

**STATE OF ALABAMA
PROCLAMATION
BY THE GOVERNOR**

WHEREAS, on November 3, 2020, the people of Alabama ratified Amendment 951 to the Constitution of Alabama of 1901, authorizing the Alabama Legislature, during its 2022 Regular Session, to draft a recompilation of the Constitution of Alabama of 1901;

WHEREAS Amendment 951 confines the draft recompilation to arranging the Constitution of Alabama of 1901 into proper articles, parts, and sections; removing all racist language; deleting duplicative and repealed provisions; consolidating provisions regarding economic development; and arranging all local amendments by county of application; and the draft may make “no other changes”;

WHEREAS Amendment 951 further requires any such draft recompilation to be submitted to the voters upon approval, through a joint resolution, by a three-fifths vote of each house of the Legislature;

WHEREAS the Legislature at its 2022 Regular Session enacted a joint resolution by the requisite three-fifths vote approving a “Proposed Constitution of Alabama of 2022” and specifically finding that it complies with Amendment 951 to the Constitution of Alabama of 1901, *see* Ala. Act No. 2022-111;

WHEREAS the full text of the Proposed Constitution of 2022 is published on the website of the Secretary of State as required by Amendment 951 and is available for viewing at <http://alison.legislature.state.al.us/proposed-2022-constitution>;

WHEREAS, in conformity with Amendment 951 and other applicable provisions of Alabama law, the Legislature has ordered an election by the qualified electors of the State upon ratification of the Proposed Constitution of 2022 to be held at the 2022 general election; and

WHEREAS, upon ratification of the proposed Constitution of 2022 by a majority of the qualified electors of this State voting on the question of ratification, the Proposed Constitution of 2022 shall succeed the Constitution of Alabama of 1901 as the supreme law of this State in accordance with Amendment 951;

NOW, THEREFORE, I, Kay Ivey, as Governor of the State of Alabama, do hereby give notice, direct, and proclaim that on Tuesday, November 8, 2022, an election will be held in the State of Alabama in the manner and form provided by law upon the question of ratification of the proposed Constitution of Alabama of 2022, which has been certified by the Secretary of State to appear on ballots as follows:

“Shall the following Recompilation of the
Constitution of Alabama of 1901 be ratified?”

**PROPOSED CONSTITUTION TO
APPEAR ON THE BALLOT STATEWIDE
CONSTITUTION OF ALABAMA OF 2022**

Proposing adoption of the Constitution of Alabama of 2022, which is a recompilation of the Constitution of Alabama of 1901, prepared in accordance with Amendment 951, arranging the constitution in proper articles, parts, and sections, removing racist language, deleting duplicated and repealed provisions, consolidating provisions regarding economic development, arranging all local amendments by county of application, and making no other changes. (Proposed by Act 2022-111)

() YES

() NO

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WHEREAS the Alabama Legislature at its 2021 and 2022 Regular Sessions enacted Act No. 2021-199 (SB74), Act No. 2021-201 (HB131), Act No. 2021-202 (SB68), Act No. 2021-284 (HB388), Act No. 2021-327 (HB178), Act No. 2022-117 (HB255), Act No. 2022-177 (HB319), Act No. 2022-256 (SB196), Act No. 2022-286 (HB458), and Act No. 2022-288 (HB148), proposing amendments to the Constitution of Alabama of 1901;

WHEREAS, in conformity with Section 284 of the Constitution of Alabama of 1901, as amended, the Legislature has ordered an election by the qualified electors of the state upon such proposed amendments; and

WHEREAS notice of this election, together with the proposed amendments, is required by law to be given by proclamation of the Governor, which shall be published once a week for at least four successive weeks immediately preceding the day appointed for the election;

NOW, THEREFORE, I, Kay Ivey, as Governor of the State of Alabama, do hereby give notice, direct, and proclaim that on Tuesday, November 8, 2022, 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:

