

1977-1979

FSTC: Gale W. Rowe: Rent Study Data - Legislative Bills

Fairhope

10517-a

245

Fairhope Single Tax Corporation

ADMINISTERING

Fairhope Single Tax Colony

ESTABLISHED 1895

336-340 FAIRHOPE AVE.

FAIRHOPE, ALABAMA 36532

TELEPHONE (205) 928-8162

OFFICE OF THE SECRETARY

July 2, 1979

Dear Lessee and/or Member:

We would like to bring you up to date on the present situation as it pertains to the Legislature of the State of Alabama.

About ten days ago, the Senate passed the bill which Senator Robert I. Gulledge introduced early in this session. The vote was passed fifteen to three with some members abstaining and some not voting.

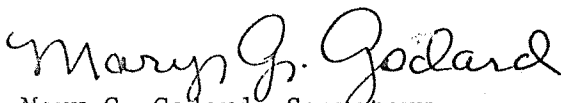
At 9:00 A.M. on July 11, 1979 there will be an open hearing in Montgomery of the Judiciary Committee of the House in the chambers of the House.

We are pleased to tell you that on Saturday June 30, 1979 there was a meeting in the Fairhope Single Tax office which was attended by the Chairman of the House Judiciary Committee, Richard S. Manley and Vice-Chairman George B. Clarke who is also Chairman of the Sub-Committee. Also present was Representative Walter Penry. Those attending this meeting representing the corporation were, Mr. Norborne C. Stone, Jr., our attorney, Mr. Richard Dunning, our CPA, and Donald Gooden, President, Mr. Sam Dyson and myself. The purpose of this meeting was to answer all questions of these members of the Judiciary Committee and to furnish them rent study facts, financial facts and background information on the total operations of the Fairhope Single Tax Corporation. We believe that the committee members who attended received full and complete information on all subjects discussed. We were pleased to have had this opportunity.

We would like to request you to do the following; plan to attend the open hearing of the Judiciary Committee in Montgomery on July 11, 1979 at the Capitol Building, write letters to any members of the House of Representatives that you might know and tell them of your feelings about the Fairhope Single Tax Corporation and further encourage any other lessee that you know that is a satisfied lessee to attend the hearing July 11, 1979 and write letters to any members of the House of Representatives that they know.

Your help will be appreciated. Names and addresses of the House Members are attached. Names and addresses of the balance of the House members are available at the Fairhope Single Tax office.

Sincerely,



Mary G. Godard, Secretary

Enclosure: as noted

MGG/als

*Gulledge**Senate F. & L. Committee*SUBSTITUTE FOR S.B. 214

SYNOPSIS: This bill revokes the charter of any single tax corporation organized under Section 10-4-190 through Section 10-4-193, Code of Alabama 1975, and provides for the distribution of assets.

A B I L L
T O B E E N T I T L E D
A N A C T

To provide that the corporate charter of any corporation organized under Section 10-4-190 through Section 10-4-193 of the Code of Alabama 1975 for the demonstration of the single tax principal shall be revoked, and to provide for the distribution of assets.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The corporate charter of any corporation organized under Section 10-4-190 through Section 10-4-193 of the Code of Alabama 1975 for the purpose of demonstrating the single tax principal shall be and the same is hereby revoked.

Section 2. Upon the dissolution of any such corporation by the legislature or otherwise, the assets of such corporation shall be applied and distributed as follows:

(1) All liabilities and obligations of the corporation shall be paid, satisfied and discharged, or adequate provision shall be made therefor;

(2) One hundred dollars (\$100.00) shall be returned to each member of the corporation for reimbursement of their membership fee;

(3) Assets received and held by the corporation subject to trust or other limitations permitting their use only for mutual benefit, charitable, religious, eleemosynary, benevolent, educational, or similar purposes, but not held subject to contract or lease, shall only be distributed to another non-profit corporation similarly situated, consisting of the members and lessees of the prior corporation. On the absence of such transfer, such assets shall escheat to the State;

(4) Assets received and held by the corporation subject to lease rights or other contract rights shall only be distributed to another non-profit corporation similarly situated consisting of the members and lessees of the prior corporation. In the absence of such transfer, such assets or property held subject to lease or contract, shall be offered for sale to the lessee at a fair market value or independently appraised value. If such offer is refused, the property may be sold at public auction and the proceeds applied to property held subject to a trust for the mutual benefit of the members of another non-profit corporation similarly situated consisting of the members and lessees of the prior corporation, and any purchaser at such public auction shall hold such property subject to trust and lease limitations and shall automatically become a member of any non-profit corporation similarly situated to which assets are distributed;

(5) Other assets, if any, shall be distributed to another non-profit corporation similarly situated consisting of the members and lessees of the prior corporation. In the event such transfer is not made, such assets will escheat to the State.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

April 17, 1979

a:
to define motorized bicycles, to prescribe the licensing procedure
on of license fees, to apply certain rules of the road and safety
s and to require no insurance for the operation of such motorized

Committee on Commerce, Transportation,
and Utilities.

a:
to provide for a driver's license, a chauffeur's license, a motorcy-
and to prescribe the manner of test therefor, and to authorize the
Public Safety to issue said licenses.

