec. 213.14. Bonds for construction and improvement purposes at Alabama Institute for Deaf and Blind.**

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.)

**Sec. 213.15. Bonds for construction and improvement purposes at University of Alabama Medical Center.**

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, hereinabove 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.)

**Sec. 213.16. Bonds for construction and improvement purposes at  
The Alabama Polytechnic Institute.**

The state of Alabama is authorized to become indebted for building, construction and improvement purposes at The Alabama Polytechnic Institute at Auburn, 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 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; 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 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, 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.)

**Sec. 213.17. Bonds for construction and improvement purposes at University of Alabama Research Institute.**

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, hereinabove 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.)

**Sec. 213.18. Issuance of revenue securities by institutions of learning.**

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 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.)

**Sec. 213.19. Indebtedness by state for textile technology and education facilities.**

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, and 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 and 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 hereinabove 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, hereinabove 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 hereinabove authorized. (Amendment 619.)

**Sec. 213.20. Indebtedness by state for animal and livestock diagnostic services and education facilities.**

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 postsecondary 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 hereinabove 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, 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.

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 618.)

**Sec. 213.21. Indebtedness by state for forensic sciences laboratories and education facilities.**

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 \$17,500,000 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, 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 manner 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 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 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.)

*HOSPITALS AND MENTAL HEALTH FACILITIES*

**Sec. 213.22. Bonds for State Board of Health hospitals and district tuberculosis sanatoria.**

(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 sanatoria 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 sanatoria; 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.)

**Sec. 213.23. Bond issue for building construction and improvement purpose at Alabama State Hospitals and Partlow State School for Mental Deficients.**

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 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 to exceed three percent, 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 may be prescribed in the notice of sale. All bonds issued hereunder shall be sold to the best bidder at a duly advertised public sale, upon sealed bids or at auction, and shall not be sold for less than par and accrued interest; provided, however, that bidders may be invited to name the rate or rates of interest which the bonds are to bear. The right to reject any or all bids shall be reserved. Bonds issued hereunder shall mature within twenty years from the date of issuance.

The legislature shall adopt appropriate enabling legislation to carry out the intent and purpose of this amendment to the Constitution. (Amendment 113.)

**Sec. 213.24. Increasing rate of interest and other matters relating to bonds authorized under Section 213.23.**

Bonds which may be issued for building construction and improvement purposes at Alabama State Hospitals and at Partlow State School for Mental Deficients, under the provisions of the amendment to the Constitution which was proposed by Act No. 37 adopted at the First Special Session of the Legislature of 1956 [1956, 1st Ex. Sess., p. 63] and which was ratified by the electors at the general election held on November 6, 1956 [§ 213.23], 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. (Amendment 118.)

**Sec. 213.25. Bond issue to assist in construction and equipment of hospitals, etc.**

(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 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 to exceed 2 1/2 % 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 in the notice of sale. All bonds issued hereunder shall be sold to the best 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 or rates of interest, which the bonds are to bear. The right to reject any or all bids shall be reserved. (Amendment 114.)

**Sec. 213.26. Increasing rate of interest and other matters relating to bonds issued under Section 213.25.**

Except as hereinafter limited, bonds which may be issued under the provisions of the amendment to the Constitution which was proposed by Act No. 125 adopted at the First Special Session of the Legislature of 1956 [1956, 1st Ex. Sess., p. 179] and which was ratified by the electors at the general election held on November 6, 1956, and proclaimed ratified on November 15, 1956 [§ 213.25], 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 121.)

**Sec. 213.27. Bond issue for mental hospital at University of Alabama Medical Center.**

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.)

**Sec. 213.28. Bond issue to assist in construction and equipment of hospitals, etc.**

(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 [§ 22-21-1], 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.)

**Sec. 213.29. Bond issue for acquisition, improvement, etc., of mental health 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. 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.)

**Sec. 213.30. Bonds for acquisition, construction, etc., of mental health 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. 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.)

*PARKS AND RECREATION FACILITIES*

**Sec. 213.31. Bond issue to acquire, develop, etc., state parks and park facilities.**

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 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.)

**Sec. 213.32. Indebtedness by state for State Parks System and historical sites.**

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 state park system land and facilities at those state parks with either (1) an establishment where sleeping or sleeping and eating accommodations are advertised or held out to be available to transients, including hotel rooms, cottages, and cabins, or (2) a golf course, or both, shall thereafter be exclusively and solely operated and maintained by the Department of Conservation and Natural Resources. This provision shall not mandate operations by entities other than the Department of Conservation and Natural Resources but shall

be construed to permit such operations. 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 hereinabove 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 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, hereinabove 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, hereinabove 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 hereinabove authorized.

The Alabama State Parks System Improvement Corporation and the Alabama Public Historical Sites and Parks Improvement Corporation authorized in this constitutional amendment 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 617; Amendment 915.)

**Sec. 213.325. Use of parks funding.**

The Legislature shall not pass any law authorizing nor shall any officer, agency, or employee transfer, use, or pledge any monies from the State Parks Fund, the Parks Revolving Fund, or any fund receiving revenues currently deposited in the State Parks Fund or the Parks Revolving Fund, and any monies currently designated by law and deposited into a public account for the use by the state parks system from being transferred to any other public account, fund or entity or used for any purpose other than the support, upkeep, and maintenance of the state parks system.

Notwithstanding, in the event that guest revenues to the State Parks Revolving Fund exceed the threshold of \$50 million (as annually adjusted based on increases in the consumer price index) in a fiscal year, the sales and use and cigarette tax revenue distributed to benefit the State Parks System shall be reduced in the following fiscal year. The amount of the reduction shall correspond to the amount of guest revenue to the State Parks Revolving Fund exceeding the threshold. The amount of tax revenue not distributed to benefit the State Parks System shall be distributed to the General Fund. (Amendment 915.)

*PRISONS*

**Sec. 213.33. 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 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 amendment. (Amendment 374.)

*OTHER PURPOSES*

**Sec. 213.34. 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.)

**Sec. 213.35. Alabama Music Hall of Fame Authority.**

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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, statues, 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 afore- said 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 indebted- ness 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 afore- said 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.)

