

**Article IV of the Alabama Constitution
Sections 84-111.06 (Legislative Department)**

Sec. 84. Adoption of laws to provide for arbitration between parties.	
Current	Proposed
It shall be the duty of the legislature to pass such laws as may be necessary and proper to decide differences by arbitrators to be appointed by the parties who may choose that mode of adjustment.	
Comments: The 1973 Proposed Constitution deleted this provision.	

Sec. 85. Periodic revision and promulgation of laws.	
Current	Proposed
It shall be the duty of the legislature, at its first session after the ratification of this Constitution, and within every subsequent period of twelve years, to make provision by law for revising, digesting, and promulgating the public statutes of this state, of a general nature, both civil and criminal.	
Comments: The 1973 Proposed Constitution deleted this provision.	

Sec. 86. Suppression of dueling.	
Current	Proposed
The legislature shall pass such penal laws as it may deem expedient to suppress the evil practice of dueling.	
Comments: The 1973 Proposed Constitution deleted this provision.	

Sec. 87. Deductions from salaries or compensation of public officers for neglect of duty.	
Current	Proposed
It shall be the duty of the legislature to regulate by law the cases in which deduction shall be made from the salaries or compensation of public officers for neglect of duty in their official capacities, and the amount of such deduction.	
Comments: The 1973 Proposed Constitution deleted this provision.	

Sec. 88. Counties to provide for maintenance of the poor.	
Current	Proposed
It shall be the duty of the legislature to require the several counties of this state to make adequate provision for the maintenance of the poor.	
Comments: The 1973 Proposed Constitution deleted this provision.	

Sec. 89. Municipalities not to pass laws in conflict with general laws of state.	
Current	Proposed
The legislature shall not have power to authorize any municipal corporation to pass any laws inconsistent with the general laws of this state.	
<p>Comments: The basic principle of this section was preserved in the 1973 Proposed Constitution, and in fact extended to counties by providing that any exercise of legislative power by a county or municipality must not be inconsistent with the general law of the state. Section 9.05 of the 1973 Proposed Constitution. The 1973 Proposed Constitution extended to counties and municipalities optional plans of government provided by the legislature, and also provided the option of home rule charters. The exercise of any legislative power thus conferred could not be inconsistent with the general laws of the state.</p>	

Sec. 90. Acquisition of foreign territory; rights and privileges of inhabitants of acquired territory.	
Current	Proposed
In the event of the annexation of any foreign territory to this state, the legislature shall enact laws extending to the inhabitants of the acquired territory all the rights and privileges which may be required by the terms of acquisition not inconsistent with this Constitution. Should the state purchase such foreign territory, the legislature, with the approval of the governor, shall be authorized to expend any money in the treasury not otherwise appropriated, and, if necessary, to provide also for the issuance of state bonds, to pay for the purchase of such foreign territory.	
Comments: The 1973 Proposed Constitution deleted this provision.	

Sec. 91. Exemption from taxation of state, county, municipal, cemetery and certain religious, educational and charitable property.	
Current	Proposed
The legislature shall not tax the property, real or personal, of the state, counties, or other municipal corporations, or cemeteries; nor lots in incorporated cities and towns, or within one mile of any city or town to the extent of one acre, nor lots one mile or more distant from such cities or towns to the extent of five acres, with the buildings thereon, when same are used exclusively for religious worship, for schools, or for purposes purely charitable.	
Comments: The Proposed Constitution of 1973 retained these exemptions, stated in more concise language. Section 8.09.	

Sec. 92. Rules and regulations to ascertain value of property exempted from sale under legal process.	
Current	Proposed
The legislature shall by law prescribe such rules and regulations as may be necessary to ascertain the value of real and personal property exempted from sale under legal process by this Constitution, and to secure the same to the claimant thereof as selected.	
Comments: The 1973 Proposed Constitution deleted this provision.	

Sec. 93. State not to engage in internal improvements or lending money or credit for same; state interest in private or corporate enterprises; construction, maintenance, etc., of public roads, highways and bridges, harbors and seaports and public airports and air navigation facilities.

Current	Proposed
<p>The state shall not engage in works of internal improvement, nor lend money or its credit in aid as such, except as may be authorized by the Constitution of Alabama or amendments thereto; nor shall the state be interested in any private or corporate enterprise, or lend money or its credit to any individual, association, or corporation, except as may be expressly authorized by the Constitution of Alabama, or amendments thereto. When authorized by laws passed by the legislature the state may appropriate funds to be applied to the construction, repair, and maintenance of public roads, highways and bridges in the state. When authorized by appropriate laws passed by the legislature the state may at a cost not exceeding ten million dollars engage in the work of internal improvement, or promoting, developing, constructing, maintaining, and operating all harbors and seaports within the state or its jurisdiction, provided, that such work or improvement shall always be and remain under the management and control of the state, through its state harbor commission, or other governing agency. When authorized by laws passed by the legislature the state may engage in the construction, improvement, repairs and maintenance and operation of public airports, air landing fields and other air navigation facilities in the state of Alabama and may appropriate money or otherwise provide funds for this purpose. The adoption of this amendment shall not affect in any manner any other amendment to the Constitution of Alabama which may be adopted pursuant to any act or resolution of this session of legislature.</p>	

Comments:

- The original text of section 93, as adopted in 1901, consisted only of the prohibitory portion of the first sentence, down to the except clause. A provision similar to that prohibition first appeared in the 1868 Constitution (which, however, permitted the credit of the state to be pledged for internal improvements by a two-thirds vote of each house of the legislature). The present wording of the prohibitory language was adopted in the 1875 Constitution.

- The balance of the section has been added by amendments as the need for the state to engage in works of internal improvements was recognized, first Amendment 1, adopted in 1908, and later in Amendment 12 (1921), and amendment 58 (1946).
- Together with the restriction of section 212 on delegation of taxing power, the restrictions of section 93 have served to generate a series of industry-specific amendments, now re-compiled as sections 93.01 through 93.10 and also 93.17.
- The restrictions of section 93 (sometimes in conjunction with section 94) have also generated a number of other economic development and internal improvements amendments. See Recompiled sections 93.11-93.16 and 94.01 and 94.02.
- For this provision (and for section 94), the 1973 Proposed Constitution substituted a section that permitted the state and its political subdivisions to use their taxing power and lend their credit for internal improvements, but only for public purposes. That is an approach the Commission may want to consider.
- The Commission may also want to consider granting the legislature the generic power to authorize promotion of industry groups, in accord with the templates of the present sections 93.01-93.10 and 93.17.

Sec. 93.01. Promotion of catfish industry.

Current	Proposed
<p>The legislature may hereafter, by general law, provide for the promotion of the production, distribution, improvement, marketing, use and sale of catfish. The legislature may provide for the promotion of catfish and catfish products by research, education, advertising and other methods, and the legislature is further authorized to provide means and methods for the financing of any such promotional activity by prescribing a procedure whereby producers of catfish by referendum among such producers levy upon themselves and collect assessments, fees, or charges upon the purchase of catfish feed for the financing of any such promotional program or activity in cooperation with buyers, processors, dealers, distributors of catfish feed and handlers of catfish. The legislature may make provisions for the nonpayment of assessments by catfish producers and shall make provisions for the refund of assessments to any purchaser of catfish feed who does not desire to participate in an assessment program.</p> <p>The legislature shall provide for the collection, disbursement, distribution or expenditure of assessments or charges authorized hereunder and to provide penalties for failure to make collection and distribution of assessments. The legislature shall provide for the designation of a nonprofit association or organization for the promotion and betterment of catfish and catfish products to administer and carry out such promotional program which shall include the conducting of elections or referendums among producers of catfish. The legislature may provide the manner by which such referendum is held, including the procedure for application for approval to conduct the referendum, the appropriate action to be taken by the state board of agriculture and industries on such application, the requirements and eligibility of the association or organization which will conduct such referendum, the procedures for voting and eligibility to vote in such referendum, the details of the conduct of such referendum. The legislature shall further provide for the deposit, withdrawal, disbursement and expenditure by the designated association of any funds received</p>	

subject to the supervision and control of the activities as authorized herein by the department of agriculture and industries and the state board of agriculture and industries. The legislature shall further provide a procedure whereby said association or organization is bonded, for the examination and auditing of said association or organization, and for reasonably necessary rules and regulations to be adopted by the state board of agriculture and industries to effectively carry out the intent and purposes herein enumerated. Assessments, fees or other charges collected as authorized by any legislative act adopted under authority hereof shall not be considered as a tax within the meaning of this constitution or any provision thereof. Any uniformity requirements of this constitution shall be satisfied by the application of the program upon catfish.