Committee on Commerce, Transportation,
and Utilities.

c:
relating to crimes and offenses; prohibiting the giving of false
falsely reporting a crime, or making a false allegation against a
ment officer; prescribing penalties.

Committee on Judiciary.

c:
relating to crimes and offenses; prohibiting the wearing of a law
type uniform by persons other than full time law enforcement
prescribing penalties therefor.

Committee on Judiciary.

a:
To be known as the Alabama Rules of the Road Act, providing
way and traffic safety, establishing general rules relating to the
lic laws, establishing certain traffic laws and penalties for the
proof, providing for the establishment of traffic signs, signals and
nd providing for certain powers of the state highway department
rtment of public safety of this state; repealing numerous specific
s and statutes that conflict herewith as well as all other laws that
this act.

Committee on Commerce, Transportation,
and Utilities.

a:
To amend Section 40-18-19, Code of Alabama 1975, which
tain income from state income taxation, so as to exclude pay-
to certain individuals from certain county or municipal retire-
as.

Committee on Finance and Taxation.

Martin and Gulledge:

To provide for equalization of the maximum rate of interest
be charged by State banks with the maximum rate permitted by
be charged by any competing state chartered or licensed lending
or by Federal law to any competing national bank.

Committee on Banking and Insurance.

By Mr. Gulledge:

S. 13. To further amend Sections 10-4-191 and 10-4-193 of the Code of
Alabama 1975, which sections pertain to single tax cooperatives, associa-
tions or corporations, or other like mutual economic cooperatives, associa-
tions or corporations, so as to further provide for the organization and tax
exemption of such cooperatives, associations, or corporations.

Committee on Finance and Taxation.

By Mr. Denton:

S. 14. To amend Section 28-3-266, Code of Alabama 1975 in order to
raise the legal age for a person to attempt to purchase, to purchase, consume,
possess or to transport alcoholic beverages.

Committee on Judiciary.

By Mr. Denton:

S. 15. To amend Act No. 704, H. 475 of the Regular Session of 1951,
commonly known as the Motor Vehicle Safety-Responsibility Act, so as to
increase the security required therein.

Committee on Banking and Insurance.

By Messrs. Gulledge, Denton, Mitchem, Proctor, Callahan, Miller, Teague
and Goodwin:

S. 16. To amend Sections 22-22-1, 22-22-4, 22-22-8, 22-22-9, 22-22-10,
22-22-12, and 22-22-14 of the Code of Alabama 1975 relating to the Water
Improvement Commission, so as to make the statutes conform to the re-
quirements of the Federal Water Pollution Control Act, as amended and
regulations thereunder, in order for the Alabama Water Improvement Com-
mission to obtain the National Pollutant Discharge Elimination System
(NPDES) Permit authority from the Federal Environmental Protection
Agency and further to amend said sections with regard to quorum, permit-
ting, fund disbursing requirements, and criminal penalties for violations.

Committee on Commerce, Transportation,
and Utilities.

By Messrs. Harrison and Taylor:

S. 17. A bill to be known as the "Deceptive Trade Practices Act";
defining certain words and phrases; establishing the Office of Consumer
Protection and defining its duties; defining and prohibiting unlawful trade
practices; providing for the promulgation of rules and regulations interpret-
ing the Act; providing for exemptions from this Act; authorizing the Attorney
General and the District Attorneys to restrain prohibited acts and to seek
other relief; providing for private actions; authorizing the Attorney General
to investigate for prohibited acts and issue subpoenas; providing penalties;
and establishing a statute of limitations.

Committee on Judiciary.

By Mr. Harrison:

S. 18. To provide that persons convicted three times for the illegal or
unauthorized sale or distribution of drugs or controlled substances which is
punishable as a felony under the criminal laws of this state shall be impris-
oned for natural life without benefit of parole, probation, suspension of

15
- April 24, 1979

able prudence under the circumstance in the use of a man-
fact; to establish a defense of failure of an injured party to take
guards, precautions, or actions in the use of a manufactured
vide for the repeal of inconsistent laws or parts of laws; to
everability of this Act; and to provide for the manner in which
es law.

