

1 HB215
2 195443-1
3 By Representative Pringle (Constitutional Amendment)
4 RFD: Economic Development and Tourism
5 First Read: 19-MAR-19

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8 SYNOPSIS: Under existing law, Amendment 772 to the
9 Constitution of Alabama of 1901, now appearing as
10 Section 94.01 of the Official Recompilation of the
11 Constitution of Alabama of 1901, as amended,
12 authorizes the governing body of any county, and
13 the governing body of any municipality located
14 therein, for which a local constitutional amendment
15 had not been adopted before ratification of
16 Amendment 772 on December 23, 2004, to have full
17 and continuing power to promote economic and
18 industrial development within the county or
19 municipality, or both.

20 This bill would propose an amendment to
21 Amendment 772 to clarify that existing local
22 economic and industrial development authorities may
23 continue to promote economic and industrial
24 development locally pursuant to Amendment 772.

25 This bill would also repeal those local
26 constitutional amendments existing on December 23,

1 2004, that authorized the creation of local
2 economic and industrial development authorities.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 To propose an amendment to Amendment 772 to the
9 Constitution of Alabama of 1901, now appearing as Section
10 94.01 of the Official Recompilation of the Constitution of
11 Alabama of 1901, as amended, relating to the promotion of
12 economic and industrial development in counties and
13 municipalities; to clarify that local economic and industrial
14 development authorities existing on the ratification date of
15 Amendment 772 may continue to promote local economic and
16 industrial development; and to repeal the local constitutional
17 amendments that authorized the creation of local economic and
18 industrial development authorities.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. The following amendment to the
21 Constitution of Alabama of 1901, as amended, is proposed and
22 shall become valid as a part thereof when approved by a
23 majority of the qualified electors voting thereon and in
24 accordance with Sections 284, 285, and 287 of the Constitution
25 of Alabama of 1901, as amended:

26 PROPOSED AMENDMENT

1 Section I. Amendment 772 to the Constitution of
2 Alabama of 1901, now appearing as Section 94.01 of the
3 Official Recompilation of the Constitution of Alabama of 1901,
4 as amended, is amended to read as follows:

5 "(a) The governing body of any county, and the
6 governing body of any municipality located therein, for which
7 a local constitutional amendment has not been adopted
8 authorizing any of the following, shall have full and
9 continuing power to do any of the following:

10 "(1) Use public funds to purchase, lease, or
11 otherwise acquire real property, buildings, plants, factories,
12 facilities, machinery, and equipment of any kind, or to
13 utilize the properties heretofore purchased or otherwise
14 acquired, and improve and develop the properties for use as
15 sites for industry of any kind or as industrial park projects,
16 including, but not limited to, grading and the construction of
17 roads, drainage, sewers, sewage and waste disposal systems,
18 parking areas, and utilities to serve the sites or projects.

19 "(2) Lease, sell, grant, exchange, or otherwise
20 convey, on terms approved by the governing body of the county
21 or the municipality, as applicable, all or any part of any
22 real property, buildings, plants, factories, facilities,
23 machinery, and equipment of any kind or industrial park
24 project to any individual, firm, corporation, or other
25 business entity, public or private, including any industrial
26 development board or other public corporation or authority
27 heretofore or hereafter created by the county or the

1 municipality, for the purpose of constructing, developing,
2 equipping, and operating industrial, commercial, research, or
3 service facilities of any kind.

4 "(3) Lend its credit to or grant public funds and
5 things of value in aid of or to any individual, firm,
6 corporation, or other business entity, public or private, for
7 the purpose of promoting the economic and industrial
8 development of the county or the municipality.

9 "(4)a. Become indebted and issue bonds, warrants
10 which may be payable from funds to be realized in future
11 years, notes, or other obligations, or evidences of
12 indebtedness to a principal amount not exceeding 50 percent of
13 the assessed value of taxable property therein as determined
14 for state taxation, in order to secure funds for the purchase,
15 construction, lease, or acquisition of any of the property
16 described in subdivision (1) or to be used in furtherance of
17 any of the other powers or authorities granted in this
18 amendment. The obligations or evidences of indebtedness may be
19 issued upon the full faith and credit of the county or any
20 municipality or may be limited as to the source of their
21 payment.