Comments: Consider substituting a generic industry promotion provision.

Sec. 93.02. Promotion of cattle industry.

Current	Proposed
<p>Notwithstanding any other provision of this Constitution, the legislature may hereafter, by general law, provide for the promotion of the production, distribution, marketing, use, improvement and sale of cattle. The legislature may provide for the promotion of cattle and the cattle industry by research, education, advertising and other methods, and the legislature is further authorized to provide means and methods for the financing of any such promotional activity by prescribing a procedure whereby owners of cattle may by referendum held among the owners of cattle in this state levy upon themselves and collect assessments, fees, or charges upon the sale of cattle for the financing of any promotional program or activity in cooperation with processors, dealers and handlers of cattle. The legislature shall make provisions for the nonpayment of assessments by cattle owners, and for the refund of assessments to any cattle owner dissatisfied with the assessment program. The legislature shall provide for the collection and distribution of any such assessments or charges by dealers, handlers, processors and purchasers of cattle and provide penalties for failure to make collection and distribution of such assessments. The legislature shall provide for the designation of a nonprofit association or organization organized for the promotion and betterment of cattle and beef products to administer and carry out such promotional program which shall include the conducting of elections or referendums among cattle owners. The legislature shall further provide for the deposit, withdrawal, disbursement and expenditure by the designated association of any funds received subject to the supervision and control of the activities authorized herein by the department of agriculture and industries and the state board of agriculture and industries. Assessments, fees or other charges collected as authorized by any legislative act adopted in pursuance hereof shall not be considered as a tax within the meaning of this Constitution or any provision thereof. Any uniformity requirements of this Constitution shall be satisfied by the application of the program upon cattle and beef products.</p>	

Comments: Consider substituting a generic industry promotion provision.

Sec. 93.03. Eradication or control of the boll weevil in cotton.	
Current	Proposed
<p>Notwithstanding any other provision of this Constitution, the legislature may hereafter, by general law, provide for the eradication or control of the boll weevil in cotton. The legislature may provide for and is authorized to provide means and methods for the financing of this activity by prescribing a procedure whereby cotton growers may, by referendum held among such growers in this state, levy upon themselves and collect assessments, fees and charges, based upon the amount of acreage of cotton planted. The legislature is authorized to make provisions for non-payment of such assessments. The legislature shall provide for the collection and distribution of assessments or charges authorized hereunder and to provide penalties for failure to pay said assessments. The legislature shall provide for the designation of a non-profit organization which has been organized for the purpose of eradicating or controlling the boll weevil in cotton; to administer and carry out said eradication or control program; to also include conducting elections or referendums among cotton growers.</p> <p>The legislature shall further provide for the deposit, withdrawal, disbursement and expenditure by the designated organization of any funds received, subject to the supervision and control of the activities authorized herein by the state department of agriculture and industries and the state board of agriculture and industries. Assessments, fees, or other charges collected as authorized by any legislative act adopted under authority hereof shall not be considered as a tax within the meaning of this Constitution or any provision thereof. The legislature shall further provide a procedure for the examination and auditing of said organization and for reasonable rules and regulations to be adopted by the state board of agriculture and industries; to effectively carry out the intent and purposes herein enumerated. Any uniformity requirements of this Constitution shall be satisfied by the application of the program to eradicate or control the boll weevil in cotton.</p>	
<p>Comments: Consider substituting a generic industry promotion provision. [This one may be a little different]</p>	

Sec. 93.04. Promotion of grain industry.

Current	Proposed
<p>The legislature may hereafter, by general law, provide for the promotion of the production, distribution, improvement, marketing, use and sale of wheat and other feed grains as defined and authorized by the legislature. The legislature may provide for the promotion of wheat and other feed grains and wheat and other feed grain products by research, education, advertising and other methods. The legislature is further authorized to provide means and methods for the financing of any such promotional activity by prescribing a procedure whereby producers of wheat and other feed grains may by referendum among such producers levy upon themselves and collect assessments, fees, or charges upon the sale of wheat and other feed grains for the financing of any such promotional program or activity in cooperation with buyers, processors, dealers, and handlers of wheat and other feed grains. The legislature may make provisions for the non-payment of assessments by wheat and other feed grain producers, and shall make provisions for the refund of assessments to any wheat and other feed grain producer who does not desire to participate in an assessment program. The legislature shall provide for the collection, disbursement, distribution or expenditure of assessments or charges authorized hereunder and to provide penalties for failure to make collection and distribution of assessments. The legislature shall provide for the designation of a nonprofit association or organization for the promotion and betterment of wheat and other feed grains and wheat and other feed grain products to administer and carry out such promotional program which shall include the conducting of elections or referendums among producers of wheat and other feed grains. The legislature may provide the manner by which such referendum is held, including the procedure for application for approval to conduct the referendum, the appropriate action to be taken by the state board of agriculture and industries on such application, the requirements and eligibility of the association or organization which will conduct such referendum, the procedures for voting and eligibility to vote in such referendum, the details of the conduct of such referendum. The legislature shall further provide for the deposit, withdrawal, disbursement</p>	

and expenditure by the designated association of any funds received subject to the supervision and control of the activities as authorized herein by the department of agriculture and industries and the state board of agriculture and industries. The legislature shall further provide a procedure whereby said association or organization is bonded, for the examination and auditing of said association or organization, and for reasonably necessary rules and regulations to be adopted by the state board of agriculture and industries to effectively carry out the intent and purposes herein enumerated. Assessments, fees or other charges collected as authorized by any legislative act adopted under authority hereof shall not be considered as a tax within the meaning of the Constitution or any provision thereof. Any uniformity requirements of this Constitution shall be satisfied by the application of the program upon wheat and other feed grains.

Comments: Consider substituting a generic industry promotion provision.

Sec. 93.05. Indemnification program for peanut farmers.	
Current	Proposed
<p>The legislature may hereafter, by general law, provide for an indemnification program to peanut farmers for losses incurred as a result of <i>Aspergillus flavus</i> and freeze damage in peanuts. The legislature is further authorized to provide means and methods for the financing of any such indemnification program by prescribing a procedure whereby peanut growers may by referendum among such growers levy upon themselves and collect assessments, fees or charges upon the sale of peanuts for the financing of any such indemnification program in cooperation with buyers, processors, dealers and handlers of peanuts; provided, no assessment levied hereunder shall exceed five dollars per ton on any peanuts sold by peanut growers. The legislature shall provide for the collection and distribution of any such assessments and provide penalties for fraud in the collection or distribution of such assessments. The legislature shall provide for the designation of a nonprofit association or organization organized for the promotion and betterment of peanut production to administer and carry out such indemnification program which shall include the conducting of elections or referendums among peanut growers and to cooperate with underwriters in executing a contract or contracts to cover claims for crop damage due to <i>Aspergillus flavus</i> or freeze damage. Assessments, fees or other charges collected or disbursed as authorized by any legislative act adopted in pursuance hereof shall not be considered as a tax within the meaning of this Constitution or any provision thereof.</p>	
<p>Comments: Consider substituting a generic industry promotion provision. [This one may be a little different]</p>	

