

1 HB749
2 140540-1
3 By Representatives Davis, McMillan, Shiver, Faust and Baker
4 (Constitutional Amendment)
5 RFD: Baldwin County Legislation
6 First Read: 24-APR-12

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8 SYNOPSIS: This bill would propose a local amendment to
9 the Constitution of Alabama of 1901, relating to
10 Baldwin County, to authorize the county to use the
11 revenues derived from the operation of any county
12 landfill for the promotion of economic development
13 in the county and for construction of roads in the
14 county; to continue to levy and collect tipping
15 fees and other charges for use of any county
16 landfill; and to validate all previous actions of
17 Baldwin County with respect to the operation of the
18 county landfill.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT
23

24 To propose a local amendment to the Constitution of
25 Alabama of 1901, as amended, relating to Baldwin County, to
26 authorize the county to expend any revenues at any time
27 derived by it from the operation of any landfill for certain

1 specified purposes, to continue to charge and alter tipping
2 fees and other charges for the use of a landfill, and to
3 deposit, or cause to be deposited, any or all revenues in its
4 general fund or any other fund or account maintained by it, or
5 in any depositary, fiduciary, or trust account maintained by
6 it with any bank or other financial institution, and to
7 ratify, validate, and confirm all previous actions taken by
8 the county and its governing body in connection with the
9 operation of any landfill.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. The following amendment to the
12 Constitution of Alabama of 1901, is proposed and shall become
13 valid as a part of the Constitution when all requirements of
14 this act are fulfilled:

15 PROPOSED AMENDMENT

16 (a) Baldwin County shall have the power to expend
17 any revenues heretofore or hereafter derived by it from the
18 operation by it of any landfill, for the purposes of paying
19 costs of operating and maintaining a landfill, promoting the
20 economic and industrial development of the county, and
21 construction of roads in and for the county. The revenues
22 shall include all moneys paid to or received by the county
23 from any source in connection with the operation of a
24 landfill, including, but not limited to, tipping fees and
25 other charges heretofore or hereafter imposed by the county
26 for use of any landfill, and any payments heretofore or
27 hereafter received by the county from any political

1 subdivision, public corporation, agency, or instrumentality of
2 either the State of Alabama or the United States of America.

3 (b) The county may hereafter continue to levy or
4 charge tipping fees and other charges for the use of any
5 landfill operated by the county, at a rate in an amount as the
6 governing body may determine, and to alter the tipping fees
7 and charges at any time and from time to time. The fees and
8 charges may be uniform for all users of the landfill or may be
9 fixed in different amounts for different classes or categories
10 of the users. The county, at the discretion of its governing
11 body, may deposit, or cause to be deposited, in its general
12 fund or in any other fund or account maintained by it, any or
13 all of the revenues derived by it from the operation of any
14 such landfill, and may deposit or retain any or all revenues
15 in any depository, fiduciary, or trust account maintained by
16 it with any bank or other financial institution.

17 (c) All powers hereby granted to the county or to
18 its governing body, as the case may be, shall be in addition
19 to, and not in derogation of, any other powers heretofore or
20 hereafter granted by law to the county, and may be exercised
21 without regard to any other conditions, limitations,
22 restrictions, or requirements heretofore otherwise imposed by
23 law on the county or its governing body, as the case may be.

24 (d) There are hereby ratified, validated, and
25 confirmed all actions heretofore taken by the county or by its
26 governing body, as the case may be, in connection with the
27 operation by the county of any landfill, including, without

1 limitation, the levy or charge and collection by the county of
2 any tipping fees or charges in connection with the operation
3 or any such landfill, the deposit or retention by the county
4 of any or all revenues derived by it from the operation of any
5 such landfill in any fund or account created, held, or
6 maintained by the county, including, without limitation, its
7 general fund, or any depository, fiduciary, or trust account
8 maintained by the county with any bank or other financial
9 institution, and the expenditure by the county, for any
10 otherwise lawful purpose, of any or all such revenues.

11 (e) The provisions of this amendment are and shall
12 be self-executing, and authorization from or any other action
13 by the Legislature shall not be a prerequisite to the
14 continued levy or charge by the county of tipping fees and
15 other charges in respect of any landfill, or to the use or
16 expenditure of the revenues therefrom; but notwithstanding any
17 contrary provision of either Section 104 or Section 105 of the
18 Constitution of Alabama of 1901, now appearing as Sections 104
19 and 105, respectively, of the Official Recompilation of the
20 Constitution of Alabama of 1901, as amended, the Legislature
21 shall have the power to enact general, special, or local laws
22 supplemental hereto or in furtherance of the purpose hereof;
23 provided, that no such special or local law shall be subject
24 to the provisions of Section 106 of the Constitution, as
25 amended.

26 Section 2. An election on the proposed amendment is
27 ordered to held on _____, 2012, (a) in Baldwin County,

1 or (b) if and only if so required at a statewide referendum,
2 in accordance with the provisions of Amendment No. 555 to the
3 Constitution of Alabama of 1901, now appearing as Section
4 284.01 of the Official ReCompilation of the Constitution of
5 Alabama of 1901, as amended, and the election laws of this
6 state.

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

12 "Relating to Baldwin County, proposing an amendment
13 to the Constitution of Alabama of 1901, authorizing the county
14 to use any revenues derived by it from the operation of any
15 county landfill for certain purposes, including promoting the
16 economic and industrial development of the county and
17 constructing roads in and for the county, and to continue to
18 levy tipping fees and charges for the use of any such county
19 landfill and validating all actions heretofore taken by the
20 county in connection with the operation of any such county
21 landfill.

22 "Proposed by Act _____."

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

25 "Yes () No ()."