22 "b. The recital in any bonds, warrants, notes, or
23 other obligations or evidences of indebtedness that they were
24 issued pursuant to this amendment or that they were issued to
25 provide funds to be used in furtherance of any power or
26 authority herein authorized shall be conclusive, and no
27 purchaser or holder thereof need inquire further. The bonds,

1 warrants, notes, or other obligations or evidences of
2 indebtedness issued hereunder shall not be considered an
3 indebtedness of the county or any municipality for the purpose
4 of determining the borrowing capacity of the county or
5 municipality under this Constitution.

6 "(b) In carrying out the purpose of this amendment,
7 neither the county nor any municipality located therein shall
8 be subject to Section 93 or 94 of this Constitution. Each
9 public corporation heretofore created by the county or by any
10 municipality located therein, including specifically any
11 industrial development board incorporated under Article 4 of
12 Chapter 54 of Title 11 of the Code of Alabama 1975, and any
13 industrial development authority incorporated or
14 reincorporated under Chapter 92A of Title 11 of the Code of
15 Alabama 1975, and the Shoals Economic Development Authority
16 enacted under Act No. 95-512, 1995 Regular Session, are
17 validated and the powers granted to the board or authority
18 under its respective enabling legislation are validated
19 notwithstanding any other provision of law or of this
20 Constitution. The powers granted by this amendment may be
21 exercised as an alternative to, or cumulative with, and in no
22 way restrictive of, powers otherwise granted by law to the
23 county, or to any municipality, or to any agency, board, or
24 authority created pursuant to the laws of this state.

25 "(c) Neither the county nor any municipality located
26 therein shall lend its credit to or grant any public funds or
27 thing of value to or in aid of any private entity under the

1 authority of this amendment unless prior thereto both of the
2 following are satisfied:

3 "(1) The action proposed to be taken by the county
4 or municipality is approved at a public meeting of the
5 governing body of the county or municipality, as the case may
6 be, by a resolution containing a determination by the
7 governing body that the expenditure of public funds for the
8 purpose specified will serve a valid and sufficient public
9 purpose, notwithstanding any incidental benefit accruing to
10 any private entity or entities.

11 "(2)a. At least seven days prior to the public
12 meeting, a notice is published in the newspaper having the
13 largest circulation in the county or municipality, as the case
14 may be, describing in reasonable detail the action proposed to
15 be taken, a description of the public benefits sought to be
16 achieved by the action, and identifying each individual, firm,
17 corporation, or other business entity to whom or for whose
18 benefit the county or the municipality proposes to lend its
19 credit or grant public funds or thing of value.

20 "b. For purposes of the foregoing, any sale, lease,
21 or other disposition of property for a price equal to the fair
22 market value thereof shall not constitute the lending of
23 credit or a grant of public funds or thing of value in aid of
24 a private entity.

25 "(d) Nothing in this amendment shall authorize the
26 county commission to own or operate a cable television system.

1 "~~(d) (e)~~ This amendment shall have prospective
2 ~~application only.~~ Any ~~local constitutional amendments~~
3 ~~previously adopted and any~~ local law enacted pursuant to ~~such~~
4 ~~amendment~~ a local constitutional amendment adopted before
5 December 23, 2004, and repealed pursuant to Section II of this
6 amendment, shall remain in full force and effect until further
7 amended by the Legislature."

8 Section II. The following amendments to the
9 Constitution of Alabama of 1901, are repealed, and any actions
10 taken in accordance with those amendments are ratified,
11 approved, validated, and confirmed.

12 (1) Amendment 84 to the Constitution of Alabama of
13 1901, now appearing as Section 4, Local Amendments, Marion
14 County, Official Recompilation of the Constitution of Alabama
15 of 1901, as amended.

