

1 HB791
2 120912-1
3 By Representatives Laird and Bridges (Constitutional
4 Amendment)
5 RFD: Local Legislation
6 First Read: 30-MAR-10

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8 SYNOPSIS: This bill proposes a local constitutional
9 amendment applicable only to Chambers County. The
10 proposed amendment would require the Chambers
11 County Commission to continue to levy and collect
12 the special countywide ad valorem tax for library
13 purposes that was originally authorized by
14 Constitutional Amendment No. 554, as amended by
15 Constitutional Amendment No. 721, now appearing as
16 Sections 6 and 7 of Chambers County Local
17 Amendments, Official Recompilation of the
18 Constitution of Alabama of 1901, until and
19 including the fiscal or tax year of the county
20 ending on September 30, 2033. The proposed
21 amendment would also provide that none of the
22 proceeds of the special tax may be used to pay any
23 costs or expenses incurred in connection with the
24 levy or collection of the tax.

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26 A BILL
27 TO BE ENTITLED

1 AN ACT

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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:

26 PROPOSED AMENDMENT

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

3 (1) CONSTITUTION. The Constitution of Alabama of
4 1901, as amended, now appearing as the Official Recompilation
5 of the Constitution Alabama of 1901, as amended.

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

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

20 (b) Notwithstanding any provision to the contrary in
21 either of the Special Tax Amendments, the governing body of
22 Chambers County shall continue to levy and collect the Special
23 Library Tax in and for each fiscal or tax year of the county
24 until and including the fiscal or tax year beginning on
25 October 1, 2032, and ending on September 30, 2033, and for
26 which county taxes shall become due and payable on October 1,
27 2033.

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

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

20 (e) The provisions of this amendment are
21 self-executing, and authorization from or any other action by
22 the Legislature shall not be a prerequisite to the continued
23 levy and collection of the Special Library Tax, or to the use
24 or expenditure of the proceeds thereof. Notwithstanding any
25 contrary provision of either Section 104 or Section 105 of the
26 Constitution, the Legislature shall have the power to enact
27 general, special, or local laws supplemental hereto or in

1 futherance of the purposes hereof; provided, that no such
2 special or local law shall be subject to the provision of
3 Section 106 of the Constitution.

4 Section 2. An election upon the proposed amendment
5 shall be held at the 2010 general election on November 2,
6 2010, in accordance with Amendment 555 to the Constitution of
7 Alabama of 1901, now appearing as Section 284.01 of the
8 Official Recompilation of the Constitution of Alabama of 1901,
9 as amended, and the election laws of this state.

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

15 "Proposing a local constitutional amendment for
16 Chambers County to authorize the continued levy and collection
17 of the existing special countywide two mill ad valorem or
18 property tax now being levied exclusively for public library
19 purposes, with no increase in the rate of the tax, until and
20 including the fiscal tax year ending on September 30, 2033,
21 and to provide further for the use of the proceeds of the tax.

22 "Proposed by Act _____"

23 This description shall be followed by the following
24 language:

25 "Yes () No ()."