AMENDMENT PROPOSED BY ACT NO. 2021-199

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

(b) Except as provided for in subsection (c), any private entity and any privately owned plant, property, or facility for the collection, treatment, or disposal of sewage that uses, directly or through a lease or contract, public rights-of-way of public roads for any part of its collection or disposal system, that discharges to a Grade III or higher wastewater treatment facility as defined in and by the current classification system used by the Alabama Department of Environmental Management on January 1, 2020, and its equivalent classification thereafter, and that has residential or commercial customers that are billed a flat service fee or fee based on water usage, hereinafter referred to as utility or utilities, shall be certified and regulated by the Public Service Commission, which regulation shall include, but not be limited to, regulation of the rates, charges, and increases in rates or charges imposed on its customers. The Public Service Commission shall certify and regulate the entities, plants, facilities, and utilities affected hereby, based on and in accordance with Title 37, Code of Alabama 1975, as amended. Implementation of this amendment, whether gradual or at one time, shall be determined by the Public Service Commission. Until the Public Service Commission determines applicable rates and charges to be imposed on customers, the rates and charges shall be in accord with and governed by the most recent and controlling rate control agreement or in the event there is not a controlling rate control agreement, that utility's most recent published rate.

(c) If the county, a municipality, or a governmental utility service corporation (GUSC) in the county enters into a rate control agreement with an entity or facility described in subsection (b), the county, municipality, or GUSC may opt out of regulation by the Public Service Commission as to and for any residential or commercial customers affected by and are subject to the rate control agreement. In the event a rate control agreement or any part thereof is found to be invalid, or is terminated by the county, municipality, or GUSC that entered into the rate control agreement, or becomes unenforceable or void in whole or in part, then the jurisdiction of the Public Service Commission and the provisions in subsection (b) pertaining to regulation by the Public Service Commission shall by operation of law be restored and enforced to the full force and effect of this amendment.

(d) In the event Public Service Commission jurisdiction is restored after the county, municipality, or GUSC has exercised its opt-out provision provided in subsection (c) and has voluntarily terminated the rate control agreement, the county, municipality, or GUSC may not again exercise its power to opt out of Public Service Commission jurisdiction and rate control for a period of five years from the date Public Service Commission jurisdiction is reinstated.

(e) In the event that an entity, plant, property, or facility serves customers located in more than one municipality, the opt-out option provided in subsection (c) shall vest with the municipality that has a rate control agreement executed as of or prior to January 1, 2021, subject to approval of the Shelby County Commission.

AMENDMENT PROPOSED BY ACT NO. 2021-201

Part I. This amendment shall be known and may be cited as Aniah's Law.

Part II. Section 16 of the Constitution of Alabama of 1901, now appearing as Section 16 of the Official Recompilation of the Constitution of Alabama 1901, as amended, is amended to read as follows:

"Section 16.

"That all persons shall, before conviction, be bailable by sufficient sureties, ~~except for capital offenses, when the proof is evident or the presumption great~~ unless charged with an offense enumerated by the Legislature by general law capital murder, as provided in Section 13A-5-40, Code of Alabama 1975, as amended; murder, as provided in Section 13A-6-2, Code of Alabama 1975, as amended; kidnapping in the first degree, as provided in Section 13A-6-43, Code of Alabama 1975, as amended; rape in the first degree, as provided in Section 13A-6-61, Code of Alabama 1975, as amended; sodomy in the first degree, as provided in Section 13A-6-63, Code of Alabama 1975, as amended; sexual torture, as provided in Section 13A-6-65.1, Code of Alabama 1975, as amended; domestic violence in the first degree, as provided in Section 13A-6-130, Code of Alabama 1975, as amended; human trafficking in the first degree, as provided in Section 13A-6-152, Code of Alabama 1975, as amended; burglary in the first degree, as provided in Section 13A-7-5, Code of Alabama 1975, as amended; arson in the first degree, as provided in Section 13A-7-41, Code of Alabama 1975, as amended; robbery in the first degree, as provided in Section 13A-8-41, Code of Alabama 1975, as amended; terrorism, as provided in subdivision (b)(2) of

Section 13A-10-152, Code of Alabama 1975, as amended; and aggravated child abuse, as provided in subsection (b) of Section 26-15-3.1, Code of Alabama 1975, as amended; and that excessive bail shall not in any case be required."

