Title 1 Autauga County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§1-2.00. County Jail and Courthouse. (Amendment 661)

In addition to any court costs or fees now or hereafter authorized, and notwithstanding any other provisions of the Constitution, including without limitation Sections 96, 104, and 105, there shall be an additional forty dollars ($40) fee assessed and taxed as costs on each civil and criminal case, excluding small claims, filed in circuit court, district court, or any municipal court in Autauga County, as well as a fee not to exceed five dollars ($5) for the service of all pleadings and other documents in connection with any such action or case. The fees may not be waived by any court unless all other fees, assessments, costs, fines, and charges associated with the cases are waived. The additional fees, when collected by the clerks or other collection officers of the courts, shall be paid into the General Fund of Autauga County to be used by the county commission for the planning, designing, construction, financing, and operation of a new county jail and the planning, design, repair, renovation, financing, and operation of the existing county courthouse. When the costs of the new county jail and the renovated county courthouse have been fully paid or when the debt service on any indebtedness incurred by the county commission to finance or refinance the costs have been retired, whichever occurs later, the additional fees authorized by this amendment shall continue to be collected in all cases and shall be used to pay costs of the operation, upkeep, and maintenance of a new county jail and the renovated county courthouse. This amendment shall be self-executing and shall require no enabling legislation. (Amendment 661)

§1-2.01. General Authority. (Amendment 779)

The Legislature, by general or local law, may fix, regulate, and alter the costs and charges of courts in Autauga County and provide for their distribution. (Amendment 779)

Article 2. Judges

§1-2.20. Judge of Probate Compensation. (Amendment 493)

Commencing at the next term of office, the probate judge of Autauga county shall be entitled to receive compensation in the form of an annual salary. Such annual salary shall be the amount of the minimum salary prescribed by general law and shall continue for the first three years of such term of office. Thereafter, the minimum annual salary of the probate judge of Autauga county shall be 90 percent of the annual compensation and allowance paid the presiding circuit judge of the 19th judicial circuit or the minimum salary prescribed by general law, whichever is higher. Such salary shall be paid in lieu of all other fees, allowances, and percentages heretofore provided by law, and shall be paid in equal monthly installments out of the general fund in the county treasury.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Autauga county shall hereafter continue to be collected but shall be paid into the county general fund. (Amendment 493)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§1-4.00. Autauga County and Municipalities Therein. (Amendment 183)

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

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

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

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

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

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

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

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

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

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

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of Autauga county or any

municipality therein for the purpose of determining their borrowing capacity under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

This amendment shall be self-executing; but the legislature may enact laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth.

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

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§1-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendments 626 and 907)

(a) For the purposes of this amendment, the words "elected or appointed Autauga County official" shall mean any person holding an office that entitles the person to participate in a supernumerary program or any person appointed to serve the remaining term of an elected or appointed county official.

(b) An elected or appointed Autauga County official may not assume a supernumerary office after January 6, 1999. Any person who, on January 6, 1999, is entitled to participate in that supernumerary program, may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Autauga County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Elected or appointed Autauga County officials holding office on January 6, 1999, shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office and must make the election within one year of January 6, 1999.

(c) A Sheriff of Autauga County first elected after the effective date of this amendment may not participate in a supernumerary program and may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. The Sheriff of Autauga County holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time he or she has served as sheriff. The sheriff shall forego the assumption of a supernumerary office and shall make the election within one year after the ratification date of this amendment. (Amendments 626 and 907)

Chapter 9. Public Safety

RESERVED
Chapter 10. Taxation
Article 1. Miscellaneous Provisions
RESERVED
Chapter 11. Zoning, Planning, and Utilities
RESERVED

Title 1A Autauga County Municipalities

Chapter 1. Miscellaneous Provisions
RESERVED

Title 2 Baldwin County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§2-2.00. Compensation of Certain Officials. (Amendment 229)

1. The legislature may, by general or local laws, fix, alter, and regulate the costs and charges of court and the fees, commissions, percentages, allowances, and salaries, including the method or basis of their compensation, to be charged or received by the judge of probate, sheriff, circuit clerk, register of the circuit court, tax assessor, tax collector, or any other officer of Baldwin county, and may place any of such officers on a salary and provide that the fees, commissions, percentages, and allowances collected by such officers shall be paid into the county treasury from which their salaries shall be paid. The compensation of such officers shall not be increased or diminished during their terms.

2. This article of amendment shall not become operative unless the same is approved by a majority of the qualified electors of Baldwin county who vote thereon upon its submission. (Amendment 229)

Article 2. Judges

§2-2.20. Judicial Commission. (Amendments 660, 780, and 923)

All vacancies in the office of judge of the circuit court and the office of judge of the district court holding in Baldwin County shall be filled in the manner and for the time as herein provided.

The Baldwin County Judicial Commission is created for the purpose of nominating to the Governor persons for appointment to a vacancy. The commission shall be composed of five members. The members of the commission shall be one person who is a member of the Alabama State Bar nominated by the Baldwin County Bar Association, the presiding circuit judge holding in Baldwin County, one member selected by the Baldwin County Commission, one member selected by the Baldwin County Mayors' Association where at least two thirds of the members are in attendance at the meeting where the selection is made, and one member who is not a member of the Legislature selected by the Baldwin County Legislative Delegation selected by random selection as designed by the members of the Alabama House of Representatives and the Alabama Senate who represent Baldwin County.

All members of the commission shall reside in the territorial jurisdiction of the circuit court holding in Baldwin County.

Only the member selected by the Baldwin County Bar Association and the presiding circuit judge holding in Baldwin County may be a member of the Alabama State Bar. The member of the commission who is required to be a member of the Alabama State Bar shall be elected by the members of the bar who are regularly licensed and qualified to practice law in this state and who reside in the territorial jurisdiction of the circuit court holding in Baldwin County. The Executive Committee of the Baldwin County Bar Association, or its successor body in that capacity, shall make rules, not inconsistent with this amendment, for the election of the member of the commission required to be a member of the Alabama State Bar. The executive committee shall certify in writing to the Judge of Probate of Baldwin County the name of the person elected as member of the commission by these members of the bar.

The presiding circuit judge holding in Baldwin County shall certify in writing to the Judge of Probate of Baldwin County the remaining names of the persons selected as members of the commission.

The terms of office of all members of the commission shall be six years. In event that an initial appointment or vacancy is not filled in 30 days, the vacancy shall be filled by the members of the Baldwin County Legislative Delegation residing in Baldwin County within 10 days. A vacancy in the office of a member of the commission shall be filled for the unexpired term in the same manner as the member was originally chosen.

The Judge of Probate of Baldwin County shall record all certificates of election and shall safely and permanently keep the original certificates. Forthwith upon his or her receipt and recordation of every certificate, the judge of probate shall send to the Governor a certified copy of every certificate.

No member of the commission shall be eligible for nomination to the Governor for appointment as judge of the circuit court or the district court during the term of office of the commission member.

The members of the commission shall not receive any salary or other compensation for their services as members. No member of the commission other than the member required to be a judge of the circuit court shall hold any public office, and no member of the commission shall hold any official position in any political party.

If a vacancy occurs in the office of judge of the circuit court or the office of judge of the district court holding in Baldwin County, the commission shall nominate within 30 days to the Governor three persons having the qualifications for the office. If the commission fails to nominate three names during the 30-day period, the names shall be selected by the members of the Baldwin County Legislative Delegation residing in the county within 10 days. The names of all persons considered for nomination shall be available for review by the public and shall be deemed a public record. The Governor shall appoint to the office in which the vacancy exists one of the three persons so nominated for the office. If the Governor fails to make an appointment from the list within 30 days from the date it is presented to the Governor, the appointment shall be made by the Chief Justice or the acting Chief Justice of the Supreme Court from the same list. The term of office of a judge appointed to fill a vacancy shall be as otherwise provided in Section 153 of the Constitution of Alabama of 1901. (Amendments 660, 780, and 923)

§2-2.21. Judge of Probate Jurisdiction. (Amendment 954)

The Judge of Probate of Baldwin County may exercise equity jurisdiction concurrent with that of the circuit court in cases originally filed in the Probate Court of Baldwin County if the judge of probate is a member of the Alabama State Bar. In any case subject to this amendment, the judge of probate shall possess the power and authority of a circuit court judge trying the case and the case shall be treated in all respects in the same manner as a case filed in circuit court. The Alabama Rules of Civil Procedure shall apply in the cases except as otherwise specifically provided by law. This amendment is self-executing, but the Legislature may enact additional laws to implement this amendment if needed. (Amendment 954)

Chapter 3. County Government, Finance, and Operations

Article 1. County Commission

§2-3.00. Home Rule. (Amendment 783)

Section 1. Limited Home Rule.

(a) Except as herein provided, the Baldwin County Commission may adopt ordinances, resolutions, or regulations relating to its property, affairs, and county government for which no

provision has been made by general law and which is not inconsistent with this constitution or any local law enacted by the Alabama Legislature. Notwithstanding the general grant of power in the preceding sentence, the Baldwin County Commission may not establish or levy any new tax or raise revenue except as authorized by this constitution or by general or local law enacted by the Legislature of the State of Alabama.

(b) The Baldwin County Commission, in the adoption of ordinances, resolutions, regulations, or amendments to such ordinances, resolutions, or regulations implementing the provisions of this amendment, shall provide for public notice and hearings as follows:

(1) The county commission shall hold two advertised public hearings on the proposed ordinance, resolution, or regulation or any amendment to ordinances, resolutions, or regulations at regularly scheduled meetings of the commission.

(2) The required advertisement shall be no less than one-eighth page in a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 14 point. This advertisement shall be placed in both that portion of the newspaper where legal notices and classified advertisements appear and in the other portion of the newspaper. The advertisement shall be published in newspapers of general paid circulation in the county and of general interest and readership in the community. In addition, the advertisement may be placed on a website.

(3) An ordinance may not be considered for adoption until the next regularly scheduled meeting of the county commission after the public hearings provided for above.

(c) Every ordinance of the Baldwin County Commission shall embrace only one subject and matter properly connected therewith, and the subject shall be briefly expressed in the title. No ordinance shall be revised or amended by reference to its title only. Ordinances to revise or amend shall set out in full the revised or amended section, subsection, or paragraph of a subsection. The enacting clause of every ordinance shall read: "Be It Ordained by the County Commissioners of Baldwin County."

(d) The Baldwin County Commission shall maintain a current codification of all ordinances. The codification shall be updated at least annually. All ordinances shall be available to the public at the main courthouse and at all satellite courthouses. A reasonable charge may be made for the copies but the charges shall not exceed the actual costs incidental to providing the copies. In addition, the county commission may post the ordinances on the Internet.

(e) The Baldwin County Commission may fix the salaries, compensation, expenses, and other benefits and terms of employment of those employed by the Baldwin County Commission, not to include any employee of the sheriff subject to Section 2-8.20, and establish and maintain retirement or pension systems, insurance, workers' compensation, hospitalization, and medical benefits for those employees as well as the employees of the Baldwin County Legislative Office. The Baldwin County Commission may employ a county administrator and other professional staff as it deems appropriate to be authorized and directed to perform any applicable management and administrative function associated with the management of county property and services.

Section 2. Supplementary powers.

(a) The Baldwin County Commission, in addition to, and supplementary of, all powers possessed by or conferred upon Baldwin County or otherwise provided by general law, may by ordinance or resolution exercise the following powers, and provide and regulate the following services, activities, programs, and facilities related thereto:

(1) Garbage and solid waste collection and disposal.

(2) Public health facilities and services, including hospitals, ambulance and emergency rescue services, and control of dangerous animals and animal nuisances not related to agricultural activities, operations, or practices.

(3) Public street and road construction and maintenance, including curbs, sidewalks, street lights, and devices to control the flow of traffic. Any construction and maintenance performed or authorized to be performed by county government shall be performed in accordance with engineering standards and shall be inspected to insure enforcement and compliance.

(4) Parks, recreational areas, programs, and facilities.

(5) Storm water management.

(6) Development, storage, treatment, purification, and distribution of water.

(7) Public housing, public buildings, and parking facilities.

(8) Public transportation.

(9) Libraries, archives, and arts and sciences programs and facilities.

(10) Economic development and tourism initiatives, developments, and projects.

(11) Adoption and enforcement of codes, including building, housing, plumbing, and electrical codes for the protection of the public.

(12) Litter, trash, and rubbish regulation and control on public roads, streets, or highways, or on or in public buildings, public parks, and public properties.

(b) Unless otherwise provided by an act of the Legislature in effect upon ratification of this amendment or unless otherwise provided by general law, Baldwin County may not exercise any of the supplementary powers listed in subsection (a) or provide any service listed therein inside the corporate limits of any municipality or within any other county, except by contract with the municipality, or county affected.

Section 3. Eminent domain.

The Baldwin County Commission may exercise the power of eminent domain as is authorized by general law and this constitution.

Section 4. Liability.

The Legislature may waive or limit the liability of Baldwin County by law.

Section 5. Debt limitation.

The debt incurred by Baldwin County, including debt incurred on behalf of any special district, may never exceed that authorized by general law or by the constitution.

Section 6. The Baldwin County Commission may provide for civil penalties for violations of its ordinances, rules, or regulations. Civil penalties set by the county commission may not exceed the average of those penalties set by the municipalities of Baldwin County which have adopted penalties for the same or similar offense. In case no municipality has set a penalty for an offense, the penalty shall be the same as provided for by general law.

Section 7. The powers granted to the Baldwin County Commission by this amendment shall not be construed to extend to any matters which the Legislature by general law has heretofore preempted by operation of law, nor shall the powers be construed to extend to any of the following matters:

(1) Action affecting any elective county office and the salaries thereof, except as provided by general law.

(2) Action affecting the composition, form, procedure for election or appointment, compensation, and expenses and allowances in the nature of compensation of the Baldwin County Commission, except as provided by local or general law or by the constitution.

(3) Action defining any criminal offense or providing for criminal punishment beyond that authorized by local or general law or by the constitution.

(4) Action extending the power of regulation over any business activity subject to regulation by the Alabama Public Service Commission or any other state agency beyond that authorized by local or general law or by the constitution.

(5) Action affecting the exercise of the power of eminent domain beyond that authorized by local or general law or by the constitution.

(6) Action affecting any court or the personnel thereof.

(7) Action affecting any public school system unless requested by the board of education of the school system.

(8) Action enabling pari-mutuel betting or any pari-mutuel betting facility, gaming or gaming devices, or any gambling.

(9) Action affecting in any manner the boundaries, revenues, powers, obligations, indebtedness, or government of a municipality.

(10) Action affecting the private or civil law governing private or civil relationships, except as is incident to the exercise of an independent governmental power.

(11) Action affecting agricultural and silvicultural activities, operations, or practices.

(12) Action affecting sanitary sewage collection and treatment until further authorized by the general laws of this state, or by local law.

Section 8. Nothing in this amendment shall be construed to permit the Baldwin County Commission to redistrict itself, except as provided by general law, or establish the number of commissioners or number of commission districts.

Section 9. The Legislature, by local law, may provide for the further implementation and administration of the provisions of this amendment upon request of the county commission. (Amendment 783)

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§2-4.00. Baldwin County and Municipalities Therein. (Amendment 750)

For the promotion of local economic and industrial development, the Baldwin County Commission and the governing body of any municipality located therein, any other provision of law or of this Constitution notwithstanding, shall have, independently or in cooperation with one another, full and continuing power to do any of the following:

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

(2) Lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county or the municipality, as applicable, all or any part of any site or industrial park project to any individual, firm, corporation, or other business entity, public or private, including any industrial development board or other public corporation or authority heretofore or hereafter created by the county or 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 Baldwin County or the municipality.

In carrying out the purposes of this amendment, neither Baldwin County nor the municipality shall be subject to Section 93 or 94 of this Constitution. Each public corporation heretofore created by Baldwin County or by the municipality, including, specifically, any industrial development board incorporated under Chapter 54, Article 4, Title ll of the Code of Alabama 1975, and any industrial development authority incorporated or reincorporated under Chapter 92A, Title ll of the Code of Alabama 1975, is validated and the powers granted to such board or authority under its respective enabling legislation are validated notwithstanding any other provision of law or of this Constitution. The powers granted in this amendment may be exercised as an alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the county, or to any municipality, or to any agency, board, or authority created pursuant to the laws of this state.

Baldwin County or any municipality located therein shall neither lend its credit to or grant any public funds or thing of value to or in aid of any private entity under the authority of this amendment unless prior thereto: (i) The action proposed to be taken by Baldwin County or the municipality is 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 such governing body that the expenditure of public funds for such purpose will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities; and (ii) at least seven days prior to the public meeting, a notice is published in the newspaper having the largest circulation in the county or in the 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 such 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. (Amendment 750)

§2-4.01. Promotion of Economic and Industrial Development in Several Counties. (Amendment 759)

For the promotion of local economic and industrial development, the governing body of Baldwin, Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa counties and of each municipality situated in said counties, other provisions of law or this Constitution notwithstanding, shall each have, independently or in cooperation with one or more of such governmental entities in such counties, full and continuing power (a) to purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site, or industrial park, projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and (b) to lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county, or of municipality exercising such power, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by any such county or municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and

operating of, industrial, transportation, distribution, warehouse or research facilities, and of office and other facilities auxiliary to the foregoing. Nothing herein shall authorize the counties named, or any municipality there, to construct residential or any other buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither the governing bodies of the counties named hereinabove, nor of any municipality situated in said counties to which this amendment is or becomes applicable, shall be subject to the provisions of sections 93 or 94 of the Constitution of Alabama, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the governing body of such counties, or of any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this state.

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

This amendment shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the legislature of Alabama; nor shall this amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said legislature.

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

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

(b) At least fourteen (14) days prior to such public meeting at which such price is approved by such governing body, it has published notice in the newspaper with the largest circulation in the county in which the property is located stating (1) the acreage proposed to be sold, (2) the section or sections or subdivisions of record in which the property is located, (3) the price per acre at which sale is proposed to be made, and (4) the place where a map of the property can be examined by the public; and

(c) The price thus approved is no less than the price advertised as aforesaid; provided, however, that should any real property be acquired for any purpose authorized by this amendment by eminent domain pursuant to other legislative authority as aforesaid, such property shall not be sold, in any event, for less than the price determined and paid pursuant to the orders of the court in such condemnation proceedings. Provided further, that no municipality shall acquire real property in unincorporated areas without a prior consent thereto as expressed in a resolution by the county governing body. Provided further, that no county or municipality shall acquire real property which is located in another county or municipality without such other county's or municipality's prior consent thereto as expressed in a resolution by its governing body. Nothing in the provisions of this constitutional amendment shall be construed to allow construction of dormitories or other type housing on or off university or college campuses. (Amendment 759)

[Note: Except for the addition of Baldwin County, Amendment 759 is identical to Amendment 429.]

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§2-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 716)

No person elected or appointed sheriff, or any elected or appointed Baldwin County official, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and elected or appointed Baldwin County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Baldwin County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 716)

§2-8.01. Mayors; Participation in RSA. (Amendment 910)

In Baldwin County, mayors of municipalities that participate in the Employees' Retirement System of Alabama may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. A mayor holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. (Amendment 910)

Article 2. Employee Personnel Boards

§2-8.20. Sheriff's Personnel Board; Participation. (Amendment 717)

No later than the first day of the sixth month after ratification of this amendment, employees of the Office of the Sheriff of Baldwin County, except for the chief deputy, chief corrections officer, chief civil deputy, financial officer, and personnel officer, shall be under the authority of the Baldwin County Sheriff's Personnel Board. The provisions of this amendment shall not affect the liability of the employees of the Office of the Sheriff of Baldwin County. (Amendment 717)

Article 3. Officials

§2-8.40. Revenue Commissioner; Term of Office. (Amendment 828)

Beginning with the second election cycle for the election of the Baldwin County Revenue Commissioner following the adoption of this amendment, and including the person serving as revenue commissioner on the date of the adoption of this amendment, the person elected revenue

commissioner, and all successors thereafter, shall serve a term of office of six years, beginning on the first Tuesday in February following the election date.

The person elected at the first election cycle for the election of the Baldwin County Revenue Commissioner following the adoption of this amendment shall serve a term of office that is adjusted to approximately five years to allow the person holding office on the date of the adoption of this amendment to serve a full six-year term. (Amendment 828)

Chapter 9. Public Safety

Article 1. Traffic Laws

§2-9.00. Use of Golf Carts. (Amendment 921)

(a) A municipality in Baldwin County may designate municipal streets or public roads within the municipality for use by golf carts. Before making that designation, the municipality shall first determine that golf carts may safely travel on or across the street or road. The municipality making the safety determination shall consider factors including, but not limited to, the speed, volume, and character of motor vehicle traffic using the road or street. Upon a determination that golf carts may be safely operated on the designated street or road, the municipality shall post appropriate signs to indicate that the operation of golf carts is authorized.

(b) A municipality that authorizes the use of golf carts pursuant to subsection (a) shall inspect any golf cart that an owner wishes to use pursuant to subsection (a) to determine if the safety equipment required by subsection (e) is present on the golf cart and shall verify that the operator of the golf cart on a municipal street or public road is covered by a policy of liability insurance held by the owner of the golf cart. The liability limits for operation of the golf cart shall be the same as for operation of a motor vehicle. If the proper safety equipment is present and the golf cart is covered by liability insurance, the municipality shall issue a permit to the owner upon payment of a permit fee. The municipality may designate the appropriate department of the municipality to inspect and permit golf carts and may adopt rules for permitting golf carts, including providing for a permit fee.

(c) A municipality may not allow a golf cart to operate on a municipal street or public road where the posted speed limit exceeds 25 miles per hour.

(d) A municipality may limit the operation of a golf cart pursuant to this section to only between the hours of sunrise and sunset.

(e) The golf cart shall be equipped with headlights, brake lights, turn signals, and a windshield.

(f) No person may operate a golf cart on a public street or road without a driver's license.

(g) A municipality may enact an ordinance regarding golf cart operation and equipment that is more restrictive than the restrictions enumerated in this section. Upon enactment, the municipality shall post appropriate signs or otherwise inform residents that the ordinance exists and will be enforced within the jurisdictional limits of the municipality.

(h) All golf carts shall be entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any golf cart of the full use of a lane.

(i) The operator of a golf cart may not overtake and pass in the same lane occupied by the vehicle being overtaken.

(j) A golf cart may not be operated between lanes of traffic or between adjacent lines or rows of vehicles.

(k) Golf carts may not be operated two or more abreast in a single lane.

(l) The unauthorized operation of a golf cart on a municipal street or public road is a violation for which the municipality may collect a civil penalty of up to fifty dollars ($50).

(m) Notwithstanding any other provision of this amendment, a municipality may enact an ordinance regarding golf cart operation and equipment that is less restrictive than the restrictions enumerated in this amendment authorizing the use of golf carts for periods not to exceed 80 hours by the municipality or a civic organization in conjunction with civic events or events to raise funds, promote economic development, or similar purposes as authorized in the ordinance. (Amendment 921)

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§2-10.00. Ratification of Ad Valorem tax levies. (Amendment 559)

(a) All ad valorem tax levies and payments collected in Baldwin County prior to the approval of this amendment, are hereby ratified, validated, and confirmed.

(b) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Baldwin County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this act, and no further election shall be required. (Amendment 559)

§2-10.01. Senior Citizen Property Tax Appraisals. (Amendments 782 and 802)

(a) In Baldwin County, a qualified taxpayer may claim a senior property tax appraisal on his or her ad valorem taxes. A qualified taxpayer shall meet all of the following requirements to be eligible for the senior property tax appraisal:

(1) Be age 65 or older for the tax year for which he or she claims the senior property tax appraisal.

(2) Have been assessed ad valorem taxes on any property within the county used as a principal place of residence for at least 10 years prior to the year for which he or she is claiming the senior property tax appraisal.

(b) The senior property tax appraisal provided for herein shall freeze the assessed value of the property for the year prior to claiming the senior property tax appraisal. The recipient of the senior property tax appraisal shall be subject to any applicable homestead exemption and millage rate changes. Any addition to the property after claiming the senior property tax appraisal shall not be eligible for the senior property tax appraisal.

(c) The Alabama Department of Revenue shall promulgate the rules as are necessary for the implementation and administration of the provisions of this amendment. (Amendments 782 and 802)

§2-10.02. Board of Equalization Membership. (Amendment 808)

(a) The State Revenue Commissioner, shall appoint not more than six additional persons to membership on the Baldwin County Board of Equalization. The State Revenue Commissioner shall make the appointments from a group of nominees submitted by the Baldwin County Commission, the Baldwin County Board of Education, and the governing body of the largest municipality located in Baldwin County. Each appointing authority shall submit a list of three names and the appointments shall be made within 30 days after receipt of the appropriate list. The initial appointments shall consist of three persons unless additional appointments are requested by the existing county board of equalization. The additional members shall closely reflect the racial, ethnic, gender, geographic, and age diversity of the county.

(b) The provisions of the general law and local law relating to the selection, qualifications, term of service, schedule of compensation, and oath of the initial members of the

board, including the prohibition relating to members holding other governmental positions, shall be applicable to the additional members appointed pursuant to this amendment.

(c) The additional members shall be appointed and serve for the limited purpose of hearing objections to any assessments or valuations fixed by the county revenue commissioner or other authorized taxing official.

(d)(1) During the term of office of the additional members, the board shall sit in two or more panels consisting of up to three members for the purpose of conducting hearings and making determinations concerning objections to any assessments or valuations fixed by the county revenue commissioner or other authorized taxing official.

(2) Each panel shall consist of at least one member who has served on the board for a period in which appeal hearings were held.

(e) When the board sits in panels of three members, each panel shall act in the same manner and under the same authority as the full board. All authority, duties, powers, and responsibilities of the board on any matter brought before the panel for hearing shall be exercised by the panel as though heard and decided by the full board. Decisions of each panel shall constitute a decision of the board. All procedures of the board relating to the conduct of hearings shall apply to hearings before either panel of the board.

(f) This amendment does not affect in any way the authority of the original board members to carry out all administrative, supervisory, and personnel duties existing on October 1, 2008. (Amendment 808)

§2-10.03. Occupational Tax Prohibited. (Amendment 858)

(a) No privilege or license tax on the gross receipts of any natural person derived from the conduct of a vocation, occupation, calling, or profession may be levied in Baldwin County.

(b) Nothing in this amendment is intended to repeal or affect the current authority granted by local act to Baldwin County to impose business licenses or the current authority granted to municipalities to impose municipal business licenses, including those imposed pursuant to Sections 11-51-90, 11-51-91, 11-51-92, and 11-51-93, Code of Alabama 1975. (Amendment 858)

Article 2. Schools

§2-10.20. Additional Tax for Educational Purposes. (Amendment 162)

Section 1. The court of county commissioners, board of revenue, or other like governing body of Baldwin county shall have power to levy and provide for collection of an additional county tax of fifty cents on each one hundred dollars worth of taxable property in the county, for public school purposes, in the same manner and subject to the same election requirements as provided in Sections 269.01 through 269.03 with respect to other county school taxes. The tax herein authorized shall be in addition to all other county taxes authorized in this Constitution as amended, and the proceeds thereof shall be spent for public school purposes only.

Section 2. If this amendment is approved and a majority of the qualified electors of the county who vote thereon vote in favor of the adoption of this amendment when it is submitted, the additional tax provided for in section 1 may be levied and collected thereafter without any other election having been held thereon. But if this amendment is approved and a majority of the qualified electors of the county who vote thereon vote against its approval, the tax may not be levied unless the rate of the tax, the time it is to continue, and the purpose thereof shall have been again submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one

year, and shall be called, held, and conducted in the same way, according to the general laws, as other elections on the question of levying special county school taxes. (Amendment 162)

§2-10.21. Sales and Use Tax for Educational Purposes. (Amendment 879)

(a) As used in this amendment, the term "state sales tax" means the tax or taxes imposed by Division 1 of Article 1 of Chapter 23 and by Article 3 of Chapter 23 of Title 40 of the Code of Alabama 1975, as amended (herein called "the Code"), including all other statutes of the State of Alabama (herein called "the state") which expressly set forth any exemptions from the computation of the taxes levied in Division 1 or Article 3 and all other statutes which expressly apply to, or purport to affect, the administration of Division 1 or Article 3 and the incidence and collection of the taxes imposed therein; and the term "state use tax" means the tax or taxes imposed by either Article 2 or Article 3 of Chapter 23 of Title 40 of the Code, including all other statutes of the state which expressly set forth any exemptions from the computation of the tax levied in Article 2 or Article 3 and all other statutes of the state which expressly apply to, or purport to affect, the administration of Article 2 or Article 3 and the incidence and collection of the taxes imposed therein.

(b) Subject to the provisions of this amendment, there are hereby levied in Baldwin County (herein called "the county"), in addition to all other taxes now authorized, or that may hereafter be authorized by the Constitution and laws of Alabama, to be levied in the county, sales and use taxes (herein together called "the county sales and use taxes") that parallel, except for the rate or rates of such taxes (as hereinafter specified), the state sales tax and the state use tax. The duration of the levy of the county sales and use taxes hereunder shall be a period of five (5) years, commencing on June 1, 2013, subject to extension or renewal as authorized by the Legislature in accordance with a local legislative act.

(c) The rate of the county sales and use taxes shall be one percent on any transaction that is subject to taxation by the state pursuant to the provisions of (i) either subdivision (1), subdivision (2), or subdivision (5) of Section 40-23-2 of the Code, or (ii) subsection (a) of Section 40-23-61 of the Code.

(d) The rate of the county sales and use taxes shall be one-half of one percent (.5%) on any transaction that is subject to taxation by the state pursuant to the provisions of (i) either subdivision (3) or subdivision (4) of Section 40-23-2 of the Code; or (ii) either subsection (b) or subsection (c) of Section 40-23-61 of the Code; (iii) either Section 40-23-37 or Section 40-23-63, Code of Alabama 1975; or (iv) Article 3 of Chapter 23 of Title 40 of the Code, as the case may be.

(e) The county sales and use taxes shall, as the Baldwin County Commission (hereafter "the commission") may from time to time determine, be collected either by the commission or by any person, firm, or corporation (whether public or private) with which the commission may contract to collect the county sales and use taxes or any other tax or taxes levied by, or in, the county, all in accordance with, and subject to, applicable provisions of law as are from time to time in effect.

(f) All provisions of law from time to time in effect with respect to the payment, assessment, and collection of the state sales tax and the state use tax, and any and all reports, records, and penalties for failure to pay such taxes, the promulgation of rules and regulations with respect to such taxes, and the administration and enforcement of such taxes or such provisions of law (as the case may be), shall, to the extent not inconsistent with this amendment, apply to the county sales and use taxes.

(g) The commission shall remit to any local boards of education in the county in accordance with state law all amounts collected by the commission from the sales and use tax levied pursuant to the terms of this amendment, less collection fees charged by the commission in accordance with this amendment, applicable state law and any agreements entered into between the commission and the Baldwin County Board of Education or any local board of education in the county not inconsistent with this amendment or state law.

(h) Notwithstanding any provision of law now existing or hereafter enacted by the Legislature, the board of education shall pay, or shall cause to be paid, all costs and expenses incurred (whether by the state, the county or any other political subdivision or public body) in connection with the call, conduct, canvass or contest of any special election hereafter held (whether pursuant to, or in accordance with, the provisions of this amendment or otherwise) for the purpose of levying, or authorizing the levy of, any tax (regardless of the character or nature thereof) all or a majority of the revenues from which may, prior to such special election, be dedicated by constitutional amendment, general law, statute, local legislative act or otherwise (or by ordinance or resolution of the commission) for public school or public educational purposes in the county, or which may be otherwise payable (or paid) to the Baldwin County Board of Education. The provisions of this paragraph shall remain in full force and effect notwithstanding the expiration or termination of any sales or use tax levied, extended or renewed pursuant to other provisions of this amendment.

(i) The commission is hereby empowered to collect the county sales and use taxes and to enforce the provisions of this amendment, and it shall have and exercise all rights and remedies that the state has for the collection of the state sales tax and the state use tax (as the case may be).

(j) The foregoing provisions of this amendment shall be and are hereby declared to be self-executing; but the Legislature may enact general or local laws that implement, supplement or further any or all of the foregoing provisions of this amendment. (Amendment 879)

Article 3. Health

§2-10.40. Special Tax for Hospital Purposes. (Amendment 230)

In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, the governing body of Baldwin county shall levy and cause to be collected annually a special district tax, not exceeding 50 cents on each 100 dollars assessed valuation of taxable property in election precincts numbered one through seven of Baldwin county, Alabama, to be used exclusively for public hospital purposes (as the term "public hospital purposes" is defined in Section 215.03) within said election precincts numbered one through seven; provided that the time during which such tax is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in election precincts numbered one through seven of Baldwin county and voted for by a majority of such electors voting at such election. The governing body of Baldwin county may call an election at any time, and it shall be the duty of such governing body to call an election to be held within ninety days after receipt by it of a petition signed by not less than 5% of the qualified electors of said election precincts numbered one through seven, requesting that such election be called. The governing body may call such election to be held at the same time that this amendment is submitted to the electors of the state for ratification and such election shall be effective to require the levy and collection of such tax in the event that this amendment shall be ratified. The notice of such election, ballots to be used at such election and procedures for holding and determining the results of such election shall be prescribed by the governing body of Baldwin county. No election shall be held hereunder within one year from the date of the last election so held.

Whenever such tax shall have been authorized by vote of such qualified electors, and levied by the governing body of Baldwin county, such governing body may anticipate the proceeds therefrom for any one or more of the purposes for which the tax shall have been voted, by issuing, without further election, interest bearing tax anticipation bonds, warrants, or certificates of indebtedness of said county payable solely from and secured by a pledge of a sufficient amount of the annual proceeds from said tax received by the county.

The governing body of Baldwin county shall have power to designate as the agency of the county, to construct, acquire, equip, operate and maintain public hospital facilities for said election precincts numbered one through seven any public corporation heretofore or hereafter organized for hospital purposes in the county. When a public corporation shall have been so designated, the proceeds of said tax thereafter collected shall be paid to it and shall be used by it for any one or more of the purposes for which the tax shall have been voted; provided, that payments of the proceeds of said tax to said public corporation shall be made only to such extent as will not result in the impairment of the obligation of any contract theretofore made with respect to said tax. Said public corporation may anticipate the proceeds from said tax so required to be paid to it by issuing, for any one or more of the purposes for which the tax shall have been voted, the bonds, warrants, or certificates of indebtedness of said corporation, and may pledge for the payment of the principal thereof and interest thereon a sufficient amount of the annual proceeds from said tax so paid to it.

No securities issued or contracts made by Baldwin county under the authority of this amendment, which are payable solely out of the proceeds of said tax, and no securities issued or contracts made by any such public corporation, whether or not issued or made under the authority of this amendment, shall be construed to be bonds of Baldwin county or of a political subdivision thereof within the meaning of section 222 of the Constitution, or construed to create or constitute an indebtedness of the county within the meaning of section 224 of the Constitution. Said securities shall be construed to be negotiable instruments notwithstanding the fact that they may be payable solely from a limited source. All pledges of said tax and all contracts made with respect thereto pursuant to the provisions of this amendment shall take precedence in the order in which they are made and shall create a charge on the proceeds of said tax prior to the expenses of operating and maintaining any public hospital facilities.

As used in this article, the term "election precincts" means the election precincts or beats of the county as they existed on July 27, 1965. (Amendment 230)

§2-10.41. Special Tax for Hospital Purposes; Continued. (Amendments 471 and 795)

The special district tax now levied and collected for public hospital purposes in election precincts numbered one through seven of Baldwin County, Alabama, and authorized by law shall be continued upon approval of this constitutional amendment and by simultaneous approval of a majority of the qualified electors in election precincts one through seven of Baldwin County voting thereon in the constitutional election submitting this proposed amendment to the county electorate.

Upon such approval, the governing body of Baldwin County shall levy and cause to be collected annually, beginning October 1, 2007, for a period of 20 years, in addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, a special district tax of two mills on each one dollar ($1.00) assessed valuation of taxable property in election precincts numbered one through seven of Baldwin County, Alabama, to be used

exclusively for public hospital purposes (as the term "public hospital purposes" is defined in Section 215.03) within said election precincts numbered one through seven.

Whenever such tax shall have been authorized by vote of such qualified electors, and levied by the governing body of Baldwin County, such governing body may anticipate the proceeds therefrom for any one or more of the purposes for which the tax shall have been voted, by issuing, without further election, interest bearing tax anticipation bonds, warrants, or certificates of indebtedness of said county payable solely from and secured by a pledge of a sufficient amount of the annual proceeds from said tax received by the county.

The governing body of Baldwin County shall have power to designate as the agency of the county, to construct, acquire, equip, operate and maintain public hospital facilities for said election precincts numbered one through seven any public corporation heretofore or hereafter organized for hospital purposes in the county. When a public corporation shall have been so designated, the proceeds of said tax thereafter collected shall be paid to it and shall be used by it for any one or more of the purposes for which the tax shall have been voted; provided, that payments of the proceeds of said tax to said public corporation shall be made only to such extent as will not result in the impairment of the obligation of any contract theretofore made with respect to said tax. Said public corporation may anticipate the proceeds from said tax so required to be paid to it by issuing, for any one or more of the purposes for which the tax shall have been voted, the bonds, warrants, or certificates of indebtedness of said corporation, and may pledge for the payment of the principal thereof and interest thereon a sufficient amount of the annual proceeds from said tax so paid to it.

No securities issued or contracts made by Baldwin County under the authority of this amendment, which are payable solely out of the proceeds of said tax, and no securities issued or contracts made by any such public corporation, whether or not issued or made under the authority of this amendment, shall be construed to be bonds of Baldwin County or of a political subdivision thereof within the meaning of Section 222 of the Constitution, or construed to create or constitute an indebtedness of the county within the meaning of Section 224 of the Constitution. Said securities shall be construed to be negotiable instruments notwithstanding the fact that they may be payable solely from a limited source. All pledges of said tax and all contracts made with respect thereto pursuant to the provisions of this amendment shall take precedence in the order in which they are made and shall create a charge on the proceeds of said tax prior to the expenses of operating and maintaining any public hospital facilities.

As used in this act, the term "election precincts" means the election precincts or beats of the county as they existed on July 27, 1965.

This amendment shall be self-executing. (Amendments 471 and 795)

Article 4. Public Buildings

§2-10.60. Special Tax for Library Purposes. (Amendment 319)

A. In addition to all taxes now or hereafter authorized by the Constitution of Alabama, including Section 215.05, Baldwin county or any incorporated municipality within such county which supports, jointly supports, or proposes to support a public library is hereby authorized to levy and collect a special tax of not more than forty-five cents on each one hundred dollars worth of taxable property within such county or municipality as assessed for state taxation. The proceeds of all such taxes shall be used exclusively for public library purposes; provided, that the levy of such tax, the rate of such tax and the purpose thereof shall have been first submitted to the vote of the qualified electors of the county or municipality and voted for by a majority of those voting at such election.

B. Upon petition signed by four hundred or more qualified electors of Baldwin county to the Baldwin county commission or like governing body, or upon a petition signed by two hundred or more qualified electors of any municipality in such county to the governing body of such municipality, the county commission or the governing body of the municipality shall order an election to be held to determine whether a special tax shall be levied at the rate specified by the governing body of such county or municipality for public library purposes.

C. Elections under this amendment relative to additional county taxes for county public library purposes shall be held at the same time any other general or special election is held in which the voters of the entire county are qualified to vote, and elections under this amendment relative to municipal taxes for municipal library purposes shall be held at the same time any other municipal election is held.

D. If authorized by the vote of the majority of the qualified electors voting in any such election called for the purpose, the county or city governing body, as the case may be, shall levy and collect, in addition to all other taxes authorized by law, a special annual ad valorem tax at the rate prescribed and approved by the electors voting in the election. If the majority vote at any election held hereunder is not in favor of the levy of the tax, or if at any such election the special tax shall be voted at a rate of less than forty-five cents on each one hundred dollars worth of taxable property, then the governing body of the county or city, as the case may be, may from time to time thereafter call other elections hereunder on the levy of the special tax or on the increase of the rate thereof, up to but not exceeding a total amount of forty-five cents on each one hundred dollars of taxable property, and must call any such election at the next general or special countywide election or next municipal election, as the case may be, next following the receipt of a petition in the manner and form herein prescribed. Provided, however, that not more than one election upon the levy or upon the increase of the rate of the special tax shall be held during any period of twelve consecutive months. After the special tax shall have been levied for a period of three years, the governing body of the county or city, as the case may be, upon its own original action may from time to time thereafter call other elections hereunder on the question of the discontinuance of the tax or a reduction on the rate thereof, upon the payment in full of all obligations then outstanding, if any, and when a reduced rate will provide sufficient revenue for the purposes for which the tax was levied. If the majority of electors participating in the election vote in favor of the discontinuance or reduction in the rate of the tax, as the case may be, such discontinuance or reduction shall become effective for the tax year next succeeding the tax year in which such election is held. Provided, that not more than one election for the discontinuance or reduction in the rate of the special tax shall be held during any period of twelve consecutive months. All such elections shall be called, held and conducted in the same manner as are elections proposing the special tax. (Amendment 319)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Public Works

§2-11.00. Drainage Systems, Public Roads, and Seawalls; Baldwin and Mobile Counties. (Amendment 15)

The legislature may form or provide for the formation of districts for establishing and maintaining a drainage system; for the building and maintaining of public roads, and for building and maintaining a seawall or other protection against waves, storm or flood therein; and provide for the assessment of the whole or part of the cost of such improvements against the land in such districts to the extent of the increased value of such land by reason of the special benefits derived from such improvements, and may provide for issuance of bonds by such district with or without

an election. Provided the provisions as to road and seawall shall apply only to Mobile and Baldwin counties. (Amendment 15)

Article 2. Fire Protection

§2-11.20. Creation of Districts; Collection of Fees. (Amendment 365)

The legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, and financing of local districts within Baldwin county as public corporations to provide fire fighting and prevention services; and may authorize such fire districts to fix and collect rates, fees and charges for such services, and to provide penalties for non-payment and liens upon the property within any such district; authorize the borrowing of money and the issuance of bonds and other obligations by or on behalf of any such fire district; provided that Baldwin county shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Baldwin county; providing further that a majority of the qualified electors of any prospective fire fighting or prevention district created by any law authorized by this proposed amendment shall give their prior approval to the creation of any such fire district and the fees, rates, charges, bond issue or other financing agreements thereto in an election thereon. This amendment shall not have been adopted unless a majority of the qualified electors of this state who participate in the election held on the adoption of this amendment vote in favor thereof. Any law enacted at the current session of the legislature to authorize the creation of such fire districts in Baldwin county and to implement this amendment to the Constitution (whether with or without published notice of intention) shall become effective upon the ratification of this amendment. (Amendment 365)

Article 3. Annexation

§2-11.40. General Provisions. (Amendment 627)

In Baldwin County, the Legislature may not enact a local law annexing to a municipality any territory that is separated from the annexing municipality by a body of water or separated from the annexing municipality by an interstate highway and not contiguous and connected to the municipality by a publicly owned and maintained underpass, overpass, or exchange allowing toll-free two-way access to and from the annexing municipality unless the annexation is subject to approval at a referendum election in the territory to be annexed. (Amendment 627)

§2-11.41. Stockton Landmark District. (Amendment 861)

(a) For the purposes of this amendment, the "Stockton Landmark District" is defined as follows:

Beginning at the point where I-65 intersects the line which divides R2E and R3E; thence, north to Little Halls Creek; thence, follow Little Halls Creek in a westwardly direction to Halls Creek; thence, follow Halls Creek to Tensaw Lake; thence, follow meanders of Tensaw Lake in a southerly direction until it meets the Tensaw River; thence, follow meanders of Tensaw River until it meets I-65; thence, follow I-65 in E/NE direction to point of beginning.

(b) No property within the Stockton Landmark District may be annexed into any municipality by local law.

(c) Subsection (b) shall not apply to any municipality incorporated after the ratification of this amendment which includes any part of the Stockton Landmark District. (Amendment 861)

§2-11.42. Rosinton Landmark District. (Amendment 955)

(a) For the purposes of this amendment, the "Rosinton Landmark District" in Baldwin County is defined as follows:

Commencing at the Southeast corner of Section 19, Township 5 South, Range 5 East, Baldwin County, Alabama; thence run in a northerly direction along the East line of said Section

lines 19, 18, 7, 6, 31 and 30 to the Northeast corner of Section 30, Township 4 South, Range 5 East; thence run in a westerly direction along the North line of said Section 30, 25, 26 and 27 to the Northwest corner of Section 27, Township 4 South, Range 4 East; Thence run South along the West line of Section 27, Township 4 South, Range 4 East to the Southwest corner of said Section 27; then run West along the North lines of Section 33 and 32 to the Northwest corner of Section 32, Township 4 South, Range 4 East; Thence run South along the West line of Sections 32, 5 and 8 to a point on said section line that intersects with the East bank of the Blackwater River; thence run in a southerly direction along the meanderings of the East bank of said Blackwater River to a point where said Blackwater River intersects with the North line of Section 29, Township 5 South, Range 4 East; thence run East along the North line of Sections 29, 28, 27, 26, 25 and 30 to the Southeast corner of Section 19, Township 5 South, Range 5 East back to the point of beginning, LESS AND EXCEPT any portion of said property now lying within the corporate limits of The Town of Loxley, Alabama, all being situated in Baldwin County, Alabama.

(b) No property within the Rosinton Landmark District may be annexed into any municipality by local law.

(c) Subsection (b) shall not apply to any municipality incorporated after the ratification of this amendment which includes any part of the Rosinton Landmark District. (Amendment 955)

§2-11.43. Barnwell Landmark District. (Amendment 956)

Part I.

(a) For the purposes of this amendment, the "Barnwell Landmark District" in Baldwin County is defined as follows:

Commence at the Southeast Corner of Old Battles Village, Phase One, on the North margin of Baldwin County Highway Number 34 (A.K.A. Old Battles Road), as shown by map or plat thereof recorded on Slide File 2312-B, Probate Records, Baldwin County, Alabama for a POINT OF BEGINNING: Thence run South to the South margin of said Baldwin County Highway Number 34 (A.K.A. Old Battles Road); thence run Westward, along the South margin of said Baldwin County Highway Number 34 to the Southeast Corner of the intersection of Baldwin County Highway Number 34 (A.K.A. Old Battles Road) and Baldwin County Highway Number 3 (A.K.A. South Section Street); thence run Southward along the East margin of said Baldwin County Highway Number 3 to the Southeast Corner of the intersection of Baldwin County Highway Number 3 (A.K.A. South Section Street) and Baldwin County Highway Number 32 (A.K.A. Marlow Road); thence run Westward along the South margin of said Baldwin County Highway Number 32 and extension thereof to the East margin of Mobile Bay; thence run South and Southeastward along the East margin of Mobile Bay and Bon Secour Bay to the Westward side of the mouth of Weeks Bay; thence run North and Northeastward along the West margin of said Weeks Bay to the Westward side of the mouth of Fish River; thence run Northward along the West margin of said Fish River and the meanders thereof to the South margin of Baldwin County Highway Number 48 (A.K.A. Fairhope Avenue); thence run Westward along the South margin of said Baldwin County Highway Number 48 to the Southeast Corner of the intersection of Baldwin County Highway Number 48 (A.K.A. Fairhope Avenue) and Alabama State Highway Number 181; thence run Southward along the East margin of said Alabama State Highway Number 181 to the South margin of Baldwin County Highway Number 34 (A.K.A. Twin Beech Road); thence run Westward along the South margin of said Baldwin County Highway Number 34 to the Southwest Corner of the intersection of Baldwin County Highway Number 34 (A.K.A. Twin Beech Road) and Baldwin County Highway Number 13

(A.K.A. Oberg Road); thence run Southward along the West margin of said Baldwin County Highway Number 13 to the South boundary of the current City of Fairhope Corporate Limits; thence run Westward along said Corporate Limits South boundary to the Southeast Corner of Saddlewood Subdivision, Phase 1, as shown by map or plat thereof recorded on Slide File 2500-E, Probate Records, Baldwin County, Alabama; thence continue Westward along said Saddlewood Subdivision, Phase 1 South boundary to the Southeast Corner of Saddlewood Subdivision, Phase 2, as shown by map or plat thereof recorded on Slide File 2542-D, Probate Records, Baldwin County, Alabama; thence continue Westward along said Saddlewood Subdivision, Phase 2 South boundary to the Southeast Corner of Southland Place, Phase Two, a Planned Unit Development, as shown by map or plat thereof recoded on Slide File 2087-B, Probate Records, Baldwin County, Alabama; thence continue Westward along said Southland Place, Phase Two South boundary to the Southeast Corner of Southland Place, Phase One, a Planned Unit Development, as shown by map or plat thereof recorded on Slide 2051-E, Probate Records, Baldwin County, Alabama; thence continue Westward and Northward along said Southland Place, Phase One South boundary to the Southwest Corner of Southland Place, Phase One, a Planned Unit Development on the East margin of U. S. Highway No. 98 (A.K.A. Greeno Road), as shown by map or plat thereof recorded on Slide File 2051-E, Probate Records, Baldwin County, Alabama; thence run West to the West margin of U. S. Highway No. 98 (A.K.A. Greeno Road); thence run Northward along the West margin of said U. S. Highway No. 98 to the South boundary of the current City of Fairhope Corporate Limits; thence run Westward along and following said Corporate Limits South boundary to the Southeast Corner of Huntington, Phase One, as shown by map or plat thereof recorded on Slide File 2184-D, Probate Records, Baldwin County, Alabama; thence continue Westward along the South boundary of said Huntington, Phase One to the Eastern boundary of the current City of Fairhope Corporate Limits; thence run Southward and Westward along and following said Corporate Limits to the East boundary line of Old Battles Village, Phase Three, a Planned Unit Development, according to the map or plat thereof recorded on Slide File 2632-A, Probate Records, Baldwin County, Alabama; thence run Southward along the East boundaries of said Old Battles Village, Phase Three, and Old Battles Village, Phase Two, a Planned Unit Development, and Old Battles Village, Phase One, a Planned Unit Development, as shown by maps or plats thereof recorded on Slide Files 2597-A and 2312-B, Probate Records, Baldwin County, Alabama to the Point Of Beginning.

LESS AND EXCEPT therefrom any portion of the above described property which lies within the corporate limits of the City of Fairhope, Alabama.

(b) No property within the Barnwell Landmark District may be annexed into any municipality by local law.

(c) Subsection (b) shall not apply to any municipality incorporated after the ratification of this amendment which includes any part of the Barnwell Landmark District.

(d) The Barnwell Landmark District shall not be considered a legal entity and shall not have any of the following powers or authority:

(1) Standing to sue or be sued.

(2) Taxing authority.

(3) Zoning authority.

(4) Police power and public safety authority.

(5) Authority to adopt ordinances, rules, or regulations within its boundaries.

(6) Any other authority or power commonly associated with a legal entity.

Part II.

Any landmark district created in Baldwin County by an amendment to this constitution prior to the ratification of this amendment shall not be considered a legal entity and shall not have any of the following powers or authority:

(1) Standing to sue or be sued.

(2) Taxing authority.

(3) Zoning authority.

(4) Police power and public safety authority.

(5) Authority to adopt ordinances, rules, or regulations within its boundaries.

(6) Any other authority or power commonly associated with a legal entity. (Amendment 956)

Article 4. Wastewater Systems

§2-11.60. Regulation of Wastewater Systems and Utilities. (Amendments 781 and 810)

(a) This amendment shall apply only in Baldwin County.

(b) For the purpose of this amendment, the following terms have the following meanings:

(1) WASTEWATER SYSTEM. A system of pipes, lines, meters, pumps, equipment and facilities, all or part of which are located in the unincorporated areas of Baldwin County and which are owned or operated by a wastewater utility, as defined herein, for the collection, treatment, and disposal of wastewater from homes, schools, businesses, and other entities in which solids, sewerage, nonhydrocarbon greases, and oils are collected for treatment or where wastewater is collected for disposal. Individual septic tank systems and all portable toilets are expressly excluded from the definition of the term wastewater system.

(2) WASTEWATER UTILITY. The owner or operating entity of a wastewater system, whether privately owned or publicly owned, including privately owned wastewater systems, municipally owned wastewater systems, and wastewater systems owned by or through boards or other entities established by municipal corporations or as otherwise provided by state law.

(3) WASTEWATER. Solids, sewerage, nonhydrocarbon greases, and oils.

(c) The Legislature may by general or local law provide for the regulation of wastewater utilities, whether privately owned or publicly owned, in the unincorporated area of the county. The regulation may include uniform minimum standards for the design, placement, construction, operation, and maintenance of wastewater systems and the regulation of the establishment of reasonable and just rates for consumers and the wastewater utilities. In the case of uniform minimum standards established within any extraterritorial jurisdiction of a municipality, the standards established pursuant to the authority granted in this amendment shall apply. Any minimum standard adopted pursuant to this amendment shall not apply to any part of a wastewater system installed or permitted prior to the effective date of the standard unless it is determined necessary for the protection of the public health and welfare and the environment of Baldwin County. All laws, rules, regulations, construction standards, and specifications regulating wastewater systems and wastewater utilities shall be non-discriminatory and apply equally to all wastewater systems and wastewater utilities operating or located within the unincorporated areas of the county.

(d) The Legislature may authorize the levy of taxes or fees in an amount not to exceed five percent of the gross receipts from the connection, collection, and treatment revenues collected from customers of wastewater utilities in the unincorporated area of the county to be used for the purposes of the administration of regulation adopted pursuant to this amendment.

(e) The Legislature may provide for the mandatory connection to wastewater systems where service is reasonably available and where it is in the best interest for the protection of the public health and welfare and the environment of Baldwin County.

(f) The Legislature by general or local law may authorize the exercise of the power of eminent domain for the construction of wastewater utilities in the county.

(g) The Legislature may, by general or local law, provide for the implementation and administration of the provisions of this amendment. (Amendments 781 and 810)

Article 5. Public Property

§2-11.80. Control of County Owned Property. (Amendment 809)

In Baldwin County, the county commission may by resolution adopt ordinances related to the use and control of county owned public buildings, public parks, boat launches, and historic sites. The ordinances shall be adopted in the same manner and under the same conditions as municipalities in this state may adopt ordinances pursuant to general law except the penalties may not exceed the penalties authorized for a Class C misdemeanor pursuant to general law. (Amendment 809)

Title 2A. Baldwin County Municipalities

Chapter 1. Miscellaneous Provisions.

RESERVED

Chapter 2. Bay Minette

§2A-2.00. Membership of Municipal Planning Commission. (Amendment 900)

(a) The Mayor of Bay Minette may appoint up to two additional members to the Bay Minette Municipal Planning Commission created pursuant to Section 11-52-3, Code of Alabama 1975.

(b) The two additional members authorized under subsection (a) shall be individuals residing outside the corporate limits of the municipality, but within the territorial jurisdiction of the planning commission at the time of the appointment.

(c) Upon appointment, the two additional members shall serve the same terms and shall have the same powers and duties as other members of the planning commission. (Amendment 900)

Title 3 Barbour County

Chapter 1. Miscellaneous Provisions.

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§3-2.00. Compensation of Certain Officials. (Amendment 290)

The legislature may from time to time, by general or local laws, fix, alter and regulate the costs and charges of courts in Barbour county, and regulate the fees, commissions, percentages, allowances, and compensation to be charged or received by the probate judge and the sheriff of Barbour county, and may place the sheriff on a salary basis and provide for the fees charged or collected by him to be paid into the county treasury from which his salary shall be paid. (Amendment 290)

§3-2.01. County Jail. (Amendment 560)

(a) In addition to any court costs and fees now or hereafter authorized, and notwithstanding any other provisions of the Constitution, including without limitation Sections 96, 104, and 105 of the Constitution of Alabama of 1901, there shall be an additional twenty-five dollar ($25) fee assessed and taxed as costs on each civil case and an additional fifty dollar ($50) fee assessed on each criminal case, including traffic cases, filed in the Circuit Court, District Court, or any Municipal Court in Barbour County, as well as a fee not to exceed five dollars ($5) for the service of all pleadings and other documents in connection with any such action or case. The aforementioned fees shall not be waived by any court unless all other fees, assessments, costs, fines, and charges associated with the cases are waived. The additional fees, when collected by the clerks or other collection officers of the courts, shall be paid into the General Fund of Barbour County to be used by the county commission for the planning, designing, construction, financing, and operation of a new county jail. This amendment shall be self-executing and shall require no enabling legislation.

(b) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Barbour County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this amendment, and no further election shall be required. (Amendment 560)

Article 2. Judges

§3-2.20. Judge of Probate Compensation. (Amendment 601)

(a) Effective October 1, 1997, the Judge of Probate of Barbour County shall receive compensation in the form of an annual salary in the amount provided by general or local law, which salary may be set from time to time by the Legislature. The salary paid in lieu of all other fees, allowances, and percentages heretofore provided by law, shall be paid in equal monthly installments out of the general fund in the county treasury.

(b) All fees, commissions, allowances, percentages, and other charges collected for the use of the Judge of Probate of Barbour County shall continue to be collected, but shall be paid into the county general fund. (Amendment 601)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§3-4.00. Barbour County and Municipalities Therein. (Amendment 757)

For the promotion of local economic and industrial development, the Barbour County Commission and the governing body of any municipality located therein, any other provision of law or of this Constitution notwithstanding, shall have, independently or in cooperation with one another, full and continuing power to do any of the following:

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

(2) Lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county or the municipality, as applicable, all or any part of any site or industrial park project to any individual, firm, corporation, or other business entity, public or private, including any industrial development board or other public corporation or authority heretofore or hereafter created by the county or 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 Barbour County or the municipality.

In carrying out the purposes of this amendment, neither Barbour County nor the municipality shall be subject to Section 93 or 94 of this Constitution. Each public corporation heretofore created by Barbour County or by the municipality, including, specifically, any industrial development board incorporated under Chapter 54, Article 4, Title ll of the Code of Alabama 1975, and any industrial development authority incorporated or reincorporated under Chapter 92A, Title ll of the Code of Alabama 1975, is validated and the powers granted to such board or authority under its respective enabling legislation are validated notwithstanding any other provision of law or of this Constitution. The powers granted in this amendment may be exercised as an alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the county, or to any municipality, or to any agency, board, or authority created pursuant to the laws of this state.

Barbour County or any municipality located therein shall not lend its credit to or grant any public funds or thing of value to or in aid of any private entity under the authority of this amendment unless prior thereto: (i) The action proposed to be taken by Barbour County or the municipality is 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 such governing body that the expenditure of public funds for such purpose will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities; and (ii) at least seven days prior to the public meeting, a notice is published in a newspaper or newspapers having a general circulation in the county or in the 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 such 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. (Amendment 757)

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§3-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 957)

No person elected or appointed Sheriff of Barbour County, or any elected or appointed Barbour County official, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff or other elected or appointed Barbour County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Barbour County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this amendment, the words "elected or appointed county official" include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, constable, legislator, school board member, or any official elected from a judicial circuit. (Amendment 957)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Public Buildings

§3-10.20. Special Tax for Courthouse Purposes. (Amendment 143)

The court of county commissioners, board of revenue, or like governing body of Barbour county may levy each year hereafter, in lieu of the tax levy authorized by the first proviso of section 215, article XI of the Constitution, a special county tax on the taxable property within the county at a rate not to exceed twenty-five cents on each one hundred dollars worth of taxable property in such county, to pay any debt or liability incurred for the erection of a new county courthouse, for the construction, repair, and maintenance of other necessary public buildings, and for general county purposes; provided, that the rate of such tax, the time it is to continue, and the purpose thereof shall have been first submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at such election. The election shall be held and conducted in the same manner as county school tax elections, except that no petition of electors shall be necessary to initiate the same. (Amendment 143)

Chapter 11. Zoning, Planning, and Utilities

RESERVED

Title 3A Barbour County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 4 Bibb County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§4-2.00. Compensation of Sheriff. (Amendment 306)

The legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate, and alter the costs, charges of courts, fees, commissions, allowances, or compensation to be charged or received by the sheriff of Bibb county, and may also fix, regulate, and alter the method or basis of compensating such officer. (Amendment 306)

§4-2.01. Compensation of Certain Officials. (Amendment 332)

The legislature may, from time to time, by general or local laws applicable to or operative in Bibb county and approved by a majority of the qualified electors of Bibb county at a referendum election, fix, regulate, and alter the costs and charges of court and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the probate judge, the circuit clerk and the register, the tax assessor, and the tax collector of Bibb county; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid.

In the event this amendment is approved and a majority of the qualified electors of said county who vote thereon vote in favor of the adoption of this amendment when it is submitted, then any law theretofore passed which places any officers in Bibb county on a salary basis, or any law fixing, regulating, and altering the costs and charges of court and the fees, commissions, allowances, and salaries of any officer in Bibb county, may become effective without any other election having been held thereon. In the event this amendment is approved and a majority of the qualified electors of said county who vote thereon vote against its approval, then such act or acts shall have no further force or effect. (Amendment 332)

§4-2.02. County Jail. (Amendment 628)

In addition to any court costs and fees now or hereafter authorized in Bibb County, the Bibb County Commission may impose by resolution of the commission an additional fee in an amount not to exceed thirty-five dollars ($35) to be assessed and taxed as costs on each civil case and on each criminal case, including traffic cases, but excluding small claims cases, filed in the circuit court, district court, or any municipal court in Bibb County, as well as an additional fee not to exceed five dollars ($5) for the service of a pleading or other document in connection with any action or case. These fees shall not be waived by any court unless all other fees, assessments, costs, fines, and charges associated with the case are waived.

The additional fees when collected by the clerks or their collection officers of the courts shall be paid into the General Fund of Bibb County to be used by the Bibb County Commission for the planning, designing, construction, financing, furnishing, equipping, and operation of a new county jail. The Bibb County Commission may set and adjust by resolution the fees within the limits authorized by this amendment based on the needs associated with the county new jail. (Amendment 628)

Article 2. Judges

§4-2.20. Judge of Probate Jurisdiction. (Amendment 958)

The Judge of Probate of Bibb County may exercise equity jurisdiction concurrent with that of the circuit court in cases originally filed in the Probate Court of Bibb County if the judge of probate is a member of the Alabama State Bar. In any case subject to this amendment, the judge of probate shall possess the power and authority of a circuit court judge trying the case and the case shall be treated in all respects in the same manner as a case filed in circuit court. The Alabama Rules of Civil Procedure shall apply in the cases except as otherwise specifically provided by law. This amendment is self-executing, but the Legislature may enact additional laws to implement this amendment if needed. (Amendment 958)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§4-4.00. Bibb County and Municipalities Therein. (Amendment 312)

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

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

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

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

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

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

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

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

8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocable [irrevocably] to continue to levy and collect such taxes annually until such

obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

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

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of the county or any municipality in Bibb county for the purpose of determining the borrowing capacity of the county or any such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

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

10. Neither the county nor any municipality shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the county or the affected municipality. The governing body of the county or any municipality in the county may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks. (Amendment 312)

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§4-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 625)

No person elected or appointed Sheriff of Bibb County, or any elected or appointed Bibb County official, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the

law which established that supernumerary program. Every sheriff and other elected or appointed Bibb County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Bibb County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, school board member, or any official elected from a judicial circuit. All costs associated with the purchase of prior service credit as prescribed in Section 36-27-6.1, Code of Alabama 1975, shall be the responsibility of the official making the purchase. (Amendment 625)

Chapter 9. Public safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Chapter 11. Zoning, Planning, and Utilities

RESERVED

Title 4A Bibb County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 5 Blount County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§5-2.00. Compensation of Certain Officials. (Amendment 344)

The legislature may, from time to time, by general or local laws applicable to or operative in Blount county and approved by a majority of the qualified electors of Blount county at a referendum election, fix, regulate, and alter the costs and charges of court and the fees, commissions, allowances and salaries, including the method and basis of their compensation, to be charged or received by the probate judge, the tax assessor, and the tax collector of Blount county; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid.

In the event this amendment is approved and a majority of the qualified electors of said county who vote thereon vote in favor of the adoption of this amendment when it is submitted, then any law theretofore passed which places any officers in Blount county on a salary basis, or any law fixing, regulating, and altering the costs and charges of court and the fees, commissions, allowances, and salaries of any officer in Blount county, may become effective without any other election having been held thereon. In the event this amendment is approved and a majority of the qualified electors of said county who vote thereon vote against its approval, then such act or acts shall have no further force or effect. (Amendment 344)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§5-4.00. Blount County Municipalities. (Amendment 95)

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

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

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

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

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

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

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

used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of the municipality or may be limited as to the source of their payment.

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

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

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

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of any municipality in Blount county for the purpose of determining the borrowing capacity of such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

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

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

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§5-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendments 718 and 763)

No elected or appointed Blount County official, including the sheriff, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Blount County official, including the sheriff, may participate in the Employees' Retirement System upon the same terms and conditions as may be specified by law for any other employee in the same retirement system; provided, the official shall forego the assumption of a supernumerary office. Blount County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, that costs associated with the purchase of prior service credit as prescribed in Section 36-27-6.1, shall be the responsibility of the official making the purchase. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendments 718 and 763)

Article 2. Employee Personnel Boards

§5-8.20. Participation of Sheriff's Employees. (Amendment 775)

Effective the first day of the sixth month after the date of the election on the ratification of this amendment, employees of the Office of the Sheriff of Blount County, except for the chief deputy and chief clerks, are subject to the authority of the Merit System Board of Blount County, or its successor. (Amendment 775)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§5-10.00. Consolidation of Offices; Revenue Commissioner. (Amendment 430)

The legislature may from time to time, by general or local law, provide for the abolition of the offices of tax assessor and tax collector of Blount county and create a completely new office in such county and transfer to such office the duties of each of the said offices of tax assessor and tax collector in such county; provided that the officer to fill the newly created office will be compensated for the performance of the duties of said office by a salary fixed according to law. (Amendment 430)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§5-11.00. Creation of Districts; Collection of Fees. (Amendment 561)

(a) The Legislature may, by local law from time to time, provide for the establishment of districts in Blount County for fire protection and emergency medical services and provide for mandatory annual dues in the districts upon approval of the qualified electors residing within the districts. The Legislature shall provide for the operation of the districts and for the collection of mandatory annual dues. The Legislature may limit the liability of the county for the operation of a district and provide that a district shall be exempt from all taxation. The districts may include the area currently served by the Remlap Volunteer Fire and Rescue, Inc., or may be formed in other areas of the county.

(b) Act No. 93-342, H. 970, 1993 Regular Session, is repealed.

(c) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Blount County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this act, and no further election shall be required. (Amendment 561)

Article 2. Annexation

§5-11.20. General Provisions. (Amendment 806)

Any municipality that is not located wholly or in part within the boundaries of Blount County on the effective date of this amendment may not annex any territory within Blount County without the approval of a majority vote of the qualified electors of Blount County voting at a referendum election on the issue of the annexation. The provisions of this amendment shall not apply to any municipality incorporated after the ratification of the amendment that lies entirely within the boundaries of Blount County. This amendment does not apply to any territory annexed within Blount County by a municipality prior to the effective date of this amendment. The Legislature may pass local or general acts to supplement this amendment provided the acts do not contravene this amendment. (Amendment 806)

Article 3. Police Jurisdiction

§5-11.40. Imposition of Municipal Ordinances and Regulations. (Amendment 851)

A municipality located entirely outside of Blount County is prohibited from imposing any municipal ordinance or regulation, including, but not limited to, any tax, zoning, planning, or sanitation regulations, and any inspection service in its police jurisdiction located in Blount County. A municipality prohibited from imposing any tax or regulation under this amendment shall not provide any regulatory function or police or fire protection services in its police jurisdiction located in Blount County, other than public safety mutual aid. (Amendment 851)

Title 5A Blount County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Oneonta

§5A-2.00. Special Tax for Educational Purposes. (Amendment 299)

Section 1. In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of one dollar on each one hundred dollars' worth of taxable property in the school tax district of the city of Oneonta, Blount county, to be used solely for public school purposes; provided the levy of said tax shall first have been approved by the qualified electors of the school district as hereinafter provided.

Section 2. In the event this amendment is approved and a majority of the qualified electors of the school tax district of the city of Oneonta who vote thereon vote in favor of the adoption of this amendment when it is submitted, the additional tax provided for in section 1 shall be levied and collected without any other election having been held thereon. In the event this amendment is approved and a majority of the qualified electors of the school tax district of the city of Oneonta who vote thereon vote against its approval, the tax shall not be levied unless the rate of the tax, the time it is to continue and the purpose thereof shall have been again submitted to a vote of the qualified electors of the school tax district of the city of Oneonta and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year and shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the school district tax authorized in Sections 269.01 through 269.03; provided however, that it shall not be a condition precedent to any election on the school district tax herein provided for or to the levy and collection of such tax that a like or any other countywide school tax be [is] being levied and collected in Blount county.

Section 3. In the event the special school tax herein authorized shall be approved as herein provided and the board of education of the city of Oneonta anticipates the proceeds therefrom by issuing securities payable, in whole or in part, out of such proceeds, the provisions of sections 220, 221 and 224 of Title 52 of the Code of Alabama of 1940 shall not apply to any such securities. (Amendment 299)

Title 6 Bullock County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Judges

§6-2.00. Judge of Probate Compensation and Duties. (Amendment 414)

The legislature may, from time to time, by general or local laws, fix, alter, and regulate the fees, commissions, percentages, allowances, and compensation, and the method or basis of fixing the compensation to be charged or received by the judge of probate of Bullock county, and may put such officer on a salary basis and provide that the fees, commissions, percentages, and allowances payable to such officer according to law shall be paid into the county treasury. The judge of probate of Bullock county shall not serve as the chairman, or as a member, of the county governing body. (Amendment 414)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§6-4.00. Bullock County. (Amendment 128)

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

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

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

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

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

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

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

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

8. To construct a dam or system of dams, and to acquire a site or sites therefor, on any public stream flowing within the county for the purpose of impounding waters to be used in

irrigation projects, or in generating hydroelectric power, or in providing recreational facilities, or for other purposes, and to accept any funds by way of gift, grant, or loan from the federal government, or any agency or instrumentality thereof, for the purpose of constructing such dam or system of dams.

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

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

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes, or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of Bullock county for the purpose of determining the borrowing capacity of such county under section 224 of the Constitution.

This amendment shall be self-executing; but the legislature shall have the power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth. (Amendment 128)

§6-4.01. Promotion of Economic and Industrial Development in Certain Counties. (Amendment 429)

For the promotion of local economic and industrial development, the governing body of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa counties and of each municipality situated in said counties, other provisions of law or this Constitution notwithstanding, shall each have, independently or in cooperation with one or more of such governmental entities in such counties, full and continuing power (a) to purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site, or industrial park, projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and (b) to lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county, or of municipality exercising such power, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by any such county or municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and operating of, industrial, transportation, distribution, warehouse or research facilities, and of

office and other facilities auxiliary to the foregoing. Nothing herein shall authorize the counties named, or any municipality there, to construct residential or any other buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither the governing bodies of the counties named hereinabove, nor of any municipality situated in said counties to which this amendment is or becomes applicable, shall be subject to the provisions of sections 93 or 94 of the Constitution of Alabama, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the governing body of such counties, or of any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this state.

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

This amendment shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the legislature of Alabama; nor shall this amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said legislature.

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

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

(b) At least fourteen (14) days prior to such public meeting at which such price is approved by such governing body, it has published notice in the newspaper with the largest circulation in the county in which the property is located stating (1) the acreage proposed to be sold, (2) the section or sections or subdivisions of record in which the property is located, (3) the price per acre at which sale is proposed to be made, and (4) the place where a map of the property can be examined by the public; and

(c) The price thus approved is no less than the price advertised as aforesaid; provided, however, that should any real property be acquired for any purpose authorized by this amendment by eminent domain pursuant to other legislative authority as aforesaid, such property shall not be sold, in any event, for less than the price determined and paid pursuant to the orders of the court in such condemnation proceedings. Provided further, that no municipality shall acquire real property in unincorporated areas without a prior consent thereto as expressed in a resolution by the county governing body. Provided further, that no county or municipality shall acquire real property which is located in another county or municipality without such other county's or municipality's prior consent thereto as expressed in a resolution by its governing body. Nothing in the provisions of this constitutional amendment shall be construed to allow construction of dormitories or other type housing on or off university or college campuses. (Amendment 429)

[Note: Amendment 759 is identical to Amendment 429. except for the addition of Baldwin County. For the text of Amendment 759, see §2-4.01.]

Article 2. Bullock County Development Authority

§6-4.20. Established; Membership; Duties. (Amendment 431)

As used in this amendment, "the authority" means the Bullock county development authority authorized and established pursuant to Section 6-4.00; "board" means the governing body of the authority; "member" means a member of the board; "commission" means the Bullock county commission; "jail and county buildings" means the Bullock county jail or other facility for holding prisoners and shall include any building owned and construed [constructed] by the county or a building authority and occupied by the county, or a state or federal government agency or entity; "building authority" means the entity established or to be established to finance and construct a jail and county buildings; and "industrial tax" means the tax authorized and imposed under the authority of Section 6-4.00.

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

All expenditures, bids and contrcts [contracts] respecting the industrial tax, except those made by the building authority, shall be in the name and under the control of the authority; provided, however, except as provided in the third sentence of this paragraph, no industrial tax funds shall hereafter be expended without the approval of the commission. The authority may borrow money and expend funds for educational and health purposes and to enhance or develop other resources for the purpose of attracting industry to Bullock county. The authority may expend or appropriate or pledge or contract to pay over to the building authority for as long as its original issue of bonds or warrants is outstanding not more than one-half of the industrial tax revenues, subject to all prior commitments thereof for debt service, debt retirement or other debt repayment, for the purpose of constructing, financing or maintaining a jail or county buildings, or to assist the building authority in doing so, or for educational purposes, provided that such expenditures shall not impair the debts of the authority, and the industrial tax shall not be pledged to secure debts incurred for construction or maintenance or any other purposes except those provided for in this amendment or in Section 6-4.00.

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

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

The tax authorized and permitted by sections 40-12-4 through 40-12-8 of the Code of Alabama 1975 for educational purposes is hereby fixed at one-half of one percent in Bullock county. Provided, however, the commission may levy an additional one-half of one percent tax

provided by the aforementioned code section if the county board of education revenues fall below 1980-81 levels from all sources including funding provided by the authority. The industrial tax is hereby declared to parallel the state sales and use taxes and such tax shall be collected by the Alabama department of revenue.

Any changes in tax rates or tax collections required by this amendment shall be accomplished within ninety days from the effective date of this amendment. (Amendment 431)

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Compensation.

§6-8.00. Certain Public Officials. (Amendment 231)

The legislature may by general or local laws, fix, alter, and regulate the fees, commissions, percentages, allowances, and compensation, and the method or basis of fixing the compensation to be charged or received by the tax assessor and the tax collector of Bullock county, and may put such officers on a salary basis and provide that the fees, commissions, percentages, and allowances payable to such officers according to law shall be paid into the county treasury. (Amendment 231)

Article 2. Retirement

§6-8.20. Phase-out of Supernumerary Programs; Participation in RSA. (Amendment 874)

No elected or appointed Bullock County official, including the sheriff, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Bullock County official, including the sheriff, may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system, and shall be treated as an employee of the county. Bullock County officials, including the sheriff, holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purpose of this amendment, the words "elected or appointed Bullock County official, including the sheriff," shall include, subject only to express limitation, any person elected to represent Bullock County in any representative body of the state and includes any person appointed to serve the remaining term of an elected or appointed Bullock County official, including the sheriff. The words do not include a judge, district attorney, constable, school board member, legislator, or any official elected from a judicial circuit. (Amendment 874)

Chapter 9. Public safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools

§6-10.20. Special Tax for Educational Purposes. (Amendment 163)

The court of county commissioners, board of revenue or other like governing body of Bullock county may, to raise revenue for support of the public schools within the county, fix and collect license taxes for any business, trade, occupation or profession engaged in or carried on within the county, provided the rate of such licenses, the time they are to be continued and the purpose thereof shall have been first submitted to the vote of the qualified electors of the county and voted for by a majority of those voting at such election. Such elections shall be held in the same manner as county school tax elections, except that no petition of electors shall be necessary to initiate the same. Provided that such governing body of Bullock county shall not levy a privilege or license tax on any business or occupation on which a privilege or license tax is levied by sections 176-180, and 182-186 of Title 51 of the Code of Alabama 1940, as amended and in effect at the date of adoption of this amendment. (Amendment 163)

Chapter 11. Zoning, Planning, and Utilities

RESERVED

Title 6A Bullock County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 7 Butler County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§7-2.00. Compensation of Certain Officials. (Amendment 353)

The legislature may, from time to time, by general or local laws applicable to or operative in Butler county and approved by a majority of the qualified electors of Butler county at a referendum election, fix, regulate, and alter the costs and charges of court and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the county officials of Butler county; and may place any or all of such officials on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officials to be paid into the treasury from which their salaries are paid.

In the event this amendment is approved and a majority of the qualified electors of said county who vote thereon vote in favor of the adoption of this amendment when it is submitted, then any law theretofore passed which places any officials in Butler county on a salary basis, or any law fixing, regulating, and altering the costs and charges of court and the fees, commissions, allowances, and salaries of any official in Butler county, may become effective without any other election having been held thereon. In the event this amendment is approved and a majority of the qualified electors of said county who vote thereon vote against its approval, then such act or acts shall have no further force or effect. (Amendment 353)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§7-4.00. Butler County and Municipalities Therein. (Amendment 719)

For the promotion of local economic and industrial development, Butler County and any municipality therein, any other provision of law or of this Constitution notwithstanding, shall have, independently or in cooperation with one another, full and continuing power to do any of the following:

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

(2) Lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county or the municipality, as applicable, all or any part of any site or industrial park project to any individual, firm, corporation, or other business entity, public or private, including any industrial development board or other public corporation or authority heretofore or hereafter created by the county or any municipality therein, for the purpose of constructing, developing, equipping, and operating industrial, commercial, research, or service facilities of any kind.

(3) Lend its credit to or grant public funds and things of value in aid of or to any individual, firm, corporation, or other business entity, public or private, for the purpose of

promoting the economic and industrial development of Butler County or any municipality therein.

In carrying out the purposes of this amendment, neither Butler County nor any municipality therein shall be subject to Section 93 or 94 of this Constitution. Each public corporation heretofore created by Butler County or by any municipality therein, including specifically any industrial development board incorporated under Chapter 54, Article 4, Title ll of the Code of Alabama 1975, and any industrial development authority incorporated or reincorporated under Chapter 92A, Title ll of the Code of Alabama 1975, is validated and the powers granted to such board or authority under its respective enabling legislation are validated notwithstanding any other provision of law or of this Constitution. The powers granted in this amendment may be exercised as an alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the county, or to any municipality, or to any agency, board, or authority created pursuant to the laws of this state.

Neither Butler County nor any municipality 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: (i) the action proposed to be taken by Butler County or any municipality therein is at a public meeting of the governing body of the county or city, as the case may be, by a resolution containing a determination by such governing body that the expenditure of public funds for such purpose will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities; and (ii) at least seven days prior to the public meeting, a notice is published in the newspaper having the largest circulation in the county or in the city, as the case may be, describing in reasonable detail the action proposed to be taken, a description of the public benefits sought to be achieved by such action, and identifying each individual, firm, corporation, or other business entity to whom or for whose benefit the county or the city proposes to lend its credit or grant public funds or thing of value. For purposes of the foregoing, any sale, lease, or other disposition of property for a price equal to the fair market value thereof shall not constitute the lending of credit or a grant of public funds or thing of value in aid of a private entity. (Amendment 719)

Chapter 5. Education

Article 1. Board of Education

§7-5.00. Terms of Office. (Amendment 959)

Commencing with the election of members to the Butler County Board of Education in November 2020, members shall serve for terms of four years. (Amendment 959)

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§7-8.00. Phase-out of Supernumerary Programs; Participation in RSA. (Amendment 784)

No sheriff or elected or appointed Butler County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program.

Every sheriff or elected or appointed Butler County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. The sheriff and other Butler County officials holding office at the time of ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this amendment, the words "elected or appointed Butler County official" include, subject only to express limitation, (1) any person elected to a public county office by the electors of Butler County at a general or special election; (2) any person holding an office that entitles the person to participate in a supernumerary program; or (3) any person appointed to serve the remaining term of an elected Butler County official. The words do not include a judge, district attorney, legislator, constable, coroner, school board member, or any official elected from a judicial circuit. (Amendment 784)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools

§7-10.20. Special Tax for Educational Purposes. (Amendment 131)

The court of county commissioners, board of revenue, or like governing body of Butler county shall levy and collect a special property tax, in addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one percent on the value of the property in the county as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes, provided that such tax and the purpose or purposes thereof, and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at such election. The special tax provided for herein may be reduced from time to time, in the manner provided herein, for such periods of time as are necessary. If any proposal to levy a tax is defeated in any election, subsequent elections thereon may be held at any time. The election provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the school district tax authorized in Sections 269.01 through 269.03, by article 7, chapter 10, Title 52, Code of Alabama (1940). The tax shall be collected in the same manner and under the same requirements and laws as the taxes of the state are collected. (Amendment 131)

Chapter 11. Zoning, Planning, and Utilities

RESERVED

Title 7A Butler County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 8 Calhoun County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§8-2.00. General Authority. (Amendment 412)

The county governing body may from time to time, by resolution fix, alter and regulate the costs and charges of courts in Calhoun county, and the method of disbursement thereof, upon notice to affected citizens not less than 60 days from the effective date. Provided, however, a majority of the qualified electors of the county shall first give approval therefor in an election called by the county governing body to determine this issue; provided further, however, that if a majority of the qualified electors of Calhoun county who participate in the election held on the adoption of this amendment vote in favor thereof, no further election need be held. (Amendment 412)

§8-2.01. General Authority; Additional Provisions. (Amendment 746)

The Legislature, from time to time, may fix, regulate, and alter the costs and charges of court in Calhoun County and may authorize the Calhoun County Commission to fix, regulate, and alter the costs and charges of court, including booking fees, in Calhoun County. The Legislature may provide or may allow the Calhoun County Commission to provide for the distribution of any additional revenue. Any local act authorized in this amendment which has been previously enacted prior to the ratification of this amendment shall be ratified, approved, and confirmed. (Amendment 746)

Chapter 3. County Government, Finance, and Operations

Article 1. Elections.

§8-3.00. Processing of Absentee Ballots. (Amendment 876)

Upon the expiration of the current term of office of the Clerk of the Circuit Court of Calhoun County, the Calhoun County Commission shall manage the processing of absentee election ballots. The county commission may process the ballots with staff of the county commission at no cost or may process the ballots by the hiring of temporary employees or by contracting with a nonprofit agency. Notwithstanding the foregoing, nothing in this amendment shall change the manner, rate, or amount Calhoun County or the Calhoun County Commission is reimbursed for an election. (Amendment 876)

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§8-4.00. Calhoun County and Municipalities Therein. (Amendment 563)

(a) The Legislature may, by general, local, or special law, provide for the creation, incorporation, organization, operation, administration, authority, and financing of a public corporation empowered or intended to assist or aid in any way Calhoun County or any municipality there in promoting industry, trade, and economic development of Calhoun County and each municipality situated in the county, and the Legislature may grant the corporation all powers, rights, privileges, exemptions, and authority as the Legislature considers necessary or desirable for the furtherance and accomplishment of the purposes of the public corporation. The passage and enactment of Act No. 82-222 of the 1982 Regular Session of the Alabama Legislature, and all terms and provisions of Act No. 82-222, are approved, ratified, and confirmed in all respects, any provision of the Constitution of Alabama of 1901, as amended, to

the contrary notwithstanding, and Act No. 82-222 shall be effective from and as of the date of its passage and approval by the Governor during the 1982 Regular Session of the Alabama Legislature. Any act enacted during the 1993 Regular Session of the Alabama Legislature, or during any subsequent regular or special session of the Alabama Legislature, in amendment of or supplementary to Act No. 82-222 shall be effective as of the date of its passage by the Legislature and approval by the Governor, or upon its otherwise becoming a law. The creation, incorporation, organization, operation, administration, authority, and financing of the Calhoun County Economic Development Council is approved, ratified, and confirmed from and as of the date of passage and approval by the Governor of Act No. 82-222 during the 1982 Regular Session of the Alabama Legislature. All actions taken, and all obligations, whether secured or unsecured and whether general or limited as to the source of payment, incurred or assumed, in the name and on behalf of the Calhoun County Economic Development Council by any directors, officers, employees, representatives, or agents thereof in furtherance of the powers and purposes of the council as set forth in Act No. 82-222, as the same may be at any time amended or supplemented, prior to the date this amendment is proclaimed ratified, are approved, ratified, and confirmed as fully effective for all purposes from and as of the respective dates of which the actions were taken and the obligations were incurred or assumed.

(b) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Calhoun County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this act, as provided for in Section 2 of this act, and no further election shall be required. (Amendment 563)

Article 2. Industrial Development.

§8-4.20. Industrial Sites and Industrial Park Projects. (Amendment 415)

For the promotion of local economic and industrial development, Calhoun county and each municipality situated in said county, shall, other provisions of law or this Constitution notwithstanding, have, independently or in cooperation with one or more of such governmental entities, full and continuing power (a) to purchase, lease or otherwise acquire land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial sites or industrial park projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, (b) to lease, sell, grant, exchange or otherwise convey, on terms approved by the governing body of such county or municipality, all or any part of any such project to any person, firm or corporation, public or private, including any industrial development board, other public corporation, or authority heretofore or hereafter created by the county or any municipality therein, for the purpose of constructing or developing thereon, by such purchaser or leasee, and equipping and operating, industrial, transportation, distribution, warehouse or research facilities, and offices and other facilities auxiliary to the foregoing, and (c) to grant public funds to such industrial development boards, public corporations or authorities. Nothing herein shall authorize the county, or any municipality therein, to construct buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither Calhoun county nor any municipality in said county shall be subject to the provisions of Sections 93 or 94 of the Constitution of Alabama, as amended, and the legislature shall have the power, by special or local law, to create, or provide for the creation of, any public corporation, authority, board, agency, or other entity empowered or intended to assist or aid in any way Calhoun county or any municipality therein in carrying out the purposes of this amendment and such special or local law

shall not be subject to the provisions of Sections 104 and 106 of this Constitution, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to such county, or to any municipality therein, or to any agency, board, or authority created pursuant to the laws of this state.

No action may be taken under this amendment by the said county or any of the municipalities therein until after the question of whether the county and the said municipalities shall have the authority to take such action shall have been submitted to the qualified electors of the county at an election called for that purpose by the governing body of the county and a majority of the said qualified voters voting at the said election shall have voted in favor of the county and the said municipalities having the authority to take such action; provided, that if a majority of the qualified electors of the county participating in the election on the adoption of this amendment shall vote for the adoption thereof, then the approval of this amendment expressed by said vote in favor of its adoption shall of itself authorize the taking of any and all action provided for in the first sentence of this amendment and no additional election by the electors of the county shall ever be required to authorize the taking of any such action. If the majority of the qualified electors of the county participating in the election on the adoption of this amendment shall not vote in favor of the adoption of this amendment, or if the majority of the qualified electors of the county voting in any election called by the governing body under the provisions of this amendment should not vote in favor of the county and the municipalities having the authority to take such action at an election so called, the governing body of the county may from time to time call other elections hereunder on the question of whether the county and the municipalities therein shall be authorized to take such action, but not more than one such election shall be held during any period of twelve consecutive months. Any such election called by the governing body of the county shall be called, held, conducted and canvassed and may be contested in the manner and within the time provided by the then existing general laws of Alabama pertaining to elections on the issuance of bonds by counties. Any such election shall be conclusive on the question of whether the county and the municipalities therein shall have the authority to take such action and it will not thereafter be necessary for an election to be held in connection with each exercise by either the county or the municipalities of the power and authority granted them by the provisions of the first sentence of this amendment. (Amendment 415)

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

Article 1. Bingo

§8-7.00. Operation of Bingo by Nonprofits. (Amendments 508, 931, and 960)

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

their respective jurisdictions; provided, however, that said governing bodies must ensure compliance pursuant to said law and the following provisions:

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

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

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

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

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

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

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

(h) No bingo permittee or licensee may operate any bingo game in the unincorporated areas of the county within 1,000 yards of a residence or in a residential area.

The provisions of this constitutional amendment shall be self-executing, but the legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the general purposes and objectives herein set forth. (Amendments 508, 931, and 960)

Chapter 8. Officials and Employees

Article 1. Compensation

§8-8.00. Certain Public Officials in Calhoun and Tuscaloosa Counties. (Amendment 33)

The legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the tax assessors, tax collectors, probate judges, circuit clerks, sheriffs, and registers of the chancery courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, or consolidate any of said offices in the following named counties: Calhoun and Tuscaloosa. All acts of the regular session of the legislature 1935 heretofore passed and applicable, or purporting to be applicable, to any or all of said counties, and fixing, or purporting to fix the compensation of said named county officers, on a salary basis, are hereby validated and confirmed. (Amendment 33)

Article 2. Retirement

§8-8.20. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 629)

(a) For the purposes of this amendment, the words "elected or appointed county official" shall mean any person holding an office that entitles the person to participate in a supernumerary program or any person appointed to serve the remaining term of an elected or appointed county official.

(b) A mayor, sheriff, or elected or appointed Calhoun County official may not assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every mayor, sheriff, or elected or appointed Calhoun County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Calhoun County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office and must make the election within one year of the effective date of this amendment.

(c) Notwithstanding the provisions of subsection (b), the county commission may negotiate terms of any contract with a sheriff, mayor, or elected or appointed official who under this amendment will be eligible to participate in the Employees' Retirement System. (Amendment 629)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§8-10.00. Sale of Lands for Delinquent Taxes. (Amendment 562)

(a) Notwithstanding Sections 104 and 105 to the contrary, the Legislature of the state of Alabama may enact local legislation applicable to Calhoun County to change the method prescribed by law for giving notice to delinquent Calhoun County taxpayers of their failure to pay taxes assessed against any property which is assessed to them and to change the notice required to be given them prior to the sale for taxes of the property and to change the method for issuing decrees for the sale of land and the trials held to determine whether the sales should be ordered and to change the method of giving notice to delinquent property owners to show cause why a decree of sale should not be rendered against them and to change the method regarding the sale of the property and the report of the amount of taxes collected from the sale.

(b) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Calhoun County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this act, and no further election shall be required. (Amendment 562)

§8-10.01. Business Tax Exemption for Residential Real Estate Rental. (Amendment 854)

In Calhoun County, no municipal business license tax shall be levied on the rental of residential real estate based on a per unit tax rate. (Amendment 854)

Article 2. Schools

§8-10.20. Special School Tax; Debt Service on Bonds. (Amendment 68)

In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of fifty cents on each one hundred dollars worth of taxable property in the cities of Jacksonville, Piedmont and Anniston and in the several school districts of Calhoun county to be used solely for public school purposes; provided such tax and the time it is to continue shall have been first submitted to the vote of the qualified electors of the school district in which such tax is to be collected and voted for by a majority of those voting at such election; otherwise said tax shall not be collected. A special separate election is hereby called on the first Tuesday after sixty days following the date this Constitutional provision becomes effective, in the cities of Jacksonville, Piedmont and Anniston and in the several school districts of Calhoun county, at which election the qualified voters in the cities of Jacksonville, Piedmont and Anniston and in the several school districts of Calhoun county may vote as to whether said special school tax herein levied shall be effective for a period of thirty years, and if the majority of those voting at said election vote in favor of said special school tax herein referred to, such school tax shall immediately be levied and collected annually thereafter on the first day of October by the tax collector of Calhoun county, and, if pledged, paid to the cities of Jacksonville, Piedmont and Anniston; otherwise by him immediately paid to the board of education of the cities of Jacksonville, Piedmont and Anniston, for a period of thirty years from the date of said election in the cities of Jacksonville, Piedmont and Anniston, and in the several school districts of Calhoun county and a special separate election is likewise hereby called in each other school district in Calhoun county on the first Tuesday after sixty days following the date this Constitutional provision becomes effective and the qualified electors of each such other school district in Calhoun county shall vote as to whether said special school tax herein levied shall be effective in their respective districts for a period of thirty years, and where a majority of those voting at said election in any such school district vote in favor of said special school tax such special school tax shall be immediately levied and collected annually thereafter on the first day of October by the tax collector of Calhoun county and if pledged, paid to county of Calhoun; otherwise by him immediately paid to the board of education of Calhoun county, for a period of thirty years in any such school district where the majority of such electors voting at said election vote therefor. This section shall be self-executing.

The funds arising from the special school tax to be levied hereunder and to be collected therefrom shall be expended for public school purposes for the exclusive benefit of the school district in which collected with all such tax collected in the city of Jacksonville to be expended in the city of Jacksonville and with all such tax collected in the city of Piedmont to be expended in the city of Piedmont and all such tax collected within the Anniston school district to be expended in the Anniston school district. After said tax has been voted, and without further authorization or authority, as and when requested by the boards of education of the cities of Jacksonville, Piedmont and Anniston, the cities of Jacksonville, Piedmont and Anniston shall issue and sell interest bearing bonds with principal and interest to be paid from the funds to be derived from the special school tax hereby levied in the cities of Jacksonville, Piedmont and Anniston and in the school districts in which the cities of Jacksonville, Piedmont and Anniston are located, for the sole purpose of construction and improvement of school buildings and the acquiring of sites therefor; provided, said net proceeds of said bonds shall immediately be paid to the boards of education of the cities of Jacksonville, Piedmont and Anniston and said bonds shall not be issued for a longer period than thirty years, and said funds to be derived from said special school tax

may be pledged by the cities of Jacksonville, Piedmont and Anniston for the payment of said bonds and the interest thereon, and provided that said bonds shall not be a general obligation of the cities of Jacksonville, Piedmont and Anniston or of Calhoun county and shall not be charged to the constitutional debt limit of the cities of Jacksonville, Piedmont and Anniston or of Calhoun county. After said tax has been voted, and without further authorization or authority, as and when requested by the board of education of Calhoun county, Calhoun county shall issue and sell interest bearing bonds with principal and interest to be paid from the funds to be derived from the special school tax hereby levied in each school district in Calhoun county, other than in the cities of Jacksonville, Piedmont and Anniston and the school districts in which the cities of Jacksonville, Piedmont and Anniston are located, for the sole purpose of the construction and improvement of public school buildings and the acquiring of sites therefor; provided, the net proceeds of said bonds shall immediately be paid to the board of education of Calhoun county and that said bonds shall not be issued for longer than thirty years and said funds arising from said school tax may be pledged by Calhoun county for the payment of said bonds and interest thereon and provided that said bonds shall not be a general obligation of Calhoun county and shall not be charged to the constitutional debt limit of Calhoun county.

Except as herein otherwise provided the elections hereinabove provided for shall be called, held, and conducted as provided by law for calling, holding and conducting of district school tax elections. The governing bodies of the cities of Jacksonville, Piedmont and Anniston shall appoint and designate the officers, managers, clerks and returning officers and shall call, canvass, tabulate, and declare the result of the elections provided for in the cities of Jacksonville, Piedmont and Anniston and in the school districts in which the cities of Jacksonville, Piedmont and Anniston are located. The governing body of Calhoun county shall appoint and designate the election officers, managers, clerks, and returning officers and shall call, canvass, tabulate, and declare the result of the elections as to any and all school districts in Calhoun county, other than in the cities of Jacksonville, Piedmont and Anniston and the school districts in which the cities of Jacksonville, Piedmont and Anniston are located. All such elections shall otherwise be conducted, held, canvassed, tabulated and the results declared as general elections are conducted, held, canvassed, tabulated and the results declared in Alabama. (Amendment 68)

§8-10.21. Use of Special School Tax Funds, Refunding of Bonds. (Amendment 165)

Any funds derived from the voted special school taxes levied in certain cities and school districts in Calhoun county under Section 8-10.20 that are not needed to pay debt service on bonds issued under said amendment, or to comply with any other covenants contained in proceedings authorizing the issuance of such bonds, may, to such extent as the governing body of the political subdivision or agency entitled thereto may determine are excess of the amount then needed for the specific public school purpose for which said taxes were voted, be used for public school purposes generally. Any bonds which are now outstanding or which may hereafter be issued under the provisions of said amendment or this amendment may at any time and from time to time be refunded, whether before, at or after the maturity of the bonds refunded, by the issuance of new bonds, payable from the same sources as those refunded, in a principal amount sufficient to pay said bonds so refunded and any premium necessary to redeem, pay, purchase or otherwise retire said bonds; and bonds may be issued for the combined purpose of so refunding any such bonds and obtaining funds for acquiring, constructing and improving public school buildings, including sites therefor. Notwithstanding the fact that they may be payable solely from a specified source, all bonds hereafter issued under the provisions of said amendment or this

amendment shall be negotiable instruments within the meaning of the negotiable instruments law of Alabama if they otherwise possess all the characteristics of negotiable instruments under the laws of Alabama and shall be legal investments for trust funds. Bonds authorized to be issued hereunder shall be issued in the same manner and by the same respective political subdivisions as those authorized to be issued under said amendment proposed by Section 8-10.20 and may be so issued without the necessity of any further election. No bonds issued hereunder shall be chargeable against the constitutional debt limit of the political subdivision by which they are issued. (Amendment 165)

§8-10.22. Validation of Ad Valorem Tax for School Purposes. (Amendment 747)

Any provision of the Constitution of Alabama of 1901, as amended, or the laws of the State of Alabama to the contrary notwithstanding, the levy and collection in each year of each ad valorem tax for public school purposes or educational purposes in Calhoun County, Alabama, and in any municipality located, in whole or in part, in Calhoun County, Alabama, and in any school tax district located in Calhoun County, Alabama, which tax was approved by a majority vote of the appropriate electorate prior to October 1, 2002, and which was being levied and collected for the tax year that began on October 1, 2002, is hereby:

(a) Authorized, ratified, validated, and confirmed from and after the date of the initial levy of such tax 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; and

(b) Continued and extended beginning with the levy and collection of such tax for the tax year next succeeding the tax year initially established for the final levy and collection of such tax and continuing for each tax year thereafter without limit as to time. (Amendment 747)

§8-10.23. Additional Special School Tax. (Amendment 335)

In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, each school district in Calhoun county, except the school district comprising the city of Anniston, shall have the power to levy and collect for public school purposes in such district an annual special ad valorem tax on the taxable properties in such district at a rate not exceeding in any one year five mills on each dollar of the value of the said properties as the same shall be assessed for state taxation; provided, that the said special ad valorem district tax shall not be levied in any such district for any year prior to the year for which the said tax if levied will become due and payable on October 1, 1978; provided further, that prior to the levy of any special tax authorized in this paragraph, there shall be submitted to the electors of the district in which the tax is proposed to be levied, at a special election called for that purpose in the said district, the question of whether the said tax or any part thereof shall be levied, the rate thereof, the time it is to continue (which shall not exceed thirty years), and the purpose thereof, and the said tax shall be authorized at such election by a majority of the qualified electors of the said district who vote at such election; provided further, that if a majority of the qualified electors of any of the said districts participating in the election on the ratification of this amendment shall vote for the ratification of this amendment, then the approval of this amendment as expressed by the vote in said district in favor of its ratification shall, of itself, authorize the levy and collection of the said special tax for public school purposes in that district for a period of thirty years commencing with the levy for the tax year for which taxes will become due and payable to the said district on October 1, 1978.

Elections on the question of the levy of a district tax under the provisions of this amendment may be held at any time and from time to time, provided, that if at any such election held after the ratification of this amendment the proposal to levy the tax so submitted should be defeated then the proposal may not be submitted at another election held in the same district within six months from the last election held under this amendment. Each such election held after the ratification of this amendment shall be called and held, the results declared, and the tax levied and collected in the same manner as now or hereafter provided by law in the case of school district taxes authorized by Sections 269.01 through 269.03, except that no county-wide tax shall be required as a condition precedent for a district tax under this amendment.

The funds arising from the district tax herein authorized to be levied shall be expended for the exclusive benefit of the school district in which such district tax is levied. Nothing in this amendment shall be deemed to prevent the consolidation of any two or more school districts in Calhoun county in accordance with the applicable provisions of general law.

Pursuant to Section 8-10.20, there is currently being levied in each school district in Calhoun county a special district school tax at the same rate as is specified in the first paragraph of this amendment, but the last tax year for which the special tax provided for in Section 8-10.20 is authorized to be levied is the tax year for which taxes will become due and payable on October 1, 1977. It is intended by this amendment to make provision for the authorization of the continued levy in each school district in Calhoun county, except the school district comprising the city of Anniston, of a special district ad valorem school tax at the same rate as, but in lieu of, the tax authorized in Section 8-10.20, to commence with the tax year next following the final tax year for which the tax provided for in Section 8-10.20 is authorized to be levied. It is not intended by this amendment to provide for or authorize an increase in the total rate of taxation for public school purposes in excess of that currently authorized to be levied in the several school districts in Calhoun county. (Amendment 335)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§8-11.00. Fire Protection Purposes. (Amendment 583)

The Legislature declares that the fire departments which receive funds pursuant to this amendment are organizations which are public in nature as they promote and protect the health, safety, and welfare of the citizens of the county.

In addition to all other taxes now or hereafter provided by law, there shall be levied and collected in Calhoun County a special county-wide property tax of three mills on each one dollar's worth of taxable property as assessed for the state ad valorem taxation. The proceeds of the additional taxes levied by this amendment shall be used exclusively for fire protection services provided by volunteer and full-time fire departments.

The Tax Assessor of Calhoun County shall assess the tax herein provided for and the tax collector shall collect the tax in the same manner and method that other ad valorem taxes are collected. The proceeds of the tax shall be paid by the tax collector directly to the Calhoun County Volunteer Firefighters' Association and to the cities. The proceeds shall be divided so that the proceeds of the tax collected within the corporate limits of any city within the county shall be allocated to the fire department of that city and the proceeds from collections in the unincorporated areas of the county shall be allocated among the volunteer fire departments which serve the unincorporated area of the county, based on the following formula:

(a) One-third of the proceeds shall be equally divided among the volunteer fire departments which are in good standing with the Calhoun County Volunteer Firefighters' Association.

(b) One-third of the proceeds shall be divided to each volunteer fire department based upon the number of people who live within each respective fire district.

(c) One-third of the proceeds shall be divided to each volunteer fire department based upon the number of acres of land contained in each fire district.

From the proceeds collected in the police jurisdiction, but outside the corporate limits, of any city, one-third shall be allocated for the city serving the police jurisdiction and two-thirds shall be allocated to the Calhoun County Volunteer Firefighters' Association to be divided as herein prescribed.

An eligible fire department, for purposes of this amendment, means a fire department in Calhoun County which is a member in good standing with the Calhoun County Volunteer Firefighters' Association according to guidelines established by the Alabama Volunteer Fire Department Association.

Funds paid to eligible fire departments shall be expended for fire protection and rescue services including training, supplies, equipment, and facilities. The funds may also be expended to purchase insurance to insure coverage of acts or omissions which are directly related to the functions of a fire department which are committed by the department or the personnel of a fire department and to insure assets of the fire department. The funds may not be expended for food, drink, social activities, salaries, or fund-raising activities. After receiving funds, the fire departments shall keep accurate records to verify that the funds were properly expended. The records shall reasonably be open to the public for inspection. By September 15 of each year, the association shall file a financial statement with the Calhoun County Commission detailing the expenditure of all funds received from this amendment during the previous 12 months. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. No new fire departments shall be funded within Calhoun County without prior approval of the Calhoun County Volunteer Firefighters' Association.

Upon dissolution or abandonment of any eligible fire department, any remaining funds derived from this amendment or any assets purchased with funds derived from this amendment shall, after all indebtedness has been satisfied, be transferred to the Calhoun County Volunteer Firefighters' Association. The funds and assets shall be reallocated by the association to the other fire departments based upon the formula previously set out in this amendment. In the event the association is dissolved, the additional property tax levied under this amendment shall end and no longer be levied and collected.

The personnel of fire departments provided for in this amendment shall not be considered employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of fire departments.

This amendment shall apply to collections of ad valorem taxes for the 1996-97 tax year and thereafter. The initial provisions of this amendment may hereafter be amended by local legislation which may become effective without referendum approval. (Amendment 583)

Article 2. Police Jurisdiction

§8-11.20. General Provisions. (Amendment 914)

(a) This amendment shall apply only in Calhoun County.

(b) Any territory located in Calhoun County shall be subject only to the police jurisdiction and planning jurisdiction of a municipality located wholly or partially in Calhoun County. (Amendment 914)

§8-11.21. Territories Outside of Municipal Corporate Limits. (Amendment 935)

(a) This amendment shall apply only to territory located in Calhoun County.

(b) Except as provided in subsection (c), any territory located in Calhoun County outside of the corporate limits of a municipality shall not be subject to the police jurisdiction or planning jurisdiction of the municipality if the municipality is not located entirely in Calhoun County.

(c) This amendment shall not affect the police jurisdiction or planning jurisdiction of the City of Oxford in Calhoun County. (Amendment 935)

Title 8A Calhoun County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Anniston

§8A-2.00. Special School Tax. (Amendment 232)

(A) In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of fifty cents on each one hundred dollars worth of taxable property in the school tax district of the city of Anniston in Calhoun county, to be used solely for public school purposes, such tax to be levied and collected for a period of thirty years commencing with the tax year beginning October 1, 1977, with the first year's tax being payable October 1, 1978; provided such tax and the time it is to continue shall have been first submitted to the vote of the qualified electors of the school district in which such tax is to be collected, and voted for by a majority of those voting at such election; otherwise said tax shall not be collected. A special separate election is hereby called on the first Tuesday after sixty days following the date this amendment becomes effective, to be held in the school tax district of the city of Anniston in Calhoun county, at which election the qualified voters in said school tax district may vote as to whether said special school tax herein levied shall be effective; and if the majority of those voting at said election vote in favor of said special school tax, such school tax shall, commencing with the tax year beginning October 1, 1977, be levied and collected as other property taxes in said school district are levied and collected for a period of thirty years. If the proceeds of the tax are pledged to the payment of the principal and interest of the bonds hereinafter provided for, the tax collector of Calhoun county shall, upon collection thereof, pay such proceeds to the city of Anniston, and if the proceeds of the tax are not so pledged, he shall pay such proceeds to the board of education of the city of Anniston. This section shall be self-executing.

(B) After said tax has been voted, and without further authorization, and notwithstanding that any such request may be made prior to October 1, 1977, the city of Anniston shall, as and when requested by the board of education of Anniston, issue and sell interest bearing bonds, with principal and interest to be paid from the proceeds to be derived from said special school tax, for the sole purpose of construction and improvement of school buildings within such school tax district, and acquiring sites therefor. The net proceeds of the sale of such bonds shall be immediately paid to the board of education of the city of Anniston. The proceeds to be derived from said special school tax may be pledged by the city of Anniston for the payment of said bonds and the interest thereon, but said bonds shall not be a general obligation of the city of

Anniston or of Calhoun county, and shall not be charged to the constitutional debt limit of the city of Anniston or of Calhoun county.

(C) Except as herein otherwise provided the election hereinabove provided for shall be called, held and conducted as provided for by law for the calling, holding and conducting of district school tax elections; provided, however, that the governing body of the city of Anniston shall call said election, it shall give at least thirty days' notice thereof by publication in some newspaper published in the city of Anniston and by written notices posted in three public places within the city for at least thirty days prior to said election, it shall appoint and designate the officers, managers, clerks and returning officers to conduct said election, it shall furnish the supplies and facilities necessary for the holding of said election, it shall pay out of the city treasury the expenses incident to the holding of said election, it shall designate the polling places to be used in said election, and it shall canvass, tabulate and declare the result of said election. (Amendment 232)

§8A-2.01. Application of Special School Tax. (Amendment 281)

(A) The purpose of this amendment is to clarify and make further provisions regarding the public school purposes for which the following special school taxes, heretofore voted in the school district of the city of Anniston, may be applied: (1) The special annual ad valorem school tax at the rate of fifty cents (50¢) on each one hundred dollars ($100.00) of taxable property which was voted for public school purposes at the special election held in the said school district on March 16, 1948, pursuant to call of the said election made in Section 8-10.20, and which was levied by Section 8-10.20 for public school purposes in the said school district for a period of thirty years commencing with the tax year beginning October 1, 1947, and with the last year's tax being payable October 1, 1977; and (2) the special annual ad valorem school tax at the same rate which was voted for public school purposes at the special election held in the said school district on February 15, 1966, pursuant to call of the said election made in Section 8A-2.00, and which was levied by Section 8A-2.00 for public school purposes in the said school district for a period of thirty years commencing with the tax year beginning October 1, 1977, and with the first year's tax being payable October 1, 1978.