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

Current	Proposed
<p>The legislature may hereafter, by general law, provide for the promotion of the production, distribution, improvement, marketing, use and sale of peanuts, milk and cotton. The legislature may provide for the promotion of peanuts, milk and cotton and peanut, milk and cotton products by research, education, advertising and other methods, and the legislature is further authorized to provide means and methods for the financing of any such promotional activity by prescribing a procedure whereby growers of peanuts, and producers of milk and cotton may by referendum among such growers and producers levy upon themselves and collect assessments, fees or charges upon the sale of peanuts, milk and cotton for the financing of any such promotional program or activity in cooperation with buyers, processors, dealers and handlers of peanuts, milk and cotton. The legislature may make provisions for the nonpayment of assessments by peanut growers and milk and cotton producers, and shall make provisions for the refund of assessments to any peanut growers and milk or cotton producers who do not desire to participate in an assessment program. The legislature shall provide for the collection, disbursement, distribution or expenditure of assessments or charges authorized hereunder and to provide penalties for failure to make collection and distribution of assessments. The legislature shall provide for the designation of a nonprofit association or organization for the promotion and betterment of peanuts, milk and cotton and peanut, milk and cotton products to administer and carry out such promotional program which shall include the conducting of elections or referendums among growers of peanuts and producers of milk and cotton. The legislature may provide the manner by which such referendum is held, including the procedure for application for approval to conduct the referendum, the appropriate action to be taken by the state board of agriculture and industries on such application, the requirements and eligibility of the association or organization which will conduct such referendum, the procedures for voting and eligibility to vote in such referendum, the details of the conduct of such referendum. The legislature shall further provide for the deposit, withdrawal, disbursement and expenditure by the designated</p>	

association of any funds received subject to the supervision and control of the activities as authorized herein by the department of agriculture and industries and the state board of agriculture and industries. The legislature shall further provide a procedure whereby said association or organization is bonded, for the examination and auditing of said association or organization, and for reasonably necessary rules and regulations to be adopted by the state board of agriculture and industries to effectively carry out the intent and purposes herein enumerated.

The legislature shall provide, by enabling legislation, the definition of peanut growers and producers.

Assessments, fees or other charges collected as authorized by any legislative act adopted under authority hereof shall not be considered as a tax within the meaning of this Constitution or any provision thereof.

Any uniformity requirements of this Constitution shall be satisfied by the application of the program upon peanuts, milk and cotton.

Comments: Consider substituting a generic industry promotion provision.

Sec. 93.07. Promotion of poultry and poultry products.

Current	Proposed
<p>Notwithstanding any other provision of this Constitution, the legislature may hereafter, by general law, provide for the promotion of the production, distribution, marketing and use of poultry and poultry products. The legislature may provide for the promotion of poultry and poultry products and the poultry industry by research, education, advertising and other methods, and the legislature is further authorized to provide means and methods for the financing of any such promotional activity by prescribing a procedure whereby producers, owners or growers of poultry may by referendum held among such producers, owners or growers of poultry in this state levy upon themselves and collect assessments, fees, or charges upon the sale of poultry and poultry products for the financing of any such promotional program or activity in cooperation with processors, dealers, handlers and other buyers of poultry and poultry products. Provided, no assessment levied hereunder shall exceed two and one-half cents (2 1/2) per hen or other domesticated fowl or any other classes of poultry sold by producers thereof. The legislature is authorized to make provisions for nonpayment and for the refund of assessments levied upon owners, producers or growers of poultry to any such person who does not desire to participate in the promotional program. The legislature shall provide for the collection and distribution of assessments or charges authorized hereunder and to provide penalties for failure to make such collection and distribution of assessments. The legislature shall provide for the designation of a nonprofit association or organization organized for the promotion and betterment of poultry and poultry products in Alabama to administer and carry out such promotional program which shall include conducting elections or referendum among producers, owners or growers of poultry. The legislature shall further provide for the deposit, withdrawal, disbursement and expenditure by the designated association of any funds received subject to the supervision and control of the activities authorized herein by the department of agriculture and industries and the state board of agriculture and industries. Assessments, fees or other charges collected as authorized by any legislative act adopted under authority hereof shall</p>	

<p>not be considered as a tax within the meaning of this Constitution or any provision thereof. Any uniformity requirements of this Constitution shall be satisfied by the application of the program upon poultry and poultry products.</p>	
<p>Comments: Consider substituting a generic industry promotion provision.</p>	

Sec. 93.08. Promotion of soybean industry.

Current	Proposed
<p>The legislature may hereafter, by general law, provide for the promotion of the production, distribution, improvement, marketing, use and sale of soybeans. The legislature may provide for the promotion of soybeans and soybean products by research, education, advertising and other methods, and the legislature is further authorized to provide means and methods for the financing of any such promotional activity by prescribing a procedure whereby producers of soybeans may by referendum among such producers levy upon themselves and collect assessments, fees, or charges upon the sale of soybeans for the financing of any such promotional program or activity in cooperation with buyers, processors, dealers, and handlers of soybeans. The legislature may make provisions for the nonpayment of assessments by soybean producers, and shall make provisions for the refund of assessments to any soybean producer who does not desire to participate in an assessment program. The legislature shall provide for the collection, disbursement, distribution or expenditure of assessments or charges authorized hereunder and to provide penalties for failure to make collection and distribution of assessments. The legislature shall provide for the designation of a nonprofit association or organization for the promotion and betterment of soybeans and soybean products to administer and carry out such promotional program which shall include the conducting of elections or referendums among producers of soybeans. The legislature may provide the manner by which such referendum is held, including the procedure for application for approval to conduct the referendum, the appropriate action to be taken by the state board of agriculture and industries on such application, the requirements and eligibility of the association or organization which will conduct such referendum, the procedures for voting and eligibility to vote in such referendum, the details of the conduct of such referendum. The legislature shall further provide for the deposit, withdrawal, disbursement and expenditure by the designated association of any funds received subject to the supervision and control of the activities as authorized herein by the department of agriculture and industries and the state board of agriculture and industries. The legislature shall further provide a</p>	

procedure whereby said association or organization is bonded, for the examination and auditing of said association or organization, and for reasonably necessary rules and regulations to be adopted by the state board of agriculture and industries to effectively carry out the intent and purposes herein enumerated. Assessments, fees or other charges collected as authorized by any legislative act adopted under authority hereof shall not be considered as a tax within the meaning of this Constitution or any provision thereof. Any uniformity requirements of this Constitution shall be satisfied by the application of the program upon soybeans.

Comments: Consider substituting a generic industry promotion provision.

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

Current	Proposed
<p>Notwithstanding any other provision of this Constitution, the legislature may hereafter, by general law, provide for the promotion of, the production, research, distribution, marketing, use, improvement and sale of swine and swine products. The legislature may provide for the promotion of swine and the swine industry by research, education, advertising and other methods, and the legislature is further authorized to provide means and methods for the financing of any such promotional activity by prescribing a procedure whereby producers of swine may by referendum held among the swine producers in this state levy upon themselves and collect assessments, fees, or charges upon the sale of swine for the financing of any promotional program or activity in cooperation with processors, dealers and handlers, of swine and swine products. The legislature may make provisions for the nonpayment of assessments by swine producers and shall make provisions for the refund of assessments to any swine producer dissatisfied with the assessment program. The legislature shall provide for the collection and distribution of any such assessments or charges by dealers, handlers, processors and purchasers of swine and swine products and provide penalties for failure to make collection and distribution of such assessments. The legislature shall provide for the designation of a nonprofit association or organization organized for the promotion and betterment of swine and swine products to administer and carry out such promotional program which shall include the conducting of elections or referendums among swine producers. The legislature may provide the manner by which such referendum is held, including the procedure for application for approval to conduct the referendum, the appropriate action to be taken by the state board of agriculture and industries on such application, the requirements and eligibility of the association or organization which will conduct such referendum, the procedures for voting and eligibility to vote in such referendum and the details of the conduct of such referendum. The legislature shall further provide for the deposit, withdrawal, disbursement and expenditure by the designated association of any funds received subject to the supervision and control of the activities as authorized</p>	

herein by the department of agriculture and industries and the state board of agriculture and industries. The legislature shall further provide a procedure whereby said association or organization is bonded, for the examination and auditing of said association or organization, and for reasonably necessary rules and regulations to be adopted by the state board of agriculture and industries to effectively carry out the intent and purposes herein enumerated. Assessments, fees or other charges collected as authorized by any legislative act adopted in pursuance hereof shall not be considered as a tax within the meaning of this Constitution or any provision thereof. Any uniformity requirements of this Constitution shall be satisfied by the application of the program upon swine and swine products.