AMENDMENT PROPOSED BY ACT NO. 2021-202

Section 6.06 of Amendment 328, as amended by Amendment 364, of the Constitution of Alabama of 1901, now appearing as Section 144 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, is amended to read as follows:

"Amendment 364.

"Section 6.06. Probate court.

"There shall be a probate court in each county ~~which that~~ shall have general jurisdiction of ~~orphans' business, and of adoptions,~~ and ~~with the~~ power to grant letters testamentary, and of administration, and of guardianships, and shall have such further jurisdiction as may be provided by law, provided, that whenever the circuit court has taken jurisdiction of the settlement of any estate, it shall have power to do all things necessary for the settlement of such estate, including the appointment and removal of administrators, executors, guardians, and trustees and including action upon the resignation of either of them."

AMENDMENT PROPOSED BY ACT NO. 2021-284

The implementation date for any bill enacted by the Legislature in a calendar year in which a general election is to be held and relating to the conduct of the general election shall be at least six months before the general election.

AMENDMENT PROPOSED BY ACT NO. 2021-327

Each municipality authorized to levy and collect the special ad valorem tax authorized in Amendment No. 8 to the Constitution of Alabama 1901, now appearing as Section 216.01 of the Recompiled Constitution of Alabama of 1901, as amended, for the payment of bonds and the interest thereon, may levy and collect such ad valorem tax at a rate not exceeding the millage rate then lawfully permitted to be levied and collected by the municipality to directly pay the costs of public capital improvements, as well as to pay the principal of and interest on bonds, warrants, or other securities issued to finance or refinance the costs of the improvements; and any levy and collection of such ad valorem tax for these purposes by the municipality prior to the ratification of this amendment is hereby ratified, validated, and confirmed.

AMENDMENT PROPOSED BY ACT NO. 2022-117

The state, a county, or a municipality is authorized to grant federal award funds or any other source of funding designated for broadband infrastructure by state law to any public or private entity for the purpose of providing or expanding broadband infrastructure. The granting of funds by a county or a municipality to a private entity pursuant to this section must be approved at a public meeting held by the appropriate county or municipality.

AMENDMENT PROPOSED BY ACT NO. 2022-177

Contingent upon the ratification of the Constitution of Alabama of 2022:

(a) The Code Commissioner shall number and place any constitutional amendment ratified on the date of ratification of this amendment as appropriate in the Constitution of Alabama of 2022, based upon a logical sequence and the particular subject or topic of the amendment.

(b)(1) Any judicial decision interpreting a provision of the Alabama Constitution of 1901, shall remain valid as to the appropriate provision in the Constitution of Alabama of 2022, that has not been substantively changed by the Constitution of Alabama of 2022. Any case annotation to any section of the Constitution of Alabama of 1901, compiled and published prior to the ratification of this amendment shall apply to the section as it is numbered or renumbered in the Constitution of Alabama of 2022, as authorized by Amendment 951.

(2) The Code Commissioner shall instruct the publisher of the Official Recompilation of the Constitution of Alabama of 1901, to transfer, organize, and otherwise arrange annotations to the same or renumbered sections of the Constitution of Alabama of 2022, except to the extent substantively changed.

AMENDMENT PROPOSED BY ACT NO. 2022-256

~~(a)(1) The governor shall have power to~~ Governor may grant reprieves and commutations to persons under sentence of death.

(2) The power to grant a reprieve or commutation under subdivision (1) shall not be exercised until the Governor has notified the Attorney General and has made reasonable efforts to notify a designated member of the victim's family, whose mailing address, e-mail, and phone number have been provided to the Governor by the Attorney General for this purpose.

(3) Failure to provide the required notification under subdivision (2) shall void the reprieve or commutation, and the Attorney General may seek a new execution order from the Alabama Supreme Court as provided under existing law.