Committee on Judiciary.

ures and Clemon:

To abolish the death penalty; to prescribe life imprisonment
as the maximum punishment for any felony; to amend Sec-
rough 13-11-4 of the Code of Alabama of 1975, which sections
death penalty and crimes committed under aggravating cir-
a maximum punishment authorized and the mitigating cir-
owing the court to impose a sentence at less than the
ating a hearing when the maximum sentence is imposed by
to delete all references to the death penalty, and to prescribe
without parole as the maximum punishment; to amend
to as to delete subsection (d) (1) which provides for stay of
and Section 15-18-1 which prescribes legal punishments, so
reference to death by electrocution; to amend Section 15-9-1,
for rewards in cases leading to the arrest and conviction of
by certain felonies, so as to delete any reference to the death
any laws or parts of laws which conflict with the provisions
to specifically repeal the following sections of the Code of
as amended: 12-22-150, 13-11-5, 15-13-3, 15-16-22, 15-16-23,
15-18-86, 15-18-100 and 15-22-27, all of which specifically
ath penalty or electrocution as punishment for crimes; to
sentences of all persons who have been convicted under the
we and whose executions are pending on the effective date of
commuted to life imprisonment without parole.

Committee on Judiciary.

edge, Figures, and Martin:

ating to elections; to provide for hours of voting; and for
ending Code of Alabama 1975, Section 17-7-6, and repealing
and 17-9-30.

Committee on Governmental Affairs.

(with notice and proof):

ating to Washington County; to provide that the county
Washington County shall meet on the second and fourth
month and at such other times as deemed necessary by said
body provided advance public notice be given by publica-
per of general circulation in Washington County; and to
24, H. B. 764 of the 1884-1885 Session.

Committee on Local Legislation No. 1.

ly that the Notice & Proof is attached to the Bill, S. B. 213.
General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE.
Secretary.

By Mr. Gullledge:

S. 214. To provide that the corporate charter of any corporation or-
ganized under Section 10-4-190 through Section 10-4-193 of the Code of
Alabama 1975 for the demonstration of the single tax principal shall be
revoked.

Committee on Finance and Taxation.

By Messrs. Harrison, Taylor, Holmes, Robertson, Denton, Gullledge, Parsons,
White, and Bailey:

S. 215. To amend Section 38-7-2, Code of Alabama 1975, which pro-
vides for the Child Care Act of 1971, so as to exempt certain church related
facilities and programs from the provisions of said act.

Committee on Education.

By Mr. Harrison:

S. 216. To amend Section 40-23-5 of the Code of Alabama 1975 relat-
ing to certain organizations being exempt from payment of state, county and
municipal sales and use taxes so as to exempt the Montgomery Southern
League, Dixie Youth Baseball, Inc. from payment of such sales and use taxes.

Committee on Finance and Taxation.

By Mr. Glass (with notice and proof):

S. 217. To amend Act No. 767, H. 411, 1973 Regular Session (Acts
1973, p. 1175), entitled "An Act to fix the salary of the Tax Assessor of Mobile
County and to regulate the payment thereof" so as to provide further for such
salary.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 217,
as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE.
Secretary.

By Mr. Glass (with notice and proof):

S. 218. To further amend Act No. 111, H. 419, Regular Session 1955
(Acts 1955, p. 356), as amended, entitled "An Act To fix the salary of the Tax
Collector of Mobile County, and to regulate the payment thereof," so as to
provide further for such salary.

Committee on Local Legislation No. 1.

I hereby certify that the Notice & Proof is attached to the Bill, S. B. 218,
as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE.
Secretary.

By Messrs. Mitchem and Kirkland:

S. 219. Relating to the eradication and control of swine diseases; to
make an appropriation to the Department of Agriculture and Industries for
the fiscal year ending September 30, 1980, to indemnify owners of swine for

SUBSTITUTE FOR S.B. 302

SYNOPSIS: This bill revokes the charter of any single tax corporation organized under Section 10-4-190 through Section 10-4-193, Code of Alabama 1975, and provides for the distribution of assets.

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(1) All liabilities and obligations of the corporation shall be paid, satisfied and discharged, or adequate provision shall be made therefor;

(2) One hundred dollars (\$100.00) shall be returned to each member of the corporation for reimbursement of their membership fee;

(3) Assets received and held by the corporation subject to trust or other limitations permitting their use only for mutual benefit, charitable, religious, eleemosynary, benevolent, educational, or similar purposes, but not held subject to contract or lease, shall only be distributed to another non-profit corporation similarly situated, consisting of the members and lessees of the prior corporation. On the absence of such transfer, such assets shall escheat to the State;

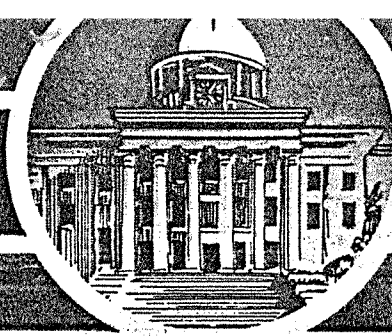
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(5) Other assets, if any, shall be distributed to another non-profit corporation similarly situated consisting of the members and lessees of the prior corporation. In the event such transfer is not made, such assets will escheat to the State.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the part which remains.

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.