(B) In addition to the public school purposes specifically mentioned in Section 8-10.20, in Section 8A-2.00, and in Section 8-10.21, that portion of the proceeds from the special school tax levied by Section 8-10.20 in the school district of the city of Anniston that is not needed to pay debt service on bonds heretofore issued by the city of Anniston under Section 8-10.20 or under Section 8-10.21, or to comply with any other covenants contained in proceedings authorizing the issuance of the said bonds, and also the proceeds from the special school tax levied by Section 8A-2.00 may be used to pay the principal of and interest on any securities (including, but without limitation to, warrants) that may hereafter be issued by the city of Anniston, pursuant to request by the city board of education of Anniston, for the purpose of (i) paying costs of acquiring, constructing and improving public school buildings in the said school district, (ii) refunding the principal of warrants or other securities issued by the said city, after the effective date of Section 8A-2.00, for payment of costs of acquisition, construction and improvement of public school buildings, or (iii) the combined purpose of payment of such costs and such refunding. Costs of constructing a school building shall be deemed to include the costs of acquiring a site therefor. Any such securities may be either general obligations of the city of Anniston secured by a pledge of the proceeds of either or both of the said school taxes or may be special obligations of the said city payable solely out of and secured by a pledge of the proceeds of either or both of the said taxes; and any such securities shall be issued by the said city

pursuant to the powers conferred on municipalities by existing statutes. Any pledges that may hereafter be made either hereunder or under Section 8A-2.00 with respect to the proceeds from the special school tax levied by Section 8A-2.00, shall take precedence in the order in which they are made. Any pledges that may hereafter be made either hereunder or under Section 8-10.21, with respect to the proceeds from the special school tax levied by Section 8-10.20 shall take precedence in the order in which they are made and shall be subordinate to the pledges heretofore made by the city of Anniston pursuant to either Section 8-10.20 or Section 8-10.21. If the proceeds of the tax levied by Section 8A-2.00 should at any time be pledged pursuant to either this amendment or Section 8A-2.00, the tax collector of Calhoun county shall, upon collection thereof, pay such proceeds to the city of Anniston; and until the proceeds of the special tax levied by Section 8A-2.00 are so pledged, he shall pay such proceeds to the board of education of the city of Anniston. If pledges are hereunder made with respect to either or both of the said special school taxes, and if the governing body of the city of Anniston shall hereafter determine that the proceeds from the tax or taxes so pledged are in excess of the amount needed to satisfy the said pledges and any other then outstanding pledges made under any of the other amendments herein referred to, then the said proceeds, to the extent of the said excess, may be applied for other public school purposes in the said school district.

(C) The provisions hereof are supplemental to Section 8-10.20, Section 8-10.21, and Section 8A-2.00 and the powers and authority herein granted shall be in addition to the powers and authority conferred by the said amendments.

(D) Each of the said special elections held as aforesaid on March 16, 1948, and on February 15, 1966, is hereby validated, in spite of any irregularities in connection with the giving of notice or the holding thereof or any other irregularity in connection therewith. (Amendment 281)

§8A-2.02. Additional Special Ad Valorem Tax for Schools. (Amendment 350)

The city of Anniston shall have power to levy and collect a special property tax in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of three mills on each dollar of taxable property situated therein, for educational purposes; provided that before such tax may be levied and collected the question of levying the tax, the purpose thereof, and the time such tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the election. The election shall be ordered, held, and conducted as provided by law for calling, holding and conducting district school tax elections. (Amendment 350)

§8A-2.03. Economic Development. (Amendment 376)

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

1. To acquire and develop one or more parcels of land as the site or sites for an industrial park or industrial parks; and to expend or grant public money and things of value for such acquisition and development. The development of land as the site for an industrial park shall be deemed to include the provision of water, sewage, drainage, transportation, power and communication facilities, and other similar facilities, which are incidental to the use of the land as an industrial park, and also shall be deemed to include the provision of structures or buildings of any kind or type whatsoever relating to the use of the land, structures and/or buildings as an industrial park.

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

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

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

§8A-2.04. Appropriation to East Alabama United Cerebral Palsy Center. (Amendment 494)

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

§8A-2.05. Election of Board of Education. (Amendment 664)

The Legislature, by local act, may provide for the manner of selection of the members of the Board of Education of the City of Anniston in Calhoun County and may provide further for the operation of the board. (Amendment 664)

§8A-2.06. Water Works and Sewer Board. (Amendment 677)

The Water Works and Sewer Board of the City of Anniston, Alabama, shall be governed by a board of directors consisting of seven members to be appointed as follows: Four members shall be appointed by the governing body to the City of Anniston and three members shall be appointed by the Calhoun County Legislative Delegation. Those persons serving on such board of directors on the effective date of this amendment shall continue to hold office until the

expiration of their current terms. Act 95-497, 1995 Regular Session, is hereby ratified, approved, validated, and confirmed as of the date of its enactment any provision or provisions of this constitution of the contrary notwithstanding, and all actions heretofore taken by the City of Anniston, the Calhoun County Legislative Delegation and the Water Works and Sewer Board of the City of Anniston, Alabama, pursuant to the provisions of Act 95-497, are hereby ratified, approved, validated, and confirmed. This amendment shall be self executing, and no amendment to the Certificate of Incorporation of said Water Works and Sewer Board shall be necessary to implement the provisions of this amendment. (Amendment 677)

Title 9 Chambers County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§9-2.00. Compensation of Certain Officials. (Amendment 103)

The legislature may from time to time by general or local laws applicable to or operative in Chambers county fix, alter, and regulate the costs and charges of court, and the fees, commissions, percentages, allowances, or salary of, any officer of Chambers county; may provide the method and basis of compensation of such officers; may fix the terms of office of such officers; and may consolidate any of the offices held by such officers. When any such officer is compensated on a salary basis the legislature may provide for the distribution of the fees, commissions, percentages, and allowances collectible by him, and the funds from which the salary of the officer shall be paid, any other provision of this Constitution to the contrary notwithstanding. (Amendment 103)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

9-4.00. Chambers County and Municipalities Therein. (Amendment 678)

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

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§9-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 663)

No elected or appointed Chambers County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Chambers County official may participate in the Employees'

Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Chambers County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this amendment, the words "elected or appointed Chambers County official" include, subject only to express limitation, any person elected to represent Chambers County in any representative body of the state and includes any person appointed to serve the remaining term of an elected or appointed Chambers County official. The words do not include a judge, district attorney, constable, school board member, or any official elected from a judicial circuit. (Amendment 663)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools

§9-10.20. Special Property Tax for School Purposes. (Amendment 102)

In addition to all other taxes now or hereafter authorized by law, the governing body of Chambers county shall have the power to levy and collect, for a period of not exceeding twelve years, a special ad valorem tax on real and tangible personal property only, situated within said county, at a rate not exceeding five mills on each dollar's worth of said real and tangible personal property, as assessed for state taxation for the preceding tax year, the proceeds of said tax to be used solely for acquiring, constructing and equipping public school buildings within said county, including public school buildings for any city school system therein; provided, however, that the special ad valorem tax authorized herein shall be levied only in the event that no other additional ad valorem tax is authorized to be levied by a constitutional amendment submitted at the 1953 regular session of the legislature; and provided further, that before said special ad valorem tax shall be levied, the question as to whether said tax shall be levied shall have first been submitted to a vote of the qualified electors of said county at an election to be called by the governing body of said county, and shall have been voted for by a majority of said qualified electors voting at said election. The election provided for herein shall be called, held, conducted and canvassed, and may be contested in the same manner as provided by law for the calling, holding, conducting and canvassing of county bond elections. Upon the expiration of any tax authorized pursuant to this amendment, no further tax shall be authorized hereunder.

In the event the said special ad valorem tax shall be authorized by a majority of the qualified electors voting on said question at said election, the governing body of said county shall thereupon be authorized to sell and issue its tax anticipation bonds for the purposes for which said tax was authorized, which bonds shall be in such amount as the governing body of said county shall designate, and shall be subject to the provisions of the general laws pertaining to the issuance of county bonds except that no further election shall be required therefor. The revenue derived from the sale of said bonds shall be expended by the Chambers county board of education for the purposes stated herein. Any bonds issued pursuant to this amendment shall be payable solely out of the proceeds of the said special ad valorem tax hereby authorized, which shall be pledged therefor, and after the issuance of said bonds, the proceeds of said tax remaining after payment of the cost of assessment and collection shall be used only for payment of the

principal of and interest on said bonds, the creation and maintenance of a reserve therefor, and the redemption thereof. Said bonds shall constitute negotiable instruments although payable from a limited source and shall be eligible for the investment of trust funds. The said bonds shall not constitute general obligations of the said county and shall be in addition to all other bonds which said county has heretofore issued or is authorized to issue under the Constitution and laws of Alabama. (Amendment102)

Article 3. Health

§9-10.40. Special Tax Levied Pursuant to Amendment 72. (Amendment 307)

Whenever the tax authorized to be levied by Section 215.02 shall have been approved by vote of the qualified electors of Chambers county and levied by the governing body of the county, the proceeds of such tax may be used for any health purposes of the county, including providing of health facilities of all kinds and of health services; and the governing body of Chambers county may, in its discretion, expend any part of the proceeds thereof in cooperation with any one or more of the municipalities of the county, or in cooperation with any public or private nonprofit hospital corporation; or the county governing body may cooperate in the consolidation of all such hospitals, facilities and services in Chambers county and expend all or any part of the proceeds of the said tax in support thereof. (Amendment 307)

Article 4. Public Buildings

§9-10.60. Special Tax for Library Purposes. (Amendment 554)

The governing body of Chambers County shall, subject to succeeding provisions of this amendment (including those relating to approval by the Chambers County electorate), and notwithstanding anything in the Constitution or laws of Alabama to the contrary, levy and collect a special county ad valorem or property tax at the rate of twenty cents ($.20) on each one hundred dollars ($100) of taxable property in said County, for a period of ten fiscal (or ad valorem tax) years of said County. Such tax shall be in addition to any taxes now authorized, or that may hereafter be authorized, by the Constitution and laws of Alabama to be levied and collected in Chambers County or by said governing body.

The proceeds of the aforesaid tax shall be used exclusively for public library purposes in Chambers County, including particularly (but without limitation)

(a) the acquisition, construction, reconstruction, improvement, enlargement, equipment, operation, maintenance and support (or any one or more thereof) of

(1) any public library or libraries operated or supported (whether in whole or in part) by said County, by the Chambers County Library Board, or by any other similar public or governmental body empowered, under the Constitution and laws of Alabama, to operate or support public libraries, including particularly, but without limiting the generality of the foregoing, (i) that certain public library located in the City of Lafayette now owned by the City of Lafayette, and (ii) that certain public library located in the City of Valley now owned by a not-for-profit foundation or a not-for-profit corporation, and

(2) any other public libraries, branch libraries or related public library facilities (including, without limitation, one or more buildings and any equipment and lands necessary therefor) located or to be located in Chambers County and forming or to form a part of the public library system of said County; and

(b) the payment of principal of or interest (or premium, if any) on any bonds, warrants, notes or other securities (including, without limitation, refunding securities) issued by said County for public library purposes in Chambers County; provided, that any public library, branch library or related public library facilities described in the preceding provisions of this

amendment shall be owned either by said County, said Chambers County Library Board or other public or governmental body, or by a not-for-profit corporation or other similar nonprofit organization (regardless of how denominated or organized); and provided further, (A) that the proceeds of such tax may be expended to pay any costs of constructing, reconstructing, improving or enlarging any additions or improvements to any building or buildings used or to be used (at least in part) by, or in connection with the operation of, the aforesaid public library located in the City of Valley, notwithstanding that such building or buildings may also then be used (or may thereafter be used) in part by, or in connection with the operation of, archives or other facilities that are not, and are not expected to be, operated for public library purposes, and (B) that none of the proceeds of such tax may be expended to pay any costs of operating, equipping, maintaining or supporting any such facilities that are not, and are not expected to be, operated for public library purposes. In expending (or causing to be expended) the proceeds of such tax for the purposes herein authorized, and in otherwise carrying out the purposes of this amendment, the governing body of Chambers County shall not be subject to the provisions of Sections 93 and 94 of the Constitution, as amended.

If this amendment is approved, and if a majority of the qualified electors of Chambers County who vote at the election thereon vote in favor of this amendment, then the tax hereinabove authorized shall be levied and collected as hereinabove provided, without any other election having been held thereon. However, if this amendment is approved but a majority of the qualified electors of Chambers County who vote at the election thereon vote against it, then such tax shall not be levied unless the question of the levy of such tax as hereinabove provided shall have been submitted to a vote of the qualified electors of said County and approved by a majority of those voting at such election; and such tax shall, upon such approval, be levied and collected as hereinabove provided. Subsequent elections may be held at intervals of not less than one year, and shall be called, held and conducted in the same way, according to the general laws of Alabama (with such modifications as shall be necessary to comply with the provisions of this amendment), as elections on the question of issuing county bonds. Following the approval of the Chambers County electorate (whether at the election on this amendment or at a subsequent county election as hereinabove provided), the tax herein authorized shall, to the fullest extent consistent with the efficient and practical administration of the tax system of Chambers County and without regard to any law otherwise requiring the levy of county taxes during a certain month or on or before a particular date, be initially levied by the governing body of said County so that it shall first become due and payable on the October 1 next succeeding such election.

The provisions of this amendment are and shall be self-executing, and authorization from or any other action by the legislature shall not be a prerequisite to the levy and collection of the tax herein authorized, to the use of the proceeds of such tax as herein provided, or to the call, holding or conduct of any election in said County as hereinabove provided for. It is hereby specifically declared that this amendment is not being proposed pursuant to Section 284.01, and the provisions of Section 284.01 are hereby declared to be inapplicable to this amendment. (Amendment 554)

§9-10.61. Extension of Special Library Tax. (Amendment 721)

(a) Subject to the succeeding provisions of this amendment, the governing body of Chambers County shall continue to levy and provide for the collection of the special county ad valorem tax authorized by Section 9-10.60 at the existing rate of 20 cents ($.20) on each one hundred dollars ($100) of taxable property in the county for an additional 10 years commencing on October 1, 2003, and expiring on September 30, 2013.

(b) The proceeds from the ad valorem tax which shall continue to be levied under subsection (a) of this amendment shall continue to be used for public library purposes in Chambers County in the same manner prescribed in subsections (a) and (b) of Section 9-10.60, for the use of the ad valorem tax proceeds collected pursuant to Section 9-10.60.

(c) The provisions of this amendment shall be self-executing and no further referendum or action by the Legislature shall be a prerequisite to continuing the levy and collection of the tax herein authorized. The county governing body shall provide for the administration and collection of the tax. (Amendment 721)

§9-10.62. Additional Special Library Tax. (Amendment 853)

(a) As used in this amendment, the following defined terms apply:

(1) CONSTITUTION. The Constitution of Alabama of 1901, as amended.

(2) SPECIAL LIBRARY TAX. That certain additional special county ad valorem or property tax which is authorized by the Special Tax Amendments to be levied at the rate of twenty cents ($.20) on each one hundred dollars ($100) of taxable property in Chambers County.

(3) SPECIAL TAX AMENDMENTS. Section 9-10.60 and Section 9-10.61.

(b) Notwithstanding any provision to the contrary in either of the Special Tax Amendments, the governing body of Chambers County shall continue to levy and collect the Special Library Tax in and for each fiscal or tax year of the county until and including the fiscal or tax year beginning on October 1, 2032, and ending on September 30, 2033, and for which county taxes shall become due and payable on October 1, 2033.

(c) Notwithstanding any provision to the contrary in either of the Special Tax Amendments, none of the proceeds of the Special Library Tax may be used or expended, whether directly or indirectly, to pay any costs or expenses incurred, whether by the governing body of Chambers County or by any other person, in connection with the levy and collection of the Special Library Tax or to reimburse the governing body or any other person for any payment, by the governing body or any other person, of any such costs or expenses; and the governing body shall have no power to provide for the payment of any such costs or expenses out of the proceeds of the Special Library Tax.

(d) Except to the extent provided in this amendment, the levy and collection of the Special Library Tax, and the use and expenditure of the proceeds thereof, shall continue to be subject to all applicable provisions of each of the Special Tax Amendments. Nothing in this amendment shall be construed to permit any increase in the rate at which the Special Library Tax is levied.

(e) The provisions of this amendment are self-executing, and authorization from or any other action by the Legislature shall not be a prerequisite to the continued levy and collection of the Special Library Tax, or to the use or expenditure of the proceeds thereof. Notwithstanding any contrary provision of either Section 104 or Section 105 of the Constitution, the Legislature shall have the power to enact general, special, or local laws supplemental hereto or in futherance of the purposes hereof; provided, that no such special or local law shall be subject to the provision of Section 106 of the Constitution. (Amendment 853)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§9-11.00. Fund Created; Court Charges. (Amendment 476)

The Chambers county commission shall establish a Chambers county fire and rescue fund. The circuit clerk of Chambers county shall assess an additional court charge against all persons convicted in Chambers county of violating state criminal law regarding driving under the

influence of alcohol or the state criminal law regarding controlled substances. First time offenders of said criminal law shall pay a court charge of twenty-five dollars ($25.00). Second time offenders of said criminal law shall pay a court charge of fifty dollars ($50.00). Third time offenders and all other offenders of said criminal law shall pay a court charge of one hundred dollars ($100.00). Said court charge shall be in addition to all other charges prescribed by law. Said court charges shall be paid into the Chambers county fire and rescue fund and shall be distributed by the county commission on January 31 of each year. Said money shall be equally distributed to all chartered volunteer fire departments and chartered volunteer rescue squads established in Chambers county. The Chambers county commission shall be authorized to promulgate rules and regulations to implement the provisions of this amendment. The legislature shall be authorized to enact general, local or special laws to provide further for the operation of said fund, the allocation of the moneys placed in said fund and the amount of court charges levied. (Amendment 476)

Title 9A Chambers County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 10 Cherokee County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§10-2.00. County Jail. (Amendment 526)

In addition to any court costs and fees now or hereafter authorized, and notwithstanding any other provisions of the Constitution, including without limitation sections 96, 104 and 105 of the Constitution of Alabama of 1901, as amended, there shall be an additional $20.00 fee assessed and taxed as costs on each civil and criminal case hereafter filed in the circuit court, district court, probate court or any municipal court in Cherokee county. The aforementioned $20.00 fee/assessment in no way can be waived by any court unless all other fees, assessments, costs, fines and/or charges associated with said case are waived. Such fees, when collected by the clerks or other collection officers of such courts, shall be paid into the general fund of Cherokee county to be used for the planning, designing, construction, financing and operation of a new county jail. This amendment shall be self-executing and shall require no enabling legislation. (Amendment 526)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

RESERVED

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Compensation

§10-8.00. Certain Public Officials in Cherokee and Etowah Counties. (Amendment 43)

The legislature of Alabama may hereafter, from time to time by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the tax assessors, tax collectors, probate judges, circuit clerks, sheriffs, and registers of the equity courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, provided the salary, fees or compensation of any officer named herein shall not be increased or diminished during the term for which he shall have been elected or appointed, after his election or appointment, in the following named counties: Etowah and Cherokee. (Amendment 43)

[Note: Amendment 62 superseded Amendment 43 as applied to Etowah County. See Section 28-8.00.]

Article 2. Retirement

§10-8.20. Phase-out of Supernumerary Program; Participation in RSA. (Amendments 630 and 777)

No elected or appointed Cherokee County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Cherokee County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Cherokee County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this amendment, the words "elected or appointed Cherokee County official" include, subject only to express limitation, any person elected to represent Cherokee County in any representative body of the state and includes any person appointed to serve the remaining term of an elected or appointed Cherokee County official. The words do not include a judge, district attorney, constable, school board member, or any official elected from a judicial circuit. (Amendments 630 and 777)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2 Schools

§10-10.20. Special School District Tax. (Amendment 78)

In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, the several school districts of Cherokee county, Alabama, shall have the power to levy and collect a special district tax of fifty cents on each one hundred dollars worth of taxable property in such districts for public school purposes; provided, that the time during which such tax is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in each such district and voted for by a majority of those voting at such election, the election to be held in the same manner as now provided by law for an election on the school district tax authorized in Sections 269.01-269.03. The funds arising from such special tax levied in any district which votes the same independently of the county shall be expended for the exclusive benefit of the district as the law may direct. (Amendment 78)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§10-11.00. Fire Protection Purposes. (Amendment 584)

(a) In addition to all other ad valorem taxes levied, the Cherokee County Commission may levy on an annual basis, commencing with the tax year beginning October 1, 1995, an ad valorem tax on all taxable property located in Cherokee County at a rate of two mills per dollar of assessed value of the taxable property, the proceeds of which shall be paid into the county general fund and allocated therefrom for fire protection and rescue services.

(b) Within 30 days of payment into the county general fund of the proceeds from the additional tax levied pursuant to (a), the county commission shall pay the proceeds generated by

one and one-half mills of the additional tax levied to the Cherokee County Association of Volunteer Fire Departments and the proceeds generated from one-half of one mill to the Cherokee County Rescue Service Inc. The association shall divide its funds equally among the member fire departments of the Cherokee County Association of Volunteer Fire Departments and allocate one share thereof to the association at the quarterly meetings of the association.

(c) Funds paid to eligible volunteer fire departments shall only be expended for fire protection services, including day to day operations, training, supplies, buildings, capital improvements, and equipment. An eligible volunteer fire department shall mean a volunteer fire department located in Cherokee County which is certified under the guidelines of the Alabama Forestry Commission and is a member in good standing of the Cherokee County Association of Volunteer Fire Departments. Any tax proceeds allocated for fire protection and rescue services under this amendment shall not be expended for salaries, food, drink, social activities, or fundraising activities. After receiving funds, the volunteer fire departments shall keep accurate records to verify that the funds were properly expended. By September 15th of each year, each fire department and the county association shall file a form with the county association detailing the expenditures of all funds during the previous 12 months and setting out a schedule of all proposed projects. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. The county association shall supply the accounting forms to each eligible volunteer fire department and the county association.

(d) Funds paid to the Cherokee County Rescue Service Inc. shall only be expended for rescue services, including day to day operations, training, supplies, buildings, capital improvements, and equipment. In order for the Cherokee County Rescue Service to maintain eligibility for tax proceeds it shall maintain current active membership in the Alabama Association of Rescue Squads. After receiving funds, the Cherokee County Rescue Service Inc. shall keep accurate records to verify that funds were properly expended.

(e) All funds collected and disbursed under this amendment shall be subject to audit by the State Department of Examiners of Public Accounts.

(f) Upon dissolution or abandonment of any eligible volunteer fire department, any remaining funds shall, after all indebtedness has been satisfied, be transferred to the county association.

(g) Upon dissolution or abandonment of the Cherokee County Rescue Service Inc. any remaining funds shall, after all indebtedness has been satisfied, be held in the county general fund, until a decision can be reached by all applicable parties regarding the restoration of rescue service and the transfer of the funds for rescue services.

(h) The personnel of volunteer fire departments and the Cherokee County Rescue Service shall not be considered as employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of volunteer fire departments and the Cherokee County Rescue Service Inc. (Amendment 584)

Title 10A Cherokee County Municipalities.

Chapter 1. Miscellaneous Provisions

RESERVED

Title 11 Chilton County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§11-2.00. Compensation of Certain Officials. (Amendment 346)

The legislature may, from time to time, by general or local laws applicable to or operative in Chilton county, fix, regulate, and alter the costs and charges of court and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, tax assessor, tax collector, the clerk of circuit court, and the register of circuit court of Chilton county; may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. No law shall, however, be effective to increase or diminish the compensation of any such officer of Chilton county during the term for which he shall have been elected or appointed.

The legislature may also, from time to time, by general, special or local laws, fix, regulate and alter the costs and charges of courts in Chilton county and the method of disbursement thereof. (Amendment 346)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§11-4.00. Chilton County and Municipalities Therein. (Amendment 679)

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

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

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

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

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

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

(6) Become indebted and to issue and sell bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding 50 percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease, or acquisition of any of the property described in subdivision (1) or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may be issued upon the full faith and credit of the county or any such municipality or may be limited as to the source of their payment.

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

The recital in any bonds, warrants, notes, or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized shall be conclusive, and no purchaser or holder thereof need inquire further. The bonds, warrants, notes, or other obligations or evidences or indebtedness issued hereunder shall not be considered an indebtedness of the county or any such municipality for the purpose of determining the borrowing capacity of the county or any such municipality under Section 224 or Section 225 of the Constitution of Alabama of 1901.

In carrying out the purposes of this amendment, neither the county nor any such municipality shall be subject to the provisions of Section 94 of the Constitution of Alabama of 1901. This amendment shall be self-executing, but notwithstanding any contrary provisions of Section 104 of the Constitution of Alabama of 1901, the Legislature may by general, special, or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth. No such special or local act shall be subject to the provisions of Section 106 of the Constitution of Alabama of 1901.

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

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§11-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 704)

No person elected or appointed Sheriff of Chilton County, or any elected or appointed Chilton County official, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and other elected or appointed Chilton County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Chilton County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees'

Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, school board member, or any official elected from a judicial circuit. All costs associated with the purchase of prior service credit as prescribed in Section 36-27-6.1, Code of Alabama 1975, shall be the responsibility of the official making the purchase. (Amendment 704)

Article 2. Employee Personnel Boards

§11-8.20. Participation of Sheriff's Employees. (Amendment 722)

The Legislature, by local law applicable only in Chilton County, may provide for the establishment of a civil service merit system for employees of the Office of Sheriff of Chilton County, including deputy sheriffs, county law enforcement officers, radio operators, jailers, and any other support personnel who work for the sheriff, except for the chief deputy. (Amendment 722)

Chapter 9. Public Safety

Article 1. Animal Control

§11-9.00. Control of Dangerous Dogs. (Amendment 936)

The Legislature, by local law applicable to those areas of Chilton County outside the corporate limits of any municipality, may establish a procedure by which a dog can be declared dangerous and be humanely destroyed and impose criminal penalties on the owners of a dog declared to be dangerous. (Amendment 936)

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools

§11-10.20. Vocational School; Industrial Development. (Amendment 166)

Section 1. The court of county commissioners, board of revenue, or like governing body of Chilton county shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of two mills on each one dollar's worth of taxable property in the county, the proceeds of which shall be used for the acquiring, constructing, enlarging, repairing, improving, equipping, furnishing, operating, or maintaining of a vocational trade school in the county and for the rural and industrial development of the county, provided that the tax has been approved by a majority of the qualified electors of the county voting thereon. The county governing body may also pledge the proceeds of the tax to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for such purposes.

Section 2. In event this amendment is approved the court of county commissioners, board of revenue, or like governing body of Chilton county shall have the authority to call an election at any time. In the call for said election, there shall be submitted to the qualified electors of Chilton county a statement of the rate of the tax, the time that it shall continue, and whether or not it shall be levied; and such tax shall be levied if a majority of the qualified electors voting at the said election should vote in favor thereof. If in said election the majority of the qualified electors of the county who vote thereon vote against its approval, the tax may not be levied unless the rate of the tax, the time it is to continue and the purpose thereof shall be again submitted to a vote of the qualified electors of the county and voted for by a majority of those

voting at the election. Subsequent elections may be held at intervals of not less than one year and shall be held and conducted in the same manner as county school tax elections, except that no petition of electors shall be necessary to initiate the same.

Section 3. The power to levy granted by this amendment will not be exhausted by one election but shall remain a continuing grant unless and until it is repealed by subsequent constitutional action.

Section 4. This amendment shall be self-executing and shall require no enabling legislation. (Amendment 166)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§11-11.00. Fire Protection Purposes. (Amendment 680)

The Chilton County Commission may levy and collect a special property tax, in addition to all other taxes heretofore provided by law, not exceeding four mills on each dollar's worth of taxable property outside the corporate limits of any incorporated municipality in the county, as assessed for state taxation during the preceding year; except that the special property tax shall not exceed two and one-half mills on property used for the generation of electric energy, including hydroelectric projects licensed by the Federal Energy Regulatory Commission, or any predecessor or successor agency. The proceeds of the special property tax shall be used exclusively for fire, medical, and emergency services in areas outside the incorporated municipalities of Chilton County.

The tax assessor of Chilton County shall assess the tax herein provided, and the tax collector of Chilton County shall collect the tax, in the same manner and method that other ad valorem taxes are collected. The proceeds of the tax shall be distributed to the Chilton County Commission to be distributed by the commission, in equal shares, to all of the rural fire departments in the county that have and maintain an Insurance Services Office (ISO) Public Protection Classification of 9 or lower and that protect areas outside the incorporated municipalities of Chilton County. Each department receiving proceeds from the tax shall maintain a separate account for the tax proceeds and shall furnish, at its own expense, an audit of the account to the Chilton County Commission yearly.

The tax shall be collected, starting the first month after approval by the qualified electors of Chilton County, and shall be levied in perpetuity. Qualified electors include only those who reside outside the incorporated municipalities of Chilton County. (Amendment 680)

Title 11A Chilton County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 12 Choctaw County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Judges

§12-2.00. Judge of Probate Compensation. (Amendment 495)

Effective the beginning of the next term of office after ratification of this amendment, the judge of probate of Choctaw county shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Choctaw county such salary as provided by local law. Such salary shall be the entire compensation received by such judge for his services in any official or ex officio capacity. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges previously paid to the judge of probate of Choctaw county.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Choctaw county shall continue to be collected but shall be paid into the general fund of Choctaw county.

The county commission of Choctaw county shall provide the judge of probate with such office personnel, equipment and supplies as such county commission may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county commission and shall be paid in equal monthly installments out of the general fund of Choctaw county. (Amendment 495)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

RESERVED

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

RESERVED

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools

§12-10.20. Additional Tax for Educational Purposes. (Amendment 167)

Section 1. The court of county commissioners, board of revenue, or other like governing body of Choctaw county shall have power to levy and provide for collection of an additional county tax of fifty cents on each one hundred dollars worth of taxable property in the county, for public school purposes, in the same manner and subject to the same election requirements as provided in Sections 269.01 through 269.03 with respect to other county school taxes. The tax

herein authorized shall be in addition to all other county taxes authorized in this Constitution as amended, and the proceeds thereof shall be spent for public school purposes only.

Section 2. If this amendment is approved and a majority of the qualified electors of the county who vote thereon vote in favor of the adoption of this amendment when it is submitted, the additional tax provided for in section 1 may be levied and collected thereafter without any other election having been held thereon. But if this amendment is approved and a majority of the qualified electors of the county who vote thereon vote against its approval, the tax may not be levied unless the rate of the tax, the time it is to continue, and the purpose thereof shall have been again submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year, and shall be called, held, and conducted in the same way, according to the general laws, as other elections on the question of levying special county school taxes. (Amendment 167)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§12-11.00. Fire Protection Purposes. (Amendment 527)

In Choctaw county there is hereby levied, commencing on October 1 following ratification of this amendment, in addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, a fire protection tax of one mill. The fire protection tax levied herein shall be based upon the value of real and personal property assessed by affected property owners, as shown on the records of the tax assessor of Choctaw county, Alabama, and shall be assessed and collected as are all ad valorem taxes in the county. The amount collected each year from assessment of this fire protection tax shall be set aside in a special fund to be distributed by the county commission to volunteer fire departments in the county and the Choctaw County Association of Volunteer Fire Departments. The revenues generated from this tax will be distributed to all volunteer fire departments meeting the minimum standards and the Choctaw County Association of Volunteer Fire Departments, Inc. in equal shares on a semi-annual basis on February 1st and August 1st of each year. Prior to any distribution of funds, there must be prepared and filed with the Choctaw County Commission a map setting out the various volunteer fire departments and every portion of Choctaw county must be assigned or designated to one of the respective volunteer fire departments so that every citizen in Choctaw county has fire protection from a designated volunteer fire department. No funds shall be disbursed to any volunteer fire department until the county has full and complete coverage for all citizens. The funds shall be audited annually by the examiners of public accounts or a qualified licensed and registered certified public accountant as to the fire protection taxes received by the county commission, as to the funds appropriated by it and as to how the funds are expended in each volunteer fire department and to be certain that all taxes received are disbursed on an equal basis to the district and countywide organization and to further audit how the funds are expended by each department and the countywide association.

The county commission is further authorized to enter into agreements with volunteer fire departments within such county for fire protection and services. (Amendment 527)

Title 12A Choctaw County Municipalities.

Chapter 1. Miscellaneous Provisions

RESERVED

Title 13 Clarke County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§13-2.00. General Authority. (Amendment 416)

The legislature may, from time to time, by general or local laws, fix, alter and regulate the costs and charges of courts in Clarke county, and the method and disbursement thereof. (Amendment 416)

Article 2. Judges

§13-2.20. Judge of Probate Compensation. (Amendment 478)

The legislature may, from time to time, by general or local laws applicable to or operative in Clarke county, fix, regulate, and alter the costs and charges of courts and fees, commissions, allowances, and salaries, including the method and basis of compensation, to be charged or received by the judge of probate of Clarke county; and may place the judge of probate on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officer to be paid into the treasury from which his salary is paid. (Amendment 478)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§13-4.00. Clarke County and Municipalities Therein. (Amendment 217)

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

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

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

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

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

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

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

7. Levy and collect annually, in addition to all other taxes now authorized or permitted, a special tax or taxes of not exceeding two percent on the value of all taxable property therein as

determined for state taxation, in the same manner as other county or municipal taxes are levied and collected. Such tax may be upon all property in the county or in any municipality in Clarke county or upon all property in any district to be specially improved and benefited by any proposed use or expenditure of the proceeds of such tax.

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

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

The recital in any bonds, warrants, notes, or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of Clarke county or any municipality therein for the purpose of determining their borrowing capacity under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

This amendment shall be self-executing; but the legislature may enact laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth.

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

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§13-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendments 631 and 768)

No elected Clarke County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established the particular supernumerary program. Any elected Clarke County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. An elected Clarke County official holding office at the effective date of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the elected county official has served in the current office; provided, however, the elected county official shall forego the assumption of a supernumerary office. For purposes of this amendment, the term "elected Clarke County official" shall mean any person elected to a Clarke County office, and shall include any person appointed to serve the remaining term of an elected county official, but shall not include a judge, district attorney, legislator, constable, board of education member, any official elected from a judicial circuit, or any official who is allowed by law to participate in any other retirement system. (Amendments 631 and 768)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools

§13-10.20. Additional Tax for Educational Purposes. (Amendment 168)

Section 1. The court of county commissioners, board of revenue, or other like governing body of Clarke county shall have power to levy and provide for collection of an additional county tax of fifty cents on each one hundred dollars worth of taxable property in the county, for public school purposes, in the same manner and subject to the same election requirements as provided in Sections 269.01 through 269.03 with respect to other county school taxes. The tax herein authorized shall be in addition to all other county taxes authorized in this Constitution as amended, and the proceeds thereof shall be spent for public school purposes only.

Section 2. If this amendment is approved and a majority of the qualified electors of Clarke county who vote thereon vote in favor of the adoption of this amendment when it is submitted, the additional tax provided for in section 1 may be levied and collected thereafter for a period of 20 years without any other election having been held thereon. But if this amendment is approved and a majority of the qualified electors of the county who vote thereon vote against its approval, the tax shall not be levied unless the rate of the tax, the time it is to continue, and the purpose thereof shall have been again submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year, and shall be called, held, and conducted in the same way, according to the general laws, as other elections on the question of levying special county school taxes. (Amendment 168)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§13-11.00. Creation of Districts; Collection of Fees. (Amendment 464)

The Clarke county commission is hereby authorized in its discretion to establish fire districts within the geographical boundaries of Clarke county. The boundaries of such fire

districts may be rearranged at the discretion of the county commission as it deems necessary, from time to time, to maximize fire protection services in the county. The county commission may use the corporate limits of the various towns and municipalities in the county as boundaries for fire districts. In such situations, such town or municipal fire district shall have its own volunteer fire department functioning within its boundaries. Each fire district established in an area located outside of the corporate limits of a town or municipality shall likewise have its own volunteer fire department functioning strictly within its district boundaries.

The county commission is further authorized to enter into agreements with volunteer fire departments within such county for fire protection and services.

There is hereby levied, in addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, a fire protection tax of two mills. The fire protection tax levied herein shall be based upon the value of real and personal property assessed by affected property owners, as shown on the records of the tax assessor of Clarke county, Alabama, and shall be assessed and collected as are all ad valorem taxes in the county. The amount collected each year from assessment of this fire protection tax shall be paid into the county general fund and used in furtherance of fire protection within the affected area. Prior to the levy of the fire protection tax in said county, there shall be submitted to the electors of said county, at a special election called for that purpose in said county, the question of whether the said tax shall be levied, and the said tax shall be authorized at such election by a majority of the qualified electors within the said county who vote at such election; provided further, that if a majority of the qualified electors of said county participating in the election on the ratification of this amendment shall vote for the ratification of this amendment, then the approval of this amendment as expressed by the vote in said county in favor of its ratification shall, of itself, authorize the levy and collection of the tax for fire protection purposes in said county, commencing with the levy for the tax year for which taxes will become due and payable on October 1, 1987.

Elections on the question of the levy of a fire protection tax in said county may be held at any time and from time to time, provided, that if any such election held after the ratification of this amendment the proposal to levy the tax so submitted should be defeated then the proposal may not be submitted at another election held in said county within two years from the last election held under this amendment. (Amendment 464)

Title 13A Clarke County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Jackson

§13A-2.00. Port Authority. (Amendments 465 and 477)

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

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

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

(2) The name of the corporation;

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

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

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

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

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

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

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

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

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

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

Section 5. (a) The corporation shall have a board of directors in which all of the powers of the corporation shall be vested pursuant to its authority, and which shall consist of five members. The directors shall be appointed by the governing body of the city of Jackson; the places on the board shall be numbered from one through five as follows, and the terms of office of the directors shall be staggered, and, to that end, the initial terms of office of the initial directors shall be as follows: Two (2) years as to Place One; three (3) years as to Place Two; four (4) years as to Place Three; five (5) years as to Place Four; and six (6) years as to Place Five. After the initial terms as to each such place on the board, the terms of office as to that place shall be four (4) years. Only members of the city council of the city of Jackson, then serving as such, shall be eligible for appointment to and, except as hereinafter shown, may serve in Place Three on said board. If any director resigns or dies or becomes incapable of acting as a director or ceases to reside in the city of Jackson or is otherwise disqualified to act, the governing body of the city of Jackson shall appoint a successor to serve for the unexpired term. Directors shall be eligible for reappointment to succeed themselves in office, if they are otherwise qualified to serve. If at the expiration of any term of office of any director, or, if the director serving in Place Three ceases to be a member of the city council of the city of Jackson, and a successor to such director shall not have been appointed, then and in either such event such director shall nevertheless continue to hold such office until a qualified successor has been appointed.

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

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

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

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

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

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

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

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

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

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

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

(g) To acquire, whether by purchase, construction, exchange, gift, lease or otherwise and to improve, equip and furnish and to own and maintain or lease one or more projects or parts thereof, including all real and personal properties and interests therein which its board may deem necessary in connection therewith, regardless of whether or not any such project or projects shall then be in existence;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) any debt securities that are direct, general obligations of the United States of America,

(2) any debt securities, the payment of the principal or any interest on which is unconditionally guaranteed by the United States of America,

(3) any time deposit with, or any certificate of deposit issued by, any bank which is organized under the laws of the United States of America or any state thereof and deposits in which are insured by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation, and

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

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

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

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

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

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

(1) To enable such user to borrow an amount not substantially in excess of the equity (determined on any basis not resulting in a higher value for any facility in question than the

estimated replacement cost or the appraised market value thereof, whichever may be greater) which such user may then have in any facility or facilities;

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

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

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

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

Provided however, the powers specified in subsections (e), (f), (g), (h), (i), (j), (l), (m), (n), (t), (u), and (aa) of this section shall be granted and enforceable only within the city of Jackson and the police jurisdiction of the city of Jackson as said police jurisdiction exists on the date this constitutional amendment is ratified.

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

(b) The principal of and interest on any bonds issued by the corporation shall be secured by a pledge of the revenues and receipts out of which the same may be payable and may be secured by a mortgage and deed of trust or trust indenture conveying as security for such bonds all or any part of the property of the corporation from which the revenues or receipts so pledged may be derived. The resolution under which the bonds are authorized to be issued and any such mortgage and deed of trust or trust indenture may contain any agreements and provisions respecting the operation, maintenance and insurance of the property covered by said mortgage and deed of trust or trust indenture, the use of the revenues and receipts subject to such mortgage and deed of trust or trust indenture, the creation and maintenance of special funds from such revenues and receipts, rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made and the rights and remedies available in the event of default as the board shall deem advisable and which are not in conflict with the provisions of this article. Each pledge, agreement, mortgage and deed of trust or trust indenture made for the benefit or security of any of the bonds of the corporation shall continue effective until the principal of and interest on the bonds for the benefit of which the same were made shall have been fully paid. In the event of default in such payment or in any agreements of the corporation made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any mortgage and deed of trust or trust indenture executed as security therefor, such default may be enforced by mandamus, the appointment of a receiver, or either of said remedies, and foreclosure of such mortgage and deed of trust or trust indenture may, if provided for in said instrument, be had.

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

the seal of the authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereof, and a facsimile of the signature of the president of the board may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same.

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

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

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

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

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

exchanged for the bonds or other obligations to be refunded. Any such refunding bonds may be executed and delivered by the corporation at any time and from time to time, shall be in such form and denominations and have such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this article, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its board.

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

Section 10. Upon the adoption by the board of the corporation of any resolution providing for the issuance of bonds, the corporation may, in its discretion, cause to be published once a week for two consecutive weeks, in a newspaper published or having a general circulation in Clarke county, a notice in substantially the following form (the blanks being properly filled in) at the end of which shall be printed the name and title of either the president or secretary of such corporation. "..., a public corporation under the laws of the state of Alabama, on the ... day of ..., authorized the issuance of $ ... principal amount of bonds of the said public corporation for purposes authorized in the act of the legislature of Alabama under which the said public corporation was organized. Any action or proceeding questioning the validity of the said bonds, or the pledge and the mortgage and deed of trust or trust indenture to secure the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of this notice."

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

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

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

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

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

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

Section 16. [Repealed by Amendment 477.]

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

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

Section 19. The provisions of this amendment shall be self-executing and become effective upon the ratification of this amendment by the people. (Amendments 465 and 477)

Title 14 Clay County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§14-2.00. Compensation of Certain Officials. (Amendment 359)

The legislature may, from time to time, by general or local laws applicable to or operative in Clay county, fix, regulate, and alter the costs and charges of courts and fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the county officers of Clay county; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. This amendment shall not have been adopted unless a majority of the qualified electors of Clay county who participate in the election held on the adoption of this amendment vote in favor thereof. (Amendment 359)

Article 2. Courthouses

§14-2.20. Location of Courthouse. (Amendment 945)

(a) The Legislature hereby finds and declares:

(1) The Clay County Courthouse is a neoclassical revival structure that was designed by C.W. Carlton and completed and dedicated in 1906. The building is surmounted by an impressive two-story high rotunda with a domed roof and cupola that is topped with a sculpture holding the scales of justice.

(2) The courthouse was placed on the National Register of Historic Places on November 21, 1976, and was restored in 2006 with donations and grants from federal, state, and local governments.

(3) The courthouse houses the Justice Hugo L. Black Courtroom, designated by the Clay County Commission on April 12, 1993.

(b) Upon the ratification of this amendment, the state courts located in Clay County may not be moved from the present location at the historical Clay County Courthouse, provided the structure is standing and habitable. (Amendment 945)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic development

§14-4.00. Clay County and Municipalities Therein. (Amendment 682)

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

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§14-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 940)

No elected or appointed Clay County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Clay County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system, and shall be treated as an employee of the county. Clay County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this amendment, the words "elected or appointed Clay County official" shall include, subject only to express limitation, any person elected to represent Clay County in any representative body of the state and includes any person appointed to serve the remaining term of an elected or appointed Clay County official. The words do not include a judge, district attorney, constable, school board member, or any official elected from a judicial circuit. (Amendment 940)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools

§14-10.20. Special Tax for Educational Purposes. (Amendment 169)

Section 1. If authorized at an election held for such purpose, the governing body of Clay county may levy and collect a special county tax at a rate not exceeding one-half of one percent on the value of the taxable property within the county as assessed for state taxation, the proceeds of which shall be used exclusively for public school purposes.

Section 2. An election shall be ordered by the county governing body to determine whether or not a special tax shall be levied for public school purposes as authorized herein upon the request of the county board of education, and the election shall be held and conducted in accordance with general laws providing for school tax elections pursuant to Sections 269.01 through 269.03. (Amendment 169)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§14-11.00. Fire Protection Purposes. (Amendment 585)

The Legislature declares that the fire departments and rescue squads which receive funds pursuant to this amendment are organizations which are public in nature as they promote and protect the health, safety, and welfare of the citizens of the county.

In addition to all other taxes now or hereafter provided by law, there shall be levied and collected in Clay County a special property tax of two mills on each one dollar's worth of taxable property as assessed for the state ad valorem taxation during the preceding year. The proceeds of the additional taxes levied by this amendment shall be used exclusively for fire protection and safety services.

The Revenue Commissioner of Clay County shall assess the tax herein provided for and shall collect the tax in the same manner and method that other ad valorem taxes are collected. The proceeds of the tax shall be paid by the commissioner directly to the Clay County Volunteer Fire Department Association. The proceeds shall be divided by the association among the eligible volunteer fire departments and rescue squads so that the proceeds of the tax collected within the corporate limits of the Cities of Ashland and Lineville shall be allocated proportionately to the volunteer fire departments of those cities and any rescue squads serving those cities, and the proceeds from collections in the unincorporated areas of the county shall be allocated equally among the volunteer fire departments and the rescue squads which serve the unincorporated areas of the county. The rescue squads shall also receive the same percentage of the proceeds distributed proportionately to Ashland and Lineville which the rescue squads receive from the county portion of the proceeds.

An eligible fire department, for purposes of this amendment, means a fire department in Clay County which is a member in good standing with the Clay County Volunteer Fire Department Association according to guidelines established by the Alabama Volunteer Fire Department Association.

An eligible rescue squad for purposes of this amendment, means a rescue squad in Clay County which is in good standing according to guidelines established by the Alabama Association of Rescue Squads.

Funds paid to eligible fire departments and rescue squads shall only be expended for fire protection and safety services including training, supplies, and equipment. The funds may also be expended to purchase liability insurance to insure coverage of acts or omissions which are directly related to the functions of a fire department or rescue squad which are committed by the department or squad or the personnel of a fire department or rescue squad. The funds may not be expended for food, drink, social activities, salaries, or fund-raising activities. After receiving funds, the fire departments and rescue squads shall keep accurate records to verify that the funds were properly expended. By September 15 of each year, the association shall file a financial statement with the Clay County Commission detailing the expenditure of all funds received from this amendment during the previous 12 months. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. No new fire departments or rescue squads shall be funded within Clay County without prior approval of the Clay County Volunteer Fire Department Association.

Upon dissolution or abandonment of any eligible fire department or rescue squad, any remaining funds derived from this amendment or any assets purchased with funds derived from this amendment shall, after all indebtedness has been satisfied, be transferred to the Clay County Volunteer Fire Department Association. The funds and assets shall be reallocated by the association equally to the other fire departments and rescue squads. In the event the association is dissolved, the additional property tax levied under this amendment shall self-destruct and no longer be levied and collected.

The personnel of fire departments and rescue squads provided for in this amendment shall not be considered employees, servants, or agents of the county and the members of the

county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of fire departments or rescue squads.

This amendment shall apply to collections of ad valorem taxes for the 1995-96 tax year and thereafter. The initial provisions of this amendment may hereafter be amended by local legislation which may become effective without referendum approval. (Amendment 585)

Title 14A Clay County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 15 Cleburne County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§15-2.00. Compensation of Certain Officials. (Amendments 331 and 347)

The legislature may from time to time, by general or local laws applicable to or operative in Cleburne county, fix, regulate, and alter the costs and charges of courts and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate or by any other officer of Cleburne county; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. (Amendments 331 and 347)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

RESERVED

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§15-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 632)

No elected or appointed Cleburne County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Cleburne County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Cleburne County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this amendment, the words "elected or appointed Cleburne County official" include, subject only to express limitation, any person elected to represent Cleburne County in any representative body of the state and includes any person appointed to serve the remaining term of an elected or appointed Cleburne County official. The words do not include a judge, district attorney, constable, school board member, or any official elected from a judicial circuit. (Amendment 632)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools

§15-10.20. Special Tax for Educational Purposes. (Amendment 123)

In addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, the several school districts or Cleburne county shall have the power to levy and collect a special district tax of fifty cents ($.50) on each one hundred dollars ($100) worth of taxable property in such districts for public school purposes; provided, that the time during which such tax is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in each such district and voted for by a majority of those voting at such election, the election to be held in the same manner as now provided by law for an election on the school district tax authorized in Sections 269.01 through 269.03. The funds arising from such special tax levied in any district which votes the same independently of the county shall be expended for the exclusive benefit of the district, as the law may direct. (Amendment 123)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§15-11.00. Fire Protection Purposes. (Amendment 586)

The Legislature declares that the fire departments which receive funds pursuant to this amendment are organizations which are public in nature as they promote and protect the health, safety, and welfare of the citizens of the county.

In addition to all other taxes now or hereafter provided by law, there shall be levied and collected in Cleburne County a special property tax of two mills on each one dollar's worth of taxable property as assessed for the state ad valorem taxation during the preceding year. The proceeds of the additional taxes levied by this amendment shall be used exclusively for fire protection services.

The Revenue Commissioner of Cleburne County shall assess the tax herein provided for and shall collect the tax in the same manner and method that other ad valorem taxes are collected. The proceeds of the tax shall be paid by the commissioner directly to the Cleburne County Volunteer Fire Department Association. The proceeds shall be divided by the association among the eligible volunteer fire departments in the county.

An eligible fire department, for purposes of this amendment, means a fire department in Cleburne County which is a member in good standing with the Cleburne County Volunteer Fire Department Association according to guidelines established by the Alabama Volunteer Fire Department Association.

Funds paid to eligible fire departments shall only be expended for fire protection services including training, supplies, and equipment. The funds may also be expended to purchase liability insurance to insure coverage of acts or omissions which are directly related to the functions of a fire department which are committed by the department or the personnel of a fire department. The funds may not be expended for food, drink, social activities, salaries, or fund-raising activities. After receiving funds, the fire departments shall keep accurate records to verify that the funds were properly expended. By September 15 of each year, the association shall file a financial statement with the Cleburne County Commission detailing the expenditure of all funds received from this amendment during the previous 12 months. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. No new fire departments

shall be funded within Cleburne County without prior approval of the Cleburne County Volunteer Fire Department Association.

Upon dissolution or abandonment of any eligible fire department, any remaining funds derived from this amendment or any assets purchased with funds derived from this amendment shall, after all indebtedness has been satisfied, be transferred to the Cleburne County Volunteer Fire Department Association. The funds and assets shall be reallocated by the association equally to the other fire departments. In the event the association is dissolved, the additional property tax levied under this amendment shall self-destruct and no longer be levied and collected.

The personnel of fire departments provided for in this amendment shall not be considered employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of fire departments.

This amendment shall apply to collections of ad valorem taxes for the 1995-96 tax year and thereafter. The initial provisions of this amendment may hereafter be amended by local legislation which may become effective without referendum approval. (Amendment 586)

Title 15A Cleburne County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 16 Coffee County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§16-2.00. Compensation of Certain Officials. (Amendment 360)

The legislature may from time to time, by general or local law, fix, alter and regulate the fees, commissions, percentages, allowances and compensation to be charged and received by any official of Coffee county, including the right to place any of such officers on a salary, provide for the operation of their respective offices on such basis and provide that such officers shall continue to collect any and all fees, commissions, percentages or allowances prescribed by law to be charged or collected by them and shall pay all monies so collected into the county treasury.

The legislature may also, from time to time, by general, special or local law, fix, regulate and alter the cost and charges of courts in Coffee county, and the method of disbursement thereof.

This article of amendment shall not become operative unless the same is approved by a majority of the qualified electors of Coffee county who vote thereon upon its submission. (Amendment 360)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§16-4.00. Promotion of Economic and Industrial Development in Certain Counties. (Amendment 429)

For the promotion of local economic and industrial development, the governing body of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa counties and of each municipality situated in said counties, other provisions of law or this Constitution notwithstanding, shall each have, independently or in cooperation with one or more of such governmental entities in such counties, full and continuing power (a) to purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site, or industrial park, projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and (b) to lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county, or of municipality exercising such power, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by any such county or municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and operating of, industrial, transportation, distribution, warehouse or research facilities, and of office and other facilities auxiliary to the foregoing. Nothing herein shall authorize the counties named, or any municipality there, to construct residential or any other buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither the governing bodies of the counties named hereinabove, nor of any municipality situated in said counties to which this

amendment is or becomes applicable, shall be subject to the provisions of sections 93 or 94 of the Constitution of Alabama, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the governing body of such counties, or of any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this state.

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

This amendment shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the legislature of Alabama; nor shall this amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said legislature.

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

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

(b) At least fourteen (14) days prior to such public meeting at which such price is approved by such governing body, it has published notice in the newspaper with the largest circulation in the county in which the property is located stating (1) the acreage proposed to be sold, (2) the section or sections or subdivisions of record in which the property is located, (3) the price per acre at which sale is proposed to be made, and (4) the place where a map of the property can be examined by the public; and

(c) The price thus approved is no less than the price advertised as aforesaid; provided, however, that should any real property be acquired for any purpose authorized by this amendment by eminent domain pursuant to other legislative authority as aforesaid, such property shall not be sold, in any event, for less than the price determined and paid pursuant to the orders of the court in such condemnation proceedings. Provided further, that no municipality shall acquire real property in unincorporated areas without a prior consent thereto as expressed in a resolution by the county governing body. Provided further, that no county or municipality shall acquire real property which is located in another county or municipality without such other county's or municipality's prior consent thereto as expressed in a resolution by its governing body. Nothing in the provisions of this constitutional amendment shall be construed to allow construction of dormitories or other type housing on or off university or college campuses. (Amendment 429)

[Note: Amendment 759 is identical to Amendment 429. except for the addition of Baldwin County. For the text of Amendment 759, see §2-4.01.]

§16-4.01. Coffee County and Municipalities Therein. (Amendment 723)

For the promotion of local economic and industrial development, the Coffee County Commission and the governing body of any city or municipality located within Coffee County, any other provision of law or of this Constitution notwithstanding, shall have, independently or in cooperation with one another, full and continuing power to do any of the following:

(1) Use public funds to purchase, lease, or otherwise acquire land, or to utilize land heretofore purchased or otherwise acquired, and improve and develop such land for use as sites for industry of any kind or as industrial park projects, including, but not limited to, grading and

the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas, and utilities to serve such sites or projects.

(2) Lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county or any city or municipality located therein, as applicable, all or any part of any site or industrial park project to any individual, firm, corporation, or other business entity, public or private, including any industrial development board or other public corporation or authority heretofore or hereafter created by the county or any municipality therein, for the purpose of constructing, developing, equipping, and operating industrial, commercial, research, or service facilities of any kind.

(3) Lend its credit to or grant public funds and things of value in aid of or to any individual, firm, corporation, or other business entity, public or private, for the purpose of promoting the economic and industrial development of Coffee County or any city or municipality located therein.

In carrying out the purposes of this amendment, neither Coffee County nor any city or municipality located therein shall be subject to Section 93 or 94 of this Constitution. Each public corporation heretofore created by Coffee County or by any city or municipality located therein, including specifically any industrial development board incorporated under Chapter 54, Article 4, Title ll of the Code of Alabama 1975, and any industrial development authority incorporated or reincorporated under Chapter 92A, Title ll of the Code of Alabama 1975, is validated and the powers granted to such board or authority under its respective enabling legislation are validated notwithstanding any other provision of law or of this Constitution. The powers granted in this amendment may be exercised as an alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the county, or to any municipality, or to any agency, board, or authority created pursuant to the laws of this state.

Neither Coffee County nor any city or 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: (i) the action proposed to be taken by Coffee County or any city or municipality located therein is at a public meeting of the governing body of the county or city, as the case may be, by a resolution containing a determination by such governing body that the expenditure of public funds for such purpose will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities; and (ii) at least seven days prior to the public meeting, a notice is published in the newspaper having the largest circulation in the county or in the city, as the case may be, describing in reasonable detail the action proposed to be taken, a description of the public benefits sought to be achieved by such action, and identifying each individual, firm, corporation, or other business entity to whom or for whose benefit the county or the city proposes to lend its credit or grant public funds or thing of value. For purposes of the foregoing, any sale, lease, or other disposition of property for a price equal to the fair market value thereof shall not constitute the lending of credit or a grant of public funds or thing of value in aid of a private entity. (Amendment 723)

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§16-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendments 633 and 811)

An elected or appointed Coffee County official, including the sheriff, may not assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Coffee County official, including the sheriff, may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Coffee County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office and must make the election within one year of the effective date of this amendment.

For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a legislator. (Amendments 633 and 811)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§16-10.00. Consolidation of Offices; Revenue Commissioner. (Amendment 377)

The legislature may from time to time, by general or local law, provide for the establishment of a consolidated and unified system for the assessment and collection of taxes in Coffee county and for the consolidation of the offices of tax assessor and tax collector of such county into one office and for the abolition of the offices of tax assessor and tax collector of such county.

Notwithstanding any provision of this Constitution to the contrary, the legislature may, by local law, provide for the election in 1978 to fill the office of tax assessor or tax collector, of Coffee county, or such other office created pursuant to this amendment. This authorization specifically includes, but it is not limited to, the power to suspend the general law relating to deadlines for filing qualifying documents and payment of fees, to set the terms of the offices named herein, and to prescribe the method of placing the names of the candidates on the ballot at the election.

Unless otherwise provided herein, or by local law, the offices of tax assessor and tax collector of Coffee county shall be filled at the general election in 1978 for terms of two years, beginning October 1, 1979, and until a revenue commissioner of Coffee county is elected and qualified; and such revenue commissioner shall be elected at the general election of 1980 for an initial term of four years, beginning October 1, 1981, and until a successor is elected and qualified. Thereafter, unless otherwise provided by general or local law, the term of office of revenue commissioner of Coffee county shall be six years and until a successor is elected and qualified.

Unless otherwise provided by the legislature, the revenue commissioner of Coffee county shall be charged with the performance of any duty provided by law for the tax assessor and tax collector of Coffee county, and his compensation shall be fixed by the governing body of the county. Immediately upon the beginning of the first term of the office of revenue commissioner of Coffee county, the offices of tax assessor and tax collector shall be abolished. If either of the offices of tax assessor or tax collector of Coffee county should become vacant at any time from the effective date of this amendment until October 1, 1981, the remaining officer shall thereupon become the revenue commissioner of Coffee county and shall serve as such for the balance of the term for which he was elected, and the offices of tax assessor and tax collector of Coffee county shall be abolished. Should this event occur 30 days or more before the general election of 1978, then the office of revenue commissioner of Coffee county shall be filled at such election for a term of six years, and until a successor is elected and qualified and any person who has qualified to have his name placed upon the ballot as a candidate for either tax assessor or tax collector of Coffee county shall be entitled to have his name placed upon the ballot as a candidate for revenue commissioner of Coffee county.

This article of amendment shall not become operative unless the same is approved by a majority of the qualified electors of Coffee county who vote thereon upon its submission. (Amendment 377)

Article 2. Schools

§16-10.20. Additional Tax for Educational Purposes. (Amendment 206)

The court of county commissioners, board of revenue, or other like governing body of Coffee county shall have power to levy and provide for collection of an additional district school tax of fifty cents on each one hundred dollars worth of taxable property in the several school districts within the county, in the same manner and subject to the same election requirements as provided in Sections 269.01 through 269.03 with respect to other district school taxes. The tax herein authorized shall be in addition to all other taxes authorized in this Constitution as amended, and the proceeds thereof shall be spent for public school purposes only. (Amendment 206)

§16-10.21. Warrants Payable from Proceeds of Special School Taxes. (Amendment 216)

In addition to all other purposes for which the county board of education or any city board of education in Coffee county is authorized by law to issue and sell warrants payable out of the proceeds from any special school tax or special tax for educational purposes generally, duly levied pursuant to this Constitution or amendments thereto, the county board of education of Coffee county or the city board of education of any city in such county is authorized to issue and sell warrants payable out of the proceeds of such special taxes for the purpose of refinancing any deficit created by proration of school funds prior to June 1, 1963. Before any warrants are issued hereunder the existence of such deficit and the amount thereof shall be determined by the state department of examiners of public accounts and certified to the board of education desiring to issue the warrants. All warrants issued hereunder shall be issued, sold, redeemed and otherwise handled in the same manner and upon the same terms and conditions as warrants issued pursuant to article 4, chapter 10, Title 52, Code of 1940. (Amendment 216)

Chapter 11. Zoning, Planning, and Utilities

RESERVED

Title 16A Coffee County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 17 Colbert County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§17-2.00. Compensation of Certain Officials. (Amendment 136)

The legislature may hereafter, from time to time, by general or local laws, fix, regulate, and alter the costs and charges of courts, and the fees, commissions, percentages, allowances, or salaries to be charged or received by any officer of Colbert county, including the method and basis of fixing and paying their compensation; provided, that no county officer's compensation shall be increased or diminished during the term for which he shall have been elected or appointed. (Amendment 136)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

RESERVED

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

Article 1. Disease Control

§17-6.00. Control of Malaria. (Amendment 45)

The court of county commissioners of Colbert county, Alabama, is authorized to divide said county into drainage districts for the control of malaria, and said county is authorized and empowered to levy and collect in the several districts so formed, for use in the control of malaria, in addition to all other taxes now authorized by law, a special tax of three mills on all taxable property situated in the several drainage districts so formed, based upon the valuation of such property as assessed for state taxation, and to be used exclusively for the control of malaria in the drainage district in which the said tax is levied and collected, provided such tax is authorized by a majority of the qualified electors residing in such drainage district voting upon such proposition at an election called and held for the purpose of authorizing such tax, and provided that said tax shall be levied and collected for a period of ten years from the time that it is authorized at the election held in such district. Such an election may be called at any time by the court of county commissioners of said county and shall be held and conducted and the results canvassed as now provided by law for holding and conducting and canvassing the returns of a regular election. The proceeds of the tax hereby authorized shall be used exclusively for the control of malaria in the drainage district in which it is levied and collected and shall be expended through the proper fiscal agencies of the county government under the direction of the governing body of Colbert county, and the Colbert county department of public health. (Amendment 45)

Article 2. Solid Waste

§17-6.20. Prohibition Against Use of Certain Biosolids. (Amendment 831)

In Colbert County, biosolids derived from treated human sewage sludge may not be applied on land as a fertilizer or soil amendment, except for sewage biosolids produced by a publicly owned utility in Colbert County. (Amendment 831)

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

RESERVED

Chapter 9. Public Safety

Article 1. Use of Force

§17-9.00. Defense of Person on Church Premises. (Amendment 961)

(a) This amendment shall apply only in Colbert County.

(b) The following definitions are applicable to this amendment:

(1) CHURCH. A bona fide duly constituted religious society or ecclesiastical body of any sect, order, or denomination, or any congregation thereof.

(2) DEADLY PHYSICAL FORCE. Force which, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.

(3) FORCE. Physical action or threat against another, including confinement.

(4) PREMISES. The term includes any building, as defined in this section, and any real property.

(c) A person may use deadly physical force, and is legally presumed to be justified in using deadly physical force in self-defense or the defense of another person, if the person reasonably believes that another person is using or about to use physical force against an employee, volunteer, member of a church, or any other person authorized to be on the premises of the church when the church is open or closed to the public while committing or attempting to commit a crime involving death, serious physical injury, robbery in the first degree, or kidnapping in the first degree.

(d) A person who is justified under subsection (c) in using deadly physical force, who is not engaged in an unlawful activity, and is in any place where he or she has the right to be, has no duty to retreat and has the right to stand his or her ground.

(e) A person who uses force, including deadly physical force, as justified and permitted in this amendment is immune from criminal prosecution and civil action for the use of such force, unless the force was determined to be unlawful or in violation of Section 13A-3-21, Code of Alabama 1975.

(f)(1) Prior to the commencement of a trial in a case in which a defense is claimed under this amendment, the court having jurisdiction over the case, upon motion of the defendant, shall conduct a pretrial hearing to determine whether deadly force, used by the defendant was justified or whether it was unlawful under this amendment. During any pretrial hearing to determine immunity, the defendant must show by a preponderance of the evidence that he or she is immune from criminal prosecution.

(2) If, after a pretrial hearing under subdivision (1), the court concludes that the defendant has proved by a preponderance of the evidence that force, including deadly force, was justified, the court shall enter an order finding the defendant immune from criminal prosecution and dismissing the criminal charges.

(3) If the defendant does not meet his or her burden of proving immunity at the pretrial hearing, he or she may continue to pursue the defense of self-defense or defense of another person at trial. Once the issue of self-defense or defense of another person has been raised by the defendant, the state continues to bear the burden of proving beyond a reasonable doubt all of the elements of the charged conduct.

(f) [(g)] [sic] A law enforcement agency may use standard procedures for investigating the use of force described in subsection (b), but the agency may not arrest the person for using

force unless it determines that there is probable cause that the force used was unlawful. (Amendment 961)

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools

§17-10.20. Special Property Tax for Educational Purposes. (Amendment 130)

In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, the several school districts of Colbert county, Alabama shall have the power to levy and collect a special district tax of fifty cents on each one hundred dollars worth of taxable property in such districts for school purposes; provided, that the levying of such tax and the time during which it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in each such district and voted for by a majority of those voting at such election; and further provided that such election shall be held in the same manner as now provided for an election on the school district tax authorized in Sections 269.01 through 269.03; and be it further provided that the funds arising from the special school tax levied in any district which votes the same independently of the county shall be expended for the exclusive benefit of the district as the law may direct. (Amendment 130)

§17-10.21. Special School Tax in Districts 1 and 2. (Amendment 293)

The governing body of Colbert county shall have power to levy and collect annually a special school district tax not exceeding one dollar on each one hundred dollars' worth of taxable property in school districts number one and number two in Colbert county, as assessed for state taxation, for public school purposes, provided the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors of the districts and voted for by a majority of those voting at such election. Such tax shall be in addition to all other taxes provided for by law. The funds arising from such special district tax levied and collected by the county shall be expended for the exclusive benefit of the districts. Elections under this amendment shall be called, held, and conducted in the same way that elections are called, held, and conducted in relation to the levying of special school district taxes under Sections 269.01 through 269.03. (Amendment 293)

Chapter 11. Zoning, Planning, and Utilities

RESERVED

Title 17A Colbert County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Tuscumbia.

§17A-2.00. Special Property Tax for Educational Purposes (Amendment 170)

The city of Tuscumbia shall have power to levy and collect a special property tax in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of five mills on each dollar of taxable property situated therein, for educational purposes; provided that before such tax may be levied and collected the question of levying the tax, the purpose thereof, and the time such tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the

election. The election shall be ordered, held, and conducted as provided by law for calling, holding and conducting district school tax elections. (Amendment 170)

Chapter 3. Sheffield.

§17A-3.00. Special Property Tax for Educational Purposes. (Amendment 171)

The city of Sheffield shall have power to levy and collect a special property tax in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of five mills on each dollar of taxable property situated therein, for educational purposes; provided that before such tax may be levied and collected the question of levying the tax, the purpose thereof, and the time such tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the election. The election shall be ordered, held, and conducted as provided by law for calling, holding and conducting district school tax elections. (Amendment 171)

Chapter 4. Muscle Shoals.

§17A-4.00. Special Property Tax for Educational Purposes. (Amendment 172)

The city of Muscle Shoals shall have power to levy and collect a special property tax in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of five mills on each dollar of taxable property situated therein, for educational purposes; provided that before such tax may be levied and collected the question of levying the tax, the purpose thereof, and the time such tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the election. The election shall be ordered, held, and conducted as provided by law for calling, holding and conducting district school tax elections. (Amendment 172)

Title 18 Conecuh County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§18-2.00. County Jail. (Amendments 634 and 753)

(a) In addition to any court costs or fees now or hereafter authorized, and notwithstanding any other provisions of the Constitution including, without limitation, Sections 96, 104, and 105, there shall be an additional forty dollars ($40) fee assessed and taxed as costs on each civil and criminal case, excluding small claims, filed in circuit court, district court, or any municipal court in Conecuh County, as well as a fee not to exceed five dollars ($5) for the service of all pleadings and other documents in connection with any such action or case. The fees may not be waived by any court unless all other fees, assessments, costs, fines, and charges associated with the cases are waived. The additional fees, when collected by the clerks or other collection officers of the courts, shall be paid into the General Fund of Conecuh County to be used by the county commission for the planning, designing, construction, financing, and operation of a new county jail . When the costs of the new county jail have been fully paid or when the debt service on any indebtedness incurred by the county commission to finance or refinance the costs have been retired, whichever occurs later, the additional fees authorized by this amendment shall continue to be collected in all cases and shall be used to pay costs of the operation, upkeep, and maintenance of a new county jail . This amendment shall be self-executing and shall require no enabling legislation.

(b) All special court fees that the county has been authorized to collect and has in fact collected since April 1998, for any purpose, may be allocated retroactively to the purpose established in subsection (b). (Amendments 634, 753)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Water Conservation and Supply

§18-4.00. Conecuh County Reservoir Management Area. (Amendment 767)

Any provision of the Constitution of Alabama or amendments thereto to the contrary notwithstanding, the legislature by general or local law may provide for and authorize in Conecuh County the incorporation of a public corporation as a political subdivision of the state to be named the Conecuh County Reservoir Management Area Authority, for the development of that portion of Murder Creek in Conecuh County and within the Conecuh County Reservoir Management Area, its tributaries and watershed area, for the purposes of water conservation and supply, dam construction and reservoir development, for industrial development, flood control, navigation, irrigation, public recreation and related purposes. The law may provide for the composition of the board of directors of the authority and specify the powers and duties of the authority and its board of directors, may provide for the boundaries and authorize the authority to investigate the resources of the Conecuh County Reservoir Management Area, and to determine and implement the requirements for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective, may authorize the authority to acquire land and interests in land by purchase, construction, lease, condemnation, or otherwise, and to hold, manage, and sell land and

interests therein, may make provisions respecting the establishment and revision of rates, fees, and charges for services rendered by the authority, may provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the authority or out of the revenues of any particular facilities and other property of the authority, without regard to the specific facilities and other property with respect to which the bonds and notes may have been issued, may provide further for certain taxes, may provide that the bonds and notes shall constitute negotiable instruments, may provide that the bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the authority for the proper application of its revenues and the proceeds of such bonds and notes and by a nonforeclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which the bonds and notes are payable, and may provide that bonds and notes of the authority may be issued under a trust indenture, may provide for constructive notice of any statutory mortgage lien, may authorize and make provisions respecting the assumption by the authority of obligations respecting facilities and other property acquired by the authority, may provide for the use of the proceeds of bonds and notes issued by the authority and provide for the refunding by the issuance of bonds and notes of the authority of bonds and notes theretofore issued or obligations theretofore assumed by it, may provide that bonds and notes issued and contracts entered into by the authority pursuant to the act shall not constitute or create a debt of the state or of any county, municipality, or other political subdivision of the state, may authorize the Conecuh County Commission and the municipalities located within Conecuh County to contribute money to the authority, without the necessity of an election and with or without consideration therefor, may exempt from all taxation in this state, the authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases, and mortgages and deeds of trust to which the authority is a party, and exempt the authority from payment of certain charges to judges of probate, may grant to the authority the power to levy and collect within the boundaries of the management area certain excise taxes, sales taxes, and ad valorem taxes, may provide that the authority shall have zoning power within the boundaries of the management area, may provide that the authority shall be exempt from regulation and supervision by the Public Service Commission and the state Department of Finance, may provide for the use of public roads in the state by the authority, and may provide for certain annual reports by the authority. Notwithstanding any other provision of this constitution, the Conecuh County Reservoir Management Area Authority may enter into contracts with and may accept grants from another authority organized pursuant to the laws of this state or federal laws and the contracts with or grants from another authority, including, but not limited to, any other authority authorized to issue general obligation bonds of this state, shall not constitute the extension of the state's credit in violation of Section 93, or any other provision of this constitution or the laws of this state. (Amendment 767)

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§18-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 635)

No person elected or appointed Sheriff of Conecuh County, or any elected or appointed Conecuh County official, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and other elected or appointed Conecuh County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Conecuh County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, school board member, or any official elected from a judicial circuit. All costs associated with the purchase of prior service credit as prescribed in Section 36-27-6.1, Code of Alabama 1975, shall be the responsibility of the official making the purchase. (Amendment 635)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§18-10.00. Trucks, Truck-Tractors, Trailers, and Semitrailers. (Amendment 435)

Notwithstanding any law to the contrary, the Conecuh county commission is hereby authorized to establish, by validly enacted ordinance, the amount of all Conecuh county annual license taxes and registration fees and ad valorem taxes on all trucks, truck-tractors, trailers and semitrailers located within the county. (Amendment 435)

Article 2. Schools

§18-10.20. Special Tax for Educational Purposes. (Amendment 812)

(a) In addition to the one-half mill of ad valorem tax levied by Section 269.08, the Conecuh County Commission shall continue to levy on an annual basis, commencing with the tax year for which taxes will become due and payable on October 1, 2009, an ad valorem tax on all taxable property located in Conecuh County at a rate of nine and one-half mills per dollar of assessed value of the taxable property. This tax is part of the 10 mills of ad valorem tax that Section 269.08 requires every local school system to collect and is not a levy of additional tax. The proceeds of the tax levied in this amendment shall be used for public school purposes in the county.

(b) The tax provided in this amendment shall be levied and collected for a period of twenty years.

(c) Commencing with the tax year for which taxes will become due and payable on October 1, 2009, all ad valorem taxes previously levied for public school purposes in Conecuh County shall be repealed except the one-half mill levied by Section 269.08. (Amendment 812)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§18-11.00. Creation of Districts; Collection of Fees. (Amendment 528)

The Conecuh County Commission and the Conecuh County Fire Control Association are hereby authorized in their discretion to establish fire districts within the geographical boundaries of Conecuh county. The boundaries of such fire districts may be rearranged at the discretion of the county commission and the Conecuh County Fire Control Association as they deem necessary, from time to time, to maximize fire protection services in the county. The county commission and the Conecuh County Fire Control Association may use the corporate limits of the various towns and municipalities in the county as boundaries for fire districts. In such situations, such town or municipal fire district shall have its own volunteer fire department functioning within its boundaries. Each fire district established in an area located outside of the corporate limits of a town or municipality shall likewise have its own volunteer fire department functioning strictly within its district boundaries.

The county commission and the Conecuh County Fire Control Association are further authorized to enter into agreements with volunteer fire departments within such county for fire protection and services.

Commencing with the levy for the tax year for which taxes will become due and payable on October 1, 1991, there is hereby levied, in addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, a fire protection tax of three mills. The fire protection tax levied herein shall be based upon the value of real and personal property assessed by affected property owners, as shown on the records of the tax assessor of Conecuh county, Alabama, and shall be assessed and collected as are all ad valorem taxes in the county. The amount collected each year from assessment of this fire protection tax shall be paid into the county general fund and used in furtherance of fire protection and for rescue squads within the affected area. Prior to the levy of the fire protection tax in said county, there shall be submitted to the electors of said county, at a special election called for that purpose in said county, the question of whether the said tax shall be levied, and the said tax shall be authorized at such election by a majority of the qualified electors within the said county who vote at such election.

Elections on the question of the levy of a fire protection tax in said county may be held at any time and from time to time, provided, that if any such election held after the ratification of this amendment the proposal to levy the tax so submitted should be defeated then the proposal may not be submitted at another election held in said county within two years from the last election held under this amendment. (Amendment 528)

Title 18A Conecuh County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2 Evergreen

§18A-2.00. Promotion of Industrial, Commercial, and Agricultural Development. (Amendment 259)

Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, the city of Evergreen in Conecuh county shall have full and continuing power and authority, subject to the election hereinafter provided for, to promote local industrial, commercial or agricultural development and the location of new industries or businesses in the

city or anywhere inside the county within fifteen miles of said city, whenever such action shall be deemed by the governing body of said city to be in furtherance of such purposes; also full and continuing power and authority to do any one or more of the following:

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

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

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

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

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

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

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

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

The exercise of the powers and authority hereinabove set forth are subject to the prior approval thereof at an election called by the governing body of said city at which a majority of the qualified electors voting at said election shall vote in favor of such proposal. Notice of such election shall be given by publication for three consecutive weeks, the first publication to be at least thirty days before the date of the election, in a newspaper circulated in the city. The notice and ballot shall briefly summarize the proposal and in so doing may make reference to documents on file and available for public inspection in the office of the city clerk. In the event

that the proposal shall include the issuance of any obligations, the principal amount of such obligations, the maturities thereof, and the maximum rate or rates of interest which they shall bear shall be set forth in the notice and on the ballot. In the event that the proposal shall include the levy and collection of any tax, the notice and ballot shall state the maximum rate of such tax. No further or other election shall be required by section 222 of the Constitution for the issuance of bonds herein authorized to be issued.

This amendment shall be self-executing; but the legislature shall have the right and power by general, special or local act, to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth. (Amendment 259)

Title 19 Coosa County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§19-2.00. Compensation of Certain Officials. (Amendment 345)

The legislature may, from time to time, by general or local laws applicable to or operative in Coosa county, fix, regulate, and alter the costs and charges of court and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, tax assessor, tax collector, and the clerk and register of the circuit court of Coosa county; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. (Amendment 345)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§19-4.00. Promotion of Economic and Industrial Development in Certain Counties. (Amendment 429)

For the promotion of local economic and industrial development, the governing body of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa counties and of each municipality situated in said counties, other provisions of law or this Constitution notwithstanding, shall each have, independently or in cooperation with one or more of such governmental entities in such counties, full and continuing power (a) to purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site, or industrial park, projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and (b) to lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county, or of municipality exercising such power, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by any such county or municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and operating of, industrial, transportation, distribution, warehouse or research facilities, and of office and other facilities auxiliary to the foregoing. Nothing herein shall authorize the counties named, or any municipality there, to construct residential or any other buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither the governing bodies of the counties named hereinabove, nor of any municipality situated in said counties to which this amendment is or becomes applicable, shall be subject to the provisions of sections 93 or 94 of the Constitution of Alabama, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the governing body of such

counties, or of any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this state.

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

This amendment shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the legislature of Alabama; nor shall this amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said legislature.

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

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

(b) At least fourteen (14) days prior to such public meeting at which such price is approved by such governing body, it has published notice in the newspaper with the largest circulation in the county in which the property is located stating (1) the acreage proposed to be sold, (2) the section or sections or subdivisions of record in which the property is located, (3) the price per acre at which sale is proposed to be made, and (4) the place where a map of the property can be examined by the public; and

(c) The price thus approved is no less than the price advertised as aforesaid; provided, however, that should any real property be acquired for any purpose authorized by this amendment by eminent domain pursuant to other legislative authority as aforesaid, such property shall not be sold, in any event, for less than the price determined and paid pursuant to the orders of the court in such condemnation proceedings. Provided further, that no municipality shall acquire real property in unincorporated areas without a prior consent thereto as expressed in a resolution by the county governing body. Provided further, that no county or municipality shall acquire real property which is located in another county or municipality without such other county's or municipality's prior consent thereto as expressed in a resolution by its governing body. Nothing in the provisions of this constitutional amendment shall be construed to allow construction of dormitories or other type housing on or off university or college campuses. (Amendment 429)

[Note: Amendment 759 is identical to Amendment 429. except for the addition of Baldwin County. For the text of Amendment 759, see §2-4.01.]

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§19-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 602)

A mayor, sheriff, or elected or appointed Coosa County official shall not assume a supernumerary office after the effective date of this amendment. Any person who, on the

effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every mayor, sheriff, and elected or appointed Coosa County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Coosa County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 602)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools

§19-10.20. Special Taxes for Educational Purposes. (Amendment 145)

The several school districts of Coosa county shall have power to levy and collect a special district school tax not exceeding fifty cents on each one hundred dollars worth of taxable property in such district, provided the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the district and voted for by a majority of those voting at such election. The special district tax authorized by this amendment shall be in addition to all other school district taxes authorized by law. The election provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided by law for elections on the special county school tax authorized in Sections 269.01 through 269.03. The revenue derived from the tax shall be used exclusively for the support and furtherance of education and for constructing and equipping school buildings and acquiring sites therefor. (Amendment 145)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§19-11.00. Fire Protection Purposes. (Amendment 724)

The Legislature, from time to time, by local law may authorize the county governing body of Coosa County to levy and collect fees, annually not to exceed thirty dollars ($30) on each residence and fifty dollars ($50) on each business located within the county, for fire protection services and emergency medical care. The local law may provide for the distribution of the fees to volunteer fire departments and to emergency medical technicians who are members of volunteer fire departments, or provide for the distribution of the fees to an association of volunteer fire departments to be distributed by the association for the same purposes. (Amendment 724)

Title 19A Coosa County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 20 Covington County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

RESERVED

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§20-4.00. Covington County and Municipalities Therein. (Amendment 725)

For the promotion of local economic and industrial development of Covington County, the Covington County Commission, and the city councils of each municipality located in the county having a population of over 1,500 based on the 2000 decennial census, shall have, independently or in cooperation with one or more of such governmental entities, full and continuing power to do any of the following:

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

(2) Lease, sell for cash, or on credit, exchange, give, and convey any such property described in subdivision (1), to any person, firm, association, corporation or entity, public, or private, including, but not limited to, a duly authorized industrial development board or economic development commission or airport authority serving the county or any such municipalities.

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

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

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

(6) Become indebted and issue and sell bonds, warrants, which may be payable from funds to be realized in future years, notes or other obligations, or evidences of indebtedness, to a principal amount not exceeding 50 percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease, or acquisition of any of the property described in subdivision (1) or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may be issued upon the full faith and credit of the county or any such municipality or may be limited as to the source of their payment.

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

In carrying out the purposes of this amendment, neither Covington County nor the municipalities shall be subject to Sections 93 or 94 of this Constitution. Each public corporation heretofore created by Covington County or by the municipalities, including specifically any industrial development board or authority, any economic development commission or authority, or any airport authority is validated and the powers granted to such board, commission, or authority under its respective enabling legislation are validated notwithstanding any other provision of law or of this Constitution. The powers granted in this amendment may be exercised as an alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the county, or to any such municipality, or to any agency, board, corporation, commission, or authority created pursuant to the laws of this state.

Neither Covington County nor the municipalities shall lend its credit to or grant any public funds or thing of value to or in aid of any private entity under the authority of this amendment unless prior thereto: (i) the action proposed to be taken by Covington County or any such 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 such governing body that the expenditure of public funds for such purpose will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities; and (ii) at least seven days prior to the public meeting, a notice is published in the newspaper having the largest circulation in the county or in any such 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 such 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 granting of public funds or thing of value in aid of a private entity.

The recital in any bonds, warrants, notes, or other obligations or evidences or indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized shall be conclusive, and no purchaser or holder thereof need inquire further. The bonds, warrants, notes, or other obligations or evidences or indebtedness issued hereunder shall not be considered an indebtedness of the county or any such municipality for the purpose of determining the borrowing capacity of the county or any such municipality under Section 224 or Section 225 of the Constitution of Alabama of 1901.

This amendment shall be self-executing, but notwithstanding any contrary provisions of Section 104 of the Constitution of Alabama of 1901, the Legislature may by general, special, or local act adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth. No such special or local act shall be subject to the provisions of Section 106 of the Constitution of Alabama of 1901. (Amendment 725)

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

Article 1. Bingo

§20-7.00. Operation of Bingo by Nonprofits. (Amendment 565)

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

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

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

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

(4) No nonprofit organization or club shall enter into any contract with any individual, firm, association, or corporation to have the individual or entity operate bingo games or concessions on behalf of the nonprofit organization. A nonprofit organization may not pay consulting fees or any compensation or salary to any individual or entity for any services performed relating to operating or conducting any bingo game.

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

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

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

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

Chapter 8. Officials and Employees

Article 1. Compensation

§20-8.00. Certain Public Officials. (Amendment 479)

The legislature may hereafter, from time to time, by general, special or local laws, fix, regulate and alter the fees, commissions, allowances or salaries to be charged or received by the judge of probate and other county officers of Covington county, and may put such officers on a salary basis and provide for the operation of their offices on such basis. (Amendment 479)

Article 2. Retirement

§20-8.20. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 636)

No person elected or appointed Sheriff of Covington County, or any elected or appointed Covington County official, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of

the law which established that supernumerary program. Every sheriff and other elected or appointed Covington County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Covington County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, school board member, or any official elected from a judicial circuit. All costs associated with the purchase of prior service credit as prescribed in Section 36-27-6.1, Code of Alabama 1975, shall be the responsibility of the official making the purchase. (Amendment 636)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools

§20-10.20. Special School Taxes in Districts 1 and 2. (Amendment 292)

1. The governing body of Covington county shall have power to levy and collect annually a special school district tax not exceeding fifty cents on each one hundred dollars' worth of taxable property in school districts number 1 and 2, Covington county as assessed for state taxation, for public school purposes, provided the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors of the districts and voted for by a majority of those voting at such election. Such tax shall be in addition to all other taxes provided for by law. The funds arising from such special district tax levied and collected by the county shall be expended for the exclusive benefit of the public schools in said districts. Election under this amendment shall be called, held, and conducted in relation to the levying of special school district taxes under Sections 269.01 through 269.03.

2. If a majority of the qualified electors of school districts number 1 and 2, Covington county, who participate in the election on the adoption, then the approval of the amendment as expressed by such vote shall of itself authorize the levying of the special tax provided for herein at the maximum rate specified for a period not exceeding twenty years. (Amendment 292)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§20-11.00. Fire Protection Purposes. (Amendment 564)

(a) The Legislature hereby declares that the fire departments and rescue squads that receive funds pursuant to this amendment are organizations which are public in nature, as they promote and protect the health, safety, and welfare of the citizens of the county.

(b) The County Commission of Covington County shall levy and collect a special property tax, in addition to all other taxes now or hereafter provided by law, of three mills on each one dollar's worth of taxable property as assessed for the state ad valorem taxation during the preceding year. The proceeds of the additional taxes levied by this amendment shall be used exclusively for fire, emergency medical, and rescue services.

(c) The Revenue Commissioner of Covington County shall assess the tax herein provided for, and shall collect the fire tax in the same manner and method that other ad valorem taxes are collected. The proceeds of the tax shall be paid into a special county fund. Within thirty days of payment into the special fund, the county commission shall allocate the funds among the eligible fire departments and rescue squads. The funds shall be divided equally among the eligible fire departments and rescue squads.

(d) An eligible fire department, for purposes of this amendment, means a fire department in Covington County that maintains an ISO-approved rating of at least Class 9, is certified under the Alabama Forestry Commission guidelines, and is a member in good standing of the Covington County Firefighters Association. An eligible rescue squad, for purposes of this amendment, means a rescue squad that is certified by the Alabama Association of Rescue Squads or Emergency Medical Services.

(e) Funds paid to eligible fire departments and rescue squads shall only be expended for fire protection and emergency medical and rescue services including training, supplies, and equipment. The funds may also be expended to purchase liability insurance to insure coverage of acts or omissions which are directly related to the functions of a fire department or rescue squad which are committed by a fire department or rescue squad or the personnel of a fire department or rescue squad. The funds may not be expended for food, drink, social activities or fund-raising activities. After receiving funds, the fire departments and rescue squads shall keep accurate records to verify that the funds were properly expended. By September 15 of each year, the fire departments and rescue squads shall file a financial statement with the Covington County Commission detailing the expenditure of all funds received from this amendment during the previous twelve months. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. The Covington County Firefighters Association shall supply the accounting forms to each eligible fire department and rescue squad. No new fire departments shall be funded within Covington County without prior approval of the Covington County Firefighters Association and the Covington County Commission and without first being certified according to Alabama Forestry Commission guidelines. New departments shall attain an ISO Class 9 rating within two years of receiving fire tax funds to remain eligible. No new rescue squads shall be funded within Covington County without prior approval of the Covington County Commission.

(f) Upon dissolution or abandonment of any eligible fire department or rescue squad, any remaining funds derived from this amendment or any assets purchased with funds derived from this amendment shall, after all indebtedness has been satisfied, be transferred to the county commission. The funds and assets shall be reallocated by the county commission equally to the other fire departments and rescue squads. In the event there are no fire departments or rescue squads, the funds or assets shall be placed in the county general fund.

(g) The personnel of fire departments and rescue squads provided for in this amendment shall not be considered employees, servants or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of fire departments or rescue squads.

(h) Act No. 93-317, H. 825, 1993 Regular Session, is repealed.

(i) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Covington County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment,

as provided for in Section 2 of this act, and no further election shall be required. (Amendment 564)

Title 20A Covington County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 21 Crenshaw County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§21-2.00. County Jail. (Amendment 726)

(a) In addition to any court costs and fees now or hereafter authorized in Crenshaw County, and notwithstanding any other provisions of the Constitution, including, without limitation, Sections 96, 104, and 105, the Crenshaw County Commission may impose an additional fee in an amount not to exceed thirty-five dollars ($35) on each civil and criminal case, including traffic cases, filed in the circuit court, district court, or any municipal court in Crenshaw County. These fees shall not be waived by any court unless all other fees, assessments, costs, fines, and charges associated with the case are waived.

(b) The additional fees, when collected by the clerks or other collection officers of the courts, shall be paid into the General Fund of Crenshaw County to be used by the county commission for the planning, designing, constructing, operating, furnishing, equipping, and financing of a county jail. The Crenshaw County Commission may set and adjust by resolution the fees within the limits authorized by this amendment based on the needs associated with the planning, designing, constructing, operating, furnishing, equipping, and financing of a county jail. (Amendment 726)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§21-4.00. Crenshaw County and Municipalities Therein. (Amendment 748)

For the promotion of local economic and industrial development, the Crenshaw County Commission and the governing body of any municipality located therein, any other provision of law or of this Constitution notwithstanding, shall have, independently or in cooperation with one another, full and continuing power to do any of the following:

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

(2) Lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county or the municipality, as applicable, all or any part of any site or industrial park project to any individual, firm, corporation, or other business entity, public or private, including any industrial development board or other public corporation or authority heretofore or hereafter created by the county or 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 Crenshaw County or the municipality.

In carrying out the purposes of this amendment, neither Crenshaw County nor the municipality shall be subject to Section 93 or 94 of this Constitution. Each public corporation heretofore created by Crenshaw County or by the municipality, including, specifically, any industrial development board incorporated under Chapter 54, Article 4, Title ll of the Code of Alabama 1975, and any industrial development authority incorporated or reincorporated under Chapter 92A, Title ll of the Code of Alabama 1975, is validated and the powers granted to such board or authority under its respective enabling legislation are validated notwithstanding any other provision of law or of this Constitution. The powers granted in this amendment may be exercised as an alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the county, or to any municipality, or to any agency, board, or authority created pursuant to the laws of this state.

Crenshaw County or any municipality located therein shall neither lend its credit to or grant any public funds or thing of value to or in aid of any private entity under the authority of this amendment unless prior thereto: (i) The action proposed to be taken by Crenshaw County or the municipality is 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 such governing body that the expenditure of public funds for such purpose will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities; and (ii) at least seven days prior to the public meeting, a notice is published in the newspaper having the largest circulation in the county or in the 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 such 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. (Amendment 748)

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§21-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 727)

No person elected or appointed sheriff, or any elected or appointed Crenshaw County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Crenshaw County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Crenshaw County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the

official has served in the current office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 727)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Chapter 11. Zoning, Planning, and Utilities

RESERVED

Title 21A Crenshaw County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 22 Cullman County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§22-2.00. Compensation of Certain Officials. (Amendment 137)

The legislature may from time to time, by general or local laws, fix, alter, and regulate the costs and charges of courts in Cullman county, and the fees, commissions, percentages, allowances, and compensation of any officer of Cullman county, and may change the method or basis of compensating any officer of Cullman county, including the power to place any such officer on a salary and to provide for the fees, commissions, percentages, or allowances collectible by such officer to be paid into the treasury from which his salary is paid. (Amendment 137)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

RESERVED

Chapter 5. Education

Article 1. Board of Education

§22-5.00. Control of Sixteenth Section School Lands. (Amendment 866)

(a) All sixteenth section school and school land located in Cullman County is vested in the Cullman County Board of Education. The board may manage, sell, lease, and control the land and any timber, minerals, or other natural resources of the land.

(b) Any proceeds from the sale of sixteenth section or school land shall be distributed as follows:

(1) Ninety percent shall be deposited into a trust account in Cullman County.

(2) Ten percent shall be deposited into the Cullman County Board of Education General Fund.

(c) Any interest earned on the funds deposited pursuant to subdivision (1) of subsection (b) and the funds deposited under subdivision (2) of subsection (b) shall be annually distributed to the Cullman County school system and the Cullman City school system based on the number of students residing within the then existing boundaries of each system. The number of students residing in a school system shall be based on the then existing enrollment of students in each system, adjusted by the number of students enrolled in the system who reside outside of the system, as identified by the Cullman City Board of Education. The annual distribution of interest for each of the five years immediately following ratification of this amendment shall be calculated using 2010-2011 school year student enrollment data. Thereafter, the distribution formulation shall be recalculated and updated for each five-year period based upon student enrollment data at the beginning of the five-year period.

(d) Any proceeds generated from the sale of timber, minerals, or other natural resources of the land, or from the lease of sixteenth section or school land shall be paid directly to the Cullman County Board of Education and deposited into the Cullman County Board of Education General Fund.

(e) 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 as it relates to

sixteenth section or school lands in Cullman County and the rights, power, and control of the property relating to the sale, lease, or other disposition of the land or the sale of timber, minerals, or other natural resources generated by the land, or any proceeds or interest earned therefrom.

(f) Upon ratification of this amendment, all proceeds realized from the sale, lease, or other disposition of sixteenth section or school land or the sale of timber, minerals, or other natural resources generated by Cullman County sixteenth section or school lands occurring before ratification of this amendment, and held in trust by the State of Alabama, shall continue to be held in trust and any revenue and interest derived from those transactions shall be paid to the custodian of funds of the Cullman County Board of Education. (Amendment 866)

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§22-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 889)

No elected or appointed Cullman County official including the sheriff may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Cullman County official including the sheriff may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system, and shall be treated as an employee of the county. Cullman County officials including the sheriff holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this amendment, the words "elected or appointed Cullman County official" shall include any person appointed to serve the remaining term of an elected or appointed Cullman County official. The words do not include a judge, county commissioner, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 889)

Chapter 9. Public Safety

Article 1. Office of Sheriff

§22-9.00. Discretionary Fund. (Amendment 943)

Effective beginning the next term of office of the Sheriff of Cullman County after the ratification of this amendment, any allowances or other amounts received by the sheriff for feeding prisoners shall be deposited in a separate account in the county treasury to be known as the "Sheriff's Discretionary Fund" and shall be used by the sheriff for the feeding of prisoners in the county jail. Any funds in the Sheriff's Discretionary Fund over the amounts needed for feeding prisoners may be used by the sheriff for law enforcement purposes and for the operation of the office of the sheriff. Any funds in the Sheriff's Discretionary Fund shall be carried over from year to year. In the event additional amounts are needed by the sheriff for the feeding of prisoners, the amounts shall be paid by the sheriff from any other discretionary funds available

for the operation of the office of the sheriff. The sheriff shall not be subject to the competitive bid law for the purchase of food or supplies used for feeding prisoners in the county jail. Also, effective at that time, the sheriff shall receive an annual salary equal to the annual salary of the Judge of Probate of Cullman County not to include any compensation received by the judge of probate for election purposes. (Amendment 943)

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§22-10.00. Occupational Tax Prohibited. (Amendment 848)

No privilege or license tax on the gross receipts of any natural person derived from the conduct of a vocation, occupation, calling, or profession may be levied in Cullman County. Nothing in this amendment is intended to repeal or affect the current authority granted by local act to Cullman County to impose business licenses or the current authority granted to municipalities to impose municipal business licenses, including those pursuant to sections 11-51-90, 11-51-91, 11-51-92, and 11-51-93, Code of Alabama 1975. (Amendment 848)

Chapter 11. Zoning, Planning, and Utilities

RESERVED

Title 22A Cullman County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Cullman

§22A-2.00. Election of Board of Education. (Amendment 566)

(a) The Legislature may by local act provide for the election of the members of the Cullman City Board of Education.

(b) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Cullman County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 4 of this act, and no further election shall be required.

(c) Act No. 93-536 which provides for an elected Board of Education in the City of Cullman is hereby ratified. (Amendment 566)

Title 23 Dale County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§23-2.00. Compensation of Certain Officials and Consolidation of Offices. (Amendment 326)

Provided that the approval of the act by the qualified electors of Dale county at a referendum election is a prerequisite to the taking effect thereof:

1. The legislature may from time to time, by general or local law, fix, alter and regulate the fees, commissions, percentages, allowances and compensation to be charged and received by any official of Dale county, including the right to place any of such officers on a salary, provide for the operation of their respective offices on such basis, and provide that any and all fees, commissions, percentages or allowances charged or collected by them shall be paid into the county treasury.

2. The legislature may from time to time, by general or local law, provide for the transfer of the duties, or part of the duties, of one county officer of Dale county to another officer of such county; or consolidate any two or more offices of such county into one county office and provide for the abolition of the office or offices left without duties, or create a completely new office in such county and transfer to such office a part of the duties of each of several other offices without abolishing any office in such county; provided that the officer or officers to fill the offices involved will be compensated for the performance of the duties of their offices by a salary fixed according to law.

Provided, however, no law enacted prior to the ratification of this amendment putting any officer of Dale county on a salary basis, nor any law providing for the consolidation of any offices of such county shall have any force or effect, even though such act provided that it should become effective upon adoption of an amendment to the Constitution authorizing such act.

The legislature may also, from time to time, by general, special or local laws, fix, regulate and alter the cost and charges of courts in Dale county, and the method of disbursement thereof. (Amendment 326)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

RESERVED

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§23-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 683)

No person elected or appointed Sheriff of Dale County, or any other elected or appointed Dale County official, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program for Dale County may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and other elected or appointed Dale County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Dale County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 683)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools

§23-10.20. Special Property Tax for Educational Purposes in Dale County and City of Ozark. (Amendment 295)

The court of county commissioners, board of revenue or like governing body of Dale county shall have the power to levy and collect a special property tax in addition to all other taxes, now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one half of one percent on the value of the taxable property in the county situated outside the corporate limits of Ozark, as such property was assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes, but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes, which pledges shall take priority as provided in such bonds, warrants, or other evidences of indebtedness; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the county residing outside the corporate limits of Ozark, and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on the property in the county situated outside the corporate limits of Ozark shall be called and held in the same manner as now provided by law for an election on the school district tax authorized in Sections 269.01 through 269.03. The tax on property situated outside the corporate limits of Ozark shall be collected in the same manner and under the same requirements and laws as the taxes of the state are collected, and the revenues derived from such tax shall be used solely for school construction and other educational purposes in the territory of the county outside the corporate limits of Ozark.

The city of Ozark shall likewise have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of not exceding [exceeding] one half of one percent on the value of the taxable

property situated within the corporate limits of the city, as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes, but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes, which pledges shall take priority as provided in such bonds, warrants or other evidences of indebtedness; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on property situated within the corporate limits of Ozark shall be ordered and held in the same manner as provided by the law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The additional tax, authorized by this amendment to be levied on property situated within the corporate limits of Ozark shall be collected in the same manner and under the same requirements and laws as other taxes levied on property by the city of Ozark are collected, and the revenues derived from this tax shall be used solely for school construction and other educational purposes within the limits of the city of Ozark.

If any proposal to levy a tax hereunder is defeated in any election, subsequent elections thereon may be held at any time.

This amendment shall be self-executing. (Amendment 295)

Chapter 11. Zoning, Planning, and Utilities

RESERVED

Title 23A Dale County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Ozark

CCN: The text of Amendment 295, providing a special property tax for educational purposes in Dale County and the City of Ozark, is set out in §23-11.00.

§23A-2.00. Special Property Tax for Educational Purposes. (Amendment 462)

The city of Ozark shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding seven-tenths of one percent of the value of the taxable property situated within the corporate limits of the city, as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes, but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes, which pledges shall take priority as provided in such bonds, warrants or other evidences of indebtedness; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on property situated within the corporate limits of Ozark shall be ordered and held in the same manner as provided by the law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The additional tax, authorized by this amendment to be levied on property situated within the corporate limits of Ozark[,] shall be collected in the same manner and under the same requirements and laws as other taxes levied on property by the city of Ozark are collected, and the revenues derived from

this tax shall be used solely for school construction and other educational purposes within the limits of the city of Ozark.

If any proposal to levy a tax hereunder is defeated in any election, subsequent elections thereon may be held at any time.

This amendment shall be self-executing. (Amendment 462)

Chapter 3. Dothan

[Note: The City of Dothan lies in Dale, Henry, and Houston Counties.]

§23A-3.00. Election of Board of Education. (Amendment 552)

The Legislature may, by local act, provide for the election of the Dothan City Board of Education.

This amendment shall not become operative unless it is approved by a majority of the qualified electors of the City of Dothan who vote thereon upon its submission. (Amendment 552)

Title 24 Dallas County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§24-2.00. General Authority. (Amendment 233)

The legislature may from time to time, by general, special or local laws, fix, regulate, and alter the costs and charges of courts in Dallas county, and the method of disbursement thereof. (Amendment 233)

Article 2. Judges

§24-2.20. Judicial Commission; District Court Judge Vacancies. (Amendment 962)

[Section 1.] All vacancies in the Office of Judge of the District Court of Dallas County which occur subsequent to January 15, 2021, shall be filled pursuant to the provisions of this amendment.

Section 2. (a) The Dallas County Judicial Commission is created for the purpose of nominating to the Governor, persons for appointment to any vacancy in the Office of Judge of the District Court of Dallas County. The commission shall be composed of the following:

(1) Two persons who are members of the Alabama State Bar to be elected by attorneys licensed to practice law in this state who reside in Dallas County. The executive committee of the Dallas County local bar association or its successor body in the capacity, is authorized and directed to make rules, not inconsistent with this amendment, for the election of the two members. The executive committee shall certify in writing to the Judge of Probate of Dallas County the names of the two persons elected.

(2) Two persons who are not members of the Alabama State Bar to be elected by the members of the Dallas County Legislative Delegation. The members of the Dallas County Legislative Delegation shall certify in writing to the Judge of Probate of Dallas County the names of the two persons elected.

(3) One judge of the Circuit Court of the Fourth Judicial Circuit to be elected by the Circuit Judges of the Fourth Judicial Circuit. The judges of the circuit court shall certify in writing to the Judge of Probate of Dallas County the name of the circuit judge elected.

(b) The Judge of Probate of Dallas County shall record all certificates of election and safely and permanently keep the original certificates. Upon receipt and recordation of each certificate, the judge of probate shall send a certified copy of the certificate to the Governor.

(c) All members of the commission, except the circuit judge, shall reside in the territorial jurisdiction of the District Court of Dallas County.

Section 3. The terms of office of all members of the commission shall be six years, except that the initial terms of office of the two members of the state bar shall be one and two years respectively, and the initial terms of office for the two members who are not members of the state bar shall be three and four years respectively, and the initial term of the circuit judge elected by the circuit judges shall be for five years. The length of each initial term of office shall be designated by the electing bodies. The terms of the initial members of the commission shall begin on January 16, 2021. A vacancy in the office of a member of the commission shall be filled for the unexpired term in the same manner as the member was originally chosen. No member of the commission shall be eligible to serve consecutive terms.

Section 4. A member of the commission may not receive any salary or other compensation for serving as a member. A member of the commission other than the member required to be a judge of the circuit court may not hold any public office or any official position in any political party. A member of the commission is not eligible for nomination to the Governor for appointment as judge of the district court within six months of being a member of the commission.

Section 5. If, subsequent to January 15, 2021, a vacancy occurs in the Office of Judge of the District Court of Dallas County, the commission, within 60 days, shall nominate to the Governor three persons having the qualifications for the office. The nominations shall be made only by the concurrence of a majority of the members of the commission. If the commission fails to nominate three persons during the 60-day period, the names shall be selected by the Chief Justice or Acting Chief Justice of the Alabama Supreme Court within 10 days. The Governor shall appoint to the office in which the vacancy exists one of the three persons nominated. The appointee shall hold the office until a successor elected at the next general election for any state officer held at least six months after the vacancy occurs takes office. (Amendment 962)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§24-4.00. Promotion of Economic and Industrial Development in Certain Counties. (Amendment 429)

For the promotion of local economic and industrial development, the governing body of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa counties and of each municipality situated in said counties, other provisions of law or this Constitution notwithstanding, shall each have, independently or in cooperation with one or more of such governmental entities in such counties, full and continuing power (a) to purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site, or industrial park, projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and (b) to lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county, or of municipality exercising such power, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by any such county or municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and operating of, industrial, transportation, distribution, warehouse or research facilities, and of office and other facilities auxiliary to the foregoing. Nothing herein shall authorize the counties named, or any municipality there, to construct residential or any other buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither the governing bodies of the counties named hereinabove, nor of any municipality situated in said counties to which this amendment is or becomes applicable, shall be subject to the provisions of sections 93 or 94 of the Constitution of Alabama, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the governing body of such

counties, or of any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this state.

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

This amendment shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the legislature of Alabama; nor shall this amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said legislature.

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

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

(b) At least fourteen (14) days prior to such public meeting at which such price is approved by such governing body, it has published notice in the newspaper with the largest circulation in the county in which the property is located stating (1) the acreage proposed to be sold, (2) the section or sections or subdivisions of record in which the property is located, (3) the price per acre at which sale is proposed to be made, and (4) the place where a map of the property can be examined by the public; and

(c) The price thus approved is no less than the price advertised as aforesaid; provided, however, that should any real property be acquired for any purpose authorized by this amendment by eminent domain pursuant to other legislative authority as aforesaid, such property shall not be sold, in any event, for less than the price determined and paid pursuant to the orders of the court in such condemnation proceedings. Provided further, that no municipality shall acquire real property in unincorporated areas without a prior consent thereto as expressed in a resolution by the county governing body. Provided further, that no county or municipality shall acquire real property which is located in another county or municipality without such other county's or municipality's prior consent thereto as expressed in a resolution by its governing body. Nothing in the provisions of this constitutional amendment shall be construed to allow construction of dormitories or other type housing on or off university or college campuses. (Amendment 429)

[Note: Amendment 759 is identical to Amendment 429. except for the addition of Baldwin County. For the text of Amendment 759, see §2-4.01.]