Comments: Consider substituting a generic industry promotion provision.

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

Current	Proposed
<p>The Legislature, by general law, may provide for the promotion of the production, distribution, improvement, marketing, use, and sale of sheep or goats. The Legislature may provide for the promotion of sheep and goats and their products by research, education, advertising, and other methods. The Legislature may provide means and methods for the financing of any promotional activity by prescribing a procedure whereby producers of sheep and goats may levy upon themselves and collect assessments, fees, or charges upon the sale of sheep and goats for the financing of any promotional program or activity in cooperation with buyers, processors, dealers, distributors, and handlers of sheep and goats. The Legislature may make provisions for the nonpayment of assessments by sheep and goat producers and shall make provisions for the refund of assessments to any producer of sheep or goats who does not desire to participate in an assessment program. The Legislature shall provide for the collection, disbursement, distribution, or expenditure of assessments or charges authorized by this amendment and provide penalties for failure to make the collection and distribution of assessments. The Legislature shall provide for the designation of a nonprofit association or organization for the promotion and betterment of sheep and goats and their products to administer and carry out any promotional program which shall include the conducting of elections or referendums among producers of sheep and goats. The Legislature may provide the manner by which a referendum is held, including the procedure for application for approval to conduct the referendum, the appropriate action to be taken by the State Board of Agriculture and Industries on an application, the requirements and eligibility of the association or organization which will conduct the referendum, the procedures for voting and eligibility to vote in the referendum, and the details of the conduct of the referendum. The Legislature shall further provide for the deposit, withdrawal, disbursement, and expenditure by the designated association of any funds received subject to the supervision and control of the activities as authorized by the Department of Agriculture and Industries and the State Board of Agriculture and Industries. The Legislature shall further provide</p>	

a procedure for the association or organization to be bonded, for the examination and auditing of the association or organization, and for reasonably necessary rules and regulations to be adopted by the State Board of Agriculture and Industries to effectively carry out the intent and purposes of this amendment. Assessments, fees, or other charges collected as authorized by any legislative act adopted under authority of this amendment are not to be considered a tax within the meaning of this constitution or any other provisions. Any uniformity requirements of this constitution shall be satisfied by the application of the program upon the sheep and goat industry.

Comments: Consider substituting a generic industry promotion provision.

Sec. 93.11. Drainage districts.	
Current	Proposed
<p><i>Section 1.</i></p> <p>The legislature may form or provide for the formation of drainage districts for establishing and maintaining drainage systems; and provide for the assessment of the whole or part of the cost of such improvements against the lands and property in such district to the extent of the increased value thereof by reason of special benefits derived from such improvements and may provide for the issuance of bonds for such districts with or without an election.</p> <p><i>Section 2.</i></p> <p>This amendment shall be retroactive and retrospective and shall operate to ratify, confirm and validate the act of the legislature of Alabama, which act provided for the drainage of farm, wet, swamp and overflow lands in the state of Alabama and authorized the organization of drainage districts, conferred the right of eminent domain to the extent necessary to carry out the purpose of said act and provided for raising of revenues by bond issue or otherwise to pay the cost and expense of installing and maintaining drainage systems so as to promote the public health and general welfare and, which act was approved March 4, 1915; and this amendment shall operate to confirm and validate all corporate organizations under authority of such law, all procedure had, all acts done, all bonds issued, contracts entered into and assessments made by such corporations under authority of such law.</p>	
<p>Comments: Consider altering Section 93 so as to permit this without specific section.</p>	

Sec.93.12. Public hospitals and health facilities.	
Current	Proposed
<p>The state, notwithstanding section 93 of the Constitution as amended and section 94 of the Constitution, may acquire, build, establish, own, operate and maintain hospitals, health centers, sanatoria and other health facilities. The legislature for such purposes may appropriate public funds and may authorize counties, municipalities and other political subdivisions to appropriate their funds, and may designate or create an agency or agencies to accept and administer funds appropriated or donated for such purposes by the United States government to the state upon such terms and conditions as may be imposed by the United States government.</p>	
<p>Comments: Consider altering section 93 and 94 so as to permit this without specific section.</p>	

Sec. 93.13. Development of irrigation districts.	
Current	Proposed
<p>The legislature may by general, special or local laws authorize the formation of a body corporate for the development of one or more irrigation districts for the purposes of providing irrigation and water conservation in the state of Alabama, and may authorize the counties and municipalities lying within the boundaries of such district or districts to contribute public funds to such body corporate, and may authorize such body corporate to enter into contract with the government of the United States or any agency thereof, and with other states or political subdivisions thereof, and with other bodies corporate organized within this or other states for the development of one or more irrigation districts in the state of Alabama, and may authorize such body corporate to issue revenue bonds payable solely out of revenues accruing to such body corporate, and may authorize such body corporate to do and perform all other such acts necessary and proper for the full development of said Alabama irrigation district or districts provided, however, nothing herein shall authorize any such public corporation to engage in or finance, directly or indirectly, the production, transmission or sale of electric power.</p>	
<p>Comments: Consider altering section 93 to permit this without specific section.</p>	

Sec. 93.14. Soil and water conservation commission.

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

year of the state in which they were appropriated to the commission, but rather shall remain available for disbursement by the commission in its programs in subsequent fiscal years.	
---	--

Comments: Consider altering section 93 to permit this without specific section.
--

Sec. 93.15. Development of Bear Creek watershed area.

Current	Proposed
<p>The legislature may by general, special, private or local laws authorize the formation in any manner of a public corporation for the development of Bear Creek, its tributaries and watershed, for the purposes of navigation, water conservation and supply, flood control, irrigation, industrial development, public recreation, and related purposes, and may authorize the counties of Marion, Colbert, Franklin and Winston and all municipalities lying within Marion, Colbert, Franklin and Winston counties to donate or contribute public funds to such public corporation and may authorize such public corporation to enter into contracts with the United States of America or any agency thereof, and with the several states or political subdivisions thereof, and with other public or private corporations organized within any of the several states, for the development of the Bear Creek watershed, and may authorize such public corporation to acquire by purchase, construction, lease, gift, condemnation, or otherwise property of any kind, real, personal or mixed, to mortgage or sell its property and to issue revenue bonds and other revenue securities payable solely out of revenues accruing to such public corporation, and may exempt such public corporation from all taxation in the state of Alabama, and may grant such public corporation all other powers and privileges which may be necessary and proper for the full development of said Bear Creek watershed. The provisions of sections 106, 222 and 225 of the Constitution of Alabama shall not apply to any public corporation which may be organized pursuant to enabling legislation herein authorized or to any revenue bonds and other revenue securities at any time issued by such public corporation. Such public corporation shall be deemed a political subdivision of the state of Alabama. Nothing herein shall authorize any such public corporation to engage in or finance, directly or indirectly the production, transmission, or sale of electric power. The area comprising the Bear Creek watershed shall include such land defined in enabling legislation herein authorized as shall lie within the counties of Marion, Colbert, Franklin and Winston.</p>	
<p>Comments: Consider altering section 93 to permit this without specific section.</p>	

Sec. 93.16. Water management districts.	
Current	Proposed
<p><i>Section 1.</i></p> <p>The legislature may provide for the formation of water management districts for the establishment of works of improvement for the drainage of wet, swamp, and overflowed lands of the state, and for flood prevention or the conservation, development, utilization, and disposal of water within the state; confer the right of eminent domain for such purposes, provide for the taxing of the whole or part of the cost of such improvements against the lands and property in such district to the extent of the increased value thereof by reason of special benefits derived from such improvements; and provide for the issuance of bonds for such districts with or without an election; provided, however, that nothing herein shall authorize any such water management districts to engage in or finance, directly or indirectly, the production, transmission or sale of electric power.</p> <p><i>Section 2.</i></p> <p>The provisions of this amendment are cumulative and shall not be construed to repeal amendment XV [Baldwin County § 7 and Mobile County § 18] or amendment XXII [Section 93.11].</p>	
<p>Comments: Consider altering section 93 to permit this without specific section.</p>	