16 (2) Amendment 94 to the Constitution of Alabama of
17 1901, now appearing as Section 2, Local Amendments, Fayette
18 County, Official Recompilation of the Constitution of Alabama
19 of 1901, as amended.

20 (3) Amendment 95 to the Constitution of Alabama of
21 1901, now appearing as Section 3, Local Amendments, Blount
22 County, Official Recompilation of the Constitution of Alabama
23 of 1901, as amended.

24 (4) Amendment 104 to the Constitution of Alabama of
25 1901, now appearing as Section 10, Local Amendments, Winston
26 County, Official Recompilation of the Constitution of Alabama
27 of 1901, as amended.

1 (5) Amendment 128 to the Constitution of Alabama of
2 1901, now appearing as Section 1, Local Amendments, Bullock
3 County, Official Recompilation of the Constitution of Alabama
4 of 1901, as amended.

5 (6) Amendment 155 to the Constitution of Alabama of
6 1901, now appearing as Section 5, Local Amendments, Perry
7 County, Official Recompilation of the Constitution of Alabama
8 of 1901, as amended.

9 (7) Amendment 183 to the Constitution of Alabama of
10 1901, now appearing as Section 2, Local Amendments, Autauga
11 County, Official Recompilation of the Constitution of Alabama
12 of 1901, as amended.

13 (8) Amendment 186 to the Constitution of Alabama of
14 1901, now appearing as Section 2, Local Amendments, Franklin
15 County, Official Recompilation of the Constitution of Alabama
16 of 1901, as amended.

17 (9) Amendment 188 to the Constitution of Alabama of
18 1901, now appearing as Section 3, Local Amendments, Greene
19 County, Official Recompilation of the Constitution of Alabama
20 of 1901, as amended.

21 (10) Amendment 189 to the Constitution of Alabama of
22 1901, now appearing as Section 3, Local Amendments, Lamar
23 County, Official Recompilation of the Constitution of Alabama
24 of 1901, as amended.

25 (11) Amendment 190 to the Constitution of Alabama of
26 1901, now appearing as Section 3, Local Amendments, Lawrence

1 County, Official Recompilation of the Constitution of Alabama
2 of 1901, as amended.

3 (12) Amendment 191 to the Constitution of Alabama of
4 1901, now appearing as Section 4, Local Amendments, Madison
5 County, Official Recompilation of the Constitution of Alabama
6 of 1901, as amended.

7 (13) Amendment 197 to the Constitution of Alabama of
8 1901, now appearing as Section 5, Local Amendments, St. Clair
9 County, Official Recompilation of the Constitution of Alabama
10 of 1901, as amended.

11 (14) Amendment 217 to the Constitution of Alabama of
12 1901, now appearing as Section 2, Local Amendments, Clarke
13 County, Official Recompilation of the Constitution of Alabama
14 of 1901, as amended.

15 (15) Amendment 220 to the Constitution of Alabama of
16 1901, now appearing as Section 35, Local Amendments, Mobile
17 County, Official Recompilation of the Constitution of Alabama
18 of 1901, as amended.

19 (16) Amendment 221 to the Constitution of Alabama of
20 1901, now appearing as Section 7, Local Amendments, Sumter
21 County, Official Recompilation of the Constitution of Alabama
22 of 1901, as amended.

23 (17) Amendment 244 to the Constitution of Alabama of
24 1901, now appearing as Section 13, Local Amendments, Limestone
25 County, Official Recompilation of the Constitution of Alabama
26 of 1901, as amended.

1 (18) Amendment 245 to the Constitution of Alabama of
2 1901, now appearing as Section 4, Local Amendments, Madison
3 County, Official Recompilation of the Constitution of Alabama
4 of 1901, as amended.

5 (19) Amendment 250 to the Constitution of Alabama of
6 1901, now appearing as Section 2, Local Amendments, Sumter
7 County, Official Recompilation of the Constitution of Alabama
8 of 1901, as amended.