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Compensation

§24-8.00. Certain Public Officials. (Amendments 46 and 138)

The legislature may hereafter from time to time, by general or local laws, fix, alter and regulate the fees, commissions, percentages, allowances, and compensation to be charged or received by the judge of probate, tax assessor, tax collector, sheriff, coroner, register in chancery,

circuit clerk, clerk-register, and members of the court of county commissioners, board of revenue, or like governing body of Dallas county. The legislature shall also have the power and authority to place any of such officers on a salary and to provide that the fees, commissions, percentages, and allowances collected by such officers shall be paid into the county treasury from which their salaries shall be paid. The compensation of any such officer may be increased but not diminished, during the term for which he was elected or appointed, the provisions of any article or amendment of this Constitution to the contrary notwithstanding. Amendment 46 is hereby expressly repealed. The basis of compensation of all employees of Dallas county and of the above named officers heretofore fixed pursuant to authority of amendment 46 and in effect August 1, 1957, shall continue in force until otherwise fixed, altered or regulated by the legislature of Alabama by general or local laws. (Amendments 46 and 138)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Chapter 11. Zoning, Planning, and Utilities

RESERVED

Title 24A Dallas County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Selma

§24A-2.00. Additional School Tax. (Amendment 6)

The city of Selma, in addition to the taxes it is now authorized and empowered to levy and collect, shall levy and collect annually an additional tax of two-tenths of one per centum upon the value of the property therein as fixed for state taxation, to be applied exclusively to the maintenance of public schools therein, and shall levy and collect annually a further additional tax of one-tenth of one per centum upon the value of the property therein as fixed for state taxation, to be applied exclusively to public school buildings therein and improvements and repairs thereon, or to the payment of indebtedness contracted for the same by the city of Selma, or to the maintenance of public schools therein or to any one or more of these purposes; provided that these taxes shall be in lieu of all other city taxes now required to be levied or appropriated by the city of Selma for the support of schools or for school purposes. (Amendment 6)

Title 25 DeKalb County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§25-2.00. Compensation of Certain Officials. (Amendment 134)

The legislature may from time to time, by general or local laws, fix, alter, and regulate the costs and charges of courts in DeKalb county and the fees, commissions, percentages, allowances, and salary, including the method or basis of their compensation, to be charged or received by the judge of probate, sheriff, tax assessor, tax collector, register, and circuit clerk of DeKalb county, including the right to place any of such officers on a salary and provide for the fees charged or collected by them to be paid into the treasury from which their salaries are paid. (Amendment 134)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

RESERVED

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

Article 1. Health

§25-6.00. Methadone Clinic. (Amendment 814)

Notwithstanding any approval by the state Certificate of Need Board, no methadone clinic may be located in DeKalb County without prior approval of the electors in a referendum on the matter. The ballot for the referendum shall state the physical address where the proposed clinic will be located. Notwithstanding any prior approval by the state Certificate of Need Board, any methadone clinic in existence in DeKalb County on the effective date of this amendment may not continue to operate without approval by the electors in a referendum to be held within 12 months of the effective date of this amendment. The ballot for the referendum shall state the physical address where the methadone clinic is operating. (Amendment 814)

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Compensation

§25-8.00. Certain Public Officials. (Amendment 337)

The legislature may from time to time, by general or local laws applicable to or operative in DeKalb county, fix, regulate, and alter the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, sheriff, tax assessor, tax collector, and clerk and register of the circuit court of DeKalb county; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers, to be paid into the treasury from which their salaries are paid. (Amendment 337)

Article 2. Retirement

§25-8.20. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 786)

No person elected or appointed sheriff or any elected or appointed DeKalb County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed DeKalb County official including the sheriff may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. DeKalb County officials holding office at the time of ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed DeKalb County official" include, subject only to express limitation, any person elected to represent DeKalb County in any representative body of the state and includes any person appointed to serve the remaining term of an elected or appointed DeKalb County official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 786)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§25-10.00. Occupational Tax Prohibited. (Amendment 813)

No privilege or license tax on the gross receipts of any natural person derived from the conduct of a vocation, occupation, calling, or profession may be levied in DeKalb County. (Amendment 813)

Article 2. Health

§25-10.20. Special Tax for Hospitals and Public Health Purposes (Amendment 65)

If the tax is authorized by vote of a majority of the qualified electors of the county who participate in any election called for that purpose, the governing body of DeKalb county must levy and collect, in addition to all other taxes authorized by law, a special county tax, not exceeding four mills on each dollar of taxable property in the county, to be used solely for acquiring, by purchase, lease, or otherwise, constructing, operating, equipping, or maintaining county hospitals, or other public hospitals, non-profit hospitals and public health facilities, or to pay any existing debt or liability incurred by the county for such purposes. An election may be called at any time by the governing body of the county, and must be called within three months of receipt of a petition signed by not less than five per cent of the qualified electors of the county requesting that the election be called. The election shall be conducted in the manner prescribed by the governing body of the county. (Amendment 65)

Article 3. Schools

§25-10.40. Special Property Tax for Educational Purposes. (Amendment 146)

The court of county commissioners, board of revenue, or like governing body of DeKalb county shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of seven and one-half mills on each dollar's worth of taxable property in the county as assessed for state taxation during the preceding year, provided that the question of levying the tax, the purpose thereof, and

the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at such election; and, provided further, that the total of all taxes levied for educational or school purposes in any school district of the county shall not exceed a total of fourteen and one-half mills on each dollar's worth of taxable property located in the district. If any proposal to levy the tax is defeated in any election, subsequent elections thereon may be held at any time. The election provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the school district tax authorized in Sections 269.01 through 269.03, by article 7, chapter 10, Title 52, Code of Alabama (1940). The tax shall be collected in the same manner and under the same requirements and laws as the taxes of the state are collected. The proceeds of the tax authorized by this amendment shall be used exclusively for educational purposes, provided that the revenue derived from four and one-half mills of the total rate of taxation authorized herein shall be devoted only to purposes of capital outlay, and the revenue derived from the remaining three mills shall be devoted to current operating expenses. (Amendment 146)

§25-10.41. Warrants Payable from Proceeds of Special Taxes for Educational Purposes. (Amendment 210)

In addition to all other purposes for which the county board of education or any city board of education in DeKalb county is authorized by law to issue and sell warrants payable out of the proceeds from any special school tax or special tax for educational purposes generally, duly levied pursuant to this Constitution or amendments thereto, the county board of education of DeKalb county or the city board of education of any city in such county is authorized to issue and sell warrants payable out of the proceeds of such special taxes for the purpose of refinancing any deficit created by proration of school funds prior to June 1, 1962. Before any warrants are issued hereunder the existence of such deficit and the amount thereof shall be determined by the state department of examiners of public accounts and certified to the board of education desiring to issue the warrants. All warrants issued hereunder shall be issued, sold, redeemed and otherwise handled in the same manner and upon the same terms and conditions as warrants issued pursuant to article 4, chapter 10, Title 52, Code of 1940. (Amendment 210)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§25-11.00. Fire Protection Purposes. (Amendments 637 and 728)

(a) In addition to all other ad valorem taxes levied, the DeKalb County Commission may levy on an annual basis, commencing with the tax year beginning October 1, 1998, an ad valorem tax on all taxable property located in DeKalb County, excluding taxable property located within the city limits of Fort Payne, at a rate of three mills per dollar of assessed value of the taxable property. The proceeds of the tax levied pursuant to this amendment shall be paid into the county general fund and distributed for the benefit of fire protection only.

(b) Within 30 days of payment into the county general fund, the county commission shall pay the funds to the DeKalb County Association of Fire Departments, Incorporated. At each quarterly meeting of the association, the funds shall be divided between all eligible volunteer fire departments and the DeKalb County Association of Fire Departments so that each volunteer fire department receives an equal share of the funds and the county association receives an amount equal to the total of three of the equal shares received by the volunteer fire departments. Of the three share total distributed to the county association, one-third or one share may be used for administrative duties, the other two-thirds or two shares may be used for fire protection services in those areas not adequately covered by a fire department or for additional fire service

equipment purchases on a countywide basis, or both. The county commission and the county association may jointly establish rules regarding the transfer, investing, accounting, and handling of the funds, including but not limited to, any funds which have accrued since October 1, 1998, and have not been distributed as of the ratification date of this amendment.

(c) Funds paid to eligible volunteer fire departments shall only be expended for fire protection services, including training, supplies, buildings, capital improvements, and equipment. An eligible volunteer fire department shall mean a volunteer fire department located in DeKalb County that is certified under the guidelines of the Alabama Forestry Commission, has at least an ISO class 9 rating, and is a member in good standing of the DeKalb County Association, Incorporated. The funds may not be expended for salaries, food, drink, social activities, or fund-raising activities. After receiving funds, the eligible volunteer fire departments shall keep accurate records to verify that the funds were properly expended. By September 15th of each year, each eligible volunteer fire department shall file a form with the county association detailing the expenditures of all funds during the previous 12 months and setting out a schedule of all proposed projects. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. The county association shall supply the accounting forms to each eligible volunteer fire department.

(d) Upon dissolution or abandonment of any eligible volunteer fire department, any remaining funds shall, after all indebtedness has been satisfied, be transferred to the county association.

(e) The personnel of volunteer fire departments shall not be considered as employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of volunteer fire departments. (Amendments 637 and 728)

Title 25A DeKalb County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Fort Payne

§25A-2.00. Special School Tax. (Amendment 234)

(A) In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of one dollar on each one hundred dollars worth of taxable property in the school tax district of the city of Fort Payne in DeKalb county to be used solely for public school purposes; provided such tax and the time it is to continue shall have been first submitted to the vote of the qualified electors of the said school tax district in which such tax is to be collected and voted for by a majority of those voting at such election; otherwise said tax shall not be collected. A special separate election is hereby called on the first Tuesday after sixty days following the date this amendment becomes effective in the school tax district of the city of Fort Payne, in DeKalb county, at which election the qualified voters in the said school tax district of DeKalb county may vote as to whether said special school tax herein levied shall be effective; and if the majority of those voting at said election vote in favor of said special school tax, such school tax shall immediately be levied and collected annually thereafter on the first day of October by the tax collector of DeKalb county and paid to the city of Fort Payne. The proceeds of the tax are hereby solely for public school purposes. This section shall be self-executing.

(B) Except as herein otherwise provided the election hereinabove provided for shall be called, held and conducted as provided by law for calling, holding and conducting of district school tax elections. The governing body of the city of Fort Payne shall appoint and designate the officers, managers, clerks and returning officers and shall call, canvass, tabulate, and declare the result of the election provided for in the city of Fort Payne. The election shall otherwise be conducted, held, canvassed, tabulated and the results declared as general elections are conducted, held, canvassed, tabulated and the results declared in Alabama. (Amendment 234)

§25A-2.01. Additional Special School Tax. (Amendment 279)

In addition to all taxes now, or hereafter authorized by the Constitution and laws of Alabama, the city of Fort Payne, DeKalb county, Alabama, shall have the power to levy and collect a special school tax up to 7 1/2 mills on each dollar's worth of taxable property in the city of Fort Payne, DeKalb county, Alabama, the proceeds of which shall be used exclusively for school purposes; provided that such tax and the purpose or purposes thereof, and the times such taxes are proposed to be continued, shall have first been submitted to the vote of the qualified electors of the city of Fort Payne, DeKalb county, Alabama, and voted for by the majority of those voting at such election. The special tax provided herein may be renewed from time to time, in the manner provided herein, for such periods of time as are necessary. If any proposal to levy the taxes is defeated in any election, subsequent elections thereon may be held at any time. The elections provided for herein shall be called, held, conducted, and paid for by the city of Fort Payne, DeKalb county, Alabama, and governed otherwise in the manner provided for an election on the school district tax authorized in Sections 269.01 through 269.03, by article 7, chapter 10, Title 52 of the Code of Alabama 1940.

The county tax collector shall collect the tax in the same manner and under the same requirements and laws as the taxes of the state are collected, and he shall keep the proceeds of this tax separate and apart from all other funds, and shall keep clear account thereof. The tax collector shall distribute the proceeds of this special tax in such manner as to turn over to the custodian of the city school funds of the city of Fort Payne, DeKalb county, Alabama, the revenue derived from the tax levied on all taxable property situated in the city of Fort Payne, DeKalb county, Alabama. Such revenues to be used by the city board of education for educational purposes in connection with schools located in the corporate limits of the city of Fort Payne, DeKalb county, Alabama.

In the event that any special property tax herein authorized shall be authorized by a majority of the qualified electors voting on the question at the election, the city board of education of the city of Fort Payne, Alabama, may at such times as to them seem necessary and proper, sell and issue their tax anticipation bonds for the purposes for which the tax was authorized, which bonds shall be in such amounts as the respective board of education shall designate and, except as otherwise provided herein shall be subject to the provisions of the general laws now pertaining to the issuance by city boards of education of capital outlay warrants, and no further election shall be required for the issuance of such bonds. The revenue derived from the sale of these bonds shall be expended by the Fort Payne city board of education, for public school purposes only. Any bonds issued under the authority of this amendment shall be payable solely out of the proceeds of the special property tax hereby authorized, all or any part of which may be pledged therefor. The bonds issued under the authority of this amendment shall constitute negotiable instruments, although payable from a limited source, and shall be eligible for the investment of trust funds. The bonds shall not constitute general obligations of the city of Fort Payne, DeKalb county, Alabama, and shall be in addition to all other bonds or

warrants which the city board of education have heretofore issued or are authorized to issue under the Constitution and laws of Alabama.

The proceeds of the tax herein levied may be used for any school purpose. In addition to capital outlay, may be used for operating purposes, or any other purpose in connection with the school system of the city of Fort Payne, DeKalb county, Alabama, as may be determined by the city board of education. (Amendment 279)

§25A-2.02. Work Release for City Prisoners. (Amendment 838)

Notwithstanding any other provision of law, the City of Ft. Payne in DeKalb County may use prisoners confined in the city jail to perform work on public and private property and the city shall be subject to liability for any actions related to the use of the prisoners in the same manner and to the same extent as when county prisoners confined in the county jail are used to work on public or private property. (Amendment 838)

Title 26 Elmore County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§26-2.00. General Authority. (Amendments 278)

The legislature may from time to time, by general, special or local laws, fix, regulate and alter the costs and charges of courts in the county of Elmore and the method of distribution thereof. (Amendment 278)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

RESERVED

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Compensation

§26-8.00. Certain Public Officials. (Amendment 185)

The legislature may from time to time, by general or local laws applicable to or operative in Elmore county, fix, regulate, and alter the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, sheriff, tax assessor, tax collector, and clerk and register of the circuit court of Elmore county; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. Provided, that no law changing the method or basis for compensating such officers shall become effective unless it is approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose. (Amendment 185)

Article 2. Retirement

§26-8.20. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 638)

No elected or appointed Elmore County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Elmore County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Elmore County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however,

the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 638)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§26-10.00. Consolidation of Offices; Revenue Commissioner. (Amendment 356)

The legislature may from time to time, by general or local law, provide for the transfer of the duties, or part of the duties, of one county officer of Elmore county to another officer of such county; or consolidate any two or more offices of such county into one county office and provide for the abolition of the office or offices left without duties, or create a completely new office in such county and transfer to such office a part of the duties of each of several other offices without abolishing any office in such county; provided that the officer or officers to fill the offices involved will be compensated for the performance of the duties of their offices by a salary fixed according to law.

In the event this amendment is approved and a majority of the qualified electors of Elmore county who vote thereon vote in favor of the adoption of this amendment when it is submitted, then any law theretofore passed which consolidates county offices in Elmore county may become effective without any other election having been held thereon. In the event this amendment is approved and a majority of the qualified electors of said county who vote thereon vote against its approval, then such act or acts shall have no further force or effect. (Amendment 356)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§26-11.00. Creation of Districts; Collection of Fees. (Amendment 466)

The legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, and financing of local districts within Elmore county as public corporations to provide any one or more of the following local services: (a) fighting and prevention of fires; (b) the operation of emergency medical services, including rescue and ambulance service; authorize such district to fix and collect rates, fees and charges for such services, and to provide penalties for nonpayment and liens upon the property within such district; authorize the borrowing of money and the issuance of bonds and other obligations by or on behalf of such district; provided that Elmore county shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Elmore county. (Amendment 466)

§26-11.01. Levy of Fees. (Amendments 567 and 787)

(a) The Legislature may from time to time by local law authorize the county governing body of Elmore County to levy and collect fees, annually not to exceed fifty dollars ($50) on each residence and one hundred dollars ($100) on each business located within the county, for fire protection services and emergency medical care, such local law may provide for the distribution of the fees to volunteer fire departments and to emergency medical technicians who are members of volunteer fire departments, or provide for the distribution of the fees to an

association of volunteer fire departments to be distributed by the association for the same purposes.

(b) Act No. 92-660, H. 63, 1992 Second Special Session, a proposed, but not ratified local constitutional amendment, relating to the same subject matter, is repealed.

(c) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Elmore County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this act, and no further election shall be required. (Amendments 567 and 787)

Title 26A Elmore County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Chapter 2. Tallassee

[Note: The City of Tallassee lies in Elmore and Tallapoosa Counties.]

§26-2.00. Election of Board of Education. (Amendment 535)

This legislature may by local act provide for the election of the members of the board of education of the City of Tallassee in Elmore and Tallapoosa Counties. (Amendment 535)

Title 27 Escambia County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§27-2.00. Compensation of Certain Officials. (Amendment 391)

The legislature may, from time to time, by general or local laws applicable to or operative in Escambia county and approved by a majority of the qualified electors of Escambia county at a referendum election, fix, regulate, and alter the costs and charges of court and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the county officials of Escambia county; and may place any or all of such officials on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officials to be paid into the treasury from which their salaries are paid.

In the event this amendment is approved and a majority of the qualified electors of said county who vote thereon vote in favor of the adoption of this amendment when it is submitted, then any law theretofore passed which places any officials in Escambia county on a salary basis, or any law fixing, regulating, and altering the costs and charges of court and the fees, commissions, allowances, and salaries of any official in Escambia county, may become effective without any other election having been held thereon. In the event this amendment is approved and a majority of the qualified electors of said county who vote thereon vote against its approval, then such act or acts shall have no further force or effect. (Amendment 391)

Chapter 3. County Government, Finance, and Operations

Article 1. Oil and Gas Revenues and Funds

§27-3.00. Distribution. (Amendment 536)

A. The Escambia County commission shall distribute oil and gas revenues as provided in this amendment.

1. The Escambia County Oil and Gas Severance Trust, established by Act No. 84-576, H. 664 of the 1984 Regular Session (Acts 1984, p. 1198), its corpus and income shall be continued as provided by Sections 1 and 2 of that act.

2. The members of the Escambia County commission, or their successors in office, shall constitute the trustees of the trust. Provided, however, the members of the Escambia County commission, or their successors in office, may in their discretion, appoint one or more trustees or escrow agents for the trust which trustees or escrow agents shall be trust companies or national or state banks having powers of a trust company within or without the State of Alabama. The trustees shall invest the corpus of the trust only in direct general obligations of, or obligations the payment of the principal of and interest on which are conditionally and irrevocably guaranteed by the United States of America. Provided, however, that, notwithstanding any legal limitation that might otherwise be applicable, the trustees shall further have the authority in their discretion to invest such trust fund in certificates of deposit of any savings and loan associations or banks whether federally or state chartered whose principal office is located in the state, provided that such funds so invested are fully secured by pledge of eligible United States treasury securities.

3. Commencing with the 1984-1985 fiscal year, up to eighty percent (80%) of the net income from the investments authorized in Section A2 of this amendment shall be distributed quarterly, semiannually or annually, as designated by the trustees, to the general fund of the county.

4. The provisions of A1, A2, and A3 of this amendment shall not terminate at the end of twenty years, unless a majority of the qualified electors of the county vote to terminate the provisions by a constitutional amendment duly proposed by the Alabama legislature.

B. Excluding the revenues and income from Section A1, A2 and A3 of this amendment, one-third (1/3) of all net funds when received pursuant to Sections 40-20-8(c)(3) and 40-20-8(c)(4), Code of Alabama 1975, as amended, by Escambia County from the severance tax levied, pursuant to Section 40-20-2, Code of Alabama 1975, as amended, shall be paid to the Escambia County board of education, to be used for educational purposes and to be distributed as follows:

Each public board of education now in existence or hereafter created in Escambia County shall receive a pro rata share of said monies based upon the relation its average enrollment in its schools during the preceding school year bears to the average enrollment of all public schools in Escambia County.

1. The funds received by Escambia County prior to the effective date of this amendatory act from severance tax or privilege tax on oil and gas under any general law, including Sections 40-20-1 through 40-20-13, Code of Alabama 1975, as amended, or any local law whatsoever, and deposited in the county treasury designated as the "Escambia County courthouse and county jail trust fund," shall be distributed as follows:

(1) All the interest from such investment shall be deposited in the county general fund;

(2) Up to $500,000.00 of the principal shall be deposited in the county general fund; and

(3) The remaining principal shall be deposited as principal into the "Escambia County oil and gas severance trust" as established in Act No. 84-576, H. 664, 1984 Regular Session (Acts 1984, p. 1198), as amended. The earned interest that is generated by this transfer of principal shall be expended according to the provisions of the said Act No. 84-576, as amended, and by Sections A1, A2 and A3 of this amendment.

2. An amount equal to one-tenth of the net funds received by Escambia County pursuant to Sections 40-20-1 through 40-20-13 of the Code of Alabama 1975, as amended, for the general fund of the county or one hundred thousand dollars ($100,000.00) of such funds, whichever is the lesser, shall be appropriated by the Escambia County commission from the county general fund to the Escambia County Industrial Development Authority, created by Act No. 894, S. 773, of the 1978 Regular Session (Acts 1978, p. 1330). Futhermore, the governing body of Escambia County is hereby authorized to deposit directly into an account authorized by the Escambia County Industrial Development Authority on a monthly installment basis. Said development authority shall have the authority to contract with any municipality in Escambia County for services it deems appropriate out of the funds allocated by this section. Any such monies which are not expended by the said authority by September 20, 1982, and each September 30 thereafter, shall at the request of the Escambia County commission be returned to the general fund of the county.

The provisions of this subsection shall become effective immediately upon the first receipt of funds by Escambia County pursuant to Act No. 79-434, H. 148 of the 1979 Regular Session (Acts 1979, p. 687), as amended.

3. An amount equal to ten percent of the total of all net funds received by Escambia County after the effective date of this act, and distribution of funds as provided in Section B1 hereof, from a severance tax or privilege tax on oil and gas under any general law, including Sections 40-20-1 through 40-20-13, Code of Alabama 1975, as amended, or any local law whatsoever, or not otherwise herein allocated, distributed or designated, shall be deposited in the Escambia County general fund.

The provisions of this subsection B3 become effective immediately upon the first receipt of funds by Escambia County pursuant to Act No. 79-434, H. 148, 1979 Regular Session (Acts 1979, p. 687), as amended. (Amendment 536)

§27-3.01. Investment and Loan of Funds. (Amendment 885)

In addition to any other authority granted pursuant to the Constitution or otherwise authorized by law, the trustees of the Escambia County Oil and Gas Severance Trust may loan all or any part of the funds on deposit in the trust fund to Escambia County, and the Escambia County Commission may borrow the funds from the trust fund and shall be required to expend all funds borrowed solely for the purpose of economic and industrial development in Escambia County or for the construction, maintenance, or repair of roads and bridges or other capital projects within Escambia County. Any loan by the trust fund shall be a general obligation of Escambia County, the repayment of which shall be made in equal semi-annual installments of principal and interest over a term not to exceed 15 years from the date of the loan, at a rate of interest equal to one percent more than the published market rate payable on 10-year term U.S. Treasury Notes prevailing on the date of the loan. In addition, the trustees may invest the trust funds in other investments as otherwise provided by local law and any prior local law authorizing the investment of trust funds is ratified and confirmed. (Amendment 885)

Chapter 4. Economic and Industrial Development

RESERVED

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§27-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 788)

No mayor or elected or appointed Escambia County official, including the sheriff, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every mayor or elected or appointed Escambia County official, including the sheriff, may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Mayors and Escambia County officials holding office at the time of ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this amendment, the words "elected or appointed Escambia County official" include, subject only to express limitation, any person holding an office that entitles the person to participate in a supernumerary program or any person appointed to serve the remaining term of an elected or appointed Escambia County official. The words do not

include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 788)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Health

§27-10.20. Special Tax for Hospitals and Public Health Purposes. (Amendment 70)

If the tax is authorized by vote of a majority of the qualified electors of Escambia county who participate in any election called for that purpose, the governing body of said county must levy and collect, in addition to all other taxes authorized by law, a special county tax, not exceeding four mills on each dollar of taxable property in the county, to be used solely for acquiring, by purchase, lease, or otherwise, constructing, operating, equipping, or maintaining county hospitals, or other public hospitals, non-profit hospitals and public health facilities. An election may be called at any time by the governing body of the county, and must be called within three months of receipt of a petition, signed by not less than five percent of the qualified electors of the county, requesting that the election be called. The election shall be conducted in the manner which the governing body of the county prescribes. (Amendment 70)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Annexation

§27-11.00. Canoe Landmark District. (Amendment 963)

(a) For the purposes of this amendment, the "Canoe Landmark District" in Escambia County is defined as follows:

All of Sections Thirteen (13), Twenty-four (24), Twenty-five (25) and Thirty-six (36) and that portion of Twelve (12) which lies south of Cowpen Creek; in Township one North (T1N), Range Six East (R6E) and Sections Seventeen (17), Eighteen (18), Nineteen (19), Twenty (20), Twenty-nine (29), Thirty (30), Thirty-one (31) and Thirty-two (32) and that portion of Sections Seven (7) and Eight (8) which lie south of Cowpen Creek; in Township one North (T1N), Range Seven East (R7E) of Escambia County, Alabama. This Landmark District may be further described as: Beginning at the Northwest (NW) Corner of Section Thirteen (13) of Township One North, Range Six East (T1N, R6E), run South along said Section Lines to the Alabama/Florida State Line which is at the Southwest Corner (SW Cor) of Section Thirty-six (36), thence Run East along the said State Lines to the Southeast Corner (SE Cor) of Section Thirty-two (32) of T1N, R7E, thence run North along the East Boundary of said Section Lines to the Northeast Corner (NE Cor) of Section Seventeen (17) of T1N, R7E, thence run West along the North Boundary of said Section Lines to the intersection of said Section Line and Cowpen Creek, thence follow the meandering of said creek Westerly to the intersection of said creek and Sections Twelve/Thirteen (12 and 13) of Township One North, Range Six East (T1N, R6E), thence run West along said Section lines back to the point of beginning.

(b) No property within the Canoe Landmark District may be annexed into any municipality by local law.

(c) Subsection (b) shall not apply to any municipality incorporated after the ratification of this amendment which includes any part of the Canoe Landmark District. (Amendment 963)

Title 27A Escambia County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 28 Etowah County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§28-2.00. Law Library. (Amendment 235)

The legislature may by general or local law provide that a trial tax or charge on litigation of not more than ... dollars ($...) shall be taxed as costs in any case, action, or proceeding hereafter filed in the circuit court of Etowah county, whether at law or in equity, and that a like tax or charge of not more than ... dollars ($...) shall be taxed as cost in any case hereafter filed in the Etowah county court, the proceeds of such tax or charge shall be used for establishing, equipping, maintaining and operating the public law library in Etowah county established pursuant to Act No. 191, H. 596, which became effective August 1, 1955 (Acts of Alabama 1955, page 485), including the payment of the salaries of the personnel needed to operate such library. (Amendment 235)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§28-4.00. Promotion of Economic and Industrial Development in Certain Counties. (Amendment 429)

For the promotion of local economic and industrial development, the governing body of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa counties and of each municipality situated in said counties, other provisions of law or this Constitution notwithstanding, shall each have, independently or in cooperation with one or more of such governmental entities in such counties, full and continuing power (a) to purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site, or industrial park, projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and (b) to lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county, or of municipality exercising such power, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by any such county or municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and operating of, industrial, transportation, distribution, warehouse or research facilities, and of office and other facilities auxiliary to the foregoing. Nothing herein shall authorize the counties named, or any municipality there, to construct residential or any other buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither the governing bodies of the counties named hereinabove, nor of any municipality situated in said counties to which this amendment is or becomes applicable, shall be subject to the provisions of sections 93 or 94 of the Constitution of Alabama, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with,

and in no way restrictive of, powers otherwise granted by law to the governing body of such counties, or of any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this state.

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

This amendment shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the legislature of Alabama; nor shall this amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said legislature.

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

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

(b) At least fourteen (14) days prior to such public meeting at which such price is approved by such governing body, it has published notice in the newspaper with the largest circulation in the county in which the property is located stating (1) the acreage proposed to be sold, (2) the section or sections or subdivisions of record in which the property is located, (3) the price per acre at which sale is proposed to be made, and (4) the place where a map of the property can be examined by the public; and

(c) The price thus approved is no less than the price advertised as aforesaid; provided, however, that should any real property be acquired for any purpose authorized by this amendment by eminent domain pursuant to other legislative authority as aforesaid, such property shall not be sold, in any event, for less than the price determined and paid pursuant to the orders of the court in such condemnation proceedings. Provided further, that no municipality shall acquire real property in unincorporated areas without a prior consent thereto as expressed in a resolution by the county governing body. Provided further, that no county or municipality shall acquire real property which is located in another county or municipality without such other county's or municipality's prior consent thereto as expressed in a resolution by its governing body. Nothing in the provisions of this constitutional amendment shall be construed to allow construction of dormitories or other type housing on or off university or college campuses. (Amendment 429)

[Note: Amendment 759 is identical to Amendment 429. except for the addition of Baldwin County. For the text of Amendment 759, see §2-4.01.]

§28-4.02. Etowah County and Municipalities Therein. (Amendment 761)

Promotion of Economic and Industrial Development in Etowah County and any Municipality Located Therein.

(a) For the promotion of local economic and industrial development within Etowah County and any municipality located therein, any other provisions of law or the Constitution of Alabama of 1901 notwithstanding, the county and any municipality located therein shall have, without an election, full and continuing power to do any or all of the following:

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

(2) To lease, sell for cash or on credit, exchange, give, transfer, or convey any such property described in subdivision (1) above to any person, firm, association, or corporation.

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

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

(5) To become indebted and to issue and sell interest-bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding 50 percent of the assessed value of taxable property therein, as determined for state taxation, in order to secure funds for the purchase, construction, lease, or acquisition of any of the property described in subdivision (1) or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may be issued upon the full faith and credit of Etowah County or such municipality or may be limited as to the source of their payment.

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

(7) To delegate all powers and authority conferred in this amendment upon the governing body of Etowah County or such municipality to an existing public authority, corporation, agency, or board having similar powers to those provided herein, which public authority, corporation, agency, or board is managed and governed by a board or governing body and is subject to such limitations as the governing body of Etowah County or such municipality may have imposed or, subsequent to the ratification of this amendment, may impose.

(b) The powers granted in this amendment may be exercised as an alternative to, or cumulative with, and are not in derogation of, the powers otherwise granted by law or the Constitution of Alabama of 1901, to the governing body of Etowah County or such municipality, or to any public authority, corporation, agency, or board created or approved thereby pursuant to the laws of this state and the Constitution of Alabama of 1901, and nothing in this amendment shall be deemed to have repealed any powers of the governing body of Etowah County or such municipality or any such public authority, corporation, agency, or board that have previously been granted to the governing body of Etowah County or such municipality or any such public authority, corporation, agency, or board including, without limitation, those contained within Section 28-4.00.

(c) The recital in any bonds, warrants, notes, or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized shall be conclusive, and no purchaser or holder thereof need inquire further. The bonds, warrants, notes, or other obligations or evidences or indebtedness issued hereunder shall not be considered an indebtedness of Etowah County or such municipality for the purpose of determining the borrowing capacity of Etowah County or such municipality under Section 224 or Section 225 of the Constitution of Alabama of 1901.

(d) In carrying out the purposes of this amendment, neither the governing body of Etowah County, such municipality, nor any public authority, corporation, agency, or board delegated the powers set forth herein, shall be subject to the provisions of Section 93 or Section

94 of the Constitution of Alabama of 1901. This amendment shall be self-executing, but notwithstanding any contrary provisions of Section 104 of the Constitution of Alabama of 1901, the Legislature shall have the right and power by general, special, or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth. No such general, special, or local act shall be subject to the provisions of Section 106 of the Constitution of Alabama of 1901. (Amendment 761)

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

Article 1. Bingo

§28-7.00. Operation of Bingo by Nonprofits. (Amendment 506)

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

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

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

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

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

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

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

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

The provisions of this constitutional amendment shall be self-executing, but the legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the general purposes and objectives herein set forth. (Amendment 506)

Chapter 8. Officials and Employees

Article 1. Compensation

§28-8.00. Certain Public Officials. (Amendments 43 and 62)

The legislature of Alabama may hereafter, from time to time by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by tax assessors, tax collectors, probate judges, circuit clerks, sheriffs, and registers of the chancery courts, including the right to place any one or all said officers on a salary and provide for the fees, allowances or compensation collected by said officers to be paid into the treasury from which their salaries are paid, in the following named county: Etowah. All acts of the legislature, heretofore passed or which may be passed by the legislature in special or regular session at any time prior to the adoption of this amendment, and applicable or purporting to be applicable to said county, and fixing or purporting to fix the compensation to said named county officers on a salary basis, are hereby validated and confirmed. (Amendments 43 and 62)

Article 2. Retirement

§28-8.20. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 868)

No elected or appointed Etowah County official, including the sheriff, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Etowah County official, including the sheriff, may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Etowah County officials, including the sheriff, holding office at the time of ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For purposes of this amendment, the words "elected or appointed Etowah County official" do not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 868)

Article 3. Employee Personnel Boards

§28-8.40. Sheriff's Personnel Board; Participation. (Amendment 899)

No later than the first day of the sixth month after ratification of this amendment, employees of the Office of the Sheriff of Etowah County, except for the chief deputy, chief of detention, chief of administration, chief of investigation, director of communications, and food service manager, shall be under the authority of the personnel board of the office of the sheriff. The provisions of this amendment shall not affect the liability of the employees of the Office of the Sheriff of Etowah County. (Amendment 899)

Chapter 9. Public Safety

Article 1. Sheriff

§28-9.00. Discretionary Fund for Feeding Prisoners. (Amendment 947)

Effective beginning the first day of the next month after the ratification of this amendment, any allowances or other amounts received by the Sheriff of Etowah County for feeding prisoners shall be deposited in a separate account in the county treasury to be known as

the "Sheriff's Discretionary Fund." The Sheriff's Discretionary Fund shall be used by the sheriff for the feeding of prisoners in the county jail and as provided herein. Any funds in the Sheriff's Discretionary Fund over the amounts needed for the purposes provided above may be used by the sheriff for law enforcement purposes, for school resource officers, and for the operation of the office of the sheriff. Any funds in the Sheriff's Discretionary Fund at the end of any fiscal year shall be carried over from year to year. In the event additional amounts are needed by the sheriff for the feeding of prisoners, the amounts shall be paid by the sheriff from any other funds appropriated or otherwise available for the operation of the office of the sheriff the expenditure of which is not otherwise restricted by law. The sheriff shall not be subject to the competitive bid law for the purchase of food or supplies used for feeding prisoners in the county jail. (Amendment 947)

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§28-10.00. Real Estate License Taxes. (Amendment (684)

(a) In order to allow for the orderly and efficient collection of municipal business license taxes in Etowah County with respect to corporations, firms, brokers, agents, and others in the business of buying, selling, leasing, or representing others in the purchase, sale, or lease of real property in Etowah County, the Legislature may, by local law, provide for the imposition and collection of taxes as follows:

(1) Any city or municipality within Etowah County may fix and collect license taxes pursuant to Sections 11-51-90 and 11-51-91, Code of Alabama 1975, for any business, trade, or profession relating to the buying, selling, or renting of real estate on commission in Etowah County if the licensee maintains its principal place of business in the corporate limits or police jurisdiction of that city or municipality.

(2) Effective January 1 following the ratification of this amendment and each year thereafter, in addition to the taxes, if any, imposed under subdivision (1) above, every corporation, firm, broker, agent, or other person or entity engaged in the business of buying, selling, managing, leasing, or renting of real estate on commission in Etowah County shall pay an annual business license tax at a rate to be set by the Legislature for the privilege of engaging in that business in every other city or municipality in Etowah County. The tax shall be collected by the License Commissioner of Etowah County and shall be distributed by the License Commissioner of Etowah County to each city or municipality within Etowah County on a pro rata basis based on population. The License Commissioner of Etowah County shall be entitled to an administrative fee for administering this tax at a rate to be set by the Legislature. The fee shall to be subtracted from the license tax.

(3) Effective January 1 following the ratification of this amendment and each year thereafter, except for the license taxes permitted or mandated under subdivisions (1) and (2) above, no other privilege license tax or any other fee or tax shall be imposed under Sections 11-51-90 and 11-51-91, Code of Alabama 1975, or any other law by any city or municipality within Etowah County on corporations, firms, brokers, agents, or other persons or entities engaged in the business of buying, selling, managing, leasing, or renting of real estate on commission in Etowah County.

(b) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Etowah County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this act, and no further election shall be required. (Amendment 684)

Article 2. Schools

§28-10.20. Special School Tax. (Amendment 67)

In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, the several school districts of Etowah county, Alabama, shall have power to levy and collect a special district tax of fifty cents on each one hundred dollars worth of taxable property in such districts for public school purposes; provided, that a school district under the meaning of this section shall include Etowah county, exclusive of the municipalities of Gadsden and Attalla as one district, the city of Gadsden as one district, and the city of Attalla as one district; provided further, that the time such tax is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors in each such district and voted for by a majority of those voting at such election; and further provided that such election shall be held in the same manner as now provided for an election on the school district tax authorized in Sections 269.01-269.03; and be it further provided that the funds arising from the special school tax levied in any district which votes the same independently of the county shall be expended for the exclusive benefit of the district as the law may direct. (Amendment 67)

§28-10.21. Additional Special School Tax for Educational Purposes. (Amendment 296)

The court of county commissioners, board of revenue or like governing body of Etowah county shall have the power to levy and collect a special property tax, in addition to all other taxes, now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one half of one percent on the value of the taxable property in the county situated outside the corporate limits of Gadsden and Attalla, as such property was assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes, but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes which pledges shall take priority as provided in such bonds, warrants, or other evidences of indebtedness; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the county residing outside the corporate limits of Gadsden and Attalla, and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on the property in the county situated outside the corporate limits of Gadsden and Attalla shall be called and held in the same manner as now provided by law for an election on the school district tax authorized in Sections 269.01 through 269.03. The tax on property situated outside the corporate limits of Gadsden and Attalla shall be collected in the same manner and under the same requirements and laws as the taxes of the state are collected, and the revenues derived from such tax shall be used solely for schools and other educational purposes in the territory of the county outside the corporate limits of Gadsden and Attalla.

If any proposal to levy a tax hereunder is defeated in any election, subsequent elections thereon may be held at any time.

Nothing contained in this amendment shall be construed to authorize the levy and collection of an additional tax on property situated within the corporate limits of the cities of Gadsden or Attalla.

This amendment shall be self-executing. (Amendment 296)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§28-11.00. Creation of Districts; Collection of Fees. (Amendments 432 and 445)

The Etowah county commission is authorized in its discretion to establish fire districts within the geographical boundaries of Etowah county, said districts to exclude any corporate municipality. Provided, however, any corporate municipality may request through resolution of its governing body to become subject to the provisions of this amendment upon the approval of the additional tax levied herein by a majority of the qualified electors of the corporate municipality.

The county commission is further authorized to enter into agreements with volunteer fire departments within such county for fire protection and services.

There is hereby levied, in addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, a fire protection tax of three mills. The fire protection tax levied herein shall be based upon the value of real and personal property assessed by affected property owners, as shown on the records of the tax assessor of Etowah county, Alabama, and shall be assessed and collected as are all ad valorem taxes in the county. The amount collected each year from assessment of this fire protection tax shall be paid into the county general fund and used in furtherance of fire protection within the affected area. Prior to the levy of the fire protection tax in a fire district, there shall be submitted to the electors of the district, at a special election called for that purpose in the district, the question of whether the said tax shall be levied, and the said tax shall be authorized at such election by a majority of the qualified electors within any particular fire district of the county or corporate municipality therein who vote at such election; provided further, that if a majority of the qualified electors of any of the fire districts participating in the election on the ratification of this amendment shall vote for the ratification of this amendment, then the approval of this amendment as expressed by the vote in said district in favor of its ratification shall, of itself, authorize the levy and collection of the tax for fire protection purposes in that fire district, commencing with the levy for the tax year for which taxes will become due and payable on October 1, 1985.

Elections on the question of the levy of a district fire protection tax may be held at any time and from time to time, provided, that if any such election held after the ratification of this amendment the proposal to levy the tax so submitted should be defeated then the proposal may not be submitted at another election held in the same district within two years from the last election held under this amendment.

Any act heretofore enacted regarding said Etowah county fire fighting districts is hereby ratified and confirmed insofar as it is consistent with this amendment. (Amendments 432 and 445)

Article 2. Annexation

§28-11.20. General Provisions. (Amendment (467)

Any municipality that was not located wholly within the boundaries of Etowah county prior to January 1, 1986, shall not annex any territory within Etowah county without the approval of the electorate of said territory expressed in a vote on the issue of said annexation.

The provisions of this amendment shall not apply to any municipality incorporated in the future that lies entirely within the boundaries of Etowah county.

The provisions of this amendment shall not apply to any territory presently annexed within Etowah county by a municipality located outside of the county.

The legislature may pass local or general acts to supplement this amendment, so long as such acts do not contravene the provisions of this amendment. (Amendment 467)

Title 28A Etowah County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Attalla

§28A-2.00. Ad Valorem Tax. (Amendment 31)

(a) The municipality of Attalla, Alabama, through its governing body, may levy and collect from and after the date of this amendment the present rate of one percent ad valorem tax per annum, and said amount to be devoted to the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said municipality, but before any additional tax now authorized by law can be levied, it must be voted by a majority of qualified electors of the municipality voting on such proposition at an election called by the governing body of said municipality for such purposes; providing that the total tax levied for all purposes by the said municipality of Attalla shall not exceed one per centum in any one year on the property situated therein, based on the valuation of such property as assessed for state taxation.

(b) The adoption of this amendment shall in no wise effect, limit, modify, abridge or impair the power, authority or right of such municipality to levy and collect the special school taxes now or hereafter vested in or conferred upon it under the Constitution or any amendment thereto.

(c) Each election held under the provisions of this amendment shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to municipal corporations, for elections to order the issuance of municipal bonds. The ballots used at such election shall contain the following words: "For authorization of a continuation of taxation at a rate not to exceed one percent per annum for the purpose of the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said municipality." "Against authorization of a continuation of taxation at a rate not to exceed one percent per annum for the purpose of the payment of outstanding bonds, provide for schools, and such other purposes as may be designated by the governing body of said municipality." The rate of taxation proposed shall be printed upon the ballot in the space indicated therefor and for the year or years in which the proposed rate is to apply, and the purpose or purposes for which said tax is to be used shall likewise be placed in the respective places therefor. The voter shall record his choice either for or against authorization of the proposed rate for the proposed purpose or purposes by placing a cross mark before or after the words expressing his choice. Nothing herein contained shall in any wise change or effect the rights of any holder of bonds of said municipal corporations heretofore issued. Elections in said municipality to order the levy of such tax may be held as often as ordered by the governing body thereof, but when a proposition is submitted to the said municipality hereunder and such proposition is defeated, no second election shall be held in such municipality for one year thereafter. This amendment shall be self-operative without any additional legislation. (Amendment 31)

§28A-2.01. Election of Board of Education. (Amendment 537)

The legislature may by local act provide for the election of the members of the board of education of the City of Attalla in Etowah County. (Amendment 537)

Title 29 Fayette County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§29-2.00. West Alabama Children's Advocacy Center. (Amendment 745)

Section I. In the 24th Judicial Circuit, consisting of Fayette County, Lamar County, and Pickens County, in addition to any court costs and fees now or hereafter authorized in cases in the circuit and district courts, an additional fee of five dollars ($5) shall be charged and collected by the clerk of the court on each case filed in the circuit.

Section II. The clerk of the respective court shall collect the fee in the same manner as other costs in the court and shall remit the fee to the West Alabama Children's Advocacy Center on a monthly basis to be used by the center for abuse victims in the circuit.

Section III. If the boundaries of the 24th Judicial Circuit change, the filing fee imposed by this amendment shall remain in effect for the Counties of Fayette, Lamar, and Pickens, unless altered by a subsequent amendment to this constitution. (Amendment 745)

§29-2.01. Drug Enforcement Fee. (Amendment 835)

Section 1. In all juvenile, traffic, criminal, and quasi-criminal cases in the juvenile, district, circuit, and municipal courts in Fayette County, a docket fee, hereinafter referred to as a drug enforcement fee, shall be assessed in each case. The drug enforcement fee shall be in an amount equal to ten dollars ($10) in each non-drug case; sixty dollars ($60) in each misdemeanor drug case; and eighty-five dollars ($85) in each felony drug case. The drug enforcement fee, when collected, shall be distributed monthly as follows: Three dollars ($3) of the fees assessed in each case shall be retained by the clerk of the court as an administrative fee and the remainder to the Drug Enforcement Fund established by the district attorney in the county or to the fund that may hereafter be prescribed by law for the drug enforcement fee.

Section 2. The drug enforcement fee shall be collected as prescribed hereinabove in all cases where the defendant is adjudged guilty, a bond forfeited, a penalty imposed, or where there is issued any alias or capias warrant of arrest, or in any other case where court costs are assessed, whether a defendant is adjudged guilty or not. The drug enforcement fee shall be in addition to and not in lieu of any other fees or costs, and shall not be waived or remitted unless all other costs and charges of court are waived.

Section 3. The district attorney for the Twenty-fourth Judicial Circuit shall establish a separate fund to be called the Fayette County Drug Enforcement Fund. All sums deposited into the fund pursuant to this amendment may be expended by the district attorney for the support of the drug task force that serves the Twenty-Fourth Judicial Circuit, including, but not limited to, the payment of any and all expenses incurred by the drug task force, and the payment of any matching monies required under the terms of any grant that may be awarded by any governmental or other entity for the support of the drug task force, the payment or supplementing of salaries for personnel of the drug task force, or for any other law enforcement purpose.

Section 4. The Legislature, by general or local law, may fix, regulate, and alter the costs and charges of courts in Fayette County and provide for their distribution. Any local law authorizing the levy of additional court costs in Fayette County enacted prior to the effective date of this amendment is ratified and confirmed. (Amendment 835)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§29-4.00. Fayette County Municipalities. (Amendment 94)

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

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

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

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

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

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

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

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

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

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

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to

provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of any municipality in Fayette county for the purpose of determining the borrowing capacity of such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

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

10. No municipality shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of such municipality. The governing body of any municipality may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks. (Amendment 94)

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Officials

§29-8.00. Constable; Office Abolished. (Amendment 417)

The office of constable in Fayette county, Alabama, may be abolished by a vote of a majority of the qualified electors of the county voting in a special election called by the county governing body to determine this issue; provided, however, that if a majority of the qualified electors of Fayette county who participate in the election held on the adoption of this amendment vote in favor thereof, no further election need be held. (Amendment 417)

Article 2. Retirement

§29-8.20. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 917)

No person elected or appointed sheriff, or any elected or appointed Fayette County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Fayette County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Fayette County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official

has served in the current office. For the purposes of this amendment, the words "elected or appointed county official" shall include, subject only to express limitation, any person holding an office that entitles the person to participate in a supernumerary program and includes any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, constable, legislator, school board member, or any official elected from a judicial circuit. (Amendment 917)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Chapter 11. Zoning, Planning, and Utilities

Article 1. Water Preservation and Control Authorities

§29-11.00. Water Coordinating and Fire Prevention Authority. (Amendment 517)

The legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, authority and financing of a Fayette county water coordinating and fire prevention authority in all or in portions of Fayette county as a public corporation to provide any one or more of the following local public services: Obtain, treat, and furnish water for residential, commercial or industrial purposes and for any other local service permitted by such general or local law; authorize such authority to fix and collect rates, fees and charges for such services, and to provide penalties for nonpayment and liens upon the property within such public water authority; grant or vest the privilege of eminent domain to such public water authority for the purpose of taking property for public use in accordance with Article XII, Section 235, of the Constitution of Alabama of 1901; authorize the borrowing of money and the issuance of bonds and other obligations by or on behalf of such public water authority, provided that Fayette county shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Fayette county; extend the service area into one or more other counties; and provide for fire protection facilities or services. Any law enacted at the 1988 special session of the legislature to authorize the creation of such authority in Fayette county and to implement this amendment to the Constitution (whether with or without published notice of intention) shall become effective upon the ratification of this amendment. (Amendment 517)

§29-11.01. Tom Bevill Reservoir Management Area Authority. (Amendments 538 and 751)

Any provision of the Constitution of Alabama or amendments thereto to the contrary notwithstanding, the legislature by general or local law may provide for and authorize in Fayette County the incorporation of a public corporation as a political subdivision of the state to be named The Tom Bevill Reservoir Management Area Authority, for the development of that portion of North River in Fayette County and within the boundaries of The Tom Bevill Reservoir Management Area, its tributaries and watershed area, for the purposes of water conservation and supply, dam construction and reservoir development, for industrial development, flood control, navigation, irrigation, public recreation and related purposes. Any such law may provide for the composition of the board of directors of the authority and specify the powers and duties of the authority and its board of directors, may authorize the authority to investigate the resources of The Tom Bevill Reservoir Management Area, and to determine and implement the requirements

for its full development and control, and to carry out a unified comprehensive program of resource development, together with other powers to effectuate the foregoing objective, may authorize the authority to acquire land and interests in land by purchase, construction, lease, condemnation or otherwise, and to hold, manage and sell such land and interests therein, may make provisions respecting the establishment and revision of rates, fees and charges for services rendered by the authority, may provide for the issuance by the authority for any of its corporate purposes of interest-bearing revenue bonds and notes payable solely out of the revenues of the authority or out of the revenues of any particular facilities and other property of the authority, without regard to the specific facilities and other property with respect to which such bonds and notes may have been issued, may provide further for certain taxes, may provide that such bonds and notes shall constitute negotiable instruments, may provide that such bonds and notes may be secured by a pledge of the revenues from which they are payable, by contracts binding the authority for the proper application of its revenues and the proceeds of such bonds and notes and by a nonforeclosable mortgage or deed of trust or statutory mortgage lien on the facilities and other property out of the revenues from which such bonds and notes are payable, and may provide that bonds and notes of the authority may be issued under a trust indenture, may provide for constructive notice of any such statutory mortgage lien, may authorize and make provisions respecting the assumption by the authority of obligations respecting facilities and other property acquired by the authority, may provide for the use of the proceeds of bonds and notes issued by the authority and provide for the refunding by the issuance of bonds and notes of the authority of bonds and notes theretofore issued or obligations theretofore assumed by it, may provide that bonds and notes issued and contracts entered into by the authority pursuant to the act shall not constitute or create a debt of the state or of any county, municipality or other political subdivision of the state, may authorize the Fayette County commission and the municipalities located within Fayette County to contribute money to the authority, without the necessity of an election and with or without consideration therefor, may exempt from all taxation in this state, the authority, its property, corporate activities, income, revenues, bonds and notes, the income from its bonds and notes, and conveyances, leases and mortgages and deeds of trust to which the authority is a party, and exempt the authority from payment of certain charges to judges of probate, it grants to the authority the power to levy and collect within the boundaries of the management area certain excise taxes, sales taxes, and ad valorem taxes, may provide that the authority shall have zoning power within the boundaries of the management area, may provide that the authority shall be exempted from regulation and supervision by the public service commission and the state department of finance, may provide for the use of public roads in the state by the authority, and may provide for certain annual reports by the authority. Notwithstanding any other provision of this constitution, the Tom Bevill Reservoir Management Area Authority may enter into contracts with and may accept grants from another authority organized pursuant to the laws of this state or federal laws and the contracts with or grants from another authority, including, but not limited to, any other authority authorized to issue general obligation bonds of this state, shall not constitute the extension of the state's credit in violation of Section 93, or any other provision of this constitution or the laws of this state. (Amendments 538 and 751)

Article 2. Fire Protection

§29-11.20. Fire Protection Purposes. (Amendment 964)

In Fayette County, commencing with the levy for the tax year for which taxes will become due and payable on October 1, 2021, there is levied a fire protection tax of three mills on

real property. The fire protection tax levied in this amendment shall be based upon the value of real property assessed by affected property owners, as shown on the records of the Revenue Commissioner of Fayette County, and shall be assessed and collected as are all ad valorem taxes in the county. The amount collected each year from assessment of the fire protection tax shall be paid to the Fayette County Firefighters Association, to be distributed equally among the paid and volunteer fire departments in the county. (Amendment 964)

Title 29A Fayette County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 30 Franklin County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§30-2.00. Compensation of Judge of Probate. (Amendment 418)

The legislature may, by general or local laws, fix, alter, and regulate the costs and charges of court and the fees, commissions, percentages, allowances, and salary, including the method or basis of his compensation, to be charged or received by the judge of probate of Franklin county, and may place the judge of probate on a salary and provide that the fees, commissions, percentages, and allowances collected by the judge of probate shall be paid into the county treasury from which his salary shall be paid. The provisions of this constitutional amendment shall not be implemented in Franklin county until implementation is approved by a vote of a majority of the qualified electors of Franklin county voting in an election called by the county governing body to determine said issue; provided, however, that if a majority of the qualified electors of Franklin county who participate in the election held on the adoption of this amendment vote in favor thereof, no further election need be held. (Amendment 418)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§30-4.00. Franklin County and Municipalities Therein. (Amendment 186)

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

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

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

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

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

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

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

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

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

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

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further, and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of Franklin county or any municipality therein for the purpose of determining the borrowing capacity of the county or any such municipality, as the case may be, under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

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

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

Chapter 5. Education

Article 1. Superintendent of Education

§30-5.00. Initial Election. (Amendment 578)

(a) The Franklin County Superintendent of Education shall be elected by the qualified electors residing in the jurisdiction of the Franklin County School System. The initial county superintendent of education elected pursuant to this amendment shall be elected at the general election in 1996. The election shall be conducted in the same manner as the election of other county officers. The initial county superintendent of education elected pursuant to this amendment shall serve upon election until June 30, 2001. A successor shall be elected at the general election in 2000 and take office on July 1, 2001. Successors shall serve a term of four years from July 1 of the year following election and shall be elected at the general election immediately preceding the expiration of the term of the incumbent. The Franklin County Superintendent of Education shall be a resident of the area served by the Franklin County School System at the time of his or her election and shall possess all the qualifications of a county superintendent of education provided by general law. The Legislature may, from time to time, enact laws to implement and facilitate the purposes of this amendment.

(b) This amendment shall not become effective unless approved by a majority of the qualified electors residing in the jurisdiction of the Franklin County School System and a majority of the qualified electors of Franklin County. (Amendment 578)

§30-5.01. Election of Successors. (Amendment 588)

(a) The Franklin County Superintendent of Education shall be elected by the qualified electors residing in the jurisdiction of the Franklin County School System. The initial county superintendent of education elected pursuant to this amendment shall be elected at the general election in 1996. The election shall be conducted in the same manner as the election of other county officers. The initial county superintendent of education elected pursuant to this amendment shall serve from the date elected and certified until June 30, 2001. A successor shall be elected at the general election in 2000 and take office on July 1, 2001. Successors shall serve a term of four years from July 1 of the year following election and shall be elected at the general election immediately preceding the expiration of the term of the incumbent. The Franklin County Superintendent of Education shall be a resident of the area served by the Franklin County School System at the time of his or her election and shall possess all the qualifications of a county superintendent of education provided by general law. The Legislature may, from time to time, enact laws to implement and facilitate the purposes of this amendment.

(b) Any contract of any appointed county superintendent of education shall terminate on the date the elected county superintendent of education takes office.

(c) Any actions taken pursuant to Section 30-5.00 are ratified, validated, and confirmed. (Amendment 588)

Chapter 6. Health and Environment

Article 1. Solid Waste

§30-6.00. Prohibition Against Use of Certain Biosolids. (Amendment 829)

In Franklin County, biosolids derived from treated human sewage sludge may not be applied on land as a fertilizer or soil amendment. (Amendment 829)

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§30-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 639)

No elected or appointed Franklin County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Franklin County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Franklin County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 639)

Chapter 9. Public Safety

Article 1. Use of Force

30-9.00. Defense of Person on Church Premises. (Amendment 952)

(a) This amendment shall apply only in Franklin County.

(b) The following definitions are applicable to this amendment:

(1) CHURCH. A bona fide duly constituted religious society or ecclesiastical body of any sect, order, or denomination, or any congregation thereof.

(2) DEADLY PHYSICAL FORCE. Force which, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.

(3) FORCE. Physical action or threat against another, including confinement.

(4) PREMISES. The term includes any building, as defined in this section, and any real property.

(c) A person may use deadly physical force, and is legally presumed to be justified in using deadly physical force in self-defense or the defense of another person, if the person reasonably believes that another person is using or about to use physical force against an employee, volunteer, member of a church, or any other person authorized to be on the premises of the church when the church is open or closed to the public while committing or attempting to commit a crime involving death, serious physical injury, robbery in the first degree, or kidnapping in the first degree.

(d) A person who is justified under subsection (c) in using deadly physical force, who is not engaged in an unlawful activity, and is in any place where he or she has the right to be, has no duty to retreat and has the right to stand his or her ground.

(e) A person who uses force, including deadly physical force, as justified and permitted in this amendment is immune from criminal prosecution and civil action for the use of such force, unless the force was determined to be unlawful or in violation of Section 13A-3-21, Code of Alabama 1975.

(f)(1) Prior to the commencement of a trial in a case in which a defense is claimed under this amendment, the court having jurisdiction over the case, upon motion of the defendant, shall conduct a pretrial hearing to determine whether deadly force, used by the defendant was justified or whether it was unlawful under this amendment. During any pretrial hearing to determine

immunity, the defendant must show by a preponderance of the evidence that he or she is immune from criminal prosecution.

(2) If, after a pretrial hearing under subdivision (1), the court concludes that the defendant has proved by a preponderance of the evidence that force, including deadly force, was justified, the court shall enter an order finding the defendant immune from criminal prosecution and dismissing the criminal charges.

(3) If the defendant does not meet his or her burden of proving immunity at the pretrial hearing, he or she may continue to pursue the defense of self-defense or defense of another person at trial. Once the issue of self-defense or defense of another person has been raised by the defendant, the state continues to bear the burden of proving beyond a reasonable doubt all of the elements of the charged conduct.

[(g)] A law enforcement agency may use standard procedures for investigating the use of force described in subsection (b), but the agency may not arrest the person for using force unless it determines that there is probable cause that the force used was unlawful. (Amendment 952)

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools

30-10.20. Additional Tax for School Purposes. (Amendment 173)

The court of county commissioners, board of revenue, or other like governing body of Franklin county shall have power to levy and provide for collection of an additional county tax of fifty cents on each one hundred dollars worth of taxable property in the county, for public school purposes, in the same manner and subject to the same election requirements as provided in Sections 269.01 through 269.03 with respect to other county school taxes. The tax herein authorized shall be in addition to all other county taxes authorized in this Constitution as amended, and the proceeds thereof shall be spent for public school purposes only. (Amendment 173)

30-10.21. Additional Tax for School Purposes; Additional Provisions. (Amendment 211)

1. The court of county commissioners, board of revenue, or other like governing body of Franklin county shall have power to levy and collect the special property tax authorized by Section 30-10.20 on all the taxable property in the county situated outside the corporate limits of the city of Russellville, as such property was assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for public school purposes; provided that such tax and the purpose or purposes thereof and the time the tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of Franklin county residing outside the city of Russellville, and voted for by a majority of those voting at the election. Elections on proposals to levy the tax on the property in the county situated outside the city of Russellville shall be called and held in the same manner as now provided by law for an election on the school district tax authorized in Sections 269.01 through 269.03.

2. The county governing body may likewise levy and collect said special property tax on the property situated within the city of Russellville, as assessed for state taxation during the preceding year, provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of the city of Russellville and voted for by a majority of those voting at the election.

3. The additional taxes levied on property under Section 30-10.20 and this amendment shall be collected in the same manner and under the same requirements and laws as other taxes levied on property for public school purposes. (Amendment 211)

Article 3. Health

30-10.40. Tax in Districts 1, 2, and 3 for Hospital Purposes. (Amendment 262)

In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, the governing body of Franklin county shall levy and cause to be collected annually a special district tax, not exceeding 50 cents on each 100 dollars assessed valuation of taxable property in districts one, two, and three of Franklin county, Alabama, to be used exclusively for public hospital purposes (as the term "public hospital purposes" is defined in Section 215.03) within said districts one, two, and three; provided that the time during which such tax is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in districts one, two, and three of Franklin county and voted for by a majority of such electors voting at such election. The governing body of Franklin county may call an election at any time, and it shall be the duty of such governing body to call an election to be held within ninety days after receipt by it of a petition signed by not less than 5% of the qualified electors of said districts one, two, and three, requesting that such election be called. The governing body may call such election to be held at the same time that this amendment is submitted to the electors of the state for ratification and such election shall be effective to require the levy and collection of such tax in the event that this amendment shall be ratified. The notice of such election, ballots to be used at such election and procedures for holding and determining the results of such election shall be prescribed by the governing body of Franklin county. No election shall be held hereunder within one year from the date of the last election so held.

Whenever such tax shall have been authorized by vote of such qualified electors, and levied by the governing body of Franklin county, such governing body may anticipate the proceeds therefrom for any one or more of the purposes for which the tax shall have been voted, by issuing, without further election, interest-bearing tax anticipation bonds, warrants, or certificates of indebtedness of said county payable solely from and secured by a pledge of a sufficient amount of the annual proceeds from said tax received by the county.

The governing body of Franklin county shall have power to designate as the agency of the county, to construct, acquire, equip, operate and maintain public hospital facilities for said districts one, two, and three, any public corporation heretofore or hereafter organized for hospital purposes in the county. When a public corporation shall have been so designated, the proceeds of said tax thereafter collected shall be paid to it and shall be used by it for any one or more of the purposes for which the tax shall have been voted; provided, that payments of the proceeds of said tax to said public corporation shall be made only to such extent as will not result in the impairment of the obligation of any contract theretofore made with respect to said tax. Said public corporation may anticipate the proceeds from said tax so required to be paid to it by issuing, for any one or more of the purposes for which the tax shall have been voted, the bonds, warrants, or certificates of indebtedness of said corporation, and may pledge for the payment of the principal thereof and interest thereon a sufficient amount of the annual proceeds from said tax so paid to it.

No securities issued or contracts made by Franklin county under the authority of this amendment, which are payable solely out of the proceeds of said tax, and no securities issued or contracts made by any such public corporation, whether or not issued or made under the

authority of this amendment, shall be construed to be bonds of Franklin county or of a political subdivision thereof within the meaning of section 222 of the Constitution, or construed to create or constitute an indebtedness of the county within the meaning of section 224 of the Constitution. Said securities shall be construed to be negotiable instruments notwithstanding the fact that they may be payable solely from a limited source. All pledges of said tax and all contracts made with respect thereto pursuant to the provisions of this amendment shall take precedence in the order in which they are made and shall create a charge on the proceeds of said tax prior to the expenses of operating and maintaining any public hospital facilities.

Districts one, two, and three of Franklin county herein referred to are the commissioners districts one, two, and three now established in Franklin county as authorized by law. (Amendment 262)

Article 4. Transportation

30-10.60. Alabama Transportation Rehabilitation and Improvement Program. (Amendments 881 and 932)

Notwithstanding the provisions of Section 40-12-4, Code of Alabama 1975, the governing body of Franklin County, by ordinance, may allocate one-fourth of the proceeds of the one cent tax levied in Franklin County pursuant to Section 40-12-4, Code of Alabama 1975, for the purpose of costs associated with construction, maintenance, and repair of roads and bridges in Franklin County, not to include use for salaries, personnel costs, or the purchase or lease of new equipment. The authority granted by this amendment is effective for 30 years from the effective date of this amendatory amendment. (Amendments 881 and 932)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

30-11.00. Water Coordinating and Fire Prevention Authority. (Amendments 518 and 891)

The Legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, authority and financing of a Franklin County water coordinating, and fire prevention authority in all or in portions of Franklin County as a public corporation to provide any one or more of the following local public services: Obtain, treat, and furnish water, provide sewer services, and broadband Internet service for residential, commercial, or industrial purposes and for any other local service permitted by such general or local law; authorize such authority to fix and collect rates, fees, and charges for such services, and to provide penalties for nonpayment and liens upon the property within the public authority; grant or vest the privilege of eminent domain to the public authority for the purpose of taking property for public use in accordance with Article XII, Section 235, of the Constitution of Alabama of 1901; authorize the borrowing of money and the issuance of bonds and other obligations by or on behalf of the public authority, provided that Franklin County shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Franklin County; extend the service area into one or more other counties; and provide for fire protection facilities or services. Any law enacted at the 1988 Special Session of the Legislature to authorize the creation of such authority in Franklin County and to implement this amendment to the Constitution (whether with or without published notice of intention) shall become effective upon the ratification of this amendment. (Amendments 518 and 891)

Article 2. Airports

30-11.20. Regional Airport Authority. (Amendment 568)

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

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

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

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

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

Title 30A Franklin County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 31 Geneva County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Judges

§31-2.00. Judge of Probate; Compensation. (Amendment 357)

The legislature may hereafter, from time to time, by general, special or local laws, fix, regulate and alter the fees, commissions, allowances or salaries to be charged or received by the judge of probate of Geneva county, and may put such officer on a salary basis and provide for operation of his office on such basis. (Amendment 357)

§31-2.01. Judge of Probate; Age Restriction. (Amendment 927)

Notwithstanding Section 155, a person who is not over the age of 75 at the beginning time of qualifying for election, or at the time of his or her appointment, may be elected or appointed to the office of Judge of Probate of Geneva County. (Amendment 927)

Article 2. Court Costs

§31-2.20. County Jail. (Amendment 815)

In addition to any court costs or fees now or hereafter authorized, and notwithstanding any other provisions of the Constitution, including without limitation Sections 96, 104, and 105, there shall be an additional thirty-five dollars ($35) fee assessed and taxed as costs on each civil and criminal case, excluding small claims, filed in circuit court or district court in Geneva County, as well as a document service fee of twenty dollars ($20) for the service of all pleadings and other documents in connection with any such action or case. The fees may not be waived by any court unless all other fees, assessments, costs, fines, and charges associated with the cases are waived. The additional fees, when collected by the clerks or other collection officers of the courts, shall be paid into the General Fund of Geneva County. The additional thirty-five dollar ($35) fee taxed as costs on each case shall be used for the planning, design, construction, financing, furnishing, and equipping of the new county jail and for the operation of the existing county jail. When the costs of the new county jail have been fully paid and when the debt service on any indebtedness incurred by the county commission to finance or refinance the costs have been retired, the additional court costs authorized by this amendment shall continue to be collected in all cases and shall be used to pay costs of the operation, upkeep, and maintenance of a new county jail. The document service fee shall be used for the operation of the Geneva County Sheriff's Office. This amendment shall be self-executing and shall require no enabling legislation. (Amendment 815)

Chapter 3. County Government, Finance, and Operations

Article 1. Bond Issues

§31-3.00. Construction and Equipment of Courthouse and Jail. (Amendment 187)

Geneva county is hereby authorized to incur indebtedness to the extent of not exceeding $600,000 in principal amount, and to issue its bonds in evidence of the indebtedness so incurred, for the purpose of constructing and equipping a new courthouse and jail in said county and, in order to provide for the payment for the principal of and interest on said bonds and any redemption premium necessary for the redemption thereof and the expense of maintaining the courthouse and jail so constructed, to levy and collect a special ad valorem tax on all taxable property in said county at a rate not exceeding 2 1/2 mills on each dollar of the assessed

valuation of said property as assessed for state taxation; provided, that the said special tax shall cease to be levied when the principal of and interest on the bonds issued under the authority contained in this amendment shall have been paid. Said bonds may be issued and said tax may be levied only after the question of the issuance of said bonds and the levy of said tax shall have been submitted to the qualified electors of said county at an election called for that purpose by the governing body of said county and a majority of said qualified electors voting at said election shall have voted in favor of the issuance of said bonds and the levy of said tax, which election shall be called, held, conducted, canvassed and may be contested, and notice thereof shall be given, in the manner provided by the then existing laws of Alabama with respect to elections on the issuance of bonds by counties; provided further, that if a majority of the qualified electors of said county participating in the election on the adoption of this amendment shall vote for the adoption thereof then the approval of this amendment expressed by the vote in said county in favor of its adoption shall of itself authorize the issuance of the bonds and the levy of the tax herein authorized, and in that event no additional election by the electors of said county shall be required to authorize the issuance of said bonds or the levy of said tax. At any election held under this amendment the question of the issuance of said bonds and the levy of said tax shall be submitted as a single proposition. In the event the majority vote in said county on the adoption of this amendment is against the adoption hereof, or in the event the majority vote at any election held in said county pursuant to the provisions of this amendment after its adoption is not in favor of the issuance of the bonds and the levy of the tax proposed at such election, the governing body of said county may from time to time call other elections hereunder on the issuance of said bonds and the levy of said tax, but not more than one such election shall be held during any period of twelve consecutive months. The power to become indebted, to issue bonds in evidence of such indebtedness, and to levy the tax as herein authorized shall be in addition to all other powers which the said county may have under the Constitution and laws of Alabama, and shall not be chargeable against the amount of indebtedness which may be incurred or the rate of taxes which may be levied under the Constitution and laws in effect prior to the adoption of this amendment.

All bonds issued under this amendment shall be general obligations of the county secured by an irrevocable pledge of its full faith and credit and of the said special tax to the extent necessary to pay the principal of and interest on said bonds. The governing body of said county may further, if it deems such action desirable, pledge for payment of the principal of and interest on said bonds any other tax which said county may be authorized to levy under any provision of the Constitution. All bonds issued hereunder shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the sale of said bonds respecting the maturities, sale, execution and redemption of bonds by counties. Any special tax which may be levied hereunder shall be levied and collected in accordance with the general laws of Alabama at the time in force respecting the levy and collection of ad valorem taxes by counties. (Amendment 187)

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§31-4.00. Geneva County Municipalities. (Amendment 263)

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

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

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

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

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

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

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

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

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

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

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of any municipality in Geneva county for the purpose of determining the borrowing capacity of such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to

those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

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

No municipality in Geneva county shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the locality affected thereby who vote thereon at a referendum election held for such purpose. The governing body of any municipality may provide for holding such election, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published once a week for at least three successive weeks before the election in a newspaper of general circulation in the municipality. (Amendment 263)

§31-4.01. Promotion of Economic and Industrial Development in Certain Counties. (Amendment 429)

For the promotion of local economic and industrial development, the governing body of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa counties and of each municipality situated in said counties, other provisions of law or this Constitution notwithstanding, shall each have, independently or in cooperation with one or more of such governmental entities in such counties, full and continuing power (a) to purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site, or industrial park, projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and (b) to lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county, or of municipality exercising such power, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by any such county or municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and operating of, industrial, transportation, distribution, warehouse or research facilities, and of office and other facilities auxiliary to the foregoing. Nothing herein shall authorize the counties named, or any municipality there, to construct residential or any other buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither the governing bodies of the counties named hereinabove, nor of any municipality situated in said counties to which this amendment is or becomes applicable, shall be subject to the provisions of sections 93 or 94 of the Constitution of Alabama, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the governing body of such counties, or of any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this state.

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

This amendment shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the legislature of Alabama; nor shall this amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said legislature.

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

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

(b) At least fourteen (14) days prior to such public meeting at which such price is approved by such governing body, it has published notice in the newspaper with the largest circulation in the county in which the property is located stating (1) the acreage proposed to be sold, (2) the section or sections or subdivisions of record in which the property is located, (3) the price per acre at which sale is proposed to be made, and (4) the place where a map of the property can be examined by the public; and

(c) The price thus approved is no less than the price advertised as aforesaid; provided, however, that should any real property be acquired for any purpose authorized by this amendment by eminent domain pursuant to other legislative authority as aforesaid, such property shall not be sold, in any event, for less than the price determined and paid pursuant to the orders of the court in such condemnation proceedings. Provided further, that no municipality shall acquire real property in unincorporated areas without a prior consent thereto as expressed in a resolution by the county governing body. Provided further, that no county or municipality shall acquire real property which is located in another county or municipality without such other county's or municipality's prior consent thereto as expressed in a resolution by its governing body. Nothing in the provisions of this constitutional amendment shall be construed to allow construction of dormitories or other type housing on or off university or college campuses. (Amendment 429)

[Note: Amendment 759 is identical to Amendment 429. except for the addition of Baldwin County. For the text of Amendment 759, see §2-4.01.]

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Compensation

§31-8.00. Certain Public Officials. (Amendment 372)

The legislature may, from time to time, by general or local laws applicable to or operative in Geneva county, fix, regulate and alter fees, commissions, allowances and salaries, including the method and basis of the compensation to be charged or received by all of the county officers of Geneva county; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances and percentages collectible by such officers to be paid into the treasury from which their salaries are paid.

The legislature may from time to time, by general or local law, provide for the transfer of the duties of the tax assessor and tax collector of Geneva county to another officer of such county; or provide for the abolition of the said offices left without duties, or create a completely

new office in such county and transfer to such office the duties of each of the said tax offices of tax assessor and tax collector in such county; provided, that the officer to fill the newly created office will be compensated for the performance of the duties of said office by a salary fixed according to law.

In the event this amendment is approved and a majority of the qualified electors of Geneva county who vote thereon vote in favor of the adoption of this amendment when it is submitted, then any law theretofore passed which places any such officers in Geneva county on a salary basis, or any law fixing, regulating and altering the costs and charges of court and the fees, commissions, allowances and salaries of any such officer in Geneva county, may become effective without any other election having been held thereon. In the event this amendment is approved and a majority of the qualified electors of said county who vote thereon vote against its approval, then such act or acts shall have no further force or effect. (Amendment 372)

Article 2. Retirement

§31-8.20. Phase-out of Supernumerary Program; Participation in RSA. (Amendments 640 and 789)

No elected or appointed Geneva County official, including the sheriff, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Geneva County official, including the sheriff, may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Geneva County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendments 640 and 789)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Chapter 11. Zoning, Planning, and Utilities

RESERVED

Title 31A Geneva County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 32 Greene County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Judges

§32-2.00. Judge of Probate; Compensation. (Amendment 480)

Effective the beginning of the next term of office after ratification of this amendment, the judge of probate of Greene county shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Greene county such salary as provided by general law, unless provided otherwise by local law. Such salary shall be the entire compensation received by such judge for his services in any official or ex officio capacity. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges previously paid to the judge of probate of Greene county.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Greene county shall continue to be collected but shall be paid into the general fund of Greene county.

The county commission of Greene county shall provide the judge of probate with such office personnel, equipment and supplies as such county commission may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county commission and shall be paid in equal monthly installments out of the general fund of Greene county. (Amendment 480)

Article 2. Court Costs

§32-2.20. General Authority. (Amendment 672)

The Legislature, by general or local law, may fix, alter, and regulate the costs and charges of courts in Greene County and provide for their distribution. (Amendment 672)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§32-4.00. Greene County. (Amendment 188)

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

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

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

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

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

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

6. To become indebted and to issue and sell interest bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidence of indebtedness, to a principal amount not exceeding $250,000, in order to secure funds for the

purchase, construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidence of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of Greene county, or may be limited as to the source of their payment.

7. To apply the proceeds from taxes levied and collected under the provisions of section 215 of the Constitution and amendments thereto to the purchase, construction, lease, or acquisition of any of the property described in subdivision 1 above or for the furtherance of any of the other powers or authorities granted in this amendment, provided the proceeds from such taxes have not been pledged for debts or liabilities now existing.

8. To pledge to the payment of any bonds, warrants, notes, or other obligations or evidence of indebtedness the annual proceeds from taxes levied and collected under authority of section 215 of the Constitution and amendments thereto which have not been pledged for debts and liabilities now existing, and to obligate itself irrevocably to continue to use the proceeds from such tax until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

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

The recital in any bonds, warrants, notes or other obligations or evidence of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that proceeds from taxes authorized under section 215 of the Constitution and amendments thereto have been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligation or evidence of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidence of indebtedness issued hereunder shall not be considered an indebtedness of Greene county for the purpose of determining the borrowing capacity of the county under sections 224 and 225 of the Constitution.

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

10. Greene county shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the county. The governing body of the county may provide for holding such election, but in no case shall an election be held until notice of the election and of the substance of the proposition to be voted on has been published for at least three successive weeks. (Amendment 188)

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

Article 1. Bingo

§32-7.00. Operation of Bingo by Nonprofits. (Amendment 743)

For purposes of this amendment, the following words have the following meanings:

1. BINGO. That specific kind of game commonly known as bingo in which prizes are awarded on the basis of designated numbers or symbols on a card or electronic marking machine conforming to numbers or symbols selected at random.

2. EQUIPMENT. The receptacle and numbered objects drawn from it, the master board upon which such objects are placed as drawn, the cards or sheets bearing numbers or other designations to be covered and the objects used to cover them or electronic card marking machines, and the board or signs, however operated, used to announce or display the numbers or designations as they are drawn.

3. NONPROFIT ORGANIZATION. A bona fide religious, educational, service, senior citizens', fraternal, or veterans' organization which operates without profit to its members and which either has been in existence continuously as such an organization for a period of three years or is exempt from taxation by virtue of having been classified as a tax exempt nonprofit organization by the Internal Revenue Service, United States Government. This term includes a volunteer fire department and a volunteer rescue squad.

Bingo games for prizes or money may be operated by a nonprofit organization in Greene County. The sheriff shall promulgate rules and regulations for the licensing, permitting, and operation of bingo games within the county. The sheriff shall insure compliance with such rules or regulations and all of the following:

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

(2) Bingo games shall be operated exclusively on the premises owned or leased by the nonprofit organization operating the bingo game. Such location shall be specified in the application of the nonprofit organization.

(3) A nonprofit organization may not enter into any contract with any individual, firm, association, or corporation to have the individual or entity operate bingo games or concessions on behalf of the nonprofit organization. A nonprofit organization may not pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a bingo game.

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

(5) All equipment shall be stamped or clearly marked in letters no less than one-half inch in height and one-fourth inch in width (except for the letter "I") with the name of the nonprofit organization using the equipment. A nonprofit organization or other person or entity may not use equipment marked with the name of another nonprofit organization.

(6) Prizes given by any nonprofit organization for the playing of bingo games shall not exceed ten thousand dollars ($10,000) in cash or gifts of equivalent value during any bingo session .

(7) A nonprofit organization may not advertise bingo except to the extent and in the manner authorized by rule of the sheriff. If the sheriff allows a nonprofit organization to advertise bingo, the nonprofit organization shall indicate in the advertisement the purposes for which the net proceeds will be used by the nonprofit organization.

(8) A nonprofit organization shall display its bingo license conspicuously at the location where the bingo game is conducted.

(9) The sheriff shall determine by regulation the days of operation during any calendar week and the hours of operation.

A violation of this amendment is a Class A misdemeanor as specified by general law. (Amendment 743)

Chapter 8. Officials and Employees

Article 1. Compensation

§32-8.00. Certain Public Officials. (Amendment 433)

The provisions of this constitutional amendment shall not be implemented in Greene county until implementation is approved by a vote of a majority of the qualified electors of Greene county voting in an election called by the county governing body to determine said issue; provided, however, that if a majority of the qualified electors of Greene county who participate in the election held on the adoption of this amendment vote in favor thereof, no further election need be held. (Amendment 433)

Article 2. Retirement

§32-8.20. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 685)

No person elected or appointed sheriff, or any elected or appointed Greene County official, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and elected or appointed Greene County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Greene County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 685)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Chapter 11. Zoning, Planning, and Utilities

RESERVED

Title 32A Greene County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 33 Hale County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Judges

§33-2.00. Judge of Probate; Compensation; Duties. (Amendment 481)

The judge of probate of Hale county shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Hale county such salary as provided by general law. Such salary shall be the entire compensation received by such judge for his services in any official or ex officio capacity. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges heretofore paid to the judge of probate of Hale county.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Hale county shall hereafter continue to be collected but shall be paid into the general fund of Hale county.

The governing body of Hale county shall provide the judge of probate with such office personnel, clerks, deputies and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county governing body and shall be paid in equal monthly installments out of the general fund of Hale county.

The legislature may hereafter, from time to time, by general, special or local laws, fix, regulate and alter the fees, commissions, allowances, compensation or salaries to be charged or received by the judge of probate of Hale county, and may provide for the operation of his office. The legislature may hereafter, from time to time, by general, special or local laws further provide for the distribution of the fees, commissions, allowances, percentages and other charges herein provided for.

This constitutional amendment after its adoption shall not become effective until the beginning of the next term of office of the probate judge. (Amendment 481)

Article 2. Court Costs

§33-2.20. County Jail. (Amendment 686)

In addition to any court costs and fees now or hereafter authorized in Hale County, the Hale County Commission may impose by resolution of the commission an additional fee in an amount not to exceed fifty dollars ($50) to be assessed and taxed as costs on each civil case and on each criminal case, including domestic relations and traffic cases, but excluding small claims cases, filed in the circuit court, district court, or any municipal court in Hale County. These fees shall not be waived by any court unless all other fees, assessments, costs, fines, and charges associated with the case are waived.

The additional fees when collected by the clerks or their collection officers of the courts shall be paid into the General Fund of Hale County to be used by the commission for the planning, designing, construction, financing, furnishing, equipping, and operation of a new county jail and for general county purposes. (Amendment 686)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§33-4.00. Hale County and Municipalities Therein. (Amendment 313)

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

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

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

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

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

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

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

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

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

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

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of the county or any municipality in Hale county for the purpose of determining the borrowing capacity of the county or any such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

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

10. Neither the county nor any municipality shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the county or the affected municipality. The governing body of the county or any municipality in the county may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks. (Amendment 313)

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§33-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 760)

No person elected or appointed sheriff, or any elected or appointed Hale County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Hale County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Hale County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 760)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§33-10.00. Ad Valorem Tax for Law Enforcement Purposes. (Amendment 855)

(a) The amount of funds in excess of the amount of funds utilized for the jail pursuant to Act 92-565 of the 1992 Regular Session (Acts 1992, p. 1177), authorizing the Hale County Commission to levy an additional ad valorem tax in the amount of three mills pursuant to subsection (f) of Section 217, shall be deposited in the Hale County General Fund and distributed for law enforcement purposes only.

(b) After the costs of planning, constructing, and equipping a new county jail are fully paid or when all bonds, warrants, or other obligations have been retired pursuant to Act 92-565, the additional ad valorem tax in the amount of three mills shall continue to be collected and distributed pursuant to subsection (a).

(c) This constitutional amendment shall have retroactive effect to May 21, 1992.

(d) Act 2011-256 of the 2011 Regular Session is hereby specifically repealed. (Amendment 855)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§33-11.00. Fire Protection Purposes. (Amendment 603)

(a) In addition to all other ad valorem taxes levied, the Hale County Commission may levy on an annual basis, commencing with the tax year beginning October 1, 1996, an ad valorem tax on all taxable property located in Hale County at a rate of two mills per dollar of assessed value of the taxable property, the proceeds of which shall be paid into the county general fund and distributed for the benefit of fire protection.

(b) Within 30 days of payment into the county general fund, the county commission shall pay the funds to the Hale County Fire Fighters Association. The county association shall divide the funds equally among all eligible volunteer fire departments and the Alabama Forestry Commission at each monthly meeting of the county association. The county commission and the county association may jointly establish rules regarding the transfer, investing, accounting, and handling of the funds.

(c) Funds paid to eligible volunteer fire departments shall only be expended for fire protection services, including training, supplies, buildings, capital improvements, and equipment. All eligible volunteer fire department shall mean a volunteer fire department located in Hale County that is certified under the guidelines of the Alabama Forestry Commission and is a member in good standing of the Hale County Association of Volunteer Fire Departments. The funds may not be expended for salaries, food, drink, social activities, or fund-raising activities. After receiving funds, the volunteer fire departments shall keep accurate records to verify that the funds were properly expended. By September 15th of each year, each department and the Alabama Forestry Commission shall file a form with the county association detailing the expenditures of all funds during the previous 12 months and setting out a schedule of all proposed projects. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. The county association shall supply the accounting forms to each eligible volunteer fire department and the Alabama Forestry Commission.

(d) The Alabama Forestry Commission's share of these funds collected shall be used in Hale County only. The funds shall be used for buildings and purchase of equipment. The funds shall not be expended for salaries.

(e) Upon dissolution or abandonment of any eligible volunteer fire department, any remaining funds shall, after all indebtedness has been satisfied, be transferred to the county association.

(f) The personnel of volunteer fire departments and the Alabama Forestry Commission shall not be considered as employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of volunteer fire departments and the Alabama Forestry Commission. (Amendment 603)

Title 33A Hale County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 34 Henry County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§34-2.00. Compensation of Judge of Probate. (Amendment 403)

The legislature may, from time to time, by general or local laws applicable to or operative in Henry county, fix, regulate, and alter the costs and charges of courts and fees, commissions, allowances, and salaries, including the method and basis of compensation, to be charged or received by the judge of probate of Henry county; and may place the judge of probate on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officer to be paid into the treasury from which his salary is paid. This amendment shall not have been adopted unless a majority of the qualified electors of Henry county who participate in the election held on the adoption of this amendment vote in favor thereof. (Amendment 403)

§34-2.01. General Authority. (Amendment 816)

The Legislature, by general or local law, may fix, alter, and regulate the costs and charges of courts in Henry County and provide for their distribution. (Amendment 816)

Article 2. Judges

§34-2.20. Judge of Probate; Qualifications. (Amendment 902)

Notwithstanding the provisions of Section 155, a person who is not over the age of 72 at the beginning time of qualifying for election, or at the time of his or her appointment, may be elected or appointed to the office of Judge of Probate of Henry County. (Amendment 902)

Chapter 3. County Government, Finance, and Operations

Article 1. Finance

§34-3.00. Bonds for New County Courthouse and Jail (Amendment 237)

Henry county is hereby authorized to incur indebtedness to the extent of not exceeding $700,000 in aggregate principal amount, and to issue its bonds in evidence of the indebtedness so incurred, for the combined purpose of constructing and equipping a new courthouse and a new jail in said county. Said bonds may be issued only after the question of the issuance thereof shall have been submitted to the qualified electors of said county at an election called for that purpose by the governing body of said county and a majority of said qualified electors voting at said election shall have voted in favor of the issuance of said bonds, which election shall be called, held, conducted, canvassed and may be contested in the manner provided by the then existing laws of Alabama with respect to elections on the issuance of bonds by counties; provided however, that if a majority of the qualified electors of said county participating in the election on the adoption of this amendment shall vote for the adoption thereof then the approval of this amendment expressed by the vote in said county in favor of its adoption shall of itself authorize the issuance of the bonds, and in that event no additional election by the electors of said county shall be required to authorize the issuance of said bonds. In the event the majority vote in said county on the adoption of this amendment is against the adoption hereof, or in the event the majority vote at any election held in said county pursuant to the provisions of this amendment after its adoption is not in favor of the issuance of the bonds proposed at such election, the governing body of said county may from time to time call other elections hereunder on the issuance of said bonds, but not more than one such election shall be held during any period of twelve consecutive months. The power to become indebted and to issue bonds in evidence of

such indebtedness shall be in addition to all other powers which the said county may have under the Constitution and laws of Alabama, and any bonds issued pursuant to this amendment shall not be chargeable against the amount of indebtedness which said county may incur under the Constitution and laws in effect prior to the adoption of this amendment.

All bonds issued under this amendment shall be general obligations of the county secured by an irrevocable pledge of its full faith and credit. The governing body of said county may further, if it deems such action desirable, pledge for payment of the principal of and the interest on said bonds any tax which said county may be authorized to levy under any provision of the Constitution. All bonds, issued hereunder shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the sale of said bonds respecting the maturities, sale, execution and redemption of bonds by counties. (Amendment 237)

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§34-4.00. Henry County and Municipalities Therein. (Amendment 729)

For the promotion of local economic and industrial development of Henry County, the Henry County Economic Development Authority, Incorporated, an Alabama nonprofit corporation, the Henry County Commission, and the city council of each municipality located in the county, shall have, independently or in cooperation with one or more of such governmental entities, full and continuing power to do any of the following:

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

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

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

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

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

(6) Become indebted and issue and sell bonds, warrants, which may be payable from funds to be realized in future years, notes or other obligations, or evidences of indebtedness to a principal amount not exceeding 50 percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease, or acquisition of any of the property described in subdivision (1) or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may be issued upon the full faith and credit of the county or any such municipality or may be limited as to the source of their payment.

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

The recital in any bonds, warrants, notes, or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized shall be

conclusive, and no purchaser or holder thereof need inquire further. The bonds, warrants, notes, or other obligations or evidences or indebtedness issued hereunder shall not be considered an indebtedness of the county or any such municipality for the purpose of determining the borrowing capacity of the county or any such municipality under Section 234 or Section 225 of the Constitution of Alabama of 1901.

In carrying out the purposes of this amendment, neither the county nor any municipality shall be subject to the provisions of Section 94 of the Constitution of Alabama of 1901. This amendment shall be self-executing, but notwithstanding any contrary provisions of Section 104 of the Constitution of Alabama of 1901, the Legislature may by general, special, or local act adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth. No such special or local act shall be subject to the provisions of Section 106 of the Constitution of Alabama of 1901.

Nothing contained herein shall be deemed to confer upon the Henry County Commission or the City Council of any municipality located in this county, or any public authority created pursuant to this amendment, the authority to purchase, construct, lease, control or otherwise acquire or operate telecommunications facilities, cable facilities or electric generating, transmission or distribution facilities, lines, or equipment. (Amendment 729)

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§34-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 687)

No person elected or appointed sheriff, or any elected or appointed Henry County official, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in as supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and elected or appointed Henry County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Henry County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current offices; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 687)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§34-11.00. Fire Protection Purposes. (Amendment 604)

The Legislature declares that the fire departments which receive funds pursuant to this amendment are organizations which are public in nature, as they promote and protect the health, safety, and welfare of the citizens of the county.

In addition to all other taxes now or hereafter provided by law, there shall be levied and collected in Henry County a special property tax of two mills on each one dollar's worth of taxable property as assessed for the state ad valorem taxation during the preceding year. The proceeds of the additional taxes levied by this amendment shall be used exclusively for fire protection services.

The Revenue Commissioner of Henry County shall assess the tax herein provided for, and shall collect the tax in the same manner and method that other ad valorem taxes are collected. The proceeds shall be divided by the revenue commissioner on an equal basis among the six eligible volunteer fire departments in the county.

An eligible fire department, for purposes of this amendment, means a fire department in Henry County which is a member in good standing with the Alabama Volunteer Fire Department Association.

Funds paid to eligible volunteer fire departments shall only be expended for fire protection services including training, supplies, and equipment. The funds may also be expended to purchase liability insurance to insure coverage of acts or omissions which are directly related to the functions of a fire department which are committed by the department or the personnel of a fire department. The funds may not be expended for food, drink, social activities, salaries, or fund-raising activities. After receiving funds, the fire departments shall keep accurate records to verify that the funds were properly expended. By September 15 of each year, each volunteer fire department shall file a financial statement with the Henry County Commission detailing the expenditure of all funds received from this amendment during the previous 12 months. The filing shall also account for all unspent funds and whether the unspent funds have been obligated.

Upon dissolution or abandonment of any eligible fire department, any remaining funds derived from this amendment or any assets purchased with funds derived from this amendment shall, after all indebtedness has been satisfied, be divided equally among the remaining volunteer fire departments in the county. In the event all of the volunteer fire departments are dissolved, the additional property tax levied under this amendment shall self-destruct and no longer be levied and collected.

The personnel of volunteer fire departments provided for in this amendment shall not be considered employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of fire departments.

This amendment shall apply to collections of ad valorem taxes for the 1996-97 tax year and thereafter. The initial provisions of this amendment may hereafter be amended by local legislation which may become effective without referendum approval. (Amendment 604)

Title 34A Henry County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Dothan

[Note: The City of Dothan lies in Dale, Henry, and Houston Counties.]

§34A-2.00. Election of Board of Education. (Amendment 552)

The Legislature may, by local act, provide for the election of the Dothan City Board of Education.

This amendment shall not become operative unless it is approved by a majority of the qualified electors of the City of Dothan who vote thereon upon its submission. (Amendment 552)

Title 35 Houston County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§35-2.00. General Authority. (Amendment 605)

The Legislature may, from time to time, by general or local laws, fix, regulate, and alter the costs and charges of courts in Houston County. (Amendment 605)

Article 2. Judges

§35-2.20. Judge of Probate; Jurisdiction. (Amendment 898)

The Judge of Probate of Houston County may exercise equity jurisdiction concurrent with that of the circuit court in cases originally filed in the Probate Court of Houston County if the judge of probate is licensed to practice law in the State of Alabama. In any case subject to this amendment, the judge of probate shall possess the power and authority of a circuit court judge trying the case and the case shall be treated in all respects in the same manner as a case filed in circuit court. The Alabama Rules of Civil Procedure shall apply in the cases except as otherwise specifically provided by law. This amendment is self-executing, but the Legislature may enact additional laws to implement this amendment if needed. (Amendment 898)

§35-2.21. Judge of Probate; Qualifications. (Amendment 965)

The Judge of Probate of Houston County shall be an attorney licensed in this state effective upon the election or appointment of any judge of probate after the ratification of the amendment. (Amendment 965)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§35-4.00. Promotion of Economic and Industrial Development in Certain Counties. (Amendment 429)

For the promotion of local economic and industrial development, the governing body of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa counties and of each municipality situated in said counties, other provisions of law or this Constitution notwithstanding, shall each have, independently or in cooperation with one or more of such governmental entities in such counties, full and continuing power (a) to purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site, or industrial park, projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and (b) to lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county, or of municipality exercising such power, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by any such county or municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and operating of, industrial, transportation, distribution, warehouse or research facilities, and of office and other facilities auxiliary to the foregoing. Nothing herein shall authorize the counties

named, or any municipality there, to construct residential or any other buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither the governing bodies of the counties named hereinabove, nor of any municipality situated in said counties to which this amendment is or becomes applicable, shall be subject to the provisions of sections 93 or 94 of the Constitution of Alabama, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the governing body of such counties, or of any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this state.

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

This amendment shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the legislature of Alabama; nor shall this amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said legislature.

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

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

(b) At least fourteen (14) days prior to such public meeting at which such price is approved by such governing body, it has published notice in the newspaper with the largest circulation in the county in which the property is located stating (1) the acreage proposed to be sold, (2) the section or sections or subdivisions of record in which the property is located, (3) the price per acre at which sale is proposed to be made, and (4) the place where a map of the property can be examined by the public; and

(c) The price thus approved is no less than the price advertised as aforesaid; provided, however, that should any real property be acquired for any purpose authorized by this amendment by eminent domain pursuant to other legislative authority as aforesaid, such property shall not be sold, in any event, for less than the price determined and paid pursuant to the orders of the court in such condemnation proceedings. Provided further, that no municipality shall acquire real property in unincorporated areas without a prior consent thereto as expressed in a resolution by the county governing body. Provided further, that no county or municipality shall acquire real property which is located in another county or municipality without such other county's or municipality's prior consent thereto as expressed in a resolution by its governing body. Nothing in the provisions of this constitutional amendment shall be construed to allow construction of dormitories or other type housing on or off university or college campuses. (Amendment 429)

[Note: Amendment 759 is identical to Amendment 429. except for the addition of Baldwin County. For the text of Amendment 759, see §2-4.01.]

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

Article 1. Bingo

§35-7.00. Operation of Bingo by Nonprofits. (Amendment 569)

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) Act No. 93-333, H. 717 of the 1993 Regular Session is repealed. (Amendment 569)

Chapter 8. Officials and Employees

Article 1. Compensation

§35-8.00. Certain Public Officials. (Amendment 48)

The legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the tax assessors, tax collectors, probate judges, circuit clerks, sheriffs, and registers of the chancery courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, or consolidate any of said offices in the following named county: Houston. All acts of the regular session of the legislature 1943 heretofore passed and applicable, or purporting to fix the compensation of said named county officers, on a salary basis, are hereby validated and confirmed. (Amendment 48)

Article 2. Retirement

§35-8.20. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 589)

No person elected or appointed sheriff, or any elected or appointed Houston County official, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and elected or appointed Houston County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Houston County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 589)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Chapter 11. Zoning, Planning, and Utilities

RESERVED

Title 35A Houston County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Dothan

[Note: The City of Dothan lies in Dale, Henry, and Houston Counties.]

§35A-2.00. Election of Board of Education. (Amendment 552)

The Legislature may, by local act, provide for the election of the Dothan City Board of Education.

This amendment shall not become operative unless it is approved by a majority of the qualified electors of the City of Dothan who vote thereon upon its submission. (Amendment 552)

Title 36 Jackson County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§36-2.00. Compensation of Certain Officials. (Amendment 367)

The legislature may from time to time, by general or local laws applicable to or operative in Jackson county, fix, regulate, and alter the costs and charges of courts and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, the tax assessor, and the tax collector, and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. Provided that no law changing the method or basis for compensating such officers shall become effective unless it is approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose or is approved by a majority of the qualified electors of the county who vote on the adoption of this constitutional amendment as provided for in section 2 hereof [Section 2 of Acts 1977, No. 238]. (Amendment 367)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

RESERVED

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§36-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 730)

No person elected or appointed sheriff, or any elected or appointed Jackson County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Jackson County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Jackson County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. For the purposes of this amendment, the words "elected or appointed county official" shall include, subject only to express limitation, any person elected to represent Jackson County in any representation body of the state and includes any person appointed to serve the remaining term of an elected or appointed county official, but shall not

include a judge, district attorney, constable, school board member, or any official elected from a judicial circuit. (Amendment 730)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§36-10.00. Occupational Tax Prohibited. (Amendment 817)

No privilege or license tax on the gross receipts of any natural person derived from the conduct of a vocation, occupation, calling, or profession may be levied in Jackson County. (Amendment 817)

Article 2. Schools

§36-10.20. Vocational School; Economic Development. (Amendment 174)

Section 1. The court of county commissioners, board of revenue, or like governing body of Jackson county shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of two mills on each one dollar's worth of taxable property in the county, the proceeds of which shall be used for the acquiring, constructing, enlarging, repairing, improving, equipping, furnishing, operating, or maintaining of a vocational trade school in the county and for the rural and industrial development of the county, provided that the tax has been approved by a majority of the qualified electors of the county voting thereon. The county governing body may also pledge the proceeds of the tax to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for such purposes.

Section 2. In event this amendment is approved the court of county commissioners, board of revenue, or like governing body of Jackson county shall have the authority to call an election at any time. In the call for said election, there shall be submitted to the qualified electors of Jackson county a statement of the rate of the tax, the time that it shall continue, and whether or not it shall be levied; and such tax shall be levied if a majority of the qualified electors voting at the said election should vote in favor thereof. If in said election the majority of the qualified electors of the county who vote thereon vote against its approval, the tax may not be levied unless the rate of the tax, the time it is to continue, and the purpose thereof shall be again submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year and shall be held and conducted in the same manner as county school tax elections, except that no petition of electors shall be necessary to initiate the same.

Section 3. The power to levy granted by this amendment will not be exhausted by one election but shall remain a continuing grant unless and until it is repealed by subsequent constitutional action.

Section 4. This amendment shall be self-executing and shall require no enabling legislation. (Amendment 174)

§36-10.21. Special Property Tax for Educational Purposes. (Amendment 203)

The court of county commissioners, board of revenue, or like governing body of Jackson county shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of five mills on each dollar's worth of taxable property in the county as assessed for state taxation during the preceding year, provided that the question of levying the tax, the purpose thereof, and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified

electors of the county and voted for by a majority of those voting at such election; and provided further, that the total of all taxes levied for educational or school purposes in any school district of the county shall not exceed a total of fourteen and one-half mills on each dollar's worth of taxable property located in the district. If any proposal to levy the tax is defeated in any election, subsequent elections thereon may be held at any time. The election provided for herein shall be called, held, conducted, paid for and governed otherwise in the manner provided for an election on the school district tax authorized in Sections 269.01 through 269.03, by article 7, chapter 10, Title 52, Code of Alabama 1940. The tax shall be collected in the same manner and under the same requirements and laws as the taxes of the state are collected. The proceeds of the tax authorized by this amendment shall be used exclusively for educational purposes, provided that the revenue derived from four and one-half mills of the total rate of taxation authorized herein shall be devoted only to purposes of capital outlay, and the revenue derived from the remaining three mills shall be devoted to current operating expenses. (Amendment 203)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§36-11.00. Fire Protection Purposes. (Amendment 436)

The legislature may, by general or local law, provide for the establishment of fire districts within Jackson county to provide fire fighting and prevention services; and may authorize the levy and collection of certain rates, fees, charges or taxes for such services. (Amendment 436)

Article 2. Water

§36-11.20. Jackson County Water Authority. (Amendment 519)

The legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, authority and financing of the Jackson county water authority in all or in portions of Jackson county as a public corporation to provide any one or more of the following local public services: Obtain, treat, and furnish water for residential, commercial or industrial purposes and for any other local service permitted by such general or local law; authorize such authority to fix and collect rates, fees and charges for such services, and to provide penalties for nonpayment and liens upon the property within such public water authority; grant or vest the privilege of eminent domain to such public water authority for the purpose of taking property for public use in accordance with Article XII, Section 235, of the Constitution of Alabama of 1901; authorize the borrowing of money and the issuance of bonds and other obligations by or on behalf of such public water authority, provided that Jackson county shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Jackson county; and extend the service area into one or more other counties. Any law enacted at the 1989 regular session of the legislature to authorize the creation of such authority in Jackson county and to implement this amendment to the Constitution (whether with or without published notice of intention) shall become effective upon the ratification of this amendment. (Amendment 519)

Article 3. Natural Gas

§36-11.40. The Cumberland Mountain Water and Fire Protection Authority. (Amendment 944)

The Cumberland Mountain Water and Fire Protection Authority, in addition to other services provided in Jackson County, may provide natural gas services and operate a natural gas system in Jackson County within the service area of the authority. The authority and the board of directors of the authority shall have all powers and authority necessary to accomplish the purposes of this amendment, including the authority to amend the articles of incorporation of the

authority to the extent necessary to accomplish the purposes of the amendment. (Amendment 944)

Title 36A Jackson County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 37 Jefferson County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§37-2.00. Compensation of Certain Officials. (Amendment 2)

The legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the costs, charges of courts, fees, commissions, allowances or salaries to be charged or received by any county officer of Jefferson county, including the method and basis of their compensation. (Amendment 2)

Article 2. Judges

§37-2.20. Judicial Commission; Judge of Circuit Court; Birmingham. (Amendment 83)

All vacancies in the office of judge of the circuit court holding at Birmingham which shall occur subsequent to January 15, 1951 shall be filled in the manner and for the time as herein provided.

The Jefferson county judicial commission is hereby created for the purpose of nominating to the governor persons for appointment to such a vacancy. The members of such commission shall be (a) two persons who are members of the Alabama state bar, and (b) two persons who are not members of the Alabama state bar, and (c) one judge of the circuit court holding at Birmingham.

All members of such commission must reside in the territorial jurisdiction of the circuit court holding at Birmingham.

The two members of such commission who are required to be members of the Alabama state bar shall be elected by the members of such bar who are regularly licensed and qualified to practice law in this state and who reside in the territorial jurisdiction of the circuit court holding at Birmingham. The executive committee of the Birmingham bar association or its successor body in such capacity, is authorized and directed to make rules, not inconsistent with this amendment, for the election of such members of such commission as are required to be members of the Alabama state bar. Such executive committee shall certify in writing to the probate judge of Jefferson county the names of the persons elected as members of such commission by such members of such bar.

The senator and representatives in the Alabama legislature from Jefferson county shall elect the two members of such commission who are required not to be members of the Alabama state bar. Such senator and representatives shall certify in writing to such probate judge the names of the persons elected by them as such members.

The judges of the circuit court holding at Birmingham shall elect the member of such commission who is required to be a judge of such circuit court. The judges of such circuit court shall certify in writing to such probate judge the name of the circuit judge elected by such circuit judges as such member.

The terms of office of all members of such commission shall be six years, except that the terms of office of the two members of the state bar first elected shall be for one and two years respectively, and of the two members first elected by the senator and representatives in the Alabama legislature from Jefferson county shall be for three and four years respectively, and the

term of the circuit judge elected by the circuit judges shall be for five years; the length of such terms of office of the members of such commission being indicated by the respective electing bodies. The terms of the initial members of such commission shall begin on January 16, 1951. A vacancy in the office of a member of such commission shall be filled for the unexpired term in the same manner as such member was originally chosen.

The probate judge of Jefferson county shall record all such certificates of election and shall safely and permanently keep the original certificates. Forthwith upon his receipt and recordation of every such certificate, he shall send to the governor a certified copy of every such certificate.

No member of such commission shall be eligible to succeed himself as such member or for nomination to the governor for appointment as judge of such circuit court during the term of office for which such member shall have been selected.

The members of such commission shall not receive any salary or other compensation for their services as such members. No member of such commission other than the member required to be a judge of the circuit court shall hold any public office, and no member of such commission shall hold any official position in any political party.

If, subsequent to January 15, 1951, a vacancy occurs in the office of judge of the circuit court holding at Birmingham, such commission shall nominate to the governor three persons having the qualifications for such office. Such nomination shall be made only by the concurrence of a majority of the members of such commission. The governor shall appoint to the office in which the vacancy exists one of the three persons so nominated for such office. The appointee shall hold such office until the next general election for any state officer held at least six months after the vacancy occurs and until his successor is elected and qualified; the successor shall hold office for the unexpired term and until his successor is elected and qualified.

This amendment shall be self-executing. (Amendment 83)

§37-2.21. Judicial Commission; Judge of Circuit Court; Jefferson County. (Amendment 110)

Any vacancy occurring in the office of judge of the tenth judicial circuit comprised of Jefferson county only, which is required to be filled by appointment on nominations made by a judicial commission, shall be made within ninety days from the date of the submission of such nominations. In the event the governor fails to fill the vacancy from such nominations within such period, the appointment shall be made by the chief justice of the supreme court of Alabama. (Amendment 110)

§37-2.22. Additional Probate Judge. (Amendment 384)

In Jefferson county there shall be an additional probate judgeship, designated probate judgeship No. 2. Such judge shall be learned in the law, over the age of twenty-five years and a resident of the county for one year next preceding the date of taking office. The additional judgeship shall be filled by appointment by the governor within ten days after the approval of this amendment by the electors and proclamation of the governor. The appointee shall hold office until his successor is elected and qualified as provided by Article VI. The judge for the additional judgeship shall be elected thereafter as are other probate judges in this state.

The existing probate judgeship in Jefferson county shall be designated judgeship No. 1. The present judge shall fill judgeship No. 1 and shall be the presiding judge. Candidates for the offices of probate judge in Jefferson county shall designate whether they are candidates for the office of the presiding judgeship which shall be designated probate judgeship No. 1 or for the office of probate judgeship No. 2.

The probate judge appointed or elected for probate judgeship No. 2 shall have and exercise all the jurisdiction, power, right and authority; he shall possess all of the qualifications, perform all of the duties required; and he shall be subject to all the pains and penalties of such office as any other such judge is subject to in Jefferson county.

The expense allowances and supplements of judgeship No. 2 shall be paid in the same manner and shall be in the same amount as that of the presiding probate judge in the county. The salary of judgeship No. 2 shall be in an amount equal to 95 percent of the salary of the presiding judge in the county.

The presiding judge of the probate court in Jefferson county shall have precedence and preside at any session of court which he attends. The presiding judge shall divide the work and business of the probate court among the judges and other employees of the court and shall assign the cases to the judges of said court. The presiding judge shall employ and appoint any and all clerks, clerical help and other assistants and court officers of the probate court allowed by law. The administrative powers and duties of the probate judges and the probate court shall be under the general authority, supervision and direction of the presiding judge. Whenever the probate judges cannot agree upon any administrative matter, the presiding judge shall decide and determine such administrative matter for said judges and the court. (Amendment 384)

Article 3. Courts, Generally

§37-2.40. Inferior; Jurisdiction. (Amendments 258, 283)

The legislature of Alabama may by general or local laws fix, regulate, and change the jurisdiction of any or all inferior courts established in lieu of justices of the peace in Jefferson county, in all civil cases so long as the amount in controversy does not exceed five hundred dollars, except in cases of libel, slander, assault and battery, and ejectment. All acts of the legislature of Alabama, whether general or local providing for such courts or for such enlargement of jurisdiction prior to the adoption of this amendment, and all judgments of such courts rendered pursuant to such acts, are hereby ratified, validated and confirmed. (Amendments 258, 283)

Chapter 3. County Government, Finance, and Operations

Article 1. Finances

§37-3.00. Bonds; Sewers. (Amendment 73)

In addition to any indebtedness now authorized, Jefferson county may become indebted and may issue bonds therefor in an amount not exceeding 3 percent of the assessed valuation of the taxable property in said county in order to pay the expenses of constructing, improving, extending and repairing sewers and sewerage treatment and disposal plants in said county. Said bonds shall be general obligations of Jefferson county but shall also be payable primarily from and secured by a lien upon the sewer rentals or service charges, which shall be levied and collected in an amount sufficient to pay the principal of and interest on such bonds, replacements, extensions and improvements to, and the cost of operation and maintenance of, the sewers and sewerage treatment and disposal plants. Such sewer rentals or service charges shall be levied upon and collected from the persons and property whose sewerage is disposed of or treated by the sewers or the sewerage treatment or disposal plants and whether served by the part of the sewer system then being constructed, improved, or extended or by some other part of such system; and such charges or rentals shall be a personal obligation of the occupant of the property the sewerage from which is disposed of by such sewers or treated in such plants and shall also be a lien upon such property, enforceable by a sale thereof.

Before issuing any bonds or levying or collecting any such sewer service charges or rentals, the proposal shall first be submitted to and approved by a majority of the voters of the county voting at an election to be called by the governing body thereof. Notice of such election shall be given by publication once a week for four successive weeks immediately prior to such election in a newspaper published and of general circulation in Jefferson county. Such notice and the ballot shall set forth the purpose for which the bonds are proposed to be issued, the estimated cost of the proposed undertaking, the amount of bonds to be issued, the serial maturities thereof, and the maximum rate of interest such bonds are to bear, and a recital that the proposal includes the levying of sewer service charges or rentals to be secured by liens upon the property served. Such elections shall in all respects not herein otherwise provided be conducted and the results thereof ascertained and declared in accordance with the law then in force relating to county bond elections. If at any such election a majority of the voters vote in favor of the proposed undertaking and the bonds, the bonds so voted may be issued at one time or from time to time as the governing body of the county shall deem advisable.

With the prior approval of the governing body of any incorporated municipality therein, Jefferson county may take over, own, possess, control, expand, improve, maintain and operate any sewers or sewerage treatment or disposal plants of such incorporated municipality or, if such incorporated municipality has no sewers, Jefferson county may construct sewers therein. Such sewers and plants shall thereupon become a part of a combined and consolidated sewer system for Jefferson county.

The governing body of Jefferson county shall have full power and authority to manage, operate, control and administer the sewers and plants herein provided for and, to that end, may make any reasonable and nondiscriminatory rules and regulations fixing rates and charges, providing for the payment, collection and enforcement thereof, and the protection of its property. Liens for sewer rentals or service charges shall be foreclosed in such manner as may be provided by law for foreclosing municipal assessments for public improvements. This amendment is self-executing.

The authority to issue bonds shall cease December 31, 1958. The authority to levy and collect sewer charges and rentals shall be limited to such charges as will pay the principal of and interest on the bonds and the reasonable expense of extending, improving, operating and maintaining said sewers and plants; and when the bonds shall have been paid off, service charges and rentals shall be accordingly reduced, it being the intent and purpose of this amendment that the expenses of needed improvements and extensions and maintenance and operation of the sewers and sewerage treatment and disposal plants and no other expenditures shall be paid from such service charges and rentals. (Amendment 73)

§37-3.01. Bonds; Civic Centers. (Amendments 238 and 280)

Any corporation heretofore or hereafter created in any county of the state having a population of 500,000 or more, according to the last or any subsequent federal census, for the purpose of establishing, maintaining and operating a civic center in the municipality in which the county seat of such county is situated, shall be authorized, without the necessity of any election, to issue bonds, warrants or other evidences of indebtedness, and to pledge for the payment of the principal and interest due thereon any revenues received, or to be received, by such corporation and any tax proceeds appropriated or allocated (in whole or in part) to such public corporation by or pursuant to any act of the legislature of Alabama or by or pursuant to any resolution or ordinance of such county or any municipality therein, any provision of the Constitution or laws of Alabama to the contrary notwithstanding. No such bonds, warrants or other evidences of

indebtedness issued by such corporation shall be considered indebtedness of such county or any municipality therein within the meaning of sections 224 and 225 of the Constitution of Alabama. The rent or rentals that the county or any such municipality may be obligated to pay under the terms of any lease between the said corporation and the said county or any such municipality shall not be considered as indebtedness of said county or any such municipality within the meaning of sections 224 and 225 of the Constitution of Alabama.