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

Current	Proposed
<p>The Legislature, by general law, may provide for the promotion of the production, distribution, improvement, marketing, use, and sale of shrimp and seafood. The Legislature may provide for the promotion of shrimp and seafood and shrimp and seafood products by research, education, advertising, and other methods, and the Legislature is further authorized to provide the means and methods for the financing of any promotional activity by prescribing a procedure whereby producers of shrimp and seafood by referendum among such producers levy upon themselves and collect assessments, fees, or charges upon the sale of shrimp and seafood or upon diesel fuel purchased for use in any commercial shrimp boat licensed to do business in this state for the financing of any promotional program or activity in cooperation with buyers, processors, dealers, distributors, and handlers of shrimp and seafood. The Legislature may make provisions for the nonpayment of assessments by shrimp and seafood producers and shall make provisions for the refund of assessments to any handler of shrimp or seafood who does not desire to participate in an assessment program.</p> <p>The Legislature shall provide for the collection, disbursement, distribution, or expenditure of assessments or charges authorized hereunder and provide penalties for failure to make collection and distribution of assessments. The Legislature shall provide for the designation of a nonprofit association or organization for the promotion and betterment of shrimp and seafood products to administer and carry out such promotional program which shall include the conducting of elections or referendums among producers of shrimp and seafood. The Legislature may provide the manner by which the referendum is held, including the procedure for application for approval to conduct the referendum, the appropriate action to be taken by the State Board of Agriculture and Industries on an application, and the requirements and eligibility of the association or organization which will conduct the referendum. The Legislature shall further provide for the deposit,</p>	

withdrawal, disbursement, and expenditure by the designated association of any funds received subject to the supervision and control of the activities as authorized herein by the Department of Agriculture and Industries and the State Board of Agriculture and Industries. The Legislature shall further provide a procedure whereby the association or organization is bonded, for the examination and auditing of the association or organization, and for reasonably necessary rules and regulations to be adopted by the State Board of Agriculture and Industries to effectively carry out the intent and purposes herein enumerated. Assessments, fees, or other charges collected as authorized by any legislative act adopted under authority hereof shall not be considered as a tax within the meaning of this constitution and shall be satisfied by the application of the program upon shrimp or seafood.

Comments: Consider substituting a generic industry promotion provision.

Sec. 94. Political subdivisions not to grant public money or lend credit to individuals or corporations; alienation of recreational facilities and housing projects by political subdivisions and public bodies; expenditures by local school boards of education for recognition of contributions to public education.

Current	Proposed
<p>(a) The Legislature shall not have power to authorize any county, city, town, or other subdivision of this state to lend its credit, or to grant public money or thing of value in aid of, or to any individual, association, or corporation whatsoever, or to become a stockholder in any corporation, association, or company, by issuing bonds or otherwise. The Legislature may enact general, special, or local laws authorizing political subdivisions and public bodies to alienate, with or without a valuable consideration, public parks and playgrounds, or other public recreational facilities and public housing projects, conditional upon the approval of a majority of the duly qualified electors of the county, city, town, or other subdivision affected thereby, voting at an election held for that purposes.</p> <p>(b) Notwithstanding the provisions of subsection (a), local school boards of education may expend public funds for the recognition of significant contributions to education in Alabama and to promote educational excellence by students, faculty, staff, and the public. Recognitions shall be in the form of trophies, plaques, academic banquets, and other honors that promote academic excellence in the public schools of Alabama and recognize special deeds that strengthen public education in Alabama.</p>	
<p>Comments: See comments under section 93.</p>	

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

Current	Proposed
<p>(a) The governing body of any county, and the governing body of any municipality located therein, for which a local constitutional amendment has not been adopted authorizing any of the following, shall have full and continuing power to do any of the following:</p> <p>(1) Use public funds to purchase, lease, or otherwise acquire real property, buildings, plants, factories, facilities, machinery, and equipment of any kind, or to utilize the properties heretofore purchased or otherwise acquired, and improve and develop the properties for use as sites for industry of any kind or as industrial park projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas, and utilities to serve the sites or projects.</p> <p>(2) Lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county or the municipality, as applicable, all or any part of any real property, buildings, plants, factories, facilities, machinery, and equipment of any kind or industrial park project to any individual, firm, corporation, or other business entity, public or private, including any industrial development board or other public corporation or authority heretofore or hereafter created by the county or the municipality, for the purpose of constructing, developing, equipping, and operating industrial, commercial, research, or service facilities of any kind.</p> <p>(3) Lend its credit to or grant public funds and things of value in aid of or to any individual, firm, corporation, or other business entity, public or private, for the purpose of promoting the economic and industrial development of the county or the</p>	

municipality.

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

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

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

respective enabling legislation are validated notwithstanding any other provision of law or of this Constitution. The powers granted by this amendment may be exercised as an alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by law to the county, or to any municipality, or to any agency, board, or authority created pursuant to the laws of this state.

(c) Neither the county nor any municipality located therein shall lend its credit to or grant any public funds or thing of value to or in aid of any private entity under the authority of this amendment unless prior thereto both of the following are satisfied:

(1) The action proposed to be taken by the county or municipality is approved at a public meeting of the governing body of the county or municipality, as the case may be, by a resolution containing a determination by the governing body that the expenditure of public funds for the purpose specified will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.

(2) At least seven days prior to the public meeting, a notice is published in the newspaper having the largest circulation in the county or municipality, as the case may be, describing in reasonable detail the action proposed to be taken, a description of the public benefits sought to be achieved by the action, and identifying each individual, firm, corporation, or other business entity to whom or for whose benefit the county or the municipality proposes to lend its credit or grant public funds or thing of value.

For purposes of the foregoing, any sale, lease, or other disposition of property for a price equal to the fair market value thereof shall not constitute the lending of credit or a grant of public funds or thing of value in aid of a private entity.

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

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

Comments: This section represents a re-compilation of Amendment 772 (2004).

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

Current	Proposed
<p>Any other provision of the Constitution heretofore adopted to the contrary notwithstanding, the legislature is hereby authorized to enact legislation permitting municipalities and counties to establish tax increment districts, as may be defined in such legislation; to authorize the payment to any such municipality or county of the increase in ad valorem taxes resulting from the redevelopment or revitalization of any such district except to the extent that any such payment would jeopardize the payment of any bonded indebtedness secured by any tax applicable in the proposed district; and subject to the mutual agreement of the municipality and county affected thereby to provide that all such increases in ad valorem taxes shall be payable to such municipality or county until the indebtedness or costs incurred for any project have been paid in full; to provide that public moneys, including the proceeds of obligations issued by the municipality or county for such purposes, may be expended for the acquisition of property and the redevelopment, rehabilitation or conservation thereof which may be disposed of to or for the benefit of private interest for compensation established by the governing body of county or municipality, as the case may be which established such district, but for not less than the fair market value thereof determined by one or more independent appraisals of such property; and to provide that any such obligations shall not be chargeable against the constitutional debt limit of the issuer unless such obligations shall be general obligations of the issuer in addition to being payable from such increases in property taxes. Any legislation passed at the same session of the legislature at which this amendment is proposed, which shall be in furtherance of or in implementation of the authority hereby granted is hereby validated and confirmed.</p>	

Comments: The section represents a re-compilation of Amendment 475 (1988).

Sec. 95. Impairing obligation of contracts; revival of barred rights or remedies; removal of cause of action or defense to suit after commencement of suit.

Current	Proposed
<p>There can be no law of this state impairing the obligation of contracts by destroying or impairing the remedy for their enforcement; and the legislature shall have no power to revive any right or remedy which may have become barred by lapse of time, or by any statute of this state. After suit has been commenced on any cause of action, the legislature shall have no power to take away such cause of action, or destroy any existing defense to such suit.</p>	
<p>Comments: The 1973 Proposed Constitution deleted this section.</p>	

Sec. 96. Uniformity of laws regulating court costs and charges and fees, commissions and allowances of public officers.	
Current	Proposed
The legislature shall not enact any law not applicable to all the counties in the state, regulating costs and charges of courts, or fees, commissions or allowances of public officers.	
Comments: This section has been productive a large number of local amendments. Section 96.01, below, constitutes a non-local change from section 96, but only applicable to designated public officials.	