**Sec. 213.36. Bonds for display of certain 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.)

**Sec. 213.37. Appropriation of cellular radio telecommunication service tax funds for payment on outstanding bonds of Alabama Revolving Loan Fund Authority.**

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.)

*STREETS, HIGHWAYS, AND BRIDGES*

**Sec. 213.38. Road bond issue amendment.**

Section 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.)

**Sec. 213.39. State roads, highways and bridges — bond issue.**

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 article XX, as an amendment 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.)

**Sec. 213.40. Bonds to pay or retire Alabama Bridge Commission bonds.**

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 is ratified 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 the amendment to the Constitution known as article XXA [§ 213.39], 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.)

**Sec. 213.41. Bond issue for acquiring, etc., public roads, highways and bridges in conjunction with United States.**

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 XXA [§ 213.39] 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.)

**Sec. 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.

**Sec. 214.01. 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 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.

(B) 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.)

**Sec. 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.

**Sec. 215.01. Additional county taxes for county hospitals.**

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.)

**Sec. 215.02. Special tax for hospital and public health purposes in counties except Mobile, Montgomery and Jefferson.**

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 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.)

**Sec. 215.03. Special county tax for public hospital purposes.**

This amendment 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.

This amendment shall be self-executing. (Amendment 76.)

**Sec. 215.04. Use of certain special county taxes for hospital care and treatment of indigent residents.**

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.)

**Sec. 215.05. Special property tax by counties or municipalities for library purposes.**

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.)

**Sec. 216. Limitation on property tax rates of municipal corporations.**

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, 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.

**Sec. 216.01. Municipal Tax Amendment.**

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 [Dallas County § 4]. 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.)

**Sec. 216.02. Tax rates in certain municipalities.**

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 [Dallas County § 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.)

**Sec. 216.03. Tax rates in Jasper, Cordova, Dora, Oxford, Talladega, Citronelle, Girard, Albany and Tuscaloosa.**

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.)

**Sec. 216.04. Additional municipal taxes.**

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  $\frac{1}{4}$  %) 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  $\frac{1}{4}$  %) 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  $\frac{1}{4}$  %) 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  $\frac{1}{4}$  %) 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.)

**Sec. 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. 30 per centum.

Class II. 20 per centum.

Class III. 10 per centum.

Class IV. 15 per centum.

(b) 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 ( $\frac{1}{10}$ ) 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. (As amended by Amendment 325 and Amendment 373.)

**Sec. 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.

**Sec. 219. Estate taxes.**

[H]ereafter 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. (Original § 219 repealed by Amendment 23; current § 219 derived from Amendment 23.)

**Sec. 219.01. 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.)

**Sec. 219.02. 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 subdivisions (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 subdivisions (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 subdivisions (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) such other moneys or assets as the legislature may by law appropriate and transfer to the trust fund as a permanent part thereof; (ii) such other moneys or assets as may be contributed to the trust fund from any source; and (iii) all 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.

(b) 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.

(c) 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) any 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.)

**Sec. 219.03. 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 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 [§ 219.02], then, notwithstanding the restrictive conditions applicable to said retirement systems, the investments permitted by said Amendment No. 450 [§ 219.02] 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 [§ 219.02] 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.)

**Sec. 219.04. 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 [§ 219.02]. 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) making substantial capital improvements to the state dock facilities at the Port of Mobile, (ii) promoting economic development and industrial recruitment in the state, (iii) providing local government match monies required to issue federal grant revenue bonds for road and bridge improvements and (iv) providing 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 [§ 219.02].

“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 [§§ 219.02 and 219.03].

“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 ( $\frac{1}{4}$ ) 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 ( $\frac{1}{4}$ ) 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 [§ 219.07].

(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 [§ 219.07].

*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) an 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) an 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 [§§ 213.20, 213.19 and 213.21]. (Amendment 666.)

**Sec. 219.041. Increase in bonding authority; competitive bidding.**

(a) The authority granted to the State of Alabama to become indebted and to sell and issue its interest-bearing General Obligation bonds, in addition to all other bonds of the state, under Amendment 666 to the Constitution of Alabama of 1901, as amended, [§ 219.04] is hereby increased to an aggregate principal amount not exceeding \$750 million.

(b) 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 Bond Commission, 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 commission is received all

bids may be rejected.

(c) Relative to issuance expenses, contracts and appointments incurred in connection with the issuance of bonds, the Bond Commission created in Section IX of Amendment 666 to the Constitution of 1901, [§ 219.04] shall contract with businesses or individuals which reflect the racial and ethnic diversity of the state.

(d) In all other respects, the terms and provisions of Amendment 666 to the Constitution of Alabama of 1901, as amended, [§ 219.04] will be unchanged and remain in full force and effect. (Amendment 796.)

**Sec. 219.042. Maximum aggregate principal limitations on general obligation bonds.**

(a) Anything in Amendment No. 666 to the Constitution of Alabama of 1901, as amended [Section 219.04], or Amendment No. 796 to the Constitution of Alabama of 1901, as amended [Section 219.041], to the contrary notwithstanding, the authority granted to the State of Alabama to become indebted and to sell and issue its interest-bearing general obligation bonds, in addition to all other bonds of the state, under Amendment No. 666 to the Constitution of Alabama of 1901 [Section 219.04], as amended by Amendment No. 796 to the Constitution of Alabama of 1901 [Section 219.041], shall not be subject to the limitations on aggregate principal amount imposed by Section VIII of said Amendment No. 666 to the Constitution of Alabama of 1901, as amended [Section 219.04], as modified by paragraph (a) of Amendment No. 796 to the Constitution of Alabama of 1901, as amended [Section 219.041]; provided, that at no time shall the aggregate principal amount of such general obligation bonds (including, without limitation, general obligation refunding bonds) then outstanding be in excess of \$750 million.