~~(b) The legislature shall have power to~~ Legislature may provide for and to regulate the administration of pardons, paroles, remission of fines and forfeitures, and may authorize the courts having criminal jurisdiction to suspend sentence and to order probation.

(c) No pardon shall relieve a person from civil and political disabilities unless specifically expressed in the pardon.

AMENDMENT PROPOSED BY ACT NO. 2022-286

“Amendment 772

~~“(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, a county or municipality shall have full and continuing power to do any of the following:~~

~~“(1) Use public funds to purchase, lease, or otherwise acquire real property, buildings, plants, factories, facilities, machinery, and equipment of any kind, or to utilize the properties heretofore purchased or otherwise acquired on or before adoption of this amendment, and to improve and develop the properties for use as sites for industry of any kind or as industrial park projects, including, but not limited to, grading and the construction of roads, drainage, sewers, sewage and waste disposal systems, parking areas, and utilities to serve the sites or projects.~~

~~“(2) Lease, sell, grant, exchange, or otherwise convey, on terms approved by the governing body of the county or the municipality, as applicable, all or any part of any real property, buildings, plants, factories, facilities, machinery, and equipment of any kind or industrial park project to any individual, firm, corporation, or other business entity, public or private, including any industrial development board or other public corporation or authority heretofore or hereafter created by the county or the municipality before or after adoption of this amendment, for the purpose of constructing, developing, equipping, and operating industrial, commercial, research, or service facilities of any kind.~~

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

~~“(4) Become indebted and issue bonds, warrants which may be payable from funds to be realized in future years, notes, or other obligations, or evidences of indebtedness to a an aggregate outstanding principal amount not exceeding an amount equal to 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.~~

~~“(b) 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 do not constitute~~ 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)(c) In carrying out the purpose of this amendment, ~~neither the county nor any municipality located therein~~ a county or a municipality shall not be subject to Section 93 or 94 of this Constitution or be required to comply with Section 222 of this Constitution. Each public corporation heretofore Section 93 or 94 of this Constitution, nor shall a county or municipality be required to comply with the provisions of Section 222 of this Constitution, unless issuing general obligation bond instruments establishing a requirement for repayment. Each public corporation created by the county or by any municipality located therein on or before the adoption of this amendment, 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 exclusive alternative to, or cumulative with, and in no way restrictive of, powers otherwise granted by this Constitution or any law to the county, or to any municipality, or to any agency, board, or authority created pursuant to the laws of this state.~~

~~“(e)(d) 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~~ to doing so, 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 a~~ newspaper ~~having the largest circulation in 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.

“(e) For purposes of the foregoing, any sale, lease, or other disposition of property for a price equal to ~~the its~~ 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.

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

“(g) ~~(d)~~ Any action taken, or agreement made, under Amendment 772 by any county or municipality prior to the date this amendment is ratified and confirmed in all respects as of that date, except to the extent that its validity is being challenged in appropriate judicial proceedings in any court of competent jurisdiction on the date this amendment is ratified. ~~This amendment~~ These amendatory provisions shall have prospective application only. Any local constitutional amendments previously adopted and any local law enacted pursuant to such amendment shall remain in full force and effect.”

AMENDMENT PROPOSED BY ACT NO. 2022-288

(a) This amendment shall apply only in Jefferson County and Tuscaloosa County.

(b) Any privately owned plant, property, or facility used for the collection, treatment, or disposal of sewage that uses, directly or through a lease or contract, public rights-of-way of public roads for any part of its collection or disposal system and that has residential or commercial customers located in the city limits of Lake View in Tuscaloosa County and Jefferson County that are billed a flat service fee or fee based on water usage shall be certified and regulated by the Public Service Commission, beginning January 1, 2023 and ending December 31, 2027, in relation to all of the customers of the entity located in the city limits of Lake View in Jefferson County and Tuscaloosa County, and in the unincorporated areas of Tuscaloosa County.