

Legals	Legals	Legals	Legals	Legals	Legals	Legals	Legals	Legals
<p>STATE OF ALABAMA PROCLAMATION BY THE GOVERNOR</p> <p>WHEREAS, the Alabama Legislature at its Regular Sessions of 2011, 2012, and 1st Special Session 2012 ordered an election to be held on certain proposed amendments to the Constitution of Alabama of 1901, set out herein as Act Nos. 2011-315 (SB369); 2011-316 (HB588); 2011-353 (SB112); 2011-543 (SB466); 2011-617 (HB60); 2011-656 (HB64); 2012-269 (HB276); 2012-275 (HB357); 2012-276 (HB358); 2012-308 (HB404); and 2012-567 (HB12), and in accordance with the provisions of Section 284, as amended by Amendment No. 24, Sections 285 and 287 of the Constitution of Alabama of 1901, as amended, and the election laws of this state; and</p> <p>WHEREAS, notice of this election, together with these proposed amendments, is required by law and by the provisions of the proposed amendments to be given by Proclamation of the Governor, which Proclamation shall be published once a week for four successive weeks immediately preceding the day appointed for the election in a newspaper qualified to run legal notices in each county of the state.</p> <p>NOW, THEREFORE, I, Robert Bentley, as Governor of the State of Alabama, do hereby give notice, direct and proclaim that on Tuesday, the 6th day of November, 2012, an election will be held in the State of Alabama in the manner and form provided by law upon the following proposed amendments to the Constitution of 1901 of the State of Alabama:</p> <p>SB369 ENROLLED, An Act, To propose a constitutional amendment to reauthorize the Forever Wild Land Trust for a 20-year period from fiscal year 2012-2013 to fiscal year 2031-2032. BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended: PROPOSED AMENDMENT All moneys paid to the Forever Wild Land Trust pursuant to Section 7 of Amendment 543 of the Constitution of Alabama of 1901, now appearing as Section 7 of Section 219.07 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, shall continue to be paid for a 20-year period beginning with the 2012-2013 fiscal year retroactive to October 1, 2012, and ending in the fiscal year</p>	<p>2031-2032. Section 2. An election upon the proposed amendment shall be held on Tuesday November 6, 2012, and shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, now appearing as Sections 284 and 285 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, and the election laws of this state. Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment: "Proposing an amendment to the Constitution of Alabama of 1901, relating to the Forever Wild Land Trust, to reauthorize the trust for a 20-year period." This description shall be followed by the following language: "Yes () No ()."</p> <p>HB588 ENROLLED, An Act, To propose an amendment to the Constitution of Alabama of 1901, relating to Baldwin County, to define the Stockton Landmark District within the county and to prohibit the annexation by local law of any property within the district into any municipality. BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended: PROPOSED AMENDMENT (a) For the purposes of this amendment, the "Stockton Landmark District" is defined as follows: Beginning at the point where I-65 intersects the line which divides R2E and R3E; thence, north to Little Halls Creek; thence, follow Little Halls Creek in a westwardly direction to Halls Creek; thence, follow Halls Creek to Tensaw Lake; thence, follow meanders of Tensaw Lake in a southerly direction until it meets the Tensaw River; thence, follow meanders of Tensaw River until it meets I-65; thence, follow I-65 in E/NE direction to point of beginning. (b) No property within the Stockton Landmark District may be annexed into any municipality by local law. (c) Subsection (b) shall not apply to any municipality incorporated after the ratification of this amendment which includes any part of the Stockton Landmark District. Section 2. An election upon the proposed amendment shall be held at the general election in November 2012 in accordance with Amendment 555 to the Constitution of Alabama of 1901, now appearing as Section 284.01 of the Official</p>	<p>Recompilation of the Constitution of Alabama of 1901, as amended, and the election laws of this state. Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment: "Relating to Baldwin County, proposing an amendment to the Constitution of Alabama of 1901, to define the Stockton Landmark District within the county and to prohibit the annexation by local law of any property within the district into any municipality." This description shall be followed by the following language: "Yes () No ()."</p> <p>SB112 ENROLLED, An Act, Proposing an amendment to the Constitution of Alabama of 1901, to amend Section 256 as amended by Amendment 111, now appearing as Section 256 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, to remove references to segregation of schools by race; and to repeal Section 259, now appearing as Section 259 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, Amendment 90, and Amendment 109, relating to poll taxes. BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended: PROPOSED AMENDMENT (a) Section 256 of the Constitution of Alabama of 1901, as amended by Amendment 111, is amended to read as follows: "Section 256. It is the policy of the state of Alabama to foster and promote the education of its citizens in a manner and extent consistent with its available resources, and the willingness and ability of the individual student, but nothing in this Constitution shall be construed as creating or recognizing any right to education or training at public expense, nor as limiting the authority and duty of the legislature, in furthering or providing for education, to require or impose conditions or procedures deemed necessary to the preservation of peace and order. "The legislature may by law provide for or authorize the establishment and operation of schools by such persons, agencies or municipalities, at such places, and upon such conditions as it may prescribe, and for the grant or loan of</p>	<p>public funds and the lease, sale or donation of real or personal property to or for the benefit of citizens of the state for educational purposes under such circumstances and upon such conditions as it shall prescribe. Real property owned by the state or any municipality shall not be donated for educational purposes except to nonprofit charitable or eleemosynary corporations or associations organized under the laws of the state. (b) Article XIV, Section 259, relating to poll tax revenues, is repealed. (c) Amendment 90 relating to exemptions from the poll tax is repealed. (d) Amendment 109 relating to exemptions from the poll tax is repealed. Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, as amended, and the election laws of this state. Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment: "Proposing an amendment to the Constitution of Alabama of 1901, relating to separation of schools by race and to repeal Section 259, Amendment 90, and Amendment 109, relating to the poll tax." This description shall be followed by the following language: "Yes () No ()."</p> <p>SB466 ENROLLED, An Act, Relating to Mobile County; to propose a constitutional amendment to provide for the transfer of the assets and liabilities of the Water and Sewer Board of the City of Prichard to the Board of Water and Sewer Commissioners of the City of Mobile, presently known as the Mobile Area Water and Sewer System. BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended: PROPOSED AMENDMENT (a) Within 90 days after the ratification of this amendment, the assets and liabilities of the Water Works and Sewer Board of the City of Prichard shall be transferred to the Board of Water and Sewer Commissioners of the City of Mobile, presently known</p>	<p>as the Mobile Area Water and Sewer System. The transfer shall include all assets of the Water Works and Sewer Board of the City of Prichard and shall be conditioned upon the assumption or discharge by the Board of Water and Sewer Commissioners of the City of Mobile, presently known as the Mobile Area Water and Sewer System, of all liabilities of the Water Works and Sewer Board of the City of Prichard, including, without limitation, all indebtedness, contracts, and retirement obligations. Any assumption of obligations by the Board of Water and Sewer Commissioners of the City of Mobile, presently known as the Mobile Area Water and Sewer System, shall be evidenced by resolution of that board. (b) Upon transfer of its assets and liabilities pursuant to subsection (a), the Water Works and Sewer Board of the City of Prichard shall be dissolved. (c) The rates for water and sewer service to existing customers of Mobile Area Water and Sewer System shall not be increased at any time for reasons related to the acquisition or maintenance of the assets, liabilities, or infrastructure of the Water Works and Sewer Board of the City of Prichard. (d) Notwithstanding ratification of this amendment in accordance with applicable state law, this amendment shall not be effective and the actions, including, but not limited to, the transfer of assets and liabilities in subsections (a) and (b), shall not take place unless both of the following have occurred: (1) A favorable vote by the majority of those persons who reside and voted in precincts any part of which are serviced by the Board of Water and Sewer Commissioners of the City of Mobile (Mobile Area Water and Sewer System). (2) A favorable vote by the majority of those persons who reside and voted in precincts any part of which are serviced by the Water and Sewer Board of the City of Prichard. The votes cast on this amendment in precincts any part of which are serviced by the Water and Sewer Board of the City of Prichard shall be tabulated separately to determine whether a majority of those who voted in each area approved the amendment. Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, now appearing as Sections 284 and 285 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, and the election laws of this state. Section 3. The ap-</p>	<p>propriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment: "Proposing an amendment to the Constitution of Alabama of 1901, to provide for the transfer of the assets and liabilities of the Water Works and Sewer Board of the City of Prichard to the Board of Water and Sewer Commissioners of the City of Mobile, presently known as the Mobile Area Water and Sewer System." This description shall be followed by the following language: "Yes () No ()."</p> <p>HB60 ENROLLED, An Act, To propose an amendment to the Constitution of Alabama of 1901, to prohibit mandatory participation in any health care system. BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended: PROPOSED AMENDMENT (a) In order to preserve the freedom of all residents of Alabama to provide for their own health care, a law or rule shall not compel, directly or indirectly, any person, employer, or health care provider to participate in any health care system. (b) A person or employer may pay directly for health care services and shall not be required to pay penalties or fines for paying directly for lawful health care services. A health care provider may accept direct payment for lawful health care services and shall not be required to pay penalties or fines for accepting direct payment from a person or employer for lawful health care services. (c) The purchase or sale of health insurance in private health care systems shall not be prohibited by law or rule. Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, now appearing as Sections 284 and 285 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, and the election laws of this state. Section 3. The appropriate election official shall assign</p>	<p>a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment: "Proposing an amendment to the Constitution of Alabama of 1901, to prohibit any person, employer, or health care provider from being compelled to participate in any health care system." This description shall be followed by the following language: "Yes () No ()."