(b) General obligation refunding bonds may be issued by the State from time to time pursuant to the authority contained in Amendment No. 666 to the Constitution of Alabama of 1901, as amended [Section 219.04], in aggregate principal amounts (which may exceed the principal amount of general obligation bonds being refunded) determined by the Bond Commission established pursuant to Section IX of Amendment No. 666 to the Constitution of Alabama of 1901, as amended [Section 219.04]; provided, however, that no such general obligation refunding bonds shall be issued unless (i) the present value of all debt service on such general obligation refunding bonds (computed with a discount rate equal to the true interest rate of such general obligation refunding bonds and taking into account all underwriting discount and other issuance expenses) shall not be greater than 97 percent of the present value of all debt service on the general obligation bonds to be refunded (computed using

the same discount rate and taking into account the underwriting discount and other issuance expenses originally applicable to such general obligation bonds to be refunded) determined as if such general obligation bonds to be refunded were paid and retired in accordance with the schedule of maturities (considering mandatory redemption as a scheduled maturity) provided at the time of their issuance; and (ii) the average maturity of such general obligation refunding bonds, as measured from the date of issuance of such general obligation refunding bonds, shall not exceed by more than three years the average maturity of the general obligation bonds to be refunded, as also measured from such date of issuance, with the average maturity of any principal amount of general obligation bonds to be determined by multiplying the principal of each maturity by the number of years (including any fractional part of a year) intervening between such date of issuance and each such maturity, taking the sum of all such products, and then dividing such sum by the aggregate principal amount of general obligation bonds for which the average maturity is to be determined.

(c) The principal amount of general obligation bonds for which provision for payment has been made with proceeds of general obligation refunding bonds (including anticipated investment earnings thereon), shall not be deemed outstanding for purposes hereof.

(d) Except to the extent modified hereunder, the terms and provisions of Amendment No. 666 to the Constitution of Alabama of 1901, as amended [Section 219.04], and Amendment No. 796 to the Constitution of Alabama of 1901, as amended [Section 219.041], shall remain in full force and effect. (Amendment 880.)

**Sec. 219.043. Distributions from Alabama Trust Fund for additional payments to fund bonds.**

(a) The authority granted to the State of Alabama to become indebted and to sell and issue its interest-bearing General Obligation bonds, in addition to all other bonds of the state, under Amendment 666 to the Constitution of Alabama of 1901, as amended, is hereby increased by an additional amount of fifty million dollars (\$50,000,000).

(b) 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 Bond Commission, 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 commission is received all bids may be rejected.

(c) Relative to issuance expenses, contracts, and appointments incurred in connection with the issuance of bonds, the Bond Commission created in Section IX of Amendment 666 to the Constitution of 1901, shall contract with businesses or individuals which reflect the racial and ethnic diversity of the state.

(d) Bonds issued pursuant to this amendment shall be issued for a maturity of 20 years or less.

(e) All of the proceeds from the bonds shall be distributed to the Armory Commission of Alabama for plans, construction, and maintenance of Alabama National Guard armories.

(f) In addition to any Oil and Gas Capital Payments received by the Alabama Trust Fund paid into the Alabama Capital Improvement Trust Fund pursuant to Amendment 666, so much as shall be necessary of all Oil and Gas Capital Payments received by the Alabama Trust Fund during any fiscal year shall be paid into the Alabama Capital Improvement Trust Fund to pay the principal and interest on the bonds authorized by this amendment.

(g) In all other respects regarding the Alabama Trust Fund, the terms and provisions of Amendment 666 and Amendment 856 to the Constitution of Alabama of 1901, as amended, are unchanged and remain in full force and effect. (Amendment 887.)

**Sec. 219.05. 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 [§ 219.02].
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 [§ 219.02]. 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 [§ 219.07] .

(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 10percent 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 [§ 219.07]. 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.)

**Sec. 219.06. “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.)

**Sec. 219.07. 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 the Alabama Constitution of 1901. [§ 219.02].

(2) "Alabama Trust Fund Board" means the board of trustees of the Alabama Trust Fund as established by Amendment 450 to the Alabama Constitution of 1901 [§ 219.02].

(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 recreation- al 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) that retains or has generally reestablished its natural character, though it need not be completely natural and undisturbed, or (b) which 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 [§ 219.02].

(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 ( $\frac{3}{5}$ ) 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 ( $\frac{3}{5}$ ) 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 (<sup>3/4</sup>) 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) to establish procedures relating to the confidentiality of information where necessary to accomplish the purposes and goals of this Amendment; to 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;

(2) to 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;

(3) 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

(4) 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 § 219.02. Notwithstanding Section 4(c) of §219.02, 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 Section or § 219.02 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 ( $\frac{3}{5}$ ) 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 unenforceable. 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 subdivisions 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.)

**Sec. 219.08. Forever Wild Land Trust.**

All moneys paid to the Forever Wild Land Trust pursuant to Section 7 of Amendment 543 of the Constitution of Alabama of 1901, now appearing as Section 7 of Section 219.07 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, shall continue to be paid for a 20-year period beginning with the 2012–2013 fiscal year retroactive to October 1, 2012, and ending in the fiscal year 2031–2032. (Amendment 860.)

**Sec. 219.09. Distributions from Alabama Trust Fund; distributions from County and Municipal Government Capital Improvement Trust Fund.**

*Section 1.* (a) Notwithstanding any other provision of this constitution,

beginning with the state's 2012–2013 fiscal year, the following distributions shall be made annually from the Alabama Trust Fund in lieu of any other distributions of trust income, realized capital gains, or unrealized capital gains provided by law:

(1) An amount equal to thirty-three percent (33%) of the oil and gas capital payments paid into the Alabama Trust Fund for the fiscal year ending one year prior to the beginning of the fiscal year for which the distribution is being made plus five percent (5%) of the average market value of invested assets of the Alabama Trust Fund as of the end of the three fiscal years ending one, two, and three years prior to the beginning of the fiscal year for which the distribution is being made shall be distributed as follows:

a. Ten percent (10%) of the amount distributed shall be paid to the County Government Capital Improvement Fund and shall be distributed pursuant to Section 11–29–6, Code of Alabama 1975, as amended.

b. Ten percent (10%) of the amount distributed shall be paid to the Municipal Government Capital Improvement Fund and shall be distributed pursuant to Section 11–66–6, Code of Alabama 1975, as amended.

c. If the constitutional amendment proposed by Act 2011–315 is ratified, then ten percent (10%) of the amount distributed, but not more than fifteen million dollars (\$15,000,000) in any one fiscal year, shall be paid to the Forever Wild Land Trust. This distribution shall continue through the fiscal year ending September 30, 2032, and shall not be made after the end of that fiscal year. If the constitutional amendment proposed by Act 2011–315 is not ratified, then one percent (1%) of the amount distributed, but not more than one million dollars (\$1,000,000) in any one fiscal year, shall be paid to the Forever Wild Land Trust Stewardship Account.

d. One percent (1%) of the amount distributed, but not more than five million dollars (\$5,000,000) in any one fiscal year, shall be paid to the Alabama Senior Services Trust Fund.

e. The remainder of the amount distributed shall be paid to the State General Fund.