No tax levied by the state or any municipality or county of the state shall apply to any such corporation, unless such tax applies to the county and the city wherein the corporation is located. The word "tax" as herein used, shall include any ad valorem tax, or other direct tax, and any excise, privilege or license tax.

The following are hereby in all things validated and confirmed, any provision or provisions of the Constitution of Alabama of 1901 to the contrary notwithstanding: Acts numbered 524 [p. 767], 525 [p. 776] and 547 [p. 798] enacted at the 1965 regular session of the legislature of Alabama; Act No. 114 [p. 153] enacted at the second special session of 1965 of the legislature of Alabama; and all corporations established by said Act No. 547, as well as all acts done under the authority of any of said acts, including (without limitation) the acquisition of property, the making of contracts and the incurring of obligations and liabilities. Further, that certain bill introduced in the Alabama house of representatives on August 3, 1967 as House Bill 823, as said bill was finally enacted into law, is hereby validated and confirmed, any provision of the Constitution of 1901 to the contrary notwithstanding; provided that said bill (or a substitute therefor) is enacted by the legislature of Alabama and is approved by the governor (or becomes law without such approval). (Amendments 238 and 280)

Chapter 4. Economic development

Article 1. Economic Development

§37-4.00. Promotion of Economic and Industrial Development in Certain Counties. (Amendment 429)

For the promotion of local economic and industrial development, the governing body of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa counties and of each municipality situated in said counties, other provisions of law or this Constitution notwithstanding, shall each have, independently or in cooperation with one or more of such governmental entities in such counties, full and continuing power (a) to purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site, or industrial park, projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and (b) to lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county, or of municipality exercising such power, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by any such county or municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and operating of, industrial, transportation, distribution, warehouse or research facilities, and of office and other facilities auxiliary to the foregoing. Nothing herein shall authorize the counties named, or any municipality there, to construct residential or any other buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither the governing bodies of the counties named hereinabove, nor of any municipality situated in said counties to which this amendment is or becomes applicable, shall be subject to the provisions of sections 93 or 94 of the Constitution of Alabama, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the governing body of such counties, or of any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this state.

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

This amendment shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the legislature of Alabama; nor shall this amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said legislature.

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

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

(b) At least fourteen (14) days prior to such public meeting at which such price is approved by such governing body, it has published notice in the newspaper with the largest circulation in the county in which the property is located stating (1) the acreage proposed to be sold, (2) the section or sections or subdivisions of record in which the property is located, (3) the price per acre at which sale is proposed to be made, and (4) the place where a map of the property can be examined by the public; and

(c) The price thus approved is no less than the price advertised as aforesaid; provided, however, that should any real property be acquired for any purpose authorized by this amendment by eminent domain pursuant to other legislative authority as aforesaid, such property shall not be sold, in any event, for less than the price determined and paid pursuant to the orders of the court in such condemnation proceedings. Provided further, that no municipality shall acquire real property in unincorporated areas without a prior consent thereto as expressed in a resolution by the county governing body. Provided further, that no county or municipality shall acquire real property which is located in another county or municipality without such other county's or municipality's prior consent thereto as expressed in a resolution by its governing body. Nothing in the provisions of this constitutional amendment shall be construed to allow construction of dormitories or other type housing on or off university or college campuses. (Amendment 429)

[Note: Amendment 759 is identical to Amendment 429. except for the addition of Baldwin County. For the text of Amendment 759, see §2-4.01.]

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

Article 1. Bingo

§37-7.00. Operation of Bingo by Nonprofits. (Amendments 386 and 600)

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

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

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

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

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

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

(f) Prizes given by any nonprofit organization for the playing of bingo games in Jefferson County shall not exceed the amounts set by local law;

(g) No person or organization, by whatever name or composition thereof, shall take any salary, expense money, or fees as remuneration for services rendered in the operation of any bingo game. (Amendments 386 and 600)

Chapter 8. Officials and Employees

RESERVED

Chapter 9. Public Safety

Article 1. Nuisances

§37-9.00. Weeds, Junk, and Litter. (Amendment 497)

The legislature may from time to time by local act authorize or require the Jefferson county commission to:

(a) Prohibit the overgrowth of weeds and the storage and accumulation of junk, inoperable motor vehicles and other litter;

(b) Implement, administer and enforce said prohibition and;

(c) Assess criminal penalties for violations thereof. All existing local acts pertaining to Jefferson county relating to the subject of this constitutional amendment enacted prior to the adoption and ratification of this constitutional amendment are hereby validated. (Amendment 497)

Article 2. Prohibitions

§37-9.20. Prostitution. (Amendment 688)

(a) This amendment shall apply only to the portions of Jefferson County outside the corporate limits of a municipality.

(b) For the purpose of this constitutional amendment, the term "prostitution" shall mean the commission by a person of any natural or unnatural sexual act, deviate sexual intercourse, or sexual contact for monetary consideration or other thing of value.

(c) No person in the portion of the county outside the corporate limits of a city shall commit an act of prostitution as defined in subsection (b).

(d) No person shall solicit, compel, or coerce any person to have sexual intercourse or participate in any natural or unnatural sexual act, deviate sexual intercourse, or sexual contact for monetary consideration or other thing of value.

(e) No person shall agree to engage in sexual intercourse, deviate sexual intercourse, or sexual contact with another or participate in the act for monetary consideration or other thing of value and give or accept monetary consideration or other thing of value in furtherance of the agreement.

(f) No person shall knowingly do any of the following:

(1) Cause or aid a person to commit or engage in prostitution.

(2) Procure or solicit patrons for prostitution.

(3) Provide persons or premises for prostitution purposes.

(4) Receive or accept money or other thing of value pursuant to a prior agreement with any person whereby he or she participates or is to participate in the proceeds of any prostitution activity.

(5) Operate or assist in the operation of a house of prostitution or a prostitution enterprise.

(g) It shall be unlawful for any bellhop, elevator operator, desk clerk, servant, or employee of a hotel, motel, inn, boardinghouse, apartment house, or any lodging place of like kind for the purpose of or in furtherance of unlawful sexual misconduct or prostitution to:

(1) Conduct any person to the room of any guest or occupant of the place.

(2) Carry any note or message to or from a person, a guest, or occupant of the place.

(h) It shall be unlawful for the owner or manager of any hotel, motel, inn, boardinghouse, apartment house, or any lodging place or like kind to employ a person who has been convicted of aiding or abetting prostitution.

(i) Each violation is a Class A misdemeanor. (Amendment 688)

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§37-10.00. Real Estate Licenses Taxes. (Amendment 539)

In order to allow for the orderly and efficient collection of municipal business license taxes in Jefferson County with respect to corporations, firms, brokers, agents and others in the business of buying, selling, leasing or representing others in the purchase, sale or lease of real property in Jefferson County, the legislature may, by local law, provide for the imposition and collection of such taxes as follows:

a. Any city or town within Jefferson County may fix and collect licenses pursuant to Sections 11-51-90 and 11-51-91 of the Code of Alabama 1975, as amended, for any business, trade or profession relating to the buying, selling or renting of real estate on commission in Jefferson County if such licensee maintains its principal place of business in the corporate limits or police jurisdiction of that municipality.

b. Effective January 1, following the ratification of this amendment and each year thereafter, in addition to the taxes, if any, imposed under a. above, every corporation, firm,

broker, agent or other person or entity engaged in the business of buying, selling, managing, leasing or renting of real estate on commission in Jefferson County shall pay an annual business license tax at a rate to be set by the legislature for the privilege of engaging in such business in every other city or town in Jefferson County. Such tax shall be collected by the Revenue Director of Jefferson County and shall be distributed by the Revenue Director of Jefferson County to each city or town within Jefferson County on a pro rata basis based on population. The Revenue Director of Jefferson County shall be entitled to an administrative fee for administering this tax at a rate to be set by the legislature; such fee to be added to the license tax collected hereunder.

c. Effective January 1, following the ratification of this amendment and each year thereafter, except for the licenses permitted or mandated under a. and b. above, no other privilege license tax shall be imposed under Sections 11-51-90 and 11-51-91 of the Code of Alabama 1975, by any city or town within Jefferson County on corporations, firms, brokers, agents or other persons or entities engaged in the business of buying, selling, managing, leasing or renting of real estate on commission in Jefferson County. (Amendment 539)

§37.10.01. Homestead Exemption. (Amendment 840)

A person residing in Jefferson County and claiming a homestead exemption in the county under the laws of this state may continue to claim the exemption for three years after he or she is admitted to a nursing home or assisted living facility if the person continues to own the property while he or she resides in the home or the facility. The three-year-extension in the homestead exemption shall be allowed only if the property continues to be used for residential purposes and the property is not converted to commercial or any other purpose. The person shall only be required to verify by signature, on a form provided by the county tax assessor, that the qualifying conditions continue to exist, and to return the form by mail. (Amendment 840)

Article 2. Schools

§37-10.20. Tax for Educational Purposes. (Amendment 82)

Jefferson county shall have power to levy and collect an additional tax of 50 cents on each $100 of taxable property therein for public school purposes in the same manner and subject to the same election requirements as are now provided in Sections 269.01 through 269.03 with respect to county school taxes; provided that in any incorporated municipality where special or additional taxes are being levied and collected for public school purposes, including the servicing of debts incurred for public schools, the additional tax herein provided for shall be reduced by the amount of such special or additional municipal public school taxes in the corporate limits where such special or additional municipal public school taxes are being levied and collected and during the time such taxes are levied and collected; and provided further that only qualified electors residing within the area in which the additional tax herein authorized is proposed to be levied shall have the right to vote at any election held for the purpose of voting such additional tax, and qualified voters residing in incorporated municipalities which are levying and collecting a full tax of 50 cents on each $100 of taxable property for public school purposes shall not be entitled to vote at such election. So long as the public schools in any incorporated municipality are operated separately from those of Jefferson county, the funds arising from such additional tax on taxable property in such municipality shall be expended only by the board of education or other authority charged with the operation of the public schools in such municipality and only for the benefit of the public schools therein. The additional tax herein authorized shall be in addition to the county and the district school taxes authorized in Sections 269, 269.01, 269.02, and 269.03 and in addition to the county taxes authorized in section 215 thereof. All statutes relating to the

holding of elections and the levy and collection of taxes in counties under Sections 269.01 through 269.03, with the exception hereinabove provided, shall apply. (Amendment 82)

§37-10.21. Special District Tax for Educational Purposes. (Amendments 175, 260, and 298)

In addition to any taxes now authorized or that may hereafter be authorized by the Constitution and laws of Alabama, the several school districts of Jefferson county shall, subject to an election in each such school district as hereinafter provided, have power to levy and collect a special district tax of not exceeding fifty (50) cents on each one hundred dollars ($100) of taxable property in such district for the furtherance of education therein. A school district within the meaning of this section shall include (a) that part of Jefferson county outside of the municipalities of Birmingham, Bessemer, Fairfield, Tarrant city and Mountain Brook as one district, except that the Jefferson county board of education is authorized and empowered to designate any part or portion of said district as a separate school district., (b) the city of Birmingham as one district, (c) the city of Bessemer as one district, (d) the city of Fairfield as one district, (e) the city of Tarrant City as one district, and (f) the city of Mountain Brook as one district. No tax shall be levied hereunder unless the rate of such tax, the time such tax is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors in each such district and voted for by a majority of those voting at such election. Any election on any such district tax shall be called and held, the results declared, and the tax levied and collected in the same manner as now or hereafter provided by law in the case of school district taxes authorized by Sections 269.01 through 269.03, except that no county-wide tax shall be required as a condition precedent for a district tax under this amendment. The holding of one election shall not preclude a later election in the same district but no election in a district shall be held within two years from the date of the last election held in such district under the authority of this amendment. The proceeds of any special district tax authorized by this amendment shall be expended for the support of education only in the special district or separate district in which the tax is levied. (Amendments 175, 260, and 298)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Service Districts

§37-11.00. Service Districts. (Amendments 239, 314, and 369)

1. As used in this amendment, these terms have the meanings here given them: "Service district" means a district for which this amendment provides; "expenses" means the expenses of establishing a district and providing the services and facilities the district is authorized to provide; and "county governing body" means the governing body of Jefferson county.

2. The county governing body may provide for the formation of service districts in Jefferson county for any of the following purposes: to establish and maintain a system to fight or prevent fires and to furnish medical rescue services; to establish and maintain a system to collect and dispose of garbage and trash; and to provide park and recreational facilities; provided, however, that no territory lying within the limits of a municipal corporation at the time of the establishment of any such district shall be included within such district; and provided, further, that no such district shall be established unless the establishment thereof has been first approved by the qualified electors residing within the proposed district at an election held as provided for by laws heretofore or hereafter adopted by the legislature, or as provided for by ordinances hereafter adopted by the county governing body.

A district may be established for any one or more of the foregoing purposes. The county governing body shall provide by ordinance for submitting to the qualified electors within the

proposed district the question of whether the district shall be created for one or more of such purposes.

3. The district expenses shall be paid for by the proceeds of service charges or property taxes for which paragraphs 4 and 5, below, provide or by a combination of such proceeds; provided, however, that any funds received from the federal or state government may be used to pay such expenses.

4. Subject to the conditions stated in paragraph 6, below, the governing body of a district may by resolution levy service charges to pay the expenses of the district.

Said service charges shall be levied upon and collected from the persons for whom and the property for which the services and facilities are provided or made available; and such charges shall be a personal obligation of the occupant of such property and shall also be a lien upon such property, enforceable by the sale thereof.

5. Subject to the conditions stated in paragraph 6, below, the county governing body may by ordinance levy a tax on all taxable property in any district in addition to any other tax authorized by law, to pay the expenses of the district.

The taxes levied under this paragraph 5 shall be subject to the laws of the state providing for the following: the time for the levy and the payment of such taxes; the place of the payment of such taxes; the interest and penalties payable on such taxes not paid when due; the lien for the taxes; and the remedies for collection of such taxes unpaid.

6. No service charge or tax provided for by this amendment shall become effective unless before the creation of the district involved such service charge or tax shall have been approved at an election in the territory proposed to be established as a district held at the time of the election on establishing the proposed district or unless after the establishment of the district the following shall have occurred:

(1) The governing body adopting the resolution or ordinance shall have published the same in a newspaper of general circulation in the district involved;

(2) Thirty (30) days shall have elapsed since the publication of such resolution or ordinance; and

(3) One of these two events, called Event A and Event B, shall have occurred: Event A: Thirty days following the said publication shall have passed without any petition for an election being filed under the ordinance paragraph 7, below, requires; Event B: At an election called under said ordinance the proposed service charge or tax shall have been approved.

7. The provisions of this paragraph 7 shall be subject to the conditions and limitations of paragraph 11, below. The county governing body shall adopt ordinances providing for elections to be held on the question of the establishment of districts in the unincorporated areas of the county and on the question of levying service charges or taxes to pay the expenses. The county governing body shall adopt an ordinance, or ordinances, governing elections on the question of the creation of proposed districts in the unincorporated areas of the county and on the question of whether a proposed service charge or tax shall be levied. Such ordinances shall provide for the following: the form of petition for such election; the number of qualified electors residing in the district or in the proposed district required to sign the petition to secure such election; the conduct of the election and the time allowed for filing such petition in the office of the probate judge of the county, which time shall not be less than 30 days following the publication of the resolution or ordinance as required by paragraph 6, above.

8. The provisions of this paragraph 8 shall be subject to the conditions and limitations of paragraph 11, below. The county governing body by ordinance may provide for the enlargement

of a district by the addition of territory thereto, subject to the following conditions: (1) No territory lying within a municipal corporation at the time of such enlargement shall be added to a district; (2) subject to (3), next below, no territory shall be added unless the qualified electors thereof have approved the addition of such territory to the district; (3) the county governing body may provide a procedure whereby territory will be included in a district upon the written petition for its inclusion signed by at least seventy percent (70%) of the qualified electors residing within said territory.

9. The provisions of this paragraph 9 shall be subject to the conditions and limitations of paragraph 11, below. The county governing body shall enact ordinances providing for the administration of the affairs of the district by the county governing body, the governing body of the district, or by any agency of the county and empowering the body administering the affairs of the district to levy and collect service charges provided for in paragraph 4, above, and the county governing body to levy the taxes provided for in paragraph 5, above, subject to the restrictions and conditions imposed by this amendment and such additional restrictions and conditions as the county governing body, by ordinance, may impose.

10. The county governing body, by ordinance, may provide for the issuance of bonds for such districts with or without an election; provided, however, that all bonds issued hereunder shall be payable only out of the proceeds of the service charges and taxes authorized hereby, and no such bond shall be a general obligation of the county.

11. The legislature may, from time to time, adopt laws governing service districts, including laws repealing any ordinance of the county governing body inconsistent with any law enacted by the legislature prior to the adoption of this amendment. If there is any inconsistency between any law enacted by the legislature after adoption of this amendment and any ordinance adopted by the county governing body, the law shall prevail over such ordinance. In order for a law enacted subsequent to the adoption of this amendment to prevail over any ordinance in conflict with such law, repeal of such ordinance shall not be necessary, but such repeal of the conflicting ordinance shall be permissible. (Amendments 239, 314, and 369)

Article 2. Sewer Service

§37-11.20. Sewer Service. (Amendment 818)

In Jefferson County, notwithstanding any other provision of this constitution, any bill for sewer service received in the name of the tenant or tenants shall be the sole responsibility of the tenant or tenants and shall not constitute a lien on the property where the sewer service was received. This amendment shall not be interpreted to impair the obligation of any contract entered into before the effective date of the amendment. (Amendment 818)

Article 3. Garbage Service

§37-11.40. Lien for Failure to Pay Fee. (Amendment 911)

In Jefferson County, notwithstanding any other provision of this Constitution, any bill for residential garbage service from the county, a municipality in the county, or a local governmental entity received in the name of the tenant or tenants shall be the sole responsibility of the tenant or tenants and shall not constitute a lien on the property where the garbage service was received. This amendment shall not be interpreted to impair the obligation of any contract entered into before the effective date of the amendment. (Amendment 911)

Title 37A Jefferson County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Birmingham

[Note: The City of Birmingham lies in Jefferson and Shelby Counties.]

§37A-2.00. Tax; Bonds. (Amendment 240)

Section 1. In addition to all other taxes now or hereafter authorized by law, the governing body of the city of Birmingham shall have the power and authority to levy and collect each year a special ad valorem tax of fifty cents (50¢) on each one hundred ($100) dollars worth of taxable property in the city of Birmingham, based on the valuation of such property as assessed for state taxation for the tax year ending on the 30th day of September next succeeding the levy, to be used by the city of Birmingham solely for paying principal and interest on general obligation bonds of the city of Birmingham heretofore or hereafter issued under authority of law; provided that the authority to levy such tax in accordance with this amendment to the Constitution shall first have been approved by the qualified electors of the city of Birmingham, prior to the first annual levy thereof, as hereinafter provided.

Section 2. In the event this amendment is approved and a majority of the qualified electors of the city of Birmingham who vote thereon vote in favor of the adoption of this amendment when it is submitted, the governing body of the city of Birmingham shall have the power and authority to levy and collect thereafter each year the special ad valorem tax provided for in section 1 hereof. In the event this amendment is approved and a majority of the qualified electors of the city of Birmingham who vote thereon vote against its approval, the authority to levy and collect said tax shall not be given unless the rate of the tax and the purpose thereof shall have been again submitted to a vote of the qualified electors of the city of Birmingham and voted for by a majority of those voting at the election prior to the first annual levy of such tax. Each such election shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to the city of Birmingham for elections to authorize the issuance of municipal bonds. The ballots used at such election shall contain the words "For Special Ad Valorem Tax of fifty cents per One Hundred Dollars of Taxable Property" and "Against Special Ad Valorem Tax of fifty cents per One Hundred Dollars of Taxable Property." The voter shall record his choice, whether for or against the special ad valorem tax by placing a cross mark before or after the words expressing his choice. Voting machines shall be used in any such election to the extent required by law. In the event the authority to levy the special ad valorem tax is defeated, subsequent elections for the approval of such tax may nevertheless be held again but no election shall be held within one year of any previous such election. Once the authority to levy such tax has been approved no further election shall be required thereon. (Amendment 240)

Chapter 3. Mountain Brook

§37A-3.00. Tax; Ad Valorem. (Amendment 209)

Any provision of the Constitution and laws of the state of Alabama to the contrary notwithstanding, the city of Mountain Brook, in Jefferson county, shall have, in addition to the power to levy and collect ad valorem tax each year at the rate authorized immediately prior to the adoption of this amendment, the further power to levy and collect each year an additional tax of one-fourth of one per centum based upon the value of the property therein as fixed for state taxation; provided, that before any such additional tax may be so levied and collected a majority of the qualified electors of said municipal corporation voting at an election called for that purpose shall vote in favor of the levy thereof; and provided further, that the adoption of this

amendment or the levying of said tax shall in no wise affect, limit, modify, abridge or impair the power, authority or right of such municipality to levy and collect the special school taxes now or hereafter vested or conferred upon it under the Constitution, or any amendment thereto. Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as may be provided by law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The ballots used at such elections shall contain the words "for 1/4 % additional rate of taxation," and "Against 1/4 % additional rate of taxation," so that the voter may record his choice for or against said additional tax. (Amendment 209)

§37A-3.01. Tax; Special School District Tax. (Amendment 316)

In addition to all taxes now authorized or that may hereafter be authorized by the Constitution of Alabama to be levied by the special school district in Jefferson county known as the Mountain Brook school district (which immediately prior to the adoption of this amendment comprised the territory embraced within the corporate limits of the city of Mountain Brook), including any additional territory that may hereafter be added to the said district, shall have power to levy and collect, for public school purposes in the said district, a special district ad valorem tax at a rate or rates not exceeding in the aggregate sixty cents on each one hundred dollars (equivalent to six mills on each dollar) of the assessed valuation of the property in the said district subject to taxation by it.

No tax shall be levied under the authority of this amendment until after the question of the levy of such tax, the rate thereof, the time it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of the said district at an election duly called for that purpose by the governing body of the said county and a majority of the qualified electors of the said district voting at such election shall have voted in favor of the levy of the said tax; provided, that if a majority of the qualified electors of the said district participating in the election on the adoption of this amendment shall vote for such adoption, then the approval of this amendment expressed by the said vote in favor of its adoption shall of itself constitute approval of the levy of the said tax at the rate of sixty cents on each one hundred dollars of the said assessed valuation for a period of thirty years commencing with the levy for the tax year for which county ad valorem taxes will become due and payable on the October 1 next succeeding the date of such election and no additional election by the electors of the said district shall be required to authorize the levy of the said tax at the said rate and for the said period of time. If the majority of the qualified electors of the said district participating in the election on the adoption of this amendment should not vote for such adoption, or if the majority of the qualified electors of the said district voting at any election subsequently called by the governing body of the said county under the provisions of this amendment should not vote in favor of the levy of the said tax at an election so called, the governing body of the county may from time to time call other elections hereunder on the question of the levy of the said tax, but not more than one such election shall be held during any period of twelve consecutive months.

Each election that may be called by the governing body of the said county on the question of the levy of the district tax herein authorized shall be called and held and the results thereof declared in the same manner and at the same time as may be provided by law for the calling and holding of school district taxes generally, and the said tax shall be levied and collected in the same manner and at the same times as may be provided by law for the levy and collection of school district taxes generally; provided, that no countywide tax shall be required as a condition precedent to the calling or holding of any such election or to the levy or collection of the district

tax herein authorized. The proceeds from any district tax levied under this amendment shall be expended solely for public school purposes in the said district. (Amendment 316)

§37A-3.02. Tax – Levy of Additional Tax. (Amendment 336)

(a) Any provision of the Constitution and laws of the State of Alabama to the contrary notwithstanding, the city of Mountain Brook, in Jefferson county, shall have, in addition to the power to levy and collect ad valorem tax each year at the rate authorized immediately prior to the adoption of this amendment, the further power to levy and collect each year an additional tax of three-fourths of one per centum based upon the value of the property therein as fixed for state taxation. No such additional tax of three-fourths of one per centum shall be levied under the authority of this amendment unless a majority of the qualified electors of said municipal corporation voting in the election on the adoption of this amendment shall vote for such adoption, provided that if the majority of the qualified electors of the said municipal corporation voting in the said election should not vote in favor of such adoption, or if the majority of the qualified electors of the said municipal corporation at any election subsequently called under the authority of this amendment should not vote in favor of the levy of the said additional tax at an election so called, the governing body of the said municipal corporation may call other elections hereunder on the question of the levy of said tax without further act of the legislature, but not more than one such election shall be held during any period of twenty-four consecutive months.

(b) Any provision of the Constitution of Alabama to the contrary notwithstanding, the city of Mountain Brook, in Jefferson county, shall have, in addition to the power to levy and collect ad valorem tax each year at the rate authorized immediately prior to the adoption of this amendment, the further power to increase the rate at which ad valorem taxes are levied by said municipal corporation above the limit now provided in the Constitution provided that the proposed increase shall have been (1) proposed by the governing body of the said municipal corporation after a public hearing on such proposal, (2) thereafter approved by an act of the legislature, and (3) subsequently approved by a majority vote of the qualified electors of the said municipal corporation who vote on the proposal. Section 217 (h) of the Constitution of Alabama of 1901 as amended providing that ad valorem taxes in the aggregate levied by all taxing authorities shall never exceed 1 1/2 % of the fair and reasonable market value of the property in any one taxable year shall not apply to property in the city limits of said municipal corporation provided that ad valorem taxes levied by the governing body of said municipal corporation shall never exceed 1 1/2% of the fair and reasonable market value of the property in any one taxable year.

(c) Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as may be provided by law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. (Amendment 336)

Chapter 4. Vestavia Hills

[Note: The City of Vestavia Hills lies in Jefferson and Shelby Counties.]

§37A-4.00. Tax; Additional Property Tax for Schools. (Amendment 352)

Section 1. In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied an additional tax of nine and three-fourths (9 3/4) mills based upon the value of the property therein as fixed for state taxation; provided the levy of said tax shall first have been approved by the qualified electors of Vestavia Hills as hereinafter provided.

Section 2. In the event this amendment is approved and a majority of the qualified electors of Vestavia Hills who vote thereon in favor of the adoption of this amendment when it is

submitted, the additional tax provided for in section 1 shall be levied and collected without any other election having been held thereon. In the event this amendment is approved and a majority of the qualified electors of Vestavia Hills who vote thereon vote against its approval, the tax shall not be levied unless the issue shall have been again submitted to a vote of the qualified electors of Vestavia Hills and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year. (Amendment 352)

Chapter 5. Bessemer

§37A-5.00. Election of Board of Education. (Amendment 606)

The Legislature, by local act, may provide for the election of the members of the board of education of the City of Bessemer in Jefferson County and may provide further for the operation of the board. (Amendment 606)

Title 38 Lamar County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§38-2.00. West Alabama Children's Advocacy Center. (Amendment 745)

Section I. In the 24th Judicial Circuit, consisting of Fayette County, Lamar County, and Pickens County, in addition to any court costs and fees now or hereafter authorized in cases in the circuit and district courts, an additional fee of five dollars ($5) shall be charged and collected by the clerk of the court on each case filed in the circuit.

Section II. The clerk of the respective court shall collect the fee in the same manner as other costs in the court and shall remit the fee to the West Alabama Children's Advocacy Center on a monthly basis to be used by the center for abuse victims in the circuit.

Section III. If the boundaries of the 24th Judicial Circuit change, the filing fee imposed by this amendment shall remain in effect for the Counties of Fayette, Lamar, and Pickens, unless altered by a subsequent amendment to this constitution. (Amendment 745)

§38-2.01. Drug Enforcement Fee. (Amendment 833)

Section 1. In all juvenile, traffic, criminal, and quasi-criminal cases in the juvenile, district, circuit, and municipal courts in Lamar County, a docket fee, hereinafter referred to as a drug enforcement fee, shall be assessed in each case. The drug enforcement fee shall be in an amount equal to ten dollars ($10) in each non-drug case; sixty dollars ($60) in each misdemeanor drug case; and eighty-five dollars ($85) in each felony drug case. The drug enforcement fee, when collected, shall be distributed monthly as follows: Three dollars ($3) of the fees assessed in each case shall be retained by the clerk of the court as an administrative fee and the remainder to the Drug Enforcement Fund established by the district attorney in the county or to the fund that may hereafter be prescribed by law for the drug enforcement fee.

Section 2. The drug enforcement fee shall be collected as prescribed hereinabove in all cases where the defendant is adjudged guilty, a bond forfeited, a penalty imposed, or where there is issued any alias or capias warrant of arrest, or in any other case where court costs are assessed, whether a defendant is adjudged guilty or not. The drug enforcement fee shall be in addition to and not in lieu of any other fees or costs, and shall not be waived or remitted unless all other costs and charges of court are waived.

Section 3. The district attorney for the Twenty-fourth Judicial Circuit shall establish a separate fund to be called the Lamar County Drug Enforcement Fund. All sums deposited into the fund pursuant to this amendment may be expended by the district attorney for the support of the drug task force that serves the Twenty-Fourth Judicial Circuit, including, but not limited to, the payment of any and all expenses incurred by the drug task force, and the payment of any matching monies required under the terms of any grant that may be awarded by any governmental or other entity for the support of the drug task force, the payment or supplementing of salaries for personnel of the drug task force, or for any other law enforcement purpose.

Section 4. The Legislature, by general or local law, may fix, regulate, and alter the costs and charges of courts in Lamar County and provide for their distribution. Any local law authorizing the levy of additional court costs in Lamar County enacted prior to the effective date of this amendment is ratified and confirmed. (Amendment 833)

Article 2. Judges

§38-2.20. Judge of Probate Compensation. (Amendment 966)

In Lamar County, the Legislature, by general or local law, may place the judge of probate on a salary and provide for the fees, commissions, allowances, and percentages collected by the judge of probate to be paid into the county treasury from which his or her salary is paid. This amendment is retroactive to the term of office of the judge of probate which commenced in January 1989. Any local law applicable to Lamar County placing the judge of probate on a salary is ratified and confirmed and any salary paid to the judge of probate commencing with the term in January 1989, including any salary accepted by the judge of probate by agreement, is ratified and confirmed. (Amendment 966)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§38-4.00. Lamar County Municipalities. (Amendment 189)

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

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

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

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

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

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

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

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

8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or

evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

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

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further, and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of any municipality in Lamar county for the purpose of determining the borrowing capacity of such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

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

10. Any municipality in Lamar county may make engagements or commitments or undertake projects authorized under the provisions of this Constitution and amendments thereto provided any such engagement, commitment, or undertaking is first approved by a majority of the qualified electors of such municipality voting in a referendum election held for such purpose. The governing body of any municipality may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks. (Amendment 189)

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Officials

§38-8.00. Constable Office Abolished. (Amendment 419)

The office of constable in Lamar county, Alabama, may be abolished by a vote of a majority of the qualified electors of the county voting in a special election called by the county governing body to determine this issue; provided, however, that if a majority of the qualified electors of Lamar county who participate in the election held on the adoption of this amendment vote in favor thereof, no further election need be held. (Amendment 419)

Article 2. Retirement

§38-8.20. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 689)

An elected or appointed Lamar County official not currently serving as such an official who is elected or appointed after the effective date of this amendment may not assume a supernumerary office. Any person who, on the ratification of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Lamar County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Lamar County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served as a county official. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, including the county coroner, but shall not include a judge, district attorney, constable, school board member, or any official elected from a judicial circuit. (Amendment 689)

§38-8.21. Retirement of Supernumerary Offices. (Amendment 896)

No elected or appointed Lamar County official, including the sheriff, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Lamar County official, including the sheriff, may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Lamar County officials, including the sheriff, holding office at the time of ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For purposes of this amendment, the words "elected or appointed Lamar County official," do not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. The effective date or ratification date of this amendment is the date this amendment is officially proclaimed ratified in the proclamation register. (Amendment 896)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools

§38-10.20. Additional Tax for Educational Purposes. (Amendment 176)

Section 1. The court of county commissioners, board of revenue, or other like governing body of Lamar county shall have power to levy and provide for collection of an additional county tax of fifty cents on each one hundred dollars worth of taxable property in the county, for public school purposes, in the same manner and subject to the same election requirements as

provided in Sections 269.01 through 269.03 with respect to other county school taxes. The tax herein authorized shall be in addition to all other county taxes authorized in this Constitution as amended, and the proceeds thereof shall be spent for public school purposes only.

Section 2. If this amendment is approved and a majority of the qualified electors of Lamar county who vote thereon vote in favor of the adoption of this amendment when it is submitted, the additional tax provided for in section 1 may be levied and collected thereafter for a period of 20 years without any other election having been held thereon. But if this amendment is approved and a majority of the qualified electors of the county who vote thereon vote against its approval, the tax shall not be levied unless the rate of the tax, the time it is to continue, and the purpose thereof shall have been again submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year, and shall be called, held, and conducted in the same way, according to the general laws, as other elections on the question of levying special county school taxes. (Amendment 176)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Water and Fire Prevention

§38-11.00. Water Coordinating and Fire Prevention Authority. (Amendment 516)

The legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, authority and financing of a Lamar county water coordinating and fire prevention authority in all or in portions of Lamar county as a public corporation to provide any one or more of the following local public services: Obtain, treat, and furnish water for residential, commercial or industrial purposes and for any other local service permitted by such general or local law; authorize such authority to fix and collect rates, fees and charges for such services, and to provide penalties for nonpayment and liens upon the property within such public water authority; grant or vest the privilege of eminent domain to such public water authority for the purpose of taking property for public use in accordance with Article XII, Section 235, of the Constitution of Alabama of 1901; authorize the borrowing of money and the issuance of bonds and other obligations by or on behalf of such public water authority, provided that Lamar county shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Lamar county; extend the service area into one or more other counties; and provide for fire protection facilities or services. Any law enacted at the 1988 special session of the legislature to authorize the creation of such authority in Lamar county and to implement this amendment to the Constitution (whether with or without published notice of intention) shall become effective upon the ratification of this amendment. (Amendment 516)

Title 38A Lamar County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 39 Lauderdale County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§39-2.00. General Authority. (Amendment 590)

The Legislature may, from time to time, by general or local law applicable to Lauderdale County, fix, regulate, and alter the costs and charges of court in the county. This amendment shall be construed together with Section 39-8.00. (Amendment 590)

Chapter 3. County Government, Finance, and Operations

Article 1. County Government

§39-3.00. Form of Government. (Amendment 140)

The legislature shall not pass a special, private, or local law changing the form of government of Lauderdale county or of any city, town, village, district, or other such political subdivision of the county, or abridge the term of any elected officer thereof, by the abolition of his office or otherwise, unless the operation of such law shall be approved by a vote of the duly qualified electors of such county, city, town, village, district, or other political subdivision of the county, at an election held for such purpose, in the manner prescribed by such law. (Amendment 140)

Chapter 4. Economic and Industrial Development

RESERVED

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Compensation

§39-8.00. Certain Public Officials. (Amendment 241)

The legislature may from time to time, by general or local laws applicable to or operative in Lauderdale county, fix, regulate, and alter the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, sheriff, tax assessor, tax collector, and clerk and register of the circuit court of Lauderdale county; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. (Amendment 241)

Article 2. Retirement

§39-8.20. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 690)

No elected or appointed Lauderdale County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program.

Every elected or appointed Lauderdale County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Lauderdale County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include the sheriff and any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 690)

Chapter 9. Public Safety

Article 1. Use of Force

§39-9.00. Defense of Person on Church Premises. (Amendment 953)

(a) This amendment shall apply only in Lauderdale County.

(b) The following definitions are applicable to this amendment:

(1) CHURCH. A bona fide duly constituted religious society or ecclesiastical body of any sect, order, or denomination, or any congregation thereof.

(2) DEADLY PHYSICAL FORCE. Force which, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.

(3) FORCE. Physical action or threat against another, including confinement.

(4) PREMISES. The term includes any building, as defined in this section, and any real property.

(c) A person may use deadly physical force, and is legally presumed to be justified in using deadly physical force in self-defense or the defense of another person, if the person reasonably believes that another person is using or about to use physical force against an employee, volunteer, member of a church, or any other person authorized to be on the premises of the church when the church is open or closed to the public while committing or attempting to commit a crime involving death, serious physical injury, robbery in the first degree, or kidnapping in the first degree.

(d) A person who is justified under subsection (c) in using deadly physical force, who is not engaged in an unlawful activity, and is in any place where he or she has the right to be, has no duty to retreat and has the right to stand his or her ground.

(e) A person who uses force, including deadly physical force, as justified and permitted in this amendment is immune from criminal prosecution and civil action for the use of such force, unless the force was determined to be unlawful or in violation of Section 13A-3-21, Code of Alabama 1975.

(f)(1) Prior to the commencement of a trial in a case in which a defense is claimed under this amendment, the court having jurisdiction over the case, upon motion of the defendant, shall conduct a pretrial hearing to determine whether deadly force, used by the defendant was justified or whether it was unlawful under this amendment. During any pretrial hearing to determine immunity, the defendant must show by a preponderance of the evidence that he or she is immune from criminal prosecution.

(2) If, after a pretrial hearing under subdivision (1), the court concludes that the defendant has proved by a preponderance of the evidence that force, including deadly force, was justified, the court shall enter an order finding the defendant immune from criminal prosecution and dismissing the criminal charges.

(3) If the defendant does not meet his or her burden of proving immunity at the pretrial hearing, he or she may continue to pursue the defense of self-defense or defense of another person at trial. Once the issue of self-defense or defense of another person has been raised by the defendant, the state continues to bear the burden of proving beyond a reasonable doubt all of the elements of the charged conduct.

([g]) A law enforcement agency may use standard procedures for investigating the use of force described in subsection (b), but the agency may not arrest the person for using force unless it determines that there is probable cause that the force used was unlawful. (Amendment 953)

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§39-10.00. Consolidation of Offices; Revenue Commissioner. (Amendment 405)

The legislature may by local act authorize the county commission of Lauderdale county, by resolution of such commission passed not later than April 1, 1984, to combine the offices of tax assessor and tax collector in said county effective September 30, 1984.

If this amendment is passed by a majority of the qualified electors of the state and of said county who vote thereon when it is submitted, then any law theretofore passed which combines the offices of tax assessor and tax collector in said county shall become effective. If this amendment is approved and a majority of the qualified electors of said county who vote thereon vote against its approval, then such act or acts shall have no further force or effect. (Amendment 405)

Article 2. Schools

§39-10.20. Special Property Tax for Educational Purposes. (Amendment 177)

The court of county commissioners, board of revenue or like governing body of Lauderdale county shall have the power to levy and collect a special property tax, in addition to all other taxes, now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one-half of one per cent on the value of the taxable property in the county situated outside the corporate limits of Florence, as such property was assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes, but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes, which pledges shall take priority as provided in such bonds, warrants, or other evidences of indebtedness; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the county residing outside the corporate limits of Florence, and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on the property in the county situated outside the corporate limits of Florence shall be called and held in the same manner as now provided by law for an election on the school district tax authorized in Sections 269.01 through 269.03. The tax on property situated outside the corporate limits of Florence shall be collected in the same manner and under the same requirements and laws as the taxes of the state are collected, and the revenues derived from such tax shall be used for school construction and other educational purposes solely in the territory of the county outside the corporate limits of Florence.

If any proposal to levy a tax hereunder is defeated in any election, subsequent elections may be held at intervals of not less than two years.

This amendment shall be self-executing. (Amendment 177)

§39-10.21. Additional Tax for Educational Purposes. (Amendment 404)

The Lauderdale county school district of Lauderdale county shall, subject to authorization at an election in each local school tax district as hereinafter provided, have power to levy and collect a special district tax, at a rate not exceeding ten mills on each dollar of the assessed valuation of the taxable property in such district for public school purposes therein, which special tax shall be in addition to all taxes now authorized or that may hereafter be authorized by the Constitution of Alabama to be levied in such district; provided, that no tax shall be levied under this amendment unless the rate of such tax, the time it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of the local school tax district in which the tax is proposed to be levied and shall have been authorized by a majority of the qualified electors voting at the election at which the submission is made. Each election held under this amendment shall be called and held, the ballots canvassed, the results declared, and the tax levied and collected in the same manner as is now or may hereafter be provided by law in the case of school district taxes authorized by Sections 269.01 through 269.03, except that no countywide or systemwide tax shall be required to be levied as a condition precedent to either the authorization or levy of a local school district tax under this amendment. The holding of one election shall not preclude a later election in the same district under the authority of this amendment. The proceeds of any special district tax authorized by this amendment shall be expended solely for capital outlay purposes in the public schools in the district in which the tax shall be levied.

The county board of education of Lauderdale county may from time to time, without the necessity of any election, change the boundaries of any local school tax district at any time existing in the county, or consolidate any two or more school districts therein, if the taxes authorized to be levied for public school purposes in all of the territory in such district after such change of boundaries or consolidation is effected shall be at the same aggregate rate and for the same duration of time; provided, that nothing contained herein shall be construed to impair or permit the impairment of the obligation of any contract created with respect to any securities theretofore issued with respect to any school district. The provisions of the preceding sentence shall not be deemed to abridge any existing power conferred on the said county board of education by any existing law, but shall be in addition thereto. (Amendment 404)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Water

§39-11.00. Elk River Watershed. (Amendment (243)

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

Title 39A Lauderdale County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Florence

§39A-2.00. Tax for Educational Purposes. (Amendment 178)

Section 1. The court of county commissioners or other like governing body of Lauderdale county may levy and collect a special tax at a rate not exceeding one-half of one percent on the value of the taxable property within the city of Florence, the proceeds of which shall be used exclusively for public school purposes, but shall not be used for or pledged to the payment of bonds or warrants, by the board of education of the city of Florence or its successor in function, provided the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the city and voted for by a majority of those voting at such election.

Section 2. Elections may be called, held and conducted pursuant to this amendment in accordance with general laws providing for and regulating elections on district school taxes authorized by Sections 269.01 through 269.03, but subsequent elections thereon may be held at intervals of not less than two years. (Amendment 178)

Title 40 Lawrence County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§40-2.00. Compensation of Certain Officials. (Amendment 321)

The legislature may, from time to time, by general or local laws applicable to or operative in Lawrence county, fix, regulate, and alter the costs and charges of court and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, tax assessor, tax collector, and the clerk and register of the circuit court of Lawrence county; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. (Amendment 321)

Chapter 3. County Government, Finance, and Operations

Article 1. Bonds

§40-3.00. Courthouse. (Amendment 30)

Lawrence county may become indebted and may issue bonds therefor in an amount not exceeding $130,000 in addition to that now authorized, for the construction of and equipping of a courthouse in said county. To pay said indebtedness, and interest thereon, Lawrence county may levy and collect an annual tax on all property situated therein at a rate not in excess of 3 mills. The indebtedness, the bonds and the tax authorized hereby shall be in addition to those authorized prior to the adoption of this amendment. But no such additional indebtedness shall be incurred, no such bonds shall be issued and no such tax shall be levied until the estimated cost of the construction and equipping of said courthouse hereby proposed to be built, its time of completion, and the amount of the increased indebtedness, the rate of interest to be paid thereon, and the period over which the bonds to be issued will be refunded, shall have been determined upon and made public by the county governing body of said county; and the proposed increase in indebtedness and the issuance of bonds and the increase in rate of taxation first shall have been authorized by a majority of the qualified electors of said county voting upon such proposal at an election to be called by said county governing body for said purposes to be held not less than sixty (60) nor more than (120) one hundred twenty days after the adoption of this amendment. (Amendment 30)

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§40-4.00. Lawrence County and Municipalities Therein. (Amendment 190)

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

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

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

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

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

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

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

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

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

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

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes, or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of Lawrence county for the purpose of determining the borrowing capacity of such county under section 224 of the Constitution.

This amendment shall be self-executing; but the legislature shall have the power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth. (Amendment 190)

§40-4.01. Promotion of Economic and Industrial Development in Certain Counties. (Amendment 429)

For the promotion of local economic and industrial development, the governing body of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon,

Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa counties and of each municipality situated in said counties, other provisions of law or this Constitution notwithstanding, shall each have, independently or in cooperation with one or more of such governmental entities in such counties, full and continuing power (a) to purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site, or industrial park, projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and (b) to lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county, or of municipality exercising such power, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by any such county or municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and operating of, industrial, transportation, distribution, warehouse or research facilities, and of office and other facilities auxiliary to the foregoing. Nothing herein shall authorize the counties named, or any municipality there, to construct residential or any other buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither the governing bodies of the counties named hereinabove, nor of any municipality situated in said counties to which this amendment is or becomes applicable, shall be subject to the provisions of sections 93 or 94 of the Constitution of Alabama, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the governing body of such counties, or of any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this state.

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

This amendment shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the legislature of Alabama; nor shall this amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said legislature.

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

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

(b) At least fourteen (14) days prior to such public meeting at which such price is approved by such governing body, it has published notice in the newspaper with the largest circulation in the county in which the property is located stating (1) the acreage proposed to be sold, (2) the section or sections or subdivisions of record in which the property is located, (3) the price per acre at which sale is proposed to be made, and (4) the place where a map of the property can be examined by the public; and

(c) The price thus approved is no less than the price advertised as aforesaid; provided, however, that should any real property be acquired for any purpose authorized by this amendment by eminent domain pursuant to other legislative authority as aforesaid, such property

shall not be sold, in any event, for less than the price determined and paid pursuant to the orders of the court in such condemnation proceedings. Provided further, that no municipality shall acquire real property in unincorporated areas without a prior consent thereto as expressed in a resolution by the county governing body. Provided further, that no county or municipality shall acquire real property which is located in another county or municipality without such other county's or municipality's prior consent thereto as expressed in a resolution by its governing body. Nothing in the provisions of this constitutional amendment shall be construed to allow construction of dormitories or other type housing on or off university or college campuses. (Amendment 429)

[Note: Amendment 759 is identical to Amendment 429. except for the addition of Baldwin County. For the text of Amendment 759, see §2-4.01.]

Article 2. Industrial Development

§40-4.20. Industrial Development Board. (Amendment 545)

The Legislature may provide by local law, from time to time, for the consolidation of the power and authority granted to Lawrence County pursuant to Section 40-4.00, or to any public authority or corporation created by Lawrence County pursuant to Section 40-4.00 into the Industrial Development Board of Lawrence County George C. Wallace Airpark Authority, which shall have all of the power and authority and assume all of the obligations of Lawrence County pursuant to Section 40-4.00, or any public authority or corporation created by Lawrence County pursuant to Section 40-4.00. The Legislature may in addition provide by local law for the organization and membership of the board of directors of the public authority or corporation. Any taxes currently levied pursuant to Section 40-4.00 shall remain in full force and effect. Any action currently required to be approved by a vote of electors shall be approved by a vote of the electors of the county. (Amendment 545)

Chapter 5. Education

Article 1. Special School Districts

§40-5.00. Established; Courtland. (Amendment 79)

The board of education of Lawrence county may designate and establish a special school district within the school district in which the municipality of Courtland is located, and it may become indebted and issue bonds in an amount not exceeding one hundred thousand dollars ($100,000) for the construction and equipment of a school building within said district. To pay said indebtedness, and the interest thereon, Lawrence county may levy and collect an annual tax on all property situated within said district, at a rate not in excess of five mills; provided, whenever enough has been collected to retire the bonds and pay the interest thereon the tax will cease and any surplus remaining will revert to the Courtland school district. The indebtedness, the bonds, and the tax herein authorized shall be in addition to those heretofore authorized; but no such additional indebtedness shall be incurred, no such bonds shall be issued, and no such tax shall be levied, until the estimated cost of constructing and equipping said school building hereby proposed to be built, its time of completion, and the amount of the increased indebtedness, the rate of interest to be paid thereon, and the period over which the bonds to be issued will be refunded, shall have been determined upon and made public by the board of education of said county, and the proposed increase in indebtedness and the issuance of bonds and the increase in the rate of taxation shall have been authorized by a majority of the qualified electors of said special school district voting upon such proposal at an election to be called by the county governing body for said purposes, said election to be held not less than sixty (60) nor more than one hundred twenty (120) days after the adoption of this amendment. The election

provided for herein shall be called, held, and conducted as three-mill school tax elections are held pursuant to article 7, chapter 10, Title 52 of the Code of Alabama (1940). (Amendment 79)

§40-5.01. Authorized to be Established. (Amendment 99)

The board of education of Lawrence county may designate one or more school districts within said county (except that no part of the territory embraced within the special school district established under the provisions of Section 40-5.00 shall be included in any such special school district) and may sell the issue bonds in an amount not exceeding one hundred fifty thousand dollars ($150,000) for each such special school district for the construction, improving, adding to, or equipping of a school building, or buildings, within said district. To pay the principal of and interest on said bonds and any redemption premium thereon, Lawrence county may levy and collect an annual tax on all taxable property situated within the special school district with respect to which such bonds may be issued, at a rate not in excess of five mills on each dollar's worth of said property as assessed for state taxation for the preceding tax year; provided, that whenever said tax has produced an amount sufficient to pay the principal of and interest on said bonds the tax shall not be thereafter levied and any surplus remaining therefrom shall be used for general school purposes in said school district. The bonds and tax herein authorized shall be in addition to those heretofore authorized, and no such bonds shall be issued, no such tax shall be levied, until the estimated cost of constructing, improving, adding to, or equipping the school building or buildings to be built in such district, its estimated time of completion, the maximum principal amount of the bonds proposed to be issued, the maximum rate of interest to be paid thereon, and the period over which the bonds to be issued will be retired, shall have been determined and made public by the board of education of said county, and the proposed issuance of bonds and increase in the rate of taxation shall have been authorized by a majority of the qualified electors of such special school district voting upon such proposal at an election to be called by the county governing body for said purpose, said election to be held not less than sixty days after the adoption of this amendment, but at anytime thereafter at the discretion of the said county governing body. The election provided herein shall be called, held, conducted and canvassed, and may be contested, as in the case of three mill school tax elections held pursuant to article 7, chapter 10, Title 52 of the Code of Alabama of 1940. Any bonds issued pursuant to this amendment shall be payable solely out of the proceeds of said tax which may be pledged therefor, but said bonds shall constitute negotiable instruments although payable from a limited source, and said bonds shall be eligible for the investment of trust funds. This amendment shall be self-executing. (Amendment 99)

Chapter 6. Health and Environment

Article 1. Solid Waste

§40-6.00. Prohibition Against Use of Certain Biosolids. (Amendment 830)

In Lawrence County, biosolids derived from treated human sewage sludge may not be applied on land as a fertilizer or soil amendment. (Amendment 830)

§40-6.01. Use of Funds from Operation of Landfills. (Amendment 832)

Notwithstanding any other provision of law to the contrary, the Lawrence County Commission may use a portion of any funds or revenues from the operation and use of any landfill in the county, including, but not limited to, funds in or credited to its reserve account on the effective date of this amendment, for general county purposes, provided the county commission makes a determination that the funds are not needed for the operation and implementation of its solid waste disposal program. (Amendment 832)

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§40-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendments 691 and 731)

No elected or appointed Lawrence County official, including the sheriff, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Lawrence County official, including the sheriff, may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Lawrence County officials holding office at the time of the ratification of this amendment, or any amendment thereto, shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this amendment, the words "elected or appointed Lawrence County official" include, subject only to express limitation, any person elected to represent Lawrence County in any representative body of the state, including the sheriff, and includes any person appointed to serve the remaining term of an elected or appointed Lawrence County official. The words do not include a judge, legislator, district attorney, constable, school board member, or any official elected from a judicial circuit. (Amendments 691 and 731)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§40-10.00. Occupational Tax Prohibited. (Amendment 844)

No privilege or license tax on the gross receipts of any natural person derived from the conduct of a vocation, occupation, calling, or profession may be levied in Lawrence County.

Nothing in this amendment is intended to repeal or affect the current authority granted by local act to Lawrence County to impose business licenses or the current authority granted to municipalities to impose municipal business licenses, including those imposed pursuant to Sections 11-51-90, 11-51-91, 11-51-92, and 11-51-93, Code of Alabama 1975. (Amendment 844)

Article 2. Schools

§40-10.20. Elections in Certain Districts. (Amendment 20)

Town Creek school district No. 59, Landersville school district No. 23, and Moulton school district No. 28, in Lawrence county, Alabama, shall each have the right and power by vote of a majority of the qualified electors of such district at an election held for that purpose to levy and collect for the purpose of acquiring, constructing or repairing of school buildings in such districts or paying for school buildings already built, a tax of not over five mills in any one year, in addition to all other taxes now authorized by law. The election in such district to determine whether or not such tax shall be levied shall be called, held and conducted as now provided by law for calling, holding and conducting of elections to determine whether or not a three-mill district school tax shall be levied and collected. (Amendment 20)

§40-10.21. Additional Elections in Certain Districts. (Amendment 32)

Enon school district, Hendon school district, Oakville school district, Cave Springs school district, Center school district, Piney Grove school district, Shiloh school district and Speake school district in Lawrence county, Alabama, shall each have the right and power by vote of a majority of the qualified electors of such district at an election held for that purpose to levy and collect for the purpose of, acquiring, constructing or repairing of school buildings in such districts or paying for school buildings already built, a tax of not over three mills in any one year, in addition to all other taxes now authorized by law. The election in such district to determine whether or not such tax shall be levied shall be called, held and, conducted as now provided by law for calling, holding and conducting of election to determine whether or not a three mill district school tax shall be levied and collected. (Amendment 32)

§40-10.22. Elections in All Districts. (Amendment 294)

Each school district of Lawrence county shall, subject to authorization at an election in such district as hereinafter provided, have power to levy and collect a special district tax, at a rate not exceeding five mills on each dollar (being equivalent to 50 cents on each $100) of the assessed valuation of the taxable property in such district for public school purposes therein, which special tax shall be in addition to all taxes now authorized or that may hereafter be authorized by the Constitution of Alabama to be levied in such district; provided, that no tax shall be levied under this amendment unless the rate of such tax, the time it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of the district in which the tax is proposed to be levied and shall have been authorized by a majority of the qualified electors voting at the election at which the submission is made. Each election held under this amendment shall be called and held, the ballots canvassed, the results declared, and the tax levied and collected in the same manner as is now or may hereafter be provided by law in the case of school district taxes authorized by Sections 269.01 through 269.03, except that no countywide tax shall be required to be levied as a condition precedent to either the authorization or levy of a district tax under this amendment. The holding of one election shall not preclude a later election in the same district under the authority of this amendment. The proceeds of any special district tax authorized by this amendment shall be expended solely for public school purposes in the district in which the tax shall be levied.

The county board of education of Lawrence county may from time to time, without the necessity of any election, change the boundaries of any school district at any time existing in the county, or consolidate any two or more school districts therein, if the taxes authorized to be levied for public school purposes in all of the territory in such district after such change of boundaries or consolidation is effected shall be at the same aggregate rate and for the same duration of time; provided, that nothing contained herein shall be construed to impair or permit the impairment of the obligation of any contract created with respect to any securities theretofore issued with respect to any such school district. The provisions of the preceding sentence shall not be deemed to abridge any existing power conferred on the said county board of education by any existing law, but shall be in addition thereto. (Amendment 294)

Article 3. Health

§40-10.40. Special Property Tax for General Health Purposes in Several Counties. (Amendment 311)

In addition to all taxes now, or hereafter authorized by the Constitution and laws of Alabama, the counties of Lawrence, Limestone and Morgan, in this state, each, shall have the power to levy and collect a special tax up to 3 mills on each dollar's worth of taxable property in

the county, the proceeds of which shall be used exclusively for general health purposes; provided that such tax and the purpose or purposes thereof, and the times such taxes are proposed to be continued, shall have first been submitted to the vote of the qualified electors of each of such counties, and voted for by the majority of those voting at such elections in all three such counties. The special tax provided herein may be renewed from time to time, in the manner provided herein, for such periods of time as are necessary. If any proposal to levy the taxes is defeated in any election, subsequent elections thereon may be held at any time. The elections provided for herein shall be called, held, conducted, and governed otherwise in the manner provided for an election on the school district tax authorized in Sections 269.01 through 269.03 and by article 7, chapter 10, Title 52 of the Code of Alabama 1940; but the governing bodies of the counties of Lawrence, Limestone and Morgan shall each provide for paying the expense of the election in its county.

The county tax collector of each of such counties shall collect the tax in the same manner and under the same requirements and laws as the taxes of the state are collected, and he shall keep the proceeds of this tax separate and apart from all other funds, and shall keep clear accounts thereof. The tax collector shall distribute the proceeds of this special tax in the manner prescribed by the governing body of the county and the revenue derived from the tax levied hereunder shall be used for general health purposes in the county where levied or in cooperation with the other two counties named above. (Amendment 311)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Police Jurisdiction

§40-11.00. Imposition of Certain Municipal Ordinances or Regulations. (Amendment 875)

A municipality located entirely outside of Lawrence County is prohibited from imposing any municipal ordinance or regulation, including, but not limited to, any tax, zoning, planning, or sanitation regulations, and any inspection service in its police jurisdiction located in Lawrence County. A municipality prohibited from imposing any tax or regulation under this amendment shall not provide any regulatory function or police or fire protection services in its police jurisdiction located in Lawrence County, other than public safety mutual aid. (Amendment 875)

Title 40A Lawrence County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 41 Lee County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§41-2.00. Validation of Prior. (Amendment 529)

All general laws, local laws, population based laws and other laws heretofore enacted by the legislature and which are in effect on January 1, 1990, pertaining to or applicable to Lee county, which in whole or in part regulate costs and charges of courts are hereby in all things ratified, approved, validated and confirmed as of the date of their enactment any provision or provisions of the Constitution of Alabama of 1901 to the contrary notwithstanding. Any actions taken or payments made in accordance with the provisions of said laws are hereby ratified, approved, validated and confirmed. This amendment shall not be construed as prohibiting the legislature from properly enacting a law to amend or repeal said laws. (Amendment 529)

§41-2.01. General Authority. (Amendment 820)

The Legislature, by general or local law, may fix, regulate, and alter the costs and charges of courts in Lee County and provide for their distribution. Any local law authorizing the levy of additional court costs in Lee County enacted prior to the effective date of this amendment is ratified and confirmed. (Amendment 820)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§41-4.00. Lee County and the City of Opelika. (Amendment 642)

For the promotion of local economic and industrial development, the Lee County Commission and the City Council of the City of Opelika, any other provision of law or of this Constitution notwithstanding, shall have, independently or in cooperation with one another, full and continuing power to do any of the following:

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

(2) Lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county or the City of Opelika, as applicable, all or any part of any site or industrial park project to any individual, firm, corporation, or other business entity, public or private, including any industrial development board or other public corporation or authority heretofore or hereafter created by the county or any municipality therein, for the purpose of constructing, developing, equipping, and operating industrial, commercial, research, or service facilities of any kind.

(3) Lend its credit to or grant public funds and things of value in aid of or to any individual, firm, corporation, or other business entity, public or private, for the purpose of promoting the economic and industrial development of Lee County or the City of Opelika.

In carrying out the purposes of this amendment, neither Lee County nor the City of Opelika shall be subject to Sections 93 or 94 of this Constitution. Each public corporation

heretofore created by Lee County or by the City of Opelika, including specifically any industrial development board incorporated under Chapter 54, Article 4, Title 11 of the Code of Alabama 1975, and any industrial development authority incorporated or reincorporated under Chapter 92A, Title 11 of the Code of Alabama 1975, is validated and the powers granted to such board or authority under its respective enabling legislation are validated notwithstanding any other provision of law or of this Constitution. The powers granted in this amendment may be exercised as an alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the county, or to any municipality, or to any agency, board, or authority created pursuant to the laws of this state.

Neither Lee County nor the City of Opelika shall lend its credit to or grant any public funds or thing of value to or in aid of any private entity under the authority of this amendment unless prior thereto: (i) the action proposed to be taken by Lee County or the City of Opelika is approved at a public meeting of the governing body of the county or city, as the case may be, by a resolution containing a determination by such governing body that the expenditure of public funds for such purpose will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities; and (ii) at least seven days prior to the public meeting, a notice is published in the newspaper having the largest circulation in the county or in the city, as the case may be, describing in reasonable detail the action proposed to be taken, a description of the public benefits sought to be achieved by such action, and identifying each individual, firm, corporation, or other business entity to whom or for whose benefit the county or the city proposes to lend its credit or grant public funds or thing of value. For purposes of the foregoing, any sale, lease, or other disposition of property for a price equal to the fair market value thereof shall not constitute the lending of credit or a grant of public funds or thing of value in aid of a private entity. (Amendment 642)

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Compensation

§41-8.00. Certain Public Officials. (Amendment 362)

The legislature may from time to time, by general or local laws applicable to or operative in Lee county, fix, regulate, and alter the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the elected county officials of Lee county; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. Provided, that no law changing the method or basis for compensating such officers shall become effective unless it is approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose. (Amendment 362)

Article 2. Retirement

§41-8.20. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 641)

In Lee County, no person first taking public office after the effective date of this amendment may assume a supernumerary office. Persons holding a public office in the county may participate in the Employees' Retirement System of Alabama in a separately funded unit or separately funded units if the provisions governing the participation for those persons are the same as for other regular employees participating in the Employees' Retirement System of Alabama.

A person who, on the effective date of this amendment, is serving as a supernumerary official in Lee County, or has made an election to become a supernumerary official, or is making contributions to a supernumerary program, or is otherwise entitled to participate in the supernumerary program established by statute may continue to serve or participate in the supernumerary program, which shall include the assumption of a supernumerary office after the effective date of this amendment, according to the terms and conditions of the law which established the supernumerary program, notwithstanding the fact that the person may be reelected after the effective date of this amendment to the public office he or she is holding on the effective date of this amendment or to another office covered by the supernumerary program in which he or she is participating. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. (Amendment 641)

Chapter 9. Public Safety

Article 1. Prohibited Activity and Penalties

§41-9.00. Criminal Penalties. (Amendment 790)

The Lee County Commission, by ordinance or resolution, may provide criminal penalties for violations that occur within the county in addition to those provided for by state law. (Amendment 790)

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools

§41-10.20. Tax for Educational Purposes in Lee County and City of Opelika. (Amendment 147)

The court of county commissioners, board of revenue or like governing body of Lee county shall have the power to levy and collect a special property tax, in addition to all other taxes, now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one-half of one per cent on the value of the taxable property in the county situated outside the corporate limits of Auburn and Opelika, as such property was assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes, but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes, which pledges shall take priority as provided in such bonds, warrants, or other evidences of indebtedness; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the county residing outside the corporate limits of Auburn and Opelika, and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on the property in the county situated outside the corporate limits of Auburn and Opelika shall be called and held in the same manner as now provided by law for an election on the school district tax authorized in Sections 269.01 through 269.03. The tax on property situated outside the corporate limits of Auburn and Opelika shall be collected in the same manner and under the same requirements and laws as the taxes of the state

are collected, and the revenues derived from such tax shall be used solely for school construction and other educational purposes in the territory of the county outside the corporate limits of Auburn and Opelika.

The city of Opelika shall likewise have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one-half of one per cent on the value of the taxable property situated within the corporate limits of the city, as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes, but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes, which pledges shall take priority as provided in such bonds, warrants, or other evidences of indebtedness; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on property situated within the corporate limits of Opelika shall be ordered and held in the same manner as provided by the law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. The additional tax, authorized by this amendment to be levied on property situated within the corporate limits of Opelika, shall be collected in the same manner and under the same requirements and laws as other taxes levied on property by the city of Opelika are collected, and the revenues derived from this tax shall be used solely for school construction and other educational purposes within the limits of the city of Opelika.

If any proposal to levy a tax hereunder is defeated in any election, subsequent elections thereon may be held at any time.

Nothing contained in this amendment shall be construed to authorize the levy and collection of an additional tax on property situated within the corporate limits of the city of Auburn.

This amendment shall be self-executing. (Amendment 147)

§41-10.21. Additional Special School District Tax. (Amendment 309)

In addition to all other taxes now or hereafter authorized, the governing body of Lee county, in the state of Alabama, is authorized to levy, in the school district of the said county that comprises all of the territory of the said county outside of the corporate limits of the cities of Auburn and Opelika, a special district tax at a rate not exceeding 50¢ on each $100 of the valuation of the taxable property in the said district as assessed for state taxation; provided, that no such tax shall be levied hereunder unless the rate of the said tax, the time it is to continue, and the purpose thereof shall have been first submitted to the vote of the qualified electors of the said district and voted for by a majority of those voting in such election; provided, further, that if a majority of the qualified electors of the said district participating in the election on the adoption of this amendment shall vote for the adoption thereof, then the approval of this amendment expressed by the said vote in favor of its adoption shall of itself authorize the levy of the said tax, without an additional election, for a period of thirty consecutive years commencing with the levy for the tax year beginning October 1, 1969. Each election on the levy of the said tax held subsequent to the ratification of this amendment shall be called, held, conducted and canvassed, and notice thereof shall be given, in the manner and within the time provided by the then existing general laws of Alabama pertaining to elections on the levy of district school taxes under Sections 269.01 through 269.03, except that the holding of any such election in the said district or the collection of the said tax therein shall not be dependent upon the levy and collection of any

other tax, including specifically the three-mill special county school tax provided for in Sections 269.01 through 269.03. If the majority of the qualified electors of the said district participating in the election on the adoption of this amendment should not vote in favor of the adoption of this amendment, or if the majority of the qualified electors of the said district voting at any election called by the governing body of Lee county under the provisions of this amendment should not vote in favor of the levy of the said tax proposed at the election so called, the governing body of Lee county may from time to time call other elections hereunder on the levy of the said tax, but not more than one such election shall be held during any period of twelve consecutive months.

Nothing contained in this amendment shall be construed to authorize the levy of an additional tax on any property within the corporate limits of either the city of Auburn or the city of Opelika. (Amendment 309)

Article 3. Law Enforcement

§41-10.40. Juveniles. (Amendment 324)

Lee county shall have power to levy and collect a special county tax not exceeding ten cents on each one hundred dollars worth of taxable property in the county as assessed for state taxation in addition to all other taxes now or hereafter authorized, the proceeds of which shall be used for the purpose of improving the enforcement in Lee county of laws relative to neglected, delinquent and dependent children and enlarging, improving and providing new services to and facilities for handling neglected, delinquent and dependent children, including capital improvements for such purposes, provided the rate of the tax and the time it is to continue and the purpose thereof, shall have been first submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at such election.

If a majority of the qualified electors of Lee county who participate in the election held on the adoption of this amendment vote in favor thereof, the governing body of Lee county must levy and collect the special tax as herein authorized at the maximum rate specified for each of the ... tax years next ensuing.

If a majority of the qualified electors of Lee county voting on this amendment vote against its adoption, the governing body of Lee county may thereafter from time to time call other elections on the question of levying the special tax as herein authorized and must call such an election within three months after receipt by the said county governing body of a petition signed by not less than five percent of the qualified electors of Lee county. After the special tax herein authorized shall have been levied for a period of ... years, the governing body of Lee county shall, on petition signed by not less than five percent of the qualified electors of the county, call an election on the question of discontinuance of the tax. If a majority of the electors voting upon the question shall vote in favor of discontinuance of the tax then the special tax shall be discontinued at the end of the tax year following the election. Such elections shall be called, held, conducted and canvassed in such manner as the governing board of Lee County shall provide.

The county governing body and any city or town of Lee county may from time to time appropriate county or municipal funds, as the case may be, for the same purposes for which the additional taxes hereby authorized may be levied. (Amendment 324)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§41-11.00. Creation of Districts; Collection of Fees. (Amendment 392)

The county commission of Lee county is hereby authorized to establish fire fighting districts within such county and enter into agreements with volunteer fire departments within

such county for fire protection and services. Said districts shall exclude any corporate municipality which does not request through its governing body by resolution to be made a part of and subject to the provisions of this amendment.

The county commission of Lee county shall, at its next meeting after passage and approval of this amendment, appoint a committee consisting of the chief of each volunteer fire department within the county. The purpose of this committee will be to keep the commission informed and advised as to the status and needs of the departments and to assist the commission in the setting of priorities regarding fire protection and services.

The county commission may, in its discretion, authorize the expenditure of public funds in support of any fire district.

The Lee county commission may, upon recommendation of this committee, appoint a county fire marshal whose principle [principal] duty shall be the coordination of all fire protection within the county. This fire marshal shall perform such other tasks related to fire protection as may from time to time be assigned to him by the county commission.

This amendment is not intended nor shall it be construed to limit the authority or scope of the volunteer fire departments within Lee county or their operation within said county. (Amendment 392)

§41-11.01. Fire Protection Purposes. (Amendment 498)

The governing body of Lee county shall be and is hereby authorized to levy and to collect financial charges or assessments upon and with respect to any or all property (which financial charges or assessments, regardless of whether considered to be property taxes, need not be assessed in exact proportion to the value of property subject to such financial charges or assessments) within the boundaries of any one or more fire fighting districts in Lee county established by said governing body pursuant to Section 41-11.00. Any such financial charge or assessment shall, subject to succeeding provisions of this amendment, be so levied and collected at such rate or rates, for such period or periods of time, on such basis (whether ad valorem, or otherwise) and otherwise on such terms and conditions as shall from time to time be specified, provided or limited by the legislature by general, special or local law, and as said governing body may, consistently with then applicable provisions of such general, special or local law, determine; provided however, that no such financial charge or assessment shall be so levied or collected in any such district unless a majority of the qualified electors residing in such district and voting at an election called for such purpose approve the levy and collection of such financial charge or assessment within such district, at such rate (not to exceed the maximum rate then permitted by law) and for such period of time (not to exceed the maximum period of time then permitted by law) as shall be briefly described or summarized on the ballot used in such election. Thereafter no increase in the rate of such financial charge or assessment above the rate or maximum rate (as the case may be) so approved by the electorate of such district, and no extension of the period of time or maximum period of time (as the case may be) for which such financial charge or assessment shall have been authorized to be levied and collected within such district, shall be effective except upon approval by a majority of the qualified electors residing in such district and voting at an election called for such purpose. Any provision of the Constitution to the contrary notwithstanding (including specifically, but without limiting the generality of the foregoing, Section 190, as amended), the legislature may, by general, special or local law, provide for and otherwise regulate elections held under or pursuant to the provisions of this amendment.

The proceeds of any financial charge or assessment levied and collected pursuant to the provisions of this amendment shall be expended solely for payment of expenses of (i) providing fire protection services and facilities within the district in which such financial charge or assessment is so levied and collected (either directly or indirectly, as the legislature may specify), but otherwise in accordance with Section 41-11.00, and (ii) levying and collecting such financial charge or assessment. Any such financial charge or assessment may, any provision of the Constitution to the contrary notwithstanding, be levied upon and with respect to any property within the boundaries of the district in question regardless of whether such property is otherwise exempt from property taxation (on an ad valorem basis or otherwise).

The legislature shall, any provision of the Constitution to the contrary notwithstanding (including specifically, but without limiting the generality of the foregoing, Section 105), have the power, by general, special or local law, to provide for the implementation of the provisions of this amendment and otherwise to enact laws in furtherance of the purposes hereof and Section 41-11.00. Any such law enacted at the session of the legislature at which this amendment is proposed shall be and hereby is ratified, approved, validated and confirmed in all respects notwithstanding that notice of intention to apply therefor was not published as specified in Section 106 of the Constitution, as amended, provided that (1) notice of intention to apply therefor and stating the substance thereof shall have been published one time in a newspaper published in Lee county, and (2) such law by its terms becomes effective only upon the ratification of this amendment. Furthermore, Section 41-11.00 shall be and hereby is ratified, approved, validated and confirmed in all respects.

The provisions of this amendment shall not, except to the extent expressly provided herein, be construed as self-executing, it being understood that no financial charge or assessment shall be levied hereunder and no election with respect thereto shall be held hereunder unless and until the legislature, by general, special or local law, shall have (a) specified the rate or rates (or maximum rate) at which, and the period or periods (or maximum period) for which, any such financial charge or assessment may be levied, as well as the basis for any such financial charge or assessment, and (b) provided for elections to be held under or pursuant to the provisions of this amendment. (Amendment 498)

Article 2. Police Jurisdiction

§41-11.20. Lee County Municipalities. (Amendment (570)

(a) In Lee County, the police jurisdiction and planning and zoning authority of any municipality located partially within Lee County with the exception of the municipality of Notasulga shall not extend beyond the corporate limits of the municipality. This amendment shall affect the authority of a municipality located partially within Lee County only in Lee County.

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

(c) The provisions of this amendment restricting the planning and zoning authority of any municipality affected by the amendment shall expire on June 30, 1997. (Amendment 570)

Title 41A Lee County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Auburn

§41A-2.00. Special Property Tax for Educational Purposes. (Amendment 148)

In addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, the city of Auburn shall have the power to levy and collect a special property tax, at a rate of not exceeding one-half of one per cent in any one year, on the value of the property in the city, as assessed for state taxation during the preceding year, the proceeds of which tax shall be used exclusively for the support and furtherance of education but may be pledged to the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for educational purposes. Any such pledges shall take priority as provided in such bonds, warrants, or other evidences of indebtedness. Before any such tax may be levied, the maximum rate of such tax, the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the city of Auburn and voted for by a majority of such electors voting at such election. The maximum rate, the purpose or purposes and the duration of such special tax provided for herein may be renewed, extended, revoked, or amended from time to time by like vote of the qualified electors of the city of Auburn; provided, however, that no revocation or amendment shall be effective as to any tax pledged to the payment of any bonds, warrants, or other evidences of indebtedness. If any proposal to levy a tax is defeated in any election, subsequent elections thereon may be held at any time. Each election held under the provisions hereof shall be ordered, held, paid for, canvassed and may be contested in the same manner as is or may be provided by the law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. (Amendment 148)

§41A-2.01. Additional Property Tax for Recreational Purposes. (Amendment 242)

The city of Auburn may levy and collect annually an additional tax of one-fifth of one per centum upon the value of the property therein as assessed for state taxation, the proceeds of which shall be applied exclusively for public recreational projects, provided the rate of the tax, the time it is to continue, which shall not exceed twenty-five years, and the purpose thereof shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at such election. The taxes authorized in this article shall be in addition to the taxes heretofore or hereafter authorized by this Constitution and the laws of this state. The council or commission of the city may on its own motion, and shall upon written petition of not less than five per centum of the qualified electors of the city, call and provide for holding elections under this article. (Amendment 242)

Chapter 3. Phenix City

[Note: The City of Phenix City lies in Lee and Russell Counties.]

§41A-3.00. Utilities. (Amendment 824)

In Russell County, the City of Phenix City may not sell or transfer any water and sewer system or any part of a water and sewer system owned or operated by or on behalf of the city unless the sale or transfer is approved by a majority of the qualified electors of the City of Phenix City in Russell County voting at a referendum election on the approval of the sale or transfer. The referendum election shall be held at the next regularly scheduled citywide election held in Phenix City at least 60 days after the city council or other governing body has adopted any ordinance or resolution providing for any sale or transfer covered by this amendment and the terms and conditions thereof. (Amendment 824)

Title 42 Limestone County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§42-2.00. Compensation of Certain Officials. (Amendment 64)

The legislature of Alabama may hereafter from time to time by general or local laws, but subject to the provisions of section 281 of the Constitution of Alabama, fix, regulate and alter the costs, charges of court, fees, commissions, allowances or salaries to be charged or received by the judge of probate, sheriff, tax assessor, tax collector, clerk of the circuit court, and register in chancery of Limestone county, Alabama; may provide the method and basis of compensation of such officers; may fix the terms of office of such officers; and may consolidate any of the offices held by such officers. (Amendment 64)

§42-2.01. County Jail. (Amendment 644)

The Limestone County Commission may, by resolution duly adopted and spread upon its minutes, fix, regulate, and alter the costs and charges of the courts in Limestone County to secure the funds necessary to finance the construction, renovation, and operation of a county jail. (Amendment 644)

Chapter 3. County Government, Finance, and Operations

Article 1. County Government

§42-3.00. Powers of County Commission. (Amendment 482)

The Limestone county commission is hereby authorized with or without charge to provide for the disposal of dead farm animals, and the excavating of human graves. (Amendment 482)

Chapter 4. Economic and Industrial Development

RESERVED

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

Article 1. Disease Control

§42-6.00. Control of Malaria. (Amendment 34)

The governing body of Limestone county must levy and collect for use in the control of malaria, in addition to all other taxes now authorized by law, a tax not in excess of one mill on all property situated within the county, based upon the valuation of such property in said county, as assessed for state taxation, provided such tax is authorized by a majority of the qualified electors of said county voting upon such proposition at an election called and held for the purpose of authorizing such tax. Such an election may be called at any time by the governing body of said county and shall be held and conducted and the results canvassed as now provided by law for holding and conducting and canvassing the returns of an election. The proceeds of the tax hereby authorized shall be used exclusively for the control of malaria and shall be expended through the proper fiscal agencies of the county government under the direction of the governing body of Limestone county and the Limestone county department of public health. (Amendment 34)

Chapter 7. Gaming

Article 1. Bingo

§42-7.00. Operation of Bingo by Nonprofits. (Amendment 692)

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

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

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

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

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

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

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

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

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

Chapter 8. Officials and Employees

Article 1. Retirement

§42-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 645)

No elected or appointed Limestone County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Limestone County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Limestone County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided,

however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 645)

Chapter 9. Public safety

Article 1. Use of Force

§42-9.00. Defense of Person on Church Premises. (Amendment 968)

(a) This amendment shall apply only in Limestone County.

(b) The following definitions are applicable to this amendment:

(1) CHURCH. A bona fide duly constituted religious society or ecclesiastical body of any sect, order, or denomination, or any congregation thereof.

(2) DEADLY PHYSICAL FORCE. Force which, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.

(3) FORCE. Physical action or threat against another, including confinement.

(4) PREMISES. The term includes any building, as defined in this section, and any real property.

(c) A person may use deadly physical force, and is legally presumed to be justified in using deadly physical force in self-defense or the defense of another person, if the person reasonably believes that another person is using or about to use physical force against an employee, volunteer, member of a church, or any other person authorized to be on the premises of the church when the church is open or closed to the public while committing or attempting to commit a crime involving death, serious physical injury, robbery in the first degree, or kidnapping in the first degree.

(d) A person who is justified under subsection (c) in using deadly physical force, who is not engaged in an unlawful activity, and is in any place where he or she has the right to be, has no duty to retreat and has the right to stand his or her ground.

(e) A person who uses force, including deadly physical force, as justified and permitted in this amendment is immune from criminal prosecution and civil action for the use of such force, unless the force was determined to be unlawful or in violation of Section 13A-3-21, Code of Alabama 1975.

(f)(1) Prior to the commencement of a trial in a case in which a defense is claimed under this amendment, the court having jurisdiction over the case, upon motion of the defendant, shall conduct a pretrial hearing to determine whether deadly force, used by the defendant was justified or whether it was unlawful under this amendment. During any pretrial hearing to determine immunity, the defendant must show by a preponderance of the evidence that he or she is immune from criminal prosecution.

(2) If, after a pretrial hearing under subdivision (1), the court concludes that the defendant has proved by a preponderance of the evidence that force, including deadly force, was justified, the court shall enter an order finding the defendant immune from criminal prosecution and dismissing the criminal charges.

(3) If the defendant does not meet his or her burden of proving immunity at the pretrial hearing, he or she may continue to pursue the defense of self-defense or defense of another person at trial. Once the issue of self-defense or defense of another person has been raised by the defendant, the state continues to bear the burden of proving beyond a reasonable doubt all of the elements of the charged conduct.

(f) [(g)] [sic] A law enforcement agency may use standard procedures for investigating the use of force described in subsection (b), but the agency may not arrest the person for using force unless it determines that there is probable cause that the force used was unlawful. (Amendment 968)

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§42-10.00. Occupational Tax Prohibited. (Amendment 843)

No privilege or license tax on the gross receipts of any natural person derived from the conduct of a vocation, occupation, calling, or profession may be levied in Limestone County.

Nothing in this amendment is intended to repeal or affect the current authority granted by local act to Limestone County to impose business licenses or the current authority granted to municipalities to impose municipal business licenses, including those imposed pursuant to Sections 11-51-90, 11-51-91, 11-51-92, and 11-51-93, Code of Alabama 1975. (Amendment 843)

Article 2. Health

§42-10.20. Special Property Tax for General Health Purposes in Several Counties. (Amendment 311)

In addition to all taxes now, or hereafter authorized by the Constitution and laws of Alabama, the counties of Lawrence, Limestone and Morgan, in this state, each, shall have the power to levy and collect a special tax up to 3 mills on each dollar's worth of taxable property in the county, the proceeds of which shall be used exclusively for general health purposes; provided that such tax and the purpose or purposes thereof, and the times such taxes are proposed to be continued, shall have first been submitted to the vote of the qualified electors of each of such counties, and voted for by the majority of those voting at such elections in all three such counties. The special tax provided herein may be renewed from time to time, in the manner provided herein, for such periods of time as are necessary. If any proposal to levy the taxes is defeated in any election, subsequent elections thereon may be held at any time. The elections provided for herein shall be called, held, conducted, and governed otherwise in the manner provided for an election on the school district tax authorized in Sections 269.01 through 269.03 and by article 7, chapter 10, Title 52 of the Code of Alabama 1940; but the governing bodies of the counties of Lawrence, Limestone and Morgan shall each provide for paying the expense of the election in its county.

The county tax collector of each of such counties shall collect the tax in the same manner and under the same requirements and laws as the taxes of the state are collected, and he shall keep the proceeds of this tax separate and apart from all other funds, and shall keep clear accounts thereof. The tax collector shall distribute the proceeds of this special tax in the manner prescribed by the governing body of the county and the revenue derived from the tax levied hereunder shall be used for general health purposes in the county where levied or in cooperation with the other two counties named above. (Amendment 311)

Article 3. Schools

§42-10.40. Sales and Use Tax for Educational Purposes. (Amendment 546)

Section 1. There is hereby levied, in addition to all other taxes of every kind now imposed by law, and shall be collected as herein provided, a privilege or license tax against the person on account of the business activities and in the amount to be determined by the application of rates against gross sales, or gross receipts, as the case may be, as follows:

(a) Upon every person, firm, or corporation, (including the State of Alabama, the University of Alabama, Auburn University and all other institutions of higher learning in the state, whether such institutions be denominational, state, county or municipal institution, and any association or other agency or instrumentality of such institutions) engaged, or continuing within Limestone County in the business of selling at retail any tangible personal property whatsoever, including merchandise and commodities of every kind and character, (not including, however, bonds or other evidences of debts or stocks, nor sale or sales of material and supplies to any person for use in fulfilling a contract for the painting, repair or reconditioning of vessels, barges, ships and other watercraft and commercial fishing vessels of over five (5) tons load displacement as registered with the U.S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources), an amount equal to one percent (1%) of the gross proceeds of sales of the business except where a different amount is expressly provided herein. Provided, however, that any person engaging or continuing in business as a retailer and wholesaler or jobber shall pay the tax required on the gross proceeds of retail sales of such business at the rates specified, when his books are kept so as to show separately the gross proceeds of sales of each business, and when his books are not so kept he shall pay the tax as retailer on the gross sales of the business.

(b) Upon every person, firm or corporation engaged, or continuing within Limestone County, the business of conducting, or operating, places of amusement or entertainment, billiard and pool rooms, bowling alleys, amusement devices, musical devices, theaters, opera houses, moving picture shows, vaudevilles, amusement parks, athletic contests, including wrestling matches, prize fights, boxing and wrestling exhibitions, football and baseball games, (including athletic contests conducted by or under the auspices of any educational institution within Limestone County, or any athletic association thereof or other association whether such institution or association be a denominational, a state, or county, or a municipal institution or association or a state, county, or city school, or other institution, association or school), skating rinks, race tracks, golf courses, or any other place at which any exhibition, display, amusement or entertainment is offered to the public or place or places where an admission fee is charged, including public bathing places, public dance halls of every kind and description with Limestone County, an amount equal to one percent (1%) of the gross receipts of any such business. Provided, however, not withstanding any language to the contrary in the prior portion of this subsection, the tax provisions so specified shall not apply to any athletic event conducted by a public primary or secondary school. The tax amount which would have been collected pursuant to this subsection shall continue to be collected by said public primary or secondary school but shall be retained by the school which collected it and shall be used by said school for school purposes.

(c) Upon every person, firm or corporation engaged or continuing within Limestone County in the business of selling at retail machines used in mining, quarrying, compounding, processing and manufacturing of tangible personal property, an amount equal to one-half percent (1/2 %) of the gross proceeds of the sale of such machines; provided, that the term "machines," as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefore which are made or manufactured for use on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(d) Upon every person, firm or corporation engaged or continuing within Limestone County in the business of selling at retail any automotive vehicle or truck trailer, semi-trailer, house trailer or mobile home set-up materials and supplies including but not limited to steps, blocks, anchoring, cable pipes and any other materials pertaining thereto an amount equal to one-half percent (1/2 %) of the gross proceeds of sale of said automotive vehicle, truck trailer, semi-trailer, house trailer or mobile home set-up materials and supplies, provided, however, where a person subject to the tax provided for in this subsection withdraws from his stock in trade any automotive vehicle or truck trailer, semi-trailer or house trailer for use by him or by his employee or agent in the operation of such business, there shall be paid, in lieu of the tax levied herein, a fee of $0.00 per year or part thereof during which such automotive vehicle, truck trailer, semi-trailer, or house trailer shall remain the property of such person. Each such year or part thereof shall begin with the day or anniversary date, as the case may be, of such withdrawal and shall run for the twelve succeeding months or part thereof during which such automotive vehicle, truck trailer, or house trailer shall remain the property of such person.

Where any used automobile vehicle or truck trailer, semi-trailer or house trailer is taken in trade or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(e) Upon every person, firm or corporation engaged or continuing within Limestone County in the business of selling at retail any machine, machinery or equipment which is used in planting, cultivating and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock or poultry on farms, and the parts of such machines, machinery or equipment, attachments and replacements therefore which are made or manufactured for use on or in the operation of such machine, machinery, or equipment, and which are necessary to and customarily used in the operation of such machine, machinery or equipment, an amount equal to one-half percent (1/2 %) of the gross proceeds of the sale thereof. Provided, however, the one-half percent (1/2 %) rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities.

Where any used machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery or equipment sold, less the credit for the used machine, machinery or equipment taken in trade.

(f) Upon every person, firm or corporation engaged or continuing within Limestone County in the business of selling through coin-operated dispensing machines, food and food products for human consumption, not including beverages other than coffee, milk, milk products and substitutes therefore, there is hereby levied a tax equal to one percent (1%) of the cost of such food, food products and beverages sold through such machines, which cost for the purpose of this subsection shall be the gross proceeds of sales of such business.

Section 2. (a) An excise tax is hereby imposed on the storage, use or other consumption in Limestone County of tangible personal property (not including materials and supplies bought for use in fulfilling a contract for the painting, repairing, or reconditioning of vessels, barges, ships and other watercraft and commercial fishing vessels of over five (5) tons load displacement

as registered with the U.S. Coast Guard and licensed by the State of Alabama Department of Conservation and Natural Resources) purchased at retail on or after the effective date of this amendment for storage, use or other consumption in Limestone County, except as provided in subsections (b), (c), and (d), at the rate of one percent (1%) of the sales price of such property.

(b) An excise tax is hereby imposed on the storage, use or other consumption in Limestone County of any machines used in mining, quarrying, compounding, processing, and manufacturing of tangible personal property purchased at retail on or after the effective date of this amendment at the rate of one half percent (1/2 %) of the sales price of any such machine; provided, that the term "machine" as herein used, shall include machinery which is used for mining, quarrying, compounding, processing, or manufacturing tangible personal property, and the parts of such machines, attachments and replacements therefore, which are made or manufactured for used on or in the operation of such machines and which are necessary to the operation of such machines and are customarily so used.

(c) An excise tax is hereby imposed on the storage, use or other consumption in Limestone County of any automotive vehicle or truck trailer, semi-trailer, house trailer or mobile home set-up materials and supplies including but not limited to steps, blocks, anchoring, cable pipes and any other materials pertaining thereto purchased at retail on or after the effective date of this amendment for storage, use or other consumption in Limestone County at the rate of one half percent (1/2 %) of the sales price of such automotive vehicle, truck trailer, semi-trailer, house trailer or mobile home set-up materials and supplies. Where any used automotive vehicle, truck trailer, semi-trailer or house trailer is taken in trade, or in a series of trades, as a credit or part payment on the sale of a new or used vehicle, the tax levied herein shall be paid on the net difference, that is, the price of the new or used vehicle sold less the credit for the used vehicle taken in trade.

(d) An excise tax is hereby levied and imposed on the storage, use or other consumption in Limestone County of any machine, machinery, or equipment which is used in planting, cultivating, and harvesting farm products, or used in connection with the production of agricultural produce or products, livestock, or poultry on farms, and the parts of such machines, machinery, or equipment, attachments and replacements therefore which are made or manufactured for use on or in the operation of such machine, machinery, or equipment, and which are necessary to and customarily used in the operation of such machine, machinery, or equipment, which is purchased at retail after the effective date of this amendment, for the storage, use or other consumption in Limestone County at the rate of one half percent (1/2 %) of the sales price of such property; regardless of whether the retailer is or is not engaged in the business in this County. Provided, however, the one half percent (1/2 %) rate herein prescribed with respect to parts, attachments, and replacements shall not apply to any automotive vehicle or trailer designed primarily for public highway use, except farm trailers used primarily in the production and harvesting of agricultural commodities. Where any used machine, machinery or equipment which is used in planting, cultivating, and harvesting farm products or used in connection with the production of agricultural produce or products, livestock, and poultry on farms is taken in trade or in a series of trades as a credit or part payment on a sale of a new or used machine, machinery, or equipment, the tax levied herein shall be paid on the net difference, that is, the price of the new or used machine, machinery, or equipment sold, less the credit for the used machine, machinery, or equipment taken in trade.

Section 3. The tax shall be collected by the State Department of Revenue at the same time and in the same manner as state sales and use taxes are collected. On or prior to the date the

tax is due, each person subject to the tax shall file with the department a report in the form prescribed by the department. The report shall set forth, with respect to all sales and business transactions that are required to be used as a measure of the tax levied, a correct statement of the gross proceeds of all the sales and gross receipts of all business transactions. The report shall also include items of information pertinent to the tax as the department may require. Any person subject to the tax levied by this act may defer reporting credit sales until after their collection, and in the event the person defers reporting them, the person shall thereafter include in each monthly report all credit collections made during the preceding month, and shall pay the tax due at the time of filing the report. All reports filed with the department under this section shall be available for inspection by the county commission, or its designee.

Section 4. Each person engaging or continuing in a business subject to the tax levied by this amendment, shall add to the sales price or admission fee and collect from the purchaser or the person paying the admission fee the amount due by the taxpayer because of the sale or admission. It shall be unlawful for any person subject to the tax to fail or refuse to add to the sales price or admission fee and to collect from the purchaser or person paying the admission fee the amount required to be added to the sale or admission price. It shall be unlawful for any person subject to the tax levied to refund or offer to refund all or any part of the amount collected or to absorb or advertise directly or indirectly the absorption or refund of any portion of the tax.

Section 5. The tax shall constitute a debt due Limestone County. The tax, together with any interest and penalties, shall constitute and be secured by a lien upon the property of any person from whom the tax is due or who is required to collect the tax. The department shall collect the tax, enforce this amendment, and have and exercise all rights and remedies that the state or the department has for collection of the state sales and use tax. The department may employ special counsel as is necessary to enforce collection of the tax levied by this amendment and to enforce this amendment. The department shall pay the special counsel any fees it deems necessary and proper from the proceeds of the tax collected by it for Limestone County.

Section 6. All provisions of the state sales and use tax statutes with respect to the payment, assessment, and collection of the state sales and use tax, making of reports, keeping and preserving records, penalties for failure to pay the tax, promulgating rules and regulations with respect to the state sales and use tax, and the administration and enforcement of the state sales and use tax statutes which are not inconsistent with this amendment shall apply to the tax levied herein. The state Commissioner of Revenue and the department shall have and exercise the same powers, duties, and obligations with respect to the tax levied under this amendment that are imposed on the commissioner and department by the state sales and use tax statutes. All provisions of the state sales and use tax statutes that are made applicable by this amendment to the tax levied under this amendment, and to the administration and enforcement of this amendment, are incorporated by reference and made a part of this act as if fully set forth herein.

Section 7. The department shall charge Limestone County for collecting the tax levied under this act in an amount or percentage of total collections as may be agreed upon by the commissioner and the Limestone County Commission. The charge shall not exceed five percent of the total amount of the tax collected in the county. The charge may be deducted each month from the gross revenues from the tax before certification of the amount of the proceeds due Limestone County for that month. The Commissioner of Revenue shall pay into the State Treasury all amounts collected under this act, as the tax is received by the department on or before the first day of each successive month. The commissioner shall certify to the State Comptroller the amount collected and paid into the State Treasury for the benefit of Limestone

County during the month immediately preceding the certification. The State Comptroller shall issue a warrant each month payable to the County Treasurer of Limestone County in an amount equal to the certified amount which shall be paid into the county general fund to be divided between the Athens City Board of Education and the Limestone County Board of Education based on the average daily attendance of the two school systems.

Section 8. Effective date of this tax should be the first day of the second month following approval by the qualified electors of Limestone County. (Amendment 546)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Water

§42-11.00. Elk River Watershed. (Amendment 243)

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

Article 2. Fire Protection

§42-11.20. Creation of Districts; Collection of Fees. (Amendment 371)

The Limestone county governing body is authorized in its discretion to establish fire districts within the geographical boundaries of Limestone county, said districts to exclude any corporate municipality which does not request through resolution of its governing body to be made a part of and subject to the provisions of this amendment. The county governing body, in its discretion, may establish, in lieu of or in addition to said fire districts, a county fire department to furnish county-wide fire protection.

The governing body may name a fire marshal for Limestone county, whose principal duty shall be the coordination of fire protection within the county including all fire departments and fire stations, either in the district or county, and their full-time and part-time employees. Upon the request of the county governing body the fire marshal shall submit a budget for the county fire department and shall perform such other tasks related to fire protection as may, from time to time, be assigned to him by the county governing body.

The governing body is hereby authorized to fix a county fire protection tax, which tax shall become effective upon the approval of a majority of electors within any particular fire district or other area of the county where the tax is to be levied. The tax fixed by the governing body shall be based upon the value of real and personal property assessed by affected property owners, as shown on the records of the tax assessor of Limestone county, Alabama, and shall be assessed and collected as are all ad valorem taxes in the county. The amount collected each year from assessment of this fire protection tax shall be paid into the county general fund and used in furtherance of fire protection within the affected area.

The county governing body is hereby authorized upon approval by resolution adopted by said governing body to adopt, amend and repeal regulations for the safeguarding of life and property from the hazards of fire and explosion in the county, which shall be known as the Limestone County Fire Protection Code. Such regulations shall have the force and effect of law and any violation thereof may, within the discretion of the county governing body, constitute a Class A misdemeanor, as defined in Act No. 607, S. 33 of the 1977 Regular Session (Acts 1977,

p. 812), and upon conviction thereof may be punishable by a fine not exceeding $1,000 or imprisonment in the county jail, not to exceed one year, or both fine and imprisonment. Said code shall be effective in all unincorporated areas of the county and in those incorporated areas which choose to come under the provisions of this act.

The county governing body is hereby authorized to employ or to authorize the employment of a fire marshal, fire inspectors, firemen, secretarial and clerical employees and any other employees which it deems necessary to carry out the provisions of this act and it is further authorized to make such expenditures for salaries, equipment, property (whether real, personal or mixed), or other expenses related to fire protection which it deems necessary to carry out the provisions of this amendment.

The legislature may provide for or amend, from time to time, any laws pertaining to fire districts in Limestone county. (Amendment 371)

Article 3. Police Jurisdiction

§42-11.40. Territories Outside Municipal Corporate Limits; Jurisdiction. (Amendment 499)

In Limestone county, no police jurisdiction of a municipality located wholly or partially within Limestone county shall extend beyond the corporate limits of the municipality. (Amendment 499)

§42-11.41. Territories Outside Municipal Corporate Limits; Planning or Zoning. (Amendment 643)

In Limestone County, no planning or zoning regulation of a municipality located wholly or partially within Limestone County shall extend beyond the corporate limits of the municipality. (Amendment 643)

Title 42A Limestone County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Decatur

[Note: The City of Decatur lies in Limestone and Morgan Counties.]

§42A-2.00. Election of Board of Education. (Amendment 553)

The Legislature may, by local act, provide for the election of the Decatur City Board of Education. (Amendment 553)

§42A-2.01. Additional Tax for Educational Purposes. (Amendment 575)

(a) In addition to all other ad valorem taxes which the Morgan County Commission is authorized by law to levy for the benefit of the public schools in the City of Decatur, Alabama, the Morgan County Commission shall be authorized to levy on an annual basis, commencing with the tax year beginning October 1, 1995, an ad valorem tax on all taxable property located within that portion of the City of Decatur which lies in Morgan County at a rate of 3.6 mills per dollar of assessed value of the taxable property, the proceeds of which shall be distributed to the Decatur City Board of Education.

(b) The authority conferred by this constitutional amendment shall be self-executing in the event this amendment is duly adopted and ratified at the election required by the act by which this amendment is proposed. (Amendment 575)

Chapter 3. Huntsville

[Note: The City of Huntsville is in Limestone, Madison, and Morgan Counties.]

§42A-3.00. Special School Tax. (Amendment 80)

(A) In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of fifty cents on each one hundred dollars worth of taxable property in the school tax district of the city of Huntsville in Madison county to be used solely for public school purposes; provided such tax and the time it is to continue shall have been first submitted to the vote of the qualified electors of the said school tax district in which such tax is to be collected and voted for by a majority of those voting at such election, otherwise said tax shall not be collected. A special separate election is hereby called on the first Tuesday after sixty days following the date this amendment becomes effective in the school tax district of the city of Huntsville in Madison county, at which election the qualified voters in the said school tax district of Madison county may vote as to whether said special school tax herein levied shall be effective; and if the majority of those voting at said election vote in favor of said special school tax such school tax shall immediately be levied and collected annually thereafter on the first day of October by the tax collector of Madison county and paid to the city of Huntsville. The proceeds of the tax are hereby pledged solely to the payment of the principal and interest of the bonds hereinafter provided for. This section shall be self-executing.

(B) After said tax has been voted, and without further authorization the city of Huntsville shall issue and sell interest bearing bonds with principal and interest to be paid from the proceeds of the tax herein levied. The proceeds of the sale of the bonds shall be used for the sole purpose of constructing and improving school buildings and acquiring sites therefor; provided, the net proceeds of the bonds shall be paid immediately to the board of education of the city of Huntsville. The principal amount of the bonds shall in no event exceed the sum of five hundred seventy-five thousand dollars ($575,000). All bonds issued hereunder shall be payable in annual installments, the first of which shall be payable not more than two years after the date of the bonds, and the last within the period of usefulness of the improvements for which the bonds are issued. Such bonds shall be callable at any time upon the payment of the principal amount thereof plus a premium equal to one year's interest thereon. The bonds shall not be a general obligation of the city of Huntsville or of Madison county and shall not be charged to the constitutional debt limit of the city of Huntsville or Madison county.

(C) If sufficient revenue has been produced by the tax levied in paragraph (A) of this amendment to pay the principal amount of the bonds issued hereunder with interest thereon prior to the expiration of the period for which the tax was levied, the tax shall immediately cease and shall no longer be collected or enforced, and the bonds shall be redeemed forthwith.

(D) Except as herein otherwise provided the election hereinabove provided for shall be called, held and conducted as provided by law for calling, holding and conducting of district school tax elections. The governing body of the city of Huntsville shall appoint and designate the officers, managers, clerks and returning officers and shall call, canvass, tabulate, and declare the result of the election provided for in the city of Huntsville. The election shall otherwise be conducted, held, canvassed, tabulated and the results declared as general elections are conducted, held, canvassed, tabulated and the results declared in Alabama. (Amendment 80)

§42A-3.01. Additional Special School Tax. (Amendments 218 and 407)

(a) In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of fifty cents on each one hundred dollars worth of taxable property in the school tax district of the city of Huntsville in Madison county to be used solely for public school purposes; provided the levy of

said tax shall first have been approved by the qualified electors of the school district as hereinafter provided.

(b) The proceeds of said tax shall be used exclusively for public school purposes of any nature whatsoever in the school tax district of the city of Huntsville, Alabama.

(c) The provisions of this Amendment to the Constitution of 1901, amending Amendment No. 218, allowing the proceeds from the tax levied herein to be used for school purposes of whatsoever nature within the district shall become effective upon the adoption of this Constitutional Amendment; provided, however, that the provisions of this amendment shall not become operative in the city of Huntsville unless approved by a majority of the qualified electors of the school tax district of the said city who vote thereon at a referendum election held for such purpose upon the call of the authorized official therein. Such election may be called no more frequently than every two years; provided further, that if this amendment is approved by a majority of the qualified electors of the school tax district of the city of Huntsville who vote thereon upon its submission, such election shall constitute a referendum held for such purpose and no further election need be called. Subsequent elections shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the school district tax authorized in Sections 269.01 through 269.03. (Amendments 218 and 407)

§42A-3.02. Levy of Additional Special School Tax. (Amendment 305)

Section 1. In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of fifty cents on each one hundred dollars' worth of taxable property in the school tax district of the city of Huntsville in Madison county to be used solely for public school purposes; provided the levy of said tax shall first have been approved by the qualified electors of the school district as hereinafter provided.

Section 2. In the event this amendment is approved and a majority of the qualified electors of the school tax district of the city of Huntsville who vote thereon vote in favor of the adoption of this amendment when it is submitted, the additional tax provided for in section 1 shall be levied and collected for a period of thirty years without any other election having been held hereon. In the event this amendment is approved and a majority of the qualified electors of the school tax district of the city of Huntsville who vote thereon vote against its approval, the tax shall not be levied unless the rate of the tax, the time it is to continue and the purpose thereof shall have been again submitted to a vote of the qualified electors of the school tax district of the city of Huntsville and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year and shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the school district tax authorized in Sections 269.01 through 269.03. (Amendment 305)

§42A-3.03. Appropriations to Certain Nonprofit Organizations. (Amendment 514)

Notwithstanding the provisions of the Constitution of Alabama of 1901, as amended, the governing body of the city of Huntsville in Madison county is hereby authorized to make a one-time appropriation of money, up to a maximum total appropriation of $2,000,000.00, to one or more bona fide nonprofit organizations, each of which at the time of any such appropriation must have been organized for the purpose of and actively engaged in fostering and coordinating volunteer citizen activity in the field of the literary, visual, and performing arts within the city of Huntsville for a period of more than five years, which said appropriation or appropriations are to be used exclusively for construction of one or more buildings located within said city, to be owned by such organization. The total maximum appropriation herein authorized may, however,

at the discretion of the governing body, be made to only one such organization, provided, however, that any such appropriation may be made only upon proof that an amount equal to $1.00 for each $1.00 appropriated has first been raised from nonpublic funds and placed on deposit with a bank or trust company under an agreement, restricting the use of said funds to expenditures for the construction of one or more buildings to be occupied exclusively by one or more organizations engaged in fostering and coordinating volunteer citizen activity in the field of the literary, visual, and performing arts within the city of Huntsville. The city of Huntsville is further authorized to appropriate up to $100,000.00 annually for the general operations of any such organization, or for maintenance of any building which is occupied by any such organization.

No payment may be made by the city of Huntsville under the authority of this amendment except upon the affirmative vote of the qualified electors of the city of Huntsville, in the election called for the ratification of this amendment, or at a subsequent election called for such purpose as hereinafter provided. Provided, however, that if this amendment is ratified, and a majority of the electors of the city of Huntsville do not vote in favor of such amendment, subsequent elections for the purpose of authorizing the governing body to make such appropriations to qualified organizations may be called by the governing body in the same manner and at the same time as any other general or special municipal election, but not more than one such election shall be held during any period of 12 consecutive months.

The provisions of this constitutional amendment shall be self-executing, but the legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the general purpose and objectives herein set forth. (Amendment 514)

Chapter 4. Lester

§42A-4.00. Economic Development. (Amendment 244)

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

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

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

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

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

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

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

subdivision 8 of this amendment) be issued upon the full faith and credit of the town of Lester, or may be limited as to the source of their payment.

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

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

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of the municipality for the purpose of determining the borrowing capacity of the county under section 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in section 216 of the Constitution and all amendments thereto.

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

10. The town of Lester shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the municipality. The governing body of the municipality may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks in a newspaper having general circulation in Limestone county.

This amendment shall be self-executing; but the legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth. (Amendment 244)

Chapter 5. Madison

[Note: The City of Madison lies in Limestone and Madison Counties.]

§42A-5.00. Tax for Educational Purposes. (Amendment 805)

In consideration of the fact that the City of Madison includes property located in both Madison County and Limestone County and that immediately prior to the adoption of this amendment, the number of mills of county-levied ad valorem tax for school or educational

purposes in the portion of the city lying in Limestone County was 10.5 mills less than the number of mills of county-levied ad valorem tax for school or educational purposes levied in the portion of the city situated in Madison County, the City of Madison, in addition to the power to levy and collect ad valorem tax each year at the rate authorized immediately prior to the adoption of this amendment, shall have the further power to levy and collect each year, on property located in the part of the city that is situated in Limestone County, such additional ad valorem tax for public school purposes as is necessary to equalize the total rate of all ad valorem tax for public school purposes levied each year on property located in the part of the city that is in Limestone County with the total rate of all ad valorem tax for public school purposes levied on property located in the part of the city that is in Madison County. All additional ad valorem taxation levied under this amendment shall be based on the value of the property as fixed for state taxation. No additional tax shall be levied under this amendment unless a majority of the qualified electors of the City of Madison voting in the election on the adoption on this amendment shall vote for such adoption; provided that if the majority of the qualified electors of the City of Madison voting in said election should not vote in favor of such adoption, or if the majority of the qualified electors of the City of Madison at any election subsequently called under this amendment should not vote in favor of the levy of the additional tax, the governing body of the City of Madison may call other elections on the question of the levy of said tax without further act of the Legislature, but not more than one such election shall be held during any period of twelve consecutive months.

Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as may be provided by law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. (Amendment 805)

Title 43 Lowndes County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Judges

§43-2.00. Judge of Probate Compensation. (Amendment 483)

Effective the beginning of the next term of office after ratification of this amendment, the judge of probate of Lowndes county shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Lowndes county such salary as provided by general law, unless provided otherwise by local law. Such salary shall be the entire compensation received by such judge for his services in any official or ex officio capacity. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges previously paid to the judge of probate of Lowndes county.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Lowndes county shall continue to be collected but shall be paid into the general fund of Lowndes county.

The county commission of Lowndes county shall provide the judge of probate with such office personnel, equipment and supplies as such county commission may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county commission and shall be paid in equal monthly installments out of the general fund of Lowndes county. (Amendment 483)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

RESERVED

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§43-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 673)

No person elected or appointed sheriff, or any elected or appointed Lowndes County official, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and elected or appointed Lowndes County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Lowndes County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official

has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 673)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Chapter 11. Zoning, Planning, and Utilities

RESERVED

Title 43A Lowndes County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. White Hall

§43A-2.00. Operation of Bingo by Nonprofits. (Amendment 674)

(a) The operation of bingo games for prizes or money by nonprofit organizations for charitable, educational, or other lawful purposes shall be legal in The Town of White Hall that is located in Lowndes County, subject to any resolution or ordinance by the town council. The town council shall have the authority to promulgate rules and regulations for the licensing and operation of bingo games, within its respective jurisdictions provided, however, the town council shall insure compliance pursuant to any ordinance and the following provisions:

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

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

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

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

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

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

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

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

(8) Any person who violates the regulations provided under the provisions of this amendment shall be guilty of a Class C misdemeanor upon the first conviction under this amendment and any subsequent violation shall be a Class A misdemeanor. (Amendment 674)

§43A-2.01. Supplementary Provisions Relating to Bingo. (Amendment 732)

(a) The operation of bingo games, including media bingo, for prizes or money by nonprofit organizations, which shall include the Town of White Hall or any agency thereof, for charitable, educational, or other lawful purposes shall be legal in the Town of White Hall that is located in Lowndes County, subject to any resolution or ordinance by the town council. The town council shall have the authority to promulgate rules and regulations for the licensing and operation of bingo games within its jurisdiction provided, however, the town council shall insure compliance pursuant to any ordinance and the following provisions:

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

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

(3) Bingo games shall be operated only on the premises owned or leased by the nonprofit organization operating the bingo game. If the premises are leased, the rate of rental shall not be based on a percentage of receipts or profits resulting from the operation of bingo games unless such percentage is established by promulgated rules and regulations authorized by the town council.

