

1 SB581  
2 121018-2  
3 By Senator Pittman (Constitutional Amendment)  
4 RFD: Local Legislation No. 1  
5 First Read: 30-MAR-10

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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

1 implementing local laws would terminate three years following  
2 the ratification date of the amendment.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. The following amendment to the  
5 Constitution of Alabama of 1901, is proposed and shall become  
6 valid as a part of the Constitution when all requirements of  
7 this act are fulfilled:

8 PROPOSED AMENDMENT

9 (a) Subject to the automatic termination of this  
10 amendment and any enabling local laws enacted pursuant to this  
11 amendment, and except as provided in subsection (c) to exempt  
12 certain contracts and to exempt the disposal of certain inert  
13 debris and construction materials, in Baldwin County, only  
14 county-owned solid waste landfills may be used for the  
15 disposal of garbage, household waste, industrial solid waste,  
16 and solid waste as defined in Section 22-27-1 et seq., Code of  
17 Alabama 1975. The rates for disposal at county-owned or  
18 operated solid waste landfills shall not exceed the  
19 established gate rates for similar services charged by  
20 publicly or privately owned solid waste landfills that process  
21 similar average daily volumes as the county-owned or operated  
22 landfills in the following counties: Mobile, Escambia,  
23 Washington, Monroe, Clarke, Conecuh, and Escambia County,  
24 Florida.

25 (b) The county governing body shall create the  
26 Baldwin County Solid Waste Management Authority comprised of  
27 five members at least two of whom shall be mayors of

1 municipalities in Baldwin County. The committee shall  
2 recommend methods of operation, communications, rates,  
3 municipal recycling programs, revenue sharing, and other solid  
4 waste landfill functions as requested by the county governing  
5 body.

6 (c) (1) Contracts in effect on December 1, 2009,  
7 between municipalities and other entities for solid waste  
8 collection and disposal, including, but not limited to,  
9 dumpster contracts and recycling programs, are exempt from  
10 this amendment.

11 (2) The disposal of inert debris including, but not  
12 limited to, leaves, limbs, brush, and yard debris and  
13 construction materials collected for disposal by a  
14 municipality at a municipal or private facility is exempt from  
15 the requirements of this amendment.

16 (d) Any person, firm, or corporation found in  
17 violation of this amendment shall be guilty of a misdemeanor  
18 and, upon conviction, shall be fined not less than fifty  
19 dollars (\$50) nor more than two hundred dollars (\$200), and if  
20 the violation or failure or refusal to obey or comply with  
21 this amendment is a continuing one, each day's violation shall  
22 constitute a separate offense and shall be punished  
23 accordingly. All citations to violators of this article shall  
24 be served by any lawful officer or by the Solid Waste Officer.

25 (e) The Legislature, by local law, may provide for  
26 the implementation and administration of the provisions of  
27 this amendment.

1 (f) This amendment, if adopted and ratified, and any  
2 local law enacted pursuant to this amendment shall  
3 automatically terminate and have no further force or effect of  
4 law three years following the ratification of this amendment.

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

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

16 "Relating to Baldwin County, proposing an amendment  
17 to the Constitution of Alabama of 1901, to provide that only  
18 county-owned solid waste landfills may be used for the  
19 disposal of garbage, household waste, industrial solid waste  
20 and solid waste; to exempt the disposal of certain inert  
21 debris and construction materials from the proposed amendment;  
22 to provide that the county may not charge established gate  
23 rates exceeding the rates for similar services charged by  
24 public and private solid waste landfill operators in  
25 surrounding counties; to provide for violations to the  
26 amendment; to provide that the Baldwin County governing body  
27 shall create the Baldwin County Solid Waste Management

1 Authority to recommend methods of operation, rates, and other  
2 functions requested by the Baldwin County governing body; and  
3 to authorize local laws for the implementation and  
4 administration of the provisions of the amendment; and  
5 providing that the amendment and any local law implementing  
6 the amendment automatically terminate three years following  
7 the ratification of the constitutional amendment.

8 "Proposed by Act \_\_\_\_\_."

9 This description shall be followed by the following  
10 language:

11 "Yes ( ) No ( )."

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Senate

Read for the first time and referred to the Senate  
committee on Local Legislation No. 1 ..... 30-MAR-10

Read for the second time and placed on the calen-  
dar ..... 08-APR-10

Read for the third time and passed as amended ... 13-APR-10

Yeas 21  
Nays 0  
Abstaining 2

McDowell Lee  
Secretary