(b) Beginning with the state's 2012–2013 fiscal year, an amount equal to five percent (5%) of the average market value of invested assets of the County and Municipal Government Capital Improvement Trust Fund as of the end of the three fiscal years ending one, two, and three years prior to the beginning of the fiscal year for which the distribution is being made shall be distributed

as follows:

(1) Fifty percent (50%) of the amount distributed shall be paid to the County Government Capital Improvement Fund and shall be distributed pursuant to Section 11-29-6, Code of Alabama 1975, as amended.

(2) Fifty percent (50%) of the amount distributed shall be paid to the Municipal Government Capital Improvement Fund and shall be distributed pursuant to Section 11-66-6, Code of Alabama 1975, as amended.

(c) Notwithstanding the provisions of subsections (a) and (b) of this Section, if market or financial conditions dictate that distributing the entire amounts authorized by this amendment would be detrimental to the preservation of the invested assets of the Alabama Trust Fund, the preservation of the invested assets of the County and Municipal Government Capital Improvement Trust Fund, or both, the Board of Trustees of the Alabama Trust Fund in its sole discretion may, by a two-thirds recorded vote of the entire membership of the Board, elect to distribute a smaller percentage of the oil and gas capital payments, a smaller percentage of the average amount of invested assets, or both. The Board shall make this election at least six months prior to the beginning of the fiscal year for which the distributions will be made.

(d) For purposes of this amendment, "invested assets" means all assets which are invested in accordance with the investment policy statement adopted by the Board of Trustees of the Alabama Trust Fund. Invested assets shall not include investments in land or properties acquired for the Forever Wild Land Trust and vested in the Alabama Trust Fund and shall not include any outstanding and unpaid amounts due to the Education Trust Fund Rainy Day Account or to the General Fund Rainy Day Account.

*Section 2.* A County and Municipal Government Capital Improvement Trust Fund Advisory Committee is created. The Committee shall be composed of three members appointed by the Alabama League of Municipalities and three members appointed by the Association of County Commissions of Alabama. The Committee shall serve in an advisory role, and the Board of Trustees of the Alabama Trust Fund shall define the duties of the Committee.

*Section 3.* Beginning with the state's 2012-2013 fiscal year, whenever funds are withdrawn from the Education Trust Fund Rainy Day Account or the General Fund Rainy Day Account, there shall not be any additional transfer of funds into the County and Municipal Government Capital Improvement Trust Fund, and investment income earned on amounts repaid to the Education Trust Fund Rainy Day Account and the General Fund Rainy Day Account shall

not be distributed to the State General Fund.

*Section 4.* Beginning with the state's 2012–2013 fiscal year and continuing through the state's 2014–2015 fiscal year, there is hereby transferred \$145,796,943 annually to the State General Fund from the Alabama Trust Fund.

*Section 5.* All laws or parts of laws in conflict with this amendment are repealed, including, but not limited to: Those portions of Amendments 450, 543, and 666 to the Constitution of Alabama of 1901, relating to the distribution of trust income, realized capital gains, and unrealized capital gains; Amendment 668 to the Constitution of Alabama of 1901, relating to the distribution of trust income; those portions of Amendment 803 to the Constitution of Alabama of 1901, relating to additional transfers to the County and Municipal Government Capital Improvement Fund and the distribution of investment income on repayments to the Education Trust Fund and State General Fund Rainy Day Accounts; and Sections 11–66–5 and 11–29–5 of the Code of Alabama 1975, as amended, relating to appropriations of trust income to the County and Municipal Government Capital Improvement Trust Funds. (Amendment 856.)

## ARTICLE XII.

### CORPORATIONS.

#### *MUNICIPAL CORPORATIONS.*

**Sec. 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.

**Sec. 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.

**Sec. 222. Issuance of bonds by counties, municipal corporations, districts and other political subdivisions of counties.**

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.

**Sec. 222.01. Issuance of revenue bonds and other revenue securities by municipalities.**

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.)

**Sec. 222.02. Bonds and other securities issued by certain public corporations.**

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.)

**Sec. 222.03. Bonds for voting machines.**

*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.)

**Sec. 222.04. Bonds for enlargement, etc., of municipally-owned manufacturing, industrial or commercial projects.**

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.)

**Sec. 222.05. Certain county revenue securities not to constitute bonds or indebtedness.**

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 [amending § 224] 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.)

**Sec. 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.

**Sec. 224. Debt limit for counties.**

No county shall become indebted in an amount including present indebtedness, greater than five percentum of the assessed value of the property therein. 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. (As amended by Amendment 342.)

**Sec. 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.**

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. (As amended by Amendment 268.)

**Sec. 225.01. Certain obligations of municipality having less than 6,000 inhabitants not indebtedness within meaning of Section 225.**

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.)

**Sec. 226. Indebtedness of municipal corporations — 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.

**Sec. 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.

**Sec. 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.

**Sec. 228.01. Trust funds for continuing benefit of certain 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 System 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 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.)

*PRIVATE CORPORATIONS.*

**Sec. 229. Authority of Legislature to pass general laws pertaining to corporations and other entities.**

The Legislature shall pass general laws under which corporations and other entities may be organized, authorized to do business or conduct their affairs, operated, dissolved, and regulated; such laws, now existing or hereafter passed, shall be subject to amendment or repeal by general law. The Legislature, by general law, shall provide for the payment to the State of Alabama of a tax on the privilege of doing business in Alabama or being organized, incorporated, qualified, or registered under the laws of Alabama. Strictly benevolent, educational, or religious corporations shall not be required to pay such a tax on their withdrawable or repurchasable shares to the extent they have such shares. (As amended by Amendment 27; Amendment 872.)

