

1 HB779
2 120754-1
3 By Representatives Davis, Faust, McMillan and Baker (A)
4 (Constitutional Amendment)
5 RFD: Baldwin County Legislation
6 First Read: 25-MAR-10

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8 SYNOPSIS: This bill would propose a local
9 constitutional amendment for Baldwin County that
10 would provide that garbage, household waste,
11 industrial solid waste, and solid waste may only be
12 disposed of in landfills owned by Baldwin County;
13 would provide that the disposal of certain debris
14 would be exempt; would provide an exemption for
15 certain contracts; would provide that the county
16 may not charge rates exceeding rates for similar
17 services charged by public and private landfill
18 operators in surrounding counties; and would
19 provide for violations of the amendment.

20 The bill would require the county governing
21 body to create the Baldwin County Solid Waste
22 Management Authority to make recommendations to the
23 county governing body relating to the operation of
24 county landfills.

25 This bill would authorize the implementation
26 and administration of the provisions of the
27 amendment by local law.

1
2 A BILL
3 TO BE ENTITLED
4 AN ACT
5

6 To propose an amendment to the Constitution of
7 Alabama of 1901, relating to Baldwin County; to provide that
8 only county-owned solid waste landfills may be used for the
9 disposal of garbage, household waste, industrial solid waste,
10 and solid waste; to exempt the disposal of certain debris and
11 construction materials from the proposed amendment; to provide
12 for certain exempted contracts; to provide that the county may
13 not charge rates exceeding rates for similar services charged
14 by public and private landfill operators in surrounding
15 counties; to provide for violations to the amendment; to
16 require the county governing body to create the Baldwin County
17 Solid Waste Management Authority to make recommendations to
18 the county governing body relating to the operation of county
19 landfills; and to allow the implementation and administration
20 by local acts of the Legislature.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. The following amendment to the
23 Constitution of Alabama of 1901, is proposed and shall become
24 valid as a part of the Constitution when all requirements of
25 this act are fulfilled:

26 PROPOSED AMENDMENT

1 (a) Except as provided in subsection (c) to exempt
2 certain contracts and to exempt the disposal of certain debris
3 and construction materials, in Baldwin County, only
4 county-owned solid waste landfills may be used for the
5 disposal of garbage, household waste, industrial solid waste,
6 and solid waste as defined in Section 22-27-1 et seq., Code of
7 Alabama 1975. The rates for disposal at county-owned or
8 operated solid waste landfills shall not exceed the
9 established gate rates for similar services charged by
10 publicly or privately owned solid waste landfills that process
11 similar average daily volumes as the county-owned or operated
12 landfills in the following counties: Mobile, Escambia,
13 Washington, Monroe, Clarke, Conecuh, and Escambia County,
14 Florida.

15 (b) The county governing body shall create the
16 Baldwin County Solid Waste Management Authority comprised of
17 five members at least two of whom shall be mayors of
18 municipalities in Baldwin County. The committee shall
19 recommend methods of operation, communications, rates,
20 municipal recycling programs, revenue sharing, and other solid
21 waste landfill functions as requested by the county governing
22 body.

23 (c) (1) Contracts in effect on December 1, 2009,
24 between municipalities and other entities for solid waste
25 collection and disposal, including, but not limited to,
26 dumpster contacts and recycling programs, are exempt from this
27 amendment.

1 (2) The disposal of debris including, but not
2 limited to, leaves, limbs, brush, and yard debris and
3 construction materials collected for disposal by a
4 municipality at a municipal facility pursuant to a clean-up
5 following a storm, flood, hurricane, or other weather related
6 disaster is exempt from the requirements of this amendment.

7 (d) Any person, firm, or corporation found in
8 violation of this amendment shall be guilty of a misdemeanor
9 and, upon conviction, shall be fined not less than fifty
10 dollars (\$50) nor more than two hundred dollars (\$200), and if
11 the violation or failure or refusal to obey or comply with
12 this amendment is a continuing one, each day's violation shall
13 constitute a separate offense and shall be punished
14 accordingly. All citations to violators of this article shall
15 be served by any lawful officer or by the Solid Waste Officer.

16 Section 2. An election upon the proposed amendment
17 shall be held in accordance with Amendment 555 to the
18 Constitution of Alabama of 1901, now appearing as Section
19 284.01 of the Official Recompilation of the Constitution of
20 Alabama of 1901, as amended, and the election laws of this
21 state.

22 Section 3. The appropriate election official shall
23 assign a ballot number for the proposed constitutional
24 amendment on the election ballot and shall set forth the
25 following description of the substance or subject matter of
26 the proposed constitutional amendment:

1 "Relating to Baldwin County, proposing an amendment
2 to the Constitution of Alabama of 1901, to provide that only
3 county-owned solid waste landfills may be used for the
4 disposal of garbage, household waste, industrial solid waste
5 and solid waste; to exempt the disposal of certain debris and
6 construction materials from the proposed amendment; to provide
7 that the county may not charge established gate rates
8 exceeding the rates for similar services charged by public and
9 private solid waste landfill operators in surrounding
10 counties; to provide for violations to the amendment; to
11 provide that the Baldwin County governing body shall create
12 the Baldwin County Solid Waste Management Authority to
13 recommend methods of operation, rates, and other functions
14 requested by the Baldwin County governing body; and to
15 authorize local laws for the implementation and administration
16 of the provisions of the amendment.

17 "Proposed by Act _____."

18 This description shall be followed by the following
19 language:

20 "Yes () No ()."