

1 HB791
2 120912-2
3 By Representatives Laird and Bridges (Constitutional
4 Amendment)
5 RFD: Local Legislation
6 First Read: 13-APR-2010

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2 ENROLLED, An Act,

3 To propose an amendment to the Constitution of
4 Alabama of 1901, as amended, pertaining to Chambers County,
5 authorizing and directing the continued levy and collection,
6 by the governing body of Chambers County, in each fiscal or
7 tax year of Chambers County until and including the fiscal or
8 tax year beginning on October 1, 2032, and ending on September
9 30, 2033, of the additional special county ad valorem or
10 property tax exclusively for public library purposes that was
11 authorized by Amendment No. 554 to the Constitution of Alabama
12 of 1901, as amended by Amendment No. 721 to the Constitution,
13 now appearing as Sections 6 and 7 of Chambers County Local
14 Amendments, Official ReCompilation of the Constitution of
15 Alabama of 1901, and prohibiting the use of any of the
16 proceeds of the special tax for payment of costs or expenses
17 incurred in connection with the levy and collection of the
18 tax, to provide for an election on the proposed amendment, and
19 for publication of notice of such election; and to provide for
20 the form of ballot to be used at such election.

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:

PROPOSED AMENDMENT

(a) As used in this amendment, the following defined terms apply:

(1) CONSTITUTION. The Constitution of Alabama of 1901, as amended, now appearing as the Official Recompilation of the Constitution Alabama of 1901, as amended.

(2) SPECIAL LIBRARY TAX. That certain additional special county ad valorem or property tax which is authorized by the Special Tax Amendments to be levied at the rate of twenty cents (\$.20) on each one hundred dollars (\$100) of taxable property in Chambers County.

(3) SPECIAL TAX AMENDMENTS. Amendment No. 554 of the Constitution of Alabama of 1901, now appearing as Section 6 of Chambers County Local Amendments, Official Recompilation of the Constitution of Alabama of 1901, which may be referred to as Chambers County Section 6; and Amendment No. 721 to the Constitution of Alabama of 1901, now appearing as Section 7 of Chambers County Local Amendments, Official Recompilation of the Constitution of Alabama of 1901, which may be referred to as Chambers County Section 7.

(b) Notwithstanding any provision to the contrary in either of the Special Tax Amendments, the governing body of Chambers County shall continue to levy and collect the Special Library Tax in and for each fiscal or tax year of the county until and including the fiscal or tax year beginning on

1 October 1, 2032, and ending on September 30, 2033, and for
 2 which county taxes shall become due and payable on October 1,
 3 2033.

4 (c) Notwithstanding any provision to the contrary in
 5 either of the Special Tax Amendments, none of the proceeds of
 6 the Special Library Tax may be used or expended, whether
 7 directly or indirectly, to pay any costs or expenses incurred,
 8 whether by the governing body of Chambers County or by any
 9 other person, in connection with the levy and collection of
 10 the Special Library Tax or to reimburse the governing body or
 11 any other person for any payment, by the governing body or any
 12 other person, of any such costs or expenses; and the governing
 13 body shall have no power to provide for the payment of any
 14 such costs or expenses out of the proceeds of the Special
 15 Library Tax.

16 (d) Except to the extent provided in this amendment,
 17 the levy and collection of the Special Library Tax, and the
 18 use and expenditure of the proceeds thereof, shall continue to
 19 be subject to all applicable provisions of each of the Special
 20 Tax Amendments. Nothing in this amendment shall be construed
 21 to permit any increase in the rate at which the Special
 22 Library Tax is levied.

23 (e) The provisions of this amendment are
 24 self-executing, and authorization from or any other action by
 25 the Legislature shall not be a prerequisite to the continued

1 levy and collection of the Special Library Tax, or to the use
2 or expenditure of the proceeds thereof. Notwithstanding any
3 contrary provision of either Section 104 or Section 105 of the
4 Constitution, the Legislature shall have the power to enact
5 general, special, or local laws supplemental hereto or in
6 futherance of the purposes hereof; provided, that no such
7 special or local law shall be subject to the provision of
8 Section 106 of the Constitution.

9 Section 2. An election upon the proposed amendment
10 shall be held at the 2010 general election on November 2,
11 2010, in accordance with Amendment 555 to the Constitution of
12 Alabama of 1901, now appearing as Section 284.01 of the
13 Official Recompilation of the Constitution of Alabama of 1901,
14 as amended, and the election laws of this state.

15 Section 3. The appropriate election official shall
16 assign a ballot number for the proposed constitutional
17 amendment on the election ballot and shall set forth the
18 following description of the substance or subject matter of
19 the proposed constitutional amendment:

20 "Proposing a local constitutional amendment for
21 Chambers County to authorize the continued levy and collection
22 of the existing special countywide two mill ad valorem or
23 property tax now being levied exclusively for public library
24 purposes, with no increase in the rate of the tax, until and

1 including the fiscal tax year ending on September 30, 2033,
2 and to provide further for the use of the proceeds of the tax.

3 "Proposed by Act _____"

4 This description shall be followed by the following
5 language:

6 "Yes () No ()."

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 06-APR-10.

Greg Pappas
Clerk

Senate

13-APR-10

Passed