**Sec. 230. Cancellation of certain corporate charters.** Repealed by Amendment 872.

**Sec. 231. Limitation on remitting forfeiture of corporate charters.** Repealed by Amendment 872.

**Sec. 232. Foreign corporations doing business in state.** Amended by Amendment 473; repealed by Amendment 872.

**Sec. 233. Corporations restricted to business authorized by charter.** Repealed by Amendment 872.

**Sec. 234. Restrictions on issuance of corporate stock and bonds.** Repealed by Amendment 872.

**Sec. 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.

**Sec. 236. Security for dues from private corporations; liability of stockholders.** Repealed by Amendment 872.

**Sec. 237. Issuance of preferred stock by corporations.** Repealed by Amendment 872.

**Sec. 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.

**Sec. 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. (As amended by Amendment 872.)

**Sec. 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.

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. (As amended by Amendment 872.)

**Sec. 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.

*RAILROADS AND CANALS.*

**Sec. 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.

**Sec. 243. Regulation of railroad companies vested in legislature.**

Repealed by Amendment 872.

**Sec. 244. Giving free passes or discount tickets to members of Legislature or officers exercising judicial functions.**

Repealed by Amendment 872.

**Sec. 245. Railroad companies not to give rebates or bonuses in nature thereof; deceiving or misleading public as to rates.**

Repealed by Amendment 872.

**Sec. 246. Acceptance of article prerequisite to benefits of future legislation.** Repealed by Amendment 872.

ARTICLE XIII.

BANKS AND BANKING.

**Sec. 247. Authority of Legislature.**

(a) 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. No bank shall be established otherwise than under a general banking law.

(b) There shall be no limit of time for the duration of a corporation organized as a bank or banking company, and it shall not be necessary to renew or extend the life or charter of any such corporation now existing. All extensions of the life or charter of any such corporations are ratified and confirmed.

(c) 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, banking association, or banking corporation.

(d) The Legislature, by appropriate laws, shall 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, through its president, or such other officer as the Legislature may designate, shall make a report under oath of its resources and liabilities at least twice a year. (As amended by Amendment 873.)

**Sec. 248. Banking laws to be general; specie basis; authority of banks to issue bills to circulate as money.** Repealed by Amendment 873.

**Sec. 249. Bills or notes issued as money redeemable in gold or silver; laws not to sanction suspension of specie payments.** Repealed by Amendment 873.

**Sec. 250. Preference of certain creditors in case of insolvency of bank.** Repealed by Amendment 5.

**Sec. 251. Duration of corporations not limited; renewal of existing charters not required.** Amended by Amendment 51; repealed by Amendment 873.

**Sec. 252. Maximum rate of interest.** Repealed by Amendment 873.

**Sec. 253. State and political subdivisions thereof not to be stockholders in banks or lend credit thereto.** Repealed by Amendment 873.

**Sec. 254. Examination of banks by public officers; semiannual reports by banks.** Repealed by Amendment 873.

**Sec. 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.

**Sec. 255.01. Nonresidents making mortgage loans through licensed mortgage loan brokers.** Amendment 154; repealed by Amendment 873.

#### ARTICLE XIV.

##### EDUCATION.

**Sec. 256. 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.**

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.

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. (As amended by Amendment 111.)

**Sec. 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.

**Sec. 258. Property donated or appropriated for educational purposes and estates of persons dying without will or heirs to be applied to furtherance of education.**

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 used or applied to the furtherance of education. (As amended by Amendment 111.)

**Sec. 259. Use of poll taxes for support and furtherance of education.**

**Repealed.**

**Sec. 260. Certain income to be applied to support and furtherance of education; special annual tax for education; maximum annual levy on taxable property; priority for payment of bonded indebtedness of state; proceeds of certain taxes to be used for support and furtherance of education.**

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 furtherance of education, and it shall be the duty of the legislature to increase the 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.

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. (As amended by Amendment 111.)

**Sec. 260.01. Education Trust Fund Rainy Day Account.** Repealed by Amendment 803.

**Sec. 260.02. Education Trust Fund Rainy Day Account.**

*Section I.* Amendment 709 to the Constitution of Alabama of 1901, now appearing as Section 260.01 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, is hereby repealed.

*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, now appearing as Section 219.02 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

“Education Trust Fund Rainy Day Account” or “General Fund Rainy Day Account” means the special accounts created by this amendment.

“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.

*Section III.* (a) Within thirty days following ratification of this constitutional amendment there shall be created within the Alabama Trust Fund the Education Trust Fund Rainy Day Account and the General Fund Rainy Day Account. In any year in which the Governor certifies to the state comptroller and notifies the Legislature that proration would occur in appropriations from the Education Trust Fund or the State General Fund, the Education Trust Fund Rainy Day Account or the General Fund Rainy Day Account shall be credited with Oil and Gas Capital Payments previously transferred into the Alabama Trust Fund in the amount required to fund withdrawals from the Account of the amounts authorized by this section. However, the amount withdrawn from the Education Trust Fund Rainy Day Account in a fiscal year may not exceed six and one-half percent of the previous fiscal year's Education Trust Fund appropriations less the total amount of any prior years' withdrawals from the Account which have not been repaid to the Account, as provided for in subsections (b), (c), and (e). The amount withdrawn from the General Fund Rainy Day Account in a fiscal year may not exceed ten percent of the previous fiscal year's General Fund appropriations less the total amount of any prior years' withdrawals from the Account which have not been repaid to the Account, as provided for in subsections (b), (c), and (e). Funds from the Education Trust Fund or the General Fund Rainy Day Account may be withdrawn only to prevent proration of the appropriations from the Education Trust Fund or the General Fund. For the fiscal year beginning October 1, 2008, withdrawals shall be limited to an amount necessary to reach the highest estimated available revenue for each Fund as certified by the Finance Director and the Legislative Fiscal Officer prior to the end of the 2008 Regular Legislative Session. Beginning in the fiscal year beginning October 1, 2009, withdrawals from the Education Trust Fund Rainy Day Account and the General Fund Rainy Day Account shall be limited to an amount necessary to reach the average of the estimated available revenue for each Fund which is to be certified by the Finance Director and the Legislative Fiscal Officer prior to the third legislative day of each Regular Session. The Governor shall certify to

the state comptroller and notify the Legislature that proration would occur in appropriations from the Education Trust Fund or the General Fund in accordance with this constitution. Upon the certification by the Governor, and after all other sources available to be used to offset proration have been utilized, withdrawals from the Education Trust Fund Rainy Day Account or the General Fund Rainy Day Account may be made; however, withdrawals shall be limited to the amount of the anticipated proration and funds allotted only to the extent necessary to avoid proration of appropriations from the Education Trust Fund or the General Fund as limited by this section. In the event funds are withdrawn from the Education Trust Fund or the General Fund Rainy Day Account an additional amount equal to twenty-five percent of the Education Trust Fund or the General Fund transfer amount shall be transferred from the Alabama Trust Fund to the County and Municipal Government Capital Improvement Fund.

