

1 SB447
2 121602-2
3 By Senator Figures
4 RFD: Economic Expansion and Trade
5 First Read: 18-FEB-10

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 Relating to Mobile County; to propose a
12 constitutional amendment to provide for the transfer of the
13 assets and liabilities of the Water and Sewer Board of the
14 City of Prichard to the Board of Water and Sewer Commissioners
15 of the City of Mobile, presently known as the Mobile Area
16 Water and Sewer System.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. The following amendment to the
19 Constitution of Alabama of 1901, as amended, is proposed and
20 shall become valid as a part thereof when approved by a
21 majority of the qualified electors voting thereon and in
22 accordance with Sections 284, 285, and 287 of the Constitution
23 of Alabama of 1901, as amended:

24 PROPOSED AMENDMENT

25 (a) Within 90 days after the ratification of this
26 amendment, the assets and liabilities of the Water Works and
27 Sewer Board of the City of Prichard shall be transferred to

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

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

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

24 (d) Notwithstanding ratification of this amendment
25 in accordance with applicable state law, this amendment shall
26 not be effective and the actions, including, but not limited
27 to, the transfer of assets and liabilities in subsections (a)

1 and (b), shall not take place unless both of the following
2 have occurred:

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

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

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

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

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

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

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

9 "Proposed by Act _____."

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

12 "Yes () No ()."

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3 Senate
4 Read for the first time and referred to the Senate
5 committee on Economic Expansion and Trade 18-FEB-10
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7 Read for the second time and placed on the calen-
8 dar 23-FEB-10
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10 Read for the third time and passed as amended ... 13-APR-10

11 Yeas 23
12 Nays 2
13 Abstaining 3

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16 McDowell Lee
17 Secretary
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