Sec. 96.01. Salaries, fees, etc., of county officials charged with assessing and collecting ad valorem taxes; abolishment, combination or alteration of offices of tax assessor, tax collector or license commissioner.

Current	Proposed
<p>The legislature may, from time to time, by general or local law applicable to the various counties of this state, establish the salaries, fees, commissions or allowances to be charged or received by the tax assessors, tax collectors, license commissioners, revenue commissioners or other officials charged with the assessing and collecting of ad valorem taxes in the various counties of this state, including changing the method and basis of their compensation; and may place any or all of such officials on a salary and further provide for disposition of the fees, commissions, allowances or other compensation theretofore paid to such officials; and may provide that the salaries of such officials may be paid from the ad valorem taxes assessed and collected by them on a pro rata basis from the various funds receiving such ad valorem taxes; provided, however, that following the effective date of any general law passed pursuant to this constitutional amendment, the legislature may not thereafter either increase or decrease the salaries of such officials during any term for which such officials have been elected or appointed, and in the case of such officials who were converted from a fee basis to a salary basis of compensation, the legislature may not decrease the salaries of such officials during any term for which such officials have been elected or appointed or may be thereafter re-elected or re-appointed. The legislature may by local act provide for the abolishment, combination or other alteration of the offices of tax assessor, tax collector or license commissioner with approval of a majority of voters in the county affected.</p> <p>In the event this amendment is approved and subsequently ratified by the qualified electors of this state who vote thereon when it is submitted, then any law theretofore passed by the legislature addressing the subject matter covered by this amendment shall become effective according to the provisions of said law.</p>	
<p>Comments: See comment to Section 96.</p>	

Sec. 97. Payment of salary of deceased officer after date of death.	
Current	Proposed
The legislature shall not authorize payment to any person of the salary of a deceased officer beyond the date of his death.	
Comments: In substitution for this section (and section 98, below) the 1973 Proposed Constitution simply prohibited any special or private law granting any pension.	

Sec. 98. Payments or grants to retiring officers.	
Current	Proposed
The legislature shall not retire any officer on pay, or part pay, or make any grant to such retiring officer; however, the legislature shall have the authority to provide that superintendents of education shall be eligible to participate in the Teachers' Retirement System of Alabama as the legislature may see fit.	
Comments: See comment to section 97, above.	

Sec. 99. Restrictions on donation or sale of state lands to private corporations or individuals; grant of easements to railroad, telephone and telegraph companies.

Current	Proposed
Lands belonging to or under the control of the state shall never be donated, directly or indirectly, to private corporations, associations, or individuals, or railroad companies; nor shall such lands be sold to corporations or associations for a less price than that for which they are subject to sale to individuals; provided, that nothing contained in this section shall prevent the legislature from granting a right of way, not exceeding one hundred and twenty-five feet in width, as a mere easement, for railroads or telegraph or telephone lines across state land, and the legislature shall never dispose of the land covered by such right of way except subject to such easement.	

Comments: The 1973 Proposed Constitution deleted this section.

Sec. 100. Obligations and liabilities of corporations, etc., held or owned by state, counties or municipalities.	
Current	Proposed
No obligation or liability of any person, association, or corporation held or owned by this state, or by any county or other municipality thereof, shall ever be remitted, released, or postponed, or in any way diminished, by the legislature; nor shall such liability or obligation be extinguished except by payment thereof; nor shall such liability or obligation be exchanged or transferred except upon payment of its face value; provided, that this section shall not prevent the legislature from providing by general law for the compromise of doubtful claims.	
Comments: Unchanged by the 1973 Proposed Constitution.	

Sec. 101. Lobbying in legislature by state or county officials.	
Current	Proposed
No state or county official shall, at any time during his term of office, accept, either directly or indirectly, any fee, money, office, appointment, employment, reward, or thing of value, or of personal advantage, or the promise thereof, to lobby for or against any measure pending before the legislature, or to give or withhold his influence to secure the passage or defeat of any such measure.	
Comments: The 1973 Proposed Constitution deleted this section.	

Sec. 102. Miscegenation laws.	
Current	Proposed
Repealed by Amendment 667.	
Comments:	

Sec. 103. Regulation, etc., of common carriers, partnerships, associations, trusts, monopolies and combinations of capital.	
Current	Proposed
The legislature shall provide by law for the regulation, prohibition, or reasonable restraint of common carriers, partnerships, associations, trusts, monopolies, and combinations of capital, so as to prevent them or any of them from making scarce articles of necessity, trade, or commerce, or from increasing unreasonably the cost thereof to the consumer, or preventing reasonable competition in any calling, trade, or business.	
Comments: The 1973 Proposed Constitution deleted this section.	

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

Current	Proposed
<p>The legislature shall not pass a special, private, or local law in any of the following cases:</p> <ol style="list-style-type: none">(1) Granting a divorce;(2) Relieving any minor of the disabilities of nonage;(3) Changing the name of any corporation, association, or individual;(4) Providing for the adoption or legitimizing of any child;(5) Incorporating a city, town, or village;(6) Granting a charter to any corporation, association, or individual;(7) Establishing rules of descent or distribution;(8) Regulating the time within which a civil or criminal action may be begun;(9) Exempting any individual, private corporation, or association from the operation of any general law;(10) Providing for the sale of the property of any individual or estate;(11) Changing or locating a county seat;(12) Providing for a change of venue in any case;(13) Regulating the rate of interest;(14) Fixing the punishment of crime;(15) Regulating either the assessment or collection of taxes, except in connection with the readjustment, renewal, or extension of existing municipal indebtedness created prior to the ratification of the Constitution of eighteen hundred and seventy-five;(16) Giving effect to an invalid will, deed, or other instrument;(17) Authorizing any county, city, town, village, district, or other	

political subdivision of a county, to issue bonds or other securities unless the issuance of said bonds or other securities shall have been authorized before the enactment of such local or special law, by a vote of the duly qualified electors of such county, township, city, town, village, district, or other political subdivision of a county, at an election held for such purpose, in the manner that may be prescribed by law; provided, the legislature may, without such election, pass special laws to refund bonds issued before the date of the ratification of this Constitution;

(18) Amending, confirming, or extending the charter of any private or municipal corporation, or remitting the forfeiture thereof; provided, this shall not prohibit the legislature from altering or rearranging the boundaries of the city, town, or village;

(19) Creating, extending, or impairing any lien;

(20) Chartering or licensing any ferry, road, or bridge;

(21) Increasing the jurisdiction and fees of justices of the peace or the fees of constables;

(22) Establishing separate school districts;

(23) Establishing separate stock districts;

(24) Creating, increasing, or decreasing fees, percentages, or allowances of public officers;

(25) Exempting property from taxation or from levy or sale;

(26) Exempting any person from jury, road, or other civil duty;

(27) Donating any lands owned by or under control of the state to any person or corporation;

(28) Remitting fines, penalties, or forfeitures;

(29) Providing for the conduct of elections or designating places of voting, or changing the boundaries of wards, precincts, or districts, except in the event of the organization of new counties, or the changing of the lines of old counties;

(30) Restoring the right to vote to persons convicted of infamous crimes, or crimes involving moral turpitude;

(31) Declaring who shall be liners between precincts or between counties. The legislature shall pass general laws for the cases enumerated in this section, provided that nothing in this section or article shall affect the right of the legislature to enact local laws regulating or prohibiting the liquor traffic; but no such local law shall be enacted unless notice shall have been given as required in section 106 of this Constitution.

- Comments:**
1. One of the objectives of the 1901 Constitution drafters was to reduce the extent of the use of local and special laws rather than general laws.
 2. This objective was of such a priority that several approaches were taken to further that goal.
 3. One approach, reflected in this section, was to establish a categorical list of subjects as to which local, special, or private laws were prohibited. This was essentially new in 1901, though private laws in one of these categories (divorce) had been prohibited as early as the Constitution of 1861.
 4. A second approach, reflected in the next section (105) was a more general prohibition on local, private, or special laws in any case provided for by general laws.
 5. Finally, as to areas in which local, special, or private laws were permissible (i.e., areas not falling within one of the section 104 categories, and not a case already provided for by general law) special advertising requirements were imposed under section 106 (supplemented by section 107). [It was this advertising provision of section 106 that was the requirement that the Jefferson County occupational tax failed to meet, according the Alabama Supreme Court.]
 6. Supplementing these provisions are the provisions of section 108 and 109, as well as section 111.
 7. All important in this system is the definition of “general law”, “local law”, and “special law” in section 110.