LEGISLATIVE REPORT

ALABAMA CHAMBER OF COMMERCE

Vol. 77 - No. 8

1977 REGULAR SESSION

April 1, 1977

The 1977 Regular Session passed the half-way point this week, when both Houses met on Thursday for the 16th Legislative day. The rate of introduction of bills has slowed perceptively since the early days of the session. There have been 1166 bills introduced in the House and 768 in the Senate. The status of any one of these bills may be obtained by calling 832-6380 in Montgomery.

The House Education Committee refused to give H. 200 a favorable report last Wednesday. H. 200 would have provided for Collective Bargaining for the employees of all educational institutions in the state.

ACTION WAS TAKEN on a group of tax measures by the House last Tuesday. In case you missed the explanation of these bills in previous LEGISLATIVE REPORTS, a short synopsis of each bill is provided below:

H. 643, by Mr. Biddle -- 20¢ per ton statewide severance tax on coal; repeals county severance taxes with the exception of DeKalb County. PASSED AS AMENDED.

H. 901, by Mr. Pegues -- 25¢ per ton statewide severance tax on coal. PASSED.

H. 436, by Mr. Hines and others -- 2% increase of severance tax on gas, oil, and other hydrocarbons. PASSED AS SUBSTITUTED AND AMENDED.

H. 964, by Mr. Pegues -- Increases the Foreign Corporation Franchise Tax from \$3.00 per \$1,000 investment to \$3.50 per \$1,000. PASSED.

H. 965, by Mr. Pegues -- Increases the Domestic Corporation Franchise Tax from \$3.00 per \$1,000 capital stock to \$3.50 per \$1,000. CARRIED OVER 3 LEGISLATIVE DAYS.

BILLS OF INTEREST INTRODUCED THIS WEEK:

BUSINESS

- H. 1151 To amend Act No. 1229, H. 638, 1975 Regular Session (Acts 1975, p. 2582), known as the Small Business Assistance Act, so as to create an Office of Small and Minority Business Enterprise, to provide powers and duties of the office; and to make an appropriation. WAYS & MEANS.
- H. 1158 Amending Title 30, Section 40 of the Code of Alabama, 1940, relating to the establishment of foreign trade zones so as to authorize county and municipal governing bodies and private and public corporations to establish and operate such zones at all ports of entry within the State of Alabama. COMMERCE AND TRANSPORTATION.

TAXES

- H. 1120 To amend further Code of Alabama, 1940, Title 51, Section 606, as amended, so as to reduce the privilege license tax levied against persons issuing or selling trading stamps. WAYS & MEANS.
- H. 1129 To amend Title 51, Section 188 (9), Code of Alabama 1940, Recompiled relative to the disposition of the utility licenses. WAYS & MEANS.

MISCELLANEOUS

- S. 750 To provide that any corporation organized under Code of Alabama 1940, Title 10, Section 168, as amended, for the demonstration of the single tax principal, shall amend its corporate charter in order to provide for the administration of certain funds held in trust. COMMITTEE ON FINANCE & TAXATION.

(OVER)

- S. 751 To provide for the revocation of the corporate charter of any corporation organized under Code of Alabama 1940, Title 10, Section 168, as amended, for the demonstration of the single tax principal. COMMITTEE ON FINANCE & TAXATION.
- S. 752 To provide that each lessee of any property owned by any corporation organized under Code of Alabama 1940, Title 10, Section 168, as amended, for the demonstration of the single tax principal, shall be entitled to vote in the management of such corporation's affairs to the same extent as any other member of such corporation. COMMITTEE ON FINANCE & TAXATION.
- S. 764 To allow a corporate entity to prosecute or defend any civil action to which it is a party, without the assistance of legal counsel, before any small claims court in the state. COMMITTEE ON JUDICIARY.

ACTION ON BILLS PREVIOUSLY REPORTED:PLACED ON HOUSE CALENDAR:

- H. 644 Constitutional Amendment; 25¢ per ton ceiling on coal severance tax.
- H. 848 Insurance Guaranty Association.
- H. 862 Protection against default by insurance companies.

PLACED ON SENATE CALENDAR:

- S. 713 Strip mining in Cullman County.
- H. 350 "Lid" bill.
- H. 351 Current Use Provision.

ACTION ON HOUSE FLOOR:

- H. 112 Financial Institution Excise Tax. PASSED AS AMENDED.
- H. 113 Financial Institution Excise Tax. PASSED.
- H. 436 Gas and Oil Severance Tax. PASSED AS AMENDED.
- H. 643 Coal Severance Tax. PASSED AS AMENDED.
- H. 901 Coal Severance Tax. PASSED.
- H. 964 Foreign Corporation Franchise Tax. PASSED.
- H. 965 Domestic Corporation Franchise Tax. CARRIED OVER 3 LEGISLATIVE DAYS.

ACTION ON SENATE FLOOR:

- S. 401 Tax lien on heavy duty equipment. PASSED AS AMENDED.

