

1 SB466
2 130878-2
3 By Senator Figures (Constitutional Amendment)
4 RFD: Local Legislation No. 3
5 First Read: 03-MAY-11

1 SB466

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4 ENROLLED, An Act,

5 Relating to Mobile County; to propose a
6 constitutional amendment to provide for the transfer of the
7 assets and liabilities of the Water and Sewer Board of the
8 City of Prichard to the Board of Water and Sewer Commissioners
9 of the City of Mobile, presently known as the Mobile Area
10 Water and Sewer System.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. The following amendment to the
13 Constitution of Alabama of 1901, as amended, is proposed and
14 shall become valid as a part thereof when approved by a
15 majority of the qualified electors voting thereon and in
16 accordance with Sections 284, 285, and 287 of the Constitution
17 of Alabama of 1901, as amended:

18 PROPOSED AMENDMENT

19 (a) Within 90 days after the ratification of this
20 amendment, the assets and liabilities of the Water Works and
21 Sewer Board of the City of Prichard shall be transferred to
22 the Board of Water and Sewer Commissioners of the City of
23 Mobile, presently known as the Mobile Area Water and Sewer
24 System. The transfer shall include all assets of the Water
25 Works and Sewer Board of the City of Prichard and shall be

1 conditioned upon the assumption or discharge by the Board of
2 Water and Sewer Commissioners of the City of Mobile, presently
3 known as the Mobile Area Water and Sewer System, of all
4 liabilities of the Water Works and Sewer Board of the City of
5 Prichard, including, without limitation, all indebtedness,
6 contracts, and retirement obligations. Any assumption of
7 obligations by the Board of Water and Sewer Commissioners of
8 the City of Mobile, presently known as the Mobile Area Water
9 and Sewer System, shall be evidenced by resolution of that
10 board.

11 (b) Upon transfer of its assets and liabilities
12 pursuant to subsection (a), the Water Works and Sewer Board of
13 the City of Prichard shall be dissolved.

14 (c) The rates for water and sewer service to
15 existing customers of Mobile Area Water and Sewer System shall
16 not be increased at any time for reasons related to the
17 acquisition or maintenance of the assets, liabilities, or
18 infrastructure of the Water Works and Sewer Board of the City
19 of Prichard.

20 (d) Notwithstanding ratification of this amendment
21 in accordance with applicable state law, this amendment shall
22 not be effective and the actions, including, but not limited
23 to, the transfer of assets and liabilities in subsections (a)
24 and (b), shall not take place unless both of the following
25 have occurred:

1 (1) A favorable vote by the majority of those
2 persons who reside and voted in precincts any part of which
3 are serviced by the Board of Water and Sewer Commissioners of
4 the City of Mobile (Mobile Area Water and Sewer System).

5 (2) A favorable vote by the majority of those
6 persons who reside and voted in precincts any part of which
7 are serviced by the Water and Sewer Board of the City of
8 Prichard.

9 The votes cast on this amendment in precincts any
10 part of which are serviced by the Board of Water and Sewer
11 Commissioners of the City of Mobile (Mobile Area Water and
12 Sewer System) and the votes cast on this amendment in
13 precincts any part of which are serviced by the Water and
14 Sewer Board of the City of Prichard shall be tabulated
15 separately to determine whether a majority of those who voted
16 in each area approved the amendment.

17 Section 2. An election upon the proposed amendment
18 shall be held in accordance with Sections 284 and 285 of the
19 Constitution of Alabama of 1901, now appearing as Sections 284
20 and 285 of the Official Recompilation of the Constitution of
21 Alabama of 1901, as amended, and the election laws of this
22 state.

23 Section 3. The appropriate election official shall
24 assign a ballot number for the proposed constitutional
25 amendment on the election ballot and shall set forth the

1 following description of the substance or subject matter of
2 the proposed constitutional amendment:

3 "Proposing an amendment to the Constitution of
4 Alabama of 1901, to provide for the transfer of the assets and
5 liabilities of the Water Works and Sewer Board of the City of
6 Prichard to the Board of Water and Sewer Commissioners of the
7 City of Mobile, presently known as the Mobile Area Water and
8 Sewer System.

9 "Proposed by Act _____."

10 This description shall be followed by the following
11 language:

12 "Yes () No ()."

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB466
Senate 31-MAY-11
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris
Secretary

House of Representatives
Passed: 09-JUN-11

By: Senator Figures