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

Current	Proposed
<p>The Legislature by local law may provide in any municipality with a city board of education for the conducting of an authorizing referendum election regarding changing the city board of education to an elected city board of education. The Legislature by local law may authorize the governing body of any municipality with a city board of education, upon a recorded majority vote of the governing body, to call and conduct an authorizing referendum election regarding changing the city board of education of that municipality to an elected city board of education.</p> <p>If a majority of the qualified electors voting in an authorizing referendum election called in either of the preceding manners vote in favor of an elected city board of education, the Legislature, from time to time, by local law may provide for the election of a city board of education in that municipality. Such local law or laws may include, but are not limited to, providing for termination of the terms of office of members of the existing city board of education; the composition of the city board of education; initial and succeeding terms of office, including staggered terms; election districts and at-large membership; qualifications; powers, duties, and responsibilities; vacancies; and compensation.</p> <p>Any general law, municipal classification law, or local law providing for or authorizing an elected city board of education in any municipality enacted within the last 1,095 days prior to the ratification date of this amendment is validated and confirmed. Any local referendum conducted pursuant to such general law, municipal classification law, or local law, or any combination of such laws, in which a majority of the qualified electors of the municipality voting voted in favor of an elected city board of education, is also validated and confirmed and that local referendum is considered as an authorizing referendum election for purposes of this amendment.</p>	

Notwithstanding Acts 97-679 and 97-616 of the 1997 Regular Session, initial elections for the members of the Tuscaloosa City Board of Education shall occur at the regularly scheduled municipal elections in the year 2001. Public hearings shall be held by the legislative delegation and amendments may be prepared and enacted by the Legislature which are deemed necessary and appropriate by the local delegation for any local legislation, including Acts 97-679 and 97-616 of the 1997 Regular Session, which are validated and confirmed by this amendment.

The results of any authorizing referendum election called pursuant to this amendment shall be reported to the State Board of Education which shall maintain a continuing record of those results for public inspection.

It is the intent of the Legislature that this amendment supersede any other provision of this constitution which may be construed as being in conflict with this amendment.

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

Comments: This section specifically grants the Legislature power to act by local law.

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

Current	Proposed
<p>I. The members of the city board of education of any municipality in the state with a population exceeding 125,000 shall be elected by the qualified electors of the municipality in which the city board of education is located.</p> <p>II. This amendment shall apply to a municipality with a population exceeding 125,000 if, at the time this amendment is submitted to a statewide vote, a majority of the qualified electors voting on the amendment in the respective municipality vote in favor of the amendment.</p> <p>III. Upon the application of this amendment to a respective municipality, either at the time of the ratification of this amendment or at a later time, the Legislature shall, by local law, provide for the dissolution of any existing nonelected city board of education in an applicable municipality and for the date the elected city board of education shall be constituted. The existing city board of education shall continue to function until the date of dissolution. Additionally, the Legislature, by local law, may provide for the termination of the terms of office of members of an existing city board of education; the composition of the elected city board of education; initial and succeeding terms of office, including staggered terms; election districts and at-large membership; qualifications; powers, duties, and responsibilities; vacancies; and compensation.</p> <p>IV. If a municipality comes within the application of this constitutional amendment after the date of ratification of this constitutional amendment, the provisions of this constitutional amendment shall only apply to that municipality if such provisions are approved by a majority vote of the qualified electors of the municipality voting at a special referendum called and conducted pursuant to local law, adopted from time to time by the Legislature.</p>	
<p>Comments: This section is derived from Amendment 665 (1999).</p>	

Sec. 105. Special, private or local laws -- Prohibited in cases provided for by general law; exception as to time of holding courts; partial repeal of general laws.

Current	Proposed
No special, private, or local law, except a law fixing the time of holding courts, shall be enacted in any case which is provided for by a general law, or when the relief sought can be given by any court of this state; and the courts, and not the legislature, shall judge as to whether the matter of said law is provided for by a general law, and as to whether the relief sought can be given by any court; nor shall the legislature indirectly enact any such special, private, or local law by the partial repeal of a general law.	
Comments: See Comment to Section 105.	

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

Current	Proposed
<p>No special, private, or local law shall be passed on any subject not enumerated in section 104 of this Constitution, except in reference to fixing the time of holding courts, unless notice of the intention to apply therefor shall have been published, without cost to the state, in the county or counties where the matter or thing to be affected may be situated, which notice shall state the substance of the proposed law and be published at least once a week for four consecutive weeks in some newspaper published in such county or counties or if there is no newspaper published therein, then by posting the said notice for two consecutive weeks at five different places in the county or counties prior to the introduction of the bill; and proof that said notice has been given shall be exhibited to each house of the legislature through a certification by the clerk of the house or secretary of the senate that notice and proof was attached to the subject local legislation and the notice and proof shall be attached to the original copy of the subject bill and shall be filed in the department of archives and history where it shall constitute a public record. The courts shall pronounce void every special, private, or local law which the journals do not affirmatively show was passed in accordance with the provisions of this section.</p> <p>This amendment shall be self-executing, and no enabling legislation shall be necessary.</p>	
<p>Comments: See comment to Section 104.</p>	

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

Current	Proposed
<p>Any statute that was otherwise valid and constitutional that was enacted before January 13, 1978, by the legislature of this state and was a general act of local application on a population basis, that applied only to a certain county or counties or a municipality or municipalities of this state, shall not be declared invalid or unconstitutional by any court of this state because it was not properly advertised in compliance with section 106 of this Constitution.</p> <p>All such population based acts shall forever apply only to the county or counties or municipality or municipalities to which they applied on January 13, 1978, and no other, despite changes in population.</p> <p>The population based acts referred to above shall only be amended by acts which are properly advertised and passed by the legislature in accordance with the provisions of this Constitution.</p>	

Comments: Given the 1901 Constitutions restrictions on local acts—restrictions which do not apply to general laws—for a number of decades it was common practice to adopt what were called “general act of local application” which only applied to counties or cities of a specified population. These were also called “bracket bills.” The practice allowed the adoption of such acts without going through the advertisement requirements of section 106. In 1978, a very significant case, Peddycoart v City of Birmingham, 354 So. 2d 808 (Ala., 1978) held that such a “general act of local application” would be treated as in fact a local act and subject to the advertisement requirements of section 106. Although the Alabama Supreme Court announced that its ruling in Peddycoart only applied prospectively, there was nevertheless concern that previously enacted “general laws of local application” might be challenged. So Amendment 389, now re-compiled as section 106.01, was adopted to make doubly sure that existing “general laws of local application” would not be challenged, and also to limit them to counties or municipalities to which they applied on January 13, 1978, the date of the Pettycoart decision.

Sec. 107. Special, private or local laws -- Notice required by section 106 prerequisite to repeal or amendment.	
Current	Proposed
The legislature shall not, by a special, private, or local law, repeal or modify any special, private, or local law except upon notice being given and shown as provided in the last preceding section.	
Comments: See Comments under section 104.	

Sec. 108. Suspension of general laws for benefit of individuals or private corporations; exemption of individuals or private corporations from operation of general laws.

Current	Proposed
The operation of a general law shall not be suspended for the benefit of any individual, private corporation, or association; nor shall any individual, private corporation or association be exempted from the operation of any general law except as in this article otherwise provided.	

Comments: See Comments under section 104.

Sec. 109. General laws for protection of local and private interests.	
Current	Proposed
The legislature shall pass general laws under which local and private interests shall be provided for and protected.	
Comments: See comments under section 104.	