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

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

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

(7) No tax shall be levied on any game permitted by this amendment, nor shall any person or organization, by whatever name or composition thereof, take any expense for the operation of a bingo game except as permitted by law.

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

(c) The provisions of this amendment are complimentary and supplemental to any amendment heretofore ratified authorizing the operation of bingo games in the Town of White Hall located in Lowndes County.

(d) Any person who violates the regulations provided under the provisions of this amendment shall be guilty of a Class C misdemeanor upon the first conviction under this amendment and any subsequent violation shall be a Class A misdemeanor. (Amendment 732)

Title 44 Macon County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§44-2.00. County Jail. (Amendments 530 and 847)

(a) In addition to any court costs and fees now or hereafter authorized to be collected, the county commission of Macon County is authorized to assess a fee not to exceed $30.00 upon the privilege of filing any initial complaint in all civil and criminal cases filed in any court, in the county, as well as a fee not to exceed $5.00 for the service of all pleadings and other documents in connection with any such action. All such fees shall be paid into the general fund and shall be applied exclusively for payment of the cost of the planning, construction, and equipping of a new county jail, or for the payment of the principal of and interest on any bonds, warrants, or other obligations issued by or on behalf of the county to finance the costs of a new jail, as well as the expenses of issuance of any such bonds, warrants, or other obligations. When the costs of planning, constructing, and equipping a new county jail shall be fully paid or when all such bonds, warrants, or other obligations have been retired, whichever last occurs, the additional fee authorized by this amendment to be collected shall no longer be collected. Provided, however, no additional fee provided herein shall be collected until 30 days after the county commission has signed a contract or contracts for the construction of a new jail and construction has actually begun.

(b) Any court costs and fees collected pursuant to this amendment that were deposited into the Macon County Road and Bridge Fund prior to the financing of the new county jail and were not pledged for the county jail, may be used by the Macon County Commission for roads and bridges. (Amendments 530 and 847)

§44-2.01. General Authority. (Amendment 839)

The Legislature, by general or local law, may fix, regulate, and alter the costs and charges of courts in Macon County and provide for their distribution. Any local law authorizing the levy of additional court costs in Macon County enacted prior to the effective date of this amendment is ratified and confirmed. (Amendment 839)

Chapter 3. County Government, Finance, and Operations

Article 1. Bonds

§44-3.00. Daniel “Chappie” James Aerospace Memorial. (Amendment 437)

Macon county is hereby authorized to incur indebtedness to the extent of not exceeding $3,500,000 in aggregate principal amount, and to issue its bonds in evidence of the indebtedness so incurred, for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial." Such bonds may be issued only after the question of the issuance thereof shall have been submitted to the qualified electors of said county at an election called for that purpose by the governing body of said county and a majority of said qualified electors voting at said election shall have voted in favor of the issuance of said bonds, which election shall be called, held, conducted, and canvassed, and may be contested, in the manner and within the time provided by the then existing laws of Alabama pertaining to elections on the issuance of bonds by counties; provided however, that if a majority of the qualified electors of said county participating in the election on the adoption of this amendment shall vote for the adoption thereof, then the approval

of this amendment expressed by the voters of said county in favor of its adoption shall of itself authorize the issuance of the bonds, and in that event no additional election by the electors of said county shall be required to authorize the issuance of said bonds. In the event the majority of the qualified electors of said county participating in the election on the adoption of this amendment should not vote in favor of the adoption thereof, or in the event the majority vote at any election held in said county pursuant to the provisions of this amendment after its adoption is not in favor of the issuance of the bonds proposed at said election, the governing body of said county may from time to time call other elections hereunder on the issuance of said bonds, but not more than one such election shall be held during any period of twelve consecutive months. The power to become indebted and to issue bonds in evidence of such indebtedness shall be in addition to all other powers which the said county may have under the Constitution and laws of Alabama, and any bonds issued pursuant to this amendment shall not be chargeable against the amount of indebtedness which said county may incur under the Constitution and laws of Alabama in effect prior to the adoption of this amendment. All bonds issued under this amendment shall be general obligations of the county secured by an irrevocable pledge of its full faith and credit, may (any provisions of the Constitution and laws of this state to the contrary notwithstanding) be additionally secured by a special and irrevocable pledge of a sufficient amount of the proceeds from the special 1/4 of 1% ad valorem tax authorized by Section 215 of the Constitution of Alabama, as amended, to be levied and collected by the county, shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the sale of said bonds respecting the maturities, sale, execution and redemption of bonds by counties.

The provisions of this amendment shall be self-executing. (Amendment 437)

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§44-4.00. Promotion of Economic and Industrial Development in Certain Counties. (Amendment 429)

For the promotion of local economic and industrial development, the governing body of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa counties and of each municipality situated in said counties, other provisions of law or this Constitution notwithstanding, shall each have, independently or in cooperation with one or more of such governmental entities in such counties, full and continuing power (a) to purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site, or industrial park, projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and (b) to lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county, or of municipality exercising such power, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by any such county or municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and operating of, industrial, transportation, distribution, warehouse or research facilities, and of office and other facilities auxiliary to the foregoing. Nothing herein shall authorize the counties named, or any municipality there, to construct residential or any other buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither the governing bodies of the counties named hereinabove, nor of any municipality situated in said counties to which this amendment is or becomes applicable, shall be subject to the provisions of sections 93 or 94 of the Constitution of Alabama, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the governing body of such counties, or of any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this state.

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

This amendment shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the legislature of Alabama; nor shall this amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said legislature.

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

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

(b) At least fourteen (14) days prior to such public meeting at which such price is approved by such governing body, it has published notice in the newspaper with the largest circulation in the county in which the property is located stating (1) the acreage proposed to be sold, (2) the section or sections or subdivisions of record in which the property is located, (3) the price per acre at which sale is proposed to be made, and (4) the place where a map of the property can be examined by the public; and

(c) The price thus approved is no less than the price advertised as aforesaid; provided, however, that should any real property be acquired for any purpose authorized by this amendment by eminent domain pursuant to other legislative authority as aforesaid, such property shall not be sold, in any event, for less than the price determined and paid pursuant to the orders of the court in such condemnation proceedings. Provided further, that no municipality shall acquire real property in unincorporated areas without a prior consent thereto as expressed in a resolution by the county governing body. Provided further, that no county or municipality shall acquire real property which is located in another county or municipality without such other county's or municipality's prior consent thereto as expressed in a resolution by its governing body. Nothing in the provisions of this constitutional amendment shall be construed to allow construction of dormitories or other type housing on or off university or college campuses. (Amendment 429)

[Note: Amendment 759 is identical to Amendment 429. except for the addition of Baldwin County. For the text of Amendment 759, see §2-4.01.]

Chapter 5. Education

Article 1. Board of Education.

§44-5.00. Election of Membership. (Amendment 801)

Section I. The Macon County Board of Education shall be composed of five members. Four of the members shall be elected by the respective qualified electors of four separate single-member districts, which shall be the same as the districts established for the election of the

members of the Macon County Commission. One of the members shall be elected at large by the qualified electors of the county.

Section II. Members of the board shall be elected to serve six-year terms of office. Members holding office at the time of the ratification of this amendment shall continue in office and exercise the duties thereof until their respective terms expire. Upon the expiration of those terms, members shall be elected for six-year terms by election district and place number as follows:

(1) One of the two memberships expiring in 2012 shall be designated as Place 1. The member elected to serve in Place 1 shall be elected from the same election district as is provided for Place 1 on the Macon County Commission.

(2) One of the two memberships expiring in 2012 shall be designated as Place 5. The member elected to serve in Place 5 shall be elected from the county at large.

(3) The membership expiring in 2008 shall be designated as Place 2. The member elected to serve in Place 2 shall be elected from the same election district as is provided for Place 2 on the Macon County Commission.

(4) One of the two memberships expiring in 2010 shall be designated as Place 3. The member elected to serve in Place 3 shall be elected from the same election district as is provided for Place 3 on the Macon County Commission.

(5) One of the two memberships expiring in 2010 shall be designated as Place 4. The member elected to serve in Place 4 shall be elected from the same election district as is provided for Place 4 on the Macon County Commission.

Section III. The Macon County Commission shall take necessary steps to ensure this amendment complies with the Federal Voting Rights Act of 1965, as amended, before any election is conducted pursuant to this amendment. (Amendment 801)

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

Article 1. Bingo

§44-7.00. Operation of Bingo by Nonprofits. (Amendment 744)

The operation of bingo games for prizes or money by nonprofit organizations for charitable, educational, or other lawful purposes shall be legal in Macon County. The sheriff shall promulgate rules and regulations for the licensing and operation of bingo games within the county. The sheriff shall insure compliance pursuant to any rule or regulation and the following requirements:

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

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

(3) Bingo games may be operated on the premises owned or leased by the nonprofit organization operating the bingo game.

(4) A nonprofit organization may enter into a contract with any individual, firm, association, or corporation to have the individual or entity operate bingo games or concessions on behalf of the nonprofit organization. A nonprofit organization may pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a bingo game.

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

(6) Prizes given by any nonprofit organization for the playing of bingo games shall not exceed the cash amount or gifts of equivalent value set by rule or regulation during any bingo session during any calendar week. (Amendment 744)

Chapter 8. Officials and Employees

Article 1. Compensation

§44-8.00. Certain Public Officials. (Amendment 540)

The legislature may hereafter, from time to time, by general, special or local laws, fix, regulate and alter the fees, commissions, allowances or salaries to be charged or received by the judge of probate and other county officers of Macon County, and may put such officers on a salary basis and provide for the operation of their offices on such basis. (Amendment 540)

Article 2. Retirement

§44-8.20. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 693)

An elected or appointed Macon County official not currently serving as such an official who is elected or appointed after the effective date of this amendment may not assume a supernumerary office. Any person who, on the ratification of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Macon County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Macon County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served as a county official. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, including the county coroner, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 693)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools

§44-10.20. Special Tax for Educational Purposes. (Amendment 420)

The legislature may authorize the levy and collection of a ten mill ad valorem tax in Macon county, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, on real and personal property that is subject to such tax under the laws of this state, for public education purposes.

The tax authorized by this amendment shall not be levied in Macon county until it is approved by a vote of the electorate of said county or unless a majority of the qualified electors of Macon county who vote at the statewide election called for the submission of this amendment shall approve it. (Amendment 420)

Chapter 11. Zoning, Planning, and Utilities

RESERVED

Title 44A Macon County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Tuskegee

§44A-2.00. Bonds; Daniel "Chappie" James Aerospace Memorial. (Amendment 438)

The city of Tuskegee in Macon county is hereby authorized to incur indebtedness to the extent of not exceeding $3,500,000 in aggregate principal amount, and to issue its bonds in evidence of the indebtedness so incurred, for the purpose of obtaining funds in such amount and contributing that amount to Tuskegee Institute to be used for the construction of "The Daniel 'Chappie' James Aerospace Memorial." Such bonds may be issued only after the question of the issuance thereof shall have been submitted to the qualified electors of said municipality at an election called for that purpose by the governing body of said municipality and a majority of said qualified electors voting at said election shall have voted in favor of the issuance of said bonds, which election shall be called, held, conducted, and canvassed, and may be contested, in the manner and within the time provided by the then existing laws of Alabama pertaining to elections on the issuance of bonds by municipalities; provided, however, that if a majority of the qualified electors of said municipality participating in the election on the adoption of this amendment shall vote for the adoption thereof, then the approval of this amendment expressed by the voters of said municipality in favor of its adoption shall of itself authorize the issuance of the bonds, and in that event no additional election by the electors of said municipality shall be required to authorize the issuance of said bonds. In the event the majority of the qualified electors of said municipality participating in the election on the adoption of this amendment should not vote in favor of the adoption thereof, or in the event the majority vote at any election held in said municipality pursuant to the provisions of this amendment after its adoption is not in favor of the issuance of the bonds proposed at said election, the governing body of said municipality may from time to time call other elections hereunder on the issuance of said bonds, but not more than one such election shall be held during any period of twelve consecutive months. The power to become indebted and to issue bonds in evidence of such indebtedness shall be in addition to all other powers which the said municipality may have under the Constitution and laws of Alabama, and any bonds issued pursuant to this amendment shall not be chargeable against the amount of indebtedness which said municipality may incur under the Constitution and laws of Alabama in effect prior to the adoption of this amendment. All bonds issued under this amendment shall be general obligations of the municipality secured by an irrevocable pledge of its full faith and credit, may (any provisions of the Constitution and laws of this state to the contrary notwithstanding) be additionally secured by a special and irrevocable pledge of a sufficient amount of the proceeds from the 1 1/4% ad valorem tax authorized by Section 216.04, to be levied and collected by the municipality, shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the sale of said bonds respecting the maturities, sale, execution and redemption of bonds by municipalities.

The provisions of this amendment shall be self-executing. (Amendment 438)

§44A-2.01. Utilities Board. (Amendments 591 and 807)

Two persons shall be elected to the utilities board of the City of Tuskegee. Commencing with the next term of office, the elections shall be held and conducted by the utilities board. The elected members of the utilities board shall be elected to a term of four years, at the same time as regular municipal elections for Macon County, Alabama. A person eligible to vote in the election shall be a registered voter in Macon County who receives services from the utilities board. "Receives services" means that the person is a resident of a building that receives electricity, sewage, or water services, or any combination thereof, from the utilities board. When a vacancy occurs in either of the two elected positions, the board shall fill the vacancy for the unexpired term of office. The members of the utilities board of the City of Tuskegee shall set the compensation of the directors. (Amendments 591 and 807)

§44A-2.02. Foreign Trade Investment Zone. (Amendment 769)

(a) The governing body of the City of Tuskegee in Macon County, Alabama, by a majority vote thereof at a regularly scheduled meeting of the governing body, may establish an Alabama Foreign Trade Investment Zone within the city as a special tax district for the purpose of importing duty free and quota free articles eligible under the United States General System of Preferences and the Africa Growth and Opportunities Act to enhance economic development and job opportunities within the City of Tuskegee and Macon County. The governing body of the City of Tuskegee shall specify that the value of land and improvements within the tax district shall be assessed for ad valorem tax purposes by the appropriate county tax officials according to a single site valuation system where land and improvements on the land are valued together rather than separately and taxed at a uniform rate. The proceeds of any revenue collected pursuant to this amendment shall be used by the special tax district for infrastructure creation, improvements, or redesign.

(b) The Legislature may provide by local law for the implementation and administration of the special tax district authorized by this amendment and may further provide for the abolition of the tax district upon the adoption of a resolution by a majority vote of the city governing body calling for the tax district to be abolished. (Amendment 769)

Title 45 Madison County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§45-2.00. General Authority. (Amendment 105)

The legislature may from time to time, by general or local laws, fix, alter, and regulate the costs and charges of courts in Madison county, and the method of disbursement thereof. (Amendment 105)

Article 2. Judges

§45-2.20. Judicial Commission. (Amendments 334, 607, and 922)

All vacancies in the office of judge of the circuit court and the office of judge of the district court holding in Madison County shall be filled in the manner and for the time as herein provided.

The Madison County Judicial Commission is created for the purpose of nominating to the Governor persons for appointment to such a vacancy. The commission shall be composed of nine members. The members of the commission shall be two persons who are members of the Alabama State Bar, one judge of the circuit court holding in Madison County, two members appointed by Members of the Alabama House of Representatives who represent Madison County, irrespective of whether such Members of the House of Representatives reside in Madison County, two members appointed by Members of the Alabama Senate who represent Madison County, irrespective of whether such Members of the Senate reside in Madison County, and two members appointed jointly by these Members of the House of Representatives and Members of the Senate.

All members of the commission shall reside in the territorial jurisdiction of the circuit court holding in Madison County.

The two members of the commission who are required to be members of the Alabama State Bar shall be elected by the members of such bar who are regularly licensed and qualified to practice law in this state and who reside in the territorial jurisdiction of the circuit court holding in Madison County. The Executive Committee of the Madison County Bar Association or its successor body in such capacity, is authorized and directed to make rules, not inconsistent with this amendment, for the election of such members of the commission as are required to be members of the Alabama State Bar. The executive committee shall certify in writing to the Judge of Probate of Madison County the names of the persons elected as members of the commission by these members of the bar.

The Members of the Alabama House of Representatives who represent Madison County, irrespective of whether these members reside in Madison County, shall make one initial appointment of a member of the commission immediately upon the adoption of the amendment adding this amendatory language and shall make the other initial appointment upon the first expiration of the term of office of a member previously appointed pursuant to this amendment by the Senators and Representatives in the Alabama Legislature residing in Madison County. These Members of the Alabama House of Representatives representing Madison County shall make all succeeding appointments to these two positions. These appointees shall not be members of the Alabama State Bar.

The Members of the Alabama Senate representing Madison County, irrespective of whether these members reside in Madison County, shall make one initial appointment of a member of the commission immediately upon the adoption of the amendment adding this amendatory language and shall make the other initial appointment upon the expiration of the term of office of the last member previously appointed pursuant to this amendment by the Senators and Representatives of the Alabama Legislature residing in Madison County. These Members of the Alabama Senate representing Madison County shall make all succeeding appointments to these two positions. These appointees shall not be members of the Alabama State Bar. The Members of the House of Representatives and Senate representing Madison County, irrespective of whether these members reside in Madison County, shall jointly make two initial appointments upon the adoption of the amendment adding this amendatory language. These Members of the House of Representatives and the Senate shall jointly make all succeeding appointments to these two positions. These appointees shall not be members of the Alabama State Bar.

These Members of the House of Representatives and Senate, respectively, shall certify in writing to the Judge of Probate of Madison County the names of persons appointed by them to the commission.

The judges of the circuit court holding in Madison County shall elect the member of the commission who is required to be a judge of the circuit court. The judges of the circuit court shall certify in writing to the judge of probate the name of the circuit judge elected by the circuit judges as a member.

The terms of office of all members of the commission shall be six years. A vacancy in the office of a member of the commission shall be filled for the unexpired term in the same manner as the member was originally chosen.

The Judge of Probate of Madison County shall record all such certificates of election and shall safely and permanently keep the original certificates. Forthwith upon his or her receipt and recordation of every certificate, the judge of probate shall send to the Governor a certified copy of every certificate.

No member of the commission shall be eligible for nomination to the Governor for appointment as judge of the circuit court or the district court during the term of office of the commission member.

The members of the commission shall not receive any salary or other compensation for their services as members. No member of the commission other than the member required to be a judge of the circuit court shall hold any public office, and no member of the commission shall hold any official position in any political party.

If a vacancy occurs in the office of judge of the circuit court or the office of judge of the district court holding in Madison County, the commission shall nominate to the Governor three persons having the qualifications for the office. The names of all persons considered for nomination shall be available for review by the public and shall be deemed a public record. A nomination shall be made only by the concurrence of at least five members of the commission, which vote shall be conducted at a public meeting. The member of the commission elected by the judges of the circuit court holding in Madison County shall only vote on matters before the commission in instances when the vote by other commission members has resulted in a tie. The Governor shall appoint to the office in which the vacancy exists one of the three persons so nominated for the office. If the Governor fails to make an appointment from the list within 30 days from the date it is presented to the Governor, the appointment shall be made by the Chief

Justice or the acting Chief Justice of the Supreme Court from the same list. The term of office of a judge appointed to fill a vacancy shall be as otherwise provided in the Constitution of Alabama of 1901. (Amendments 334, 607, and 922)

Chapter 3. County Government, Finance, and Operations

Article 1. Finance

§45-3.00. Bond Issues for Schools. (Amendment 320)

Madison county is hereby authorized to incur indebtedness to the extent of not exceeding $2,000,000 in aggregate principal amount, and to issue its bonds in evidence of the indebtedness so incurred, for the purpose of acquiring, providing, constructing and equipping public school buildings in said county and of acquiring sites therefor. Such bonds may be issued only after the question of the issuance thereof shall have been submitted to the qualified electors of said county and an election called for that purpose by the governing body of said county and a majority of said qualified electors voting at said election shall have voted in favor of the issuance of said bonds, which election shall be called, held, conducted, and canvassed, and may be contested, in the manner and within the time provided by the then existing laws of Alabama pertaining to elections on the issuance of bonds by counties; provided however, that if a majority of the qualified electors of said county participating in the election on the adoption of this amendment shall vote for the adoption thereof, then the approval of this amendment expressed by the voters of said county in favor of its adoption shall of itself authorize the issuance of the bonds, and in that event no additional election by the electors of said county shall be required to authorize the issuance of said bonds. In the event the majority of the qualified electors of said county participating in the election on the adoption of this amendment should not vote in favor of the adoption thereof, or in the event the majority vote at any election held in said county pursuant to the provisions of this amendment after its adoption is not in favor of the issuance of the bonds proposed at said election, the governing body of said county may from time to time call other elections hereunder on the issuance of said bonds, but not more than one such election shall be held during any period of twelve consecutive months. The power to become indebted and to issue bonds in evidence of such indebtedness shall be in addition to all other powers which the said county may have under the constitution and laws of Alabama, and any bonds issued pursuant to this amendment shall not be chargeable against the amount of indebtedness which said county may incur under the constitution and laws of Alabama in effect prior to the adoption of this amendment. All bonds issued under this amendment shall be general obligations of the county secured by an irrevocable pledge of its full faith and credit, may (any provisions of the constitution and laws of this state to the contrary notwithstanding) be additionally secured by a special and irrevocable pledge of a sufficient amount of the proceeds from the special 1/4 of 1% ad valorem tax authorized by section 215 of the Constitution of Alabama, as amended, to be levied and collected by the county, shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the sale of said bonds respecting the maturities, sale, execution and redemption of bonds by counties.

The provisions of this amendment shall be self-executing. (Amendment 320)

Article 2. County Commission

§45-3.20. Excavation of Human Graves. (Amendment 520)

The Madison county commission is hereby authorized with or without charge to provide for the excavating of human graves. (Amendment 520)

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§45-4.00. Madison County and the City of Huntsville. (Amendments 191 and 245)

For the promotion of local industrial, commercial or agricultural development, Madison county and the city of Huntsville shall each have full and continuing power (a) to purchase, construct, lease and otherwise acquire industrial, commercial and agricultural projects, including real and personal property, plants, buildings, factories, works, facilities, machinery and equipment of any kind whatsoever, (b) to lease, sell, exchange or otherwise convey all or any part of any such project to any person, firm or corporation, and (c) after an approving election if required as hereinafter provided, to sell and issue for such purposes interest-bearing general obligation bonds. Neither the county nor the city shall issue any bonds under the authority of this amendment, other than bonds issued to finance the acqusition [acquisition] of industrial sites, unless the question of the issuance of such bonds has first been submitted to the qualified electors of the county or the city, as the case may be, and approved at such election by a majority of the qualified electors voting thereat. Each such election shall be called, held and conducted, and may be contested, in the manner provided by law for county or municipal bond elections, as the case may be. Bonds issued under the authority of this amendment shall not be considered indebtedness of the county or the city, as the case may be, within the meaning of sections 224 and 225 of the Constitution of Alabama, but neither the county nor the city shall at any time issue any bonds under the authority of this amendment if as a result thereof it will have outstanding an aggregate principal amount of bonds issued hereunder in excess of twenty percent of the assessed value of the property in the county or the city, as the case may be. Neither shall the county or the city issue any bonds under the authority of this amendment, except bonds issued to finance the acquisition of industrial sites, unless prior thereto or contemporaneously therewith the county or the city, as the case may be, has entered into a lease or other similar agreement, with respect to the project being financed by such bonds, providing for the payment to the county or the city, as the case may be, of net rentals sufficient to pay the principal of and the interest on such bonds at the respective maturities of such principal and interest, and any bonds issued hereunder shall be secured by a pledge of such rentals and may be secured by a foreclosable mortgage on such project and by a pledge of any other taxes and revenues which the county or the city, as the case may be, is authorized by law to pledge to the payment of its bonded indebtedness. All bonds issued under the authority of this amendment shall be sold at public sale in the manner required by law for the sale of county or municipal bonds, as the case may be, and shall mature and be payable in annual or semi-annual installments in such amounts and at such times as to result in the aggregate amount of principal and interest maturing thereon in each year following the year of their issuance being substantially equal, but shall not be subject to any other provisions of law relating to maturities of county or municipal bonds. In the event that any such action is necessary to prevent or cure a default in payment of the principal of or the interest on any bonds issued under the authority of this amendment, the county or the city, as the case may be, is authorized to levy and collect ad valorem taxes, without limitation as to rate or amount, on the assessed value of all taxable property in the county or the city, as the case may be, but only so long as and only to such extent as necessary to prevent or cure any such default.

In carrying out the purposes of this amendment, neither Madison county nor the city of Huntsville shall be subject to the provisions of section 93 of the Constitution of Alabama, and the taxes which the county and the city are hereinabove authorized to levy and collect are in addition to all other taxes which the county and the city are authorized to levy and collect. This

amendment shall be self-executing, but, notwithstanding any contrary provisions of section 104 of the Constitution of Alabama, the legislature shall have the power, by general, special or local act, to enact laws supplemental hereto or in furtherance of the purposes hereof. (Amendments 191 and 245)

§45-4.01. Promotion of Economic and Industrial Development in Certain Counties. (Amendment 429)

For the promotion of local economic and industrial development, the governing body of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa counties and of each municipality situated in said counties, other provisions of law or this Constitution notwithstanding, shall each have, independently or in cooperation with one or more of such governmental entities in such counties, full and continuing power (a) to purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site, or industrial park, projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and (b) to lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county, or of municipality exercising such power, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by any such county or municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and operating of, industrial, transportation, distribution, warehouse or research facilities, and of office and other facilities auxiliary to the foregoing. Nothing herein shall authorize the counties named, or any municipality there, to construct residential or any other buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither the governing bodies of the counties named hereinabove, nor of any municipality situated in said counties to which this amendment is or becomes applicable, shall be subject to the provisions of sections 93 or 94 of the Constitution of Alabama, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the governing body of such counties, or of any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this state.

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

This amendment shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the legislature of Alabama; nor shall this amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said legislature.

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

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

(b) At least fourteen (14) days prior to such public meeting at which such price is approved by such governing body, it has published notice in the newspaper with the largest circulation in the county in which the property is located stating (1) the acreage proposed to be sold, (2) the section or sections or subdivisions of record in which the property is located, (3) the price per acre at which sale is proposed to be made, and (4) the place where a map of the property can be examined by the public; and

(c) The price thus approved is no less than the price advertised as aforesaid; provided, however, that should any real property be acquired for any purpose authorized by this amendment by eminent domain pursuant to other legislative authority as aforesaid, such property shall not be sold, in any event, for less than the price determined and paid pursuant to the orders of the court in such condemnation proceedings. Provided further, that no municipality shall acquire real property in unincorporated areas without a prior consent thereto as expressed in a resolution by the county governing body. Provided further, that no county or municipality shall acquire real property which is located in another county or municipality without such other county's or municipality's prior consent thereto as expressed in a resolution by its governing body. Nothing in the provisions of this constitutional amendment shall be construed to allow construction of dormitories or other type housing on or off university or college campuses. (Amendment 429)

[Note: Amendment 759 is identical to Amendment 429. except for the addition of Baldwin County. For the text of Amendment 759, see §2-4.01.]

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

Article 1. Bingo

§45-7.00. Operation of Bingo by Nonprofits. (Amendment 387)

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

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

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

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

(d) No nonprofit organization shall enter into any contract with any individual, firm, association or corporation to have said individual or entity operate bingo games or concessions on behalf of the nonprofit organization, nor shall said nonprofit organization pay consulting fees

to any individual or entity for any services performed in relation to the operation or conduct of a bingo game;

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

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

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

Chapter 8. Officials and Employees

Article 1. Compensation

§45-8.00. Certain Public Officials. (Amendment 135)

The legislature may from time to time, by general or local laws, fix, alter, and regulate the fees, commissions, percentages, costs, allowances, and compensation to be charged or received by the judge of probate or any other officer of Madison county, and may place such officer on a salary, and provide that the fees, commissions, percentages, costs, and allowances collected by such officer shall be paid into the county treasury from which his salary shall be paid. (Amendment 135)

Article 2. Employee Personnel Boards

§45-8.20. Participation of Sheriff's Employees. (Amendment 694)

Effective the first day of the sixth month after ratification of this amendment, employees of the Office of the Sheriff of Madison County, except for the chief deputy, shall be under the authority of the Personnel Board of Madison County. The provisions of this amendment shall not affect the liability of the employees of the office of the Sheriff of Madison County. (Amendment 694)

Article 3. Retirement

§45-8.40. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 771)

No elected or appointed Madison County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Madison County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Madison County officials holding office at the time of ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this amendment, the words "elected or appointed Madison County official" include, subject only to express limitation, any person elected to represent Madison County in any representative body of the state and includes any person appointed to serve the remaining term of an elected or appointed Madison County official. The

words do not include a judge, district attorney, constable, school board member, or any official elected from a judicial circuit. (Amendment 771)

Chapter 9. Public safety

Article 1. Animal Control

§45-9.00. Control of Dangerous Dogs. (Amendment 849)

The Madison County Commission, by resolution applicable to those areas of Madison County outside the corporate limits of any municipality, may establish a procedure by which a dog can be declared dangerous, may impose civil penalties on the owner of a dog that inflicts severe personal harm on another person, and may require that dangerous dogs, as defined by the commission, be kept in a fenced enclosure, as defined by the commission, with input from the local humane society. (Amendment 849)

§45-9.01. Procedures for Control of Dangerous Dogs. (Amendment 862)

Section 1. The people of the State of Alabama find and declare that: Certain dogs are an increasingly serious and widespread threat to the safety and welfare of citizens of this state by virtue of their unprovoked attacks on, and associated injury to, individuals; these attacks are in part attributable to the failure of owners to confine and properly train and control these dogs; existing laws inadequately address this problem; and it is therefore appropriate and necessary to impose requirements on the owners of dangerous dogs.

Section 2. The provisions of this constitutional amendment are applicable to those areas of Madison County outside the corporate limits of any municipality.

Section 3. The following words shall have the following meanings:

(1) ANIMAL CONTROL OFFICER. Any person employed by Madison County who performs animal control functions.

(2) ATTACK. Aggressive physical contact initiated by a dog.

(3) BITTEN. Seized with the teeth so that the skin of the person seized has been gripped or has been wounded or pierced.

(4) DANGEROUS DOG. A dog, regardless of its breed, that has bitten, attacked, or caused physical injury to a human being, without provocation, or has repeatedly bitten or caused physical injury to humans, except a dog used by law enforcement officials for legitimate law enforcement purposes, a certified guide dog for the blind, a hearing dog for the deaf, or a service dog for the disabled.

(5) DOG. All members of the canine family including dog hybrids.

(6) IMPOUNDED. Taken into the custody of law enforcement, the county pound, or an animal control authority or provider of animal control services to Madison County.

(7) OWNER. A person, firm, corporation, or organization having a right of property in a dog, or who keeps or harbors a dog, or who has a dog in his or her care or acts as the custodian of a dog, or who permits a dog to remain on or about any premises occupied by him or her.

(8) PHYSICAL INJURY. An injury as defined in Section 13A-1-2(12), Code of Alabama 1975.

(9) PROPER ENCLOSURE OF A DANGEROUS DOG. An enclosure for the confinement of a dog that has been declared dangerous which is suitable to prevent the entry of the general public and:

a. Is capable of being locked with a key or combination lock when the dog is within the structure.

b. Has secure sides and a secure top attached at all sides. All four sides of the fence or pen must be sunk at least two feet into the ground or the fence or pen must be built over a concrete pad to prevent the animal from digging out.

c. Provides adequate ventilation and protection from the elements.

d. Exhibits a sign conspicuously posted upon the pen or the structure containing the following: "Dangerous Dog - No Trespassing."

e. The enclosure shall be constructed to allow the dog to stand normally and without restriction and shall be not less than four times the length of the dog and two times the width of the dog.

(10) SERIOUS PHYSICAL INJURY. An injury as defined in Section 13A-1-2(14), Code of Alabama 1975.

Section 4. (a) An animal control officer or law enforcement officer shall investigate any incident involving any dog reported to be dangerous.

(b) If a dog that is unowned and has been reported to be dangerous bites a person, the dog may be quarantined and destroyed pursuant to Section 3-7A-9(b), Code of Alabama 1975. For the purposes of this subsection, "bites" means the same as "has been exposed" as defined in Section 3-7A-1(5), Code of Alabama 1975.

(c) If there is probable cause to believe that an owned dog is dangerous and has caused serious physical injury to a human being, a law enforcement officer or animal control officer shall impound the dog pending disposition of a petition to declare a dog to be dangerous. Madison County may impound the dog at the county pound as described in Section 3-7A-7, Code of Alabama 1975, or may enter into an agreement with an animal shelter or licensed veterinarian to secure and impound dangerous dogs pursuant to this section. The owner of the dog shall be liable to Madison County for the costs and expenses incurred in impounding, feeding, and providing veterinary care or treatment for the dog.

(d) The district attorney, county attorney, or the designee of either, shall be authorized to file a petition in the district court to declare the dog that caused physical injury to a human being in Madison County to be dangerous. The owner of the dog shall be served with a copy of the petition.

(e) A dog that is the subject of a dangerous dog investigation may not be relocated and ownership shall not be transferred pending the outcome of the investigation and hearing to determine whether to declare the dog to be dangerous.

(f) The court hearing shall be held as soon as practicable. At the hearing, the district attorney, county attorney, or the designee of either, shall present evidence that the dog is dangerous and whether the dog caused serious physical injury to a human being.

(1) If the court determines that the dog is dangerous and has caused serious physical injury or death to a human being, the court shall order the dog to be humanely euthanized by a licensed veterinarian or an authorized animal control official.

(2) If the court determines that the dog is dangerous, but has not caused serious physical injury or death to a human being or other animal, the court shall issue orders authorized by this section.

(g) The pleading and practice in all cases to petition the court to declare a dog to be dangerous under this section shall be in accordance with the Alabama Rules of Civil Procedure unless otherwise specified by this amendment. The court may tax all costs of the proceedings including attorney's fees and expert witness fees to the owner of the dog.

Section 5. (a) A dog may not be declared dangerous in any of the following circumstances:

(1) When an injury or damage was sustained by a person who at the time of the injury or damage was committing a willful trespass or other tort upon premises occupied by the owner or custodian of the dog with the intent to commit a crime or was committing a crime; was teasing, tormenting, abusing, or assaulting the dog; or who can be shown to have repeatedly, in the past, provoked, tormented, abused, or assaulted the dog.

(2) When the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.

(3) When the dog was responding to pain or injury or protecting itself, its kennel, or its offspring.

(4) When a person or domestic animal was disturbing the natural functions of the dog such as sleeping or eating.

(b) Neither growling nor barking, or both, shall alone constitute grounds upon which to find a dog to be dangerous.

Section 6. (a) If a court determines that a dog is dangerous, but does not order that the dog be destroyed because evidence was insufficient to determine that the dog caused serious physical injury, in addition to any other requirements imposed by the court, within 30 days of the issuance of the order declaring the dog to be dangerous, the owner of the dog shall register the dog with the Madison County Animal Control Department. All certificates of registration required to be obtained under this section shall only be issued to persons 18 years of age or older who present evidence of the following:

(1) A current certificate of rabies vaccination.

(2) A current photograph of the dog.

(3) That the dog will be confined to a proper enclosure when the dog is outdoors and unattended.

(4) That the dog has been neutered or spayed, unless medically not needed.

(5) That the dog has been permanently identified by tattooing or injecting an identification microchip using standard veterinary procedures and practices, and the name, address, and phone number of the veterinarian performing the identification procedure.

(6) A policy of insurance, such as homeowner's, or a surety bond in the amount of not less than one hundred thousand dollars ($100,000) covering the medical or veterinary costs, or both, resulting from any future dangerous actions of the dog.

(7) If the owner of the dangerous dog is not the owner of the property where the dog is kept, the owner of the dog must obtain from the property owner written permission for the dangerous dog to be kept there.

(8) A notarized affidavit from the owner of the dangerous dog stating that the dog will be under the control of a person 18 years or older when the dog is not in a proper enclosure or inside a building and that the dog will not be allowed outside the property of its owner except in emergencies or for normal or necessary medical or health-related treatment.

(b) If the owner fails to provide a proper enclosure for the dangerous dog or fails to provide a certification of dangerous dog registration to the court within 30 days of the issuance of the court's declaration that the dog is dangerous, the dog shall be humanely euthanized.

(c) The owner of the dangerous dog shall pay an annual fee to register the dog pursuant to the provisions of this amendment. The amount of the dangerous dog registration fee shall be

established by the Madison County Commission. The payment of the dangerous dog registration fee shall be in addition to any regular dog licensing fee required by Madison County.

(d) An animal control officer or law enforcement officer may make whatever inquiry is deemed necessary to ensure compliance with this amendment and any court order issued pursuant to this amendment.

(e) Prior to a dangerous dog being sold or given away, the owner shall advise the new prospective owner in writing that the dog has been declared to be dangerous by a court and shall provide the Madison County Animal Control Department the name, address, and telephone number of the new owner. The new owner shall comply with all of the requirements of this amendment.

Section 7. The owner of a dog which has been declared to be dangerous by a court may petition the district court to remove the dangerous dog designation 18 months after the judicial declaration was issued. A copy of the petition shall be served upon the district attorney or county attorney. The court may remove the dangerous dog designation and eliminate any requirements of this amendment if the owner of the dog has not violated this amendment and any orders of the court, and if the court is satisfied from the evidence that the dog is no longer dangerous.

Section 8. (a) If a dog that has previously been declared by a court to be dangerous, when unprovoked, shall cause serious physical injury or kill a human being the owner of the dog shall be guilty of a Class C felony.

(b) If a dog that has not been declared by a court to be dangerous, attacks and causes serious physical injury or death to any human being, and the owner of the dog had prior knowledge of the dangerous propensities of the dog, yet demonstrated a reckless disregard of the propensities under the circumstances, the owner of the dog shall be guilty of a Class A misdemeanor.

(c) In addition to any fines imposed by the court, a person guilty of violating subsections (a) and (b) of this section shall pay all expenses, including, but not limited to, shelter, food, veterinary expenses for boarding and veterinary expenses necessitated by impoundment of the dog, medical expenses incurred by a victim from an attack by a dangerous dog, and other expenses required for the destruction of the animal.

(d) An owner of a dog declared to be dangerous by a court who does not contain the dog in a proper enclosure shall be guilty of a Class C misdemeanor.

(e) An owner of a dog declared to be dangerous by a court who has been adjudicated guilty of subsection (d) and subsequently fails to contain a dangerous dog in a proper enclosure shall be guilty of a Class B misdemeanor.

Section 9. Nothing in this amendment shall be construed to repeal other criminal laws. Whenever conduct prescribed by any provision of this amendment is also prescribed by any other provision of law, the provision which carries the more serious penalty shall be applied.

Section 10. (a) Nothing in this amendment shall be construed to restrict or negate the requirements of the rabies control law contained in Sections 3-7A-1 to 3-7A-16, inclusive, Code of Alabama 1975.

(b) Nothing in this amendment is designed to abrogate any civil remedies available under statutory or common law.

Section 11. Any person who knowingly makes a false report to a law enforcement officer or an animal control officer that a dog is dangerous is guilty of a Class C misdemeanor.

Section 12. Madison County, its district attorney and its county attorney and any of its, or their employees or agents, and the individual issuing the dangerous dog certificate or registration

shall be immune from any and all liability for any actions taken or for any failure to act pursuant to this amendment.

Section 13. The Madison County Commission shall establish the date on which these provisions shall become effective. (Amendment 862)

Article 2. Nuisances

§45-9.20. Noise Level Restrictions. (Amendment 934)

(a) This amendment shall apply only to portions of Madison County outside the corporate limits of any municipality.

(b) The purpose of this amendment is to protect and to provide for the health, safety, and welfare of the citizens of Madison County, and to promote commerce, property enjoyment, quality of life, and quality of the environment by authorizing the Madison County Commission to adopt, amend, and enforce ordinances or resolutions to limit noise levels and to regulate public nuisances caused by noise levels in order to minimize the exposure of its citizens to the physiological and psychological dangers of excess noise.

(c) The Madison County Commission may adopt and amend ordinances or resolutions applicable in the unincorporated areas of Madison County to prohibit excessive noise; to regulate, limit, and control noise levels; to control public nuisances caused by excessive noise levels; and to provide criminal penalties for violations. These ordinances and resolutions shall be enforceable in any court of competent jurisdiction within the county. Notwithstanding the foregoing, no ordinance or resolution may be adopted to restrict noise produced in the ordinary course of business by industrial manufacturing, or farming facilities or activities.

(d) The Madison County Commission may provide criminal penalties for violation of the ordinance or resolution adopted pursuant to this amendment not to exceed the penalties for a Class C misdemeanor. (Amendment 934)

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§45-10.00. Delinquent Property Tax Notices. (Amendment 348)

Notwithstanding any provisions of section 104 to the contrary, the legislature of the state of Alabama is authorized to enact local legislation applicable to Madison county to change the method prescribed by law for giving notice to delinquent Madison county taxpayers of their failure to pay taxes assessed against any property which is assessed to them and to further change the notice required to be given them prior to the sale for taxes of said property and to further change the method for issuing decrees for the sale of land and the trials held to determine whether such sales should be ordered and to change the method of giving notice to delinquent property owners to show cause why a decree of sale should not be rendered against them and to further change the method regarding the sale of said property and the report of the amount of taxes collected from said sale, provided that if the vote of the majority of electors in Madison county voting in the constitutional amendment election is unfavorable to the adoption of such amendment, said amendment shall not be adopted. (Amendment 348)

§45-10.01. Occupational Tax Prohibited. (Amendment 841)

(a) No privilege or license tax on the gross receipts of any natural person derived from the conduct of a vocation, occupation, calling, or profession may be levied in Madison County.

(b) Nothing in this amendment is intended to repeal or affect the current authority granted by local act to Madison County to impose business licenses or the current authority granted to municipalities to impose municipal business licenses, including those imposed pursuant to

Sections 11-51-90, 11-51-91, 11-51-92, and 11-51-93, Code of Alabama 1975. (Amendment 841)

Article 2. Schools

§45-10.20. School District 1. (Amendment 149)

In addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, a special tax of five mills on each dollar's worth of taxable property situated in school district no. 1, of Madison county, is hereby authorized, the proceeds of which shall be used exclusively for public school purposes within the said district.

If in the election on this amendment the amendment receives the favorable vote of a majority of the qualified electors of the district who vote hereon, a special tax of five mills shall be collected in the district, as other special school district taxes are collected, for the tax year ending September 30, 1959, and for each succeeding tax year thereafter until the tax is repealed as herein provided.

If in the election on this amendment a majority of the qualified electors of the district who vote hereon vote against the amendment, the special tax hereby authorized may be levied only if the question of levying the tax, and the purpose thereof, shall have been first submitted to the vote of the qualified electors of the district and voted for by a majority of the electors participating in the election. The election shall be called, held, conducted, and governed by the applicable provisions of article 7, chapter 10, Title 52, Code of Alabama (1940), which governs elections on special school district taxes; and the tax hereby authorized shall be levied and collected in the district as other special school district taxes are levied and collected. If the proposal to levy the tax is defeated in any such election, it may not again be submitted to a vote for one year, but after the expiration of one year, and at intervals of at least one year thereafter, such proposal may be resubmitted to the qualified electors of the district.

After the special tax authorized hereby has been levied, the court of county commissioners, board of revenue or like governing body of Madison county, upon receipt of a petition signed by not less than twenty per cent of the qualified electors who reside in the district, must call an election at which the question of the repeal of the tax, upon payment of all obligations then outstanding, if any, shall be submitted to the qualified electors of the district. Should a majority of the qualified electors participating in this election vote for the repeal of the tax, it shall cease immediately upon the payment in full of all outstanding pledges, if any, against it. Should a majority of the electors participating in the election vote against repeal, the question of repeal may not again be submitted to a vote for one year; but after the expiration of one year, and at intervals of at least one year thereafter, upon receipt of a petition signed by not less than twenty per cent of the qualified electors residing within the district, the county governing body may order the question of repeal of the tax resubmitted to the qualified electors of the district.

The elections provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided by article 7, chapter 10, Title 52, Code of Alabama (1940), for an election on the special district school taxes authorized by Sections 269.01 through 269.03. The collection of the tax shall also be governed by the applicable provisions of article 7, chapter 10, Title 52, Code of Alabama (1940), and the proceeds shall be used exclusively for public school purposes within the district.

This amendment shall be self-executing. (Amendment 149)

§45-10.21. Additional Taxes in School District 1. (Amendment 304)

Section 1. In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of fifty cents

on each one hundred dollars' worth of taxable property in school tax district no. 1, Madison county, Alabama, which comprises all of Madison county, Alabama except the city of Huntsville, Alabama to be used solely for public school purposes; provided the levy of said tax shall first have been approved by the qualified electors of the school district as hereinafter provided.

Section 2. In the event this amendment is approved and a majority of the qualified electors of said school tax district no. 1, Madison county, Alabama, who vote thereon vote in favor of the adoption of this amendment when it is submitted, the additional tax provided for in section 1 shall be levied and collected for a period of thirty years without any other election having been held thereon. In the event this amendment is approved and a majority of the qualified electors of school tax district no. 1, Madison county, Alabama, who vote thereon vote against its approval, the tax shall not be levied unless the rate of the tax, the time it is to continue and the purpose thereof shall have been again submitted to a vote of the qualified electors of school tax district one, Madison county, Alabama, and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year and shall be called, held, conducted, paid for and governed otherwise in the manner provided for an election on the school district tax authorized in Sections 269.01 through 269.03. (Amendment 304)

§45-10.22. Repeal of Exemptions from Certain School Taxes. (Amendment 455)

All exemptions authorized by section 40-9-19, Code of Alabama 1975, as amended, against that portion of any local ad valorem taxes levied on any property situated in Madison county that upon collection has the proceeds thereof earmarked for public school purposes are hereby repealed and such exemptions shall no longer be granted against said portion of such local taxes. (Amendment 455)

§45-10.23. Ratification of Certain School District 1 Taxes. (Amendment 608)

Any provision of the Constitution of Alabama of 1901, as amended, to the contrary notwithstanding, all sales and use taxes for public school or education purposes imposed pursuant to Act No. 82-525 in School District One in Madison County which have been approved by a majority vote of the qualified electors of School District One in Madison County prior to January 1, 1996, and the levy and collection thereof from the date of the initial levy thereof, are hereby authorized, ratified, and confirmed regardless of any statutory or constitutional defects, mistakes, errors, or ambiguities, including without limitation, with respect to the authorization, adoption, or levy thereof or the election thereon, any failure to publish any required notice, or any act of or failure to act by the Legislature with respect thereto; provided, however, that the authorization, ratification, and confirmation effected by this amendment shall not be applicable to any sales and use tax which is being challenged in appropriate judicial proceedings in any proper court on the date the act proposing this amendment is adopted. (Amendment 608)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§45-11.00. Fire Protection Purposes. (Amendment 378)

The legislature may, by general or local law, provide for the establishment of fire districts within Madison county to provide fire fighting and prevention services; and may authorize the levy and collection of certain rates, fees, charges or taxes for such services. (Amendment 378)

Article 2. Police Jurisdiction

§45-11.20. Municipal Corporate Limits. (Amendment 531)

In Madison county, no police jurisdiction nor any planning or zoning regulation of a municipality located wholly or partially within Madison county shall extend beyond the corporate limits of the municipality. (Amendment 531)

Title 45A Madison County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Huntsville

[Note: The City of Huntsville is in Limestone, Madison, and Morgan Counties.]

§45A-2.00. Special School Tax. (Amendment 80)

(A) In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of fifty cents on each one hundred dollars worth of taxable property in the school tax district of the city of Huntsville in Madison county to be used solely for public school purposes; provided such tax and the time it is to continue shall have been first submitted to the vote of the qualified electors of the said school tax district in which such tax is to be collected and voted for by a majority of those voting at such election, otherwise said tax shall not be collected. A special separate election is hereby called on the first Tuesday after sixty days following the date this amendment becomes effective in the school tax district of the city of Huntsville in Madison county, at which election the qualified voters in the said school tax district of Madison county may vote as to whether said special school tax herein levied shall be effective; and if the majority of those voting at said election vote in favor of said special school tax such school tax shall immediately be levied and collected annually thereafter on the first day of October by the tax collector of Madison county and paid to the city of Huntsville. The proceeds of the tax are hereby pledged solely to the payment of the principal and interest of the bonds hereinafter provided for. This section shall be self-executing.

(B) After said tax has been voted, and without further authorization the city of Huntsville shall issue and sell interest bearing bonds with principal and interest to be paid from the proceeds of the tax herein levied. The proceeds of the sale of the bonds shall be used for the sole purpose of constructing and improving school buildings and acquiring sites therefor; provided, the net proceeds of the bonds shall be paid immediately to the board of education of the city of Huntsville. The principal amount of the bonds shall in no event exceed the sum of five hundred seventy-five thousand dollars ($575,000). All bonds issued hereunder shall be payable in annual installments, the first of which shall be payable not more than two years after the date of the bonds, and the last within the period of usefulness of the improvements for which the bonds are issued. Such bonds shall be callable at any time upon the payment of the principal amount thereof plus a premium equal to one year's interest thereon. The bonds shall not be a general obligation of the city of Huntsville or of Madison county and shall not be charged to the constitutional debt limit of the city of Huntsville or Madison county.

(C) If sufficient revenue has been produced by the tax levied in paragraph (A) of this amendment to pay the principal amount of the bonds issued hereunder with interest thereon prior to the expiration of the period for which the tax was levied, the tax shall immediately cease and shall no longer be collected or enforced, and the bonds shall be redeemed forthwith.

(D) Except as herein otherwise provided the election hereinabove provided for shall be called, held and conducted as provided by law for calling, holding and conducting of district

school tax elections. The governing body of the city of Huntsville shall appoint and designate the officers, managers, clerks and returning officers and shall call, canvass, tabulate, and declare the result of the election provided for in the city of Huntsville. The election shall otherwise be conducted, held, canvassed, tabulated and the results declared as general elections are conducted, held, canvassed, tabulated and the results declared in Alabama. (Amendment 80)

§45A-2.01. Additional Special School Tax. (Amendments 218 and 407)

(a) In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of fifty cents on each one hundred dollars worth of taxable property in the school tax district of the city of Huntsville in Madison county to be used solely for public school purposes; provided the levy of said tax shall first have been approved by the qualified electors of the school district as hereinafter provided.

(b) The proceeds of said tax shall be used exclusively for public school purposes of any nature whatsoever in the school tax district of the city of Huntsville, Alabama.

(c) The provisions of this Amendment to the Constitution of 1901, amending Amendment No. 218, allowing the proceeds from the tax levied herein to be used for school purposes of whatsoever nature within the district shall become effective upon the adoption of this Constitutional Amendment; provided, however, that the provisions of this amendment shall not become operative in the city of Huntsville unless approved by a majority of the qualified electors of the school tax district of the said city who vote thereon at a referendum election held for such purpose upon the call of the authorized official therein. Such election may be called no more frequently than every two years; provided further, that if this amendment is approved by a majority of the qualified electors of the school tax district of the city of Huntsville who vote thereon upon its submission, such election shall constitute a referendum held for such purpose and no further election need be called. Subsequent elections shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the school district tax authorized in Sections 269.01 through 269.03. (Amendments 218 and 407)

§45A-2.02. Levy of Additional Special School Tax. (Amendment 305)

Section 1. In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of fifty cents on each one hundred dollars' worth of taxable property in the school tax district of the city of Huntsville in Madison county to be used solely for public school purposes; provided the levy of said tax shall first have been approved by the qualified electors of the school district as hereinafter provided.

Section 2. In the event this amendment is approved and a majority of the qualified electors of the school tax district of the city of Huntsville who vote thereon vote in favor of the adoption of this amendment when it is submitted, the additional tax provided for in section 1 shall be levied and collected for a period of thirty years without any other election having been held hereon. In the event this amendment is approved and a majority of the qualified electors of the school tax district of the city of Huntsville who vote thereon vote against its approval, the tax shall not be levied unless the rate of the tax, the time it is to continue and the purpose thereof shall have been again submitted to a vote of the qualified electors of the school tax district of the city of Huntsville and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year and shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the school district tax authorized in Sections 269.01 through 269.03. (Amendment 305)

§45A-2.03. Appropriations to Certain Nonprofit Organizations. (Amendment 514)

Notwithstanding the provisions of the Constitution of Alabama of 1901, as amended, the governing body of the city of Huntsville in Madison county is hereby authorized to make a one-time appropriation of money, up to a maximum total appropriation of $2,000,000.00, to one or more bona fide nonprofit organizations, each of which at the time of any such appropriation must have been organized for the purpose of and actively engaged in fostering and coordinating volunteer citizen activity in the field of the literary, visual, and performing arts within the city of Huntsville for a period of more than five years, which said appropriation or appropriations are to be used exclusively for construction of one or more buildings located within said city, to be owned by such organization. The total maximum appropriation herein authorized may, however, at the discretion of the governing body, be made to only one such organization, provided, however, that any such appropriation may be made only upon proof that an amount equal to $1.00 for each $1.00 appropriated has first been raised from nonpublic funds and placed on deposit with a bank or trust company under an agreement, restricting the use of said funds to expenditures for the construction of one or more buildings to be occupied exclusively by one or more organizations engaged in fostering and coordinating volunteer citizen activity in the field of the literary, visual, and performing arts within the city of Huntsville. The city of Huntsville is further authorized to appropriate up to $100,000.00 annually for the general operations of any such organization, or for maintenance of any building which is occupied by any such organization.

No payment may be made by the city of Huntsville under the authority of this amendment except upon the affirmative vote of the qualified electors of the city of Huntsville, in the election called for the ratification of this amendment, or at a subsequent election called for such purpose as hereinafter provided. Provided, however, that if this amendment is ratified, and a majority of the electors of the city of Huntsville do not vote in favor of such amendment, subsequent elections for the purpose of authorizing the governing body to make such appropriations to qualified organizations may be called by the governing body in the same manner and at the same time as any other general or special municipal election, but not more than one such election shall be held during any period of 12 consecutive months.

The provisions of this constitutional amendment shall be self-executing, but the legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the general purpose and objectives herein set forth. (Amendment 514)

Chapter 3. Madison

[Note: The City of Madison is in Limestone and Madison Counties.]

§45A-3.00. Tax for Educational Purposes. (Amendment 805)

In consideration of the fact that the City of Madison includes property located in both Madison County and Limestone County and that immediately prior to the adoption of this amendment, the number of mills of county-levied ad valorem tax for school or educational purposes in the portion of the city lying in Limestone County was 10.5 mills less than the number of mills of county-levied ad valorem tax for school or educational purposes levied in the portion of the city situated in Madison County, the City of Madison, in addition to the power to levy and collect ad valorem tax each year at the rate authorized immediately prior to the adoption of this amendment, shall have the further power to levy and collect each year, on property located in the part of the city that is situated in Limestone County, such additional ad valorem tax for public school purposes as is necessary to equalize the total rate of all ad valorem tax for

public school purposes levied each year on property located in the part of the city that is in Limestone County with the total rate of all ad valorem tax for public school purposes levied on property located in the part of the city that is in Madison County. All additional ad valorem taxation levied under this amendment shall be based on the value of the property as fixed for state taxation. No additional tax shall be levied under this amendment unless a majority of the qualified electors of the City of Madison voting in the election on the adoption on this amendment shall vote for such adoption; provided that if the majority of the qualified electors of the City of Madison voting in said election should not vote in favor of such adoption, or if the majority of the qualified electors of the City of Madison at any election subsequently called under this amendment should not vote in favor of the levy of the additional tax, the governing body of the City of Madison may call other elections on the question of the levy of said tax without further act of the Legislature, but not more than one such election shall be held during any period of twelve consecutive months.

Each election held under the provisions hereof shall be ordered, held, canvassed and may be contested in the same manner as may be provided by law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. (Amendment 805)

Title 46 Marengo County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§46-2.00. General Authority. (Amendment 834)

The Legislature, by general or local law, may fix, regulate, and alter the costs and charges of courts in Marengo County and provide for their distribution. Any local law authorizing the levy of additional court costs in Marengo county enacted prior to the effective date of this amendment is ratified and confirmed. (Amendment 834)

Article 2. Judges

§46-2.20. Judge of Probate Compensation. (Amendments 609 and 878)

(a) The Judge of Probate of Marengo County shall receive compensation in the form of an annual salary which shall be calculated as provided by Chapter 2A of Title 11, Code of Alabama 1975.

(b) All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the Judge of Probate of Marengo County shall continue to be collected by the judge of probate, but shall be paid into the county general fund.

(c) The County Commission of Marengo County shall provide the judge of probate with office personnel, clerks and deputies, and with quarters, books, stationery, furniture, equipment, and other supplies necessary for the proper and efficient conduct of the office of the judge of probate. Compensation of the personnel shall be fixed by the county commission and shall be paid in equal monthly installments out of the General Fund of Marengo County.

(d) The amendment to this amendment shall become effective beginning with the next term of office following ratification of the amendment. (Amendments 609 and 878)

§46-2.21. Judge of Probate Jurisdiction. (Amendment 969)

The Judge of Probate of Marengo County may exercise equity jurisdiction concurrent with that of the circuit court in cases originally filed in the Probate Court of Marengo County if the judge of probate is a member of the Alabama State Bar. In any case subject to this amendment, the judge of probate shall possess the power and authority of a circuit court judge trying the case and the case shall be treated in all respects in the same manner as a case filed in circuit court. The Alabama Rules of Civil Procedure shall apply in the cases except as otherwise specifically provided by law. This amendment is self-executing, but the Legislature may enact additional laws to implement this amendment if needed. (Amendment 969)

Chapter 3. County Government, Finance, and Operations

Article 1. Finance

§46-3.00. Bond Issues for Courthouse. (Amendment 264)

Marengo county is hereby authorized to incur indebtedness to the extent of not exceeding $400,000 in aggregate principal amount, and to issue its bonds in evidence of the indebtedness so incurred, for the purpose of constructing and equipping a new courthouse in said county. Said bonds may be issued only after the question of the issuance thereof shall have been submitted to the qualified electors of said county at an election called for that purpose by the governing body of said county and a majority of said qualified electors voting at said election shall have voted in favor of the issuance of said bonds, which election shall be called, held, conducted, canvassed and may be contested in the manner provided by the then existing laws of Alabama with respect

to elections on the issuance of bonds by counties; provided however, that if a majority of the qualified electors of said county participating in the election on the adoption of this amendment shall vote for the adoption thereof then the approval of this amendment expressed by the vote in said county in favor of its adoption shall of itself authorize the issuance of the bonds, and in that event no additional election by the electors of said county shall be required to authorize the issuance of said bonds. In the event the majority vote in said county on the adoption of this amendment is against the adoption thereof, or in the event the majority vote at any election held in said county pursuant to the provisions of this amendment after its adoption is not in favor of the issuance of the bonds proposed at such election, the governing body of the said county may from time to time call other elections hereunder on the issuance of said bonds, but not more than one such election shall be held during any period of twelve consecutive months. The power to become indebted and to issue bonds in evidence of such indebtedness shall be in addition to all other powers which the said county may have under the Constitution and laws of Alabama, and any bonds issued pursuant to this amendment shall not be chargeable against the amount of indebtedness which said county may incur under the Constitution and laws of Alabama in effect prior to the adoption of this amendment. All bonds issued under this amendment shall be general obligations of the county secured by an irrevocable pledge of its full faith and credit, shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the sale of said bonds respecting the maturities, sale, execution and redemption of bonds by counties.

If the said bonds are authorized to be issued, either by a majority of the qualified electors of said county participating in the election on the adoption of this amendment voting for the adoption thereof or by a majority of the qualified electors of said county voting in favor of the issuance of said bonds at a separate county bond election on the question of the issuance of said bonds, and if the said bonds or any part thereof are actually issued, the governing body of said county shall thereafter have the power, without any further election, to agree to levy and collect, and to levy and collect, for a period of not exceeding seven years and for the sole purpose of paying the principal and interest on such bonds and creating a reserve therefor, a special additional annual ad valorem tax of not exceeding two mills on each dollar's worth of taxable property in said county, as assessed for state taxation for the preceding tax year. The said county shall not, however, in any event have the power to levy said tax or any part thereof with respect to any tax year beginning after final payment and retirement of said bonds. The term "taxable property" as used in this amendment shall include any property that has heretofore been or may hereafter be exempted from county taxes pursuant to the provisions of sections 3 to 5, inclusive, of Title 51 of the Code of Alabama of 1940, as amended, or other similar statute, and the tax herein provided for, if authorized, levied and collected, shall be levied on and collected with respect to all such property just as if it had not been exempted from county taxes. Any provision of section 71 of Title 51 of the Code of Alabama of 1940 to the contrary notwithstanding, the tax herein provided for may, if authorized to be levied, be levied by the governing body of the county at any time prior to the September 1 next preceding the date on which such tax is to become due and payable.

The provisions of this amendment shall be self-executing. (Amendment 264)

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§46-4.00. Marengo County. (Amendment 308)

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

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

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

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

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

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

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

The recital in any bonds, warrants, notes or other obligations or evidence of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidence of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidence of indebtedness issued hereunder shall not be considered an indebtedness of Marengo county for the purpose of determining the borrowing capacity of the county under section 224 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in section 215 of the Constitution and all amendments thereto.

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

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

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

Marengo county shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose. The governing body of the county may provide for holding such election, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published once a week for three successive weeks before the election.

This amendment shall be self-executing; but the legislature may enact general, special or local laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth. (Amendment 308)

§46-4.01. Promotion of Economic and Industrial Development in Certain Counties. (Amendment 429)

For the promotion of local economic and industrial development, the governing body of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa counties and of each municipality situated in said counties, other provisions of law or this Constitution notwithstanding, shall each have, independently or in cooperation with one or more of such governmental entities in such counties, full and continuing power (a) to purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site, or industrial park, projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and (b) to lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county, or of municipality exercising such power, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by any such county or municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and operating of, industrial, transportation, distribution, warehouse or research facilities, and of office and other facilities auxiliary to the foregoing. Nothing herein shall authorize the counties named, or any municipality there, to construct residential or any other buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither the governing bodies of the counties named hereinabove, nor of any municipality situated in said counties to which this amendment is or becomes applicable, shall be subject to the provisions of sections 93 or 94 of the Constitution of Alabama, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the governing body of such counties, or of any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this state.

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

This amendment shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the legislature of Alabama; nor shall this amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said legislature.

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

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

(b) At least fourteen (14) days prior to such public meeting at which such price is approved by such governing body, it has published notice in the newspaper with the largest circulation in the county in which the property is located stating (1) the acreage proposed to be sold, (2) the section or sections or subdivisions of record in which the property is located, (3) the price per acre at which sale is proposed to be made, and (4) the place where a map of the property can be examined by the public; and

(c) The price thus approved is no less than the price advertised as aforesaid; provided, however, that should any real property be acquired for any purpose authorized by this amendment by eminent domain pursuant to other legislative authority as aforesaid, such property shall not be sold, in any event, for less than the price determined and paid pursuant to the orders of the court in such condemnation proceedings. Provided further, that no municipality shall acquire real property in unincorporated areas without a prior consent thereto as expressed in a resolution by the county governing body. Provided further, that no county or municipality shall acquire real property which is located in another county or municipality without such other county's or municipality's prior consent thereto as expressed in a resolution by its governing body. Nothing in the provisions of this constitutional amendment shall be construed to allow construction of dormitories or other type housing on or off university or college campuses. (Amendment 429)

[Note: Amendment 759 is identical to Amendment 429. except for the addition of Baldwin County. For the text of Amendment 759, see §2-4.01.]

§46-4.02. Marengo County and Municipalities Therein. (Amendment 624)

For the promotion of local economic and industrial development of Marengo County, Marengo County and each municipality having its corporate limits located wholly in the county, other provisions of law or this constitution notwithstanding, shall have, independently or in cooperation with one or more of such governmental entities, without an election, full and continuing power to do all of the following:

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

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

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

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

(5) To become indebted and to issue and sell interest-bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding 50 percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease, or acquisition of any of the property described in subdivision (1) or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may be issued upon the full faith and credit of the county or any such municipality or may be limited as to the source of their payment.

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

The recital in any bonds, warrants, notes, or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized shall be conclusive, and no purchaser or holder thereof need inquire further. The bonds, warrants, notes, or other obligations or evidences or indebtedness issued hereunder shall not be considered an indebtedness of the county or any such municipality for the purpose of determining the borrowing capacity of the county or any such municipality under Section 224 or 225 of the Constitution of Alabama of 1901.

In carrying out the purposes of this amendment, neither the county nor any such municipality shall be subject to the provisions of Section 94 of the Constitution of Alabama of 1901. This amendment shall be self-executing, but notwithstanding any contrary provisions of Section 104 of the Constitution of Alabama of 1901, the Legislature shall have the right and power by general, special, or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth. No such special or local act shall be subject to the provisions of Section 106 of the Constitution of Alabama of 1901.

Any actions authorized in this Amendment to be taken by the county or any such municipality which have been taken subsequent to January 1, 1998, are hereby ratified, approved, and confirmed. (Amendment 624)

§46-4.03. Marengo County, Commission, and Municipalities Therein. (Amendment 646)

For the promotion of local economic and industrial development of Marengo County, Marengo County Commission and each municipality having its corporate limits located wholly in the county, other provisions of law or this constitution notwithstanding, shall have, independently or in cooperation with one or more of such governmental entities, without an election, full and continuing power to do all of the following:

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

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

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

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

(5) To become indebted and to issue and sell interest-bearing bonds, warrants (which may be payable from funds to be realized in future years), notes or other obligations or evidences of indebtedness, to a principal amount not exceeding 50 percent of the assessed value of taxable property therein as determined for state taxation, in order to secure funds for the purchase, construction, lease, or acquisition of any of the property described in subdivision (1) or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may be issued upon the full faith and credit of the municipality or may be limited as to the source of their payment.

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

The recital in any bonds, warrants, notes, or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized shall be conclusive, and no purchaser or holder thereof need inquire further. The bonds, warrants, notes, or other obligations or evidences or indebtedness issued hereunder shall not be considered an indebtedness of the county or any such municipality for the purpose of determining the borrowing capacity of the county or any such municipality under Section 224 or 225 of the Constitution of Alabama of 1901.

In carrying out the purposes of this amendment, neither the county nor any such municipality shall be subject to the provisions of Section 94 of the Constitution of Alabama of 1901. This amendment shall be self-executing, but notwithstanding any contrary provisions of Section 104 of the Constitution of Alabama of 1901, the Legislature shall have the right and power by general, special, or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth. No such special or local act shall be subject to the provisions of Section 106 of the Constitution of Alabama of 1901.

Any actions authorized in this Amendment to be taken by the municipality which have been taken subsequent to January 1, 1998, are hereby ratified, approved, and confirmed. (Amendment 646)

Article 2. Industrial Development

§46-4.20. Waterways and Foreign Trade Zone. (Amendment 468)

Any provision of the Constitution of Alabama or amendments thereto to the contrary notwithstanding, the legislature by general or local law may authorize, provide for and regulate the formation and operation in Marengo county of public corporations authorized to engage in promoting the industrial development of Marengo county and the municipalities therein and particularly the development and commercial use of the inland waterways in such county. Any such law may prescribe the powers and authority of any corporation formed thereunder, which may include, but shall not be limited to the following: the authority to acquire, construct, operate, improve, and finance wharves, stocks, warehouses and other port and related facilities in Marengo county; to apply for permission to operate a foreign trade zone and to establish, operate and maintain such a zone; to exercise the power of eminent domain; to borrow money for any of

its corporate purposes and issue interest-bearing revenue bonds and other securities, but such corporation shall not have authority to create a debt against the state, Marengo county or any municipality or other political subdivision of Marengo county. The act may authorize Marengo county or any municipality or other political subdivision, public corporation, agency or instrumentality of Marengo county to aid and cooperate with the corporation authorized in the act, and with or without consideration to transfer any port facilities or other property to any corporation organized under such act. Such law may exempt any corporation organized pursuant to it from some or all taxation by the state, Marengo county or any municipality in Marengo county; from tort liability; and from the payment of certain fees of public officers. (Amendment 468)

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Compensation

§46-8.00. Certain Public Officials. (Amendment 265)

The legislature may hereafter, from time to time, by general, special or local laws, fix, regulate and alter the fees, commissions, allowances or salaries to be charged or received by the tax assessor or the tax collector of Marengo county, and may put such officers on a salary basis and provide for operation of their offices on such basis. (Amendment 265)

Article 2. Retirement

§46-8.20. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 733)

No person elected or appointed sheriff, or any elected or appointed Marengo County official, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and elected or appointed Marengo County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Marengo County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 733)

Chapter 9. Public Safety

Article 1. Traffic Laws

§46-9.00. Use of Golf Carts. (Amendment 938)

(a) A municipality in Marengo County may designate municipal streets or public roads within the municipality for use by golf carts. Before making that designation, the municipality

shall first determine that golf carts may safely travel on or across the street or road. The municipality making the safety determination shall consider factors including, but not limited to, the speed, volume, and character of motor vehicle traffic using the road or street. Upon a determination that golf carts may be safely operated on the designated street or road, the municipality shall post appropriate signs to indicate that the operation of golf carts is authorized.

(b) A municipality that authorizes the use of golf carts pursuant to subsection (a) shall inspect any golf cart that an owner wishes to use pursuant to subsection (a) to determine if the safety equipment required by subsection (e) is present on the golf cart and shall verify that the operator of the golf cart on a municipal street or public road is covered by a policy of liability insurance held by the owner of the golf cart. If the liability limits for operation of the golf cart shall be the same as for the operation of a motor vehicle. The proper safety equipment is present and the golf cart is covered by liability insurance, the municipality shall issue a permit to the owner upon payment of a permit fee. The municipality may designate the appropriate department of the municipality to inspect and permit golf carts and may adopt rules for permitting golf carts, including providing for a permit fee.

(c) A municipality may not allow a golf cart to operate on a municipal street or public road where the posted speed limit exceeds 25 miles per hour.

(d) A municipality may limit the operation of a golf cart pursuant to this amendment to only between the hours of sunrise and sunset.

(e) The golf cart shall be equipped with headlights, brake lights, turn signals, and a windshield.

(f) No person may operate a golf cart on a public street or road without a driver's license.

(g) A municipality may enact an ordinance regarding golf cart operation and equipment that is more restrictive than the restrictions enumerated in this amendment. Upon enactment, the municipality shall post appropriate signs or otherwise inform residents that the ordinance exists and will be enforced within the jurisdictional limits of the municipality.

(h) All golf carts shall be entitled to full use of a lane, and no motor vehicle shall be driven in such a manner as to deprive any golf cart of the full use of a lane.

(i) The operator of a golf cart may not overtake and pass in the same lane occupied by the vehicle being overtaken.

(j) A golf cart may be operated between lanes of traffic or between adjacent lines or rows of vehicles.

(k) Golf carts may not be operated two or more abreast in a single lane.

(l) The unauthorized operation of a golf cart on a municipal street or public road is a violation for which the municipality may collect a civil penalty of up to fifty dollars ($50).

(m) Notwithstanding any other provision of this amendment, a municipality may enact an ordinance regarding golf cart operation and equipment that is less restrictive than the restrictions enumerated in this amendment authorizing the use of golf carts for periods not to exceed 80 hours by the municipality or a civic organization in conjunction with civic events or events to raise funds, promote economic development, or similar purposes as authorized in the ordinance. (Amendment 938)

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§46-11.00. Fire Protection Purposes. (Amendment 610)

(a) In addition to all other ad valorem taxes levied, the Marengo County Commission may levy on an annual basis, commencing with the tax year beginning October 1, 1997, an ad valorem tax on all taxable property located in Marengo County, excluding the city limits of Demopolis, at a rate of two mills per dollar of assessed value of the taxable property, the proceeds of which shall be paid into the county general fund and distributed for the benefit of fire protection.

(b) Within 90 days of payment into the county general fund, the county commission shall pay the funds to the Marengo County Association of Fire and Rescue Departments, Incorporated. The county association shall divide the funds equally among all the eligible volunteer fire departments and the Alabama Forestry Commission at each quarter meeting of the county association. The county commission and the county association may jointly establish rules regarding the transfer, investing, accounting, and handling of the funds.

(c) Funds paid to eligible volunteer fire departments shall only be expended for fire protection services, including training, supplies, buildings, capital improvements, and equipment. An eligible volunteer fire department shall mean a volunteer fire department located in Marengo County that is certified under the guidelines of the Alabama Forestry Commission and is a member in good standing of the Marengo County Association of Fire and Rescue Departments, Incorporated. The funds may not be expended for salaries, food, drink, social activities, or fund-raising activities. After receiving funds, the volunteer fire departments shall keep accurate records to verify that the funds were properly expended. By September 15th of each year, each department and the Alabama Forestry Commission shall file a form with the county association detailing the expenditures of all funds during the previous 12 months and setting out a schedule of all proposed projects. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. The county association shall supply the accounting forms to each eligible volunteer fire department and the Alabama Forestry Commission.

(d) The Alabama Forestry Commission's share of these funds collected shall be used in Marengo County only. The funds shall be used for buildings and purchase of equipment. The funds shall not be expended for salaries.

(e) Upon dissolution or abandonment of any eligible volunteer fire department, any remaining funds shall, after all indebtedness has been satisfied, be transferred to the county association.

(f) The personnel of volunteer fire departments and the Alabama Forestry Commission shall not be considered as employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of volunteer fire departments and the Alabama Forestry Commission. (Amendment 610)

Title 46A Marengo County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Demopolis

§46A-2.00. Special Property Tax for Educational Purposes. (Amendment 385)

The city of Demopolis shall have power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of five mills on each dollar of taxable property situated therein, for public educational purposes; provided that before such tax may be levied and collected the question of levying the tax, the purpose thereof, and the time such tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of the city and voted for by a majority of those voting at the election. The provisions of this amendment shall become self-executing upon approval by a majority of the qualified electors of the state and the majority of qualified electors of the city of Demopolis voting thereon. The election shall be ordered, held and conducted as provided by law for calling, holding and conducting district school tax elections. (Amendment 385)

Title 47 Marion County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

RESERVED

Chapter 3. County Government, Finance, and Operations

Article 1. Finance

§47-3.00. Bond Issues for Hospital and Health Purposes. (Amendment 75)

The provisions of section 224 of the Constitution of Alabama notwithstanding, the governing body of Marion county, Alabama, is hereby authorized to issue bonds, warrants, or other evidences of indebtedness and to pledge in payment of the principal and interest due upon any such bonds, warrants, or other evidences of indebtedness, only the proceeds derived, or to be derived, from any special county privilege, license or excise taxes heretofore or hereafter levied and collected within Marion county, Alabama, for the sole and exclusive purpose of constructing, equipping, operating, maintaining or improving public hospitals or related hospital or health facilities, including clinics, nursing homes, public health centers and laboratory facilities, or for such other public purposes of any kind and description as in the judgment of the governing body of the county of Marion is meet and proper. The proceeds derived from the sale of such bonds, warrants, or other evidences of indebtedness, may be used by the governing body of Marion county for any or all of the purposes enumerated herein, and no other. The bonds, warrants, or other evidences of indebtedness issued and sold under the provisions of this amendment may be interest bearing bonds, warrants, or other evidences of indebtedness with maturity date fixed at any time within thirty years next succeeding the date of issuance of such securities.

The tax levied and the method of collection provided therefor by Act No. 115 approved June 22, 1949 [Acts 1949, p. 139], levying in Marion county, Alabama, and additional special privilege or license taxes and excise taxes be and the same hereby is in all things validated and confirmed, any provision or provisions of the Constitution of Alabama of 1901 to the contrary notwithstanding. (Amendment 75)

§47-3.01. Bond Issues for Refunding of Securities. (Amendment 246)

Any provision of the Constitution or the laws of the state of Alabama to the contrary notwithstanding, any municipality in Marion county, Alabama, that has heretofore issued, or that may hereafter issue, interest-bearing bonds, warrants, notes or other securities pursuant to Section 47-4.00 (herein called "the 1950 amendment"), shall have full and continuing power and authority to do any one or more of the following:

(1) To refund, or provide for the refunding of, any bonds, warrants, notes or other securities issued by it pursuant to the provisions of the 1950 amendment or pursuant to the provisions hereof (whether before, at or after the maturity of the securities being so refunded and whether or not all or any part of such securities are then subject to redemption) by the sale and issuance of refunding bonds, warrants, notes or other securities in a principal amount not in excess of the principal amount of securities being refunded plus any premium necessary to redeem or retire the securities being refunded and any interest accrued on, or to accrue to the date of payment or redemption of, such securities;

(2) In the event any of the securities being so refunded cannot, by their terms, be redeemed or otherwise retired simultaneously with the issuance of the refunding securities, to

invest, until the earliest date on which such redemption or retirement can be effected, such portion of the principal proceeds from the sale of such refunding securities as may not then be used for redemption or retirement of the refunded securities, in any investments in which municipal sinking funds are authorized to be invested by the provisions of section 265 of Title 37 of the Code of Alabama of 1940, as it exists at the time of the adoption of this amendment;

(3) To issue bonds, warrants, notes or other securities for the combined purpose of so refunding any such securities and of acquiring, constructing, extending or improving any one or more industrial or manufacturing plants or properties within the corporate limits or the police jurisdiction of such municipality, in which case the provisions of the preceding subdivisions (1) and (2) of this amendment shall apply to those of such bonds, warrants, notes or other securities that are being issued for refunding purposes;

(4) To pledge for payment of any securities issued by it pursuant to the provisions hereof not only any taxes and revenues authorized to be pledged for securities authorized to be issued pursuant to the provisions of the 1950 amendment, but also any other taxes or revenues that such municipality is authorized by law to pledge for payment of its general obligation bonds;

(5) To mortgage, as security for payment of any securities issued by it hereunder, (a) any industrial or manufacturing plants and properties acquired, constructed, extended or improved, in whole or in part, out of the proceeds from the sale of any securities being refunded, in whole or in part, by such securities, and (b) any industrial or manufacturing plants and properties to be acquired, constructed, extended or improved, in whole or in part, out of the proceeds from the sale of such securities; and to pledge for payment of any such securities the revenues and receipts to be derived from the leasing or sale of any such plants and properties; and

(6) In connection with the issuance of any securities by it hereunder, to reserve the right to issue additional such securities hereunder, on a parity with the securities then being issued, on such terms and conditions as shall be specified in the proceedings of its governing body or other documents under which such securities are being issued.

Any securities issued by a municipality pursuant to the provisions of this amendment may be issued on the full faith and credit of such municipality or may be limited as to the source of their payment, all as the governing body of such municipality may determine. Any securities so issued, in whole or in part, for refunding purposes hereunder may be in the form of bonds, warrants, notes or other securities, irrespective of whether the securities being refunded thereby consist of bonds, warrants, notes or other securities or any combination thereof, and may be limited as to the source of their payment, as aforesaid, even though the securities being refunded thereby were issued on the full faith and credit of such municipality. Any securities issued by a municipality pursuant to the provisions hereof that are payable, as to both principal and interest, solely out of revenues and receipts to be derived from the leasing or sale of one or more industrial or manufacturing plants or properties owned by it shall not be considered indebtedness of such municipality for the purpose of determining its borrowing capacity under section 225 of the Constitution or under the 1950 amendment. No municipality in Marion county, Alabama, shall issue any securities pursuant to the provisions of the 1950 amendment or of this amendment, other than securities that are payable (as to both principal and interest) solely out of revenues to be derived from the leasing or sale of one or more industrial or manufacturing plants or properties owned by it, unless the principal amount of such securities, when added to the aggregate of the principal amount of any other securities of such municipality then outstanding hereunder or the 1950 amendment, does not exceed fifty percent of the assessed value of the taxable property therein, as determined for state taxation; provided however, that securities for

the payment of the principal of and the interest on which an irrevocable trust fund consisting of cash or securities that are direct general obligations of the United States of America, or both, has been established shall not, for the purposes of this amendment or the 1950 amendment, be considered as outstanding to the extent that the retirement thereof shall be provided by said fund (including the cash therein and all sums due to be paid by the United States of America under the terms of any such United States securities that form a part of said trust fund).

No municipality shall exercise any power and authority hereunder unless the question of whether such municipality shall have the full and continuing power to exercise all the powers and authority referred to herein shall have first been submitted to a vote of the qualified electors of said municipality at an election to be called for that purpose by the governing body of said municipality and the full and continuing exercise of said powers and authority shall have been authorized by a majority of said qualified electors voting at said election. Each election provided for herein shall be called, held, conducted and canvassed, and may be contested, in the manner provided by law for the calling, holding, conducting, canvassing and contesting of municipal bond elections; provided however, that if a majority of the qualified electors in any municipality in Marion county participating in the election on the adoption of this amendment shall vote for the adoption hereof, then the approval of this amendment expressed by the vote in said municipality in favor of its adoption shall of itself authorize the full and continuing exercise by such municipality of all the powers and authorities granted hereunder and in that event no additional election by the electors of said municipality shall be required to authorize the exercise of such powers. (Amendment 246)

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§47-4.00. Marion County Municipalities. (Amendment 84)

Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, any municipality in Marion county, or any one or more of them, shall have full and continuing power and authority, without any election or approval other than the approval of its governing body, to do any one or more of the following:

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

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

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

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

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

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

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

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

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

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of any municipality in Marion county for the purpose of determining the borrowing capacity of such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

This amendment shall be self-executing; but the legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth. (Amendment 84)

Article 2. Development Authorities

§47-4.20. Agriculture and Exhibit Center Authority. (Amendment 695)

(a) There is hereby created and established the Marion County Agriculture and Exhibit Center Authority which shall consist of seven members to be appointed as follows:

(1) One member appointed by the member of the Marion County Commission representing District One.

(2) One member appointed by the member of the Marion County Commission representing District Two.

(3) One member appointed by the member of the Marion County Commission representing District Three.

(4) One member appointed by the member of the Marion County Commission representing District Four.

(5) One member appointed by the member of the Marion County Commission representing District Five.

(6) One member appointed by the state Senator representing Marion County.

(7) One member appointed by the members of the House of Representatives representing Marion County.

(b) The authority shall oversee the construction, management, maintenance, and control of any structure or facility constructed as a center for promoting cattle, horses, and livestock and for agricultural, educational, and civic exhibits. Vacancies on the authority shall be filled in the same manner as the original appointments are made. Members of the authority shall serve without compensation. The authority shall hold at least one annual meeting.

(c) The authority is authorized to do the following:

(1) To locate the exhibition center upon the site selected by the Marion County Commission.

(2) To acquire by purchase, rent, lease agreement, or otherwise the necessary facilities and to provide it with necessary equipment, furnishings, landscaping, and related facilities, including parking areas and ramps, roadways, sewers, curbs, and gutters.

(3) To enter into contracts and cooperative agreements with the local, state, and federal governments, agencies of the governments, private individuals, corporations, associations, and other organizations as the authority may deem necessary or convenient to carry out the purposes of this amendment, the contracts and agreements to include leases to provide for industries.

(4) To accept public or private gifts, grants, and donations.

(5) To acquire property by purchase, lease, or gift.

(6) To sell, convey, transfer, lease, or donate any property, franchise, grant, easement, license, or lease or interest therein which it may own and to transfer, assign, sell, convey, or donate any right, title, or interest which it may have in any lease, contract, agreement, license, or property.

(7) To invest any funds that the authority may determine are not presently needed in the operation of its properties in bonds of the United States of America, bonds of the state, bonds of any county or municipality, and interest-bearing bank deposits.

(8) To employ personnel as may be necessary to accomplish the purposes of this amendment. The personnel employed by the authority shall serve at the pleasure of the authority. The authority shall fix the compensation of the personnel and the compensation shall be paid from any funds of the authority. The authority shall designate the duties of the personnel.

(9) To make rules and regulations as the authority may deem necessary and desirable to provide for the operation, management, and control of the facility.

(10) To perform other acts necessary or incidental to the accomplishment of the purposes of this act, and other acts, including, but not limited to, the employment of legal and accounting assistance, whether or not specifically authorized in the act, and not otherwise prohibited by law.

(d) The county commission may transfer property to the authority for planning for present and future purposes of the authority. (Amendment 695)

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§47-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 705)

No person elected or appointed Sheriff of Marion County, or any elected or appointed Marion County official, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and other elected or appointed Marion County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Marion County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person elected to represent Marion County in any representative body of the state and includes any person appointed to serve the remaining term of an elected or appointed Marion County official. The words do not include a judge, district attorney, constable, school board member, or any official elected from a judicial circuit. All costs associated with the purchase of prior service credit as prescribed in Section 36-27-6.1, Code of Alabama 1975, shall be the responsibility of the official making the purchase. (Amendment 705)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Health

§47-10.20. Special Tax for Hospital Purposes. (Amendment 69)

The governing body of Marion county shall have the power to levy and collect a special county tax not exceeding four mills on each dollar's worth of taxable property situated within the county, based upon the valuation of such property as assessed for state taxation, the proceeds of such tax to be used solely for the purpose of acquiring, constructing, enlarging, repairing, improving, equipping, furnishing, operating, or maintaining a county hospital or public hospital facilities in the county for which federal funds have been or may be provided. (Amendment 69)

Article 3. Schools

§47-10.40. Special Tax for Educational Purposes. (Amendment 205)

The court of county commissioners, board of revenue or other like governing body of Marion county may levy and collect a special property tax, in addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, at a rate not exceeding one-half of one percent on the value of the property in the county as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for current operating expenses of public schools, excluding capital outlays or debt service; provided that the rate of such tax and the purpose or purposes thereof, and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the county and voted for by a majority

of those voting at such election; provided, further that the funds derived by the county under this amendment shall be apportioned between the county and any independent city school system existing in the county in the same proportion that state funds are distributed under the minimum program funds. If any proposal to levy a tax as provided in this amendment is defeated in any election, subsequent elections thereon may be held at any time. The elections provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided for elections on school district taxes authorized in Sections 269.01 through 269.03, as prescribed by article 7, chapter 10, Title 52, Code 1940. (Amendment 205)

§47-10.41. Hamilton Special School District Tax. (Amendment 329)

In addition to any taxes now authorized or that may hereafter be authorized by the Constitution and laws of Alabama, the county commission or other governing body of Marion county shall, subject to an election in the Hamilton special school district in such county, as hereby created, have power to levy and collect a special district tax of not exceeding one dollar on each one hundred dollars of taxable property in such district for capital outlay purposes for the Marion county school system within said special district. Hamilton special school district shall be composed of the following area (all in Marion county and in the several beats (election precincts) of such county hereinafter named, as such beats are established pursuant to law, when this amendment is ratified): All of beats 1, 2, 3, 4, 5, and 17; in beat 6, Range 14 West, Township 9 S, Sections 4, 9, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, 36, and in Range 13 W, Township 9 S, Sections 19, 20, 29, 30, 31, 32, and 33; in beat 10, Range 13 W, Township 10 S, Sections 26, 35, and 36, and in Range 12 W, Township 10 S, Section 31, and in Range 13 W, Township 11 S, all of Sections 1 and 2 north of the Buttahatchee river, and in Range 12 W, Township 11 S, all of Sections 4, 5 and 6 north of the Buttahatchee river; in beat 11, Range 12 W, Township 11 S, Sections 8, 16, 17, and 18, and all of Sections 4, 5, 6, 7 and 9 south of the Buttahatchee river, and in Range 13 W, Township 11 S, Sections 11, 13, 14, and 23 and all of Sections 1, 2, and 12 south of the Buttahatchee river; and in beat 16, Range 13 W, Township 11 S, Sections 19, 20, 21, 22, 28, 29, 30, and 31, and in Range 14 W, Township 11 S, Sections 24, 25, 26, 35, and 36, and in Range 14 W, Township 12 S, Section 2. No tax shall be levied hereunder unless the rate of such tax, the time such tax is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in Hamilton special school district and voted for by a majority of those voting at such election. Any election on such district tax shall be called and held, the result declared, and the tax levied and collected in the same manner as now or hereafter provided by law in the case of school district taxes authorized by Sections 269.01 through 269.03, except that no county-wide tax shall be required as a conditioned precedent for a district tax under this amendment. The holding of one election shall not preclude a later election in Hamilton district, but no election in such district shall be held within two years from the date of the last election held in such district under the authority of this amendment. The proceeds of the special district tax shall be used only for public school capital outlay purposes in the district; but may be pledged to secure the payment of principal and interest on warrants or other evidences of indebtedness issued and sold for public school capital outlay purposes in such district by the county school board or other public body charged with the duties, powers and authority of conducting and operating the public schools in Hamilton district; which pledge shall take priority as provided in such warrants or other evidence of indebtedness and is in consonance with the provisions of existing law, at the time of the issuance and sale of the said warrants, touching the issue and sale of warrants of school bodies for capital outlay purposes.

The power to levy, granted by this amendment, will not be exhausted by one election but shall remain a continuing grant unless and until it be repealed by subsequent constitutional action.

This amendment shall be self executing and shall require no enabling legislation. (Amendment 329)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Water

§47-11.00. Public Water Authority. (Amendment 490)

The legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, authority and financing of a Marion county public water authority in all or in portions of Marion county as a public corporation to provide any one or more of the following local public services: Obtaining, treating, and furnishing water for residential, commercial or industrial purposes and for any other local service permitted by such general or local law; authorize such authority to fix and collect rates, fees and charges for such services, and to provide penalties for nonpayment and liens upon the property within such public water authority; grant or vest the privilege of eminent domain to such public water authority for the purpose of taking property for public use in accordance with Article XII, Section 235, of the Constitution of Alabama of 1901; authorize the borrowing of money and the issuance of bonds and other obligations by or on behalf of such public water authority, provided that Marion county shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Marion county; extend the service area into one or more other counties; and provide for fire protection facilities or services. Any law enacted at the 1988 Regular Session of the legislature to authorize the creation of such public water authority in Marion county and to implement this amendment to the Constitution (whether with or without published notice of intention) shall become effective upon the ratification of this amendment. (Amendment 490)

Article 2. Fire Protection

§47-11.20. Fire Protection Purposes. (Amendment 924)

Commencing with the levy for the tax year for which taxes will become due and payable on October 1, 2017, there is hereby levied a fire protection tax of three mills. The fire protection tax levied herein shall be based upon the value of real and personal property assessed by affected property owners, as shown on the records of the Revenue Commissioner of Marion County, and shall be assessed and collected as are all ad valorem taxes in the county. The amount collected each year from assessment of the fire protection tax shall be paid to the Marion County Firefighters Association, to be distributed equally among the paid and volunteer fire departments in the county. (Amendment 924)

Title 47A Marion County Municipalities.

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Haleyville

[Note: The City of Haleyville lies in Marion and Winston Counties.]

§47A-2.00. Special School Tax. (Amendment 54)

The municipal corporation of Haleyville, through its constituted governing authority may levy and collect a rate of taxation on the property situated therein, not exceeding in the total in

any one year one per centum of the value of such property as assessed as provided by the Constitution and the statutes now or hereafter enacted pursuant to the Constitution; provided that the adoption of this amendment, shall in no wise affect, limit, modify, abridge or impair the power, authority, or right of said municipal corporation to levy and collect the special school taxes, now or hereafter vested in or conferred upon it under the Constitution or any amendment thereto, which said special school taxes shall be in excess of said one per centum herein provided for. (Amendment 54)

§47A-2.01. Economic Development in Cities of Haleyville and Double Springs. (Amendment 104)

Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, the municipalities of Haleyville and Double Springs in Winston county shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

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

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

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

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

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

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

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

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

9. To create a public authority or corporation having such powers, managed and governed by such board or governing body, and subject to such limitations as the governing bodies of the municipalities of Haleyville or Double Springs may impose, by approving and filing a certificate

to that effect in the office of the judge of probate or the secretary of state, or their respective successors in function, and to delegate to such public authority or corporation and its board or governing body all powers and authority conferred in this amendment upon the municipalities.

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance, of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of the municipalities of Haleyville and Double Springs for the purpose of determining the borrowing capacity of the county under section 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in section 216 of the Constitution and all amendments thereto.

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

10. The municipalities of Haleyville and Double Springs shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the respective municipality. The governing body of each of the two municipalities may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks. (Amendment 104)

Title 48 Marshall County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§48-2.00. Compensation of Certain Officials. (Amendment 215)

The legislature may, by general or local laws, fix, alter, and regulate the costs and charges of court and the fees, commissions, percentages, allowances, and salaries, including the method or basis of their compensation, to be charged or received by the judge of probate, sheriff, circuit clerk, register of the circuit court, tax assessor, tax collector, or any other officer of Marshall county, and may place any of such officers on a salary and provide that the fees, commissions, percentages, and allowances collected by such officers shall be paid into the county treasury from which their salaries shall be paid. The compensation of such officers shall not be increased or diminished during their terms. (Amendment 215)

Chapter 3. County Government, Finance, and Operations

Article 1. Elections

§48-3.00. Hours of Polling Places. (Amendment 696)

Every polling place in Marshall County shall be open for voting on election day for any local, state, or national election at 7:00 A.M. and shall not close until 7:00 P.M. and shall remain open for voting for not less than 12 consecutive hours. The Marshall County Commission shall provide funds from the county general fund for any additional compensation needed for poll workers required to work the extended hours required by this amendment. (Amendment 696)

Chapter 4. Economic and Industrial Development

RESERVED

Chapter 5. Education

Article 1. Board of Education

§48-5.00. Election of Members and Operation. (Amendment 870)

The Legislature, by local law, from time to time may provide for the election of the members of the Marshall County Board of Education and may provide further for the operation of the board. Such local act or acts may include, but are not limited to, providing for termination of the terms of members of the existing county board of education; vacancies; the composition of the county board of education; initial and succeeding terms of office, including staggered terms; and qualifications, powers, duties, responsibilities, and compensation of the board and board members. (Amendment 870)

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Employee Personnel Boards

§48-8.00. Participation of Sheriff's Employees. (Amendment 647)

Effective the first day of the sixth month after the date of the election on the ratification of this amendment, employees of the Office of the Sheriff of Marshall County, except for the chief deputy, are subject to the authority of the Personnel Board of Marshall County, or its successor. (Amendment 647)

Article 2. Retirement

§48-8.20. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 821)

No elected or appointed Marshall County official, including the sheriff, may assume a supernumerary office after the effective date of this amendment, except elected officials who are currently holding office on such date. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Marshall County official, including the sheriff, may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Marshall County officials, including the sheriff, holding office at the time of ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For purposes of this amendment, the words "elected or appointed Marshall County official" do not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. The effective date or ratification date of this amendment is the date this amendment is officially proclaimed ratified in the proclamation register. (Amendment 821)

Chapter 9. Public Safety

Article 1. Sheriff

§48-9.00. Discretionary Fund for Feeding Prisoners. (Amendment 948)

Effective immediately upon ratification of this amendment, any allowances or other amounts received by the Sheriff of Marshall County for feeding prisoners shall be deposited in a separate account in the county treasury to be known as the "Sheriff's Discretionary Fund" and shall be used by the sheriff for the feeding of prisoners in the county jail. Any funds in the Sheriff's Discretionary Fund over the amounts needed for feeding prisoners may be used by the sheriff for law enforcement purposes and for the operation of the office of the sheriff. Any funds in the Sheriff's Discretionary Fund shall be carried over from year to year. In the event additional amounts are needed by the sheriff for the feeding of prisoners, the amounts shall be paid by the sheriff from any other discretionary funds available for the operation of the office of the sheriff. The sheriff shall not be subject to the competitive bid law for the purchase of food or supplies used for feeding prisoners in the county jail. (Amendment 948)

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§48-10.00. Tax on Sale or Storing of Motor Fuel for Maintaining Roads. (Amendment 66)

The governing body of Marshall county, when authorized to do so by a majority of the qualified electors of the county voting in a referendum held in the manner prescribed by the county governing body, may levy and collect a county privilege license tax from any person engaged within the county in the business of selling or keeping in storage for sale gasoline, woco pep, or any other motor fuel used by self-propelled vehicles, which tax shall not be in excess of three cents per gallon on all gasoline, woco pep, or other motor fuel sold or stored, and the proceeds of which shall be used exclusively for construction and maintenance of hard surface farm-to-market roads in the county. The governing body of Marshall county shall hold such

referendum not less than sixty nor more than ninety days after the ratification of this amendment; subsequent referenda may be held at intervals of not less than two years. (Amendment 66)

Article 2. Schools

§48-10.20. Special Tax for Educational Purposes. (Amendment 101)

In addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama a special tax or taxes not to exceed five mills on each dollar's worth of taxable property in Marshall county is hereby authorized, the proceeds of which shall be used exclusively for erecting, constructing, remodeling, renovating, repairing, furnishing and equipping public school buildings in Marshall county; provided that any tax and the purpose thereof shall have first been submitted to the vote of the qualified electors of the county and voted for by a majority of those electors participating in the election. The election shall be called, held, conducted and governed by the applicable provisions of Code of Alabama (1940), Title 52, chapter 10, article 7, which governs elections on special school taxes and the tax hereby authorized shall be levied and collected as other special school taxes are levied and collected. If the proposal to levy the tax is defeated in an election it may not be again submitted to a vote for one year, but after the expiration of one year, and at intervals of one year thereafter, such question may be resubmitted to the qualified electors. Should a tax of less than five mills on each dollar's worth of taxable property be approved at an election thereon then at the expiration of one year from the date of the election at which such tax was approved, and at intervals of one year thereafter, the question of levying an additional tax for such purposes may again be submitted to a vote of the qualified electors of the county until the total of all taxes levied pursuant to the authority hereby conferred is five mills.

After any tax levied pursuant to authority hereby conferred shall have been collected for five years the court of county commissioners, board of revenue or other county governing body, upon receipt of a petition, signed by not less than twenty percent of the qualified electors of the county must call an election at which the question of repeal of the tax upon payment of all obligations then outstanding shall be submitted to the qualified electors of the county. Should a majority of the voters participating at this election vote for the repeal of the tax it shall cease as soon as the outstanding pledges against it have been paid in full. Should a majority of the electors participating in the election vote against repeal the question of repeal may not again be submitted to a vote for one year, but after the expiration of one year, and at intervals of one year thereafter, upon receipt of a petition signed by twenty percent of the qualified electors of the county, the county governing body may order the question of repeal of the tax resubmitted to the qualified electors of the county.

The elections provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided by Code of Alabama (1940), Title 52, chapter 10, article 7, for an election on the special county school tax authorized in Sections 269.01 through 269.03. The collection of the tax shall also be governed by the applicable provisions of the Code of Alabama (1940), Title 52, chapter 10, article 7, and the proceeds shall be used exclusively for the purposes authorized at the election approving the levy. (Amendment 101)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§48-11.00. Fire Protection Purposes. (Amendment 439)

The legislature may prescribe by local law for Marshall county for forest fire protection in the county and may authorize the county governing body to further promote and provide for tax on acreage, on a basis other than ad valorem, therefore. The legislature may provide for the

manner for levying and collecting such assessments and the distribution thereof. The legislature may further provide for the administration of such forest fire protection promotion. (Amendment 439)

Article 2. Annexation

§48-11.20. General Provisions. (Amendment 469)

Any municipality that was not located wholly or in part within the boundaries of Marshall county prior to January 1, 1986, shall not annex any territory within Marshall county without the approval of the electorate of Marshall county expressed in a vote on the issue of said annexation, or approved unanimously by the Marshall county commission after notice has been given.

The provisions of this amendment shall not apply to any municipality incorporated in the future that lies entirely within the boundaries of Marshall county.

The provisions of this amendment shall not apply to any territory presently annexed within Marshall county by a municipality located outside of the county.

The legislature may pass local or general acts to supplement this amendment, so long as such acts do not contravene the provisions of this amendment. (Amendment 469)

Title 48A Marshall County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 49 Mobile County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Judges

§49-2.00. Judicial Commission. (Amendment 408)

All vacancies in the office of judge of the circuit court and the office of judge of the district court of Mobile county which shall occur subsequent to January 15, 1982, shall be filled in the manner and for the time as herein provided.

The Mobile county judicial commission is hereby created for the purpose of nominating to the governor persons for appointment to such a vacancy. The members of such commission shall be (a) two persons who are members of the Alabama state bar, and (b) two persons who are not members of the Alabama state bar, and (c) one judge of the circuit court of Mobile county.

All members of such commission must reside in the territorial jurisdiction of the circuit court of Mobile county.

The two members of such commission who are required to be members of the Alabama state bar shall be elected by the members of such bar who are regularly licensed and qualified to practice law in this state and who reside in the territorial jurisdiction of the circuit court of Mobile county. The executive committee of the Mobile county bar association or its successor body in such capacity, is authorized and directed to make rules, not inconsistent with this amendment, for the election of such members of such commission as are required to be members of the Alabama state bar. Such executive committee shall certify in writing to the probate judge of Mobile county the names of the persons elected as members of such commission by such members of such bar.

The senators and representatives in the Alabama legislature from Mobile county shall elect the two members of such commission who are required not to be members of the Alabama state bar. Such senators and representatives shall certify in writing to such probate judge the names of the persons elected by them as such members.

The judges of the circuit court of Mobile county shall elect the member of such commission who is required to be a judge of such circuit court. The judges of such circuit court shall certify in writing to such probate judge the name of the circuit judge elected by such circuit judges as such member.

The terms of office of all members of such commission shall be six years, except that the terms of office of the two members of the state bar first elected shall be for one and two years respectively, and of the two members first elected by the senators and representatives in the Alabama legislature from Mobile county shall be for three and four years respectively, and the term of the circuit judge elected by the circuit judges shall be for five years; the length of such terms of office of the members of such commission being indicated by the respective electing bodies. The terms of the initial members of such commission shall begin on January 16, 1982. A vacancy in the office of a member of such commission shall be filled for the unexpired term in the same manner as such member was originally chosen.

The probate judge of Mobile county shall record all such certificates of election and shall safely and permanently keep the original certificates. Forthwith upon his receipt and recordation of every such certificate, he shall send to the governor a certified copy of every such certificate.

No member of such commission shall be eligible to succeed himself as such member or for nomination to the governor for appointment as judge of such circuit court or district court during the term of office for which such member shall have been selected.

The members of such commission shall not receive any salary or other compensation for their services as such members. No member of such commission other than the member required to be a judge of the circuit court shall hold any public office, and no member of such commission shall hold any official position in any political party.

If, subsequent to January 15, 1982, a vacancy occurs in the office of judge of the circuit court or in the office of judge of the district court of Mobile county, such commission shall nominate to the governor three persons having the qualifications for such office. Such nomination shall be made only by the concurrence of a majority of the members of such commission. The governor shall appoint to the office in which the vacancy exists one of the three persons so nominated for such office. Any vacancy occurring in the office of judge of the circuit or district court of Mobile county, which is required to be filled by appointment on nominations made by a judicial commission, shall be made within ninety days from the date of the submission of such nominations. In the event the governor fails to fill the vacancy from such nominations within such period, the appointment shall be made by the chief justice of the supreme court of Alabama. The appointee shall hold such office until the next general election for any state officer held at least six months after the vacancy occurs and until his successor is elected and qualified; the successor shall hold office for the unexpired term and until his successor is elected and qualified.

This amendment shall be self-executing. (Amendment 408)

Chapter 3. County Government, Finance, and Operations

Article 1. Finance

§49-3.00. Bond Issues for Public Roads. (Amendments 18, 152, and 363)

Mobile county may at any time and from time to time issue its bonds for construction and improvement, or either, of hard surfaced roads, hard surfaced bridges, and surface water drainage facilities, or any thereof, in said county and, to provide for payment of the principal of and interest on such bonds, may levy and collect a special annual ad valorem tax on the taxable property in said county at a rate not exceeding one-half of one per centum (1/2 of 1%) of the assessed valuation of the taxable property in said county; provided, that the total principal amount of each series of bonds at any time issued hereunder, when added to the principal amount of all then outstanding bonds theretofore issued hereunder and of all then outstanding bonds theretofore issued under any other constitutional amendment that are payable from or secured by the said special tax, shall not exceed six and one-half per centum (6 1/2 %) of the assessed valuation of the taxable property situated in said county, as assessed for state taxation for the then preceding state tax year; provided, further, that the rate of the said special tax levied for payment of the bonds at any time issued hereunder and all other bonds at any time issued pursuant to any other constitutional amendment and payable out of or secured by said special tax shall not exceed said rate of one-half of one per centum (1/2 of 1%) hereinabove specified; and provided, further, that any bonds may be issued hereunder and said special tax for payment thereof may be levied and collected only after a majority of the qualified electors of said county voting at an election called for that purpose by the governing body of said county shall have voted in favor of the issuance of such bonds and the levy of such tax therefor. Each such election shall be called, held, conducted, and canvassed, and notice thereof shall be given, in the manner provided by the general laws of Alabama respecting elections on the issuance of bonds by

counties, as such laws may exist at the time such election is called; provided, that prior to the holding of any election hereunder, the governing body of Mobile county shall cause to be prepared engineering maps and reports respecting the proposed work on roads, bridges and drainage facilities, or any thereof, shall adopt a resolution containing a brief description, including the name if any, of each proposed item of construction or improvement, a statement of the length or location of each such item and of the estimated cost thereof, and a statement of the total amount of the bonds proposed to be issued for all work of construction or improvement described in said resolution, and shall cause said resolution to be published in a newspaper published in the county one time not less than thirty days before such election. Any number of items of construction or improvement may be described in one resolution; and the question of the issuance of bonds and the levy and collection of said tax with respect to all of the work described in each resolution shall be submitted to the voters in one single proposition at any election held hereunder. Any number of such resolutions may be adopted on the same day, and any number of propositions may be submitted to the voters on the same day. Each engineering report prepared in accordance with the provisions hereof shall be accompanied by a certificate of the engineer preparing such report that the material proposed to be used for any road or bridge work described in such report meets the then existing specifications of the Alabama highway department applicable to the same type of construction or improvement.

The limitation of six and one-half per centum (6 1/2 %) of the assessed value of taxable property in the county, hereinabove provided for, is applicable only to the amount of bonds that may be outstanding immediately following the delivery of each series of bonds issued hereunder and shall not restrict the total amount of bonds that may be from time to time issued hereunder.

The bonds issued hereunder shall be general obligations of Mobile county secured by a pledge of its full faith and credit, and in addition thereto, the governing body of said county shall in the proceedings providing for the issuance of such bonds specially pledge for payment of the principal thereof and the interest thereon, so much of the said special tax as may be necessary to pay said principal and interest at their respective maturities. Each such pledge of the special tax made for the benefit of the bonds issued hereunder shall be on a parity with all valid pledges of said special tax theretofore or thereafter made for the benefit of bonds issued hereunder or under any other constitutional amendment, to such extent as shall not impair the obligations of any then existing valid pledges. The principal of each series of said bonds shall mature in annual installments, the first of which installments shall mature not later than three (3) years after the date of the bonds of said series and the last of which shall mature not later than thirty (30) years after the date of the bonds of said series; provided, that the maturities of each series of bonds issued hereunder shall be so arranged at the time of the issuance of such series of bonds that (a) no annual installment of principal of the bonds of such series maturing during any fiscal year of said county shall be more than four times as great as the smallest installment of principal of any series of bonds maturing during any prior fiscal year, and (b) the aggregate amount of principal and interest that will mature in any one fiscal year with respect to that series of bonds, and all other bonds then outstanding that are payable out of or secured by a pledge of the aforesaid special tax, shall not exceed the amount of the proceeds collected from the said tax during the then next preceding tax year. Except as herein otherwise provided, all bonds issued hereunder shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama respecting the sale, execution, issuance, and redemption of bonds by counties, as such laws may exist at the time of the delivery of such bonds.

The provisions of this amendment shall be self-executing, and the enactment of local legislation shall not be a prerequisite to the taking of any action hereunder by the said county and its governing body; and no local legislation at any time adopted with respect to this amendment shall be effective, and all such local legislation is hereby repealed.

