

1 SB581
2 121018-1
3 By Senator Pittman (Constitutional Amendment)
4 RFD: Local Legislation No. 1
5 First Read: 30-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 inert
14 debris would be exempt; would provide an exemption
15 for certain contracts; would provide that the
16 county may not charge rates exceeding rates for
17 similar services charged by public and private
18 landfill operators in surrounding counties; and
19 would 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 inert
11 debris and construction materials from the proposed amendment;
12 to provide for certain exempted contracts; to provide that the
13 county may not charge rates exceeding rates for similar
14 services charged by public and private landfill operators in
15 surrounding counties; to provide for violations to the
16 amendment; to require the county governing body to create the
17 Baldwin County Solid Waste Management Authority to make
18 recommendations to the county governing body relating to the
19 operation of county landfills; and to allow the implementation
20 and administration 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 inert
3 debris 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 contracts and recycling programs, are exempt from
27 this amendment.

1 (2) The disposal of inert 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 or private facility is exempt from
5 the requirements of this amendment.

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

15 (e) The Legislature, by local law, may provide for
16 the implementation and administration of the provisions of
17 this amendment.

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

24 Section 3. The appropriate election official shall
25 assign a ballot number for the proposed constitutional
26 amendment on the election ballot and shall set forth the

1 following description of the substance or subject matter of
2 the proposed constitutional amendment:

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

19 "Proposed by Act _____."

20 This description shall be followed by the following
21 language:

22 "Yes () No ()."