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6 H. 1179 By Messrs. Carter and Folmar
7 R1 4/5/77
8 RFD State Administration

9 SYNOPSIS: This bill provides that certain corporations
10 organized under Section 168, Title 10, Code of
11 Alabama 1940, as amended, shall allow each lessee
12 of its property to vote the same as a member.

13 A B I L L
14 T O B E E N T I T L E D
15 A N A C T
16

17 To provide that any corporation organized under
18 Section 168, Title 10, Code of Alabama 1940, as amended,
19 for the demonstration of the single tax principal, shall
20 allow each lessee of its property to vote the same as a
21 member in the management of its affairs.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Any corporation organized under Section
24 168 of Title 10 of the Code of Alabama 1940, as amended, for
25 the purpose of demonstrating the single tax principal shall,
26 as soon as practicable after the enactment of this act, amend
27 its corporate charter to provide that each of the lessees of
28 its corporate property shall be entitled to vote the same as
29 a member in the management of its affairs.

30 Section 2. The further acts of any such corporation,
31 which fails to comply with the provisions of this act shall
32 be null and void.

33 Section 3. All laws or parts of laws which conflict
34 with this act are hereby repealed.

35 Section 4. This act shall become effective immediately
36 upon its passage and approval by the Governor, or upon its
37 otherwise becoming a law.
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H. 1178 By Mr. Owens
R1 4/5/77
RFD State Administration

SYNOPSIS: This bill provides for the revocation of the corporate charter of certain corporations organized under Section 168, Title 10, Code of Alabama 1940, as amended.

A B I L L
T O B E E N T I T L E D
A N A C T

To provide that the corporate charter of any corporation organized under Section 168, Title 10, Code of Alabama 1940, as amended, for the demonstration of the single tax principal shall be revoked.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The corporate charter of any corporation organized under Section 168 of Title 10 of the Code of Alabama of 1940, as amended, for the purpose of demonstrating the single tax principal shall be and the same is hereby revoked effective January 1, 1980.

Section 2. All laws or parts of laws which conflict with this act are hereby repealed.

Section 3. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

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4
5 H. 1173 By Messrs. Folmar and Carter
6 R1 4/5/77
7 RFD State Administration

8 SYNOPSIS: This bill requires certain corporations organized
9 under Section 168, Title 10, Code of Alabama 1940,
10 as amended, to amend its corporate charter to pro-
11 vide for the administration of funds held in trust.
12

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14 T O B E E N T I T L E D
15 A N A C T
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28 the lease of its corporate property required by lease to be
29 administered as a trust fund for the benefit of those leasing
30 its real estate shall be administered by a committee of three
31 persons to be elected at an annual meeting called for that
32 purpose by those leasing the corporate lands and for whose
33 benefit said funds are administered as a trust.

34 Section 2. No further expenditures from the trust
35 funds described in Section 1 shall be made until the provisions
36 of this act are complied with.

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April 17, 1979

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To define motorized bicycles, to prescribe the licensing procedure on of license fees, to apply certain rules of the road and safety is and to require no insurance for the operation of such motorized

Committee on Commerce, Transportation,
and Utilities.

ca:

To provide for a driver's license, a chauffeur's license, a motorcy- and to prescribe the manner of test therefor, and to authorize the Public Safety to issue said licenses.

Committee on Commerce, Transportation,
and Utilities.

c:

Relating to crimes and offenses; prohibiting the giving of false , falsely reporting a crime, or making a false allegation against a ment officer; prescribing penalties.

Committee on Judiciary.

c:

Relating to crimes and offenses; prohibiting the wearing of a law type uniform by persons other than full time law enforcement l prescribing penalties therefor.

Committee on Judiciary.

ca:

To be known as the Alabama Rules of the Road Act, providing away and traffic safety, establishing general rules relating to the ffic laws, establishing certain traffic laws and penalties for the ereof, providing for the establishment of traffic signs, signals and nd providing for certain powers of the state highway department ument of public safety of this state; repealing numerous specific s and statutes that conflict herewith as well as all other laws that n this act.

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To amend Section 40-18-19, Code of Alabama 1975, which tain income from state income taxation, so as to exclude pay- to certain individuals from certain county or municipal retire- ns.

Committee on Finance and Taxation.

Martin and Gullledge:

To provide for equalization of the maximum rate of interest , be charged by State banks with the maximum rate permitted by be charged by any competing state chartered or licensed lending or by Federal law to any competing national bank.

Committee on Banking and Insurance.

By Mr. Gullledge:

S. 13. To further amend Sections 10-4-191 and 10-4-193 of the Code of Alabama 1975, which sections pertain to single tax cooperatives, associa- tions or corporations, or other like mutual economic cooperatives, associa- tions or corporations, so as to further provide for the organization and tax exemption of such cooperatives, associations, or corporations.

Committee on Finance and Taxation.

By Mr. Denton:

S. 14. To amend Section 28-3-266, Code of Alabama 1975 in order to raise the legal age for a person to attempt to purchase, to purchase, consume, possess or to transport alcoholic beverages.

