

1 SB276
2 155794-2
3 By Senators Taylor and Marsh (Constitutional Amendment)
4 RFD: Constitution, Campaign Finance, Ethics, and Elections
5 First Read: 23-JAN-14

2
3
4
5
6
7
8 SYNOPSIS: Article X of the Constitution of Alabama of
9 1901, provides for exemptions in Alabama.

10 This bill would propose an amendment to the
11 Constitution of Alabama of 1901, to repeal the
12 existing Article X and to readopt Article X to make
13 nonsubstantive technical amendments, including
14 capitalization and gender neutral references, to
15 authorize the Legislature to provide by general law
16 for the exemption of homesteads and personal
17 property and other property and the waiver of the
18 exemption and to delete specific provisions
19 relating to the homesteads, laborer's and mechanic
20 liens, and property rights of females.

21
22 A BILL
23 TO BE ENTITLED
24 AN ACT
25

1 To repeal existing Article X of the Constitution of
2 Alabama of 1901, relating to exemptions, and to add a new
3 Article X relating to exemptions of homesteads.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. The following amendment to the
6 Constitution of Alabama of 1901, as amended, is proposed and
7 shall become valid as a part thereof when approved by a
8 majority of the qualified electors voting thereon and in
9 accordance with Sections 284, 285, and 287 of the Constitution
10 of Alabama of 1901, as amended:

11 PROPOSED AMENDMENT

12 I. Article X of the Constitution of Alabama of 1901,
13 is repealed.

14 II. Article X is added to the Constitution of
15 Alabama of 1901, to read as follows:

16 Article X. Exemptions from Forced Sale.

17 Section 204. Legislature to provide for exemptions
18 from forced sale; exemptions may be waived by written
19 document.

20 (a) The Legislature shall provide for the exemption
21 of homesteads, personal property, and other property from the
22 forced sale for the payment of debt, in an amount and under
23 conditions to be set by general law.

24 (b) The rights of exemption provided by the
25 Legislature from time to time may be waived by an instrument
26 in writing signed by the person granting the waiver and
27 attested by one witness.

1 III. This amendment shall become operative on
2 January 1, 2017.

3 Section 2. An election upon the proposed amendment
4 shall be held in accordance with Sections 284 and 285 of the
5 Constitution of Alabama of 1901, now appearing as Sections 284
6 and 285 of the Official Recompilation of the Constitution of
7 Alabama of 1901, as amended, and the election laws of this
8 state.

9 Section 3. The appropriate election official shall
10 assign a ballot number for the proposed constitutional
11 amendment on the election ballot and shall set forth the
12 following description of the substance or subject matter of
13 the proposed constitutional amendment:

14 "Proposing an amendment to the Constitution of
15 Alabama of 1901, to become operative January 1, 2017, to
16 repeal and replace Article X, Exemptions from Forced Sale, to
17 make technical changes; and to repeal certain outdated
18 sections.

19 "Proposed by Act _____."

20 This description shall be followed by the following
21 language:

22 "Yes () No ()."