(b) The Finance Director shall ensure that if during the fiscal year, receipts to the Education Trust Fund or the General Fund (net of the Education Trust Fund or the General Fund Rainy Day Account payments) are sufficient to reduce anticipated proration which has been certified by the Governor to the state comptroller and for which funds have been withdrawn, then the amount corresponding to the reduced anticipated proration percentage shall be transferred back to the Education Trust Fund or the General Fund Rainy Day Account within the Alabama Trust Fund within thirty days after the end of the fiscal year in which the withdrawals were made. Any amount transferred back to the Education Trust Fund or the General Fund Rainy Day Account shall necessitate a transfer of an additional amount equal to twenty-five percent of that amount from the County and Municipal Government Capital Improvement Fund into the Education Trust Fund or the General Fund Rainy Day Account within the Alabama Trust Fund.

(c) The Legislature may provide by statute for the replenishment of the Education Trust Fund or the General Fund Rainy Day Account within the Alabama Trust Fund from sources other than the Alabama Trust Fund or Oil and Gas Capital Payments. The earnings from the investment of funds due to the replenishment shall be deposited into the State General Fund.

(d) The allocations to the Alabama Capital Improvement Trust Fund and to the County and Municipal Government Capital Improvement Fund as provided in Amendment 666 to the Constitution of Alabama of 1901, now appearing as Section 219.04 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, shall not be diminished by the application of this amendment.

(e) The Legislature must replenish the accounts within six (6) years after withdrawal of any funds from the Education Trust Fund Rainy Day Account and within ten (10) years after withdrawal of any funds from the General Fund Rainy Day Account pursuant to the provisions of this amendment. After the complete replenishment of the Education Trust Fund or the General Fund Rainy Day Account, any excess funds shall be designated to repay any lost interest earnings to the trust established under Amendment 543 to the Constitution of Alabama of 1901, now appearing as Section 219.07 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, due to any withdrawal from the Education Trust Fund or the General Fund Rainy Day Account. (Amendment 803.)

**Sec. 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.

**Sec. 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. (As amended by Amendment 284.)

**Sec. 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.

**Sec. 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 as constituted on January 1, 2018, an additional member from the congressional district which includes the site of the first campus of the university, 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. 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. (As amended by Amendment 399; Amendment 933.)

**Sec. 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.

**Sec. 266. Board of Trustees of Auburn University.**

(a) 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, three at-large members who shall be residents of the continental United States, two additional at-large members who shall be residents of the continental United States and who shall enhance the diversity of the board of trustees by reflecting the racial, gender, and economic diversity of the state, and the Governor, who shall be ex officio president of the board.

(b) The trustees from each congressional district, from Lee County, and all at-large trustees, including the two additional at-large members who shall enhance the diversity of the board, 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.

(c) A board of trustees appointing committee is established composed of the following members:

(1) 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.

(2) A member of the Board of Trustees of Auburn University selected by the board of trustees.

(3) 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.

(4) 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.

(d) 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.

(e) When appropriate, the appointing committee shall meet to address the appointment of any of the following:

(1) 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 five at-large positions.

(2) 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 five at-large positions.

(f) 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.

(g) 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.

(h) For purposes of ensuring that transitions in board membership occur in a stable manner, if the secretary of the board determines that, as of January 1 of any calendar year, four or more members of the board hold seats the terms for which will expire during that calendar year, then the secretary shall provide written notice to the board of such fact and the term of the trustees

whose term would otherwise expire during that subject year shall be adjusted in the following manner: The trustee who was first confirmed to a term expiring in the subject year shall have his or her term extended to the same month and day in the first subsequent year in which there are less than three trustees with terms expiring; if, after making this initial adjustment, there are still four or more trustees with terms expiring during the subject year, then the term of the next trustee or trustees whose terms are to expire during the subject year shall be adjusted, in order of their original confirmation to the term, to expire on the same month and day as their original term but in the next subsequent year or years in which there are less than three trustees with terms expiring that year; term adjustments to the next subsequent year or years in which there are less than three trustees with terms expiring shall occur regardless of whether the expiration is due to an original expiration date or due to an expiration date adjusted under this subsection, but in no case shall the term of more than three trustees expire during the same calendar year; and in making adjustments, the terms of the final three trustees with terms expiring during the subject year shall expire on the originally established dates. For purposes of this subsection, if two or more trustees were confirmed on the same date, then the order of expiration the terms of those trustees shall be determined alphabetically by last name.

(i) Each member of the board of trustees as constituted on December 13, 2000, 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.

(j) No person shall be appointed as a member of the board of trustees after having reached 70 years of age.

(k) 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.

(l) 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.

(m) No trustee shall receive any pay or emolument other than his or her actual expenses incurred in the discharge of duties as such.

(n) No employee of Auburn University shall be eligible to serve as a member of the board of trustees.

(o)(1) The appointing committee 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.

(2) 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.

(3) 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.

(4) 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.

(p) The same name may be submitted to the Senate for the same position on the board more than one time.

(q) 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.

(r) 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. (Original § 266 repealed by Amendment 161; current § 266 derived from Amendment 161, as amended by Amendment 670 and Amendment 906.)

**Sec. 267. Change of location of Alabama Polytechnic Institute, 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, 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.

**Sec. 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.

**Sec. 269. Special county educational taxes.**

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 and 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. (As amended by Amendment 111.)

**Sec. 269.01. Special county tax for public school purposes.**

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. (Amendment 3, Section 1.)

**Sec. 269.02. Special district tax for public school purposes.**

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. (Amendment 3, Section 2.)

**Sec. 269.03. Disposition of special school tax funds.**

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, Section 3.)

**Sec. 269.04. Additional property tax for county educational purposes.**

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 [§§ 269.01–269.03]. (Amendment 202.)