Committee on Judiciary.

By Mr. Denton:

S. 15. To amend Act No. 704, H. 475 of the Regular Session of 1951, commonly known as the Motor Vehicle Safety-Responsibility Act, so as to increase the security required therein.

Committee on Banking and Insurance.

By Messrs. Gullledge, Denton, Mitchem, Proctor, Callahan, Miller, Teague and Goodwin:

S. 16. To amend Sections 22-22-1, 22-22-4, 22-22-8, 22-22-9, 22-22-10, 22-22-12, and 22-22-14 of the Code of Alabama 1975 relating to the Water Improvement Commission, so as to make the statutes conform to the re- quirements of the Federal Water Pollution Control Act, as amended and regulations thereunder, in order for the Alabama Water Improvement Com- mission to obtain the National Pollutant Discharge Elimination System (NPDES) Permit authority from the Federal Environmental Protection Agency and further to amend said sections with regard to quorum, permit- ting, fund disbursing requirements, and criminal penalties for violations.

Committee on Commerce, Transportation,
and Utilities.

By Messrs. Harrison and Taylor:

S. 17. A bill to be known as the "Deceptive Trade Practices Act"; defining certain words and phrases; establishing the Office of Consumer Protection and defining its duties; defining and prohibiting unlawful trade practices; providing for the promulgation of rules and regulations interpret- ing the Act; providing for exemptions from this Act; authorizing the Attorney General and the District Attorneys to restrain prohibited acts and to seek other relief; providing for private actions; authorizing the Attorney General to investigate for prohibited acts and issue subpoenas; providing penalties; and establishing a statute of limitations.

Committee on Judiciary.

By Mr. Harrison:

S. 18. To provide that persons convicted three times for the illegal or unauthorized sale or distribution of drugs or controlled substances which is punishable as a felony under the criminal laws of this state shall be impris- oned for natural life without benefit of parole, probation, suspension of

- April 24, 1979

able prudence under the circumstance in the use of a man-
fact; to establish a defense of failure of an injured party to take
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Committee on Judiciary.

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To abolish the death penalty; to prescribe life imprisonment
as the maximum punishment for any felony; to amend Sec-
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to delete all references to the death penalty, and to prescribe
ent without parole as the maximum punishment; to amend
so as to delete subsection (d) (1) which provides for stay of
mend Section 15-18-1 which prescribes legal punishments, so
reference to death by electrocution; to amend Section 15-9-1,
for rewards in cases leading to the arrest and conviction of
g certain felonies, so as to delete any reference to the death
any laws or parts of laws which conflict with the provisions
to specifically repeal the following sections of the Code of
as amended: 12-22-150, 13-11-5, 15-13-3, 15-16-22, 15-16-23,
15-18-86, 15-18-100 and 15-22-27, all of which specifically
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commuted to life imprisonment without parole.

Committee on Judiciary.

ledge, Figures, and Martin:

lating to elections; to provide for hours of voting; and for
ending Code of Alabama 1975, Section 17-7-6, and repealing
and 17-9-30.

Committee on Governmental Affairs.

(with notice and proof):

lating to Washington County; to provide that the county
Washington County shall meet on the second and fourth
month and at such other times as deemed necessary by said
body provided advance public notice be given by publica-
per of general circulation in Washington County; and to
44, H. B. 764 of the 1884-1885 Session.

Committee on Local Legislation No. 1.

fy that the Notice & Proof is attached to the Bill, S. B. 213.
General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Mr. Gulledge:

S. 214. To provide that the corporate charter of any corporation or-
ganized under Section 10-4-190 through Section 10-4-193 of the Code of
Alabama 1975 for the demonstration of the single tax principal shall be
revoked.

Committee on Finance and Taxation.

By Messrs. Harrison, Taylor, Holmes, Robertson, Denton, Gulledge, Parsons,
White, and Bailey:

S. 215. To amend Section 38-7-2, Code of Alabama 1975, which pro-
vides for the Child Care Act of 1971, so as to exempt certain church related
facilities and programs from the provisions of said act.

Committee on Education.

By Mr. Harrison:

S. 216. To amend Section 40-23-5 of the Code of Alabama 1975 relat-
ing to certain organizations being exempt from payment of state, county and
municipal sales and use taxes so as to exempt the Montgomery Southern
League, Dixie Youth Baseball, Inc. from payment of such sales and use taxes.

Committee on Finance and Taxation.

By Mr. Glass (with notice and proof):

S. 217. To amend Act No. 767, H. 411, 1973 Regular Session (Acts
1973, p. 1175), entitled "An Act to fix the salary of the Tax Assessor of Mobile
County and to regulate the payment thereof" so as to provide further for such
salary.

Committee on Local Legislation No. 1.

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as required in the General Acts of Alabama, 1975 Act No. 919.