</p> <p>HB64 ENROLLED, An Act, To propose an amendment to Amendment 579 to the Constitution of Alabama of 1901, now appearing as Section 177 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, to provide that the right of individuals to vote for public office, public votes on referenda, or votes of employee representation by secret ballot is guaranteed. BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended: PROPOSED AMENDMENT "Sec. 177. Suffrage and Elections "(a) Every citizen of the United States who has attained the age of eighteen years and has resided in this state and in a county thereof for the time provided by law, if registered as provided by law, shall have the right to vote in the county of his or her residence. The Legislature may prescribe reasonable and nondiscriminatory requirements as prerequisites to registration for voting. The Legislature shall, by statute, prescribe a procedure by which eligible citizens can register to vote. "(b) No person convicted of a felony involving moral turpitude, or who is mentally incompetent, shall be qualified to vote until restoration of civil and political rights or removal of disability. "(c) The Legislature shall by law provide for the registration of voters, absentee voting, secrecy in voting, the administration of elections, and the nomination of candidates. "(d) The right of individuals to vote by secret ballot is fundamental. Where state or federal law requires elections for public office or public votes on referenda, or designations of employee representation, the right of individuals</p>	<p>to vote by secret ballot shall be guaranteed." Section 2. An election upon the proposed amendment shall be held in accordance with Sections 284 and 285 of the Constitution of Alabama of 1901, now appearing as Sections 284 and 285 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, and the election laws of this state. Section 3. The appropriate election official shall assign a ballot number for the proposed constitutional amendment on the election ballot and shall set forth the following description of the substance or subject matter of the proposed constitutional amendment: "Proposing an amendment to the Constitution of Alabama of 1901, to amend Amendment 579 to the Constitution of Alabama of 1901, now appearing as Section 177 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, to provide that the right of individuals to vote for public office, public votes on referenda, or votes of employee representation by secret ballot is fundamental." This description shall be followed by the following language: "Yes () No ()."</p> <p>HB276 ENROLLED, An Act, Proposing an amendment to the Constitution of Alabama of 1901; to repeal existing laws regarding the compensation and expense reimbursement of the members of the Legislature; to provide for the basic compensation of members of the Legislature; and to provide for the reimbursement of expenses for legislators on the submission of signed vouchers in the same manner as state employees. BE IT ENACTED BY THE LEGISLATURE OF ALABAMA: Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended: PROPOSED AMENDMENT Section 1. (a) The Legislature recognizes that the public trust in the legislative body is of paramount importance. The Legislature further recognizes that government transparency and accountability are vital to the preservation of the public trust. To that end, it is the purpose of this amendment to remove the power of determining legislative compensation or expenses from the hands of the Legislature itself, to validate the basis upon which legislative compensation and expenses are established in an objective manner based on measur-</p>	<p>able standards, and to allow the citizens of Alabama to vote on this issue. It is the will of the Legislature to resolve the issue of legislative compensation and expenses once and for all by providing for compensation and expenses for members of the Legislature and the President of the Senate and by providing for compensation to be paid at the same rate as the median household income in Alabama and expenses in the same amounts and manner as expenses are allowed under law for state employees generally. (b) All laws or parts of laws in conflict with this amendment are repealed, including, but not limited to: Those portions of Amendments 39, 57, and 339 of the Constitution of Alabama of 1901, relating to the compensation and expenses of members of the Legislature; Act 87-209, Act 90-490, Act 91-95, Act 91-108, and Act 2007-75; and Section 29-1-8, Code of Alabama 1975. Section 2. The annual basic compensation for each member of the Legislature and the President of the Senate shall be the median annual household income in Alabama, as ascertained and adjusted each year by the State Personnel Board to take effect on the first day of January of each year. Section 3. (a) No member of the Legislature or the President of the Senate may receive reimbursement for any expenses except as provided in this section. (b) Subject to approval by the President of the Senate or by the Speaker of the House for the respective members of their Houses, and except as otherwise provided in subsection (d), a member of the Legislature may be reimbursed for any of the following: (1) Expenses incurred for travel on official business in the same amounts or at the same rates as for state employees traveling in the service of the state under state law, rules, and policies, provided that, for a member of the Legislature, the travel is to a place outside his or her district. (2) Actual expenses other than travel expenses incurred in the performance of official duties. (3) Expenses authorized pursuant to Act 1196 of the 1971 Regular Session for the presiding officer of each House. (c) Reimbursement for expenses may only be made under subdivision (1) and (2) of subsection (b) after a determination of the presiding officer of the member's House that the travel or expense is in the service of the state and on submission of a signed voucher submitted in the same manner as a request for reimbursement of expenses by a state employee. (d) Except for the expenses of transportation, no member of the Legislature who resides less than 50 miles from the seat of government</p>