

1 HB335  
2 163393-1  
3 By Representatives Lindsey and Davis (Constitutional  
4 Amendment)  
5 RFD: Constitution, Campaigns and Elections  
6 First Read: 19-MAR-15

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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13 is repealed.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 ( )."