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S. 218. To further amend Act No. 111, H. 419, Regular Session 1955
(Acts 1955, p. 356), as amended, entitled "An Act To fix the salary of the Tax
Collector of Mobile County, and to regulate the payment thereof," so as to
provide further for such salary.

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as required in the General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

By Messrs. Mitchem and Kirkland:

S. 219. Relating to the eradication and control of swine diseases: to
make an appropriation to the Department of Agriculture and Industries for
the fiscal year ending September 30, 1980, to indemnify owners of swine for

JOURNAL OF THE SENATE, 1979
1st Day

REGULAR SESSION
1st Day

April 17, 1979

7

ca:

To define motorized bicycles, to prescribe the licensing procedure on of license fees, to apply certain rules of the road and safety as and to require no insurance for the operation of such motorized

Committee on Commerce, Transportation,
and Utilities.

ca:

To provide for a driver's license, a chauffeur's license, a motorcycle and to prescribe the manner of test therefor, and to authorize the Public Safety to issue said licenses.

Committee on Commerce, Transportation,
and Utilities.

ca:

Relating to crimes and offenses; prohibiting the giving of false, falsely reporting a crime, or making a false allegation against a ment officer; prescribing penalties.

Committee on Judiciary.

ca:

Relating to crimes and offenses; prohibiting the wearing of a law type uniform by persons other than full time law enforcement prescribing penalties therefor.

Committee on Judiciary.

ca:

To be known as the Alabama Rules of the Road Act, providing away and traffic safety, establishing general rules relating to the ffic laws, establishing certain traffic laws and penalties for the proof, providing for the establishment of traffic signs, signals and nd providing for certain powers of the state highway department artment of public safety of this state; repealing numerous specific s and statutes that conflict herewith as well as all other laws that n this act.

Committee on Commerce, Transportation,
and Utilities.

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To amend Section 40-18-19, Code of Alabama 1975, which tain income from state income taxation, so as to exclude pay- to certain individuals from certain county or municipal retire- ns.

Committee on Finance and Taxation.

Martin and Gulledge:

To provide for equalization of the maximum rate of interest be charged by State banks with the maximum rate permitted by be charged by any competing state chartered or licensed lending or by Federal law to any competing national bank.

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Committee on Governmental Affairs.

(with notice and proof):

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Committee on Local Legislation No. 1.

By that the Notice & Proof is attached to the Bill, S. B. 213.
General Acts of Alabama, 1975 Act No. 919.

McDOWELL LEE,
Secretary.

13
- April 24, 1979

By Mr. Gullledge:

S. 214. To provide that the corporate charter of any corporation or-
ganized under Section 10-4-190 through Section 10-4-193 of the Code of
Alabama 1975 for the demonstration of the single tax principal shall be
revoked.

Committee on Finance and Taxation.

By Messrs. Harrison, Taylor, Holmes, Robertson, Denton, Gullledge, Parsons,
White, and Bailey:

S. 215. To amend Section 38-7-2, Code of Alabama 1975, which pro-
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facilities and programs from the provisions of said act.

Committee on Education.

By Mr. Harrison:

S. 216. To amend Section 40-23-5 of the Code of Alabama 1975 relat-
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municipal sales and use taxes so as to exempt the Montgomery Southern
League, Dixie Youth Baseball, Inc. from payment of such sales and use taxes.

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By Mr. Glass (with notice and proof):

S. 217. To amend Act No. 767, H. 411, 1973 Regular Session (Acts
1973, p. 1175), entitled "An Act to fix the salary of the Tax Assessor of Mobile
County and to regulate the payment thereof" so as to provide further for such
salary.

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S. 218. To further amend Act No. 111, H. 419, Regular Session 1955
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McDOWELL LEE,
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By Messrs. Mitchem and Kirkland:

S. 219. Relating to the eradication and control of swine diseases: to
make an appropriation to the Department of Agriculture and Industries for
the fiscal year ending September 30, 1980, to indemnify owners of swine for

4 *Summary*
3
4
5
6
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8 *Senate F & I Committee*

9 SUBSTITUTE FOR S.B. 214
10

11 SYNOPSIS: This bill revokes the charter of any single
12 tax corporation organized under Section 10-4-190
13 through Section 10-4-193, Code of Alabama 1975,
14 and provides for the distribution of assets.
15

16 A B I L L

17 T O B E E N T I T L E D

18 A N A C T
19

20 To provide that the corporate charter of any
21 corporation organized under Section 10-4-190 through
22 Section 10-4-193 of the Code of Alabama 1975 for the
23 demonstration of the single tax principal shall be revoked,
24 and to provide for the distribution of assets.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. The corporate charter of any
27 corporation organized under Section 10-4-190 through
28 Section 10-4-193 of the Code of Alabama 1975 for the
29 purpose of demonstrating the single tax principal shall
30 be and the same is hereby revoked.