Sec. 110. "General law," "local law" and "special law" defined.	
Current	Proposed
<p>A general law is a law which in its terms and effect applies either to the whole state, or to one or more municipalities of the state less than the whole in a class. A general law applicable to such a class of municipalities shall define the class on the basis of criteria reasonably related to the purpose of the law, provided that the legislature may also enact and change from time to time a general schedule of not more than eight classes of municipalities based on population according to any designated federal decennial census, and general laws for any purpose may thereafter be enacted for any such class. Any law heretofore enacted which complies with the provisions of this section shall be considered a general law.</p> <p>No general law which at the time of its enactment applies to only one municipality of the state shall be enacted, unless notice of the intention to apply therefor shall have been given and shown as provided in Section 106 of this Constitution for special, private or local laws; provided, that such notice shall not be deemed to constitute such law a local law.</p> <p>A special or private law is one which applies to an individual, association or corporation. A local law is a law which is not a general law or a special or private law.</p> <p>Act No. 79-263 (House Bill No. 68) entitled "An Act to establish eight classes of municipalities, by population, based on the 1970 Federal decennial census" approved June 28, 1979, and each and every Act of the legislature thereafter enacted referred or relating to a class of municipalities as established in said Act No. 79-263 are hereby in all things ratified, approved, validated and confirmed as of the date of their enactment, any provision or provisions of the Constitution of Alabama, as amended, to the contrary notwithstanding.</p>	
<p>Comments: Given the difference in treatment accorded general laws, the definition of a general law is all important. After the <u>Pettycoart</u> decision, noted above in the comments under section 106.01, this section, which delineates the difference, was amended to permit the legislature to establish classes of municipalities, based on population, and to enact laws that apply to only one or fewer than all such classes, which shall still be a general law. Interestingly, that classification scheme was only applied to municipalities, not to counties even though the 1973 Proposed Constitution had proposed a classification scheme for counties.</p>	

Sec. 111. Amendment of bill introduced as general law so as to become special, private or local law on passage.

Current	Proposed
----------------	-----------------

No bill introduced as a general law in either house of the legislature shall be so amended on its passage as to become a special, private or local law.

Comments: This section prevents an “end run” around the restrictions on local laws by providing that a bill introduced as a general law is not to be amended so that it becomes as local law.

Sec. 111.01. Laws placing responsibility for county roads in state highway department.	
Current	Proposed
<p>The legislature shall not hereafter by general, special or local law authorize the state highway department or any other agency of the state of Alabama, other than a court of county commissioners, board of revenue or like county governing body, to assume responsibility for the construction, repair or maintenance of all county roads or bridges within a county unless the assumption of such responsibility by the state highway department or other agency shall be approved by a vote of the duly qualified electors of the county in which such roads lie at an election held for such purpose, in the manner that may be prescribed by law. Provided, the state highway department, or other state agency may engage in the construction, repair or maintenance of a county road or bridge upon written agreement signed by the director and a majority of the members of the county governing body; and provided further that the legislature is not prohibited from authorizing the highway director or other state agency to designate certain routes or roads within a county as a part of the state highway system.</p>	
<p>Comments: This is a re-compilation of Amendment 142. Its substance was retained in the 1973 Proposed Constitution.</p>	

Sec. 111.02. Termination of alimony upon remarriage or cohabitation of spouse.	
Current	Proposed
The legislature may pass laws to provide for the termination of alimony upon the remarriage of the spouse receiving the alimony or upon such spouse living openly or cohabiting with a member of the opposite sex. Such laws may be made to apply retrospectively.	
Comments: This provision represents the re-compilation of Amendment 390 (1980).	

Sec. 111.03. Effectiveness of laws providing for expenditure of county funds.	
Current	Proposed
<p>No law, whether general, special or local, whose purpose or effect is to provide for a new or increased expenditure of county funds held or disbursed by the county governing body shall become effective as to any county of this state until the first day of the fiscal year next following the passage of such law. The foregoing notwithstanding, a law, whether general, special or local, whose purpose or effect is to provide for a new or increased expenditure of county funds held or disbursed by the county governing body, shall become effective according to its own terms as any other law if: (1) such law is approved by a resolution duly adopted by and spread upon the minutes of the county governing body of the county affected thereby; or (2) such law (or other law or laws which specifically refer to such law) provides the respective county governing bodies with new or additional revenues sufficient to fund such new or increased expenditures.</p>	
<p>Comments: This provision represents the re-compilation of Amendment 474 (1987).</p>	

Sec. 111.04. Effectiveness of laws providing for expenditure of municipal funds.	
Current	Proposed
<p>No law, whether general, special or local, whose purpose or effect is to provide for a new or increased expenditure of municipal funds held or disbursed by the municipal governing body shall become effective as to any municipality of this state until the first day of the fiscal year next following the passage of such law. The foregoing notwithstanding, a law, whether general, special or local, whose purpose or effect is to provide for a new or increased expenditure of municipal funds held or disbursed by the municipal governing body, shall become effective according to its own terms as any other law if: (1) Such law is approved by a resolution duly adopted by and spread upon the minutes of the municipal governing body of the municipality affected thereby; or (2) Such law (or other law or laws which specifically refer to such law) provides the respective municipal governing bodies with new or additional revenues sufficient to fund such new or increased expenditures.</p>	
<p>Comments: This section represents the re-compilation of Amendment 491 (1988).</p>	

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

Current	Proposed
<p>(a) No general law, or state executive order whose purpose or effect is to require a new or increased expenditure of funds held or disbursed by the governing body of a municipality or county, or an instrumentality thereof, shall become effective as to any municipality or county, or an instrumentality thereof, until approved by an ordinance enacted, or a resolution adopted, by the governing authority of the affected municipality, county, or instrumentality or until, and only as long as, the Legislature appropriates funds for the purpose to the affected municipality, county, or instrumentality and only to the extent and amount that the funds are provided, or until a law provides for a local source of revenue within the municipality, county, or instrumentality for the stated purpose and the affected municipality, county, or instrumentality is authorized by ordinance or resolution to levy and collect the revenue and only to the extent and amount of the revenue.</p> <p>(b) This amendment shall not apply to:</p> <ul style="list-style-type: none">(1) A local law as defined in Article IV, Section 110, Constitution of Alabama 1901.(2) An act, state executive order requiring expenditures by a school board.(3) An act defining a new crime or amending the definition of an existing crime.(4) An act, statute, executive order enacted, promulgated, or adopted and effective prior to the ratification of this amendment which by its provisions requires expenditures by the county or municipality at any time after the effective date of this amendment.(5) An act enacted, or state executive order promulgated or adopted to comply with a federal mandate, only to the extent of	

the federal mandate.

(6) An act adopted or enacted by two-thirds of those voting in each house of the Legislature and any rule or regulation adopted to implement that act or adopted pursuant thereto.

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

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

Comments: This section represents the Recompilation of Amendment 621 (1998).

Sec. 111.06. Expenditure of fees or taxes relating to use, etc., of vehicles and to fuels used for vehicles.

Current	Proposed
<p>No moneys derived from any fees, excises, or license taxes, levied by the state, relating to registration, operation, or use of vehicles upon the public highways except a vehicle-use tax imposed in lieu of a sales tax, and no moneys derived from any fee, excises, or license taxes, levied by the state, relating to fuels used for propelling such vehicles except pump taxes, shall be expended for other than cost of administering such laws, statutory refunds and adjustments allowed therein, cost of construction, reconstruction, maintenance and repair of public highways and bridges, costs of highway rights-of-way, payment of highway obligations, the cost of traffic regulation, and the expense of enforcing state traffic and motor vehicle laws. The provisions of this amendment shall not apply to any such fees, excises, or license taxes now levied by the state for school purposes for this whole state or for any county or city board of education therein; and the legislature may provide for the manufacture, distribution and use on private passenger or pleasure motor vehicles of personalized license plates or tags, bearing some special letters, figures, mark or badge of distinction or personal prestige in lieu of the regular license plates or tags, and if it does so, the legislature must also require that such tags may be procured only by payment of a fee or charge, in addition to the regular fee, excise or license tax for the registration, operation or use of such motor vehicles upon the highways. The moneys derived from the additional charge made for such special or distinctive license plates or tags, in excess of the cost of the manufacture and distribution of such plates or tags, may be used in such manner as the legislature prescribes.</p>	
<p>Comments: This section represents the Recompilation of Amendment 93 (1951).</p>	