**Sec. 269.05. Additional special district school tax.**

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.)

**Sec. 269.06. Ratification of public school taxes.**

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.)

**Sec. 269.07. Levy and collection of district school tax.**

The provision contained in Section 2 of Amendment No. 3 to this constitution [§ 269.02] relating to district school taxes and providing that no district school tax shall be voted upon or collected except in those counties that are levying and collecting not less than a three-mill special county school tax is hereby repealed. 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. (Amendment 669.)

**Sec. 269.08. Minimum ad valorem tax rate for general school purposes.**

(a) There is hereby authorized and there shall be levied and collected for general public school purposes, for the ad valorem tax year commencing October 1, 2006, and for each ad valorem tax year thereafter, in each school district of the state, in addition to all other taxes, a special ad valorem school property tax at a rate equal to the difference between ten dollars on each one thousand dollars of taxable property in such district and the sum of the rates per thousand of all the ad valorem property taxes described in Section (b) hereof otherwise levied and collected for general public school purposes in such school district and required or permitted by the terms of this amendment to be taken into account for purposes of determining the rate of said tax. The County Commission or other like governing body of each county in the State is hereby directed to compute and determine annually the rate or rates of, and to levy and collect in and for the benefit of each school district within such county, the additional ad valorem property tax authorized hereby, in compliance with the provisions of this amendment. The proceeds from said tax shall not, any provisions of any law or of this constitution to the contrary notwithstanding, be subject to any fees, charges or commissions for assessment or collection by any person whatever, it being the intent hereof that the full amounts of the proceeds of said tax collected shall be used for general public school purposes.

(b) The following described ad valorem property taxes, to the extent the use of the proceeds thereof is not lawfully restricted, earmarked or otherwise designated for a purpose or purposes more particular than general public school purposes, now or hereafter levied and collected in each school district of the State, shall be taken into account annually in determining the rate of the tax required to be levied each year pursuant to the provisions of Section (a) of this amendment:

(1) countywide ad valorem property taxes levied and collected for public school or educational purposes under the provisions of Section 269 of, or Amendments 3 or 202 [§§ 269.01 through 269.04] to, the Constitution of Alabama of 1901 or any amendment thereto adopted subsequent to the adoption of this amendment similarly authorizing the levy of such taxes,

(2) countywide ad valorem property taxes levied and collected for public school or educational purposes,

(3) that portion, expressed as an ad valorem tax millage rate, of any local countywide ad valorem property tax or taxes levied and collected in any county of the state for general purposes that is paid or required to be distributed to or used for the benefit of the respective public school system or systems of the county to which the school district has reference, and that is designated by official action of the taxing authority levying the same as creditable for purposes of Section (a) of this amendment, provided that any

such portion of such tax once so designated may not thereafter be designated for other than general school purposes and shall be recorded as a school tax that may be levied and collected without limit as to time,

(4) school district ad valorem property taxes levied and collected under the provisions of Amendments 3 or 382 to the Constitution of 1901 [ §§ 269.01 through 269.04], or the provisions of any constitutional amendment applicable only to the county (or part thereof) in which the school district is located authorizing the levy of an ad valorem property tax in the school district, and

(5) any ad valorem property taxes otherwise levied by and collected in any municipality of the state for public school purposes the proceeds of which are paid or required to be used for the benefit of the school system of such municipality, and that are designated by the taxing authority levying the tax as creditable for purposes of Section (a) of this amendment, provided that any such tax once so designated may not thereafter be designated for other than general school purposes and shall be recorded as a school tax that may be levied and collected without limit as to time.

(c) Each local taxing authority in the State levying ad valorem property taxes for public school purposes shall annually notify the Alabama Department of Revenue, the Alabama State Superintendent of Education, and the Director of Finance of all ad valorem property taxes so levied by such authority for school purposes (including the tax authorized to be levied hereby), of the authority under which such taxes were levied and collected, the provisions of any referendum at which they were approved pertaining to the rates thereof, the time they are to continue, the purposes for which they were approved, and the particular constitutional authority under which they were submitted for referendum, if applicable.

(d) The levy and collection of the additional ad valorem property tax authorized and required to be levied and collected pursuant to the provisions of this amendment shall not affect or reduce any authorization heretofore or hereafter otherwise existing for the levy of any school district or countywide ad valorem property tax or taxes, whether such levy is subject to approval by the qualified electors of the jurisdiction in which the tax may be levied at a referendum election or otherwise.

(e) The tax levied pursuant to this amendment may be pledged for payment of any debt obligations incurred for public school purposes for which any other ad valorem property tax levied in the school district in which the tax is levied is or may be pledged for repayment. No provision of this amendment shall affect or impair the validity of any pledge of any local ad valorem property tax heretofore or hereafter made for the payment of any indebtedness of any type

whatever.

(f) Any provision of the Constitution of Alabama of 1901, as amended, to the contrary notwithstanding, all ad valorem property taxes for public school or education purposes in the state of Alabama the levy of which has been approved by a majority vote of the appropriate electorate prior to the ratification of this amendment by the qualified electors of the State, and the levy and collection of any such tax 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 Section (f) shall not be applicable to any tax the validity of which was being challenged in appropriate judicial proceedings in any proper court on the date of final passage of the act of the legislature pursuant to which this amendment was proposed. (Amendment 778.)

**Sec. 270. Applicability of article to Mobile County.**

The provisions of this article and of any act of the legislature passed in pursuance thereof 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. (As amended by Amendment 111.)

ARTICLE XV.

MILITIA.

**Sec. 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.

**Sec. 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, and who shall be responsible to the governor as commander-in-chief. (As amended by Amendment 89.)

**Sec. 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. (As amended by Amendment 89.)

**Sec. 274. 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.

**Sec. 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.

**Sec. 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. (As amended by Amendment 89.)

**Sec. 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.

**Sec. 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.

ARTICLE XVI.

OATH OF OFFICE.

**Sec. 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.

ARTICLE XVII.

MISCELLANEOUS PROVISIONS.

**Sec. 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.

**Sec. 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.

**Sec. 282. Duty of legislature to enact laws to effectuate Constitution.**

It is made the duty of the legislature to enact all laws necessary to give effect to the provisions of this Constitution.