Mobile county shall in addition have authority under this amendment to make cash payments for the construction and improvement of hard surfaced roads, hard surfaced bridges and surface water drainage facilities, or any thereof, in said county, from any proceeds accumulated under the provisions of this amendment over and above such proceeds as are now or hereafter pledged to the payment of the principal and interest on bonds, warrants, notes or other evidence of indebtedness authorized under this amendment; provided however that no such construction or improvement work shall be started and no such cash payments shall be made unless and until such construction or improvement project, specifically named and described, has been approved by the affirmative vote of a majority of the votes cast on the question at an election in which all of the qualified electors of said county may vote; and the probate judge and all other appropriate election officials shall, upon application by the county commission of said county no less than forty days prior to any such election, include on the ballot for such election the question of whether the voters do approve such specifically named and described construction or improvement project. (Amendments 18, 152, and 363)

§49-3.01. Bond Issues for Unbonded Obligations. (Amendment 29)

The legislature of Alabama may authorize Mobile county to issue bonds from time to time, not exceeding in the aggregate $1,600,000.00, which bonds, or the proceeds thereof, shall be used exclusively for paying valid and enforceable unbonded obligations of Mobile county, and unbonded obligations of Mobile county which would be valid and enforceable but for the provision or provisions of the Constitution of Alabama of 1901 fixing the debt limit of said county, and all past due interest and principal on any valid and enforceable bonded obligations of said county, existing on September 30th, 1936. In September of each year after the adoption of this amendment to the Constitution, the governing body of Mobile county shall adopt a budget based on 95 percent of the gross receipts of the general fund of the preceding year for the succeeding fiscal year beginning October 1st, and the expenses of such county for any such fiscal year shall not exceed the revenues of the county for that year. All debts contracted or liabilities incurred by the said county in excess of such revenues shall be void. The governing body of Mobile county may, during any such fiscal year, borrow additional money to the extent of twenty-five (25%) percent of the general revenues of such county for the preceding fiscal year, and pledge to secure the payment thereof the general revenues of the county for such current fiscal year only, such loans to be paid within that fiscal year or from the pledged general revenues of the county subsequently collected for that year, and any loan so made and not paid out of the general revenues of the county pledged to secure the same shall be void as to any amount remaining unpaid. The legislature shall not, after the adoption of this amendment, pass any law making any claim a preferred claim against said county, and all laws, or parts of laws, now in force and effect, making a claim a preferred claim against said county, are hereby annulled as to any future claim. The words "governing body of Mobile county" as herein used shall include any board or officer which is now or which may hereafter be vested with the powers and duties now or formerly exercised by the board of revenue and road commissioners of Mobile county, Alabama. Any person violating any of the provisions of this amendment shall, upon conviction, be punished by a fine not exceeding $5,000.00, or by imprisonment in the penitentiary for not more than two years, one or both, at the discretion of the jury trying the

same, and the violation of any of the provisions of this amendment shall also be ground for impeachment. (Amendment 29)

§49-3.02. Debt Limit. (Amendment 60)

Notwithstanding any other provision of this Constitution, Mobile county shall continue to have and possess all of the rights, powers and authority granted to it by Section 49-3.00 and Act Number 246 of the Local Acts of 1927 [p. 151], as the same has been heretofore amended, and shall have and possess the power and authority to become indebted for the construction or erection of public buildings, bridges and roads within the limit prescribed by section 224 of this Constitution; provided, however, that all debts incurred or bonds issued by Mobile county under Section 49-3.01 shall be in addition to the limit fixed by said section 224, and shall not be taken into account or considered in determining or arriving at the debt limit of Mobile county under said section 224, and provided further that the six and one-half percent (6 1/2 %) limitation in Section 49-3.00 shall be construed to refer not to the total amount of bonds issued under authority of the amendment, but to the total amount of bonds so issued which may be outstanding at any one time. (Amendment 60)

§49-3.03. Extension of Debt Limit. (Amendment 100)

Notwithstanding any other provision of this Constitution, Mobile county shall continue to have and possess all of the rights, powers and authority granted to it by Section 49-3.00 and shall have and possess the power and authority to become indebted for the construction or erection of public buildings, bridges and roads within the limit prescribed by section 224 of this Constitution; provided, however, that all debts incurred or bonds issued by Mobile county under Section 49-3.00 and Section 49-3.01, and this amendment, shall be in addition to the limit fixed by said section 224, and shall not be taken into account or considered in determining or arriving at the debt limit of Mobile county under said section 224, and provided further that the six and one-half percent (6 1/2 %) limitation in Section 49-3.00 shall be construed to refer not to the total amount of bonds issued under authority of the amendment, but to the total amount of bonds so issued which may be outstanding at any one time. And provided further, that Mobile county may become indebted, issue bonds and levy the tax as authorized by and within the limits of Section 49-3.00 to pay all or part of the cost of the construction or improvement of concrete or better than concrete surfaced public roads, streets and bridges in Mobile county, including those within or partly within any municipality, and also for the purpose of constructing, improving and equipping school buildings in an amount not to exceed $1,000,000 and in an amount not to exceed $4,000,000 to construct and equip a building or buildings to be used for a courthouse and jail, including the acquisition of sites therefor; however, in submitting the question of issuing school bonds and courthouse and jail bonds hereunder, the county governing body shall submit the issuance of bonds for such purposes as a single proposition. Courthouse, jail and school bonds authorized hereby shall be issued in the manner provided in chapter 7 of Title 12 of the Code of Alabama of 1940 as heretofore or hereafter amended.

Bonds issued hereunder, together with bonds now or hereafter outstanding under authority of Section 49-3.00, together with redemption premiums thereon, shall be payable from any funds heretofore and hereafter derived from the proceeds of the tax at such rate or rates not exceeding one-half of one percentum of the assessed value of the property situated in the county which may from time to time be levied or which has been levied, under Section 49-3.00. The county governing body may agree in the proceedings authorizing the issue of school bonds and courthouse and jail bonds hereunder that it will, if and to the extent necessary to prevent default in the payment of principal or interest on such bonds, use for the payment of such principal or

interest, or both, as a prior lien thereon so much of the proceeds of the tax of 2 1/2 mills authorized by section 215 of the Constitution as may be necessary. Further, after 30 days from the first publication in said county of the resolution authorizing and fixing the details of any bonds authorized to be issued hereunder, such bonds and the sources of payment provided therefor in such resolution shall be incontestable in any court in this state. (Amendment 100)

§49-3.04. Bond Issues for Public School Buildings. (Amendment 122)

Mobile county is hereby authorized to become indebted for school building purposes and in evidence of the indebtedness so incurred, to sell and issue, in addition to all other bonds of the county, interest bearing bonds of the county not exceeding three million dollars ($3,000,000) in principal amount.

The bonds issued hereunder, together with the bonds now or hereafter outstanding under authority of Section 49-3.00 and Section 49-3.03, together with redemption premiums thereon, shall be payable from any funds heretofore and hereafter derived from the proceeds of the tax at such rate or rates not exceeding one-half of one per centum of the assessed value of the property situated in the county which may from time to time be levied and which has been levied under Section 49-3.00 and also from the proceeds of any tax or taxes levied under this amendment; and the board of revenue and road commissioners or other governing body of Mobile county is hereby vested with full authority to continue to levy a tax in the amount authorized by Section 49-3.00, until all bonds issued pursuant to this amendment have been paid in full, or provision for such payment made, without again submitting the question of levying such tax and issuing such bonds to the qualified voters of Mobile county.

The proceeds from each sale of any of the bonds shall, after payment of the expenses of issuing the same, be covered into the county treasury and set apart therein in a special trust fund to be designated the "Public School Bond Fund." The money paid into such fund shall be disbursed to the custodian of county school funds, and shall be used solely for the acquisition of public school sites, for the construction, reconstruction, alteration and improvement of public school building facilities, for the procurement of equipment therefor, and for payment of obligations incurred for any of such purposes in Mobile county.

The board of revenue and road commissioners or other governing body of Mobile county is hereby vested with full authority except as limited herein, to provide the terms of the bonds and to provide for the sale and issuance thereof; and such county governing body is hereby specifically authorized to pledge to the payment of such bonds so much of the proceeds of any tax hereinbefore or hereafter levied pursuant to Section 49-3.00, which has not already been pledged to the payment of other bonds of the county, and so much of the proceeds of any tax levied pursuant to this amendment as are needed for the payment of the bonds hereby authorized. The bonds may be sold, executed and delivered at any time and from time to time, may be in such forms, denominations, series and numbers, may be of such tenor and maturities, may bear such date or dates, may be in registered or bearer form either as to principal or interest or both with rights of conversion into another form, may be payable in such installments and at such place or places, may bear interest at such rate or rates payable and evidenced in such manner, and may contain provisions for redemption at the option of Mobile county to be exercised by said board of revenue and road commissioners or other governing body of Mobile county at such date or dates prior to their maturity and upon payment of such redemption price or prices, all as shall be provided by said county governing body in the resolution or resolutions whereunder the bonds are issued. The principal of each series of bonds shall mature in annual installments in such amounts as shall be specified in the resolution or resolutions of the said county governing

body under which they were issued, the first of which installments shall mature not later than one year after the date of the bonds of such series and the last of which installments shall mature not later than twenty-five years after the date of the bonds of the same series. When each series of bonds is issued, the maturities of the bonds of that series shall, to such extent as may be practicable, be so arranged that during each then succeeding fiscal year of the county the aggregate installments of principal and interest that will mature on all bonds that will be outstanding hereunder, immediately following the issuance of the bonds of that series, will be substantially equal; provided, that the determination by the said county governing body that the requirements of this sentence have been complied with shall be conclusive of such compliance and the purchasers of the bonds with respect to which such determination is made and all subsequent holders thereof shall be fully protected by such determination. None of the bonds shall be sold for less than face value plus accrued interest thereon to the date of delivery, and all of the bonds shall be sold only at public sale or sales, either on sealed bids or at public auction, after such advertisement as may be prescribed by the said county governing body, to the bidder whose bid reflects the lowest net interest cost to the county computed to the respective maturities of the bonds sold; provided, that if no bid deemed acceptable by the said county governing body is received all bids may be rejected.

The bonds shall be signed in the name of the county of Mobile by the chairman of the board of revenue and road commissioner or other presiding officer of the county governing body and shall be countersigned by the county treasurer, and the seal of the county, if any, or a facsimile thereof, shall be impressed, printed or otherwise reproduced thereon and shall be attested by the signature of the clerk of the county governing body; provided that a facsimile of the signature of any one or any two (but not all) of the officers whose signatures appear on the bonds may be reproduced on any of the bonds in lieu of being manually signed thereon. Any coupons attached to the bonds and representing installments of interest thereon shall be signed with the facsimile signature of the chairman of the county governing body, which facsimile signature shall constitute sufficient authentication of said coupons.

All bonds issued under the provisions of this amendment, together with the interest income therefrom, shall forever be exempt from all taxation in this state.

The provisions of this amendment shall be self-executing, and authorization from or other action by the legislature shall not be a prerequisite to the issuance of bonds hereunder; provided, however, that the legislature may enact appropriate legislation, not inconsistent with this amendment, respecting the use of the proceeds from the bonds and providing for the payment of the principal thereof and the interest thereon. (Amendment 122)

§49-3.05. Bond Issues for Schools and Hospitals. (Amendment 151)

Mobile county is hereby authorized to issue its bonds not exceeding $3,000,000 in principal amount for the purpose of acquiring, providing, and constructing capital improvements in the county of which not exceeding $1,000,000 aggregate principal amount shall be issued to pay the costs of acquiring, providing, and constructing public schoolhouses in the county and of which not exceeding $2,000,000 aggregate principal amount shall be issued to pay the costs of acquiring, providing, and constructing public hospital buildings in the county, provided, that the aggregate principal amount of any series of bonds at any time issued hereunder, when added to the aggregate principal amount of all bonds then outstanding that are payable from or secured by the special annual ad valorem tax authorized in Section 49-3.00, shall not exceed six and one-half percentum (6 1/2 %) of the assessed valuation of the taxable property situated in said county, as assessed for state taxation for the state tax year next preceding the issuance of such

bonds hereunder; provided, further, that any bonds may be issued hereunder only after the question of the issuance of such bonds shall have been submitted to the qualified electors of Mobile county at an election called for that purpose by the governing body of said county, at which a majority of said qualified electors voting at said election shall have voted in favor of the issuance of such bonds, any such election to be called, held, conducted, and canvassed, and notice thereof to be given, in the manner provided by the then existing general laws of Alabama with respect to elections on the issuance of bonds by counties; provided, however, that if a majority of the qualified electors of Mobile county participating in the election on the adoption of this constitutional amendment shall vote for adoption of this amendment, then the approval of this constitutional amendment expressed by the said vote in favor of its adoption shall of itself authorize the issuance of the bonds provided for herein and in that event no additional election by the voters of Mobile county shall be required to authorize the issuance of said bonds. In the event that the majority vote at any election held hereunder is not in favor of the issuance of the bonds proposed at such election, the governing body of Mobile county may from time to time call other elections hereunder on the issuance of such bonds but not more than one such election shall be held during any period of twelve months.

The bonds issued hereunder shall be general obligations of Mobile county secured by a pledge of its full faith and credit, and in addition thereto, the governing body of said county shall in the proceedings providing for the issuance of such bonds specially pledge for payment of the principal thereof and the interest thereon, at the respective maturities of such principal and interest, so much as may be necessary for said purpose of the said special tax, each such pledge to be on a parity with all valid pledges of said special tax at any time made, to such extent as shall not impair the obligation of then existing valid pledges. The principal of each series of said bonds shall mature in annual installments, the first of which installments shall mature not later than three (3) years after the date of the bonds of said series and the last of which shall mature not later than thirty (30) years after the date of the bonds of said series; provided, that the maturities of each series of bonds issued hereunder shall be so arranged at the time of the issuance of such series of bonds that (a) no annual installment of principal of the bonds of such series maturing during any fiscal year of said county shall be more than four times as great as the smallest installment of principal of any series of bonds maturing during any prior fiscal year, and (b) the aggregate amount of principal and interest that will mature in any one fiscal year with respect to that series of bonds, and all other bonds then outstanding that are payable out of or secured by a pledge of the aforesaid special tax, shall not exceed the amount of the proceeds collected from the said tax during the then next preceding tax year. Except as herein otherwise provided, all bonds issued hereunder shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the issuance of such bonds respecting the sale, execution, issuance, and redemption of bonds by counties.

For payment of the principal of and interest on any bonds that may be issued hereunder, and so long as any of said principal and interest remains unpaid, the governing body of Mobile county is hereby authorized to continue the levy of the said special annual ad valorem tax provided for in Section 49-3.00 at such rate as may be sufficient to pay such principal and interest at their respective maturities; provided, that the total rate of said special tax that may be levied and collected for payment of said bonds and all other bonds payable out of or secured by a pledge of said tax, shall not exceed one-half of one per centum (1/2 of 1%) of the assessed valuation of taxable property in the county.

The provisions of this amendment shall be self-executing, and authorization from or other action by the legislature shall not be a prerequisite to the issuance of bonds hereunder or the levy of said special tax for payment thereof. (Amendment 151)

§49-3.06. Bond Issues for Capital Improvements. (Amendment 193)

Mobile county is hereby authorized to issue its bonds not exceeding $1,737,000 in aggregate principal amount for the purpose of acquiring, providing, constructing and equipping capital improvements in said county, including the acquisition of sites therefor, of which bonds $500,000 in principal amount shall be issued to pay costs of acquiring, providing, constructing and equipping public school buildings in said county, and $500,000 in principal amount shall be issued to pay all or a part of the costs of acquiring, providing, constructing and equipping a building or buildings for use for educational purposes on the college level in said county, $606,000 in principal amount shall be issued to pay a portion of the costs of acquiring, providing, constructing and equipping one or more public hospital buildings in said county whether such buildings shall be owned by said county or by any public corporation therein, and $131,000 in principal amount shall be issued to pay all or part of the costs of acquiring, providing, constructing and equipping one or more buildings in the county for the Alabama State College; provided, that the aggregate principal amount of any series of bonds at any time issued hereunder, when added to the aggregate principal amount of all bonds then outstanding that are payable from or secured by the special annual ad valorem tax authorized in Section 49-3.00, shall not exceed six and one-half per centum (6 1/2 %) of the assessed valuation of the taxable property situated in said county, as assessed for state taxation for the state tax year next preceding the issuance of such bonds hereunder; provided, further, that no bonds may be issued under the authority of this constitutional amendment until after the question of the issuance of such bonds shall have been submitted to the qualified electors of Mobile county at an election called for that purpose by the governing body of said county and a majority of said qualified electors voting at said election shall have voted in favor of the issuance of such bonds, any such election to be called, held, conducted, and canvassed, and notice thereof to be given, in the manner provided by the then existing general laws of Alabama pertaining to elections on the issuance of bonds by counties; provided, however, that if a majority of the qualified electors of Mobile county participating in the election on the adoption of this constitutional amendment shall vote for adoption of this amendment, then the approval of this amendment expressed by the said vote in favor of its adoption shall of itself authorize the issuance of the bonds provided for herein and in that event no additional election by the electors of Mobile county, shall be required to authorize the issuance of said bonds. If the majority of the qualified electors of Mobile county participating in the election on the adoption of this amendment should not vote in favor of the adoption of this amendment, or if the majority of the qualified electors of Mobile county voting at any election held under the provisions of this amendment should not vote in favor of the issuance of the bonds proposed at such election, the governing body of Mobile county may from time to time call other elections hereunder on the issuance of such bonds, but not more than one such election shall be held during any period of twelve months.

The bonds issued hereunder shall be general obligations of Mobile county for the payment of the principal of and interest on which the full faith and credit of said county shall be irrevocably pledged, and in addition thereto there shall be irrevocably pledged for payment of said principal and interest, at the respective maturities thereof, so much as may be necessary for said purpose of the said special tax, each such pledge to be on a parity with all valid pledges of said special tax at any time made, to such extent as shall not impair the obligation of then

existing valid pledges. The principal of each series of bonds issued under the provisions of this amendment shall mature in annual installments, the first of which installments shall mature not later than three (3) years after the date of the bonds of said series and the last of which shall mature not later than thirty (30) years after the date of the bonds of said series; provided, that the maturities of each series of bonds issued hereunder shall be so arranged at the time of the issuance of such series of bonds that (a) no annual installment of principal of the bonds of such series maturing during any fiscal year of said county shall be more than four times as great as the smallest installment of principal of the same series maturing during any prior fiscal year, and (b) the aggregate amount of principal and interest that will mature in any one fiscal year with respect to that series of bonds, and all other bonds then outstanding that are payable out of or secured by a pledge of the aforesaid special tax, shall not exceed the amount of the proceeds collected from the said tax during the then next preceding tax year. Except as herein otherwise provided, all bonds issued hereunder shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the issuance of such bonds respecting the sale, execution, issuance, and redemption of bonds by counties. The indebtedness evidenced by the bonds issued hereunder or under any other amendment to the constitution which are payable out of or secured by a pledge of said special tax shall be in addition to and shall not be charged against the limitation on the indebtedness of said county provided for in Section 224 of the constitution.

For payment of the principal of and interest on all bonds that may be issued hereunder, and so long as any of said principal and interest remains unpaid, the governing body of Mobile county is hereby authorized to continue the levy of the said special annual ad valorem tax provided for in Section 49-3.00 at such rate as may be sufficient to pay such principal and interest at their respective maturities; provided, that the total rate of said special tax that may be levied and collected for payment of said bonds and all other bonds payable out of or secured by a pledge of said tax shall not exceed one-half of one per centum (1/2 of 1%) of the assessed valuation of taxable property in said county.

The provisions of this amendment shall be self-executing, and authorization from or other action by the legislature shall not be a prerequisite to the issuance of bonds hereunder or the levy of said special tax for payment thereof. (Amendment 193)

§49-3.07. Bond Issues for Certain Public Buildings. (Amendment 300)

Section A. As used in this amendment the following terms shall be given the following respective meanings:

"County" means Mobile county.

"Special tax" means the annual ad valorem tax at the rate of 1/2 of 1 per centum (equivalent to 5 mills on each dollar) of the assessed valuation of the taxable property in the county authorized to be levied by the county by the amendment known as Section 49-3.00, and also provided for in the amendments to the Constitution known as Sections 49-3.03, 49-3.04, 49-3.05, 49-3.06, and 49-10.40.

Section B. Mobile county is hereby authorized to issue from time to time its bonds, not exceeding $3,000,000 in aggregate principal amount, of which $1,000,000 in principal amount shall be issued for the purpose of acquiring, providing, constructing and equipping a building for use as a juvenile detention home for the county in conjunction with the juvenile court of the county, and $2,000,000 in principal amount shall be issued for the purpose of acquiring, providing, constructing and equipping additions and improvements to the county courthouse building in the county; provided, that if all of the proceeds from the bonds issued for either of the

said purposes shall not be needed for the purpose for which they were issued then the balance not so needed may in the sound judgment of the governing body of the county be expended for the said other purpose. The aggregate principal amount of all bonds at any time issued under this amendment, when added to the aggregate principal amount of all then outstanding bonds theretofore issued by the county under any other amendment to the Constitution of Alabama that are payable from or secured by the special tax shall not exceed 6 1/2 per centum of the assessed valuation of the taxable property situated in the county as assessed for state taxation for the state tax year next preceding that during which any bonds herein authorized shall be issued.

No bonds may be issued under the authority of this amendment until after the question of the issuance of such bonds shall have been submitted to the qualified electors of the county at any election called for that purpose by the governing body of the county and a majority of the said qualified electors voting at the said election shall have voted in favor of the issuance of such bonds; provided, that if a majority of the qualified electors of the county participating in the election on the adoption of this amendment shall vote for the adoption thereof, then the approval of this amendment expressed by the said vote in favor of its adoption shall of itself authorize the issuance of the bonds provided for in this amendment and no additional election by the electors of the county shall be required to authorize the issuance of the said bonds. If the majority of the qualified electors of the county participating in the election on the adoption of this amendment should not vote in favor of the adoption of this amendment, or if the majority of the qualified electors of the county voting at any election called by the governing body of the county under the provisions of this amendment should not vote in favor of the issuance of the bonds proposed at an election so called, the governing body of the county may from time to time call other elections hereunder on the issuance of such bonds, but not more than one such election shall be held during any period of twelve consecutive months. Any such election called by the governing body of the county shall be called, held, conducted and canvassed, and may be contested, in the manner and within the time provided by the then existing general laws of Alabama pertaining to elections on the issuance of bonds by counties.

The bonds issued hereunder shall be general obligations of the county for the payment of the principal of and interest on which the full faith and credit of the county shall be irrevocably pledged, and in addition thereto there shall be irrevocably pledged for payment of the said principal and interest so much of the special tax as may be necessary to pay the said principal and interest at their respective maturities, each such pledge to be on a parity with all valid pledges of the special tax at any time heretofore or hereafter made, to such extent as shall not impair the obligation of any then existing valid prior pledges.

The principal of each series of bonds issued under this amendment shall mature in annual installments, the first of which installments shall mature not later than three (3) years after the date of the bonds of that series and the last of which shall mature not later than thirty (30) years after the date of the bonds of that series; provided, that the maturities of each series of bonds issued under this amendment shall be arranged so that (a) no annual installment of principal of the bonds of such series maturing during any fiscal year of the county shall be more than four times as great as the smallest installment of principal of the same series maturing during any prior fiscal year, and (b) the aggregate amount of principal and interest that will mature in any one fiscal year with respect to that series of bonds, and also all other bonds theretofore issued by the county and then outstanding that are payable out of or secured by a pledge of the special tax, shall not exceed the amount of the proceeds collected from the special tax during the then next preceding tax year. Except as herein otherwise provided, all bonds issued under this amendment

shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the issuance of such bonds respecting the sale, execution, issuance and redemption of bonds by counties. The indebtedness evidenced by the bonds issued under this amendment or under any other amendment to the Constitution which are payable out of or are secured by a pledge of the special tax shall be in addition to and shall not be charged against the limitation on the indebtedness of the county provided for in section 224 of the Constitution.

So long as the principal of or interest on any of the bonds issued under this amendment remains unpaid, the governing body of Mobile county shall continue the levy of the special tax at such rate as may be sufficient to pay the said principal and interest at their respective maturities; provided, that the total rate of the special tax that may be levied and collected for payment of the said bonds and all other bonds payable out of or secured by a pledge of the special tax shall not exceed 4 1/2 mills on each dollar of the assessed valuation of all properties subject to taxation by the county as assessed for state taxation and that the said rate of 4 1/2 mills on each dollar of the said assessed valuation shall be reduced for each tax year for which the special hospital tax authorized in paragraph G of the amendment to the Constitution known as Section 49-10.40 shall have been levied at a rate exceeding 1 mill on each dollar of the taxable property in the county, any such reduction to be by 1/2 mill on each dollar of the assessed valuation of the taxable property in the county or by rate of millage equal to the rate by which the said special hospital tax levied for that tax year exceeds one mill on each dollar of the assessed valuation of such taxable property, whichever shall be the lesser reduction. The provisions of this paragraph shall be applicable, however, only to such extent as shall not impair the obligation of any pledges of the special tax heretofore made for the benefit of any bonds issued by the county prior to the adoption of this amendment.

The provisions of this amendment shall be self-executing, and authorization from or other action by the legislature shall not be a prerequisite to the issuance of bonds hereunder or the levy of the special tax for payment thereof. (Amendment 300)

§49-3.08. Bond Issues for General Obligations. (Amendment 447)

Section A. As used in this amendment the following terms shall be given the following respective meanings:

"COUNTY" means Mobile county.

"OUTSTANDING SECURITIES" means any bonds, warrants, notes or other securities issued by the county subsequent to September 30, 1979, and prior to February 1, 1984, that are payable in whole or in part out of proceeds received by the county from the ad valorem tax authorized by Section 215 of the Constitution of Alabama of 1901, as amended.

"OUTSTANDING SPECIAL TAX SECURITIES" means any securities at the time outstanding that are payable in whole or in part out of proceeds of the special tax.

"SPECIAL TAX" means the annual ad valorem tax on each dollar of the assessed valuation of taxable property in the county authorized to be levied by the county by the amendment known as Section 49-3.00, and also provided for in the amendments to the Constitution known as Sections 49-3.03, 49-3.04, 49-3.05, 49-3.06, 49-3.07, and 49-10.40, and by procedures taken under the amendment to the Constitution known as Section 217.

Section B. Mobile county is hereby authorized to apply proceeds of the special tax to the payment of the principal of and interest on and premium, if any) that will hereafter mature or otherwise become payable on the outstanding securities. The right of the county to apply the proceeds of the special tax for payment of the outstanding securities shall be subject to the

provisions of this Constitution respecting the special tax and the pledge thereof for the benefit of the outstanding special tax securities. The proceeds of the special tax may be used for payment of the principal and interest on (and premium, if any) the outstanding securities, whether or not any bonds are issued hereunder.

Section C. Mobile county is hereby authorized to issue from time to time its bonds for the purpose of refunding all or any one or more of the issues of outstanding securities. The aggregate principal amount of all bonds at any time issued under this amendment, when added to the aggregate principal amount of all then outstanding bonds theretofore issued by the county under any other amendment to the Constitution of Alabama that are payable from or secured by the special tax shall not exceed 6 1/2 per centum of the assessed valuation of taxable property situated in the county as assessed for county taxation for the fiscal year of the county next preceding that during which any bonds herein authorized shall be issued.

No bonds may be issued under the authority of this amendment until after the question of the issuance of such bonds shall have been submitted to the qualified electors of the county at an election called for that purpose by the governing body of the county and a majority of the said qualified electors voting at the said election shall have voted in favor of the issuance of such bonds; provided, that if a majority of the qualified electors of the county participating in the election on the adoption of this amendment shall vote for the adoption thereof, then the approval of this amendment expressed by the said vote in favor of its adoption shall of itself authorize the issuance of the bonds provided for in the first sentence of this amendment and no additional election by the electors of the county shall be required to authorize the issuance of those bonds. If the majority of the qualified electors of the county participating in the election on the adoption of this amendment should not vote in favor of the adoption of this amendment, or if the majority of the qualified electors of the county voting at any election called by the governing body of the county under the provisions of this amendment should not vote in favor of the issuance of the bonds proposed at an election so called, the governing body of the county may from time to time call other elections hereunder on the issuance of such bonds, but not more than one such election shall be held during any period of twelve consecutive months. Any such election called by the governing body of the county shall be called, held, conducted and canvassed, and may be contested, in the manner and within the time provided by the then existing general laws of Alabama pertaining to elections on the issuance of bonds by counties.

The bonds issued hereunder shall be general obligations of the county for the payment of the principal of and interest on which the full faith and credit of the county shall be irrevocably pledged, and in addition thereto there shall be irrevocably pledged for payment of the said principal and interest so much of the special tax as may be necessary to pay the said principal and interest at their respective maturities, each such pledge to be on a parity with all valid pledges of the special tax at any time heretofore or hereafter made, to such extent as shall not impair the obligations of any then existing valid prior pledges.

All bonds issued under this amendment may be in such aggregate principal amounts, may be in such form and denominations and of such tenor and maturities, may be payable in such installments and at such time or times, not exceeding in the case of each such bond 30 years from its date, and may contain such provisions not inconsistent with this amendment as shall be provided in the proceedings of the governing body of the county whereunder such bonds shall be authorized to be issued. Except as herein otherwise provided, all bonds issued under this amendment shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the issuance of such bonds respecting the sale,

execution, issuance and redemption of bonds by counties. The indebtedness evidenced by the bonds issued under this amendment or under any other amendment to the Constitution which are payable out of or are secured by a pledge of the special tax shall be in addition to and shall not be charged against the limitation on the indebtedness of the county provided for in Section 224 of the Constitution.

So long as the principal of or interest on any of the bonds issued under this amendment remains unpaid, the governing body of Mobile county shall continue the levy of the special tax at such rate as may be sufficient to pay the said principal and interest at their respective maturities. The rate at which the county may levy the special tax is hereby fixed at 6 1/2 mills on each dollar of the assessed valuation of properties subject to taxation by the county as assessed for county taxation, which rate shall be the maximum rate at which the county may levy the special tax except to the extent that the said rate may be increased pursuant to provisions of this constitution hereafter adopted. Such rate shall not be subject to adjustment pursuant to Section 49-10.40.

Section D. The provisions of this amendment shall be self-executing, and authorization from or other action by the legislature shall not be a prerequisite to the issuance of bonds hereunder, the levy of the special tax for payment thereof, or the use of the proceeds of the special tax for the purpose of paying the principal of or interest on the outstanding securities. (Amendment 447)

§49-3.09. Bond Issues for Mobile County. (Amendment 463)

Section A. As used in this amendment the following terms shall be given the following respective meanings:

"COUNTY" means Mobile county.

"OUTSTANDING WARRANTS" means those two general obligation warrants of the county, each in the principal amount of $1,000,000, dated April 15, 1986 and maturing October 15, 1986, and any of the county's notes, warrants or bonds issued after October 1, 1986 to refund such general obligation warrants.

"SPECIAL TAX" means the annual ad valorem tax at the rate of 65 one-hundredths of 1 per centum (equivalent to 6 1/2 mills on each dollar) of the assessed valuation of the taxable property in the county authorized to be levied by the county by the amendment known as Section 49-3.00, as amended by the amendment to the Constitution known as Section 49-10.42, and also provided for in the Amendments to the Constitution known as Sections 49-3.03, 49-3.04, 49-3.05, 49-3.06, 49-3.07, 49-3.08, and 49-10.40.

Section B. The county is hereby authorized to issue from time to time its bonds, not exceeding $14,500,000 in aggregate principal amount, of which not in excess of $2,000,000 in aggregate principal amount shall be issued for the purpose of acquiring and improving, alone or in conjunction with other counties or municipal corporations, certain land located in the county for use by the Department of the Navy of the United States of America; not in excess of $2,000,000 in aggregate principal amount shall be issued for the purpose of acquiring and/or developing land, in one or more locations, for use as one or more industrial parks; not in excess of $500,000 in aggregate principal amount shall be issued for the purpose of constructing and equipping an intergovernmental office and service center for agricultural agencies; not in excess of $3,500,000 in aggregate principal amount shall be issued for the purpose of acquiring, constructing and equipping additions and improvements to the present county courthouse building in the county; not in excess of $4,500,000 in aggregate principal amount shall be issued for the purpose of acquiring, constructing and equipping additions and improvements to the present county jail facilities in the county; and not in excess of $2,000,000 in aggregate principal

amount shall be issued for the purpose of refunding all or any portion of the outstanding warrants.

Section C. The county is hereby authorized to issue from time to time its bonds for the purpose of refunding all or any portion of any obligations of the county outstanding as of October 1, 1986 which are payable out of the proceeds of the special tax. Such bonds may be issued in any principal amount so long as the net proceeds of the sale thereof, after payment of expenses of issuance and sale thereof, do not exceed the principal amount of the obligations to be refunded. Part of the cash proceeds paid to the county at the time of the sale of any such refunding bonds as a result of decreased debt service may be used by the governing body of the county to finance salary increases or bonuses for employees of the county, not to exceed five percent (5%) across the board for all employees.

Section D. The aggregate principal amount of all bonds at any time issued under this amendment, when added to the aggregate principal amount of all then outstanding bonds theretofore issued by the county under any other amendment to the Constitution of Alabama that are payable from or secured by the special tax shall not exceed 6 1/2 per centum of the assessed valuation of the taxable property situated in the county as assessed for state taxation for the state tax year next preceding that during which any bonds herein authorized shall be issued.

No bonds may be issued under the authority of this amendment until after the question of the issuance of such bonds shall have been submitted to the qualified electors of the county at any election called for that purpose by the governing body of the county and a majority of the said qualified electors voting at the said election shall have voted in favor of the issuance of such bonds; provided, that if a majority of the qualified electors of the county participating in the election at which this amendment is voted on and voting on the question of the adoption of this amendment shall vote for the adoption thereof, then the approval of this amendment expressed by the said vote in favor of its adoption shall of itself authorize the issuance of the bonds provided for in this amendment and no additional election by the electors of the county shall be required to authorize the issuance of the said bonds. If the majority of the qualified electors of the county participating in the election at which this amendment is voted on and voting on the question of the adoption of this amendment should not vote in favor of the adoption of this amendment, or if the majority of the qualified electors of the county voting at any election called by the governing body of the county under the provisions of this amendment should not vote in favor of the issuance of the bonds proposed at an election so called, the governing body of the county may from time to time call other elections hereunder on the issuance of such bonds, but not more than one such election shall be held during any period of twelve consecutive months. Any such election called by the governing body of the county shall be called, held, conducted and canvassed, and may be contested, in the manner and within the time provided by the then existing general laws of Alabama pertaining to elections on the issuance of bonds by counties.

The bonds issued hereunder shall be general obligations of the county for the payment of the principal of and interest on which the full faith and credit of the county shall be irrevocably pledged, and in addition thereto there shall be irrevocably pledged for payment of the said principal and interest so much of the special tax as may be necessary to pay the said principal and interest at the respective maturities of such bonds, each such pledge to be on a parity with all valid pledges of the special tax at any time heretofore or hereafter made, to such extent as shall not impair the obligation of any than existing valid prior pledges.

Bonds may be issued under this amendment in one or more series, and may bear interest which is tax exempt under the laws of the state of Alabama and the United States of America or

which is not exempt from such taxation. Bonds issued hereunder may be sold at either public or private sale in such manner, at such price or prices and at such time or times as may be determined by the governing body of the county to be most advantageous. The principal of each series of bonds issued under this amendment shall mature in annual installments, the first of which installments shall mature not later than three (3) years after the date of the bonds of that series and the last of which shall mature not later than thirty (30) years after the date of the bonds of that series and otherwise may mature in such amounts during each fiscal year of the county as the governing body of the county shall determine, without regard to the limitations set forth in the amendment to the Constitution known as Section 49-3.00; provided, that the maturities of each series of bonds issued under this amendment shall be arranged so that the aggregate amount of principal and interest that will mature in any one fiscal year with respect to that series of bonds, and also all other bonds theretofore issued by the county and then outstanding that are payable out of or secured by a pledge of the special tax, shall not exceed the amount of the proceeds collected from the special tax during the then next preceding tax year. Except as herein otherwise provided, all bonds issued under this amendment shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama existing at the time of the issuance of such bonds respecting the sale, execution, issuance and redemption of bonds by counties. The indebtedness evidenced by the bonds issued under this amendment or under any other amendment to the Constitution which are payable out of or are secured by a pledge of the special tax shall be in addition to and shall not be charged against the limitation on the indebtedness of the county provided for in section 224 of the Constitution.

The governing body of the county shall comply with the provisions of the state of Alabama competitive bid law (section 41-16-20, et seq., Code of Alabama of 1975), to the extent such law is applicable.

Section E. So long as the principal of or interest on any of the bonds issued under this amendment remains unpaid, the governing body of the county shall continue the levy of the special tax at such rate as may be sufficient to pay the said principal and interest at their respective maturities; provided, that the total rate of the special tax that may be levied and collected for payment of the said bonds and all other bonds payable out of or secured by a pledge of the special tax shall not exceed the rate at which the county may levy the special tax as fixed under the amendment to the Constitution known as Section 49-3.08, except to the extent that the said rate may be increased pursuant to provisions of this Constitution hereafter adopted. Such rate shall not be subject to adjustment pursuant to the provisions of the amendment to the Constitution known as Section 49-10.40.

Section F. This amendment is not intended to ratify or validate any contractual arrangements heretofore or hereafter entered into with respect to the sale of any bonds issued and sold hereunder.

Section G. The provisions of this amendment shall be self-executing, and authorization from, or other action by, the legislature shall not be a prerequisite to the issuance of bonds hereunder or the levy of the special tax for payment thereof. (Amendment 463)

§49-3.10. Investment of Municipal and County Funds. (Amendment 500)

The terms "municipal funds" and "county funds" as used in this amendment shall include all general, special, permanent, trust and other funds, regardless of source or purpose, held or administered by Mobile county, any city or town in Mobile county, or by any officer or agency thereof.

In addition to any investments or obligations provided for by general law, any municipal or county funds not needed for other purposes may be invested in the procurement of secured repurchase agreements, secured commercial paper and secured banker's acceptance, invested overnight and invested in higher yield rates of return for more flexible maturities. (Amendment 500)

§49-3.11. Bond Issues for Land and Capital Improvements. (Amendment 770)

In addition to all other bonds authorized under the amendment to the Constitution known as Section 49-3.00, as previously amended, and as it may hereafter be amended, Mobile County may at any time and from time to time issue its bonds for the acquisition and improvement of land and for acquisition, construction, installation, and equipping, or any of them, of capital improvements in said county. Such capital improvements may include any type of capital projects the acquisition, improvement, construction, installation, and equipping of which is within the powers of the county. Provided, that any bonds may be issued hereunder only after a majority of the qualified electors of said county voting at an election called for that purpose by the governing body of said county shall have voted in favor of the issuance of such bonds. Each such election shall be called, held, conducted, and canvassed, and notice thereof shall be given, in the manner provided by the general laws of Alabama respecting elections on the issue of bonds by counties, as such laws may exist at the time such election is called; provided, that prior to the holding of any election hereunder, the governing body of Mobile County shall cause to be prepared engineering maps, plans and reports respecting the proposed work on any capital improvements and shall adopt a resolution containing a brief description, including the name if any, of each proposed item of construction or improvement, a statement of the location and, as to any road project, the length, of each such item and of the estimated cost thereof, and a statement of the total amount of the bonds proposed to be issued for all work of construction or improvement described in said resolution, and shall cause said resolution to be published in a newspaper published in the county one time not less than thirty days before such election. Any number of items of construction or improvement may be described in one resolution; and the question of the issuance of bonds and the levy and collection of said tax with respect to all of the work described in each resolution shall be submitted to the voters in one single proposition at any election held hereunder. Any number of such resolutions may be adopted on the same day, and any number of propositions may be submitted to the voters on the same day. The adoption of any such resolution prior to the ratification of this amendment, and the submission of any one or more propositions for approval by the voters of the county on the same day on which this amendment is presented for ratification, is hereby ratified and approved.

The bonds issued hereunder shall be general obligations of Mobile County secured by a pledge of its full faith and credit, and in addition thereto, the governing body of said county shall in the proceedings providing for the issuance of such bonds specially pledge for payment of the principal thereof and the interest thereon, so much of the special tax authorized by Section 49-3.00, as such amendment has been amended from time to time, as may be necessary to pay said principal and interest at their respective maturities. Each such pledge of the special tax made for the benefit of the bonds issued hereunder shall be on a parity with all valid pledges of said special tax theretofore or thereafter made for the benefit of bonds issued hereunder or under any other constitutional amendment, to such extent as shall not impair the obligations of any then existing valid pledges. Except as herein otherwise provided, all bonds issued hereunder shall be issued in accordance with, and shall be subject to, the provisions of the general laws of Alabama

respecting the sale, execution, issuance, and redemption of bonds by counties, as such laws may exist at the time of the delivery of such bonds.

Bonds may be issued under this amendment in one or more series and may be sold at either public or private sale in such manner, at such price or prices and at such time or times as may be determined by the governing body of the county to be most advantageous. The principal of each series of bonds issued under this amendment shall mature not later than thirty (30) years after the date of the bonds of that series and otherwise may mature in such amounts during each fiscal year without regard to the limitations set forth in the amendment to the Constitution known as Section 49-3.00; provided, that the maturities of each series of bonds issued under this Amendment shall be arranged so that the aggregate amount of principal and interest that will mature in any one fiscal year with respect to that series of bonds, and also all other bonds theretofore issued by the county and then outstanding that are payable out of or secured by a pledge of the aforesaid special tax, shall not exceed the amount of the proceeds collected from the special tax during the then next preceding tax year. Except as herein otherwise provided, all bonds issued under this amendment shall be issued in accordance with, and shall be subject to, the provisions of the general laws of the state existing at the time of the issuance of such bonds respecting the sale, execution, issuance and redemption of bonds by counties. The indebtedness evidenced by the bonds issued under this amendment or under any other amendment to the Constitution which are payable out of or are secured by a pledge of the special tax shall be in addition to and shall not be charged against the limitation on the indebtedness of the county provided for in Section 224 of the Constitution.

The total principal amount of bonds at any time issued hereunder, when added to the principal amount of all then outstanding bonds theretofore issued hereunder and of all the outstanding bonds theretofore issued under any other constitutional amendment that are payable from or secured by the said special tax, shall not exceed six and one-half per centum (6 1/2%) of the assessed valuation of the taxable property situated in said county, as assessed for state taxation for the then preceding state tax year. The limitation of six and one-half per centum (6 1/2%) of the assessed value of taxable property in the county, hereinabove provided for, is applicable only to the amount of bonds that may be outstanding immediately following the delivery of each series of bonds issued hereunder and shall not restrict the total amount of bonds that may be from time to time issued hereunder.

So long as the principal of or interest on any of the bonds issued under this amendment remains unpaid, the governing body of the county shall continue the levy of the aforesaid special tax at such rate as may be sufficient to pay the said principal and interest at their respective maturities; provided, that the total rate of said special tax that may be levied and collected for payment of the said bonds and all other bonds payable out of or secured by a pledge of said special tax shall not exceed the rate at which the county may levy the special tax as fixed under the amendment to the Constitution known as Section 49-3.08, except to the extent that the said rate may be increased pursuant to provisions of this Constitution hereafter adopted.

The provisions of this amendment shall be self-executing, and the enactment of local legislation shall not be a prerequisite to the taking of any action hereunder by the said county and its governing body; and no local legislation at any time adopted with respect to this amendment shall be effective, and all such local legislation is hereby repealed. (Amendment 770)

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§49-4.00. Promotion of Economic and Industrial Development in Certain Counties. (Amendment 429)

For the promotion of local economic and industrial development, the governing body of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa counties and of each municipality situated in said counties, other provisions of law or this Constitution notwithstanding, shall each have, independently or in cooperation with one or more of such governmental entities in such counties, full and continuing power (a) to purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site, or industrial park, projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and (b) to lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county, or of municipality exercising such power, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by any such county or municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and operating of, industrial, transportation, distribution, warehouse or research facilities, and of office and other facilities auxiliary to the foregoing. Nothing herein shall authorize the counties named, or any municipality there, to construct residential or any other buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither the governing bodies of the counties named hereinabove, nor of any municipality situated in said counties to which this amendment is or becomes applicable, shall be subject to the provisions of sections 93 or 94 of the Constitution of Alabama, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the governing body of such counties, or of any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this state.

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

This amendment shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the legislature of Alabama; nor shall this amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said legislature.

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

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

(b) At least fourteen (14) days prior to such public meeting at which such price is approved by such governing body, it has published notice in the newspaper with the largest circulation in the county in which the property is located stating (1) the acreage proposed to be sold, (2) the section or sections or subdivisions of record in which the property is located, (3) the

price per acre at which sale is proposed to be made, and (4) the place where a map of the property can be examined by the public; and

(c) The price thus approved is no less than the price advertised as aforesaid; provided, however, that should any real property be acquired for any purpose authorized by this amendment by eminent domain pursuant to other legislative authority as aforesaid, such property shall not be sold, in any event, for less than the price determined and paid pursuant to the orders of the court in such condemnation proceedings. Provided further, that no municipality shall acquire real property in unincorporated areas without a prior consent thereto as expressed in a resolution by the county governing body. Provided further, that no county or municipality shall acquire real property which is located in another county or municipality without such other county's or municipality's prior consent thereto as expressed in a resolution by its governing body. Nothing in the provisions of this constitutional amendment shall be construed to allow construction of dormitories or other type housing on or off university or college campuses. (Amendment 429)

[Note: Amendment 759 is identical to Amendment 429. except for the addition of Baldwin County. For the text of Amendment 759, see §2-4.01.]

Chapter 5. Education

Article 1. School Lands

§49-5.00. Sixteenth Section School Lands. (Amendment 289)

The legislature shall have power to divest the state of Alabama of title to that certain sixteenth section of school lands described as follows: section 16, township 4 south, range 2 west, St. Stephens meridian, in Mobile county, and may provide for the grant of such lands and the income therefrom to the board of trustees of the University of South Alabama. (Amendment 289)

Chapter 6. Health and Environment

Article 1. Hospitals

§49-6.00. Budget of Public Hospital Board. (Amendment 194)

A. The following terms, wherever used in this amendment, shall be given the respective meanings hereinafter set forth. "The board" means Mobile county public hospital board, a public corporation existing under Act No. 46 adopted at the 1949 regular session of the legislature of Alabama, as amended. "The 1955 board" means Mobile county hospital board created and provided for in Act No. 105 adopted at the 1955 regular session of the said legislature, as amended. "Public hospital facilities" means public hospitals of all types, public clinics, public health centers, related public health facilities such as laboratories, out-patient departments, nurses' homes, and nurses' training facilities, and other facilities operated in connection with public hospitals. "Public hospital purposes" means the acquisition, by purchase, lease, donation or otherwise, and the construction, equipment, operation and maintenance of public hospital facilities, including the treatment and care of indigent patients; "Participating municipality" means each municipality in Mobile county having a population in excess of one thousand, according to the last federal census or any subsequent federal or other official census. "Local subdivision" means Mobile county and each participating municipality.

B. The board is hereby authorized and directed to prepare a budget for each of its fiscal years setting forth (a) the estimated amount of all expenditures that the board anticipates making during such fiscal year for payment of administering, operating and maintaining any public hospital facilities owned or managed by the board, including expenses for treatment and care of indigent patients, payment of rentals with respect to any such public hospital facilities, payment

of costs of the acquisition and equipment of public hospital facilities, and payment of installments of principal and interest, or either, maturing during that fiscal year on obligations incurred or securities issued by the board for any of the aforesaid purposes; and (b) the estimated amount of all moneys that the board anticipates receiving during the same fiscal year and that the board has the right lawfully to apply for payment of the estimated expenditures set forth in the same budget, including revenue of the board from the operation of any public hospital facilities owned or operated by it, and any donations, taxes, appropriations, contributions by the United States and any income or receipts from any other source that the board has the right lawfully to use for payment of the said expenditures. Whenever the board shall determine that the estimated amount of the said expenditures during any fiscal year will exceed the estimated amount of the said receipts during any fiscal year, as shown by the budget for that fiscal year, then the board shall have the power to allocate the said deficit among Mobile county and each participating municipality, the amount allocated to each local subdivision being a sum constituting the same proportion of the total of the said deficit that the population of that local subdivision bears to a figure equal to the population of the entire of Mobile county plus the population of each participating municipality, all such population figures to be based on the last federal census or any subsequent federal or other official census, and shall have the power to assess, levy and collect from Mobile county and each participating municipality a sum equal to the portion of the deficit allocated by the board to each local subdivision, which sum shall be payable to the board by each local subdivision in twelve (12) equal monthly installments on the first day of each month in the fiscal year with respect to which the said budget was made; provided, however, that if a special annual ad valorem county tax for public hospital purposes shall be voted in Mobile county, then the power of the board to allocate any deficit among the local subdivisions and to assess, levy, and collect the amounts so allocated shall terminate after payment of the monthly installment falling due on the January 1 next succeeding the October 1 on which any such ad valorem tax so voted shall first be payable. The assessments and levies that the board is herein authorized to make, shall constitute binding obligations and debts of the local subdivisions collectible by suit or action brought by the board in any court of competent jurisdiction; but such obligations on the part of the aforesaid local subdivisions shall not be deemed to constitute debts of any local subdivision within the meaning of either section 224 or section 225 of the Constitution. The legislature shall have the continuing power by local or special legislation adopted at any time and from time to time, and without compliance with the provisions of section 106 of the Constitution, to specify the character and the maximum capacity or size of the public hospital facilities with respect to which items of expenditure may be included in any budget prepared by the board hereunder. Any such legislation adopted prior to the effective date of this amendment is hereby validated. The requirements of this amendment, and of any such legislation at any time adopted, as to the character and capacity or size of the public hospital facilities with respect to which items of expenditures may be included in any budget prepared by the board hereunder shall cease to be effective upon the termination, under the provisions hereof, of the power of the board to make allocation of the aforesaid deficit among the local subdivisions.

C. The 1955 board is hereby authorized to transfer to the board, and the board is hereby authorized to assume, all assets, contracts, properties, obligations and liabilities of the 1955 board. The corporate existence of the 1955 board and all of its acts in acquiring property, making contracts and incurring obligations and liabilities are hereby validated; and the transfer by the 1955 board to the board of all of the said assets, contracts, properties, obligations and liabilities

and the assumption of all thereof by the board, to such extent as the said transfer and assumption shall have taken place on the date when this amendment becomes a part of the Constitution, are hereby validated. Following the completion of such transfer and assumption, the governing body of Mobile county is authorized to adopt a resolution declaring the 1955 board to be dissolved, whereupon it shall be dissolved.

D. Bonds and other securities issued by the board shall not be deemed to constitute debts of Mobile county within the meaning of section 224 of the Constitution or debts of any participating municipality within the meaning of section 225 of the Constitution, and shall not be deemed to constitute bonds of Mobile county or of any political subdivision thereof within the meaning of section 222 of the Constitution, regardless of whether any such bonds or other securities may be made payable from, or secured by a pledge of, the assessments herein provided for, the proceeds of any contract between the board and any local subdivision, all or part of the proceeds from any tax of any kind that may be allocated or appropriated to the board, revenues from operation of public hospital facilities owned or operated by the board, or any other revenues of the board. All pledges of any revenues of the board that may be made by it for the benefit of any securities issued by it shall take precedence in the order in which made and shall create a charge on the revenues so pledged prior to the expenses of operating and maintaining any public hospital facilities. (Amendment 194)

Chapter 7. Gaming

Article 1. Bingo

§49-7.00. Operation of Bingo by Nonprofits. (Amendment 440)

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

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

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

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

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

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

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

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

The provisions of this constitutional amendment shall be self-executing, but the legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the general purposes and objectives herein set forth. (Amendment 440)

Chapter 8. Officials and Employees

Article 1. Compensation

§49-8.00. Certain Public Officials. (Amendment 28)

The legislature of Alabama may hereafter from time to time by general or local laws, but subject to the provisions of section 281 of the Constitution of Alabama, fix, regulate and alter the costs, charges of court, fees, commissions, allowances or salaries to be charged or received by the following county officers of Mobile county, Alabama, being, the judge of probate, the tax assessor, the tax collector, the clerk of the circuit court, and the register of the circuit court, including the method and basis of the compensation of such officers. (Amendment 28)

§49-8.01. Sheriff. (Amendment 47)

The legislature of Alabama may hereafter, from time to time, by general or local laws fix, alter and regulate the fees, commissions, allowances and salaries to be charged or received by the sheriff of Mobile county, and including the right to place said officer on a salary basis and provide that the fees, fines and forfeitures received or collected by said officer be paid into the treasury of Mobile county, Alabama, and to fix and provide the amount and method of compensation of such officer. All acts of the regular session of the legislature of 1939 and 1939-1940 heretofore passed and applicable, or purporting to be applicable to said Mobile county, and fixing, or purporting to fix the basis of compensation and compensation of said officer, or placing said officer on a salary basis, are hereby ratified and confirmed. (Amendment 47)

Article 2. Employee Personnel Boards

§49-8.20. Establishment of Pension or Retirement System. (Amendment 150)

The legislature may hereafter, by general, local, or special laws, provide for the establishment of a pension or retirement system or systems for the benefit of public officers of Mobile county and the officers of incorporated municipalities within the county, any provision of the Constitution to the contrary notwithstanding, and may provide for the retirement of such officers on pay or part pay. But any such law shall not become operative until it is first approved by a majority of the qualified electors of the county, or of the municipality affected thereby, voting in a referendum election held for that purpose. (Amendment 150)

§49-8.21. Former County and Municipal Officers. (Amendment 192)

Any provision of the Constitution to the contrary notwithstanding, any person who served as an officer of Mobile county or any municipality therein before the establishment of a pension or retirement system for the benefit of the elected or appointed officers of such county or municipalities shall be eligible to receive a pension or retirement benefit in all respects equal to officers serving when such pension or retirement system was established. The governing body of the county and of each municipality therein is hereby authorized to expend any funds not otherwise appropriated that may be required to pay the benefits payable to such former officers. (Amendment 192)

§49-8.22. Health Insurance Plan for Retired Employees. (Amendment 441)

The Mobile county commission may, from time to time by resolution duly adopted and spread upon its minutes, provide for a comprehensive health insurance plan for retired county employees. If such plan is so adopted, the Mobile county commission shall determine the extent of coverage of such plan and shall prescribe rules and regulations governing participation in such plan. (Amendment 441)

§49-8.23. Investment of Policemen's and Fire Fighters' Pension Fund Capital and Income. (Amendment 541)

The capital and income from any Policemen's and Fire Fighters' Pension Fund for a Class 2 municipality, may be invested in such kinds of investments and in accordance with such conditions as shall, from time to time, be authorized by law for the investment of the Alabama Heritage Trust Fund and the Alabama Trust Fund or any of the trust funds of either the Teachers' Retirement System of Alabama or the Employees' Retirement System of Alabama. (Amendment 541)

§49-8.24. Participation of Sheriff's Employees. (Amendment 791)

Effective the first day of the sixth month after ratification of this amendment, employees of the Office of the Sheriff of Mobile County, except for all appointed or contract employees, shall be under the authority of the Personnel Board of Mobile County. The provisions of this amendment shall not affect the legal status of the sheriff's deputies as state constitutional officers and shall not abrogate or limit in any way any immunity from liability they enjoy pursuant to that status. (Amendment 791)

Article 3. Retirement

§49-8.40. Phase-out of Supernumerary Program; Participation in RSA. (Amendments 648 and 762)

No elected Mobile County official, including the sheriff, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Any elected Mobile County official, including the sheriff, may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. An elected Mobile County official holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected Mobile County official" shall mean any person elected to a full-time Mobile County office, including the sheriff, and shall include any person appointed to serve the remaining term of an elected county official, but shall not include a judge, district attorney, legislator, constable, school board member, any official elected from a judicial circuit, or any official who is allowed by law to participate in any other retirement system. (Amendments 648 and 762)

Chapter 9. Public Safety

Article 1. Animal Control

§49-9.00. Control of Dangerous Dogs. (Amendment 822)

The Legislature, by local law applicable to those areas of Mobile County outside the corporate limits of any municipality, may establish a procedure by which a dog can be declared

dangerous and be humanely destroyed and impose criminal penalties on the owners of a dog declared to be dangerous. (Amendment 822)

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§49-10.00. Occupational Tax Prohibited. (Amendment 219)

No incorporated municipality in Mobile county shall have power to levy, impose, or collect a privilege license tax upon or in respect of the employees of an employer which is measured by or based on income derived from wages, salaries, commissions, or bonuses, for personal services rendered, unless the levying thereof shall have been authorized before the enactment of such ordinance by a vote of the duly qualified electors of the city or town at an election held for such purpose, in the manner prescribed by the city or town council or commission. (Amendment 219)

§49-10.01. Pest Control Purposes. (Amendments 351, 361, and 393)

The legislature may authorize the levy and collection of a one mill ad valorem tax in Mobile county on real and personal property that is subject to such tax under the laws of this state for the purpose of controlling mosquitos, rodents and other vectors of public health and welfare significance and other general health purposes; provided however, the portion of such tax, levied and collected, allocated to general health purposes shall in no event exceed fifty percent (50%) of such tax, levied and collected; and any acts of the legislature on this subject applicable to Mobile county that were enacted prior to the adoption of this amendment are hereby validated and reconfirmed. Provided however, such enabling legislation shall not become effective until this amendment is, or its provisions are, approved by a majority of the electors of Mobile county voting at the election held for the purpose of approving this amendment, or at any election at which such a proposal is submitted. In the event this amendment passes, but does not receive a majority vote of the Mobile county electorate, voting at the election, the county governing body of Mobile county may by resolution submit a similar proposal to the electors of Mobile county for their approval; however, no such proposal shall be submitted to the people more often than every two years. (Amendments 351, 361, and 393)

Article 2. Schools.

§49-10.20. Property Tax for Educational Purposes. (Amendment 16)

The county of Mobile, through its constituted governing authorities, may levy and collect for public school purposes, a rate of taxation, on the property situated therein, not exceeding in the total of any one year, one-fifth (1/5) of one (1) per centum of the value of such property as assessed as provided by the Constitution of Alabama and the statutes now or hereafter enacted pursuant to the said Constitution of Alabama, which said one-fifth (1/5) of one (1) per centum shall be in addition to taxes levied and collected under and pursuant to the authority of section 215 of the Constitution of Alabama of 1901, and taxes levied and collected under and pursuant to Sections 269.01 through 269.03, which Sections 269.01 through 269.03 were added to said Constitution by amendment; and existing laws attempting or purporting to authorize, empower and direct the said constituted authorities of the county of Mobile to levy and assess such a special tax in addition to the taxes levied and collected under and pursuant to section 215 of the Constitution as aforesaid and taxes levied and collected under and pursuant to Sections 269.01 through 269.03 are hereby validated and confirmed. (Amendment 16)

§49-10.21. Special Property Tax for School Capital Outlay Purposes. (Amendment 179)

The county commission; or other governing body by whatever named called or styled; of Mobile county is authorized and shall have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of the state of Alabama, of one-half of one percent (1/2 of 1%) on the value of the taxable property in the county, as such property was assessed for taxation during the preceding year. The proceeds of such tax shall be used exclusively for public school capital outlay purposes but may be pledged to secure the payment of principal and interest on warrants or other evidence of indebtedness issued and sold for public school capital outlay purposes by the board of school commissioners of Mobile county or other public body charged with the duties, powers and authority of conducting and operating public schools in Mobile county; which pledge shall take priority as provided in such warrants or other evidence of indebtedness and is in consonance with the provisions of existing law, at the time of the issuance and sale of the said warrants, touching the issue and sale of warrants by school bodies, for capital outlay purposes; provided that before such tax shall be levied, there shall be submitted to the qualified electors of Mobile county a statement of the rate of the tax, the time that it shall continue, and whether or not it shall be levied; and such tax shall be levied if a majority of the qualified electors voting at the said election should vote in favor thereof; and provided further, that if a majority of the qualified electors of Mobile county participating in the election on the adoption of this Constitutional amendment shall vote for the adoption of this amendment, then the approval of this amendment, expressed by said vote in said county in favor of its adoption, shall of itself authorize the levy and collection of the said special property tax for a period of thirty years commencing with the levy for the tax year of said county for which taxes will become due and payable to said county on October 1, 1962. Subsequent elections held hereunder shall be called, held and governed in all respects by the law that at the time of the said elections, is in effect for elections to determine whether or not a special county-wide school tax shall be levied and collected under Sections 269.01 through 269.03. The proceeds of the said tax shall be used solely for public school capital outlay purposes.

The power to levy, granted by this amendment, will not be exhausted by one election but shall remain a continuing grant unless and until it be repealed by subsequent Constitutional action.

Should, at any election by the qualified electors of Mobile county held hereunder, as hereinbefore provided for, the proposal to tax be defeated; the proposal to tax may be renewed and another election had at any time, upon complying with the requisites of law for the calling of such elections; provided, however, that no such subsequent election may be had within one year after the election in which the proposal was defeated.

This amendment shall be self-executing and shall require no enabling legislation. (Amendment 179)

§49-10.22. Education First Amendment. (Amendment 706)

Section I. This amendment shall be entitled the "Education First Amendment."

Section II. As used in this amendment, the following terms shall be given the following respective meanings:

(1) "Motor Fuel Tax" means a privilege or license tax levied upon every person, firm, or corporation selling, delivering, or withdrawing from storage or keeping in storage for sale or delivery in the county, any gasoline, naphtha, or other liquid motor fuels, or any device or substitutes therefor, commonly used in internal combustion engines, including diesel oil, tractor fuel, gas oil, distillate or liquefied gas, kerosene, jet fuel, or any substitutes or devices therefor,

when sold, distributed, stored, or withdrawn from storage in the corporate limits of the City of Mobile and the City of Prichard for use in the operation of any motor vehicle upon the highways, but not including "kerosene oil," "fuel oil," or "crude oil" commonly used for lighting, heating, or industrial purposes, in an amount equal to two cents ($.02) per gallon sold, delivered, withdrawn from storage, or kept in storage for sale or delivery. Provided, however, that the fuel tax herein provided for shall not be levied or paid on the sale of such motor fuels in interstate commerce, or to the federal government or any agency of the federal government, or to the State of Alabama, or to any incorporated municipality for municipal purposes, or to the county commission for county purposes, or to the board of school commissioners for the use or purposes of such board, or for use in operating or propelling tractors used exclusively for agricultural purposes, or for use in operating or propelling commercial fishing boats, or to such motor fuels which are withdrawn from storage for delivery only to a point or points outside the county, when the distributor or seller of such motor fuels prepares and files with the revenue commissioner of the county written statements sworn and subscribed to showing the name and address of the person and to whom such motor fuels are or have been delivered by the distributor or seller, the volume and kind of such motor fuels and the dates of such withdrawals, and the point or points outside the county to which the motor fuels are delivered, or are to be delivered. Where any excise tax which may be levied hereby upon the sale, use, distribution, storage, or withdrawal from storage of such motor fuels shall have been paid to the revenue commissioner of the county by any person, firm, or corporation, such payment shall be sufficient, the intent being that the tax shall be paid but once.

(2) "Property Tax" means an ad valorem tax on the value of taxable property, as assessed for state taxation during the preceding tax year; provided, however, that such tax shall not be levied and assessed against any private passenger automobiles or motor trucks of the type commonly known as "pickups" or "pickup trucks" owned and operated by an individual for personal or private use and not for hire, rent, or compensation.

(3) "Sales and Use Tax" means a privilege or license tax levied on account of business activities, in an amount determined by application of applicable rates against gross sales or gross receipts, or an excise tax on storage, use, or other consumption of tangible personal property, as the case may be, which shall parallel, except for the rate of the tax, the state sales and use taxes levied pursuant to Chapter 23, Title 40, of the Code of Alabama 1975, as the same may be amended from time to time; provided, that in the event of the repeal of the statutes imposing the state sales and use taxes, the sales and use tax levied hereunder shall apply to and be imposed upon every person upon whom, had it not been for such repeal, the state sales and use taxes would have been levied.

Section III. In addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, there is hereby levied and shall be collected a tax, the proceeds of which shall be used exclusively for public school purposes in Mobile County, including, without limitation, the payment of the principal of and interest on bonds, warrants, or other evidences of indebtedness issued for public school purposes. The taxes levied hereunder shall be determined as provided in Section 4 of this amendment and shall be:

(1) With respect to the areas of Mobile County within the corporate limits of the Cities of Mobile and Prichard, either (but not both) of the following:

a. a property tax at the rate of 12 mills on each $1 on property located within the corporate limits of the City of Mobile and the City of Prichard in Mobile County; or

b. a property tax at the rate of 8 mills on each $1 on all property located within the corporate limits of the City of Mobile and the City of Prichard in Mobile County and an additional motor fuel tax in such jurisdictions at the rate of two cents ($.02) per gallon.

(2) With respect to the areas of Mobile County outside the corporate limits of the Cities of Mobile and Prichard, either (but not both) of the following:

a. a property tax at the rate of 12 mills on each $1 on property located outside the corporate limits of the City of Mobile and the City of Prichard in Mobile County; or

b. a property tax at the rate of 4 mills on each $1 on all property located outside the corporate limits of the City of Mobile and the City of Prichard in Mobile County and a sales and use tax at the rate of one-half percent (.5%) on account of business activities in areas of Mobile County outside the City of Mobile and the City of Prichard.

Section IV. The taxes levied hereunder shall be determined by referendum to be held in Mobile County simultaneously with the referendum on the approval of this amendment. The question shall be submitted to the qualified voters of Mobile County, in a referendum separate from and in a position on the ballot immediately following the proposition on the approval of this amendment, in the following form:

Question (1) "If the Education First Amendment is approved by the voters, which of the following taxes to be levied for public school purposes do you favor? Vote for one.

"___ FOR a property tax at the rate of 12 mills on each $1 on all property located within the corporate limits of the City of Mobile and the City of Prichard in Mobile County; or

"___ FOR a property tax at the rate of eight mills on each $1 on all property located within the corporate limits of the City of Mobile and the City of Prichard in Mobile County and an additional motor fuel tax at the rate of two cents ($.02) per gallon in those jurisdictions."

The foregoing question shall be submitted to and voted on only by the electors residing in the Cities of Mobile and Prichard in Mobile County.

Question (2) "If the Education First Amendment is approved by the voters, which of the following taxes to be levied for public school purposes do you favor? Vote for one.

"___ FOR a property tax at the rate of 12 mills on each $1 on all property located outside the corporate limits of the City of Mobile and the City of Prichard in Mobile County; or

"___ FOR a sales and use tax at the rate of one-half percent (.5%) in all areas located outside the corporate limits of the Cities of Mobile and Prichard in Mobile County and a special ad valorem tax at the rate of four mills on each $1 on property located in all areas of the county outside the corporate limits of the Cities of Mobile and Prichard."

The foregoing question shall be submitted to and voted on only by the electors residing in areas outside the corporate limits of the Cities of Mobile and Prichard in Mobile County.

The taxes shall be levied upon approval of this amendment and in accordance with the results of the referenda provided for in this section. Failure of a person to vote on such question shall not affect the vote of that person on the question of the approval of this amendment. Likewise, the vote cast or the failure of a voter to vote on the approval of this amendment shall not affect his or her vote on the foregoing questions.

The judge of probate shall develop the two separate ballots to be submitted to each group of voters.

Section V. Any property tax levied hereby shall be levied each year, without limit as to time, effective with the tax year commencing October 1, 2000, which tax is due and payable October 1, 2001; provided, that if this amendment is approved and proclaimed ratified later than September 30, 2001, it shall be effective with the first tax year as to which taxes become payable

after the date it is proclaimed ratified. Except as to the exemption from such tax as provided in Section 2, such tax shall be assessed and collected in the same manner as all other ad valorem taxes with respect to property in Mobile County. Notwithstanding the foregoing, any property annexed into the corporate limits of the City of Mobile or the City of Prichard shall not be subject to the 12-mill or eight-mill additional ad valorem tax levied pursuant to the proposition in question (1) in Section 4 for a period of five years after annexation. During that five years, such property shall be subject to the same amount of ad valorem tax as is levied on property located outside the corporate limits of the City of Mobile and the City of Prichard.

Section VI. Any sales and use tax levied hereby shall be without limit as to time and shall be effective at the beginning of the third month following the month in which this amendment is proclaimed ratified. Any sales and use tax levied hereunder shall be administered and collected by the governing body of Mobile County or by such other officials to whom such duties may be delegated by the governing body of Mobile County from time to time. Any procedure or provision involving the State Department of Revenue which is incorporated herein by reference to the statutes imposing the state sales and use taxes shall be deemed to apply, with respect to the sales and use tax levied hereby, to the officer charged with the duty of administering and collecting such tax by the governing body of Mobile County. The governing body of Mobile County is hereby authorized to take such action as shall be necessary and appropriate to provide for the administration and collection of any sales and use tax levied hereby, including, without limitation, provisions for the making of returns or reports, the contents of returns or reports, collection and payment of taxes, keeping of records, penalties, assessments, and notices and examinations of taxpayers and their books, but all such provisions shall be parallel to the corresponding procedures with respect to the state sales and use taxes to the extent practicable. The proceeds of such tax, net of costs of collection, shall be paid to the Board of School Commissioners of Mobile County or its successors.

Section VII. Any motor fuel tax levied hereby shall be effective at the beginning of the third month following the month in which this amendment is proclaimed ratified.

Section VIII. The provisions of this amendment shall be self-executing, and authorization from or any other action by the Legislature or the governing body of Mobile County shall not be a prerequisite to the levy or collection of the taxes provided for herein or the use of the proceeds thereof for public school purposes in Mobile County.

Section IX. The actions and authority conferred by this constitutional amendment, specifically including, without limitation, the tax or taxes levied hereby and the method of determining the tax or taxes to be levied, are in all things validated and confirmed, any provision or provisions of the Constitution of Alabama of 1901, or any other laws of the state to the contrary notwithstanding, and to the extent that the provisions of this amendment may be inconsistent with provisions of any other provision or provisions of the Constitution of Alabama of 1901, or any other laws of the state, the provisions of this amendment shall control. (Amendment 706)

Article 3. Health

§49-10.40. Special Tax for Public Hospital Purposes. (Amendments 195 and 248)

A. The following terms, wherever used in this amendment, shall be given the respective meanings hereinafter set forth. "The special tax" means the special county tax herein provided for. "The board" means Mobile county public hospital board, a public corporation existing under Act No. 46 adopted at the 1949 regular session of the legislature of Alabama, as amended.

"Public hospital facilities" means public hospitals of all types, public clinics, public health centers, related public health facilities such as laboratories, outpatient departments, nurses' homes, and nurses' training facilities and other facilities operated in connection with public hospitals. "Public hospital purposes" means the acquisition by purchase, lease, donation or otherwise, and the construction, equipment, operation and maintenance of public hospital facilities, including the treatment and care of indigent patients.

B. If authorized by the vote of the majority of the qualified electors of Mobile county who participate in any election called for the purpose, the governing body of Mobile county must, subject to and in accordance with the provisions of this amendment, levy and collect, in addition to all other taxes authorized by law, a special annual ad valorem county tax at a rate not exceeding six mills on each dollar of taxable property in Mobile county, the proceeds from which shall be used solely for public hospital purposes.

C. If a majority of the qualified electors of Mobile county participating in the election on the adoption of this amendment shall vote for adoption of this amendment, then the approval of this amendment expressed by the said vote in favor of its adoption shall of itself authorize the special tax and in that event no additional election by the voters of Mobile county shall be required to authorize the levy of the special tax. If the majority vote at any election held hereunder is not in favor of the levy of the tax, or if at any such election the special tax shall be voted at a rate of less than six mills on each dollar of taxable property in Mobile county, then the governing body of Mobile county may from time to time thereafter call other elections hereunder on the levy of the special tax or on the increase of the rate thereof, up to but not exceeding six mills on each dollar of taxable property, and must call any such election within three months after the receipt by the said governing body of a petition for the calling of such election signed by not less than five percent of the qualified electors of Mobile county; provided, however, that not more than one election upon the levy of the special tax or upon the increase in the rate thereof, up to but not exceeding six mills as aforesaid, shall be held during any period of twelve consecutive months. After the special tax shall have been levied for a period of five years, the governing body of Mobile county may from time to time thereafter call other elections hereunder on the question of the discontinuance of the tax or a reduction in the rate thereof, such discontinuance or reduction to become effective for the tax year of the county next succeeding the tax year during which any obligations of the board that may be outstanding at the time of the election and that are payable out of or secured by any part of the special tax shall be finally retired; and after said five year period, the said governing body must call an election on the question of said discontinuance or reduction within three months after receipt by the said governing body of a petition for such election signed by not less than five percent of the qualified electors of Mobile county. If a majority of the qualified electors of Mobile county voting in any election upon the discontinuance of the special tax or reduction of the rate thereof should vote in favor of such discontinuance or reduction, then the special tax shall be discontinued or its rate reduced, as the case may be, such discontinuance or reduction to become effective for the tax year next succeeding the tax year when any of the aforesaid obligations outstanding at the time of the election shall be retired; provided, however, that not more than one election upon the discontinuance of the special tax or a reduction in the rate thereof shall be held during any period of twelve consecutive months. If the special tax shall be discontinued or its rate reduced pursuant to any election held hereunder, its levy or an increase in its rate up to the aforesaid maximum of six mills may be authorized at a subsequent election or elections held hereunder, and the special tax may thereafter again be discontinued or reduced in rate pursuant to

subsequent election or elections held hereunder, it being the intention hereof that the power of the governing body of Mobile county to call elections hereunder, and its duty to call them upon receipt of petition as herein provided, shall be continuous, subject only to the requirement that not more than one election may be held hereunder during any period of twelve consecutive months. All elections held under the provisions of this amendment shall be called, held, conducted, and canvassed in such manner as the governing body of Mobile county shall prescribe.

D. Not later than February 1 in each tax year for which the special tax may be authorized hereunder to be levied, the board will certify to the governing body of Mobile county the rate of the special tax, not exceeding the rate at the time authorized by vote of the qualified electors of Mobile county as herein provided, that the board has determined should be levied in order to supply the funds needed for public hospital purposes during the next ensuing fiscal year of the board. During the month of February in each such tax year the governing body of Mobile county shall levy the special tax at such rate as may be certified by the board to be necessary, up to but not exceeding the rate then authorized as aforesaid, and the special tax so levied shall be due and payable on the then ensuing October 1. If the board should fail to make such certification with respect to the rate to be levied in any tax year, the governing body of Mobile county shall levy the special tax for that tax year at the maximum rate then authorized by vote of the qualified electors of the county as herein provided. All moneys derived from the collection of the special tax shall be paid over to the board as received and used by the board for public hospital purposes in the county. The board may anticipate the proceeds from the special tax by issuing for any one or more public hospital purposes the bonds, warrants, or other securities, of the board and may pledge for payment of the principal thereof and interest thereon not exceeding 75% of the annual proceeds from the special tax. All such pledges of the special tax shall take precedence in the order in which they are made and shall create a charge on the special tax prior to the expenses of operating and maintaining any public hospital facilities. Bonds and other securities issued by the board, including those that may be issued in anticipation of the special tax and also any other securities issued by the board, shall not be deemed to constitute debts of Mobile county within the meaning of section 224 of the Constitution and shall not be construed to be bonds of the county or of any political subdivision thereof within the meaning of section 222 of the Constitution.

E. The rate of ad valorem taxation for general municipal purposes that is at the time otherwise permitted by the Constitution to each particular municipal corporation in Mobile county shall be reduced for the tax year of the municipality next succeeding any tax year of Mobile county for which the special tax shall have been levied at a rate exceeding one and one-half mills on each dollar of taxable property in the county, any such reduction to be by a rate of millage equal to the rate by which the special tax levied for that tax year exceeds one and one-half mills on each dollar of such taxable property or by one and one-half mills on each dollar of taxable property in the county, whichever shall be the lesser reduction.

F. The rate of ad valorem taxation for general county purposes that is at the time otherwise permitted to Mobile county by the Constitution shall be reduced, for any tax year for which the special tax shall be levied, any such reduction to be by the same rate of millage at which the special tax shall be levied for the same tax year or by one mill on each dollar of taxable property in the county, whichever shall be the lesser reduction.

G. The rate of that certain ad valorem tax authorized by Section 49-3.00, as amended, and provided for also in those certain amendments to the Constitution known as Sections 49-3.02,

49-3.03, 49-3.04, 49-3.05, and 49-3.06 shall be reduced, for each tax year for which the special tax shall have been levied at a rate exceeding one mill on each dollar of taxable property in the county, any such reduction to be by one-half mill on each dollar of taxable property in the county or by a rate of millage equal to the rate by which the special tax levied for that tax year exceeds one mill on each dollar of such taxable property, whichever shall be the lesser reduction.

H. Mobile county and each municipal corporation therein are hereby prohibited from making any appropriation or payment to the board during any tax year of the county in which the special tax shall be collected, except to provide funds for constructing and equipping public hospital facilities, unless any such appropriation or payment shall have been authorized by a majority of the qualified electors of the political subdivision proposing to make such appropriation or payment at an election held on the question in the said political subdivision. (Amendments 195 and 248)

§49-10.41. Special Property Tax for Public Hospital Purposes. (Amendment 275)

Mobile county shall have power to levy and collect a special county tax not exceeding twenty cents on each one hundred dollars worth of taxable property in the county as assessed for state taxes in addition to all other taxes now or hereafter authorized, for public hospital purposes, provided the rate of the tax and the time it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors of the county and voted for by a majority of those voting at such election.

If a majority of the qualified electors of Mobile county who participate in the election held on the adoption of this amendment vote in favor thereof, the governing body of Mobile county must levy and collect the special tax as herein authorized at the maximum rate specified for each of the four tax years next ensuing.

If a majority of the qualified electors of Mobile county voting on this amendment vote against its adoption, the governing body of Mobile county may thereafter from time to time call other elections on the question of levying the special tax as herein authorized and must call such an election within three months after receipt by the said county governing body of a petition signed by not less than five percent of the qualified electors of Mobile county. After the special tax herein authorized shall have been levied for a period of four years, the governing body of Mobile county shall, on petition signed by not less than five percent of the qualified electors of the county, call an election on the question of discontinuance of the tax. If a majority of the electors voting upon the question shall vote in favor of discontinuance of the tax then the special tax shall be discontinued at the end of the tax year following the election. Such elections shall be called, held, conducted and canvassed in such manner as the governing board of Mobile county shall provide.

The county governing body and any city or town of Mobile county may from time to time appropriate county or municipal funds, as the case may be, for the use and benefit of any public hospital located in the county. (Amendment 275)

§49-10.42. Change in Purposes of Levy and Distribution of Special Tax Authorized by Sections 49-3.00, 49-3.03 to 49-3.06, inclusive, and 49-11.20. (Amendment 301)

A. As used in this amendment the following terms shall be given the following respective meanings:

"County" means Mobile county.

"Special tax" means the annual ad valorem tax at the rate of 1/2 of 1 per centum (equivalent to 5 mills on each dollar) of the assessed valuation of the taxable property in the county authorized to be levied by the county by the amendment known as Section 49-3.00, as amended, and also provided for in the amendments to the Constitution known as Sections 49-3.03, 49-3.04, 49-3.05, 49-3.06, and 49-3.40.

B. Commencing with the levy for the tax year beginning October 1, 1969 (for which tax year the special tax will become payable on October 1, 1970) the special tax shall be levied annually by the governing body of the county on the assessed valuation of all property subject to taxation by the county, as assessed for state taxation for the next preceding year, at the following rates for the following respective purposes:

(a) 1/2 mill on each dollar (equivalent to 1/20 of 1%) of the said assessed valuation shall be levied for the general purposes of the county to be paid into and disbursed by the governing body of the county out of the general fund of the county; and

(b) 4 1/2 mills on each dollar (equivalent to 9/20 of 1%) of the said assessed valuation shall be levied for payment of the principal of and interest on all bonds of the county heretofore and hereafter issued that are payable out of or secured by a pledge of the special tax; provided, that the said rate of 4 1/2 mills on each $1.00 of the said assessed valuation shall be reduced for each tax year for which the special hospital tax authorized in paragraph G of the amendment to the Constitution known as Section 49-10.40 shall have been levied at a rate exceeding 1 mill on each dollar of the taxable property in the county, any such reduction to be by 1/2 mill on each dollar of the assessed valuation of the taxable property in the county or by rate of millage equal to the rate by which the said special hospital tax levied for that tax year exceeds one mill on each dollar of the assessed valuation of such taxable property, whichever shall be the lesser reduction. (Amendment 301)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Water and Sewer

§49-11.00. Drainage Systems, Public Roads, and Seawalls; Baldwin and Mobile Counties. (Amendment 15)

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

§49-11.01. Water and Sewer System. (Amendment 863)

(a) Within 90 days after the ratification of this amendment, the assets and liabilities of the Water Works and Sewer Board of the City of Prichard shall be transferred to the Board of Water and Sewer Commissioners of the City of Mobile, presently known as the Mobile Area Water and Sewer System. The transfer shall include all assets of the Water Works and Sewer Board of the City of Prichard and shall be conditioned upon the assumption or discharge by the Board of Water and Sewer Commissioners of the City of Mobile, presently known as the Mobile Area Water and Sewer System, of all liabilities of the Water Works and Sewer Board of the City of Prichard, including, without limitation, all indebtedness, contracts, and retirement obligations. Any assumption of obligations by the Board of Water and Sewer Commissioners of the City of

Mobile, presently known as the Mobile Area Water and Sewer System, shall be evidenced by resolution of that board.

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

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

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

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

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

The votes cast on this amendment in precincts any part of which are serviced by the Board of Water and Sewer Commissioners of the City of Mobile (Mobile Area Water and Sewer System) and the votes cast on this amendment in precincts any part of which are serviced by the Water and Sewer Board of the City of Prichard shall be tabulated separately to determine whether a majority of those who voted in each area approved the amendment. (Amendment 863)

§49-11.02. Water and Sewer System Transferred. (Amendment 882)

(a) Within 90 days after the ratification of this amendment, the assets and liabilities of the Water Works and Sewer Board of the City of Prichard shall be transferred to the Board of Water and Sewer Commissioners of the City of Mobile, presently known as the Mobile Area Water and Sewer System. The transfer shall include all assets of the Water Works and Sewer Board of the City of Prichard and shall be conditioned upon the assumption or discharge by the Board of Water and Sewer Commissioners of the City of Mobile, presently known as the Mobile Area Water and Sewer System, of all liabilities of the Water Works and Sewer Board of the City of Prichard, including, without limitation, all indebtedness, contracts, and retirement obligations. Any assumption of obligations by the Board of Water and Sewer Commissioners of the City of Mobile, presently known as the Mobile Area Water and Sewer System, shall be evidenced by resolution of that board.

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

(c) The rates for water and sewer service to existing customers of the Mobile Area Water and Sewer System shall not be increased at any time for reasons related to the acquisition or maintenance of the assets, liabilities, or infrastructure of the Water Works and Sewer Board of the City of Prichard. (Amendment 882)

Article 2. Fire Protection

§49-11.20. Fire Protection Purposes. (Amendment 532)

The county commission of Mobile county is hereby authorized to establish and maintain fire fighting districts within Mobile county. The county commission is further authorized to enter into agreements with volunteer fire departments within the county for fire protection and services. The county commission is hereby empowered to set fees for fire protection and to

prescribe the manner of collection and distribution of such fees. The fire fighting districts herein authorized shall not include any corporate municipality of Mobile county unless such municipality requests through resolution of its governing body to be included in such fire fighting program. Any act heretofore enacted regarding said Mobile county fire fighting districts is hereby ratified and confirmed. (Amendment 532)

Title 49A Mobile County Municipalities.

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Bayou La Batre

§49A-2.00. Industrial, Commercial, and Agricultural Development. (Amendment 220)

Any provision or limitations in this Constitution or laws to the contrary notwithstanding, the city of Bayou La Batre shall have full and continuing power and authority to do any act hereinafter described or engage in any activity mentioned if the same is first approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose. The city or governing body thereof may purchase, construct, lease, or otherwise acquire real property, plants, buildings, factories, works, facilities, machinery and equipment of any kind and may lend its credit or grant public money and things of value in aid of, or to, any individual, firm, association, or corporation, to promote local industrial, commercial, or agricultural development and the location of new industries or businesses in the city. The city or the governing body thereof may borrow money and pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any special tax or taxes and to obligate itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full, and may pledge thereto any rental or sales proceeds of property leased, or sold by it. The provisions of this article of amendment shall be self-executing; however, the governing body of the city shall have power to enact appropriate ordinances to implement and enforce the provisions hereof. (Amendment 220)

§49A-2.00. Industrial, Commercial, and Agricultural Development; Exercise of Powers. (Amendment 261)

Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, the city of Bayou La Batre, Mobile county, Alabama, shall have full and continuing power and authority, subject to the election hereinafter provided for, to promote local industrial, commercial or agricultural development and the location of new industries or businesses in or within 15 miles of said city, and whenever such action shall be deemed by the governing body of said city in its discretion to be in furtherance of such purposes, also full and continuing power and authority to do any one or more of the following:

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

2. To lease, sell for cash or on credit, exchange, or give and convey any such property described in subparagraph 1 above, to any person, firm, association or corporation, which shall locate or agree to locate a new industry or business in or within 15 miles of said city.

3. To become a stockholder in any corporation which shall locate or agree to locate a new industry or business in or within 15 miles of said city.

4. To lend its credit or grant public monies and things of value in aid of, or to, any individual, firm, association, or corporation, which shall locate or agree to locate a new industry or business in or within 15 miles of said city.

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

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

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

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

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

This amendment shall be self-executing; but the legislature shall have the right and power by general, special or local act, to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth. (Amendment 261)

Chapter 3. Prichard

§49A-3.00. Foreign Trade Investment Zone. (Amendment 797)

(a) The governing body of the City of Prichard in Mobile County, Alabama, by a majority vote thereof at a regularly scheduled meeting of the governing body, may establish an Alabama Foreign Trade Investment Zone within the city as a special tax district for the purpose of importing duty free and quota free articles eligible under the United States General System of Preferences and the Africa Growth and Opportunities Act or otherwise for purposes of enhancing economic development opportunities and job opportunities within the City of Prichard and Mobile County. The governing body of the City of Prichard shall specify that the value of land and improvements within the tax district, except for property within the tax district that is centrally assessed by the Alabama Department of Revenue, shall be assessed for ad valorem tax purposes by the appropriate county tax officials according to a single site valuation system where land and improvements on the land are valued together rather than separately and taxed at a uniform rate. The proceeds of any revenue collected pursuant to this amendment shall be used by the special tax district for infrastructure creation, improvements, or redesign.

(b) The Legislature may provide by local law for the implementation and administration of the special tax district authorized by this amendment and may further provide for the abolition of the tax district upon the adoption of a resolution by a majority vote of the city governing body calling for the tax district to be abolished.

(c) In addition to the foregoing, any nonprofit organization located within Mobile County may enter into contracts with any individual or corporation for operational purposes. (Amendment 797)

Title 50 Monroe County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§50-2.00. General Authority. (Amendment 697)

The Legislature, from time to time, may fix, regulate, and alter the costs and charges of court in Monroe County and provide for the distribution of any additional revenue. (Amendment 697)

Article 2. Judges

§50-2.20. Judge of Probate Compensation, Duties, and Office. (Amendment 937)

(a) Effective with the term of office beginning in January 2019, the Judge of Probate of Monroe County shall be compensated on a salary basis paid in equal monthly installments from the general fund of the county. The initial annual salary of the judge of probate shall be one hundred eight thousand dollars ($108,000) per year. Thereafter, the judge of probate shall be entitled to receive any cost-of-living increases in compensation granted to other county officers.

(b) The Monroe County Commission shall provide for operating expenses of the office of the judge of probate. All employees of the judge of probate on the effective date of this amendment shall be transferred to the employment of the county at the rate of pay and level of seniority of each employee on that date.

(c) All fees, commissions, allowances, percentages, and other charges allocated to the Judge of Probate of Monroe County shall be collected, but shall be paid into the general fund of Monroe County.

(d) The judge of probate shall perform all duties relating to the issuance of motor vehicle license plates in the county and shall perform all duties relating to the assessment and collection of ad valorem taxes on motor vehicles, which have been performed by the revenue commissioner prior to the effective date of this amendment. The revenue commissioner is relieved of all duties and responsibilities relating to the assessment and collection of taxes on motor vehicles. The judge of probate shall receive the commissions and fees currently allocated to the revenue commissioner for performing these functions, and these fees and commissions shall be deposited in the county general fund. Reporting and remitting of the collections of these fees shall be made by the judge of probate or as otherwise required by law.

(e) This amendment, upon its ratification, shall become effective the beginning of the next term of office of the judge of probate in January 2019. (Amendment 937)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

RESERVED

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§50-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 764)

No person elected or appointed sheriff, or any elected or appointed Monroe County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and elected or appointed Monroe County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Monroe County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. The sheriff at the time of ratification of this amendment shall not be prohibited from receiving the benefits of vested contributions made prior to his or her election if he or she chooses the supernumerary program. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 764)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools.

§50-10.20. Special Tax for Educational Purposes. (Amendment 86)

In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, the several school districts of Monroe county, Alabama shall have the power to levy and collect a special district tax of thirty cents on each one hundred dollars worth of taxable property in such districts for school purposes; provided, that the levying of such tax and the time during which it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in each such district and voted for by a majority of those voting at such election; and further provided that such election shall be held in the same manner as now provided for an election on the school district tax authorized in Sections 269.01 through 269.03; and be it further provided that the funds arising from the special school tax levied in any district which votes the same independently of the county shall be expended for the exclusive benefit of the district as the law may direct. (Amendment 86)

Article 3. Tobacco Products

§50-10.40. Tax for Tobacco Products. (Amendment 901)

(a) There is levied in Monroe County on every person, firm, or corporation that sells, stores, delivers, uses, or otherwise consumes tobacco or tobacco products in Monroe County a county privilege, license, or excise tax in the following amounts:

(1) An amount equal to twenty-five cents ($0.25) for each package of 20 or less cigarettes sold within the county.

(2) An amount equal to thirty cents ($0.30) for each package of 21 to 25 cigarettes sold within the county.

(3) An amount equal to one cent ($0.01) for each cigar of any description made of tobacco or any substitute for a cigar sold in the county.

(4) An amount equal to twenty-five cents ($0.25) for the first two ounces and twenty-five cents ($0.25) for each additional ounce or fraction of an ounce contained in each individual package or can of smoking tobacco which is sold within the county.

(5) An amount equal to twenty-five cents ($0.25) for the first two ounces and twenty-five cents ($0.25) for each additional ounce or fraction of an ounce contained in each individual package or can of smokeless tobacco or snuff which is sold within the county.

(b) The privilege, license, or excise tax imposed in this amendment shall be in addition to all other taxes imposed by law and shall be collected in the same manner as other taxes on tobacco, except that when the license tax has been paid by a wholesaler or seller of the products, that payment shall be sufficient. The legislative intent of this amendment is that the tax shall be paid only once on each package of cigarettes, chewing tobacco, snuff, cigars of every description, and smoking tobacco of every description.

(c) Every person, firm, corporation, club, or association that sells, stores, or receives for the purpose of selling or storing in Monroe County, any cigarettes, cigars, snuff, and smoking tobacco products shall add the amount of the license or privilege tax to the price of each product. It is the purpose and intent of this amendment that the tax required is, in fact, a levy on the consumer with the person, firm, corporation, club, or association that sells or stores or receives for the purpose of distributing the cigarettes, cigars, snuff, and smoking tobacco products acting merely as an agent for the collection of the tax. The dealer, storer, or distributor shall state the amount of the tax separately from the price of the cigarettes, cigars, snuff, and smoking tobacco products on all price display signs, sales or delivery slips, bills, and statements which advertise or indicate the price of the cigarettes, cigars, snuff, and smoking tobacco products.

(d) It shall be unlawful for any dealer, storer, or distributor engaged in or continuing in the business in Monroe County for which the tax is required to fail or refuse to add to the sales price and collect from the purchaser the amount due on account of the tax, to refund or offer to refund all or any part of the amount collected, or absorb, or advertise directly or indirectly the absorption of, the tax or any portion thereof. Any person, firm, corporation, club, or association violating this subsection shall be subject to a civil penalty of not less than twenty-five dollars ($25) nor more than five hundred dollars ($500). Each act in violation of this subsection shall constitute a separate offense.

(e)(1) The State Department of Revenue or, as otherwise provided by resolution of the county commission, the Monroe County Tax Collector, shall collect all taxes required pursuant to this amendment at the same time and in the same manner as state sales and use taxes are collected.

(2) The tax imposed by this amendment shall be paid by affixing stamps that are required for the payment of the tax imposed by Sections 40-25-1 to 40-25-29, inclusive, Code of Alabama 1975.

(3) The department shall have the same duties relative to the preparation and sale of stamps to evidence the payment of the tax that it has relative to the preparation and sale of stamps under Sections 40-25-1 to 40-25-29, inclusive, Code of Alabama 1975. The department

may exercise the same powers and perform the same duties in the same manner relative to the collection of the tax imposed by this amendment that it does relative to the collection of that tax, as long as it is authorized and directed to do so under the resolution adopted by the commission.

(4) In accordance with Section 40-25-2, Code of Alabama 1975, in the event tobacco stamps are not available for affixing to tobacco products packages and containers, or by the authority of a duly promulgated regulation eliminating the requirement of affixing county tobacco stamps, the Commissioner of the Department of Revenue may require a monthly report in lieu of stamps to report the amount of tax due. The monthly report shall be in a form approved by the commissioner and adopted by the department under the Alabama Administrative Procedure Act, Title 41, Chapter 22 of the Code of Alabama 1975.

(5) The department may promulgate and enforce rules to effectuate the purposes of this amendment. All rules duly promulgated shall have the same force and effect of law.

(f) All laws and rules of the department relating to the manner and time of payment of the tax levied by Sections 40-25-1 to 40-25-29, inclusive, Code of Alabama 1975, requiring reports from dealers and prescribing penalties for violations shall apply with equal force to the tax imposed by this amendment.

(g) The proceeds from the tax imposed, less the amount or percentage of the actual cost of collection as may be agreed upon by the commissioner and the Monroe County Commission, shall be distributed to the Monroe County General Fund.

(h) This amendment shall not be construed to apply to cigarettes, cigars, snuff, smoking tobacco, and like tobacco products stored by a wholesale dealer for the purpose of resale or reshipment outside of the county which are actually resold or reshipped. (Amendment 901)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§50-11.00. Creation of Districts; Collection of Fees. (Amendment 501)

The Monroe county commission is hereby authorized in its discretion to establish fire districts within the geographical boundaries of Monroe county. The boundaries of such fire districts may be rearranged at the discretion of the county commission as it deems necessary, from time to time, to maximize fire protection services in the county. The county commission may use the corporate limits of the various towns and municipalities in the county as boundaries for fire districts. In such situations, such town or municipal fire district shall have its own volunteer fire department functioning within its boundaries. Each fire district established in an area located outside of the corporate limits of a town or municipality shall likewise have its own volunteer fire department functioning strictly within its district boundaries.

The county commission is further authorized to enter into agreements with volunteer fire departments within such county for fire protection and services.

Commencing with the levy for the tax year for which taxes will become due and payable on October 1, 1989, there is hereby levied, in addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, a fire protection tax of three mills. The fire protection tax levied herein shall be based upon the value of real and personal property assessed by affected property owners, as shown on the records of the tax assessor of Monroe county, Alabama, and shall be assessed and collected as are all ad valorem taxes in the county. The amount collected each year from assessment of this fire protection tax shall be paid into the county general fund and used in furtherance of fire protection and for rescue squads within the affected area. Prior to the levy of the fire protection tax in said county, there shall be submitted to the electors of said county, at a special election called for that purpose in said

county, the question of whether the said tax shall be levied, and the said tax shall be authorized at such election by a majority of the qualified electors within the said county who vote at such election.

Elections on the question of the levy of a fire protection tax in said county may be held at any time and from time to time, provided, that if any such election held after the ratification of this amendment the proposal to levy the tax so submitted should be defeated then the proposal may not be submitted at another election held in said county within two years from the last election held under this amendment. (Amendment 501)

Title 50A Monroe County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 51 Montgomery County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§51-2.00. General Authority. (Amendment 139)

The legislature may from time to time, by general or local laws, fix, alter and regulate the costs and charges of courts in Montgomery county, and the method of disbursement thereof. (Amendment 139)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§51-4.00. Montgomery County. (Amendment 713)

For the promotion of local economic and industrial development, the Montgomery County Commission and the City Council of the City of Montgomery, any other provision of law or of this Constitution notwithstanding, shall have, independently or in cooperation with one another, full and continuing power to do any of the following:

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

(2) Lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county or the City of Montgomery, as applicable, all or any part of any site or industrial park project to any individual, firm, corporation, or other business entity, public or private, including any industrial development board or other public corporation or authority heretofore or hereafter created by the county or any municipality therein, for the purpose of constructing, developing, equipping, and operating industrial, commercial, research, or service facilities of any kind.

(3) Lend its credit to or grant public funds and things of value in aid of or to any individual, firm, corporation, or other business entity, public or private, for the purpose of promoting the economic and industrial development of Montgomery County or the City of Montgomery.

In carrying out the purposes of this amendment, neither Montgomery County nor the City of Montgomery shall be subject to Section 93 or 94 of this Constitution. Each public corporation heretofore created by Montgomery County or by the City of Montgomery, including specifically any industrial development board incorporated under Chapter 54, Article 4, Title ll of the Code of Alabama 1975, and any industrial development authority incorporated or reincorporated under Chapter 92A, Title ll of the Code of Alabama 1975, is validated and the powers granted to such board or authority under its respective enabling legislation are validated notwithstanding any other provision of law or of this Constitution. The powers granted in this amendment may be exercised as an alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the county, or to any municipality, or to any agency, board, or authority created pursuant to the laws of this state.

Neither Montgomery County nor the City of Montgomery shall lend its credit to or grant any public funds or thing of value to or in aid of any private entity under the authority of this amendment unless prior thereto: (i) the action proposed to be taken by Montgomery County or the City of Montgomery is at a public meeting of the governing body of the county or city, as the case may be, by a resolution containing a determination by such governing body that the expenditure of public funds for such purpose will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities; and (ii) at least seven days prior to the public meeting, a notice is published in the newspaper having the largest circulation in the county or in the city, as the case may be, describing in reasonable detail the action proposed to be taken, a description of the public benefits sought to be achieved by such action, and identifying each individual, firm, corporation, or other business entity to whom or for whose benefit the county or the city proposes to lend its credit or grant public funds or thing of value. For purposes of the foregoing, any sale, lease, or other disposition of property for a price equal to the fair market value thereof shall not constitute the lending of credit or a grant of public funds or thing of value in aid of a private entity. (Amendment 713)

Chapter 5. Education

Article 1. Board of Education

§51-5.00. Election of Members. (Amendment 857)

As terms of office on the Montgomery County Board of Education expire, new members shall be elected to the board for terms of four years. (Amendment 857)

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

Article 1. Bingo

§51-7.00. Operation of Bingo by Nonprofits. (Amendment 413)

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

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

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

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

(d) No nonprofit organization shall enter into any contract with any individual, firm, association or corporation to have said individual or entity operate bingo games or concessions on behalf of the nonprofit organization, nor shall said nonprofit organization pay consulting fees

to any individual or entity for any services performed in relation to the operation or conduct of a bingo game;

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

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

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

Chapter 8. Officials and Employees

Article 1. Compensation

§51-8.00. Certain Public Officials. (Amendment 4)

Commencing at the beginning of their next term of office, subsequent to the general election to be held on the first Tuesday after the first Monday of November, 1916, the compensation and allowance of the following named county officers of Montgomery county shall be as follows: Salary of judge of probate of Montgomery county, $5,000.00 per year net; allowance of $5,500.00 per annum for office expenses, as follows: One clerk at $1,500.00 per annum; two clerks at $1,000.00 per annum each; one clerk at $800.00 per annum, and $1,200.00 per annum for all other expenses, including extra clerks. The said $1,200.00 to be paid to the judge of probate in monthly installments and disbursed by him. The tax collector of Montgomery county shall receive a salary of $4,000.00 per year net; allowance of $1,500.00 per year for his clerk in said office, and $1,000.00 for extra help. The tax assessor of Montgomery county shall receive a salary of $4,000.00 per year net; allowance of $1,500.00 per year for a chief clerk in said office; $900.00 for an assistant clerk in said office and $600.00 per year for extra help. The sheriff of Montgomery county shall receive a salary of $4,000.00 per year net; allowance of $1,200.00 per year for a chief clerk in said office; $1,380.00 per year for a chief deputy; $2,200.00 per year for two deputies in said office, and $1,000.00 for extra assistance. These amounts to be paid out of the county treasury of Montgomery county. This shall not interfere with the amounts now or hereafter allowed the sheriff for guards at the county jail or bailiffs for courts, nor with the provisions for feeding prisoners. The sheriff shall receive amounts now provided by law, and shall cover the same into the county treasury of Montgomery county, and the board of revenue of Montgomery county shall pay out of the county treasury of Montgomery county the expenses incurred by the sheriff in feeding said prisoners. The above named amounts shall be in lieu of all compensations and allowances to the respective named officers. These amounts shall be paid out of the county treasury of Montgomery county as the salaries of other county officers are paid. The above named officers shall collect the fees heretofore collected by them and shall cover such fees into the county treasury on the first Monday of each month. The board of revenue of Montgomery county shall provide said officers with necessary quarters, books, stationery and other conveniences. The legislature of Alabama may hereafter from time to time by local or general laws, fix, regulate and alter the amount of the above named salaries and allowances, including the method and basis of their compensation, also fix, regulate and alter amount of compensation received by all other county officers of said county. (Amendment 4)

Article 2. Retirement

§51-8.20. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 852)

No elected or appointed Revenue Commissioner in Montgomery County may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. The Revenue Commissioner of Montgomery County may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. The Montgomery County Revenue Commissioner holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. This amendment does not include a county commissioner, a judge, district attorney, legislator, school board member, or any official elected from a judicial circuit. (Amendment 852)

§51-8.21. Participation in RSA by Sheriff. (Amendment 916)

No elected or appointed sheriff in Montgomery County may assume a supernumerary office after the effective date of this amendment except as provided herein. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. The Sheriff of Montgomery County may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. The sheriff holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. (Amendment 916)

51-8.22. Participation in RSA by County Commission Members. (Amendment 941)

No elected or appointed Montgomery County Commissioner may assume a supernumerary office after the effective date of this amendment. Each member of the Montgomery County Commission may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. A Montgomery County Commissioner holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official may not assume a supernumerary office. (Amendment 941)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Health

§51-10.20. Special Tax for Hospital and Public Health Purposes. (Amendment 63)

If the tax is authorized by vote of a majority of the qualified electors of the county in an election called for that purpose, Montgomery county shall have power to levy and collect a

special county tax not exceeding four mills on each dollar of taxable property in the county to be used solely for acquiring, constructing, operating, equipping or maintaining county hospitals or other public hospitals, non-profit hospitals and public health facilities. The board of revenue of said county may within the limit of four mills on each dollar of taxable property propose a rate of taxation sufficient for acquiring, constructing and maintaining such hospitals and facilities and the number of years necessary for such tax to be levied for such purpose, and a rate of taxation to be levied thereafter sufficient to maintain such hospitals or facilities. A county wide election may be called at any time by the board of revenue of said county to be conducted in the manner prescribed by law for general elections, and at which election there shall be submitted to the vote of the qualified electors of the county the said tax as proposed by the board of revenue of said county. Such tax must be levied if authorized by vote of the majority of the qualified electors of the county who participate in the election called for that purpose. (Amendment 63)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§51-11.00. Creation of Districts; Collection of Fees. (Amendment 379)

The governing body of Montgomery county is hereby authorized to establish and maintain fire fighting districts within Montgomery county. Said governing body is further authorized to enter into agreements with volunteer fire departments within such county for fire protection and services. Provided further, said governing body is hereby empowered to set fees for fire protection and to prescribe the manner of collection and distribution of such fees. The fire fighting districts herein authorized shall not include any corporate municipality of Montgomery county unless such municipality requests through resolution of its governing body to be included in such fire fighting program. Any act heretofore enacted regarding said Montgomery county fire fighting districts is hereby ratified and confirmed. (Amendment 379)

§51-11.01. Fire Protection Purposes. (Amendments 551 and 711)

The Legislature declares that all volunteer fire departments, including volunteer fire departments that have emergency medical technicians that are members, are organizations that are public in nature and serve to protect the health, safety, and welfare of the citizens of Montgomery County.

In addition to all ad valorem taxes levied for fire protection, the Montgomery County Commission may levy and collect a special ad valorem tax, not to exceed five mills in any year on each dollar of assessed value of the property taxed, on property in the unincorporated area of Montgomery County for the purpose of providing fire protection in the unincorporated area of Montgomery County.

The tax provided in this act shall be levied, collected, administered, and enforced at the same time, in the same manner, and under the same requirements and laws as state ad valorem taxes. The officials collecting or assessing the tax shall be entitled to the same fees and compensation as are provided for collecting and assessing ad valorem taxes. The proceeds of the tax shall be paid into the county general fund. Within thirty days after payment into the county general fund, the Montgomery County Commission shall pay the funds to the Montgomery County Association of Volunteer Firefighters, hereafter referred to as the county association. The county association shall distribute the funds as follows:

(1) 60 percent shall be divided equally among all eligible volunteer fire departments.

(2) 30 percent shall be divided according to a percentage based upon the monies collected in a fire district compared to the total monies collected. The county association shall notify the Revenue Commissioner within 30 days after this act becomes operative of the designated fire

districts. The boundaries of the fire districts may be rearranged at the discretion of the county association as they deem necessary, from time to time, to maximize fire protection services in the county.

(3) Ten percent of the money shall be designated as discretionary fund of the county association to be used for any expenditure otherwise allowable under this act.

In order to be an eligible volunteer fire department for purposes of this act, a volunteer fire department shall be in good standing with the Montgomery County Association of Volunteer Firefighters.

Funds disbursed to eligible volunteer fire departments pursuant to this act shall be expended only for fire protection and emergency medical services, including but not limited to, training, supplies, buildings, capital improvements, equipment, insurance, professional services, and dues. The funds shall not be expended for food, drink, social activities, or fund-raising activities. After receiving the funds, the volunteer fire departments shall keep accurate records to verify that the funds are properly expended. By September 15th of each year, the department shall file a report with the county association detailing the expenditure of all funds during the previous twelve months and setting out a schedule of all proposed projects. The filing shall account for all unspent funds and whether unspent funds have been obligated. Unspent funds that have not been obligated which exceed the amount of total receipts paid to the department for the prior year from this tax shall be returned to the county association for redistribution equally among the other fire departments. The county association shall supply the accounting forms to each eligible volunteer fire department. The copy of the year-end report shall be filed with the county commission and shall be audited by the Examiners of Public Accounts of the state on the same basis as county funds are audited.

Upon dissolution or abandonment of an eligible volunteer fire department, all remaining funds derived from this act or assets purchased with the funds derived from this act shall be transferred to the county association.

Prior to the levy of the fire protection tax in the unincorporated areas of county, there shall be submitted to the electors at a special election called for that purpose in the county, the question of whether the tax shall be levied. If a majority of the qualified electors within the unincorporated area of the county who vote at the election approve the tax, the tax shall be effective and levied. If a majority of the qualified electors within the unincorporated area of the county who vote at the election do not approve the tax, the tax shall not be effective and shall not be levied.

Elections on the question of the levy of a fire protection tax in the county may be held at any time and from time to time. Notwithstanding the foregoing, if at an election held after the ratification of this amendment the proposal to levy the tax so submitted is defeated, then the proposal may not be submitted at another election held in the county within two years from the last election held under this amendment. (Amendments 551 and 711)

§51-11.02. Fire Protection and Emergency Medical Services. (Amendment 712)

(a) This amendment shall not apply to the City of Montgomery in Montgomery County.

(b) The governing body of any incorporated municipality in Montgomery County to which this amendment applies may levy and impose a special ad valorem tax, not to exceed five mills in any year, on each dollar of assessed value of the property taxed, on property in the incorporated area of municipality for the purpose of financing fire protection and emergency medical services within the boundaries of the municipality. Financing such services may include,

but not be limited to, entering contracts for the services with existing fire departments, volunteer fire departments, and emergency medical service providers.