Section 2. Upon the dissolution of any such
corporation by the legislature or otherwise, the assets of
such corporation shall be applied and distributed as follows:

(1) All liabilities and obligations of the
corporation shall be paid, satisfied and discharged, or
adequate provision shall be made therefor;

(2) One hundred dollars (\$100.00) shall be
returned to each member of the corporation for reimbursement
of their membership fee;

(3) Assets received and held by the corporation subject to trust or other limitations permitting their use only for mutual benefit, charitable, religious, eleemosynary, benevolent, educational, or similar purposes, but not held subject to contract or lease, shall only be distributed to another non-profit corporation similarly situated, consisting of the members and lessees of the prior corporation. On the absence of such transfer, such assets shall escheat to the State;

(4) Assets received and held by the corporation subject to lease rights or other contract rights shall only be distributed to another non-profit corporation similarly situated consisting of the members and lessees of the prior corporation. In the absence of such transfer, such assets or property held subject to lease or contract, shall be offered for sale to the lessee at a fair market value or independently appraised value. If such offer is refused, the property may be sold at public auction and the proceeds applied to property held subject to a trust for the mutual benefit of the members of another non-profit corporation similarly situated consisting of the members and lessees of the prior corporation, and any purchaser at such public auction shall hold such property subject to trust and lease limitations and shall automatically become a member of any non-profit corporation similarly situated to which assets are distributed;

(5) Other assets, if any, shall be distributed to another non-profit corporation similarly situated consisting of the members and lessees of the prior corporation. In the event such transfer is not made, such assets will escheat to the State.

Section 3. The provisions of this act are severable. If any part of the act is declared invalid or unconstitutional, such declaration shall not affect the

Section 4. All laws or parts of laws which conflict with this act are hereby repealed.

Section 5. This act shall become effective immediately upon its passage and approval by the Governor, or upon its otherwise becoming a law.

1
2
3 S. 13
4 By Mr. Gullledge
5 RFD - Finance & Taxation
6 Prefiled April 10, 1979
7

8 SYNOPSIS: This bill further amends Sections 10-4-191
9 and 10-4-193 of the Code of Alabama 1975, which
10 sections pertain to single tax cooperatives,
11 associations or corporations, or other
12 like mutual economic associations, so as to
13 further provide for the membership and their
14 participation in the affairs of such associations
15 or corporations and for the tax exemption of
16 such associations or corporations.
17

18 A B I L L

19 T O B E E N T I T L E D

20 A N A C T
21

22 To further amend Sections 10-4-191 and 10-4-193
23 of the Code of Alabama 1975, which sections pertain to
24 single tax cooperatives, associations or corporations,
25 or other like mutual economic cooperatives, associations
26 or corporations, so as to further provide for the
27 organization and tax exemption of such cooperatives,
28 associations, or corporations.

29 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

30 Section 1. Section 10-4-191 and Section
31 10-4-193 of the Code of Alabama 1975, as amended, are
32 amended further to read as follows:

33 "§ 10-4-191. Organization. It may elect
34 such officers as it may deem necessary, in such manner
35 and for such terms as it may provide, and remove the
36 same at any time, and adopt such Constitution and by-
37 laws as it may see fit not in conflict with the Constitution
38
39
40

and laws of this state, and this act. Provided, however,
that all lessees automatically shall become members of
the corporation upon the payment of a \$100 membership fee,
entitled to full voting rights on the election of all
officers, members of the board of directors or council.
Such lessees shall be eligible for membership on the board
of directors, executive committee or council of the corporation
and shall be entitled to vote in the management of its
affairs and the expenditures of trust funds, to the same
extent as any other member of such corporation. The board
of directors, or like body, of the corporation shall give
no less than thirty days notice of any election to each
lessee. The costs of notice and election shall be paid by
the board of directors out of the trust fund established by
the corporation for the mutual benefit of all members. The
books of the corporation and its financial statements shall
be made available for inspection by any lessee-member, at
his request, during the hours that the corporation is open
for business.

"§ 10-4-193. Exemption from taxation. All
associations or corporations heretofore or hereafter
organized pursuant to the provisions of this article for
the purpose of operating waterworks for unincorporated
areas shall be exempt from the payment of all state, county,
municipal or other ad valorem taxes, and shall be exempt
from paying any state or county license tax on any gross
receipts of such association or corporation."

Section 2. This act shall become effective
immediately upon its passage and approval by the Governor,
or upon its otherwise becoming a law.

S. 13
By Mr. Gullledge
RFD - Finance & Taxation
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SYNOPSIS: This bill further amends Sections 10-4-191 and 10-4-193 of the Code of Alabama 1975, which sections pertain to single tax cooperatives, associations or corporations, or other like mutual economic associations, so as to further provide for the membership and their participation in the affairs of such associations or corporations and for the tax exemption of such associations or corporations.

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BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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associations or corporations heretofore or hereafter
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"§ 10-4-193. Exemption from taxation. All
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