**Sec. 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.

ARTICLE XVIII.

MODE OF AMENDING THE CONSTITUTION.

**Sec. 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.**

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. (As amended by Amendment 24.)

**Sec. 284.01. Proposed constitutional amendments affecting only one county.**

(a) The Legislature shall determine whether a proposed constitutional amendment affects or applies to only one county or a political subdivision within one or more counties under the procedures set out herein. If the Legislature determines that a proposed constitutional amendment affects or applies to only one county or a political subdivision within one or more counties, the amendment may be adopted as a valid part of the constitution only by a favorable vote of a majority of the qualified electors of the affected

county or, if applicable, the political subdivision and the county or counties in which the political subdivision is located, who vote on the amendment as provided in subsections (b) and (c). If the Legislature fails to determine that a proposed constitutional amendment affects or applies to only one county or a political subdivision within one or more counties pursuant to the procedures set out in subsection (b), the amendment may be adopted as a valid part of the constitution only by a favorable vote of a majority of the qualified electors who vote on the amendment in a statewide referendum, as provided in subsection (d), and a majority of the qualified voters of the affected county or counties voting on the amendments, as provided in subsection (d).

(b) To determine whether a proposed amendment shall be placed on the ballot in only one county or a political subdivision within one or more counties and the affected county or counties, as provided in subsection (a), the proposed amendment shall be approved by each house of the Legislature under the following process:

(1) The proposed amendment must first be approved, if at all, by at least three-fifths of all the members elected to the house in which it originates.

(2) Immediately following approval under subdivision (1), the house shall consider a resolution of local application declaring that the proposed amendment affects or applies to only one county or a political subdivision within one or more counties specifying by proper name the county or the political subdivision and the county or counties within which the political subdivision is located.

(3) The proposed amendment shall then be sent to the other house for consideration and, if at least three-fifths of all the members elected to that house vote in favor of the proposed amendment, that house shall likewise immediately proceed to consider a resolution of local application as provided in subdivision (2).

In the event that both houses of the Legislature approve the amendment by at least a three-fifths vote of their elected members and also determine by vote without dissent that the proposed amendment affects or applies to only one county or a political subdivision within one or more counties, the proposed amendment shall be placed on the ballot only in the county or political subdivision and county or counties affected.

(c) If after having been approved by at least a three-fifths vote of the elected members of either house of the Legislature, there is at least one dissenting vote cast on the resolution in either house on the question of whether the proposed amendment affects or applies to only one county or only to a political subdivision within one or more counties, the proposed amendment 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 by a majority of the qualified voters voting on the amendment statewide and a majority of the voters of any county or political subdivision named in the resolution voting on the amendment.

(d) 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. (Original § 284.01, added by Amendment 425, as amended by Amendment 555, repealed by Amendment 897; current § 284.01 added by Amendment 897.)

**Sec. 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.

**Sec. 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.

**Sec. 286.01. Procedure for ratification and adoption of proposed Constitution of Alabama.**

Any proposed Constitution of Alabama adopted to replace the Constitution of Alabama of 1901, whether adopted by a constitutional convention pursuant to Section 286 or by any other constitutionally authorized method now in existence or subsequently adopted, shall become effective only if the proposed constitution is ratified by a majority of the qualified electors of the state voting on the question of such ratification.

Prior to the ratification election, the text of the proposed constitution shall be published in the same manner as the proclamation of the election. The proposed constitution shall be published on a separate sheet or sheets and circulated with the newspapers in which the proclamation is published. The Legislature may also provide for other methods of publishing the text of the proposed constitution.

The result of the election shall be made known by proclamation of the Governor. If the proposed constitution is ratified as provided in this amendment, it shall become effective on the first day of January following ratification, unless otherwise provided in the ratified constitution. If the ratified constitution provides otherwise, the effective date shall be as provided in the ratified constitution.

The Legislature shall provide for the notice, and procedures related to the election, canvassing, proclamation, and costs which are in conformity with this amendment. If proposed by convention, the election shall be held at the next general election not less than 90 days following adjournment of the convention at which it was proposed. (Amendment 714.)

**Sec. 286.02. Recompile of Constitution of Alabama.**

The Legislature, upon the recommendation of the Director of the Legislative Services Agency through a proposed draft, may arrange this constitution, as amended, in proper articles, parts, and sections removing all racist language, delete duplicative and repealed provisions, consolidate provisions regarding economic development, arrange all local amendments by county of application during the 2022 Regular Session of the Legislature, and make no other changes. The draft and arrangement, when approved by a three-fifths vote of

each house of the Legislature, through joint resolution, shall be submitted to the voters pursuant to Amendment 714 of the Constitution of Alabama of 1901, now appearing as Section 286.01 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, except that the text of the proposed constitution shall be published on the website of the Secretary of State and shall be made available, without cost, to any agency of the state or a municipality or county in the state that operates a public access website for publication on the website. The Constitution of Alabama, with the amendments made thereto, in accordance with this amendment, once approved by the voters, shall be the supreme law of the state. (Amendment 951.)

**Sec. 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.

**RATIFICATION OF THE CONSTITUTION OF 1901**

**A PROCLAMATION BY THE GOVERNOR.**

*Whereas*, It appears from the certificate of the Secretary of State and Attorney-General that on the 11th day of November, 1901, at an election held in the several counties in this State, for and against Constitution, that the whole number of votes cast "For Constitution" is one hundred and eight thousand, six hundred and thirteen (108,613), and the whole number of votes cast "Against Constitution" is eighty-one thousand, seven hundred and thirty-four (81,734).

Now, therefore, I, William D. Jelks, by virtue of the power and authority in me vested as Governor of Alabama, do declare the majority of votes cast "For Constitution" to be twenty-six thousand eight hundred and seventy-nine (26,879).

I, Therefore, proclaim that the said new Constitution so ratified shall go into effect as the Constitution of the State of Alabama on Thursday, it being the

twenty-eighth day of November, 1901, and shall thereafter be binding and obligatory as such upon the people of this State.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of State to be affixed at the Capitol, in the City of Montgomery, this the 21st day of November, A.D. 1901.

WM. D. JELKS,

Governor.

By the Governor:

Robt. P. McDavid,

*Secretary of State.*

(Proclamation Record, p. 129.)