(c) The Legislature by local law may provide for the administration, collection, and allocation of any revenues from the ad valorem taxes levied and imposed under this amendment so long as the allocations are made solely for fire protection and emergency medical services. (Amendment 712)

Title 51A Montgomery County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 52 Morgan County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§52-2.00. Compensation of Certain Officials. (Amendment 44)

The legislature of Alabama may hereafter, from time to time by general or local laws, fix, regulate and alter the costs and charges of courts, fees, commissions, allowances and salaries to be charged or received by any county officer of Morgan county, including, without limiting the generality of the foregoing, the judge of probate, tax collector, tax assessor, sheriff, circuit clerk, and register, including the method and basis of compensation of such officer, and may provide for the placing of any such officer on a salary and that the fees, costs, and allowances collected by such officer be paid into the county treasury. All acts of the regular or adjourned session of the legislature of Alabama which convened in January, 1939, fixing or purporting to fix the compensation of any such officer on a salary basis are hereby validated and confirmed. (Amendment 44)

Chapter 3. County Government, Finance, and Operations

Article 1. Finance

§52-3.00. Bond Issues for Jail. (Amendment 36)

Morgan county may become indebted and may issue bonds therefor in an amount not exceeding $115,000.00 in addition to that now authorized, for the acquiring and paying for additional real property adjoining that where the court house and jail now set and constructing and equipping a jail building in said county. To pay said indebtedness and interest thereon, Morgan county may levy and collect an annual tax on all property situated therein at a rate not in excess of one mill. The indebtedness, the bonds and the tax authorized hereby shall be in addition to those authorized prior to the adoption of this amendment. But no such additional indebtedness shall be incurred, no such bonds shall be issued and no such tax shall be levied until the estimated cost of acquiring and paying for additional real property adjoining that where the court house and jail now set and the cost of the construction and equipping of said jail building in said county hereby proposed to be built, its time of completion, the amount of the increased indebtedness, the rate of interest to be paid thereon and the period over which the bonds to be issued will be refunded, shall have been determined upon and made public by the county governing body of said county; and the proposed increase in indebtedness and the issuance of bonds and the increase in rate of taxation first shall have been authorized by a majority of the qualified electors of said county voting upon such proposal at an election to be called by said county governing body for said purpose to be held not less than sixty nor more than ninety days after the adoption of this amendment. (Amendment 36)

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§52-4.00. Morgan County and the Cities of Hartselle and Decatur. (Amendment 303)

For the promotion of local industrial, commercial or agricultural development, Morgan county and the city of Hartselle and the city of Decatur shall each separately or any two or more of them jointly have full and continuing power (a) to purchase, construct, lease and otherwise acquire industrial, commercial and agricultural projects or sites, including real and personal

property, plants, buildings, factories, works, facilities, machinery and equipment of any kind whatsoever; (b) to lease, sell, exchange or otherwise convey all or any part of any such project or site to any person, firm or corporation; (c) after an approving election as hereinafter provided, if required, to sell and issue for such purposes interest-bearing general obligation bonds. Neither the county nor the cities shall issue any bonds under the authority of this amendment, other than bonds issued to finance the acquisition or development of industrial sites, such development to include the extension and installation of streets and roadways and utility services, unless the question of the issuance of such bonds has first been submitted to the qualified electors of the county or the cities, as the case may be, and approved at such election by a majority of the qualified electors voting thereat. Each such election shall be called, held and conducted, and may be contested, in the manner provided by law for county or municipal bond elections, as the case may be. Bonds issued under the authority of this amendment shall not be considered indebtedness of the county or the cities, as the case may be, within the meaning of sections 224 and 225 of the Constitution of Alabama, but neither the county nor the cities shall at any time issue any bonds under the authority of this amendment if as a result thereof it will have outstanding an aggregate principal amount of bonds issued hereunder in excess of twenty percent of an assessed value of the property in the county or the cities, as the case may be. Neither shall the county or the cities issue any bonds under the authority of this amendment, except bonds issued to finance the acquisition or development of industrial sites, such development to include the extension and installation of streets and roadways and utility services, unless prior thereto or contemporaneously therewith the county or the cities, as the case may be, has entered into a lease or other similar agreement, with respect to the project being financed by such bonds, providing for the payment to the county or the cities, as the case may be, of net rentals sufficient to pay the principal of and the interest on such bonds at the respective maturities of such principal and interest, and any bonds issued hereunder shall be secured by a pledge of such rentals and may be secured by a foreclosable mortgage on such project and by a pledge of any other taxes and revenues which the county or the cities, as the case may be, is authorized by law to pledge to the payment of its bonded indebtedness. All bonds issued under the authority of this amendment shall be sold at public sale in the manner required by law for the sale of county or municipal bonds, as the case may be, and shall mature and be payable in annual or semiannual installments in such amounts and at such times as to result in the aggregate amount of principal and interest maturing thereon in each year following the year of their issuance being substantially equal, but shall not be subject to any other provisions of law relating to maturities of county or municipal bonds. In the event that any such action is necessary to prevent or cure a default in payment of the principal of or the interest on any bonds issued under the authority of this amendment, the county or the cities, as the case may be, is authorized to levy and collect ad valorem taxes, without limitation as to rate or amount, on the assessed value of all taxable property in the county or the cities, as the case may be, but only so long as and only to such extent as necessary to prevent or cure any such default.

In carrying out the purposes of this amendment, neither Morgan county nor the city of Hartselle nor the city of Decatur shall be subject to the provisions of section 93 of the Constitution of Alabama, and the taxes which the county and the cities are hereinabove authorized to levy and collect are in addition to all other taxes which the county and the cities are authorized to levy and collect. This amendment shall be self-executing, but notwithstanding any contrary provisions of section 104 of the Constitution of Alabama, the legislature shall have the

power, by general, special or local act, to enact laws supplemental hereto or in furtherance of the purposes hereof. (Amendment 303)

§52-4.01. Promotion of Economic and Industrial Development in Certain Counties. (Amendment 429)

For the promotion of local economic and industrial development, the governing body of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa counties and of each municipality situated in said counties, other provisions of law or this Constitution notwithstanding, shall each have, independently or in cooperation with one or more of such governmental entities in such counties, full and continuing power (a) to purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site, or industrial park, projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and (b) to lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county, or of municipality exercising such power, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by any such county or municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and operating of, industrial, transportation, distribution, warehouse or research facilities, and of office and other facilities auxiliary to the foregoing. Nothing herein shall authorize the counties named, or any municipality there, to construct residential or any other buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither the governing bodies of the counties named hereinabove, nor of any municipality situated in said counties to which this amendment is or becomes applicable, shall be subject to the provisions of sections 93 or 94 of the Constitution of Alabama, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the governing body of such counties, or of any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this state.

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

This amendment shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the legislature of Alabama; nor shall this amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said legislature.

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

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

(b) At least fourteen (14) days prior to such public meeting at which such price is approved by such governing body, it has published notice in the newspaper with the largest circulation in the county in which the property is located stating (1) the acreage proposed to be

sold, (2) the section or sections or subdivisions of record in which the property is located, (3) the price per acre at which sale is proposed to be made, and (4) the place where a map of the property can be examined by the public; and

(c) The price thus approved is no less than the price advertised as aforesaid; provided, however, that should any real property be acquired for any purpose authorized by this amendment by eminent domain pursuant to other legislative authority as aforesaid, such property shall not be sold, in any event, for less than the price determined and paid pursuant to the orders of the court in such condemnation proceedings. Provided further, that no municipality shall acquire real property in unincorporated areas without a prior consent thereto as expressed in a resolution by the county governing body. Provided further, that no county or municipality shall acquire real property which is located in another county or municipality without such other county's or municipality's prior consent thereto as expressed in a resolution by its governing body. Nothing in the provisions of this constitutional amendment shall be construed to allow construction of dormitories or other type housing on or off university or college campuses. (Amendment 429)

[Note: Amendment 759 is identical to Amendment 429. except for the addition of Baldwin County. For the text of Amendment 759, see §2-4.01.]

Chapter 5. Education

Article 1. Board of Education

§52-5.00. Filling of Vacancies. (Amendment 577)

The Legislature may, by local act, provide for the manner of filling vacancies on the Morgan County Board of Education. (Amendment 577)

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

Article 1. Bingo

§52-7.00. Operation of Bingo by Nonprofits. (Amendment 599)

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

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

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

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

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

on behalf of the nonprofit organization. No nonprofit organization shall pay consulting fees to any individual or entity for any services performed in relation to the operation or conduct of a bingo game.

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

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

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

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

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

Chapter 8. Officials and Employees

Article 1. Constable

§52-8.00. Office of Constable Abolished. (Amendment 368)

The office of constable in Morgan county is hereby abolished. This amendment shall not be adopted unless a majority of the qualified electors of Morgan county who participate in the election held on the adoption of this amendment vote in favor thereof. (Amendment 368)

Article 2. Retirement

§52-8.20. Phase-out of Supernumerary Program; Participation in RSA. (Amendments 592 and 734)

No elected or appointed Morgan County official, including the sheriff, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Morgan County official, including the sheriff, may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Morgan County officials holding office at the time of the ratification of this amendment, or any amendment thereto, shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendments 592 and 734)

Article 3. Compensation

§52-8.40. Sheriff. (Amendment 946)

Effective beginning the next term of office of the Sheriff of Morgan County after the ratification of this amendment, the sheriff shall receive an annual salary equal to five thousand dollars ($5,000) less than the annual salary of the chair of the Morgan County Commission. After that date, any allowances or other amounts received by the sheriff for feeding prisoners shall be deposited in a separate account in the county treasury and used by the sheriff only for the feeding of prisoners in the county jail. The sheriff shall account for any shortfall of funds in the food account using any discretionary or appropriated funds of the office. The sheriff shall not be subject to the competitive bid law for the purchase of food or supplies used for feeding prisoners in the county jail. (Amendment 946)

Chapter 9. Public safety

Article 1. Sheriff

§52-9.00. Sheriff's Reserve Funding. (Amendment 457)

The Morgan county commission is authorized to grant money to the Morgan county sheriff's reserve. Any purchases with said monies [moneys] in the Morgan county sheriff's reserve shall be the property of the Morgan county sheriff's office. (Amendment 457)

§52-9.01. Sheriff's Posse Funding. (Amendment 502)

The county commission of Morgan county is hereby authorized to grant moneys to the Morgan county sheriff's posse. Any purchases with said moneys by the Morgan county sheriff's posse shall be the property of the Morgan county sheriff's office. (Amendment 502)

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§52-10.00. Consolidation of Offices. (Amendment 330)

The legislature may from time to time, by general or local law, provide for the transfer of the duties, or part of the duties, of one county officer of Morgan county to another officer of such county; or consolidate any two or more offices of such county into one county office and provide for the abolition of the office or offices left without duties, or create a completely new office in such county and transfer to such office a part of the duties of each of several other offices without abolishing any office in such county; provided that the officer or officers to fill the offices involved will be compensated for the performance of the duties of their offices by a salary fixed according to law. (Amendment 330)

§52-10.01. Mallard-Fox Creek Project. (Amendment 484)

In Morgan county, if the tax or the continuation of an expiring tax for specified purposes or for purposes other than originally levied, not exceeding one and one-half (1 1/2) mills on each dollar of taxable property in the county, by vote of a majority of the affected qualified electors of the county who participate in any election called for that purpose, the governing body of Morgan county shall continue for other than the original purposes, or levy and collect in addition to any and all other taxes authorized by law said ad valorem taxes until the Mallard-Fox creek project bond issue is repaid, for 25 years or whichever first occurs. An election shall be called by the county governing body as they deem necessary and such election shall be conducted in the manner which said governing body prescribes; provided, however, a public hearing with notice shall first be called on the subject at which a majority of the members of the county commission approve a resolution therefor.

The provisions of this amendment shall be construed in pari materia with any and all other amendments relating to Morgan county and ad valorem taxation. (Amendment 484)

§52-10.02. Occupational Tax Prohibited. (Amendment 842)

(a) No privilege or license tax on the gross receipts of any natural person derived from the conduct of a vocation, occupation, calling, or profession may be levied in Morgan County.

(b) Nothing in this amendment is intended to repeal or affect the current authority granted by local act to Morgan County to impose business licenses or the current authority granted to municipalities to impose municipal business licenses, including those imposed pursuant to Sections 11-51-90, 11-51-91, 11-51-92, and 11-51-93, Code of Alabama 1975. (Amendment 842)

Article 2. Schools

§52-10.20. Special Tax for Educational Purposes in Cities of Decatur and Cullman and for Hospital Purposes in Morgan County. (Amendment 52)

A. Notwithstanding the proviso to the contrary in section 269 of this Constitution, the special tax for educational purposes provided for by that section may be levied and collected upon taxable property situated in the city of Decatur (formerly the cities of Decatur and New Decatur). Upon the adoption of this amendment the governing body of Morgan county shall order an election at which the qualified electors of the city of Decatur shall determine whether or not such special tax shall be levied and collected on taxable property in said city. Said election shall be held and determined as now provided by law for determining whether or not the special one mill county school tax shall be levied, and if a majority of the electors participating in said election vote in favor of said levy, said special tax shall be levied upon the taxable property in the city of Decatur during the tax years commencing with the tax year beginning next after said election and ending with the tax year beginning on October 1, 1967, and thereafter said special tax may be levied and collected as is now or hereafter may be provided by law.

B. Morgan county may levy and collect a tax upon all taxable property situated therein at a rate not in excess of ten cents on each one hundred dollars of taxable property, which tax shall be used exclusively for the construction, equipping, enlargement, acquisition, repair, or operation of public hospital properties situated in said county owned or proposed to be acquired in said county by the city of Decatur and Morgan county. Said tax shall be in addition to all other taxes now authorized by law, but shall not be levied until it shall have been authorized by a majority of the qualified electors of such county voting at an election called by the governing body of said county at which there shall be submitted to a vote the rate of such tax, the time it is to continue, and the purpose or purposes thereof. Such elections may be called and had from time to time, and shall be had, governed and determined under such rules and regulations as the governing body of said county may prescribe. Said tax may be pledged by the governing body of said county to secure payment of any debt incurred by said county or by any public corporation for hospital purposes in said county.

C. Notwithstanding the proviso to the contrary in section 269 of this Constitution, the special tax for educational purposes provided for by that section may be levied upon taxable property situated in the city of Cullman. (Amendment 52)

§52-10.21. Additional Taxes for Public School Purposes. (Amendment 106)

Each school district in Morgan county, shall have power to levy and collect additional taxes on the taxable property located in the district of not to exceed $.55 per $100 worth of taxable property located in the district for public school purposes; provided, that the total of special county and school district taxes levied in the district for public school purposes under section 260 of this Constitution and all amendments to this Constitution including the present amendment shall not exceed a rate of $1.25 per $100 worth of taxable property located in the district, except that in determining whether the said rate of $1.25 per $100 will be exceeded there

shall be excluded from such calculation taxes levied and collected under the authority of any amendment to this Constitution wherein it is stated that the adoption thereof will not affect the power, right or authority to levy special school taxes; provided further, that the adoption of this amendment shall in nowise limit, modify, abridge, or impair the power, authority or right of counties, municipalities, or school districts to levy and collect special school taxes or taxes of any kind for schools or school purposes vested in and conferred upon them, or any of them, by this Constitution, any amendment thereto, or any provisions of state law, or to make appropriations for schools or school purposes.

A school district within the meaning of this amendment shall include school districts which consist of incorporated cities or towns, or any school district of which an incorporated city or town is a part or such other school districts now existing or hereafter formed as may be approved by the county board of education.

The rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the district and voted for by a majority of those voting at such election.

The funds derived from the tax levied in any school district under this amendment shall be expended for the exclusive benefit of the district. (Amendment 106)

§52-10.22. Levy of Ad Valorem Tax for Board of Education. (Amendment 573)

(a) In lieu of the ad valorem taxes otherwise authorized by Section 269 and Sections 269.01 through 269.03, and enabling statutory provisions thereto, the Morgan County Commission may levy annually, commencing with the tax year beginning October 1, 1995, an ad valorem tax on all taxable property located in Morgan County, Alabama at a rate of 5.8 mill per dollar assessed value of the property, the proceeds of which shall be distributed to the Board of Education of Morgan County in proportions as the proceeds would be distributable if the taxes were levied under the authority of Section 269 and Sections 269.01 through 269.03 and enabling statutory provisions relating thereto.

(b) The authority conferred by this constitutional amendment shall be self-executing in the event this amendment is duly adopted and ratified at the election required by the act which this amendment is proposed. (Amendment 573)

§52-10.23. Levy of Ad Valorem Tax Outside Cities of Decatur and Hartselle. (Amendment 576)

(a) In addition to all other ad valorem taxes which the Morgan County Commission is authorized by law to levy for the benefit of the public schools within the jurisdiction of the Morgan County Board of Education, the Morgan County Commission may levy on an annual basis, commencing with the tax year beginning October 1, 1995, an ad valorem tax on all taxable property in Morgan County located outside the corporate limits of the City of Decatur and the City of Hartselle, as those corporate limits exist on the first day of each ad valorem tax year, at a rate of four mills per dollar of assessed value of the taxable property, the proceeds of which shall be distributed to the Morgan County Board of Education.

(b) The authority conferred by this constitutional amendment shall be self-executing in the event this amendment is duly adopted and ratified at the election required by the act by which this amendment is proposed. (Amendment 576)

Article 3. Health

§52-10.40. Special Property Tax for General Health Purposes in Several Counties. (Amendment 311)

In addition to all taxes now, or hereafter authorized by the Constitution and laws of Alabama, the counties of Lawrence, Limestone and Morgan, in this state, each, shall have the power to levy and collect a special tax up to 3 mills on each dollar's worth of taxable property in the county, the proceeds of which shall be used exclusively for general health purposes; provided that such tax and the purpose or purposes thereof, and the times such taxes are proposed to be continued, shall have first been submitted to the vote of the qualified electors of each of such counties, and voted for by the majority of those voting at such elections in all three such counties. The special tax provided herein may be renewed from time to time, in the manner provided herein, for such periods of time as are necessary. If any proposal to levy the taxes is defeated in any election, subsequent elections thereon may be held at any time. The elections provided for herein shall be called, held, conducted, and governed otherwise in the manner provided for an election on the school district tax authorized in Sections 269.01 through 269.03 and by article 7, chapter 10, Title 52 of the Code of Alabama 1940; but the governing bodies of the counties of Lawrence, Limestone and Morgan shall each provide for paying the expense of the election in its county.

The county tax collector of each of such counties shall collect the tax in the same manner and under the same requirements and laws as the taxes of the state are collected, and he shall keep the proceeds of this tax separate and apart from all other funds, and shall keep clear accounts thereof. The tax collector shall distribute the proceeds of this special tax in the manner prescribed by the governing body of the county and the revenue derived from the tax levied hereunder shall be used for general health purposes in the county where levied or in cooperation with the other two counties named above. (Amendment 311)

Article 4. Public Buildings

§52-10.60. Special Tax for Library Purposes. (Amendment 318)

The court of county commissioners, board of revenue or like governing body of Morgan county shall have the power to levy and collect a special property tax, in addition to all other taxes, now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding 5 mills on each dollar's worth of taxable property in the county as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for purposes of library service; provided that such tax and the purpose or purposes thereof, and the time such tax is proposed to be continued, shall have been first submitted to the vote of the qualified electors of the county and voted for by a majority of those voting at such election. Elections under this amendment shall be called, held and conducted in the same way as elections on special school district tax levies. (Amendment 318)

Chapter 11. Zoning, Planning, and Utilities

RESERVED

Title 52A Morgan County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Huntsville

[Note: The City of Huntsville is in Limestone, Madison, and Morgan Counties.]

§52A-2.00. Special School Tax. (Amendment 80)

(A) In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of fifty cents on each one hundred dollars worth of taxable property in the school tax district of the city of Huntsville in Madison county to be used solely for public school purposes; provided such tax and the time it is to continue shall have been first submitted to the vote of the qualified electors of the said school tax district in which such tax is to be collected and voted for by a majority of those voting at such election, otherwise said tax shall not be collected. A special separate election is hereby called on the first Tuesday after sixty days following the date this amendment becomes effective in the school tax district of the city of Huntsville in Madison county, at which election the qualified voters in the said school tax district of Madison county may vote as to whether said special school tax herein levied shall be effective; and if the majority of those voting at said election vote in favor of said special school tax such school tax shall immediately be levied and collected annually thereafter on the first day of October by the tax collector of Madison county and paid to the city of Huntsville. The proceeds of the tax are hereby pledged solely to the payment of the principal and interest of the bonds hereinafter provided for. This section shall be self-executing.

(B) After said tax has been voted, and without further authorization the city of Huntsville shall issue and sell interest bearing bonds with principal and interest to be paid from the proceeds of the tax herein levied. The proceeds of the sale of the bonds shall be used for the sole purpose of constructing and improving school buildings and acquiring sites therefor; provided, the net proceeds of the bonds shall be paid immediately to the board of education of the city of Huntsville. The principal amount of the bonds shall in no event exceed the sum of five hundred seventy-five thousand dollars ($575,000). All bonds issued hereunder shall be payable in annual installments, the first of which shall be payable not more than two years after the date of the bonds, and the last within the period of usefulness of the improvements for which the bonds are issued. Such bonds shall be callable at any time upon the payment of the principal amount thereof plus a premium equal to one year's interest thereon. The bonds shall not be a general obligation of the city of Huntsville or of Madison county and shall not be charged to the constitutional debt limit of the city of Huntsville or Madison county.

(C) If sufficient revenue has been produced by the tax levied in paragraph (A) of this amendment to pay the principal amount of the bonds issued hereunder with interest thereon prior to the expiration of the period for which the tax was levied, the tax shall immediately cease and shall no longer be collected or enforced, and the bonds shall be redeemed forthwith.

(D) Except as herein otherwise provided the election hereinabove provided for shall be called, held and conducted as provided by law for calling, holding and conducting of district school tax elections. The governing body of the city of Huntsville shall appoint and designate the officers, managers, clerks and returning officers and shall call, canvass, tabulate, and declare the result of the election provided for in the city of Huntsville. The election shall otherwise be conducted, held, canvassed, tabulated and the results declared as general elections are conducted, held, canvassed, tabulated and the results declared in Alabama. (Amendment 80)

§52A-2.01. Additional Special School Tax. (Amendments 218 and 407)

(a) In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of fifty cents on each one hundred dollars worth of taxable property in the school tax district of the city of Huntsville in Madison county to be used solely for public school purposes; provided the levy of

said tax shall first have been approved by the qualified electors of the school district as hereinafter provided.

(b) The proceeds of said tax shall be used exclusively for public school purposes of any nature whatsoever in the school tax district of the city of Huntsville, Alabama.

(c) The provisions of this Amendment to the Constitution of 1901, amending Amendment No. 218, allowing the proceeds from the tax levied herein to be used for school purposes of whatsoever nature within the district shall become effective upon the adoption of this Constitutional Amendment; provided, however, that the provisions of this amendment shall not become operative in the city of Huntsville unless approved by a majority of the qualified electors of the school tax district of the said city who vote thereon at a referendum election held for such purpose upon the call of the authorized official therein. Such election may be called no more frequently than every two years; provided further, that if this amendment is approved by a majority of the qualified electors of the school tax district of the city of Huntsville who vote thereon upon its submission, such election shall constitute a referendum held for such purpose and no further election need be called. Subsequent elections shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the school district tax authorized in Sections 269.01 through 269.03. (Amendments 218 and 407)

§52A-2.02. Levy of Additional Special School Tax. (Amendment 305)

Section 1. In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of fifty cents on each one hundred dollars' worth of taxable property in the school tax district of the city of Huntsville in Madison county to be used solely for public school purposes; provided the levy of said tax shall first have been approved by the qualified electors of the school district as hereinafter provided.

Section 2. In the event this amendment is approved and a majority of the qualified electors of the school tax district of the city of Huntsville who vote thereon vote in favor of the adoption of this amendment when it is submitted, the additional tax provided for in section 1 shall be levied and collected for a period of thirty years without any other election having been held hereon. In the event this amendment is approved and a majority of the qualified electors of the school tax district of the city of Huntsville who vote thereon vote against its approval, the tax shall not be levied unless the rate of the tax, the time it is to continue and the purpose thereof shall have been again submitted to a vote of the qualified electors of the school tax district of the city of Huntsville and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year and shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the school district tax authorized in Sections 269.01 through 269.03. (Amendment 305)

§52A-2.03. Appropriations to Certain Nonprofit Organizations. (Amendment 514)

Notwithstanding the provisions of the Constitution of Alabama of 1901, as amended, the governing body of the city of Huntsville in Madison county is hereby authorized to make a one-time appropriation of money, up to a maximum total appropriation of $2,000,000.00, to one or more bona fide nonprofit organizations, each of which at the time of any such appropriation must have been organized for the purpose of and actively engaged in fostering and coordinating volunteer citizen activity in the field of the literary, visual, and performing arts within the city of Huntsville for a period of more than five years, which said appropriation or appropriations are to be used exclusively for construction of one or more buildings located within said city, to be owned by such organization. The total maximum appropriation herein authorized may, however,

at the discretion of the governing body, be made to only one such organization, provided, however, that any such appropriation may be made only upon proof that an amount equal to $1.00 for each $1.00 appropriated has first been raised from nonpublic funds and placed on deposit with a bank or trust company under an agreement, restricting the use of said funds to expenditures for the construction of one or more buildings to be occupied exclusively by one or more organizations engaged in fostering and coordinating volunteer citizen activity in the field of the literary, visual, and performing arts within the city of Huntsville. The city of Huntsville is further authorized to appropriate up to $100,000.00 annually for the general operations of any such organization, or for maintenance of any building which is occupied by any such organization.

No payment may be made by the city of Huntsville under the authority of this amendment except upon the affirmative vote of the qualified electors of the city of Huntsville, in the election called for the ratification of this amendment, or at a subsequent election called for such purpose as hereinafter provided. Provided, however, that if this amendment is ratified, and a majority of the electors of the city of Huntsville do not vote in favor of such amendment, subsequent elections for the purpose of authorizing the governing body to make such appropriations to qualified organizations may be called by the governing body in the same manner and at the same time as any other general or special municipal election, but not more than one such election shall be held during any period of 12 consecutive months.

The provisions of this constitutional amendment shall be self-executing, but the legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the general purpose and objectives herein set forth. (Amendment 514)

Chapter 3. Decatur

[Note: The City of Decatur lies in Limestone and Morgan Counties.]

§52A-3.00. Election of Board of Education. (Amendment 553)

The Legislature may, by local act, provide for the election of the Decatur City Board of Education. (Amendment 553)

§52A-3.01. Additional Tax for Educational Purposes. (Amendment 575)

(a) In addition to all other ad valorem taxes which the Morgan County Commission is authorized by law to levy for the benefit of the public schools in the City of Decatur, Alabama, the Morgan County Commission shall be authorized to levy on an annual basis, commencing with the tax year beginning October 1, 1995, an ad valorem tax on all taxable property located within that portion of the City of Decatur which lies in Morgan County at a rate of 3.6 mills per dollar of assessed value of the taxable property, the proceeds of which shall be distributed to the Decatur City Board of Education.

(b) The authority conferred by this constitutional amendment shall be self-executing in the event this amendment is duly adopted and ratified at the election required by the act by which this amendment is proposed. (Amendment 575)

Chapter 4. Hartselle

§52A-4.00. Additional Taxes for Educational Purposes. (Amendment 456)

The school district taxes now levied and collected for the Hartselle city board of education and authorized by law shall be continued upon approval of this amendment by the qualified electors voting thereon in said school district. Said taxes shall be continued for a period of thirty years, commencing October 1, 1987. Notice shall be given, the ballot prepared and the election conducted in the same manner as required by law for elections on school district taxes

and constitutional amendments. The ballot shall be substantially as follows: "For continuation of all school district taxes now provided by law? Yes ... No ... ." If a majority of the qualified electors voting thereon shall vote in favor of continuing such taxes then the said taxes shall be continued; if a majority of the qualified electors voting thereon vote in opposition of continuing such taxes then the provisions of this act shall become null and void and have no effect.

Only the persons who at the time of the election are qualified voters of said district 70 shall be entitled to participate in the question.

The provisions of this act shall be construed in pari materia with all other provisions relating to school district taxes in Morgan county, except as there is a direct conflict herewith. (Amendment 456)

§52A-4.01. Tax for Public School Purposes. (Amendment 574)

(a) In lieu of the special district school tax of forty cents per one hundred dollars of assessed value which the Morgan County Commission is authorized to levy for the benefit of the public schools in the City of Hartselle, Alabama, the Morgan County Commission shall be authorized to levy on an annual basis, commencing with the tax year beginning October 1, 1995, an ad valorem tax on all taxable property located within the City of Hartselle, at a rate of four mills per dollar of assessed value of the taxable property, the proceeds of which shall be distributed to the Hartselle City Board of Education.

(b) The authority conferred by this constitutional amendment shall be self-executing in the event this amendment is duly adopted and ratified at the election required by the act by which this amendment is proposed. (Amendment 574)

§52A-4.02. Promotion of Commercial Development. (Amendment 752)

(a) For the promotion of local commercial development, the City of Hartselle (City) shall have, in addition to all other powers from time to time vested in or granted to it by law, full and continuing power to perform the following:

(1) Purchase, construct, lease, and otherwise acquire, and to own and develop, commercial projects, including real and personal property, buildings, facilities, machinery, and equipment of any kind whatsoever.

(2) Subject to succeeding provisions of this amendment, operate all or any part of any such project.

(3) Convey, whether by sale, lease, exchange, or otherwise, all or any part of any such project to any person, firm or corporation.

(4) Subject to succeeding provisions of this amendment, sell and issue, without any election, special or limited obligation bonds, warrants, notes, certificates of participation, or other securities of the City, for the purpose of financing the acquisition or construction of any such project, including particularly, but without limitation, the extension and installation of streets and roadways, utility services, and storm water sewers or other drainage facilities. In carrying out the purposes of this amendment, the City shall not be subject to the provisions of Section 94 of this Constitution, and neither the City nor the State of Alabama shall be subject to the provisions of Section 93 of this Constitution, in connection with the acquisition, ownership, development, operation, conveyance, or financing of any such commercial project.

(b) Nothing in this amendment shall, however, be construed to authorize the City to do any of the following:

(1) Acquire any property through the exercise of the power of eminent domain, whether for public use or for private use, otherwise than subject to, and in accordance with, all other applicable provisions of this Constitution and the general laws of the State.

(2) Operate any commercial or retail establishment, including, without limitation, any shopping center or similar facility suitable for use by two or more commercial enterprises engaged in any business, trade, profession, occupation, or activity, except that the City may operate restaurants, food and other concessions, and other incidental commercial or retail facilities, in connection with, and ancillary to, the operation by it of any of the facilities described in subsection (d).

(3) Provide electric utility service to any commercial project authorized hereunder, or within the boundaries of any "commercial development district," as defined in this amendment, except as may then be authorized by the general laws of the State.

(4) Construct or locate, or to authorize the construction or location of, any commercial project in violation of either the general laws of the state pertaining to municipal zoning and planning or any master plan or zoning regulation or plan then in effect in or for the City.

(c) Nothing in this amendment shall be construed either to exempt from state or local property taxation any real or personal property that is owned, or is treated for federal income tax purposes as being owned, by one or more individuals, partnerships, or for-profit corporations, and that is otherwise subject to such taxation under the general laws of the state, or to subject to state or local property taxation any real or personal property of the City that is otherwise exempt from taxation pursuant to either Section 91 or Section 217 of this Constitution.

(d) Any commercial project authorized hereunder shall be located entirely within the corporate limits of the City. Any such project may include any land or interest therein, any building or other improvement thereon, and all real and personal properties deemed necessary in connection therewith, whether or not now in existence, including, without limitation, any of the following:

(1) Any hotel, motel, conference center, meeting center, or convention facility, including, without limitation, facilities for meetings, auditoriums, exhibition halls, facilities for food preparation and serving, and facilities suitable for rental to persons engaged in any business, trade, profession, occupation, or activity, and administrative offices in connection therewith, but excluding specifically any home, apartment, town house, or condominium for residential purposes, and any public dormitory or student housing facility for any institution of higher learning.

(2) Any shopping center or similar facility suitable for use by two or more commercial enterprises engaged in any business, trade, profession, occupation, or activity.

(3) Any amusement park or entertainment facility, any recreational or athletic facility, and all buildings, facilities and improvements incident thereto or useful in connection therewith, including, without limitation, athletic fields, beaches, docks and marinas, and boating facilities.

(4) Any stadium, baseball field or park, arena, grandstand, auditorium, meeting hall, pavilion, amphitheater, or center for cultural entertainment, music, drama, exhibitions and exhibits, and any administrative building in connection therewith.

(5) Any infrastructure improvements of any sort, including, without limitation, parking facilities available for use in connection with any building, facility or property described hereinabove, electric, water, natural gas, and sanitary sewer utilities, storm water sewers and other drainage facilities, and public or private streets, roads, and parking facilities. It is expressly provided, however, that no commercial project authorized hereunder may include any facility or location for casino gambling or any other game of chance, or any facility or location for the conduct of any lottery or other similar enterprise, so long as such lottery or other enterprise is prohibited by other applicable law.

(d) Nothing in this amendment shall be construed to amend, modify, alter, or repeal the provisions of Section 52-7.00, respecting the operation of bingo games in Morgan County.

(e) Prior to exercising any powers herein granted to the City with respect to a commercial project authorized hereunder, the governing body of the City, by ordinance or resolution, shall establish a "commercial development district" consisting of the site of such project and such geographic area contiguous thereto as may be described in such ordinance or resolution, and provide a legal description of the boundaries of such district; provided, that every such district shall be located entirely within the corporate limits of the City.

(f) Any securities issued under the authority of this amendment with respect to a commercial project authorized hereunder must be made payable solely out of, and shall be secured solely by a pledge of, (I) the amount by which (A) the proceeds of any municipal sales and use taxes collected by the City in each of its fiscal years, in or with respect to the commercial development district in which such project is situated, exceeds (B) the proceeds of such sales and use taxes collected by the City in or with respect to such district in the fiscal year of the City immediately preceding the fiscal year in which such district was established or such lesser portion of any such tax proceeds as may be specified by the governing body of the City in the proceedings of such governing body under which such securities are authorized to be issued.

No such securities, and no contract made by the City in connection with any commercial project authorized hereunder, whether or not such contract is made under the authority of this amendment, and whether or not any agreement or obligation for the payment of money under such contract is payable out of proceeds of the sales and use taxes, shall be considered indebtedness of the City within the meaning of Section 225 of this Constitution or bonds of the City within the meaning of either Section 222 or Section 104(17) of this Constitution.

(g) The City may apply the proceeds of any such securities for any or all of the following purposes:

(1) Pay costs of any project authorized hereunder.

(2) Fund any reserve fund established in connection with an issue of such securities if the City deems the establishment of such reserve fund to be necessary and desirable.

(3) Pay costs of obtaining credit enhancement for such securities.

(4) Pay costs of issuing such securities.

(5) Pay interest accruing on such securities prior to, during and for a period of not exceeding twelve months following the estimated completion of the acquisition or construction of such project.

(6) With respect to any refunding securities issued pursuant to the provisions of this amendment, pay debt service on, and the redemption price of, any securities to be refunded.

(h) The City may at any time and from time to time issue refunding securities for the purpose of refunding any other securities, including, without limitation, other refunding securities, issued pursuant to the provisions of this amendment and then outstanding, whether such refunding shall occur before, at or after the maturity of the securities to be refunded, and such refunding securities shall be governed by the provisions of this amendment as and to the same extent applicable to securities authorized hereinabove.

(i) All securities issued by the City under the authority of this amendment shall be sold at public or private sale, as the governing body of the City may determine; provided, that refunding securities issued hereunder may be issued in exchange for the instruments evidencing the securities to be refunded or they may be sold and the proceeds thereof applied to the purchase, redemption or payment of such instruments.

(j) This amendment shall be self-executing, and no further authorization from the Legislature shall be a prerequisite to the validity of any securities issued hereunder; but notwithstanding any contrary provision of either Section 104 or Section 105 of this Constitution, the Legislature shall have the power to enact general, special, or local laws supplemental hereto or in furtherance of the purposes hereof; provided, that no such special or local law shall be subject to the provisions of Section 106 of this Constitution.

(k) Notwithstanding any contrary provision of either Section 284 of this Constitution or Section 284.01 if the election on the ratification of this amendment is held on the date specified in the act of the Legislature under which this amendment was proposed for ratification, and all other applicable requirements of this Constitution, including, without limitation, Section 284.01, with respect to such election are satisfied in accordance with their respective terms. (Amendment 752)

Title 53 Perry County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Judges

§53-2.00. Judge of Probate Compensation. (Amendment 485)

The judge of probate of Perry county shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Perry county such salary as provided by general law. Such salary shall be the entire compensation received by such judge for his services in any official or ex officio capacity. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges heretofore paid to the judge of probate of Perry county.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Perry county shall hereafter continue to be collected but shall be paid into the general fund of Perry county.

The governing body of Perry county shall provide the judge of probate with such office personnel, clerks, deputies and such quarters, books, stationery, furniture, equipment and other such conveniences and supplies as such governing body may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county governing body and shall be paid in equal monthly installments out of the general fund of Perry county.

The legislature may hereafter, from time to time, by general, special or local laws, fix, regulate and alter the fees, commissions, allowances, compensation or salaries to be charged or received by the judge of probate of Perry county, and may provide for the operation of his office. The legislature may hereafter, from time to time, by general, special or local laws further provide for the distribution of the fees, commissions, allowances, percentages and other charges herein provided for.

This constitutional amendment after its adoption shall not become effective until the beginning of the next term of office of the probate judge. (Amendment 485)

Article 2. Court Costs

§53-2.20. General Authority. (Amendment 735)

The Legislature, by general or local law, may fix, alter, and regulate the costs and charges of courts in Perry County and provide for their distribution. (Amendment 735)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

RESERVED

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§53-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 698)

No person elected or appointed sheriff, or any elected or appointed Perry County official, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and elected or appointed Perry County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Perry County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person elected to represent the county in any representative body of the state and any person appointed to serve the remaining term of an elected or appointed official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 698)

Article 2. Compensation

§53-8.20. Certain Public Officials. (Amendment 867)

The Legislature, from time to time, by general or local laws applicable to or operative in Perry County, may fix, regulate, and alter the fees, commissions, allowances, and salaries, including the method and basis of compensation, to be charged or received by the sheriff of the county; and may place the sheriff on a salary and provide for the fees, commissions, allowances, and percentages collectible by the sheriff, to be paid into the county treasury. (Amendment 867)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§53-11.00. Fire Protection Purposes. (Amendment 593)

(a) In addition to all other ad valorem taxes levied, the Perry County Commission may levy on an annual basis, commencing with the tax year beginning October 1, 1995, an ad valorem tax on all taxable property located in Perry County at a rate of three mills per dollar of assessed value of the taxable property, the proceeds of which shall be paid into the county general fund and distributed for the benefit of fire protection.

(b) Within 30 days of payment into the county general fund, the county commission shall pay the funds to the Perry County Association of Volunteer Fire Departments. The county association shall divide the funds equally among all eligible volunteer fire departments and the Alabama Forestry Commission at the quarterly meetings of the county association. The county commission and the county association may jointly establish rules regarding the transfer, investing, accounting, and handling of the funds.

(c) Funds paid to eligible volunteer fire departments shall only be expended for fire protection services, including training, supplies, buildings, capital improvements, and equipment.

An eligible volunteer fire department shall mean a volunteer fire department located in Perry County that is certified under the guidelines of the Alabama Forestry Commission and is a member in good standing of the Perry County Association of Volunteer Fire Departments. The funds may not be expended for salaries, food, drink, social activities, or fund-raising activities. After receiving funds, the volunteer fire departments shall keep accurate records to verify that the funds were properly expended. By September 15th of each year, each department and the Alabama Forestry Commission shall file a form with the county association detailing the expenditures of all funds during the previous 12 months and setting out a schedule of all proposed projects. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. The county association shall supply the accounting forms to each eligible volunteer fire department and the Alabama Forestry Commission.

(d) The Alabama Forestry Commission's share of these funds collected shall be used in Perry County only. The funds shall be used for buildings and purchase of equipment. The funds shall not be expended for salaries.

(e) Upon dissolution or abandonment of any eligible volunteer fire department, any remaining funds shall, after all indebtedness has been satisfied, be transferred to the county association.

(f) The personnel of volunteer fire departments and the Alabama Forestry Commission shall not be considered as employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of volunteer fire departments and the Alabama Forestry Commission. (Amendment 593)

Title 53A Perry County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Uniontown

§53A-2.00. Economic Development. (Amendment 155)

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

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

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

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

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

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

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

construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of the municipality of Uniontown, or may be limited as to the source of their payment.

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

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

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

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of the municipality of Uniontown in Perry county for the purpose of determining the borrowing capacity of the county under section 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in section 216 of the Constitution and all amendments thereto.

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

10. The municipality of Uniontown in Perry county shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the municipality. The governing body of the municipality may provide for holding such election, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks. (Amendment 155)

Title 54 Pickens County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§54-2.00. Sheriff's Department. (Amendment 522)

In Pickens county, in addition to all other fees, there shall be taxed as costs the sum of $10.00 in each civil or quasi-civil action at law, suit in equity, criminal case, quasi-criminal case, proceedings on a forfeited bail bond or proceedings on a forfeited bond given in connection with an appeal from a judgment or conviction in the circuit court of Pickens county, or the district court of Pickens county, filed in or arising in the circuit court of Pickens county, or the district court of Pickens county, or brought by appeal, certiorari or otherwise to the circuit court of Pickens county, or the district court of Pickens county, which costs shall be collected as other costs in such cases are collected by the clerk, or ex officio clerk, of said courts or the register of the circuit court of Pickens county, as the case may be. Such fees, when collected by the clerks or other collection officers of such court, shall be paid into the county fund to be administered jointly by the sheriff and county commission for salaries, equipment and other expenses of the sheriff's department.

The provisions of this constitutional amendment shall be retroactive to April 19, 1982, and any fees or costs collected up to and including the amount of $10.00 per action filed and the revenues therefrom expended pursuant to Act No. 82-291 of the 1982 regular session and Act No. 83-542 of the 1983 regular session of the Alabama legislature are hereby ratified, and no further enabling legislation shall be necessary for the execution of this amendment. (Amendment 522)

§54-2.01. County Jail. (Amendment 650)

In addition to any court costs or fees now or hereafter authorized, and notwithstanding any other provisions of the Constitution, including without limitation Sections 96, 104, and 105, there shall be an additional twenty-five dollars ($25) fee assessed and taxed as costs on each civil and criminal case, excluding small claims, filed in circuit court, district court, or any municipal court in Pickens County, as well as a fee not to exceed five dollars ($5) for the service of all pleadings and other documents in connection with any such action or case. The fees may not be waived by any court unless all other fees, assessments, costs, fines, and charges associated with the cases are waived. The additional fees, when collected by the clerks or other collection officers of the courts, shall be paid into the General Fund of Pickens County to be used by the county commission for the planning, designing, construction, financing, and operation of a new county jail. This amendment shall be self-executing and shall require no enabling legislation. On the first day of the month after the retirement of the debt to finance the construction of a new county jail, the court cost fee authorized pursuant to this amendment shall expire and this amendment shall be repealed. (Amendment 650)

§54-2.02. West Alabama Children's Advocacy Center. (Amendment 745)

Section I. In the 24th Judicial Circuit, consisting of Fayette County, Lamar County, and Pickens County, in addition to any court costs and fees now or hereafter authorized in cases in the circuit and district courts, an additional fee of five dollars ($5) shall be charged and collected by the clerk of the court on each case filed in the circuit.

Section II. The clerk of the respective court shall collect the fee in the same manner as other costs in the court and shall remit the fee to the West Alabama Children's Advocacy Center on a monthly basis to be used by the center for abuse victims in the circuit.

Section III. If the boundaries of the 24th Judicial Circuit change, the filing fee imposed by this amendment shall remain in effect for the Counties of Fayette, Lamar, and Pickens, unless altered by a subsequent amendment to this constitution. (Amendment 745)

§54-2.03. General Authority. (Amendment 823)

The Legislature, by general or local law, may fix, regulate, and alter the costs and charges of courts in Pickens County and provide for their distribution. Any local law authorizing the levy of additional court costs in Pickens County enacted prior to the effective date of this amendment is ratified and confirmed. (Amendment 823)

Article 2. Judges

§54-2.20. Judge of Probate Compensation. (Amendment 547)

Effective the beginning of the next term of office after ratification of this amendment, the Judge of Probate of Pickens County shall be compensated on a salary basis. The judge shall receive in equal monthly installments from the General Fund of Pickens County such salary as provided by general law, unless provided otherwise by local law. The salary shall be the entire compensation received by the judge for services in any official or ex officio capacity. The salary shall be in lieu of all fees, commissions, allowances, percentages, and other charges previously paid to the Judge of Probate of Pickens County.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the Judge of Probate of Pickens County shall continue to be collected but shall be paid into the General Fund of Pickens County.

The County Commission of Pickens County shall provide the Judge of Probate with such office personnel, equipment, and supplies as the County Commission may consider necessary for the proper and efficient conduct of the office. Compensation of any personnel so provided shall be fixed by the County Commission and shall be paid in equal monthly installments out of the General Fund of Pickens County. (Amendment 547)

§54-2.21. Judge of Probate Jurisdiction. (Amendment 836)

The Judge of Probate of Pickens County may exercise equity jurisdiction concurrent with that of the circuit court in cases originally filed in the Probate Court of Pickens County if the judge of probate is licensed to practice law in the State of Alabama. In any case subject to this amendment, the judge of probate shall possess the power and authority of a circuit court judge trying the case and the case shall be treated in all respects in the same manner as a case filed in circuit court. The Alabama Rules of Civil Procedure shall apply in the cases except as otherwise specifically provided by law. This amendment is self-executing, but the Legislature may enact additional laws to implement this amendment. (Amendment 836)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§54-4.00. Pickens County Municipalities. (Amendment 302)

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

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

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

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

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

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

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

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

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

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

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of any municipality in Pickens county for the purpose of determining the borrowing capacity of such municipality under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in

addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

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

10. No municipality shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of such municipality. The governing body of any municipality may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks. (Amendment 302)

Chapter 5. Education

Article 1. Superintendent of Education

§54-5.00. Election. (Amendment 970)

The Pickens County Superintendent of Education shall be elected by the qualified electors of the county and the Legislature, by local law, may provide further for the election of the county superintendent of education. (Amendment 970)

Chapter 6. Health and Environment

Article 1. Solid Waste

§54-6.00. Disposal Fee. (Amendment 521)

The Pickens county governing body shall levy and impose a fee of not less than sixty dollars per ton on solid waste, as defined by general law, disposed of at any commercial disposal site in the county. Said governing body is hereby authorized to implement such rules and regulations as it deems necessary to impose and collect such disposal fees and the proceeds of such fees shall be deposited in the county treasury to be expended for the general operations of the county. (Amendment 521)

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§54-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 754)

No person elected or appointed sheriff, or any elected or appointed Pickens County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Pickens County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Pickens County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. For the purposes of this amendment, the words "elected or appointed county official" shall include, subject only to express limitation, any person holding an office that entitles the person to participate in a supernumerary program and includes any person appointed to serve the remaining term of an elected or appointed county official, but shall not

include a judge, district attorney, constable, legislator, school board member, or any official elected from a judicial circuit. (Amendment 754)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§54-10.00. Consolidation of Offices; Revenue Commissioner. (Amendment 366)

The legislature may from time to time, by general or local law, provide for the transfer of the duties of the tax assessor and tax collector of Pickens county to another officer of such county; or provide for the abolition of the said offices left without duties, or create a completely new office in such county and transfer to such office the duties of each of the said offices of tax assessor and tax collector in such county; provided that the officer to fill the newly created office will be compensated for the performance of the duties of said office by a salary fixed according to law.

In the event this amendment is approved and a majority of the qualified electors of Pickens county who vote thereon vote in favor of the adoption of this amendment when it is submitted, then any law theretofore passed which abolished said county offices and consolidates their duties in a newly created office in Pickens county may become effective without any other election having been held thereon. In the event this amendment is approved and a majority of the qualified electors of said county who vote thereon vote against its approval, then such act or acts shall have no further force or effect. (Amendment 366)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§54-11.00. Fire Protection Purposes. (Amendments 649 and 765)

(a) In addition to all other ad valorem taxes levied, the Pickens County Commission may levy on an annual basis, commencing with the tax year beginning October 1, 1998, an ad valorem tax on all taxable property, located in Pickens County at a rate of three mills per dollar of assessed value of the taxable property. The proceeds of the tax levied pursuant to this amendment shall be paid into the county general fund and distributed for the benefit of fire protection only.

(b) Within 30 days of payment into the county general fund, the county commission shall pay the funds to the Pickens County Volunteer Firefighters' Association. The county association shall divide the funds equally among all eligible volunteer fire departments, collectively, and the Pickens County Volunteer Firefighters' Association at each bimonthly meeting of the county association. The county association may establish rules regarding the transfer, investing, accounting, and handling of the funds.

(c) Funds paid to eligible volunteer fire departments shall only be expended for fire protection services, including training, supplies, buildings, capital improvements, and equipment. An eligible volunteer fire department shall mean a volunteer fire department located in Pickens County that is certified under the guidelines of the Alabama Forestry Commission, shall have at least an ISO class 9 rating, and is a member in good standing of the Pickens County Association of Volunteer Fire Departments. The funds may not be expended for salaries, food, drink, social activities, or fund-raising activities. After receiving funds, the eligible volunteer fire departments shall keep accurate records to verify that the funds were properly expended. By September 15th of each year, each department shall file a form with the county association detailing the

expenditures of all funds during the previous 12 months and setting out a schedule of all proposed projects. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. The county association shall supply the accounting forms to each eligible volunteer fire department.

(d) Upon dissolution or abandonment of any eligible volunteer fire department, any remaining funds shall, after all indebtedness has been satisfied, be transferred to the county association.

(e) The personnel of eligible volunteer fire departments shall not be considered as employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of eligible volunteer fire departments. (Amendments 649 and 765)

Title 54A Pickens County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 55 Pike County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Judges

§55-2.00. Judge of Probate Compensation. (Amendment 421)

The legislature may, from time to time, by general or local laws applicable to or operative in Pike county, place the judge of probate on a salary and provide for the disposition of such charges, costs, fees, commissions, allowances, and percentages collectible by such official. (Amendment 421)

Article 2. Court Costs

§55-2.20. General Authority. (Amendment 800)

The Legislature, by general or local law, may fix, regulate, and alter the costs and charges of courts in Pike County and provide for their distribution. Any local law authorizing the levy of additional court costs in Pike County enacted prior to the effective date of this amendment is ratified and confirmed. (Amendment 800)

Chapter 3. County Government, Finance, and Operations

Article 1. County Government

§55-3.00. Form of Government. (Amendment 503)

Any provision of the Constitution or laws of the state of Alabama or local laws to the contrary notwithstanding, in order to modernize the operation of government in Pike county, the legislature may, during the current session of the legislature, provide by local act all of the following:

1. The county unit system in Pike county, for the construction, operation and maintenance of its roads and bridges, with the removal of road districts, effective January 1, 1989; and

2. The abolition of the offices of tax assessor and tax collector of Pike county and the creation of the office of revenue commissioner, and transfer of all duties, authority, records, assets and funds of both offices; and

3. The separation of the offices of judge of probate and chairman of the county commission of Pike county, effective 1994, and setting the compensation for such judge, and providing for the salary for office of chairman of county commission serving full time.

In the event this amendment is approved by a majority of the qualified electors of Pike county who vote thereon in favor of the adoption of all three of the provisions of this amendment when it is submitted, then any law theretofore or thereafter passed, which implements this amendment, may become effective without any other election having been held thereon; in the event this amendment fails and a majority of the qualified voters in Pike county voting thereon vote against its approval, such acts or act shall become null and void, and no one provision of this amendment shall become law unless all provisions are approved, or unless the acts are separately resubmitted to the qualified electorate of Pike county for approval thereof. All three proposals in one act shall not be deemed to contravene Section 45 of the Constitution of 1901.

The ballot on the approval of this amendment shall be substantially as follows:

"Do you approve the Pike County Government Modernization Amendment? Yes ... . No ... ."

The provisions of this amendment are self-executing as herein provided. (Amendment 503)

Chapter 4. Economic and Industrial Development

RESERVED

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§55-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 700)

In Pike County, no mayor or elected or appointed public official may assume a supernumerary office after the ratification date of this amendment. Any person who, on the ratification date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every mayor or elected or appointed public official in Pike County may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. A mayor or elected or appointed public official holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this amendment, the words "elected or appointed public official" include, subject only to express limitation, any person elected to represent Pike County in any representative body of the state and includes any person appointed to serve the remaining term of an elected or appointed public official. The words do not include a judge, a member of a city governing body, district attorney, constable, school board member, or any official elected from a judicial circuit. (Amendment 700)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§55-10.00. Ad Valorem Taxes on truck-tractors, trailers, and semitrailers. (Amendment 458)

Notwithstanding any law to the contrary, the Pike county commission is hereby authorized to establish, by validly enacted ordinance, the rate of all local ad valorem taxes, whether levied by local governing bodies of other lawful entities, on all truck-tractors, trailers and semitrailers located within the county. (Amendment 458)

Chapter 11. Zoning, Planning, and Utilities

RESERVED

Title 55A Pike County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 56 Randolph County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Judges

§56-2.00. Judge of Probate Compensation. (Amendment 459)

The legislature may hereafter, from time to time, by general, special or local laws, fix, regulate and alter the fees, commissions, allowances or salaries to be charged or received by the judge of probate of Randolph county, and may put such officer on a salary basis and provide for operation of his office on such basis. (Amendment 459)

Article 2. Court Costs

§56-2.20. General Authority. (Amendment 611)

All general laws, local laws, and population based laws previously enacted by the Legislature and which are in effect on January 1, 1996, pertaining to or applicable to Randolph County which in whole or in part regulate costs and charges of courts are hereby ratified, approved, validated, and confirmed as of the date of their enactment. Any actions taken or payments made in accordance with those laws are hereby ratified, approved, validated, and confirmed. This amendment shall not be construed as prohibiting the Legislature from properly enacting a law to amend or repeal those laws. The Legislature may, by local law, increase or decrease costs and charges of courts. (Amendment 611)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§56-4.00. Randolph County and Municipalities Therein. (Amendment 701)

The Legislature, by general, local, or special law, may provide for the creation, incorporation, organization, operation, administration, authority, and financing of a public corporation empowered or intended to assist or aid in any way Randolph County or any municipality therein in promoting industry, trade, and economic development of Randolph County and each municipality situated in the county, and the Legislature may grant the corporation all powers, rights, privileges, exemptions, and authority as the Legislature considers necessary or desirable for the furtherance and accomplishment of the purposes of the public corporation. (Amendment 701)

§56-4.01. Capital Improvement Fund. (Amendment 850)

Moneys paid into the Randolph County Capital Improvement Fund pursuant to Section 219.05, may be expended for economic development projects. (Amendment 850)

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§56-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 651)

No elected or appointed Randolph County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Randolph County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Randolph County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this amendment, the words "elected or appointed Randolph County official" include, subject only to express limitation, any person elected to represent Randolph County in any representative body of the state and includes any person appointed to serve the remaining term of an elected or appointed Randolph County official. The words do not include a judge, district attorney, constable, school board member, or any official elected from a judicial circuit. (Amendment 651)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools

§56-10.20. School District 2. (Amendment 156)

The city of Roanoke shall have the power to levy and collect in school district no. 2 of Randolph county a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of not more than one-half of one percent on the value of the property situated in the district as assessed for state taxation during the preceding year; provided that all such additional property taxes shall be levied and collected solely for educational purposes and may be pledged to the payment of the principal and interest on bonds, warrants, or other evidences of indebtedness issued for educational purposes, and provided, further, that the rate of such tax and the purpose or purposes thereof and the time such tax is proposed to be continued shall have been first submitted to a vote of the qualified electors of such district and voted for by a majority of those voting at the election. Each election held under the provisions of this amendment shall be ordered, held, conducted, paid for, and governed otherwise in the same manner as provided by the law applicable to municipal corporations for elections to authorize the issuance of municipal bonds. Elections to authorize the levy of such additional tax or taxes may be held as often as ordered by the governing body of the city of Roanoke, but when a proposition is submitted to the electors to levy such additional tax, and such proposition is defeated, then no subsequent election shall be held hereunder in the district for a period of one year thereafter.

The revenue derived from the additional tax authorized by this amendment shall be used solely for the construction of schools and other educational purposes in school district no. 2 of Randolph county.

This amendment shall be self-executing. (Amendment 156)

§56-10.21. School District 1. (Amendment 180)

The court of county commissioners, board of revenue, or other like governing body of Randolph county may levy and collect a special property tax, in addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, at a rate not exceeding one-half of one percent on the value of the taxable property in school district number one, as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes; provided, that the rate of such tax and the purpose or purposes thereof, and the time such tax is to be continued, which shall not exceed thirty years, shall have been first submitted to a vote of the qualified electors of district one and voted for by a majority of those voting at the election. If any proposal to levy a tax is defeated in any election, subsequent elections thereon may be held at any time. The elections shall be called, held, conducted, paid for, and governed otherwise in the manner provided for elections on school district taxes as authorized in Sections 269.01 through 269.03, and by article 7, of chapter 10, Title 52, Code of Alabama 1940, as heretofore or hereafter amended. (Amendment 180)

Article 3. Public Buildings and Facilities

§56-10.40. Special Tax for County Facilities. (Amendment 442)

(A) As used in this amendment, the following terms shall be given the following respective meanings:

"COUNTY" means Randolph county, Alabama.

"COUNTY FACILITIES" means (a) any land, building, equipment and any other facility or facilities necessary or useful in the housing, confinement, detention, feeding, treatment, rehabilitation and training of persons held in lawful custody, and (b) any land, building, equipment or other facility useful as a county courthouse building.

"COUNTY FACILITIES BUILDING FUND" means the county facilities building fund established herein for the purpose of receiving certain tax receipts required by the provisions hereof to be paid therein.

"EXISTING AD VALOREM TAX" means the two and one-half mill special ad valorem tax authorized to be levied by the county pursuant to section 215 of the Constitution.

"SECURITIES" means any bonds or warrants, including refunding bonds or warrants, issued by the county under the provisions of this amendment.

"SPECIAL AD VALOREM TAX" means the special county hospital ad valorem tax authorized to be levied by the county pursuant to Section 215.02.

"SPECIAL SALES TAX" means the special county privilege, license and excise taxes authorized and directed by this amendment to be levied by the county on those engaged in the business of selling tangible personal property at retail and conducting places of amusement in the county and paralleling the state sales and use taxes.

"SPECIAL TAXES" means the special ad valorem tax, the special sales tax, and the existing ad valorem tax.

(B) The county is hereby authorized and directed, within 60 days after the proclamation of the ratification of this amendment, to levy and collect, or provide for the collection of special privilege, license and excise taxes on those engaged in the business of selling tangible personal property and conducting places of amusement in the county at the rate of one-half of one percent (0.5%) of the gross receipts of the businesses made subject to the special sales tax, which tax shall, to the fullest extent possible, parallel the sales and use taxes levied by the state. All revenues derived by the county from the levy of the special sales tax, less the cost of collection

of such revenues not to exceed 5% thereof to be paid to the department of revenue, shall be paid into the county facilities building fund. The county shall discontinue the levy of the special sales tax when all of the securities issued hereunder shall have been paid in full, or when the county shall have expended the sum of $1,500,000 out of the county facilities building fund to pay costs of county facilities, whichever shall last occur.

(C) The county is hereby authorized and directed (subject to prior pledges and agreements, if any) to pay, out of taxes collected each year, beginning with taxes collected with respect to the tax year that began October 1, 1982, one-half of the tax receipts derived from the levy of the special ad valorem tax into the county facilities building fund. The county shall discontinue paying such tax receipts into the county facilities building fund when all of the securities issued hereunder have been paid in full, or when the county shall have expended the sum of $1,500,000 out of the county facilities building fund to pay costs of county facilities, whichever shall last occur.

(D) The county is hereby authorized and directed (subject to prior pledges and agreements, if any) to pay four-tenths of the tax receipts derived by the county from the levy of the existing ad valorem tax into the county facilities building fund. The county shall discontinue paying such tax receipts into the county facilities building fund when all of the securities issued hereunder have been paid in full, or when the county shall have expended the sum of $1,500,000 out of the county facilities building fund to pay costs of county facilities, whichever shall last occur.

(E) The county is hereby authorized and directed to establish the county facilities building fund for the purpose of receiving the moneys required to be paid therein by the provisions hereof. Funds on deposit in the county facilities building fund shall be used to pay the costs of acquiring, providing, constructing and equipping new county facilities, renovating, reconstructing, improving, enlarging or equipping any existing county facilities or any combination thereof, up to an amount not exceeding $1,500,000, and to pay principal of and interest and premium, if any, on securities issued hereunder to finance county facilities.

(F) The county is hereby authorized to sell and issue from time to time its securities, not exceeding $1,500,000 in aggregate principal amount, for the purpose of acquiring, providing, constructing and equipping new county facilities, renovating, reconstructing, improving, enlarging or equipping any existing county facilities or any combination thereof and to pledge for payment of the securities the portions of the special taxes required to be paid into the county facilities building fund.

For the purpose of refunding any securities, including refunding securities issued under the provisions of this amendment, whether the refunding shall occur before, at or after the maturity of the securities refunded and for the purpose of paying all premiums and expenses of the refunding (including attorneys' fees, costs of printing the refunding securities, fiscal agents' fees, and accountants' fees), the county is hereby authorized to sell and issue from time to time refunding securities in an aggregate principal amount not exceeding the sum of (a) the outstanding principal amount of the securities to be refunded, (b) the interest (accrued or to accrue) to the respective maturities of the securities to be refunded, or if the securities to be refunded are to be called for redemption, either on the earliest date on which under their terms they may be redeemed or some later date or dates, the interest (accrued or to accrue) on the securities to be refunded to the date or dates on which they are to be called for redemption, (c) the amount of any redemption premium required, by the terms of the securities, to be paid as a

condition to their redemption prior to their respective maturities, and (d) the amount of any expenses (actual or estimated) of such refunding.

The securities issued hereunder may but need not be general obligations of the county, but shall be secured by the portions of the special taxes pledged for their payment in the proceedings of the county whereunder the securities are authorized to be issued and required to be paid into the county facilities building fund.

All securities issued under this amendment may be in such form and denominations and of such tenor and maturities, may bear interest at such rate or rates, payable at such time or times, not exceeding thirty (30) years from their date, may be sold at public or private sale and may contain such provisions not inconsistent with this amendment as shall be provided in the proceedings of the governing body of the county wherein such securities are authorized to be issued. The power to levy the special sales tax, to pay as required herein the portions of the special ad valorem tax and the existing ad valorem tax into the county facilities building fund and the power to issue the securities shall be in addition to all other powers which the county may have under this Constitution and the laws of Alabama. The indebtedness evidenced by the securities issued under this amendment shall be in addition to and shall not be charged against the limitation on the indebtedness of the county provided for in section 224 of the Constitution.

(G) It is the intention hereof that the governing body of the county shall (a) levy the special sales tax, and (b) pay one-half of the revenues from the special ad valorem tax and four-tenths of the revenues from the existing ad valorem tax (subject only to prior pledges of either thereof) as shall together be sufficient to provide funds to pay costs of county facilities herein provided for, either directly or through payment of the principal of and interest (and premium, if any) on the securities authorized to be issued hereunder, all to the end that adequate county facilities will be available in the county. Proceeds of the special taxes that are not needed in any fiscal year to pay principal of and interest on securities issued hereunder or to refund securities shall be used to pay costs of constructing and maintaining the county facilities herein provided for, or to purchase and retire securities or call securities for redemption prior to the maturity thereof.

(H) The provisions of this amendment shall be self-executing, and authorization from or any other action by the legislature shall not be a prerequisite to the issuance of the securities hereunder or to the levy of the special taxes or the use of the proceeds of the special taxes as provided herein; provided, however, that the provisions of this amendment shall not become operative unless approved by a majority of the qualified electors of Randolph county who vote thereon at a referendum election held for such purpose upon the call of the Randolph county commission, and provided further, that if this amendment is approved by the qualified electors of Randolph county who vote thereon upon its submission, such election shall constitute a referendum held for such purpose and no further election need be called.

(I) It is hereby specifically declared that this amendment is not being proposed pursuant to Section 284.01, and provisions of Section 284.01 are hereby declared to be inapplicable. (Amendment 442)

§56-10.41. Facilities Building Fund. (Amendment 444)

(A) As used in this amendment, the following terms shall be given the following respective meanings:

"COSTS OF COUNTY FACILITIES" means the costs of acquiring, providing, constructing and equipping new county facilities, renovating, reconstructing, improving, enlarging or equipping any existing county facilities or any combination thereof.

"COUNTY" means Randolph county, Alabama.

"COUNTY FACILITIES" means (a) any land, building, equipment and any other facility or facilities necessary or useful in the housing, confinement, detention, feeding, treatment, rehabilitation or training of persons held in lawful custody, and (b) any land, building, equipment or other facility useful as a county courthouse building.

"COUNTY FACILITIES BUILDING FUND" means the county facilities building fund to be established by the county pursuant to the provisions hereof for the purpose of receiving certain tax receipts required by the provisions hereof to be paid therein.

"EXISTING AD VALOREM TAX" means the two and one-half mill road, bridge and public building ad valorem tax authorized to be levied by the county pursuant to Section 215 of the Constitution.

"RELATED SECURITIES" means any bonds or warrants, including refunding bonds or warrants, issued for purposes for which securities may be issued hereunder after the effective date of this amendment under the provisions of any other amendment to the Constitution or statute, provided that the governing body of the county in the proceedings authorizing the issuance of such bonds or warrants has pledged for the payment of such bonds or warrants those moneys required by the provisions hereof to be paid into the county facilities building fund.

"SECURITIES" means any bonds or warrants, including refunding bonds or warrants, issued by the county under the provisions of this amendment.

"SPECIAL AD VALOREM TAX" means the special county hospital ad valorem tax authorized to be levied by the county pursuant to Section 215.02.

"SPECIAL TAXES" means the special ad valorem tax and the existing ad valorem tax.

(B) The county is hereby authorized and directed (subject to prior pledges and agreements, if any) to pay, out of taxes collected each year, beginning with taxes collected with respect to the tax year that began October 1, 1982, one-half of the tax receipts derived from the levy of the special ad valorem tax into the county facilities building fund. The county shall discontinue paying such tax receipts into the county facilities building fund when all of the securities issued hereunder and any related securities issued by the county have been paid in full, or when the county shall have expended the sum of $1,500,000 out of the county facilities building fund to pay costs of county facilities, whichever shall last occur.

(C) The county is hereby authorized and directed (subject to prior pledges and agreements, if any) to pay, out of taxes collected each year, beginning with taxes collected with respect to the tax year that began October 1, 1982, four-tenths of the tax receipts derived by the county from the levy of the existing ad valorem tax into the county facilities building fund. The county shall discontinue paying such tax receipts into the county facilities building fund when all of the securities issued hereunder and any related securities issued by the county have been paid in full, or when the county shall have expended the sum of $1,500,000 out of the county facilities building fund to pay costs of county facilities, whichever shall last occur.

(D) The county is hereby authorized and directed to establish the county facilities building fund for the purpose of receiving the moneys required to be paid therein by the provisions hereof and any other tax receipts or other moneys of the county that the county may determine to pay therein. Funds on deposit in the county facilities building fund shall be used to pay costs of county facilities, up to an amount not exceeding $1,500,000, and to pay principal of and interest and premium, if any, on (1) securities issued hereunder to finance costs of county facilities and (2) related securities issued to finance costs of county facilities.

(E) The county is hereby authorized to sell and issue from time to time its securities, not exceeding $1,500,000 in aggregate principal amount, for the purpose of financing costs of county facilities and to pledge for payment of the securities the portions of the special taxes required to be paid into the county facilities building fund.

For the purpose of refunding any securities, including refunding securities issued under the provisions of this amendment, whether the refunding shall occur before, at or after the maturity of the securities refunded and for the purpose of paying all premiums and expenses of the refunding (including, without limitation, attorneys' fees, costs of printing the refunding securities, fiscal agents' fees, and accountants' fees), the county is hereby authorized to sell and issue from time to time refunding securities in an aggregate principal amount not exceeding the sum of (a) the outstanding principal amount of the securities to be refunded, (b) the interest (accrued or to accrue) to the respective maturities of the securities to be refunded, or if the securities to be refunded are to be called for redemption, either on the earliest date on which under their terms they may be redeemed or some later date or dates, the interest (accrued or to accrue) on the securities to be refunded to the date or dates on which they are to be called for redemption, (c) the amount of any redemption premium required, by the terms of the securities, to be paid as a condition to their redemption prior to their respective maturities, and (d) the amount of any expenses (actual or estimated) of such refunding.

The securities issued hereunder may but need not be general obligations of the county, but shall be secured by the portions of the special taxes pledged for their payment in the proceedings of the county whereunder the securities are authorized to be issued and required to be paid into the county facilities building fund.

All securities issued under this amendment may be in such form and denominations and of such tenor and maturities, may bear interest at such rate or rates, payable at such time or times, not exceeding 30 years from their date, may be sold at public or private sale and may contain such provisions not inconsistent with this amendment as shall be provided in the proceedings of the governing body of the county whereunder such securities are authorized to be issued. The power to pay, as required herein, the portions of the special ad valorem tax and the existing ad valorem tax into the county facilities building fund and the power to issue the securities shall be in addition to all other powers which the county may have under this Constitution and the laws of Alabama. The indebtedness evidenced by the securities issued under this amendment shall be in addition to all other indebtedness authorized to be incurred by the county and shall not be charged against the limitation on the indebtedness of the county provided for in Section 224 of the Constitution.

(F) The county is hereby authorized to pledge for payment of principal of and interest (and premium, if any) on related securities the portions of the special taxes required to be paid into the county facilities building fund.

(G) It is the intention hereof that the governing body of the county shall pay one-half of the revenues from the special ad valorem tax and four-tenths of the revenues from the existing ad valorem tax (subject only to prior pledges of and agreements pertaining to either thereof) as shall, together with any other moneys paid into the county facilities building fund, be sufficient to provide funds to make available county facilities for the county, either directly through payment of costs of county facilities or through payment of the principal of and interest (and premium, if any) on the securities authorized to be issued hereunder and on any related securities that may be issued by the county for the purpose of paying costs of county facilities, all to the end that adequate county facilities will be available in the county. Proceeds of the special taxes

paid into the county facilities building fund that are not needed within 12 months of the date of such payment to pay principal of and interest on securities issued hereunder or on related securities or to refund securities shall be used to pay costs of constructing and maintaining the county facilities herein provided for, or to purchase and retire securities or related securities or to call securities or related securities for redemption prior to the maturity thereof.

(H) The provisions of this amendment shall be self-executing, and authorization from or any other action by the legislature shall not be a prerequisite to the issuance of the securities hereunder or to the use of the proceeds of the special taxes as provided herein; provided, however, that the provisions of this amendment shall not become operative unless approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose upon the call of the county commission, and provided further, that if this amendment is approved by the qualified electors of the county who vote thereon upon its submission, such election shall constitute a referendum held for such purpose and no further election need be called.

(I) It is hereby specifically declared that this amendment is not being proposed pursuant to Section 284.01, and provisions of Section 284.01 are hereby declared to be inapplicable to this amendment. (Amendment 444)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§56-11.00. Fire Protection Purposes. (Amendment 594)

The Legislature declares that the fire departments and rescue squads which receive funds pursuant to this amendment are organizations which are public in nature as they promote and protect the health, safety, and welfare of the citizens of the county.

In addition to all other taxes now or hereafter provided by law, there shall be levied and collected in Randolph County a special property tax of two mills on each one dollar's worth of taxable property as assessed for the state ad valorem taxation during the preceding year. The proceeds of the additional taxes levied by this amendment shall be used exclusively for fire protection and safety services.

The Revenue Commissioner of Randolph County shall assess the tax herein provided for and shall collect the tax in the same manner and method that other ad valorem taxes are collected. The proceeds of the tax shall be paid by the commissioner directly to the Randolph County Volunteer Fire Department Association. The proceeds shall be divided by the association so that the proceeds of the tax collected within the corporate limits of the City of Roanoke shall be allocated to the volunteer fire department of the city and the proceeds from collections in the unincorporated areas of the county shall be allocated equally among the volunteer fire departments and the rescue squad which serve the unincorporated area of the county.

An eligible fire department, for purposes of this amendment, means a fire department in Randolph County which is a member in good standing with the Randolph County Volunteer Fire Department Association according to guidelines established by the Alabama Volunteer Fire Department Association.

An eligible rescue squad for purposes of this amendment, means a rescue squad in Randolph County which is in good standing according to guidelines established by the Alabama Association of Rescue Squads.

Funds paid to eligible fire departments and rescue squads shall only be expended for fire protection and safety services including training, supplies, and equipment. The funds may also be expended to purchase liability insurance to insure coverage of acts or omissions which are

directly related to the functions of a fire department or rescue squad which are committed by the department or squad or the personnel of a fire department or rescue squad. The funds may not be expended for food, drink, social activities, salaries, or fund-raising activities. After receiving funds, the fire departments and rescue squads shall keep accurate records to verify that the funds were properly expended. By September 15 of each year, the association shall file a financial statement with the Randolph County Commission detailing the expenditure of all funds received from this amendment during the previous 12 months. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. No new fire departments or rescue squads shall be funded within Randolph County without prior approval of the Randolph County Volunteer Fire Department Association.

Upon dissolution or abandonment of any eligible fire department or rescue squad, any remaining funds derived from this amendment or any assets purchased with funds derived from this amendment shall, after all indebtedness has been satisfied, be transferred to the Randolph County Volunteer Fire Department Association. The funds and assets shall be reallocated by the association equally to the other fire departments and rescue squads. In the event the association is dissolved, the additional property tax levied under this amendment shall self-destruct and no longer be levied and collected.

The personnel of fire departments and rescue squads provided for in this amendment shall not be considered employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of fire departments or rescue squads.

This amendment shall apply to collections of ad valorem taxes for the 1995-96 tax year and thereafter. The initial provisions of this amendment may hereafter be amended by local legislation which may become effective without referendum approval. (Amendment 594)

Title 56A Randolph County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 57 Russell County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§57-2.00. County Jail. (Amendments 507 and 736)

In addition to any court costs and fees now or hereafter authorized to be collected in Russell County, the County Commission of Russell County may assess a fee not to exceed thirty dollars ($30.00) upon the privilege of filing an initial complaint in all civil and criminal cases filed in any court in the county, as well as a fee not to exceed five dollars ($5.00) for the service of all pleadings and other documents in connection with any action or case. All fees shall be paid into the county general fund and shall be applied exclusively for payment of the cost of the planning, construction, equipping, maintaining, and operating of the county jail, or for the payment of the principal of and interest on any bonds, warrants, or other obligations issued by or on behalf of the county to finance the costs of the jail, as well as the expenses of issuance of any bonds, warrants, or other obligations. (Amendments 507 and 736)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§57-4.00. Russell County and Municipalities Therein. (Amendment 737)

For the promotion of local economic and industrial development, Russell County and any municipality therein, any other provision of law or of this Constitution notwithstanding, shall have, independently or in cooperation with one another, full and continuing power to do any of the following:

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

(2) Lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county or the municipality, as applicable, all or any part of any site or industrial park project to any individual, firm, corporation, or other business entity, public or private, including any industrial development board or other public corporation or authority heretofore or hereafter created by the county or any municipality therein, for the purpose of constructing, developing, equipping, and operating industrial, commercial, research, or service facilities of any kind.

(3) Lend its credit to or grant public funds and things of value in aid of or to any individual, firm, corporation, or other business entity, public or private, for the purpose of promoting the economic and industrial development of Russell County or any municipality therein.

In carrying out the purposes of this amendment, neither Russell County nor any municipality therein shall be subject to Section 93 or 94 of this Constitution. Each public corporation heretofore created by Russell County or by any municipality therein, including specifically any industrial development board incorporated under Chapter 54, Article 4, Title ll

of the Code of Alabama 1975, and any industrial development authority incorporated or reincorporated under Chapter 92A, Title ll of the Code of Alabama 1975, is validated and the powers granted to such board or authority under its respective enabling legislation are validated notwithstanding any other provision of law or of this Constitution. The powers granted in this amendment may be exercised as an alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the county, or to any municipality, or to any agency, board, or authority created pursuant to the laws of this state.

Neither Russell County nor any municipality 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: (i) the action proposed to be taken by Russell County or any municipality therein is at a public meeting of the governing body of the county or city, as the case may be, by a resolution containing a determination by such governing body that the expenditure of public funds for such purpose will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities; and (ii) at least seven days prior to the public meeting, a notice is published in the newspaper having the largest circulation in the county or in the city, as the case may be, describing in reasonable detail the action proposed to be taken, a description of the public benefits sought to be achieved by such action, and identifying each individual, firm, corporation, or other business entity to whom or for whose benefit the county or the city proposes to lend its credit or grant public funds or thing of value. For purposes of the foregoing, any sale, lease, or other disposition of property for a price equal to the fair market value thereof shall not constitute the lending of credit or a grant of public funds or thing of value in aid of a private entity. (Amendment 737)

Chapter 5. Education

Article 1. Board of Education

§57-5.00. Election of Members; Duties. (Amendment 749)

Section I. The Russell County Board of Education shall be composed of seven members. Six of the members shall be elected by a majority of the respective qualified electors of six separate single-member districts, designated Place #1 to Place #6, inclusive, which shall be the same as the districts established by the Legislative Reapportionment Office in the document titled RUSSELL BOE 7 DISTRICTS PLAN 3, dated February 25, 2002. Only the qualified electors residing in a particular district may vote for the member representing that district. The seventh member shall be elected by a majority of the qualified electors of the county at-large, designated Place #7. Elections shall be conducted and the members shall take office in the same manner as currently provided by law.

Section II. (a)(1) A candidate for election as a district member of the board shall be a resident of the single-member district which he or she seeks to represent on the board for at least one year immediately preceding the deadline date for qualifying as a candidate, and shall reside in that district during the entire term of office.

(2) A candidate for election as an at-large member of the board shall be a resident of the county for at least one year immediately preceding the deadline date for qualifying as a candidate, and shall reside in the county during the entire term of office.

(3) A member appointed to fill a vacancy on the board pursuant to general law shall be a resident of the county, and a resident of the district of the vacating member, where applicable.

(b)(1) The member elected in Place #3 and the member elected in Place #6 shall be elected at the general election in November 2006, and every six years thereafter.

(2) The member elected in Place #1 and the member elected in Place #7 shall be elected at the general election in November 2008, and every six years thereafter.

(3) The member elected in Place #2, the member elected in Place #4, and the member elected in Place #5 shall be elected at the general election in November 2010, and every six years thereafter.

(4) Members serving on the board upon the ratification of this amendment, including those members elected at the general election in November 2004 pursuant to Act 82-322, 1982 Regular Session (Acts 1982, p. 434), shall continue to serve on the board until the term for which they were originally elected expires. Such persons shall assume office at the same time as currently provided by law.

(c) If the boundaries of a district change, or if redistricting places an incumbent district board member outside of his or her district, the member shall nevertheless continue to serve the remainder of the term to which he or she was elected.

(d) The board, by majority vote, may change the boundaries of the single member districts and shall reapportion the districts as required by law utilizing the principle of equal representation. Pursuant to this subsection, the board may provide for single member election districts or at-large membership districts, or both.

Section III. The Legislature, by local law, from time to time may provide for the election of the members of the Russell County Board of Education and may provide further for the operation of the board. Such local act or acts may include, but are not limited to, providing for termination of the terms of members of the existing county board of education; the composition of the county board of education; initial and succeeding terms of office, including staggered terms; qualifications; powers, duties, and responsibilities; vacancies; and compensation.

Section IV. The Russell County Board of Education shall take necessary steps to ensure this amendment complies with the Federal Voting Rights Act of 1965, as amended, before any election is conducted pursuant to this amendment. (Amendment 749)

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

Article 1. Bingo

§57-7.00. Operation of Bingo by Nonprofits. (Amendment 612)

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

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

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

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

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

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

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

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

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

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

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

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

Chapter 8. Officials and Employees

Article 1. Compensation

§57-8.00. Certain Public Officials. (Amendment 380)

The legislature may from time to time, by general or local laws, fix, alter and regulate the costs and charges of the probate courts in Russell county, and the fees, commissions, percentages, allowances and compensation of any officer of Russell county, and shall be authorized to place any such officer on a salary and to provide for the fees, commissions, percentages or allowances collectible by such officer to be paid into the treasury from which his salary is paid.

The legislature is further authorized and empowered to delegate to the Russell county governing body its authority to regulate the salaries of county officers other than members of the county governing body. (Amendment 380)

Article 2. Retirement

§57-8.20. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 702)

No person elected or appointed sheriff, or any elected or appointed Russell County official, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and elected or appointed Russell County

official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Russell County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 702)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools

§57-10.20. Special Property Tax for Educational Purposes. (Amendment 124)

In addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, Russell county shall have the power to levy and collect a special county-wide school tax of eight mills on each dollar's worth of taxable property in Russell county, the proceeds of which shall be used exclusively for public school purposes; provided that such tax and the purpose or purposes thereof, and the time such tax is proposed to be continued, shall have been first submitted to the vote of the qualified electors of the county and voted for by a majority of those voting at such election. The special tax provided for herein may be renewed from time to time, in the manner provided herein, for such periods of time as are necessary. If any proposal to levy the tax is defeated in any election, subsequent elections thereon may be held at any time. The elections provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the school district tax authorized in Sections 269.01 through 269.03, by article 7, chapter 10, Title 52, Code of Alabama (1940). The county tax collector shall collect the tax in the same manner and under the same requirements and laws as the taxes of the state are collected, and he shall keep the proceeds of this tax separate and apart from all other funds, and shall keep clear accounts thereof. The tax collector shall distribute the proceeds of this special tax in such manner as to turn over to the custodian of the county school funds of Russell county the revenue derived from the tax levied on all taxable property situated outside the corporate limits of Phenix City, such revenues to be used by the county board of education for educational purposes in connection with schools located or to be located outside the corporate limits of Phenix City, and to turn over to the custodian of school funds of the city school system of Phenix City the revenue derived from the tax levied on all taxable property situated within the corporate limits of Phenix City, such revenues to be used by the city board of education for educational purposes in connection with schools located or to be located within the corporate limits of Phenix City.

In the event that any special property tax authorized herein shall be authorized by a majority of the qualified electors voting on the question at the election, the county board of education of Russell county and the city board of education of Phenix City may, at such times as to them seem necessary and proper, sell and issue their tax anticipation bonds for the purposes for which the tax was authorized, which bonds shall be in such amounts as the respective board of education shall designate and, except as otherwise provided herein, shall be subject to the

provisions of the general laws now pertaining to the issuance by county and city boards of education of capital outlay warrants, and no further election shall be required for the issuance of such bonds. The revenue derived from the sale of these bonds shall be expended by the county board of education and the Phenix City board of education for public school purposes only. Any bonds issued under the authority of this amendment shall be payable solely out of the proceeds of the special property tax hereby authorized, all or any part of which may be pledged therefor. The bonds issued under the authority of this amendment shall constitute negotiable instruments, although payable from a limited source, and shall be eligible for the investment of trust funds. The bonds shall not constitute general obligations of the county and shall be in addition to all other bonds or warrants which the county or city boards of education have heretofore issued or are authorized to issue under the Constitution and laws of Alabama. (Amendment 124)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§57-11.00. Creation of Districts; Collection of Fees. (Amendment 381)

The county commission of Russell county is hereby authorized to establish fire fighting districts within such county and enter into agreements with volunteer fire departments within such county for fire protection and services. Said districts shall exclude any corporate municipality which does not request through its governing body by resolution to be made a part of and subject to the provisions of this amendment.

The county commission of Russell county shall, at its next meeting after passage and approval of this amendment, appoint a committee consisting of the chief of each volunteer fire department within the county. The purpose of this committee will be to keep the commission informed and advised as to the status and needs of the departments and to assist the commission in the setting of priorities regarding fire protection and services.

The county commission may, in its discretion, authorize the expenditure of public funds in support of any fire district.

The Russell county commission may, upon recommendation of this committee, appoint a county fire marshal whose principal duty shall be the coordination of all fire protection within the county. This fire marshal shall perform such other tasks related to fire protection as may from time to time be assigned to him by the county commission.

This amendment is not intended nor shall it be construed to limit the authority or scope of the volunteer fire departments within Russell county or their operation within said county. (Amendment 381)

Title 57A Russell County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Phenix City

[Note: The City of Phenix City lies in Lee and Russell Counties.]

§57A-2.00. Water and Sewer Systems. (Amendment 824)

In Russell County, the City of Phenix City may not sell or transfer any water and sewer system or any part of a water and sewer system owned or operated by or on behalf of the city unless the sale or transfer is approved by a majority of the qualified electors of the City of Phenix City in Russell County voting at a referendum election on the approval of the sale or transfer. The referendum election shall be held at the next regularly scheduled citywide election held in

Phenix City at least 60 days after the city council or other governing body has adopted any ordinance or resolution providing for any sale or transfer covered by this amendment and the terms and conditions thereof. (Amendment 824)

Title 58 Shelby County

Chapter 1. Miscellaneous Provisions

Article 1. Alcoholic Beverages

§58-1.00. Sunday Sales. (Amendment 893)

In Shelby County, the sale and distribution of alcoholic beverages shall be legal after 12:00 p.m. on Sunday by properly licensed retail licensees of the Alabama Alcoholic Beverage Control Board. (Amendment 893)

Chapter 2. Courts

Article 1. Court Costs

§58-2.00. Compensation of Certain Officials. (Amendment 249)

The legislature may from time to time, by general or local laws, fix, alter and regulate the costs and charges of court in Shelby county and the fees, commissions, percentages, allowances, and compensation to be charged or received by the judge of probate, sheriff, tax assessor, tax collector, clerk of the circuit court, register in chancery, and any other officer of Shelby county, including the right to place any of such officers on a salary, provide for the operation of their respective offices on such basis, and provide that any and all fees, commissions, percentages, or allowances charged or collected by them, including all fees, allowances, commissions, and percentages of the tax assessor and tax collector for assessing and collecting municipal taxes, shall be paid into the county treasury; provided, that no law shall be effective to change the method of compensating any officer, nor to diminish his compensation, during the term for which he shall have been elected or appointed, and no law changing the method of compensating county officers shall be effective unless it shall have been approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose. (Amendment 249)

Article 2. Judges

§58-2.20. Judge of Probate Jurisdiction. (Amendment 758)

The Judge of Probate of Shelby County may exercise equity jurisdiction concurrent with that of the circuit court in cases originally filed in the Probate Court of Shelby County if the judge of probate is licensed to practice law in the State of Alabama. In any case subject to this amendment, the judge of probate shall possess the power and authority of a circuit court judge trying the case and the case shall be treated in all respects in the same manner as a case filed in circuit court. The Alabama Rules of Civil Procedure shall apply in the cases except as otherwise specifically provided by law. This amendment is self-executing, but the Legislature may enact additional laws to implement this amendment if needed. (Amendment 758)

§58-2.21. Judicial Commission. (Amendments 804 and 920)

All vacancies in the office of the judge of the circuit court and the office of the judge of the district court of the 18th Judicial Circuit shall be filled in the manner and for the time as herein provided.

The Shelby County Judicial Commission is hereby created for the purpose of nominating to the Governor persons for appointment to a vacancy. The commission shall be composed of five members. The members of the commission shall be as follows: Two persons who are members of the Alabama State Bar; two persons who are not members of the Alabama State Bar; and the presiding judge of the 18th Judicial Circuit.

All members of the commission shall reside in the territorial jurisdiction of the 18th Judicial Circuit.

The two members of the commission who are required to be members of the Alabama State Bar shall be elected by the members of the bar who are regularly licensed and qualified to practice law in this state. The Executive Committee of the Shelby County Bar Association, or its successor body in such capacity, is authorized and directed to make rules, not inconsistent with this amendment, for the election of the two members of the commission who are required to be members of the Alabama State Bar. The executive committee shall certify in writing to the Judge of Probate of Shelby County the names of the persons elected as members of the commission by the members of the bar and the name of the presiding judge of the circuit court who shall serve on the commission by virtue of his or her position as presiding judge.

The members of the Legislature representing Shelby County shall elect the two members of the commission who are required not to be members of the Alabama State Bar.

The members of the Legislature representing Shelby County shall certify in writing to the judge of probate the names of the persons elected by them as members.

The terms of office of all members of the commission shall be six years, except that the terms of office of the two members of the State Bar first elected shall be for one and two years respectively, and of the two members first elected by the members of the Legislature representing Shelby County shall be for three and four years respectively; the length of the terms of office of the members of the commission being indicated by the respective electing bodies. The terms of the initial members of the commission shall begin on January 1, 2009. A vacancy in the office of a member of the commission shall be filled for the unexpired term in the same manner as that member was originally chosen.

The Judge of Probate of Shelby County shall record all certificates of election and shall safely and permanently keep the original certificates. Upon receipt and recordation of each certificate, the judge of probate shall send to the Governor a certified copy of each certificate.

No member of the commission shall be eligible to succeed himself or herself as a member or for nomination to the Governor for appointment as judge of the circuit or district court during the term of office for which the member shall have been selected.

The members of the commission shall not receive any salary or other compensation for their services as members. No member of the commission other than the member who is the presiding judge of the 18th Judicial Circuit shall hold any public office and no member of the commission shall hold any official position in any political party.

If, subsequent to January 1, 2009, a vacancy occurs in the office of judge of the circuit or district court in the 18th Judicial Circuit, the commission shall nominate to the Governor three persons having the qualifications for the office. The nomination shall be made only by the concurrence of a majority of the members of the commission. The Governor shall appoint to the office in which the vacancy exists one of the three persons so nominated for the office. The term of office of a judge appointed to fill a vacancy shall be as otherwise provided in Section 153 of this constitution. The judicial authority of any person appointed to fill a judicial vacancy in the judicial circuit prior to January 16, 2017, is ratified and confirmed.

Any vacancy occurring in the office of judge of the 18th Judicial Circuit, which is required to be filled by appointment on nominations made by the commission, shall be filled within 90 days from the date of the submission of the nominations. In the event the Governor fails to fill the vacancy from the nominations within that period, the appointment shall be made by the Chief Justice of the Supreme Court of Alabama. (Amendments 804 and 920)

§58-2.22. Judge of Probate Qualifications. (Amendment 886)

The Judge of Probate of Shelby County shall be an attorney licensed in this state effective upon the election or appointment of any judge of probate after the ratification of the amendment. (Amendment 886)

§58-2.23. Judge of Probate Vacancies. (Amendment 903)

In the event of a vacancy in the office of the Judge of Probate of Shelby County, the vacancy shall be filled from nominations to the Governor by the Shelby County Judicial Commission established by Section 58-2.21 pursuant to the same procedures provided in Section 58-2.21 for filling a vacancy in the office of a judge of the circuit or district court in the county. (Amendment 903)

Chapter 3. County Government, Finance, and Operations

Article 1. County Commission

§58-3.00. Home Rule. (Amendment 707)

Section 1. Home rule.

(a) Except as herein provided, the Shelby County Commission may adopt ordinances, resolutions, or regulations relating to its property, affairs, and county government for which no provision has been made by general law and which is not inconsistent with this Constitution or any local law enacted by the Alabama Legislature. Notwithstanding the general grant of power in the preceding sentence, the Shelby County Commission may not establish or levy any new tax or raise revenue except as authorized by this constitution or by general or local law enacted by the Legislature of the State of Alabama.

(b) The Shelby County Commission may fix the salary, compensation, expenses, and other benefits and terms of employment of those employed by the Shelby County Commission except for those subject to the jurisdiction of the Shelby County Law Enforcement Personnel Board, and establish and maintain retirement or pension systems, insurance, workers' compensation, hospitalization, and medical benefits for those employees. The Shelby County Commission shall employ a county manager and other professional staff as it deems appropriate to be authorized and directed to perform any applicable management and administrative function associated with the management of county property and services.

Section 2. Supplementary powers.

(a) The Shelby County Commission, in addition to, and supplementary of, all powers possessed by or conferred upon Shelby County or otherwise provided by general law, may by ordinance or resolution exercise the following powers, provide and regulate the following services, activities, programs, and facilities related thereto, and establish and provide for civil penalties for violation of its ordinances, rules, and regulations applicable thereto:

(1) Police and fire protection.

(2) Garbage and solid waste collection and disposal.

(3) Public health facilities and services, including hospitals, ambulance and emergency rescue services, and control of dangerous animals and animal nuisances.

(4) Public street and road construction and maintenance, including curbs, sidewalks, street lights, and devices to control the flow of traffic.

(5) Parks, recreational areas, programs, and facilities.

(6) Storm water and sanitary sewage collection and disposal systems.

(7) Development, storage, treatment, purification, and distribution of water.

(8) Public housing, public buildings, and parking facilities.

(9) Public transportation.

(10) Libraries, archives, and arts and sciences programs and facilities.

(11) Economic development and tourism initiatives, developments, and projects.

(12) Adoption of codes, including building, housing, plumbing, and electrical codes for the protection of the public.

(13) Litter, trash, and rubbish regulation and control on or adjacent to public roads, streets, or highways, or on or in public buildings, public parks, and public properties.

(b) Unless otherwise provided by an act of the Legislature in effect upon ratification of this amendment or unless otherwise provided by general law, Shelby County may not exercise any of the powers listed in subsection (a) or provide any service listed therein inside the corporate limits of any municipality or within any other territory in which a municipality or an instrumentality of a municipality is authorized by an act of the Legislature to exercise the power or provide those services, or within any other county, except by contract with the municipality, municipal instrumentality, or county affected.

Section 3. Eminent domain.

The Shelby County Commission may exercise the power of eminent domain as is authorized by general law.

Section 4. Liability.

The Legislature may waive or limit the liability of Shelby County by law.

Section 5. Debt limitation.

The debt incurred by Shelby County, including debt incurred on behalf of any special district, may never exceed 10 percent of the assessed value of all taxable property within Shelby County.

Section 6. The Legislature of the State of Alabama, by local law, may provide criminal penalties for violations of certain activity and certain conduct in Shelby County if the activity or conduct involves the health, safety, and welfare of the citizens of the county or involves any of the following:

(1) Litter, trash, and rubbish regulation and control on or adjacent to public roads, streets, or highways or on or in public buildings, public parks, or public properties.

(2) Control of public nuisances caused by noise levels or noxious odors, or substances.

(3) The use and control of public parks, lands, buildings, equipment, and real or personal property.

(4) Control of dangerous animals and animal nuisances.

Section 7. The Legislature, by local law, shall provide for the combination of the county offices of tax assessor and tax collector into one elected position of County Property Tax Commissioner.

Section 8. The powers granted to the Shelby County Commission by this amendment shall not be construed to extend to any matters which the Legislature by general law has heretofore preempted by operation of law, nor shall the powers be construed to extend to any of the following matters:

(1) Action affecting any elective county office, the salaries thereof, or the personnel thereof, except the personnel subject to the jurisdiction of the Shelby County Commission.

(2) Action affecting the composition, form, procedure for election or appointment, compensation, and expenses and allowances in the nature of compensation of the Shelby County Commission.

(3) Action defining any criminal offense or providing for criminal punishment beyond that authorized by local or general law or by the Alabama Constitution.

(4) Action extending the power of regulation over any business activity regulated by the Alabama Public Service Commission beyond that authorized by local or general law or by the Constitution.

(5) Action affecting the exercise of the power of eminent domain.

(6) Action affecting any court or the personnel thereof.

(7) Action affecting any public school system.

(8) Action affecting pari-mutuel betting or any pari-mutuel betting facility.

(9) Action affecting in any manner the property, affairs, boundaries, revenues, powers, obligations, indebtedness, or government of a municipality.

(10) Action affecting the private or civil law governing private or civil relationships, except as is incident to the exercise of an independent governmental power.

Section 9. The Legislature, by local law, may provide for the implementation and administration of the provisions of this amendment. (Amendment 707)

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§58-4.00. Promotion of Economic and Industrial Development in Certain Counties. (Amendment 429)

For the promotion of local economic and industrial development, the governing body of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa counties and of each municipality situated in said counties, other provisions of law or this Constitution notwithstanding, shall each have, independently or in cooperation with one or more of such governmental entities in such counties, full and continuing power (a) to purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site, or industrial park, projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and (b) to lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county, or of municipality exercising such power, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by any such county or municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and operating of, industrial, transportation, distribution, warehouse or research facilities, and of office and other facilities auxiliary to the foregoing. Nothing herein shall authorize the counties named, or any municipality there, to construct residential or any other buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither the governing bodies of the counties named hereinabove, nor of any municipality situated in said counties to which this amendment is or becomes applicable, shall be subject to the provisions of sections 93 or 94 of the Constitution of Alabama, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the governing body of such counties, or of any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this state.

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

This amendment shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the legislature of Alabama; nor shall this amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said legislature.

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

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

(b) At least fourteen (14) days prior to such public meeting at which such price is approved by such governing body, it has published notice in the newspaper with the largest circulation in the county in which the property is located stating (1) the acreage proposed to be sold, (2) the section or sections or subdivisions of record in which the property is located, (3) the price per acre at which sale is proposed to be made, and (4) the place where a map of the property can be examined by the public; and

(c) The price thus approved is no less than the price advertised as aforesaid; provided, however, that should any real property be acquired for any purpose authorized by this amendment by eminent domain pursuant to other legislative authority as aforesaid, such property shall not be sold, in any event, for less than the price determined and paid pursuant to the orders of the court in such condemnation proceedings. Provided further, that no municipality shall acquire real property in unincorporated areas without a prior consent thereto as expressed in a resolution by the county governing body. Provided further, that no county or municipality shall acquire real property which is located in another county or municipality without such other county's or municipality's prior consent thereto as expressed in a resolution by its governing body. Nothing in the provisions of this constitutional amendment shall be construed to allow construction of dormitories or other type housing on or off university or college campuses. (Amendment 429)

[Note: Amendment 759 is identical to Amendment 429. except for the addition of Baldwin County. For the text of Amendment 759, see §2-4.01.]

Chapter 5. Education

Article 1. Board of Education and Superintendent of Education

§58-5.00. Election. (Amendment 929)

(a) The members of the Shelby County Board of Education and the Shelby County Superintendent of Education shall be elected by the qualified electors of Shelby County residing outside of the corporate limits of any city in the county which has a separate city board of education.

(b) The appropriate election officials shall conduct elections of members of the Shelby County Board of Education in conformity with this amendment. (Amendment 929)

Chapter 6. Health and Environment

Article 1. Solid Waste

§58-6.00. Funding for Solid Waste Disposal Program. (Amendment 837)

Notwithstanding any other provision of law to the contrary, the Shelby County Commission may use a portion of any funds or revenues from the operation and use of any

sanitary landfill operated by the county, including, but not limited to, funds in or credited to its reserve account on the effective date of this amendment, for the provision of potable water and water service in the county and for capital improvement projects deemed advisable by the county commission, provided the county commission makes a determination that the funds are not needed for the operation and implementation of its solid waste disposal program. (Amendment 837)

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§58-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 708)

No elected or appointed Shelby County official or sheriff may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Shelby County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system, and shall be treated as an employee of the county. Shelby County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For the purposes of this amendment, the words "elected or appointed Shelby County official" shall include any person appointed to serve the remaining term of an elected or appointed Shelby County official. The words do not include a judge, county commissioner, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 708)

Chapter 9. Public Safety

Article 1. Traffic Laws

§58-9.00. Enforcement on Private Roads. (Amendments 756 and 799)

In Shelby County, the Legislature, by local law, may provide for the enforcement of traffic laws on private roads in private gated communities and platted subdivisions with 35 or more existing houses whose roads are not public in the county. (Amendments 756 and 799)

Chapter 10. Taxation

Article 1. Miscellaneous Provisions.

§58-10.00. Real Estate Licenses Taxes. (Amendment 595)

(a) In order to allow for the orderly and efficient collection of municipal business license taxes in Shelby County with respect to corporations, firms, brokers, agents, and others in the business of buying, selling, leasing, or representing others in the purchase, sale, or lease of real property in Shelby County, the Legislature may, by local law, provide for the imposition and collection of taxes as follows:

1. Any city or municipality within Shelby County may fix and collect licenses pursuant to Sections 11-51-90 and 11-51-91, Code of Alabama 1975, for any business, trade, or profession relating to the buying, selling, or renting of real estate on commission in Shelby County if the

licensee maintains its principal place of business in the corporate limits or police jurisdiction of that city or municipality.

2. Effective January 1, following the ratification of this amendment and each year thereafter, in addition to the taxes, if any, imposed under 1. above, every corporation, firm, broker, agent, or other person or entity engaged in the business of buying, selling, managing, leasing, or renting of real estate on commission in Shelby County shall pay an annual business license tax at a rate to be set by the Legislature for the privilege of engaging in that business in every other city or municipality in Shelby County. The tax shall be collected by the License Commissioner of Shelby County and shall be distributed by the License Commissioner of Shelby County to each city or municipality within Shelby County on a pro rata basis based on population. The License Commissioner of Shelby County shall be entitled to an administrative fee for administering this tax at a rate to be set by the Legislature. The fee shall to be added to the license tax.

3. Effective January 1, following the ratification of this amendment and each year thereafter, except for the licenses permitted or mandated under 1. and 2. above, no other privilege license tax or any other fee or tax shall be imposed under Sections 11-51-90 and 11-51-91, Code of Alabama 1975, or any other law by any city or municipality within Shelby County on corporations, firms, brokers, agents, or other persons or entities engaged in the business of buying, selling, managing, leasing, or renting of real estate on commission in Shelby County.

(b) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Shelby County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this act, and no further election shall be required. (Amendment 595)

Article 2. Board of Equalization

§58-10.20. Reorganization. (Amendment 825)

In Shelby County, notwithstanding any other provision of law, the Legislature by local law may provide for the reorganization of the county board of equalization and provide for the name of the board; provide for the appointment, term, and compensation of board members; and provide for the powers, duties, operation, and funding of the board. (Amendment 825)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Public Service Districts

§58-11.00. Creation. (Amendment 343)

The legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, and financing of local districts within Shelby county as public corporations to provide any one or more of the following local public services: (a) fighting and prevention of fires; (b) furnishing water; (c) the collection, treatment and disposal of sewage and/or garbage, trash and solid wastes; (d) the operation of emergency medical services, including rescue and ambulance service; (e) the guarding and protection of lives and property; (f) any other local service permitted by such general or local law; authorize such district to fix and collect rates, fees and charges for such services, and to provide penalties for non-payment and liens upon the property within such district; authorize the borrowing of money and the issuance of bonds and other obligations by or on behalf of such district; provided that Shelby county shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Shelby county. This amendment shall not have been adopted unless a majority of the qualified electors of Shelby county who participate in the election held on the adoption of this amendment vote in favor thereof. Any law enacted at the

current session of the legislature to authorize the creation of such districts in Shelby county and to implement this amendment to the Constitution (whether with or without published notice of intention) shall become effective upon the ratification of this amendment. (Amendment 343)

§58-11.01. Additional Provisions. (Amendment 370)

The legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, and financing of local districts within Shelby county as public corporations to provide any one or more of the following local public services: (a) fighting and prevention of fires; (b) the operation of emergency medical services, including rescue and ambulance service; authorize such district to fix and collect rates, fees and charges for such services, and to provide penalties for nonpayment and liens upon the property within such district; authorize the borrowing of money and the issuance of bonds and other obligations by or on behalf of such district; provided that Shelby county shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Shelby county. This amendment shall not have been adopted unless a majority of the qualified electors of Shelby county who participate in the election held on the adoption of this amendment vote in favor thereof. Any law enacted at the current session of the legislature to authorize the creation of such districts in Shelby county and to implement this amendment to the Constitution (with published notice of intention) shall become effective upon the ratification of this amendment. (Amendment 370)

Article 2. Water and Sewer

§58-11.20. Mutual Aid Contracts. (Amendment 971)

(a) This amendment shall apply only in Shelby County.

(b) Shelby County and any city, water and sewer authority or board, sewage district, sewer authority, governmental utility service corporation, or private utility company in the county, or any two or more of any of the foregoing, may enter into contracts with each other to provide mutual aid and assistance in restoring electric, water, sewer, or gas services in the event of natural disasters or other emergencies under such terms and conditions as may be agreed upon. Mutual aid contracts may include provisions for furnishing personnel, equipment, apparatus, supplies, and materials; for reimbursement or indemnification of the aiding party for loss or damage incurred by giving aid; for delegating authority to a designated official or employee to send aid upon request; and for any other purposes consistent with this amendment.

(c) Officials and employees furnished by one party in aid of another party pursuant to a mutual aid contract entered into under authority of this amendment shall be conclusively deemed for all purposes to remain officials and employees of the aiding party. While providing aid to another and while traveling to and from another city or county pursuant to giving aid, they shall retain all rights, privileges, and immunities, including coverage under the Alabama Workers' Compensation Act, as they enjoy while performing their normal duties.

(d) Notwithstanding any other provisions of law to the contrary, any party to a mutual aid contract entered into under authority of this section, may sell or otherwise convey or deliver to another party to the contract personal property to be used in restoring utility services pursuant to the contract without following procedures for the sale or disposition of property prescribed by any general law or local act.

(e) Nothing in this amendment shall be construed to deprive any party to a mutual aid contract of its discretion to send or decline to send its personnel, equipment, and apparatus in aid of another party to the contract under any circumstances, whether or not obligated by the contract to do so. In no case shall a party to a mutual aid contract or any of its officials or employees be

held to answer in any civil or criminal action for declining to send personnel, equipment, or apparatus to another party to the contract, whether or not obligated by contract to do so. (Amendment 971)

Title 58A Shelby County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Birmingham

[Note: The City of Birmingham lies in Jefferson and Shelby Counties.]

§58A-2.00. Special School Tax. (Amendment 240)

Section 1. In addition to all other taxes now or hereafter authorized by law, the governing body of the city of Birmingham shall have the power and authority to levy and collect each year a special ad valorem tax of fifty cents (50¢) on each one hundred ($100) dollars worth of taxable property in the city of Birmingham, based on the valuation of such property as assessed for state taxation for the tax year ending on the 30th day of September next succeeding the levy, to be used by the city of Birmingham solely for paying principal and interest on general obligation bonds of the city of Birmingham heretofore or hereafter issued under authority of law; provided that the authority to levy such tax in accordance with this amendment to the Constitution shall first have been approved by the qualified electors of the city of Birmingham, prior to the first annual levy thereof, as hereinafter provided.

Section 2. In the event this amendment is approved and a majority of the qualified electors of the city of Birmingham who vote thereon vote in favor of the adoption of this amendment when it is submitted, the governing body of the city of Birmingham shall have the power and authority to levy and collect thereafter each year the special ad valorem tax provided for in section 1 hereof. In the event this amendment is approved and a majority of the qualified electors of the city of Birmingham who vote thereon vote against its approval, the authority to levy and collect said tax shall not be given unless the rate of the tax and the purpose thereof shall have been again submitted to a vote of the qualified electors of the city of Birmingham and voted for by a majority of those voting at the election prior to the first annual levy of such tax. Each such election shall be ordered, held, canvassed and may be contested in the same manner as is or may be provided by the law applicable to the city of Birmingham for elections to authorize the issuance of municipal bonds. The ballots used at such election shall contain the words "For Special Ad Valorem Tax of fifty cents per One Hundred Dollars of Taxable Property" and "Against Special Ad Valorem Tax of fifty cents per One Hundred Dollars of Taxable Property." The voter shall record his choice, whether for or against the special ad valorem tax by placing a cross mark before or after the words expressing his choice. Voting machines shall be used in any such election to the extent required by law. In the event the authority to levy the special ad valorem tax is defeated, subsequent elections for the approval of such tax may nevertheless be held again but no election shall be held within one year of any previous such election. Once the authority to levy such tax has been approved no further election shall be required thereon. (Amendment 240)

Chapter 3. Vestavia Hills

[Note: The City of Vestavia Hills lies in Jefferson and Shelby Counties.]

§58A-3.00. Special School Tax. (Amendment 352)

Section 1. In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied an additional tax of nine and three-fourths (9 3/4) mills based upon the value of the property therein as fixed for state taxation; provided the levy of said tax shall first have been approved by the qualified electors of Vestavia Hills as hereinafter provided.

Section 2. In the event this amendment is approved and a majority of the qualified electors of Vestavia Hills who vote thereon in favor of the adoption of this amendment when it is submitted, the additional tax provided for in section 1 shall be levied and collected without any other election having been held thereon. In the event this amendment is approved and a majority of the qualified electors of Vestavia Hills who vote thereon vote against its approval, the tax shall not be levied unless the issue shall have been again submitted to a vote of the qualified electors of Vestavia Hills and voted for by a majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year. (Amendment 352)

Chapter 4. Alabaster

§58A-4.00. Ad Valorem Tax for City General Fund. (Amendment 409)

In the city of Alabaster in Shelby county, in addition to any and all other taxes heretofore levied, the municipal governing body is authorized to levy an additional ad valorem tax on personal and real property in an amount not to exceed 10 mills on each dollar of taxable property. Said tax shall be designated for the city general fund. Such additional tax shall be retroactive to the tax due as of October 1, 1973, and each year thereafter. The additional ad valorem tax imposed by this Act shall be collected at the same time and in the same manner as existing ad valorem taxes are collected.

No vote by the electorate shall be necessary after the passage of this amendment to implement its provisions. (Amendment 409)

Title 59 St. Clair County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§59-2.00. Juvenile Programs. (Amendment 613)

The Legislature may, from time to time, by general, special, or local law, regulate and alter the costs and charges of court in St. Clair County and provide for the distribution of any additional revenue for the purpose of establishing, operating, and maintaining the juvenile court system and juvenile programs in the county. (Amendment 613)

§59-2.01. General Authority. (Amendment 894)

The Legislature, by general or local law, may fix, alter, and regulate the costs and charges of courts in St. Clair County and provide for their distribution. (Amendment 894)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§59-4.00. St. Clair County and Municipalities Therein. (Amendment 197)

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

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

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

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

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

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

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

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

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

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

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of St. Clair county or any municipality therein for the purpose of determining their borrowing capacity under sections 224 and 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in sections 215 and 216 of the Constitution and all amendments thereto.

This amendment shall be self-executing; but the legislature may enact laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth.

Neither the county nor any municipality therein shall make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the locality affected thereby. The governing body of the county or any municipality may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks in a newspaper of general circulation in the county. (Amendment 197)

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

Article 1. Solid Waste

§59-6.00. Solid Waste Disposal Fee. (Amendment 523)

The St. Clair county governing body shall levy and impose a fee of not less than sixty dollars per ton on out-of-state solid waste, as defined by general law, disposed of at any commercial disposal site in the county. Said governing body is hereby authorized to implement such rules and regulations as it deems necessary to impose and collect such disposal fees and the proceeds of such fees shall be deposited in the county treasury to be expended for the general operations of the county. (Amendment 523)

Chapter 7. Gaming

Article 1. Bingo

§59-7.00. Operation of Bingo by Nonprofits. (Amendment 542)

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

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

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

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

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

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

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

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

(8) A fee of $.10 (ten cents) shall be levied upon each bingo card sold pursuant to the provisions of this amendment or pursuant to any local law. Said fee shall be collected by the nonprofit organization who sold the bingo card and paid to the tax collector or revenue commissioner of St. Clair County on a weekly basis. The tax collector or revenue commissioner shall place the proceeds collected into the treasury of St. Clair County in a special fund. All funds collected shall be expended by the county commission in the following manner:

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

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

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

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

The tax collector or revenue commissioner of St. Clair County shall have authority to promulgate necessary rules and regulations to implement the procedure for the collection of the

fee prescribed herein. The legislature, from time to time, may by local law alter the fee levied herein and alter the method of allocating the proceeds of said fee. (Amendment 542)

Chapter 8. Officials and Employees

Article 1. Retirement

§59-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 826)

No elected or appointed St. Clair County official, including the sheriff, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed St. Clair County official, including the sheriff, may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. St. Clair County officials, including the sheriff, holding office at the time of ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. No person may participate in both a supernumerary program and the Employees' Retirement System based on the same service. For purposes of this amendment, the words "elected or appointed St. Clair County official" do not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 826)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools

§59-10.20. Special School Tax. (Amendment 77)

In addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, there is hereby levied and shall be collected a special school tax of fifty cents on each one hundred dollars worth of taxable property in St. Clair county, the proceeds of which shall be used exclusively for public school purposes; provided, the time the tax is to continue and the purpose thereof shall have been first submitted to the vote of the qualified electors of the county and voted for by a majority of those voting at such election. The election provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the school district tax authorized in Sections 269.01 through 269.03, by article 7, chapter 10, Title 52 of the Code of Alabama (1940). The collection of the tax and the use of the proceeds shall also be governed by the applicable provisions of article 7, chapter 10, Title 52 of the Code of Alabama (1940). (Amendment 77)

§59-10.21. Multiple School District Taxes. (Amendment 972)

(a) For public school purposes, in addition to any taxes now authorized, or that may hereafter be authorized, by the Constitution and laws of this state, the governing body of St. Clair County may levy and collect, in the several school districts in St. Clair County, as those districts are defined in subdivision (3), subject to an election in each school district as provided in this amendment, a special school district tax at a cumulative total rate not exceeding two dollars ($2)

on each one hundred dollars ($100) of taxable property in the school district as assessed for state taxation.

(b) Multiple school district taxes may be levied in any school district under the authority of this amendment, provided the aggregate rate of the taxes is less than or equal to the rate provided in this amendment. The levy and collection of any school district tax prior to, upon, or after the expiration of the tax, may be continued and renewed for the rate, duration, and purpose as shall then be determined, in the manner and subject to the requirements in this amendment for the levy of a school district tax. The duration of time of the levy of a tax may not exceed 30 years from October 1 next succeeding the date of the election held with respect to the tax.

(c)(1) A school district tax shall be levied under this amendment only if the rate of the tax, the time the tax is to continue, and the purpose or purposes of the tax shall have first been submitted to the vote of the qualified electors in the school district in which such tax is proposed at an election held as provided in this amendment and a majority of the qualified electors voting at the election shall have voted in favor of the levy and collection of the tax. A vote on the school district tax as provided in this subsection shall be called upon the adoption of a resolution by the St. Clair County Board of Education or the Pell City Board of Education or upon the petition of 50 qualified electors within a particular school district.

(2) Multiple elections may be held under this amendment in any school district, at any time and from time to time, to present a proposal to levy a school district tax, to present a proposal to levy a school district tax that failed in a previous election, to present a proposal to levy an additional tax under this amendment, or to present a proposal to continue and renew the levy of a school district tax levied under this amendment.

(3) For the purposes of this amendment, "school district" means all of the following:

a. The Pell City School District.

b. Any school district in St. Clair County now existing or formed following the ratification of this amendment as may be approved, created, or designated by the St. Clair County Board of Education, including, without limitation, a school district approved or designated by the board solely for purposes of the school district tax authorized under this amendment.

c.1. Any school district which is approved, created, or designated by the St. Clair County Board of Education, which shall be defined as a "School Attendance and Tax District."

2. There shall be a School Attendance and Tax District known as the "Pell City School Attendance and Tax District" as it now exists by agreement between the Pell City Board of Education and the St. Clair County Board of Education, or as modified by subsequent agreement of the two boards.

3. The St. Clair County Board of Eduction, without the necessity of any election, may change the boundaries of any School Attendance and Tax District, or consolidate any two or more School Attendance and Tax Districts, if the taxes authorized to be levied for public school purposes in all of the territory in the district after the change of boundaries or consolidation is effected shall be at the same aggregate rate and for the same duration of time; provided, however, that nothing contained in this paragraph shall be construed to impair or permit the impairment of the obligation of any contract created with respect to any obligations or securities incurred or issued with respect to any School Attendance and Tax District. Nothing in this paragraph shall operate or be construed to abridge or affect any existing authority or power conferred on the St. Clair County Board of Education, by any existing law, but shall be in addition thereto.

(4) The term "school district" does not include the City School Systems of Leeds and Trussville.

(d)(1) The proceeds of each school district tax levied under this amendment shall be collected in the same manner and under the same requirements and laws as the taxes of this state are collected. The proceeds of each school district tax levied shall be delivered by the tax official to the local board of education having control and supervision of the public schools in the school district.

(2) The proceeds of any school district tax levied under this amendment shall be used for the exclusive benefit of the School Attendance and Tax District in which the school district tax is levied.

(3) The proceeds of any school district tax levied under this amendment shall not supplant or reduce any other funds distributed for the benefit of the St. Clair County Board of Education, the Pell City Board of Education, or a School Attendance and Tax District.

(e) This amendment shall be self-executing and no enabling legislation shall be necessary. (Amendment 972)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Annexation

§59-11.00. General Provisions. (Amendment 460)

Any municipality that was not located wholly or in part within the boundaries of St. Clair county prior to January 1, 1985, shall not annex any territory within St. Clair county without the approval of the electorate of St. Clair county expressed in a vote on the issue of said annexation.

The provisions of this amendment shall not apply to any municipality incorporated in the future that lies entirely within the boundaries of St. Clair county.

The provisions of this amendment shall not apply to any territory presently annexed within St. Clair county by a municipality located outside of the county.

The legislature may pass local or general acts to supplement this amendment, so long as such acts do not contravene the provisions of this amendment. (Amendment 460)

Article 2. Fire Protection

§59-11.20. Fire Protection Purposes. (Amendment 652)

(a) In addition to all other ad valorem taxes levied, the St. Clair County Commission may levy on an annual basis, commencing with the tax year beginning October 1, 1997, an ad valorem tax on all taxable property located in St. Clair County at a rate of two mills per dollar of assessed value of the taxable property, the proceeds of which shall be paid into an expendable fire protection trust fund in the county treasury and allocated therefrom for fire protection and emergency medical services.

(b) Within 30 days of payment into the fire protection trust fund of the proceeds from the additional tax levied pursuant to (a), each eligible fire department in the county shall make a requisition to the county commission for a share of the tax proceeds in the fund. The county commission shall divide the funds equally among the eligible fire departments of St. Clair County.

(c) Funds allocated to eligible fire departments shall only be expended for fire protection and emergency medical services including day to day operations, training, supplies, buildings, capital improvements, and equipment. All expenditures shall be documented with the county commission. An eligible fire department means a fire department located in St. Clair County which is certified under the guidelines of the Alabama Forestry Commission. Any tax proceeds allocated for fire protection and emergency medical services under this amendment may not be

expended for salaries, food, drink, social activities, or fundraising activities. After receiving funds, the fire departments shall keep accurate records to verify that the funds were properly expended. By September 15th of each year, each fire department shall file a form with the county commission detailing the expenditures of all funds during the previous 12 months and setting out a schedule of all proposed projects. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. The St. Clair County Fire and Emergency Medical Service Association shall supply the accounting forms to each eligible volunteer fire department.

(d) The fire protection trust fund provided for in subsection (a) shall be audited by the State Department of Examiners of Public Accounts when the county is audited.

(e) Upon dissolution or abandonment of any eligible fire department, any remaining funds shall, after all indebtedness has been satisfied, be transferred back to the fire protection trust fund to be allocated to the remaining eligible fire departments.

(f) Personnel of eligible fire departments shall not be considered as employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of volunteer fire and emergency medical services departments. (Amendment 652)

Title 59A St. Clair County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Pell City

§59A-2.00. Election of Board of Education. (Amendment 544)

This legislature may by local act provide for the election of the members of the board of education of the City of Pell City in St. Clair County. (Amendment 544)

Title 60 Sumter County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Judges

§60-2.00. Judge of Probate Compensation. (Amendment 486)

Effective the beginning of the next term of office after ratification of this amendment, the judge of probate of Sumter county shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Sumter county such salary as provided by general law, unless provided otherwise by local law. Such salary shall be the entire compensation received by such judge for his services in any official or ex officio capacity. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges previously paid to the judge of probate of Sumter county.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Sumter county shall continue to be collected but shall be paid into the general fund of Sumter county.

The county commission of Sumter county shall provide the judge of probate with such office personnel, equipment and supplies as such county commission may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county commission and shall be paid in equal monthly installments out of the general fund of Sumter county. (Amendment 486)

Article 2. Court Costs

§60-2.20. General Authority. (Amendment 571)

(a) All general laws, local laws, and population based laws previously enacted by the Legislature and which are in effect on January 1, 1994, pertaining to or applicable to Sumter County which in whole or in part regulate costs and charges of courts are hereby ratified, approved, validated, and confirmed as of the date of their enactment. Any actions taken or payments made in accordance with those laws are hereby ratified, approved, validated, and confirmed. This amendment shall not be construed as prohibiting the Legislature from properly enacting a law to amend or repeal those laws.

(b) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Sumter County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this act, and no further election shall be required. (Amendment 571)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§60-4.00. Sumter County. (Amendment 250)

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

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

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

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

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

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

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

The recital in any bonds, warrants, notes or other obligations or evidence of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidence of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidence of indebtedness issued hereunder shall not be considered an indebtedness of Sumter county for the purpose of determining the borrowing capacity of the county under section 224 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in section 215 of the Constitution and all amendments thereto.

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

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

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

Sumter county shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose. The governing body of the county may provide for holding such election, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published once a week for three successive weeks before the election.

This amendment shall be self-executing; but the legislature may enact general, special or local laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth. (Amendment 250)

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§60-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 675)

No person elected or appointed sheriff, or any elected or appointed Sumter County official, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and elected or appointed Sumter County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Sumter County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 675)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§60-11.00. Fire Protection Purposes. (Amendment 653)

(a) In addition to all other ad valorem taxes levied, the Sumter County Commission may levy on an annual basis, commencing with the tax year beginning October 1 after the effective date of this amendment, an ad valorem tax on all taxable property, located in Sumter County at a rate of three mills per dollar of assessed value of the taxable property. The proceeds of the tax

levied pursuant to this amendment shall be paid into the county general fund and distributed for the benefit of fire protection only.

(b) Within 30 days of payment into the county general fund, the county commission shall pay the funds to the Sumter County Volunteer Firefighters' Association. The county association shall divide the funds equally among all eligible volunteer fire departments collectively, and the Alabama Forestry Commission at each bimonthly meeting of the county association. The county commission and the county association may jointly establish rules regarding the transfer, investing, accounting, and handling of the funds.

(c) Funds paid to eligible volunteer fire departments shall only be expended for fire protection services, including training, supplies, buildings, capital improvements, and equipment. An eligible volunteer fire department shall mean a volunteer fire department located in Sumter County that is certified under the guidelines of the Alabama Forestry Commission, shall have at least an ISO class 9 rating, and is a member in good standing of the Sumter County Association of Volunteer Fire Departments. The funds may not be expended for salaries, food, drink, social activities, or fund-raising activities. After receiving funds, the eligible volunteer fire departments shall keep accurate records to verify that the funds were properly expended. By September 15th of each year, each department and the Alabama Forestry Commission shall file a form with the county association detailing the expenditures of all funds during the previous 12 months and setting out a schedule of all proposed projects. The filing shall also account for all unspent funds and whether the unspent funds have been obligated. The county association shall supply the accounting forms to each eligible volunteer fire department and the Alabama Forestry Commission.

(d) The Alabama Forestry Commission's share of the funds collected shall be used in Sumter County only. The funds shall be used for buildings and purchase of equipment. The funds shall not be expended for salaries.

(e) Upon dissolution or abandonment of any eligible volunteer fire department, any remaining funds shall, after all indebtedness has been satisfied, be transferred to the county association.

(f) The personnel of eligible volunteer fire departments and the Alabama Forestry Commission shall not be considered as employees, servants, or agents of the county and the members of the county commission and the employees of the county shall not be liable in either their official capacity or in a private capacity for the actions of the personnel of eligible volunteer fire departments and the Alabama Forestry Commission. (Amendment 653)

Title 60A Sumter County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. York

§60A-2.00. Special School Tax. (Amendment 221)

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

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

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

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

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

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

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

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

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

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

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive, no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of the municipality of York in Sumter county for the purpose of determining the borrowing capacity of the county under section 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in section 216 of the Constitution and all amendments thereto.

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

10. The municipality of York in Sumter county shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the municipality. The governing body of the municipality may provide for holding such election, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks. (Amendment 221)

Chapter 2. Livingston

§60A-2.00. Economic Development. (Amendment 251)

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

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

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

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

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

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

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

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

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

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

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of the municipality of Livingston in Sumter county for the purpose of determining the borrowing capacity of the county under section 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in section 216 of the Constitution and all amendments thereto.

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

10. The municipality of Livingston in Sumter county shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the municipality. The governing body of the municipality may provide for holding such election, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks. (Amendment 251)

Title 61 Talladega County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§61-2.00. Compensation of Certain Officials. (Amendment 85)

The legislature may from time to time, by general or local laws, fix, alter, and regulate the costs and charges of courts in Talladega county, and the fees, commissions, percentages, allowances, or salary of, and the method of compensating any officer of Talladega county. (Amendment 85)

§61-2.01. County Jail. (Amendment 504)

In addition to any court costs and fees now or hereafter authorized, and notwithstanding any other provision of the Constitution, including without limitation Sections 96, 104 and 105 of the Constitution of Alabama of 1901, as amended, there shall be a $10.00 fee assessed on all civil and criminal cases filed in the circuit court, district court or any municipal court in Talladega county. All funds generated from such fee shall be paid into the general fund of Talladega county and shall be used exclusively for the design and construction of a county jail, including the payment of principal and interest on any obligations issued by or on behalf of Talladega county (a) to finance such design and construction and the expenses of issuance thereof, or (b) to refund any such objections and pay the costs of refunding. When the jail is paid for or when all such obligations are paid in full, whichever last occurs, the additional fee levied by this amendment shall be removed from all cases except criminal cases, upon which the said additional fee shall continue to be levied, to be used for operation, upkeep and maintenance of the county jail. This amendment shall be self-executing and shall require no enabling legislation. (Amendment 504)

Article 2. Judges

§61-2.20. Judicial Commission. (Amendment 615)

In Talladega County, all vacancies in the offices of judge of the circuit court, judge of the district court, and district attorney shall be filled in the manner and for the time as provided in this amendment.

The Talladega County Judicial Commission is created for the purpose of nominating to the Governor persons for appointment to any vacancy in the offices of judge of the circuit court, judge of the district court, and district attorney. The five members of the commission shall consist of the following: The presiding judge of the Circuit Court of Talladega County, as a nonvoting ex officio member who may only vote in the event of a tie vote among the other four members of the commission, and who shall preside over all meetings of the commission; the commissioner of the Alabama State Board of Bar Commissioners representing Talladega County, as an ex officio voting member; and three residents of Talladega County who are not members of the Alabama State Bar. Appointed members shall serve for terms of four years. A vacancy in the office of a member of the commission shall be filled for the unexpired term in the same manner as the member was originally chosen. The term of office for the initial appointed members of the commission shall begin immediately upon appointment.

The nonlawyer members of the commission shall be appointed by mutual consent of the members of the state Legislature who represent Talladega County. The nonlawyer members of the commission shall not be eligible to serve two successive terms.

The presiding judge of the Circuit Court of Talladega County shall certify in writing to the Judge of Probate of Talladega County his or her own name and the name of the Alabama State Bar Commissioner representing Talladega County, as ex officio members. The appropriate members of the state Legislature representing Talladega County shall certify in writing to the Judge of Probate of Talladega County the names of the three resident members appointed to the commission.

The Judge of Probate of Talladega County shall record all certificates of election and shall safely and permanently keep the original and all subsequent certificates of election. Immediately upon receipt and recordation of a certificate of election, the judge of probate shall send a certified copy to the Governor.

No member of the commission shall seek appointment as a judge of the circuit court, judge of the district court, or district attorney during the term of office for which the member has been selected.

The members of the commission shall not receive any salary or other compensation for their service as members. No appointed member of the commission shall hold any public office. No member of the commission shall hold any official position in any political party.

If, after the ratification of this amendment, a vacancy occurs in Talladega County in the offices of judge of the circuit court, judge of the district court, or district attorney, the presiding judge of the Circuit Court of Talladega County shall call a meeting of the commission to fill the vacancy. The commission shall nominate three persons having the qualifications for the vacant office. The nominations shall be made only by the concurrence of a majority of the members of the commission. The presiding judge of the circuit court shall certify the three nominees to the Governor, who shall appoint one to the office in which the vacancy exists. If the Governor fails to make an appointment from the submitted list within 30 days from the date of submission, the appointment shall be made from the list by the Chief Justice of the Supreme Court of Alabama. If the appointment is for a judicial vacancy, the appointee shall hold office for an initial term lasting until the first Monday after the second Tuesday in January following the next general election held after completing one year in office. At the election, the judicial office shall be filled for a full term of office beginning at the end of the appointed term. If the appointment is for the office of district attorney, the appointee shall hold office for the term or the remainder of the unexpired term as provided by law. (Amendment 615)

Chapter 3. County Government, Finance, and Operations

Article 1. Finance

§61-3.00. Budget. (Amendment 533)

The Talladega County Commission shall prepare and adopt an estimate of the income of the county for the fiscal year beginning on October 1 of the current calendar year for all public funds under its supervision and control, and to estimate for the same fiscal year the expense of operations and to appropriate for the various purposes the respective amounts that are to be used for each of such purposes; provided that the appropriations so made shall not exceed the estimated total income of the county available for appropriations. The county commission shall restrict allotments to prevent an overdraft or deficit in any fiscal year for which appropriations are made by prorating without discrimination against any county program, the available revenues among the various county programs. Such appropriations shall be payable in such proportion as the total sum of all appropriations bears to the total revenues estimates as available in each of the fiscal years.

A refusal to perform any requirement of this amendment or an improper or illegal performance of any requirement of this amendment shall subject the offender to a penalty of $250.00 to be recovered in an action instituted in the circuit court of Talladega county and shall subject such offender to impeachment. (Amendment 533)

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§61-4.00. Promotion of Economic and Industrial Development in Certain Counties. (Amendment 429)

For the promotion of local economic and industrial development, the governing body of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa counties and of each municipality situated in said counties, other provisions of law or this Constitution notwithstanding, shall each have, independently or in cooperation with one or more of such governmental entities in such counties, full and continuing power (a) to purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site, or industrial park, projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and (b) to lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county, or of municipality exercising such power, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by any such county or municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and operating of, industrial, transportation, distribution, warehouse or research facilities, and of office and other facilities auxiliary to the foregoing. Nothing herein shall authorize the counties named, or any municipality there, to construct residential or any other buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither the governing bodies of the counties named hereinabove, nor of any municipality situated in said counties to which this amendment is or becomes applicable, shall be subject to the provisions of sections 93 or 94 of the Constitution of Alabama, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the governing body of such counties, or of any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this state.

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

This amendment shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the legislature of Alabama; nor shall this amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said legislature.

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

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

(b) At least fourteen (14) days prior to such public meeting at which such price is approved by such governing body, it has published notice in the newspaper with the largest circulation in the county in which the property is located stating (1) the acreage proposed to be sold, (2) the section or sections or subdivisions of record in which the property is located, (3) the price per acre at which sale is proposed to be made, and (4) the place where a map of the property can be examined by the public; and

(c) The price thus approved is no less than the price advertised as aforesaid; provided, however, that should any real property be acquired for any purpose authorized by this amendment by eminent domain pursuant to other legislative authority as aforesaid, such property shall not be sold, in any event, for less than the price determined and paid pursuant to the orders of the court in such condemnation proceedings. Provided further, that no municipality shall acquire real property in unincorporated areas without a prior consent thereto as expressed in a resolution by the county governing body. Provided further, that no county or municipality shall acquire real property which is located in another county or municipality without such other county's or municipality's prior consent thereto as expressed in a resolution by its governing body. Nothing in the provisions of this constitutional amendment shall be construed to allow construction of dormitories or other type housing on or off university or college campuses. (Amendment 429)

[Note: Amendment 759 is identical to Amendment 429. except for the addition of Baldwin County. For the text of Amendment 759, see §2-4.01.]

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

Article 1. Solid Waste

§61-6.00. Prohibition Against Use of Certain Biosolids (Amendment 974)

(a) This amendment shall apply only in Talladega County.

(b) For the purposes of this amendment, "septage" means any liquid or materials removed during the pumping of a domestic onsite sewage disposal system, including sewage, a mixture of sewage, sludge, fatty materials, and human feces.

(c) In Talladega County, septage may not be applied on land as a fertilizer or soil amendment or otherwise. (Amendment 974)

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§61-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 654)

(a) For the purposes of this amendment, the words "elected or appointed county official" shall mean any person holding an office that entitles the person to participate in a supernumerary program or any person appointed to serve the remaining term of an elected or appointed county official.

(b) A mayor, sheriff, or elected or appointed Talladega County official may not assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may

continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every mayor, sheriff, or elected or appointed Talladega County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Talladega County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office and must make the election within one year of the effective date of this amendment.

(c) Notwithstanding the provisions of subsection (b), the county commission may negotiate terms of any contract with a sheriff, mayor, or elected or appointed official who under this amendment will be eligible to participate in the Employees' Retirement System. (Amendment 654)

Chapter 9. Public Safety

Article 1. Use of Force

§61-9.00. Defense of Person on Church Premises. (Amendment 973)

(a) This amendment shall apply only in Talladega County.

(b) The following definitions are applicable to this amendment:

(1) CHURCH. A bona fide duly constituted religious society or ecclesiastical body of any sect, order, or denomination, or any congregation thereof.

(2) DEADLY PHYSICAL FORCE. Force which, under the circumstances in which it is used, is readily capable of causing death or serious physical injury.

(3) FORCE. Physical action or threat against another, including confinement.

(4) PREMISES. The term includes any building, as defined in this section, and any real property.

(c) A person may use deadly physical force, and is legally presumed to be justified in using deadly physical force in self-defense or the defense of another person, if the person reasonably believes that another person is using or about to use physical force against an employee, volunteer, member of a church, or any other person authorized to be on the premises of the church when the church is open or closed to the public while committing or attempting to commit a crime involving death, serious physical injury, robbery in the first degree, or kidnapping in the first degree.

(d) A person who is justified under subsection (c) in using deadly physical force, who is not engaged in an unlawful activity, and is in any place where he or she has the right to be, has no duty to retreat and has the right to stand his or her ground.

(e) A person who uses force, including deadly physical force, as justified and permitted in this amendment is immune from criminal prosecution and civil action for the use of such force, unless the force was determined to be unlawful or in violation of Section 13A-3-21, Code of Alabama 1975.

(f)(1) Prior to the commencement of a trial in a case in which a defense is claimed under this amendment, the court having jurisdiction over the case, upon motion of the defendant, shall conduct a pretrial hearing to determine whether deadly force, used by the defendant was justified or whether it was unlawful under this amendment. During any pretrial hearing to determine immunity, the defendant must show by a preponderance of the evidence that he or she is immune from criminal prosecution.

(2) If, after a pretrial hearing under subdivision (1), the court concludes that the defendant has proved by a preponderance of the evidence that force, including deadly force, was justified, the court shall enter an order finding the defendant immune from criminal prosecution and dismissing the criminal charges.

(3) If the defendant does not meet his or her burden of proving immunity at the pretrial hearing, he or she may continue to pursue the defense of self-defense or defense of another person at trial. Once the issue of self-defense or defense of another person has been raised by the defendant, the state continues to bear the burden of proving beyond a reasonable doubt all of the elements of the charged conduct.

(f) A law enforcement agency may use standard procedures for investigating the use of force described in subsection (c), but the agency may not arrest the person for using force unless it determines that there is probable cause that the force used was unlawful. (Amendment 973)

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools

§61-10.20. Schools – General Authority. (Amendment 98)

In addition to all taxes now or hereafter authorized by the Constitution and laws of Alabama, the governing body of Talladega county is hereby authorized to levy and collect a special school tax not to exceed three-tenths of one percent on the value of the taxable property within the county, the proceeds of which shall be used exclusively for public school purposes; and a special tax not to exceed two-tenths of one percent on the value of the taxable property within the county, the proceeds of which shall be used exclusively for the construction and maintenance of county roads and bridges. The governing body of Talladega county may fix the rates of the additional taxes authorized herein, at its discretion, without submitting the question of levying such additional taxes to a vote of the qualified electors of the county. (Amendment 98)

§61-10.21. Additional Tax Authorized. (Amendment 181)

In addition to all taxes of every kind now or hereafter authorized by the Constitution and laws of Alabama, the court of county commissioners, the board of revenue or other like governing body of Talladega county may levy and collect a special school tax not to exceed three-tenths of one percent of the value of the taxable property within the county, or the value of the taxable property within any school district in the county, the proceeds of which shall be used exclusively for public school purposes, provided the rate of such tax, the time it is to continue, and the purpose thereof shall have been first submitted to a vote of the qualified electors of the county; and if voted for by a majority of the qualified electors of the county, such tax shall be levied on all taxable property within the county, and if not voted for by a majority of the qualified electors of the county but voted for by a majority of the qualified electors of one or more school districts within the county then such tax shall be levied on all taxable property within each school district in which a majority of the qualified electors of such district vote for such tax, and the proceeds of such tax shall be used exclusively for public school purposes within the school districts of the county which vote for the tax. The question of the levy of such tax may be presented to the qualified electors of the county as a whole or to the qualified electors of any school district within the county and if rejected by the qualified electors of the county or by the qualified electors of any school district, may be re-submitted to the qualified electors of the county or of such school district after the expiration of one year from the last election. The

court of county commissioners or other like governing body of Talladega county shall call all elections herein provided for upon being presented with a resolution of the Talladega county board of education requesting that an election be called. (Amendment 181)

§61-10.22. District No. 1. (Amendment 252)

1. The governing body of Talladega county shall have power to levy and collect annually a special school district tax not exceeding thirty cents on each one hundred dollars worth of taxable property in school district number one, Talladega county, as assessed for state taxation, for public school purposes, provided the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors of the district and voted for by a majority of those voting at such election. Such tax shall be in addition to all other taxes provided for by law. The funds arising from such special district tax levied and collected by the county shall be expended for the exclusive benefit of the district. Elections under this amendment shall be called, held, and conducted in the same way that elections are called, held, and conducted in relation to the levying of special school district taxes under Sections 269.01 through 269.03.

2. If a majority of the qualified electors of school district number one, Talladega county, who participate in the election on the adoption of this article of amendment vote in favor of such adoption, then the approval of the amendment as expressed by such vote shall of itself authorize the levying of the special tax provided for herein at the maximum rate specified for a period not exceeding twenty years. (Amendment 252)

§61-10.23. Levy of Additional Tax. (Amendment 310)

In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, the several school districts of Talladega county shall have the power to levy and collect a special district tax of fifty cents on each one hundred dollars' worth of taxable property in such districts for public school purposes; provided, that the time during which such tax is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in each such district and voted for by a majority of those voting at such election, the election to be held in the same manner as provided by Code of Alabama 1940, Title 52, chapter 10, article 7 for an election on the school district tax authorized in Sections 269.01 through 269.03. The funds arising from such special tax levied in any district which votes the same independently of the county shall be expended for the exclusive benefit of the district as the law may direct. (Amendment 310)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Public Works

§61-11.00. Public Roads, Highways, Bridges, and Ferries. (Amendment 534)

The legislature shall, by general or local law, provide for the construction, maintenance and repair of public roads, highways, bridges and ferries in Talladega county on the basis of the county as a unit, without regard to any district or beat lines. (Amendment 534)

Article 2. Fire Protection

§61-11.20. Creation of Districts; Collection of Fees. (Amendment 614)

The Legislature may, by local law, from time to time, provide for the establishment of districts in Talladega County for fire protection and provide for mandatory annual dues in the districts. The Legislature shall provide for the operation of the districts and for the collection and disposition of the mandatory annual dues. The Legislature may limit the liability of the county for the operation of a district and provide that a district shall be exempt from all taxation. The

districts may include incorporated and unincorporated areas of the county which need and are willing to subscribe to the fire protection services. (Amendment 614)

Title 61A Talladega County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Talladega

§61A-2.00. Election of Board of Education. (Amendment 548)

The Legislature may by local act provide for the election of the members of the Talladega City Board of Education. (Amendment 548)

§61A-2.01. Council-Manager Form of Government. (Amendment 738)

(a) This amendment applies only to the City of Talladega in Talladega County.

(b) The council-manager form of government shall become operative in the city on the first Monday in October following the next municipal election of the city council and mayor.

(c) At the next municipal election and at municipal elections thereafter, a city council composed of five members elected from single-member districts and a mayor elected from the city at-large shall be elected. The five members of the council shall initially be elected from the same districts as the current city council. The mayor shall not serve on the council or participate in the adoption of ordinances or in other matters coming before the council.

(d) The city council shall employ a city manager under the terms and conditions it shall provide. The current city clerk shall continue to serve until the position becomes vacant, but shall serve under the direction of the city manager.

(e) The mayor shall serve on a part-time basis and shall be recognized as the head of the municipal government for all ceremonial purposes, but shall have no other administrative duties. The salary of the mayor shall be set by the council to reflect a part-time position.

(f) Except as otherwise provided in this amendment, the city shall operate under the council-manager form of government as provided in Chapter 43A of Title 11, Code of Alabama 1975, or as otherwise provided by general law.

(g) The city may exercise any powers granted to municipalities pursuant to general law.

(h) The City of Talladega shall remain under the council-manager form of government unless this amendment is repealed. (Amendment 738)

Title 62 Tallapoosa County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

RESERVED

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§62-4.00. Tallapoosa County and Municipalities Therein. (Amendment 739)

For the promotion of local economic and industrial development, Tallapoosa County and any municipality therein, any other provision of law or of this Constitution notwithstanding, shall have, independently or in cooperation with one another, full and continuing power to do any of the following:

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

(2) Lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county or the municipality, as applicable, all or any part of any site or industrial park project to any individual, firm, corporation, or other business entity, public or private, including any industrial development board or other public corporation or authority heretofore or hereafter created by the county or any municipality therein, for the purpose of constructing, developing, equipping, and operating industrial, commercial, research, or service facilities of any kind.

(3) Lend its credit to or grant public funds and things of value in aid of or to any individual, firm, corporation, or other business entity, public or private, for the purpose of promoting the economic and industrial development of Tallapoosa County or any municipality therein.

In carrying out the purposes of this amendment, neither Tallapoosa County nor any municipality therein shall be subject to Section 93 or 94 of this Constitution. Each public corporation heretofore created by Tallapoosa County or by any municipality therein, including specifically any industrial development board incorporated under Chapter 54, Article 4, Title ll of the Code of Alabama 1975, and any industrial development authority incorporated or reincorporated under Chapter 92A, Title ll of the Code of Alabama 1975, is validated and the powers granted to such board or authority under its respective enabling legislation are validated notwithstanding any other provision of law or of this Constitution. The powers granted in this amendment may be exercised as an alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the county, or to any municipality, or to any agency, board, or authority created pursuant to the laws of this state.

Neither Tallapoosa County nor any municipality 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: (i) the action proposed to be taken by Tallapoosa County or any municipality therein is approved at a public meeting of the governing body of the county or city,

as the case may be, by a resolution containing a determination by such governing body that the expenditure of public funds for such purpose will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities; and (ii) at least seven days prior to the public meeting, a notice is published in the newspaper having the largest circulation in the county or in the city, as the case may be, describing in reasonable detail the action proposed to be taken, a description of the public benefits sought to be achieved by such action, and identifying each individual, firm, corporation, or other business entity to whom or for whose benefit the county or the city proposes to lend its credit or grant public funds or thing of value. For purposes of the foregoing, any sale, lease, or other disposition of property for a price equal to the fair market value thereof shall not constitute the lending of credit or a grant of public funds or thing of value in aid of a private entity. (Amendment 739)

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Compensation

§62-8.00. Certain Public Officials. (Amendment 297)

The legislature may from time to time, by general or local laws applicable to or operative in Tallapoosa county, fix, regulate, and alter the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, sheriff, tax assessor, tax collector, and clerk and register of the circuit court of Tallapoosa county; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. Provided, that no law changing the method or basis for compensating such officers shall become effective unless it is approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose. (Amendment 297)

Article 2. Retirement

§62-8.20. Phase-out of Supernumerary Program; Participation in RSA (Amendment 703)

No person elected or appointed sheriff, or any elected or appointed Tallapoosa County official, may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every sheriff and elected or appointed Tallapoosa County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Tallapoosa County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining

term of an elected or appointed official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 703)

Chapter 9. Public Safety

Article 1. Traffic Laws

§62-9.00. Enforcement of on Private Roads. (Amendment 827)

In Tallapoosa County, the Legislature, by local law, may provide for the enforcement of motor vehicle and traffic laws on private roads in private gated communities in the county. (Amendment 827)

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools

§62-10.20. Special School District Tax. (Amendment 129)

In addition to any taxes now authorized by the Constitution and laws of Alabama, the governing body of Tallapoosa county shall have the power to levy and collect in any school district in the county a special district tax not to exceed three-fourths of one percent (3/4 %) on the value of the taxable property within such district for school purposes; provided that the levying of such tax and the purpose thereof shall have been first submitted to a vote of the qualified electors in each such district and approved by a majority of those voting at such election. The election shall be called, held, conducted and canvassed and may be contested as in the case of three-mill school tax elections held pursuant to chapter 10, article 7, Title 52, Code of Alabama of 1940. All funds arising from the special school tax levied in any district of the county shall be expended for the exclusive benefit of that district as the law may direct. Provided, however, that such tax shall not apply to any property which is subject to an additional municipal tax for school purposes, in the same or a greater amount, levied pursuant to the authority of Section 216.04, so long as such municipal tax is levied and collected. (Amendment 129)

Article 3. Health

§62-10.40. Public Hospital Purposes. (Amendment 198)

In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, the governing body of Tallapoosa county shall levy and cause to be collected annually a special district tax, not exceeding 50 cents on each 100 dollars assessed valuation of taxable property in districts three and four of Tallapoosa county, Alabama, to be used exclusively for public hospital purposes (as the term "public hospital purposes" is defined in Section 215.03) within said districts three and four; provided that the time during which such tax is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in districts three and four of Tallapoosa county and voted for by a majority of such electors voting at such election. The governing body of Tallapoosa county may call an election at any time, and it shall be the duty of such governing body to call an election to be held within ninety days after receipt by it of a petition signed by not less than 5% of the qualified electors of said districts three and four, requesting that such election be called. The governing body may call such election to be held at the same time that this amendment is submitted to the electors of the state for ratification and such election shall be effective to require the levy and collection of such tax in the event that this amendment shall be ratified. The notice of such election, ballots to be used at such election and procedures for holding and determining the

results of such election shall be prescribed by the governing body of Tallapoosa county. No election shall be held hereunder within one year from the date of the last election so held.

Whenever such tax shall have been authorized by vote of such qualified electors, and levied by the governing body of Tallapoosa county, such governing body may anticipate the proceeds therefrom for any one or more of the purposes for which the tax shall have been voted, by issuing, without further election, interest bearing tax anticipation bonds, warrants, or certificates of indebtedness of said county payable solely from and secured by a pledge of a sufficient amount of the annual proceeds from said tax received by the county.

The governing body of Tallapoosa county shall have power to designate as the agency of the county, to construct, acquire, equip, operate and maintain public hospital facilities for said districts three and four, any public corporation heretofore or hereafter organized for hospital purposes in the county. When a public corporation shall have been so designated, the proceeds of said tax thereafter collected shall be paid to it and shall be used by it for any one or more of the purposes for which the tax shall have been voted; provided, that payments of the proceeds of said tax to said public corporation shall be made only to such extent as will not result in the impairment of the obligation of any contract theretofore made with respect to said tax. Said public corporation may anticipate the proceeds from said tax so required to be paid to it by issuing, for any one or more of the purposes for which the tax shall have been voted, the bonds, warrants, or certificates of indebtedness of said corporation, and may pledge for the payment of the principal thereof and interest thereon a sufficient amount of the annual proceeds from said tax so paid to it.

No securities issued or contracts made by Tallapoosa county under the authority of this amendment, which are payable solely out of the proceeds of said tax, and no securities issued or contracts made by any such public corporation, whether or not issued or made under the authority of this amendment, shall be construed to be bonds of Tallapoosa county or of a political subdivision thereof within the meaning of section 222 of the Constitution, or construed to create or constitute an indebtedness of the county within the meaning of section 224 of the Constitution. Said securities shall be construed to be negotiable instruments notwithstanding the fact that they may be payable solely from a limited source. All pledges of said tax and all contracts made with respect thereto pursuant to the provisions of this amendment shall take precedence in the order in which they are made and shall create a charge on the proceeds of said tax prior to the expenses of operating and maintaining any public hospital facilities.

The districts three and four of Tallapoosa county herein referred to are the districts three and four provided for in Act No. 241, Local Laws of Alabama, approved September 7, 1923 (Local Acts of 1923, pages 144, 145). (Amendment 198)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§62-11.00. Creation of Districts; Collection of Fees. (Amendment 572)

(a) Upon approval of the E911 Board of Commissioners of Tallapoosa County, districts may be established for fire protection and emergency medical services within the geographical boundaries of Tallapoosa County. Each district for fire fighting and emergency medical services of Tallapoosa County is authorized, in its discretion, to levy a service charge for fire protection and emergency medical services in an amount it deems reasonable on each dwelling and commercial building in Tallapoosa County. A service charge if approved by the majority of the voters residing in the proposed fire district shall be collected by the board of directors of the proposed district that has response coverage for the district unless otherwise provided by law.

The proceeds from the service charge less any costs of collection shall be used by the district for fire protection and emergency medical service.

(b) This amendment shall not become effective unless approved at a referendum by a majority of the qualified electors of Tallapoosa County voting on the proposition. The referendum shall be held at the same time as the election for the ratification of this amendment, as provided for in Section 2 of this act, and no further election shall be required. (Amendment 572)

Article 2. Road Maintenance

§62-11.20. Willow Point Estates. (Amendment 975)

(a) In Tallapoosa County, the Legislature by local law may provide for the establishment of a road maintenance district as a public corporation composed of the owners of all lots in the Willow Point Estates as further defined herein.

(b) For the purposes of this amendment, "Willow Point Estates" means:

All recorded phases and lots in the subdivisions known as Willow Point Estates or Willow Point recorded in the office of the Judge of Probate of Tallapoosa County, which includes, but are not limited to the following:

(1) Willow Point Estates - Phase 1, Plat Book 5, Page 196, 06/22/1972.

(2) Willow Point Estates - Phase 3, Plat Book 5, Page 201, 08/23/1972.

(3) Willow Point Estates - Phases 2-4 and 5, Plat Book 6, Page 21, 08/01/1973.

(4) Willow Point Estates - Phase 6, Plat Book 56, Page 140, 05/27/1977.

(5) Willow Point Estates - Phase 7, Plat Book 7, Page 57, 03/03/1986.

(6) Willow Point Estates - Amended Phase 6, Lots 37 and 39, Plat Book 7, Page 73, 12/09/1986.

(7) Willow Point Estates - Phase 7A, Lot 22, Plat Book 7, Page 78, 01/28/1987.

(8) Willow Point Estates - Phase VIII, Plat Book 7, Page 82, 04/02/1987.

(9) Willow Point Estates - Phase VII B, Plat Book 7, Page 85, 05/20/1987.

(10) Willow Point Estates - Phase VII C, Plat Book 7, Page 90, 01/19/1988.

(11) Willow Point Estates - Amended Phase VII C, Plat Book 7, Page 128, 02/16/1989.

(12) Willow Point Estates - Phase IX, Plat Book 7, Page 158, 07/31/1990.

(13) Willow Point Estates - Phase X, Plat Book 7, Page 162, 09/26/1990.

(14) Willow Point Estates - Phase 2-A (Being a Replat of Lots 15 and 16, Block A, Willow Point Estates at Plat Book 6, Page 21), Plat Book 8, Page 1, 05/21/1993.

(15) Willow Point Estates - Phase Six "B", Plat Book 8, Page 72, 02/06/1997.

(16) Willow Point Estates - Replat of Lot 17, 18, and 19 Willow Point Estates, Phase II 4 and 5, Plat Book 9, Page 27, 09/15/1999.

(17) Willow Point Estates - Phase 3A, (Being a Replat of Lot 7 of Willow Point Estates at Plat Book 5, Page 201), Plat Book 10, Page 17, 01/17/2002.

(18) Willow Point Estates - Resurvey of Lot #1, Phase 1, Plat Book 10, Page 39, 07/16/2003.

(19) Willow Point Estates - Phase II-B, (Being a Replat of Lots 1-6, Willow Point Estates, Block C, Phase 2, at Plat Bk 6, Page 21), Plat Book 10, Page 50, 12/15/2003.

(20) Willow Point Estates - Phase VII-D, (Being a Replat of Lots 20 and 21 of Willow Point Estates, Phase VII at Plat Bk 7, Page 57), Plat Book 12, Page 91, 06/08/2016.

(21) Willow Point - Phase XI, Plat Book 8, Page 57, 06/19/96.

(22) Willow Point - Phase XII, Plat Book 8, Page 58, 06/19/96.

(23) Willow Point - Phase XII-A, Plat Book 10, Page 56, 04/23/04.

(24) Glynmere at Willow Point, Plat Book 11, Page 22, 11/04/05.

(c) The district may be established only after the filing of a petition as provided in the local law in the office of the judge of probate of the county and the approval of the formation of the district by a majority vote of the qualified voters, with each lot having one vote, voting in favor of the formation of the district at a referendum election conducted by the judge of probate pursuant to the local law. Notwithstanding the foregoing, the district shall not be established unless the owner of the roads in Willow Point Estates, with the exception of subdivision (24) Glynmere at Willow Point, joins in the petition and agrees to transfer ownership of the roads to the district in the event that the district is created. The ownership of the roads transferred to the district shall be held by the district for the benefit of the owners of lots in Willow Point Estates and the roads shall be private roads for use by the property owners of lots in Willow Point Estates and as provided by the district. After the transfer of ownership of the roads to the district, the duty to maintain the roads transferred is vested in the district. After the district becomes operative and in the manner provided by local law, the district may assess and collect an annual road maintenance charge on the owner or owners of each lot in Willow Point Estates. The proceeds of the road maintenance charges shall be used by the district only for the maintenance, construction, repair, and paving of the roads and bridges, including rights-of-way, in the district and for administration of the district. Failure to pay the road maintenance charges in a timely manner as provided by the district shall result in a lien on the property which may be enforced in the manner provided by the local law. (Amendment 975)

Title 62A Tallapoosa County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Tallassee

[Note: The City of Tallassee lies in Elmore and Tallapoosa Counties.]

§62A-2.00. Election of Board of Education. (Amendment 535)

This legislature may by local act provide for the election of the members of the board of education of the City of Tallassee in Elmore and Tallapoosa Counties. (Amendment 535)

Title 63 Tuscaloosa County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§63-2.00. Validated and Confirmed. (Amendment 524)

All general laws, local laws, population based laws and other laws heretofore enacted by the legislature and which are in effect on November 1, 1989, pertaining to or applicable to Tuscaloosa county; including but not limited to Act 80-618 of the 1980 Regular Session (Acts of 1980, p. 1054), as amended by Act 87-399 of the 1987 Regular Session (Acts of 1987, p. 570), Act 80-780 of the 1980 Regular Session (Acts of 1980, p. 1615), as amended by Act 81-1052 of the 1981 2nd Special Session (Acts of 1981 Special Sessions, p. 298), Act 79-751 of the 1979 Regular Session (Acts of 1979, p. 1336), as now codified in the Code of Alabama 1975, Sections 11-25-1 through 11-25-12, and Act 65 of the 1936 Special Session (Acts of 1936 Special Session, p. 34), as amended by Act 1086 of the 1969 Regular Session (Acts of 1969, p. 2021); which in whole or in part regulate costs and charges of courts are hereby in all things ratified, approved, validated and confirmed as of the date of their enactment any provision or provisions of the Constitution of Alabama of 1901 to the contrary notwithstanding. Any actions taken or payments made in accordance with the provisions of said laws are hereby ratified, approved, validated and confirmed. This amendment shall not be construed as prohibiting the legislature from properly enacting a law to amend or repeal said laws. This amendment shall not be construed to permit the operation of Act 79-751 of the 1979 Regular Session, as now codified in the Code of Alabama 1975 and Act 65 of the 1936 Special Session as amended at the same time unless said joint operation is otherwise authorized by law. (Amendment 524)

§63-2.01. General Authority. (Amendment 793)

The Legislature, by general or local law, may fix, regulate, and alter the costs and charges of courts in Tuscaloosa County and provide for their distribution. Any local law authorizing the levy of additional court costs in Tuscaloosa County enacted prior to the effective date of this amendment is ratified and confirmed. (Amendment 793)

§63-2.02. General Authority. (Amendment 794)

The Legislature, by general or local law, may fix, regulate, and alter the costs and charges of courts in Tuscaloosa County and provide for their distribution. Any local law authorizing the levy of additional court costs in Tuscaloosa County enacted prior to the effective date of this amendment is ratified and confirmed. (Amendment 794)

Article 2. Judges

§63-2.20. Judicial Commission. (Amendment 741)

(a) In Tuscaloosa County, all vacancies in the offices of judge of the circuit court and judge of the district court shall be filled in the manner and for the time as provided in this amendment. The Tuscaloosa County Judicial Commission is created for the purpose of nominating to the Governor persons for appointment to any vacancy in the office of judge of the circuit court and judge of the district court. The nine members of the commission shall consist of the following: One attorney primarily or substantially engaged in a plaintiff civil practice; one attorney primarily or substantially engaged in a defense civil practice; one attorney primarily or substantially engaged in a domestic relations practice; one attorney primarily or substantially engaged in a criminal defense practice; the District Attorney for Tuscaloosa County; the

Presiding Judge of the Circuit Court of Tuscaloosa County; and three people who are not members of the Alabama State Bar. Each member shall reside in the territorial jurisdiction of the Circuit Court of Tuscaloosa County.

(b) Members of the commission shall be elected in the following manner:

(1) At least 30 days prior to the Tuscaloosa County Bar Association meeting at which any Alabama State Bar member of the Tuscaloosa County Judicial Commission shall be elected, the Executive Committee of the Tuscaloosa County Bar Association shall provide notice of such election and a list of at least two nominees for each vacancy on the Tuscaloosa County Judicial Commission, except for the positions held by the District Attorney for Tuscaloosa County and the Presiding Judge of the Circuit Court of Tuscaloosa County, to all members of the Tuscaloosa County Bar Association. Any member may submit additional nominations in writing to the President or Secretary of the Tuscaloosa County Bar Association no later than 14 days after the date upon which the list of nominees was provided, specifying the position on the commission for which the nomination is made. All nominees shall be members in good standing of the Alabama and Tuscaloosa County Bar Associations and shall have been engaged in the active practice of law for at least five years.

(2) After the 14-day period for nominations has passed, the Tuscaloosa County Bar Executive Committee shall certify each nominee who meets the criteria for election to the commission.

(3) The names of all nominees certified by the executive committee for each vacant position shall be provided to all members of the Tuscaloosa County Bar Association at least seven days prior to the announced date of the election. The standing rules and regulations of the Tuscaloosa County Bar Association shall govern the election process during the bar association meeting.

(4) The members of the commission who are not members of the state bar shall be selected by a majority of the Tuscaloosa County Legislative Delegation. At least 14 days prior to any meeting for the selection of the members to the commission who are not members of the state bar, the Presiding Judge of the Circuit Court of Tuscaloosa County shall notify the Chair of the Tuscaloosa County Legislative Delegation and all members of the Tuscaloosa Legislative Delegation of the need for a meeting to select candidates for the commission. The Chair of the Tuscaloosa County Legislative Delegation shall also notify the members of the legislative delegation and the presiding circuit court judge of the circuit of the time and location of the meeting. At the meeting, the senators and representatives shall select the members to be appointed to the commission. The Chair of the Tuscaloosa Legislative Delegation shall certify in writing to the Secretary of the Tuscaloosa County Bar Association the name of the individuals selected.

(c) The Secretary of the Tuscaloosa County Bar Association shall certify in writing to the Tuscaloosa County Judge of Probate the names of the members of the commission. The judge of probate shall record all certificates of election and shall safely and permanently keep the original certificates. Upon receipt of the certificate of election, the judge of probate shall send a certified copy to the Governor.

(d) The terms of office of the appointed members of the commission shall be six years. The length of each term shall be designated by the Executive Committee of the Tuscaloosa County Bar Association. Any vacancy on the Tuscaloosa County Judicial Commission shall be filled for the unexpired term in the same manner as the member was originally chosen.

(e) No member shall receive any salary or other compensation for services. No member of the commission, other than the Tuscaloosa County District Attorney and the Presiding Judge of the Circuit Court of Tuscaloosa County shall hold any elected office nor shall any member hold any official position in any political party.

(f) If, after the ratification of this amendment, a vacancy occurs in Tuscaloosa County in the office of judge of the circuit court or judge of the district court, the commission shall submit to the Governor within 45 days after the vacancy occurs a slate of three persons who are qualified for the office. The nominations shall be made only by the concurrence of a majority of the members of the commission. The presiding judge of the circuit court shall certify the three nominees to the Governor, who shall appoint one to the office in which the vacancy exists. If the Governor fails to make an appointment from the submitted list within 60 days from the date of submission, the commission shall submit a new list as provided in this section to the Governor. (Amendment 741)

Chapter 3. County Government, Finance, and Operations

Article 1. Finance

§63-3.00. Bond Issues for Courthouse and Jail. (Amendment 115)

Tuscaloosa county may become indebted, and in evidence of such indebtedness may sell and issue its interest-bearing bonds, to the extent of not exceeding $2,500,000.00 in principal amount, for the purpose of constructing and equipping a county courthouse and jail in said county and acquiring land therefor; provided, that before any such bonds shall be issued the question of whether said bonds shall be issued shall have first been submitted to a vote of the qualified electors of said county at an election to be called for that purpose by the governing body of said county and the issuance of said bonds shall have been authorized by a majority of said qualified electors voting at said election. The elections provided for herein shall be called, held, conducted and canvassed, and may be contested, in the manner provided by law for the calling, holding, conducting, canvassing and contesting of county bond elections, and if the issuance of said bonds shall be authorized at any such election they may be sold and issued from time to time in the manner provided by law for the authorization and sale of county bonds. In the event the voters of Tuscaloosa county do not authorize the issuance and sale of said bonds at any election called hereunder then other elections may be called by the governing body of Tuscaloosa county from time to time until the voters of Tuscaloosa county do authorize the issuance and sale of said bonds; provided that no two elections shall be held within one year of each other. Provided further that if the majority of the voters of Tuscaloosa county participating in the election as to the adoption of this constitutional amendment vote for such adoption of this amendment then this expression of the voters of Tuscaloosa county for this amendment shall of itself authorize the issue and sale of said bonds and then no additional election by the voters of Tuscaloosa county shall be required to authorize the issue and sale of said bonds and such bonds may be issued and sold as the full obligation of Tuscaloosa county without an additional election. In the event the voters of Tuscaloosa county do not authorize the issuance and sale of said bonds at any such elections herein referred to, authorized or called hereunder then other special elections shall be called by the governing body of Tuscaloosa county from time to time until the voters of Tuscaloosa county do authorize the issuance and sale of said bonds; provided that no two special elections shall be held within one year of each other except the first special election herein provided for; and provided further that such special elections shall be held at least once every two years until said bonds are authorized. When authorized said bonds shall be promptly sold and such courthouse and jail shall forthwith be built. Tuscaloosa county shall and is hereby

specifically authorized to acquire adequate lands for said courthouse and jail and approaches and parking spaces. Such courthouse and jail may be built as one building or as separate buildings as the governing body of Tuscaloosa county may determine and shall be properly and adequately equipped and furnished. The indebtedness herein authorized shall be in addition to all other indebtedness authorized prior to the adoption of this amendment. (Amendment 115)

Article 2. Elections

§63-3.20. Hours of Polling Places. (Amendment 740)

Every polling place in Tuscaloosa County shall be open for voting on election day for any local, state, or national election at 7:00 A.M. and shall close at 7:00 P.M. The Tuscaloosa County Commission shall provide funds from the county general fund for any additional compensation needed for poll workers required to work the extended hours required by this amendment. (Amendment 740)

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§63-4.00. Promotion of Economic and Industrial Development in Certain Counties. (Amendment 429)

For the promotion of local economic and industrial development, the governing body of Bullock, Coffee, Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence, Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and Tuscaloosa counties and of each municipality situated in said counties, other provisions of law or this Constitution notwithstanding, shall each have, independently or in cooperation with one or more of such governmental entities in such counties, full and continuing power (a) to purchase, lease or otherwise acquire, land, or to utilize land heretofore purchased or otherwise acquired, and to improve and develop such land for use as industrial site, or industrial park, projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas and utilities to serve said projects, and (b) to lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county, or of municipality exercising such power, all, or any part of, any such project to any person, firm or corporation, public or private, including to any industrial development board or authority heretofore or hereafter created by any such county or municipality therein, for the purpose of the constructing, or developing thereon, by such purchaser or lessees, and the equipping and operating of, industrial, transportation, distribution, warehouse or research facilities, and of office and other facilities auxiliary to the foregoing. Nothing herein shall authorize the counties named, or any municipality there, to construct residential or any other buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither the governing bodies of the counties named hereinabove, nor of any municipality situated in said counties to which this amendment is or becomes applicable, shall be subject to the provisions of sections 93 or 94 of the Constitution of Alabama, as amended. The provisions of this amendment shall be self-executing and the powers granted hereby may be exercised as alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the governing body of such counties, or of any municipality therein, or to any agency, board, or authority created or approved thereby pursuant to this Constitution or the laws of this state.

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

This amendment shall not be construed to grant any power of eminent domain in addition to that which may be provided otherwise by statute heretofore or hereafter enacted by the legislature of Alabama; nor shall this amendment be construed to affect the annexation statutes heretofore or hereafter enacted by said legislature.

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

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

(b) At least fourteen (14) days prior to such public meeting at which such price is approved by such governing body, it has published notice in the newspaper with the largest circulation in the county in which the property is located stating (1) the acreage proposed to be sold, (2) the section or sections or subdivisions of record in which the property is located, (3) the price per acre at which sale is proposed to be made, and (4) the place where a map of the property can be examined by the public; and

(c) The price thus approved is no less than the price advertised as aforesaid; provided, however, that should any real property be acquired for any purpose authorized by this amendment by eminent domain pursuant to other legislative authority as aforesaid, such property shall not be sold, in any event, for less than the price determined and paid pursuant to the orders of the court in such condemnation proceedings. Provided further, that no municipality shall acquire real property in unincorporated areas without a prior consent thereto as expressed in a resolution by the county governing body. Provided further, that no county or municipality shall acquire real property which is located in another county or municipality without such other county's or municipality's prior consent thereto as expressed in a resolution by its governing body. Nothing in the provisions of this constitutional amendment shall be construed to allow construction of dormitories or other type housing on or off university or college campuses. (Amendment 429)

[Note: Amendment 759 is identical to Amendment 429. except for the addition of Baldwin County. For the text of Amendment 759, see §2-4.01.]

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Compensation

§63-8.00. Certain Public Officials in Calhoun and Tuscaloosa Counties. (Amendment 33)

The legislature of Alabama may hereafter, from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the tax assessors, tax collectors, probate judges, circuit clerks, sheriffs, and registers of the chancery courts, and including the right to place any one or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide the method and basis of their compensation, or consolidate any of said offices in the

following named counties: Calhoun and Tuscaloosa. All acts of the regular session of the legislature 1935 heretofore passed and applicable, or purporting to be applicable, to any or all of said counties, and fixing, or purporting to fix the compensation of said named county officers, on a salary basis, are hereby validated and confirmed. (Amendment 33)

Article 2. Retirement

§63-8.20. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 755)

No person elected or appointed sheriff, or any elected or appointed Tuscaloosa County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Tuscaloosa County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Tuscaloosa County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 755)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§63-10.00. Occupational Tax Prohibited. (Amendment 859)

No privilege or license tax on the gross receipts of any natural person derived from the conduct of a vocation, occupation, calling, or profession may be levied in Tuscaloosa County. (Amendment 859)

Article 2. Schools

§63-10.20. Special School Tax. (Amendment 71)

In addition to any taxes now authorized, or that may be hereafter authorized, by the Constitution and laws of Alabama, there is hereby levied a special school tax of fifty cents on each one hundred dollars worth of taxable property in the city of Tuscaloosa and in the several school districts of Tuscaloosa county, to be used solely for public school purposes, provided such tax, and the time it is to continue, shall have been first submitted to the vote of the qualified electors of the school district in which such tax is to be collected and voted for by a majority of those voting at such election; otherwise said tax shall not be collected. A special separate election is hereby called on the first Tuesday after sixty days following the date this constitutional provision becomes effective, in the city of Tuscaloosa and in the school district in Tuscaloosa county of which the city of Tuscaloosa is a part at which election the qualified voters in the city of Tuscaloosa and in the school district in Tuscaloosa county of which the city of Tuscaloosa is a part may vote as to whether said special school tax herein levied shall be effective for a period of thirty years, and if the majority of those voting at said election vote in favor of said special school tax herein referred to, such school tax shall immediately be levied and collected annually thereafter on the first day of October by the tax collector of Tuscaloosa

county and, if pledged, paid to the city of Tuscaloosa; otherwise by him immediately paid to the board of education of the city of Tuscaloosa, for a period of thirty years from the date of said election in the city of Tuscaloosa and in the school district of which the city of Tuscaloosa is a part, and a special separate election is likewise hereby called in each other school district in Tuscaloosa county on the first Tuesday after sixty days following the date this constitutional provision becomes effective and the qualified electors of each such other school district in Tuscaloosa county shall vote as to whether said special school tax herein levied shall be effective in their respective districts for a period of thirty years, and where a majority of those voting at said election in any such school district vote in favor of said special school tax such special school tax shall be immediately levied and collected annually thereafter on the first day of October by the tax collector of Tuscaloosa county and, if pledged, paid to the county of Tuscaloosa; otherwise by him immediately paid to the board of education of Tuscaloosa county, for a period of thirty years in any such school district where a majority of such electors voting at said election vote therefor. This section shall be self-executing.

The funds arising from the special school tax to be levied hereunder and to be collected therefrom shall be expended for public school purposes for the exclusive benefit of the school district in which collected with all such tax collected in the city of Tuscaloosa to be expended in the city of Tuscaloosa. After said tax has been voted, and without further authorization or authority, as and when requested by the board of education of the city of Tuscaloosa, the city of Tuscaloosa shall issue and sell interest bearing bonds with principal and interest to be paid from the funds to be derived from the special school tax hereby levied in the city of Tuscaloosa and in the school district in which the city of Tuscaloosa is located, for the sole purpose of the construction and improvement of school buildings and the acquiring of sites therefor; provided, said net proceeds of said bonds shall immediately be paid to the board of education of the city of Tuscaloosa and said bonds shall not be issued for a longer period than thirty years, and said funds to be derived from said special school tax may be pledged by the city of Tuscaloosa for the payment of said bonds and the interest thereon, and provided that said bonds shall not be a general obligation of the city of Tuscaloosa or of Tuscaloosa county and shall not be charged to the constitutional debt limit of the city of Tuscaloosa or of Tuscaloosa county. After said tax has been voted, and without further authorization or authority, as and when requested by the board of education of Tuscaloosa county, Tuscaloosa county shall issue and sell interest-bearing bonds with principal and interest to be paid from the funds to be derived from the special school tax hereby levied in each school district in Tuscaloosa county, other than in the city of Tuscaloosa and the school district in which the city of Tuscaloosa is located, for the sole purpose of the construction and improvement of public school buildings and the acquiring of sites therefor; provided the net proceeds of said bonds shall immediately be paid to the board of education of Tuscaloosa county and that said bonds shall not be issued for longer than thirty years and said funds arising from said school tax may be pledged by Tuscaloosa county for the payment of said bonds and interest thereon and provided that said bonds shall not be a general obligation of Tuscaloosa county and shall not be charged to the constitutional debt limit of Tuscaloosa county.

Except as herein otherwise provided the elections hereinabove provided for shall be called, held and conducted as provided by law for calling, holding and conducting of district school tax elections. The governing body of the city of Tuscaloosa shall appoint and designate the officers, managers, clerks and returning officers and shall call, canvass, tabulate and declare the result of the elections provided for in the city of Tuscaloosa and in the school district in which the city of Tuscaloosa is located. The governing body of Tuscaloosa county shall appoint

and designate the election officers, managers, clerks and returning officers and shall call, canvass, tabulate and declare the result of, the elections as to any and all school districts in Tuscaloosa county other than in the city of Tuscaloosa and the school district in which the city of Tuscaloosa is located. All such elections shall otherwise be conducted, held, canvassed, tabulated and the results declared as general elections are conducted, held, canvassed, tabulated and the results declared in Alabama. (Amendment 71)

§63-10.21. Special Property Tax for Educational Purposes. (Amendment 164)

Section 1. The court of county commissioners, board of revenue or like governing body of Tuscaloosa county shall have the power to levy and collect a special property tax, in addition to all other taxes, now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one-half of one per cent on the value of the taxable property in the county situated outside the territory subject to the jurisdiction and control of the city board of education of Tuscaloosa, as such property was assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the county residing outside the territory subject to the jurisdiction and control of the city board of education of Tuscaloosa, and voted for by a majority of those voting at the election. Elections on proposals to levy this tax on the property in the county situated outside the territory subject to the jurisdiction and control of the city board of education of Tuscaloosa shall be called and held in the same manner as now provided by law for an election on the school district tax authorized in Sections 269.01 through 269.03. The tax on property situated outside the territory subject to the jurisdiction and control of the city board of education of Tuscaloosa shall be collected in the same manner and under the same requirements and laws as the taxes of the state are collected, and the revenues derived from such tax shall be used solely for school construction and other educational purposes in the territory of the county outside the territory subject to the jurisdiction and control of the city board of education of Tuscaloosa.

Section 2. The court of county commissioners, board of revenue or like governing body of Tuscaloosa county shall likewise have the power to levy and collect a special property tax, in addition to all other taxes now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding one-half of one per cent on the value of the taxable property situated within the territory subject to the jurisdiction and control of the city board of education of Tuscaloosa, as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for educational purposes; provided that such tax and the purpose or purposes thereof and the time such tax is proposed to be continued, shall have been first submitted to a vote of the qualified electors of the territory and voted for by a majority of those voting at the election. Except as herein otherwise provided, elections on proposals to levy this tax on property situated within the territory subject to the jurisdiction and control of the city board of education of Tuscaloosa shall be ordered and held in the same manner as provided by the law applicable to elections on school district taxes. The additional tax, authorized by this amendment to be levied on property situated within the territory subject to the jurisdiction and control of the city board of education of Tuscaloosa, shall be collected in the same manner and under the same requirements and laws as other taxes levied on property in the city of Tuscaloosa are collected, and the revenues derived from this tax shall be used solely for school construction and other educational purposes within the territory subject to the jurisdiction and control of the city board of education of Tuscaloosa.

Section 3. If any proposal to levy a tax hereunder is defeated in any election, subsequent elections thereon may be held at intervals of not less than one year.

Section 4. The special school tax herein authorized shall be effective for a period of thirty years.

Section 5. This amendment shall be self-executing, and no enabling legislation shall be necessary. (Amendment 164)

Article 3. Recreation

§63-10.40. Parks and Multi-Recreation Areas and Facilities. (Amendment 333)

The county commission or like governing body of Tuscaloosa county shall have the power to levy and collect a special property tax, in addition to all other taxes, now or hereafter authorized by the Constitution and laws of Alabama, of not exceeding 10 mills on each dollar's worth of taxable property in the county as assessed for state taxation during the preceding year, the proceeds of which shall be used exclusively for developing parks and multi-recreation areas and facilities, and for other recreational purposes; provided that such tax and the purpose or purposes thereof, and the time such tax is proposed to be continued shall have been first submitted to the vote of the qualified electors of the county and voted for by a majority of those voting at such election. Such governing body may also become indebted, and in evidence of such indebtedness issue and sell interest bearing bonds in an amount not to exceed $20,000,000.00 in principal amount, provided that before the issuance of such bonds the question of whether such bonds shall be issued shall have first been submitted to and approved by the qualified electors of Tuscaloosa county at an election. Both the question of levying the tax and the issuing and selling of bonds may be submitted at the same election; or either question may be submitted at a separate election. Either the tax may be levied but no bonds issued, or bonds may be issued and no tax levied hereunder, if other funds are available for the payment of the bonds. The proceeds from taxes levied under authority of this amendment and of all bonds issued hereunder shall be used for developing parks and multi-recreation areas and facilities and for other recreational purposes and all or any part thereof may be appropriated to any county park and recreation authority duly organized and existing pursuant to law in such county and by such authority used for the above-named purposes. The elections provided for herein shall be called, held, conducted and canvassed, and may be contested, in the manner provided by law for the calling, holding, conducting, canvassing and contesting of county bond elections, and if the levy of the tax or the issuance of said bonds shall be authorized at any such elections, the tax may be levied and bonds may be sold and issued from time to time in the manner provided by law for the authorization and sale of county bonds. In the event the voters of Tuscaloosa county do not authorize the levy of the tax or the issuance and sale of said bonds at any election called hereunder then other elections may be called by the governing body of Tuscaloosa county from time to time until the voters of Tuscaloosa county do authorize the levy of the tax or the issuance and sale of said bonds; provided that no two elections shall be held within one year of each other. The indebtedness herein authorized shall be in addition to all other indebtedness authorized prior to the adoption of this amendment. (Amendment 333)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Fire Protection

§63-11.00. Creation of Districts; Collection of Fees. (Amendments 358 and 792)

The Legislature may provide for the formation of districts in Tuscaloosa County, for establishing and maintaining a system for fighting or preventing fires or for the collection and disposal of garbage and trash or for either or both of said purposes; provided, however, that no territory lying within the limits of a municipal corporation at the time of the establishment of any such district shall be included within such district except that all or part of any territory lying within a municipality having a population of 10,000 inhabitants or less may be included within a district upon approval by resolution of the governing body of the municipality; and, provided further, that no such district shall be established unless the establishment thereof has been first approved by the qualified electors residing within the proposed district at an election held as provided for by a law or laws adopted by the Legislature. The Legislature may provide for submitting to the qualified electors residing within the proposed district the question of whether the district shall be created for either or both of the aforesaid purposes.

The expenses of establishing and maintaining any such fire fighting and fire prevention system or any such garbage collection and disposal system in a district, as the case may be, shall be paid for exclusively by the proceeds of a service charge, which shall be levied and collected in an amount sufficient to pay the said expenses.

Said service charges shall be levied upon and collected from the persons and property to whom and to which such services are available; and the service charge shall be a lien upon any such property.

The Legislature may provide for the enlargement of a district by the addition of territory thereto, subject to the following conditions: (1) No territory lying within a municipal corporation at the time of such enlargement shall be added to a district except that all or part of any territory lying within a municipality having a population of 10,000 inhabitants or less may be included within a district upon approval by resolution of the governing body of the municipality; (2) subject to (3), next below, no territory shall be added unless the qualified electors thereof have approved the addition of such territory to the district at an election held for that purpose within the territory proposed to be added; (3) the Legislature may provide a procedure whereby territory will be included in a district upon the written petition for its inclusion signed by at least seventy percent (70%) of the qualified electors residing within said territory.

The Legislature shall adopt laws providing for the administration of the affairs of the district by the governing body of the county or by an agency of the county, and empowering the body administering the affairs of the district to levy and collect the service charge, subject to such restrictions and conditions as the Legislature imposes. The Legislature may provide that any such service charge shall not become effective unless approved by the electors of the territory, and may provide the conditions on which an election on such service charge shall be held.

The Legislature shall be authorized to enact laws providing for the collection and enforcement of the service charges and of the lien for such charges.

The Legislature may provide for the issuance of bonds for such districts with or without an election; provided, however, that all bonds issued hereunder shall be payable only out of the proceeds of the service charge authorized hereby, and no such bond shall be a general obligation of the county. (Amendments 358 and 792)

Title 63A Tuscaloosa County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 64 Walker County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§64-2.00. General Authority; Compensation of Certain Officials. (Amendment 127)

The legislature may, from time to time, by general or local laws, fix, alter, and regulate the costs and charges of courts in Walker county, and the method of disbursement thereof. Also, the legislature may, from time to time, by general or local laws, fix, alter, and regulate the costs, charges, fees, commissions, percentages, allowances, and compensation to be charged or received by the judge of probate, sheriff, circuit clerk, register of the circuit court, tax assessor, and tax collector of Walker county, or any other county officer on a fee basis, and may place any of such officers on a salary, and provide that the costs, charges, fees, commissions, percentages, and allowances collected by such officers shall be paid into the county treasury from which their salaries and office expenses shall be paid. (Amendment 127)

Article 2. Judges

§64-2.20. Judge of Probate Jurisdiction. (Amendment 976)

The Judge of Probate of Walker County may exercise equity jurisdiction concurrent with that of the circuit court in cases originally filed in the Probate Court of Walker County if the judge of probate is a member of the Alabama State Bar. In any case subject to this amendment, the judge of probate shall possess the power and authority of a circuit court judge trying the case and the case shall be treated in all respects in the same manner as a case filed in circuit court. The Alabama Rules of Civil Procedure shall apply in the cases except as otherwise specifically provided by law. This amendment is self-executing, but the Legislature may enact additional laws to implement this amendment if needed. (Amendment 976)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

Article 1. Economic Development

§64-4.00. Walker County and Municipalities Therein. (Amendment 596)

For the promotion of local economic and industrial development of Walker County, Walker County and each municipality the corporate limits of which are located wholly in the county shall, other provisions of law or this constitution notwithstanding, have, independently or in cooperation with one or more of such governmental entities, full and continuing power to do all of the following:

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

(2) To lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county or any such municipality, as applicable, all or any part of any site or project to any person, firm, or corporation, public or private, including any industrial development board, other public corporation or authority heretofore or hereafter created by the

county or any municipality therein, for the purpose of constructing or developing, by a purchaser or lessee, and equipping and operating, industrial, transportation, distribution, warehouse or research facilities, and offices and other facilities auxiliary to the foregoing.

(3) To grant public funds to the industrial development boards, public corporations, or authorities.

Any action referred to in subdivision (1), (2), and (3) which has been taken subsequent to January 1, 1996, is ratified, approved, and confirmed. Nothing herein shall authorize the county, or any municipality therein, to construct buildings for the purpose of lease or sale.

In carrying out the purposes of this amendment, neither Walker County nor any municipality located wholly within Walker County shall be subject to the provisions of Sections 93 or 94 of this constitution, as amended. The Legislature shall have the power, by special or local law, to create, or provide for the creation of, any public corporation, authority, board, agency, or other entity empowered or intended to assist or aid in any way the county or the municipality in carrying out the purposes of this amendment and the special or local law shall not be subject to the provisions of Sections 104 and 106 of this constitution, as amended. This amendment shall be self-executing and the powers granted hereby may be exercised as an alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the county, or to any municipality, or to any agency, board, or authority created pursuant to the laws of this state and acting pursuant to this amendment.

No action may be taken under this amendment by the county or any of the municipalities until after the question of whether the county and the municipalities shall have the authority to take the action shall be submitted to the qualified electors of the county, at an election called for that purpose by the governing body of the county and a majority of the qualified electors voting at the election vote in favor of the county and the municipalities having the authority to take action. (Amendment 596)

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

Article 1. Bingo

§64-7.00. Operation of Bingo by Nonprofits. (Amendment 549)

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

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

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

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

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

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

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

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

Chapter 8. Officials and Employees

Article 1. Compensation

§64-8.00. Certain Public Officials. (Amendment 50)

The legislature of Alabama may hereafter from time to time, by general or local laws, fix, regulate and alter the fees, commissions, allowances and salaries, including the method or basis of their compensation, to be charged or received by the tax assessor, tax collector, probate judge, circuit clerk, sheriff, and register of the circuit court, and including the right to place anyone or all of said officers on a salary and provide for the fees charged and collected by said officers to be paid into the treasury from which their salaries are paid, and provide for the method and basis of their compensation in Walker county, Alabama. No salary fixed under this amendment shall affect the compensation of any officer already elected to either of said offices during the term for which elected, and said salaries, except for the register, shall be fixed at not less than three hundred and not more than five hundred dollars per month. The balance of said fund or savings shall be used for old age pensions in said county. (Amendment 50)

Article 2. Employee Personnel Boards

§64-8.20. Participation of Sheriff's Employees. (Amendment 655)

Effective the first day of the sixth month after the ratification of this amendment, all employees of the Office of the Sheriff of Walker County are subject to the authority of the Walker County Civil Service Board, or its successor. (Amendment 655)

Article 3. Officials

§64-8.40. Removal of Certain Public Officials. (Amendment 656)

In Walker County, the appointing authority of any municipal or county board, commission, or authority may remove for cause any member of the board, commission, public authority, or utility appointed by the appointing authority after a hearing before the appointing authority by a two-thirds (2/3) vote. (Amendment 656)

Article 4. Retirement

§64-8.60. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 977)

(a) No elected or appointed Walker County official, including the sheriff, may assume a supernumerary office after the effective date of this amendment. Any person who, on the

effective date of this amendment, is participating in a supernumerary program as a supernumerary sheriff shall not continue to participate in that supernumerary program, and may purchase service credit in the Employees' Retirement System for the time the official served in office. Any person who, on the effective date of this amendment, is participating in a supernumerary program other than serving as a supernumerary sheriff may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed Walker County official, including the sheriff, may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Walker County officials holding office at the time of ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office.

(b) For purposes of this amendment, "elected or appointed Walker County official" does not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 977)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§64-10.00. Occupational Tax Prohibited. (Amendment 133)

No municipal corporation in Walker county, Alabama shall have power or be authorized to levy, impose, assess, or collect any license, excise, tax, or fee on the right to work for wages or on salary in the service of an employer; and any such levy heretofore made shall be null and void. (Amendment 133)

Article 2. Infrastructure

§64-10.20. Special Road Tax. (Amendment 19)

Section 1. The county of Walker, state of Alabama, shall have power to levy and collect a special road tax not exceeding fifty cents on each hundred dollars worth of taxable property in said county in addition to that now authorized or that may hereafter be authorized for the erection, construction or maintenance of the necessary public roads, bridges or ferries and in addition to that now authorized under section 215 of article XI of the Constitution, which special county tax so levied and collected shall be applied exclusively to the purpose for which the same was so levied and collected, provided, that the rate of such tax, the time it is to continue and the purpose thereof shall have first been submitted to the vote of the qualified electors of the county, and voted for by a majority of those voting at such election.

Section 2. Twenty-five per centum of all moneys derived from property lying within the municipalities and arising from the tax proposed herein shall be paid to such municipality and shall, by it, be expended for upkeep of its streets.

Section 3. The court of county commissioners, boards of revenue, or other governing body of said county may, or upon written petition of ten per centum of the qualified voters of Walker county, shall call and submit said election provided for and authorized by section 1 hereof to the qualified electors of Walker county either at the time of the general election or at a special election called for that purpose; provided, that said election shall be called and held in

accordance with the law now or that may be enacted governing county bond elections, and in conformity with the general election laws of the state. (Amendment 19)

Article 3. Schools

§64-10.40. Special Tax for Public School Purposes. (Amendment 204)

Section 1. If authorized at an election held for such purpose, the governing body of Walker county may levy and collect a special county tax at a rate not exceeding one-half of one percent on the value of the taxable property within the county as assessed for state taxation, the proceeds of which shall be used exclusively for public school purposes; provided, however, that the governing body of Walker county shall not levy the special county property tax authorized by this amendment in addition to any tax authorized by a constitutional amendment proposed by the legislature at the same session of the legislature at which this amendment was proposed authorizing the governing body of each of the several counties in the state to levy an additional property tax for school purposes [Section 269.04]. This tax shall be apportioned among the county and city school systems on a teacher unit basis in the manner that minimum program funds are distributed.

Section 2. An election shall be ordered by the county governing body to determine whether or not a special tax shall be levied for public school purposes as authorized herein upon the request of the county board of education, and the election shall be held and conducted in accordance with general laws providing for school tax elections pursuant to Sections 269.01 through 269.03. (Amendment 204)

Article 4. Health

§64-10.60. Public Hospital Purposes. (Amendment 276)

In addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, the governing body of Walker county shall levy and cause to be collected annually a special district tax, not exceeding 50 cents on each 100 dollars assessed valuation of taxable property in district two of Walker county, Alabama, to be used exclusively for public hospital purposes (as the term "public hospital purposes" is defined in Section 215.03) within said district two; provided that the time during which such tax is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors in district two of Walker county and voted for by a majority of such electors voting at such election. The governing body of Walker county may call an election at any time, and it shall be the duty of such governing body to call an election to be held within ninety days after receipt by it of a petition signed by not less than 5% of the qualified electors of said district two, requesting that such election be called. The governing body may call such election to be held at the same time that this amendment is submitted to the electors of the state for ratification and such election shall be effective to require the levy and collection of such tax in the event that this amendment shall be ratified. The notice of such election, ballots to be used at such election and procedures for holding and determining the results of such election shall be prescribed by the governing body of Walker county. No election shall be held hereunder within one year from the date of the last election so held.

Whenever such tax shall have been authorized by vote of such qualified electors, and levied by the governing body of Walker county, such governing body may anticipate the proceeds therefrom for any one or more of the purposes for which the tax shall have been voted, by issuing, without further election, interest-bearing tax anticipation bonds, warrants, or certificates of indebtedness of said county payable solely from and secured by a pledge of a sufficient amount of the annual proceeds from said tax received by the county.

The governing body of Walker county shall have power to designate as the agency of the county, to construct, acquire, equip, operate and maintain public hospital facilities for said district two, any public corporation heretofore or hereafter organized for hospital purposes in the county. When a public corporation shall have been so designated, the proceeds of said tax thereafter collected shall be paid to it and shall be used by it for any one or more of the purposes for which the tax shall have been voted; provided, that payments of the proceeds of said tax to said public corporation shall be made only to such extent as will not result in the impairment of the obligation of any contract theretofore made with respect to said tax. Said public corporation may anticipate the proceeds from said tax so required to be paid to it by issuing, for any one or more of the purposes for which the tax shall have been voted, the bonds, warrants, or certificates of indebtedness of said corporation, and may pledge for the payment of the principal thereof and interest thereon a sufficient amount of the annual proceeds from said tax so paid to it.

No securities issued or contracts made by Walker county under the authority of this amendment, which are payable solely out of the proceeds of said tax, and no securities issued or contracts made by any such public corporation, whether or not issued or made under the authority of this amendment, shall be construed to be bonds of Walker county or of a political subdivision thereof within the meaning of section 222 of the Constitution, or construed to create or constitute an indebtedness of the county within the meaning of section 224 of the Constitution. Said securities shall be construed to be negotiable instruments notwithstanding the fact that they may be payable solely from a limited source. All pledges of said tax and all contracts, made with respect thereto pursuant to the provisions of this amendment shall take precedence in the order in which they are made and shall create a charge on the proceeds of said tax prior to the expenses of operating and maintaining any public hospital facilities.

District two of Walker county herein referred to is the commissioner's district two now established in Walker county as authorized by law. (Amendment 276)

Chapter 11. Zoning, Planning, and Utilities

RESERVED

Title 64A Walker County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Jasper

§64A-2.00. Special Tax for Educational Purposes. (Amendment 253)

1. The council or commissioners or other like governing body of the city of Jasper may levy and collect a special tax at a rate not exceeding one-half of one percent on the value of the taxable property within the city, the proceeds of which tax shall be used exclusively for educational purposes, provided the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors of the city of Jasper and voted for by a majority of those voting at such election.

2. Elections may be called, held and conducted under this amendment in accordance with general laws providing for and regulating elections on district school taxes as authorized by Sections 269.01 through 269.03. (Amendment 253)

§64A-2.01. Special School Tax. (Amendment 550)

The operation of bingo games for prizes or money by certain nonprofit organizations for charitable, educational, or other lawful purposes shall be legal in the corporate limits of the City

of Jasper in Walker County, subject to any resolution or ordinance by the city governing body as provided by law regulating the operation of bingo. The governing body may promulgate rules and regulations for issuing permits or licenses, and for operating bingo games, within its respective jurisdiction. The governing body of the City of Jasper shall insure compliance pursuant to any ordinance and the following:

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

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

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

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

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

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

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

Chapter 3. Carbon Hill

§64A-3.00. Economic Development. (Amendment 277)

Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, the town of Carbon Hill in Walker county shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

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

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

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

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

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

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

construction, lease or acquisition of any of the property described in subdivision 1 above or to be used in furtherance of any of the other powers or authorities granted in this amendment. Such obligations or evidences of indebtedness may (in addition to any pledge or pledges authorized by subdivision 8 of this amendment) be issued upon the full faith and credit of the town of Carbon Hill, or may be limited as to the source of their payment.

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

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

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of the municipality for the purpose of determining the borrowing capacity of the county under section 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in section 216 of the Constitution and all amendments thereto.

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

10. The town of Carbon Hill shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the municipality. The governing body of the municipality may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks in a newspaper having general circulation in Walker county.

This amendment shall be self-executing; but the legislature shall have the right and power by general, special or local act to adopt laws supplemental to this amendment or in furtherance of the purposes and objectives hereinabove set forth. (Amendment 277)

Title 65 Washington County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§65-2.00. Compensation of Certain Officials. (Amendment 349)

The legislature may from time to time, by general or local laws applicable to or operative in Washington county, fix, regulate, and alter costs and charges of courts and the fees, commissions, allowances, and salaries, including the method and basis of their compensation, to be charged or received by the judge of probate, the tax assessor, the tax collector, and the circuit clerk; and may place any or all of such officers on a salary and provide for the fees, commissions, allowances, and percentages collectible by such officers to be paid into the treasury from which their salaries are paid. Provided that no law changing the method or basis for compensating such officers shall become effective unless it is approved by a majority of the qualified electors of the county who vote thereon at a referendum election held for such purpose or is approved by a majority of the qualified electors of the county who vote on the adoption of this constitutional amendment as provided for in section 2 of Acts 1975, No. 611. (Amendment 349)

Chapter 3. County Government, Finance, and Operations

Article 1. Finance

§65-3.00. Bond Issues for Roads and Bridges. (Amendment 410)

Washington county may become indebted and may issue bonds for the construction or improvement of public roads and bridges in said county in an amount not to exceed the debt limits prescribed for counties by this Constitution. To pay said indebtedness and interest thereon, Washington county may impose and collect an annual road paving fee on all motor vehicle licenses issued in the county. The indebtedness, the bonds and the fee authorized hereby shall be in addition to those authorized by the Constitution of Alabama prior to the adoption of this amendment. But no such additional indebtedness shall be created, and no such additional bonds shall be issued, and no such additional fee shall be levied, until each improvement or construction proposed to be built thereby and its approximate location shall have been determined upon and made public by the Washington county commission, and the proposed increase of indebtedness or issue of bonds or fee therefor shall have been first authorized by a majority vote by ballot of the qualified voters of Washington county voting upon such proposition. Any local, special or general legislation enacted by the legislature to augment or implement the provisions of this amendment need not be advertised as provided in Section 106 or any other provision of this Constitution. (Amendment 410)

Chapter 4. Economic and Industrial Development

RESERVED

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§65-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 657)

No elected or appointed official of Washington County may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Any elected or appointed Washington County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Any elected or appointed official of Washington County holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed official" shall include any person appointed to serve the remaining term of an elected or appointed official, including the sheriff, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 657)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

RESERVED

Article 2. Schools

§65-10.20. Additional School Tax. (Amendment 182)

Section 1. The court of county commissioners, board of revenue, or other like governing body of Washington county shall have power to levy and provide for collection of an additional county tax of fifty cents on each one hundred dollars worth of taxable property in the county, for public school purposes, in the same manner and subject to the same election requirements as provided in Sections 269.01 through 269.03 with respect to other county school taxes. The tax herein authorized shall be in addition to all other county taxes authorized in this Constitution as amended, and the proceeds thereof shall be spent for public school purposes only.

Section 2. If this amendment is approved and a majority of the qualified electors of the county who vote thereon vote in favor of the adoption of this amendment when it is submitted, the additional tax provided for in section 1 may be levied and collected thereafter without any other election having been held thereon. But if this amendment is approved and a majority of the qualified electors of the county who vote thereon vote against its approval, the tax may not be levied unless the rate of the tax, the time it is to continue, and the purpose thereof shall have been again submitted to a vote of the qualified electors of the county and voted for by majority of those voting at the election. Subsequent elections may be held at intervals of not less than one year, and shall be called, held, and conducted in the same way, according to the general laws, as other elections on the question of levying special county school taxes. (Amendment 182)

Article 3. Public Buildings

§65-10.40. Special Tax and Bond Issues for Courthouse and Jail. (Amendment 199)

Section 1. Washington county may become indebted in an aggregate principal amount not exceeding one million dollars in addition to the indebtedness of the county outstanding on the effective date hereof, for the sole purpose of financing the construction and equipment of a courthouse and jail and acquiring sites therefor. The county may issue and sell interest bearing general obligation bonds and pledge to the payment of the principal thereof and interest thereon the full faith and credit of the county and the proceeds of the special county tax provided for in section 2.

Section 2. In addition to all other taxes now or hereafter authorized by law, the court of county commissioners, board of revenue, or other like governing body of Washington county shall have the power to levy and collect, for a period not exceeding twenty years, a special ad valorem tax on property situated within said county, at a rate not exceeding four mills on each dollar of property as assessed for state taxation for the preceding year, the proceeds of said tax to be used solely for acquiring sites and constructing and equipping a courthouse and jail within said county or to pay any debt incurred for that purpose pursuant to section 1. Before any special ad valorem tax is levied, however, the question as to whether the tax shall be levied shall be first submitted to a vote of the qualified electors of the county at an election to be called by the governing body of the county, and shall be approved by a majority of the electors who vote thereon at said election. The election shall be called, held, conducted and canvassed, and may be contested in the same manner as provided by law for calling, holding, conducting and canvassing county bond elections. Upon the expiration of any tax authorized pursuant to this amendment, no further tax shall be authorized hereunder.

Section 3. In the event the qualified electors of Washington county do not authorize the levy of the special county tax provided for in section 2 at any election called hereunder, then other elections may be called by the county governing body from time to time until the electors of the county do authorize and approve the levy, provided that not more than two elections shall be held in the same year. If a majority of the electors of Washington county who participate in the election as to the adoption of this constitutional amendment vote to approve the amendment, such expression of the will of the electors of Washington county shall of itself authorize the levying of the special tax provided for and the issuance of the bonds. Approval of the tax levy at any election held hereunder shall be sufficient authority for issuance of the bonds as provided in section 1.

Section 4. Bonds issued pursuant to this amendment and the income therefrom shall be exempt from taxation.

Section 5. The legislature may enact appropriate legislation to implement the provisions of this amendment. (Amendment 199)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Ports

§65-11.00. Port Authority. (Amendment 470)

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

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

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

(2) The name of the corporation;

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

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

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

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

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

(b) The name designated for the corporation in the certificate of incorporation shall be one indicating the purpose thereof, such as the "Washington County Port Authority" or some other name of similar import.

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

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

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

After the adoption of the resolution proposing an amendment to the certificate of incorporation of the corporation by the board, the president and secretary of the board shall sign and file for record in the office of the judge of probate in Washington county and in the office of the secretary of state a certificate in the name of and in behalf of the corporation under its seal, reciting the adoption of said resolution by the board. The judge of probate for Washington county shall thereupon record such certificate in an appropriate book in his office. When such

certificate has been so filed and recorded, such amendment shall become effective, and the certificate of incorporation shall thereupon be amended to the extent provided in the amendment.

Section 5. (a) The corporation shall have a board of directors in which all of the powers of the corporation shall be vested pursuant to its authority, and which shall consist of five members. The directors shall be elected by the governing body of Washington county for staggered terms of office as follows: Two (2) years for the first appointee; three (3) years for the second appointee; four (4) years for the third appointee; five (5) years for the fourth appointee; six (6) years for the fifth appointee; and thereafter the term of office of each director shall be six (6) years. If any director resigns or dies or becomes incapable of acting as a director or ceases to reside in Washington county or is otherwise disqualified to act, the governing body of Washington county shall elect a successor to serve for the unexpired term. Directors shall be eligible for re-election to succeed themselves in office. If at the expiration of any term of office of any director, a successor thereto shall not have been elected, then the director whose term of office shall have expired shall continue to hold office until a successor shall be so elected. No director shall be an officer or member of the governing body of Washington county.

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

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

(d) The corporation shall make to the governing body of Washington county an annual written report of its activities and of its plans for the future which report shall include a financial operating statement and balance sheet prepared by the examiner of public accounts for the state of Alabama or by a certified public accountant appointed by the corporation.

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

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

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

(c) To maintain a principal office in Washington county and sub-offices at such other places as its board may designate in Washington county;

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

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

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

(g) To acquire, whether by purchase, construction, exchange, gift, lease or otherwise and to improve, equip and furnish and to own and maintain or lease one or more projects or parts thereof, including all real and personal properties and interests therein which its board may deem necessary in connection therewith, regardless of whether or not any such project or projects shall then be in existence;

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

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

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

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

(l) To lease or let any project or any part thereof to such tenant or tenants for such term or terms at such compensation or rentals and subject to such provisions, limitations and conditions as its board may approve;

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

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

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

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

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

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

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

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

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

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

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

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

(1) Any debt securities that are direct, general obligations of the United States of America,

(2) Any debt securities, the payment of the principal or any interest on which is unconditionally guaranteed by the United States of America,

(3) Any time deposit with, or any certificate of deposit issued by, any bank which is organized under the laws of the United States of America or any state thereof and deposits in which are insured by the Federal Deposit Insurance Corporation or any department, agency or instrumentality of the United States of America that may succeed to the functions of such corporation, and

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

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

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

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

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

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

facility or facilities operated by such user, for one or more or any combination of the following purposes:

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

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

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

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

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

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

(b) The principal of and interest on any bonds issued by the corporation shall be secured by a pledge of the revenues and receipts out of which the same may be payable and may be secured by a mortgage and deed of trust or trust indenture conveying as security for such bonds all or any part of the property of the corporation from which the revenues or receipts so pledged may be derived. The resolution under which the bonds are authorized to be issued and any such mortgage and deed of trust or trust indenture may contain any agreements and provisions respecting the operation, maintenance and insurance of the property covered by said mortgage and deed of trust or trust indenture, the use of the revenues and receipts subject to such mortgage and deed of trust or trust indenture, the creation and maintenance of special funds from such revenues and receipts, rights, duties and remedies of the parties to any such instrument and the parties for the benefit of whom such instrument is made and the rights and remedies available in the event of default as the board shall deem advisable and which are not in conflict with the provisions of this article. Each pledge, agreement, mortgage and deed of trust or trust indenture made for the benefit or security of any of the bonds of the corporation shall continue effective until the principal of and interest on the bonds for the benefit of which the same were made shall have been fully paid. In the event of default in such payment or in any agreements of the corporation made as a part of the contract under which the bonds were issued, whether contained in the proceedings authorizing the bonds or in any mortgage and deed of trust or trust indenture executed as security therefor, such default may be enforced by mandamus, the appointment of a receiver, or either of said remedies, and foreclosure of such mortgage and deed of trust or trust indenture may, if provided for in said instrument, be had.

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

the seal of the authority may be printed or otherwise reproduced on any such bonds in lieu of being manually affixed thereof, and a facsimile of the signature of the president of the board may be printed or otherwise reproduced on any such interest coupons in lieu of his manually signing the same.

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

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

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

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

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

exchanged for the bonds or other obligations to be refunded. Any such refunding bonds may be executed and delivered by the corporation at any time and from time to time, shall be in such form and denominations and have such tenor and maturities, shall contain such provisions not inconsistent with the provisions of this article, and shall bear such rate or rates of interest, payable and evidenced in such manner, as may be provided by resolution of its board.

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

Section 10. Upon the adoption by the board of the corporation of any resolution providing for the issuance of bonds, the corporation may, in its discretion, cause to be published once a week for two consecutive weeks, in a newspaper published or having a general circulation in Washington county, a notice in substantially the following form (the blanks being properly filled in) at the end of which shall be printed the name and title of either the president or secretary of such corporation. "..., a public corporation under the laws of the state of Alabama, on the ... day of ..., authorized the issuance of $ ... principal amount of bonds of the said public corporation for purposes authorized in the act of the legislature of Alabama under which the said public corporation was organized. Any action or proceeding questioning the validity of the said bonds, or the pledge and the mortgage and deed of trust or trust indenture to secure the same, or the proceedings authorizing the same, must be commenced within thirty (30) days after the first publication of this notice".

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

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

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

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

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

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

Section 16. The existence of a corporation incorporated under the provisions of this amendment shall prevent the subsequent incorporation hereunder of another corporation pursuant to authority granted to such corporation.

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

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

Section 19. The provisions of this amendment shall be self-executing and become effective upon the ratification of this amendment by the people. (Amendment 470)

Article 2. Fire Protection

§65-11.20. Creation of Districts; Collection of Fees. (Amendment 505)

The Washington county commission is hereby authorized in its discretion to establish fire districts within the geographical boundaries of Washington county. The boundaries of such fire districts may be rearranged at the discretion of the county commission as it deems necessary from time to time, to maximize fire protection services in the county. The county commission may use the corporate limits of the various towns and municipalities in the county as boundaries for fire districts. In such situations, such town or municipal fire district shall have its own

volunteer fire department functioning within its boundaries. Each fire district established in an area located outside of the corporate limits of a town or municipality shall likewise have its own volunteer fire department functioning strictly within its district boundaries.

The county commission is further authorized to enter into agreements with volunteer fire departments within such county for fire protection and services.

There is hereby levied commencing October 1, 1989, in addition to any taxes now authorized or that may be hereafter authorized by the Constitution and laws of Alabama, a fire protection tax of two mills. The fire protection tax levied herein shall be based upon the value of real and personal property assessed by affected property owners, as shown on the records of the tax assessor of Washington county, Alabama, and shall be assessed and collected as are all ad valorem taxes in the county. The amount collected each year from assessment of this fire protection tax shall be paid into the county general fund and used in furtherance of fire protection within the affected area. (Amendment 505)

Title 65A Washington County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 66 Wilcox County

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Courts

Article 1. Court Costs

§66-2.00. General Authority. (Amendment 434)

The legislature may from time to time, by general, special or local laws, fix, regulate and alter the costs and charges of courts in the county of Wilcox and the method of distribution thereof.

The provisions of this constitutional amendment shall not be implemented in Wilcox county until implementation is approved by a vote of a majority of the qualified electors of Wilcox county voting in an election called by the county governing body to determine said issue; provided, however, that if a majority of the qualified electors of Wilcox county who participate in the election held on the adoption of this amendment vote in favor thereof, no further election need be held. (Amendment 434)

Article 2. Judges

§66-2.20. Judge of Probate Compensation. (Amendment 487)

Effective the beginning of the next term of office after ratification of this amendment, the judge of probate of Wilcox county shall be compensated on a salary basis. He shall receive in equal monthly installments from the general fund of Wilcox county such salary as provided by general law, unless provided otherwise by local law. Such salary shall be the entire compensation received by such judge for his services in any official or ex officio capacity. Such salary shall be in lieu of all fees, commissions, allowances, percentages and other charges previously paid to the judge of probate of Wilcox county.

All fees, commissions, allowances, percentages, and other charges heretofore collected for the use of the judge of probate of Wilcox county shall continue to be collected but shall be paid into the general fund of Wilcox county.

The county commission of Wilcox county shall provide the judge of probate with such office personnel, equipment and supplies as such county commission may consider necessary for the proper and efficient conduct of his office. Compensation of any personnel so provided shall be fixed by the county commission and shall be paid in equal monthly installments out of the general fund of Wilcox county. (Amendment 487)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

RESERVED

Chapter 5. Education

RESERVED

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§66-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 742)

No person elected or appointed sheriff, or any elected or appointed Wilcox County official may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Every elected or appointed sheriff and every elected or appointed Wilcox County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Wilcox County officials holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office. For the purposes of this amendment, the words "elected or appointed county official" shall include any person appointed to serve the remaining term of an elected or appointed county official, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 742)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§66-10.00. Ad Valorem Tax for General County Purposes. (Amendment 461)

There is hereby levied an additional ad valorem tax, in Wilcox county, on taxable property, at a rate not to exceed an additional 10 mills on each dollar of taxable property in such county. The net revenues generated by said additional tax shall be allocated in the county treasury in the following manner:

3 mills to the public school fund;

7 mills to the county general fund.

The provisions of this amendment shall be implemented upon its passage and ratification.

Act 85-410, H. 777, Regular Session 1985, a constitutional amendment proposing higher ad valorem taxes and which proposed act is pending ratification by the people, is hereby repealed and rescinded. (Amendment 461)

Chapter 11. Zoning, Planning, and Utilities

RESERVED

Title 66A Wilcox County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Title 67 Winston County

Chapter 1. Miscellaneous Provisions

Article 1. Application of Special or Local Laws

§67-1.00. Prohibition Against Legislative Action. (Amendment 255)

The legislature shall not pass a special or local law affecting Winston county or any city, town, village, district, or other such political subdivision of the county, unless the operation of such law shall be approved by a vote of the duly qualified electors of such county, city, town, village, district, or other political subdivision of the county, at an election held for such purpose, in the manner prescribed by such law. (Amendment 255)

Chapter 2. Courts

Article 1. Court Costs

§67-2.00. General Authority. (Amendment 424)

The legislature may, from time to time, by general, special or local law, fix, regulate and alter the costs and charges of any court in Winston county and the method or basis of distribution of any revenues therefrom. (Amendment 424)

Article 2. Judges

§67-2.20. Judge of Probate Compensation and Duties. (Amendment 877)

Effective with the term of office beginning in January 2013, the Judge of Probate of Winston County shall be compensated on a salary basis paid in equal monthly installments from the general fund of the county. The initial annual salary of the judge of probate shall be equal to 80 percent of the annual compensation paid by the state to the district court judge of the county on the date of the ratification of this amendment. Thereafter, any increases in compensation shall be applied pursuant to Chapter 2A of Title 11, Code of Alabama 1975.

The Winston County Commission shall provide for operating expenses of the office of judge of probate pursuant to general law.

All fees, commissions, allowances, percentages, and other charges allocable to the Judge of Probate of Winston County shall be collected, but shall be paid into the general fund of Winston County.

The judge of probate shall perform all duties relating to the issuance of motor vehicle license plates in the county and shall perform all duties relating to the assessment and collection of ad valorem taxes on motor vehicles, which have heretofore been performed by the revenue commissioner. The revenue commissioner is relieved of all duties and responsibilities relating to the assessment and collection of taxes on motor vehicles. The judge of probate shall receive the commissions and fees currently allocated to the revenue commissioner for performing these functions, and these fees and commissions shall be remitted to the county general fund. Reporting and remitting of the collections of these fees shall be made by the judge of probate or as otherwise required by law.

This constitutional amendment, after its ratification, shall become effective the beginning of the next term of office of the judge of probate. (Amendment 877)

Chapter 3. County Government, Finance, and Operations

RESERVED

Chapter 4. Economic and Industrial Development

RESERVED

Chapter 5. Education

Article 1. School Lands

§67-5.00. Sixteenth Section School Lands. (Amendment 908)

(a) All sixteenth section school and school land located in Winston County is vested in the Winston County Board of Education. The board may manage, sell, lease, and control the land and any timber, minerals, or other natural resources of the land.

(b) Any proceeds from the sale of sixteenth section or school land shall be deposited into a trust account in Winston County.

(c) Any interest earned on the funds deposited pursuant to subsection (b) shall be annually distributed to the Winston County school system.

(d) Any proceeds generated from the sale of timber, minerals, or other natural resources of the land, or from the lease of sixteenth section or school land shall be paid directly to the Winston County Board of Education and deposited into the Winston County Board of Education General Fund.

(e) 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 as it relates to sixteenth section or school lands in Winston County and the rights, power, and control of the property relating to the sale, lease, or other disposition of the land or the sale of timber, minerals, or other natural resources generated by the land, or any proceeds or interest earned therefrom.

(f) Upon ratification of this amendment, all proceeds realized from the sale, lease, or other disposition of sixteenth section or school land or the sale of timber, minerals, or other natural resources generated by Winston County sixteenth section or school lands occurring before ratification of this amendment, and held in trust by the State of Alabama, shall continue to be held in trust and any revenue and interest derived from those transactions shall be paid to the custodian of funds of the Winston County Board of Education. (Amendment 908)

Chapter 6. Health and Environment

RESERVED

Chapter 7. Gaming

RESERVED

Chapter 8. Officials and Employees

Article 1. Retirement

§67-8.00. Phase-out of Supernumerary Program; Participation in RSA. (Amendment 658)

No elected or appointed official of Winston County may assume a supernumerary office after the effective date of this amendment. Any person who, on the effective date of this amendment, is entitled to participate in a supernumerary program may continue to participate in that supernumerary program, which shall include the assumption of a supernumerary office according to the terms and conditions of the law which established that supernumerary program. Any elected or appointed Winston County official may participate in the Employees' Retirement System of Alabama upon the same terms and conditions as may be specified by law for any other employee in the same retirement system. Any elected or appointed official of Winston County holding office at the time of the ratification of this amendment shall be eligible to purchase service credit in the Employees' Retirement System for the time the official has served in the current office; provided, however, the official shall forego the assumption of a supernumerary office. For the purposes of this amendment, the words "elected or appointed official" shall include any person appointed to serve the remaining term of an elected or appointed official, including the sheriff, but shall not include a judge, district attorney, legislator, constable, school board member, or any official elected from a judicial circuit. (Amendment 658)

Chapter 9. Public Safety

RESERVED

Chapter 10. Taxation

Article 1. Miscellaneous Provisions

§67-10.00. Consolidation of Offices; Revenue Commissioner. (Amendment 423)

The legislature may from time to time, by general or local law, provide for the establishment of a consolidated and unified system for the assessment and collection of taxes in Winston county and for the consolidation of the offices of tax assessor and tax collector of such county into one office to be known as the county revenue commissioner and for the abolition of the offices of tax assessor and tax collector of such county.

Unless otherwise provided by law, the revenue commissioner of Winston county shall be charged with the performance of any duty provided by law for the tax assessor and tax collector of Winston county, and his compensation shall be fixed by law. Immediately upon the beginning of the first term of office of revenue commissioner of Winston county, the offices of tax assessor and tax collector shall be abolished. (Amendment 423)

Article 2. Schools

§67-10.20. Special Tax for Public School Purposes. (Amendment 153)

The court of county commissioners, board of revenue, or other like governing body of Winston county shall have power to levy and collect a special county tax not exceeding fifty cents on each one hundred dollars worth of taxable property in such county in addition to taxes now authorized or that may hereafter be authorized for public school purposes, and in addition to that now authorized under section 260 of article XIV and Sections 269.01 through 269.03; provided, that the rate of such tax, the time it is to continue and the purpose thereof shall have been first submitted to a vote of the qualified electors of the county, and voted for by a majority of those voting at such election. The election provided for herein shall be called, held, conducted, paid for, and governed otherwise in the manner provided for an election on the special county school tax authorized in Sections 269.01 through 269.03. (Amendment 153)

Article 3. Health

§67-10.40. Special Tax for Hospitals and Public Health Purposes. (Amendment 254)

In addition to all other taxes now or hereafter authorized by law, the court of county commissioners, board of revenue, or like governing body of Winston county shall have the power to levy and collect, for a period not exceeding twenty years, a special ad valorem tax on property situated within said county, at a rate of five mills on each dollar of property as assessed for state taxation for the preceding year, the proceeds of said tax to be used solely for acquiring, by purchase, lease, or otherwise, constructing, operating, equipping, or maintaining county hospitals or other public hospitals, nonprofit hospitals, and public health facilities. Provided, the question of levying the tax, the purpose thereof, and the time such tax is proposed to be continued shall have been first approved by a majority of the qualified electors of Winston county voting at a referendum to be held for that purpose. The referendum shall be held on the same day as the first countywide primary, general, or special election held in the county after the ratification of this amendment. The board of revenue, court of county commissioners or like governing body of the county shall order and provide for holding the referendum on such date. (Amendment 254)

Chapter 11. Zoning, Planning, and Utilities

Article 1. Police Jurisdiction

§67-11.00. Water Coordinating and Fire Prevention Authority. (Amendment 515)

The legislature may, by general or local law, provide for the creation, incorporation, organization, operation, administration, authority and financing of a Winston county water coordinating and fire prevention authority in all or in portions of Winston county as a public corporation to provide any one or more of the following local public services: Obtain, treat, and furnish water for residential, commercial or industrial purposes and for any other local service permitted by such general or local law; authorize such authority to fix and collect rates, fees and charges for such services, and to provide penalties for nonpayment and liens upon the property within such public water authority; grant or vest the privilege of eminent domain to such public water authority for the purpose of taking property for public use in accordance with Article XII, Section 235, of the Constitution of Alabama of 1901; authorize the borrowing of money and the issuance of bonds and other obligations by or on behalf of such public water authority, provided that Winston county shall not be responsible for any such bond or obligation and no such bond or obligation shall be chargeable against the limit on the debt of Winston county; extend the service area into one or more other counties; and provide for fire protection facilities or services. Any law enacted at the 1988 special session of the legislature to authorize the creation of such authority in Winston county and to implement this amendment to the Constitution (whether with or without published notice of intention) shall become effective upon the ratification of this amendment. (Amendment 515)

Title 67A Winston County Municipalities

Chapter 1. Miscellaneous Provisions

RESERVED

Chapter 2. Haleyville

[Note: The City of Haleyville lies in Marion and Winston Counties.]

§67A-2.00. Special School Tax (Amendment 54)

The municipal corporation of Haleyville, through its constituted governing authority may levy and collect a rate of taxation on the property situated therein, not exceeding in the total in any one year one per centum of the value of such property as assessed as provided by the Constitution and the statutes now or hereafter enacted pursuant to the Constitution; provided that the adoption of this amendment, shall in no wise affect, limit, modify, abridge or impair the power, authority, or right of said municipal corporation to levy and collect the special school taxes, now or hereafter vested in or conferred upon it under the Constitution or any amendment thereto, which said special school taxes shall be in excess of said one per centum herein provided for. (Amendment 54)

§67A-2.01. Economic Development in Haleyville and Double Springs. (Amendment 104)

Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, the municipalities of Haleyville and Double Springs in Winston county shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

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

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

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

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

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

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

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

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

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

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance, of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of the municipalities of Haleyville and Double Springs for the purpose of determining the borrowing capacity of the county under section 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in section 216 of the Constitution and all amendments thereto.

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

10. The municipalities of Haleyville and Double Springs shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the respective municipality. The governing body of each of the two municipalities may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks. (Amendment 104)

Chapter 3. Double Springs

CCN: The text of Amendment 104, providing for economic development in the Municipalities of Haleyville and Double Springs, is set out in §67A-2.01.

Chapter 4. Addison

§67A-4.00. Economic Development in Addison and Lynn. (Amendment 256)

Any provision of the Constitution or laws of the state of Alabama to the contrary notwithstanding, the municipalities of Addison and Lynn in Winston county shall have full and continuing power and authority, after an election held in accordance herewith, to do any one or more of the following:

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

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

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

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

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

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

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

8. To pledge to the payment of any bonds, warrants, notes or other obligations or evidences of indebtedness the annual proceeds from any such special tax or taxes and to obligate

itself irrevocably to continue to levy and collect such taxes annually until such obligations or evidences of indebtedness are paid in full and to pledge thereto any rental or sales proceeds of property leased or sold by it.

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

The recital in any bonds, warrants, notes or other obligations or evidences of indebtedness that they were issued pursuant to this amendment or that they were issued to provide funds to be used in furtherance of any power or authority herein authorized or that any special tax herein authorized has been pledged to the payment thereof shall be conclusive; no purchaser or holder thereof need inquire further; and the levy and collection of such tax shall continue until the principal of and interest on such obligations or evidences of indebtedness shall have been paid in full. The bonds, warrants, notes or other obligations or evidences of indebtedness issued hereunder shall not be considered an indebtedness of the municipalities of Addison and Lynn for the purpose of determining the borrowing capacity of the county under section 225 of the Constitution; and the taxes herein authorized shall be in addition to those provided for or permitted in section 216 of the Constitution and all amendments thereto.

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

10. The municipalities of Addison and Lynn shall not make any engagement or commitment or undertake any project under the provisions hereof unless and until the proposition has been approved by a majority of the qualified electors of the respective municipality. The governing body of each of the two municipalities may provide for holding such elections, but in no case shall an election be held until notice of the election and of the proposition to be voted on has been published for at least three successive weeks. (Amendment 256)

Chapter 5. Lynn

CCN: The text of Amendment 256, providing for economic development in the Municipalities of Addison and Lynn, is set out in §67A-4.00.