9 (20) Amendment 251 to the Constitution of Alabama of
10 1901, now appearing as Section 6, Local Amendments, Sumter
11 County, Official Recompilation of the Constitution of Alabama
12 of 1901, as amended.

13 (21) Amendment 256 to the Constitution of Alabama of
14 1901, now appearing as Section 8, Local Amendments, Winston
15 County, Official Recompilation of the Constitution of Alabama
16 of 1901, as amended.

17 (22) Amendment 259 to the Constitution of Alabama of
18 1901, now appearing as Section 6, Local Amendments, Conecuh
19 County, Official Recompilation of the Constitution of Alabama
20 of 1901, as amended.

21 (23) Amendment 261 to the Constitution of Alabama of
22 1901, now appearing as Section 36, Local Amendments, Mobile
23 County, Official Recompilation of the Constitution of Alabama
24 of 1901, as amended.

25 (24) Amendment 263 to the Constitution of Alabama of
26 1901, now appearing as Section 2, Local Amendments, Geneva

1 County, Official Recompilation of the Constitution of Alabama
2 of 1901, as amended.

3 (25) Amendment 277 to the Constitution of Alabama of
4 1901, now appearing as Section 11, Local Amendments, Walker
5 County, Official Recompilation of the Constitution of Alabama
6 of 1901, as amended.

7 (26) Amendment 302 to the Constitution of Alabama of
8 1901, now appearing as Section 5, Local Amendments, Pickens
9 County, Official Recompilation of the Constitution of Alabama
10 of 1901, as amended.

11 (27) Amendment 303 to the Constitution of Alabama of
12 1901, now appearing as Section 6, Local Amendments, Morgan
13 County, Official Recompilation of the Constitution of Alabama
14 of 1901, as amended.

15 (28) Amendment 308 to the Constitution of Alabama of
16 1901, now appearing as Section 2, Local Amendments, Marengo
17 County, Official Recompilation of the Constitution of Alabama
18 of 1901, as amended.

19 (29) Amendment 312 to the Constitution of Alabama of
20 1901, now appearing as Section 4, Local Amendments, Bibb
21 County, Official Recompilation of the Constitution of Alabama
22 of 1901, as amended.

23 (30) Amendment 313 to the Constitution of Alabama of
24 1901, now appearing as Section 2, Local Amendments, Hale
25 County, Official Recompilation of the Constitution of Alabama
26 of 1901, as amended.

1 (31) Amendment 376 to the Constitution of Alabama of
2 1901, now appearing as Section 15, Local Amendments, Calhoun
3 County, Official Recompilation of the Constitution of Alabama
4 of 1901, as amended.

5 (32) Amendment 415 to the Constitution of Alabama of
6 1901, now appearing as Section 4, Local Amendments, Calhoun
7 County, Official Recompilation of the Constitution of Alabama
8 of 1901, as amended.

9 (33) Amendment 429 to the Constitution of Alabama of
10 1901, now appearing as Section 3, Local Amendments, Bullock
11 County; Section 3, Local Amendments, Coffee County; Section 2,
12 Local Amendments, Coosa County; Section 2, Local Amendments,
13 Dallas County; Section 5, Local Amendments, Etowah County;
14 Section 3, Local Amendments, Geneva County; Section 3, Local
15 Amendments, Houston County; Section 7, Local Amendments,
16 Jefferson County; Section 4, Local Amendments, Lawrence
17 County; Section 5, Local Amendments, Macon County; Section 5,
18 Local Amendments, Madison County; Section 3, Local Amendments,
19 Marengo County; Section 13, Local Amendments, Mobile County;
20 Section 7, Local Amendments, Morgan County; Section 4, Local
21 Amendments, Talladega County; Section 2, Local Amendments,
22 Shelby County; Section 3, Local Amendments, Tuscaloosa County;
23 Official Recompilation of the Constitution of Alabama of 1901,
24 as amended.

25 (34) Amendment 468 to the Constitution of Alabama of
26 1901, now appearing as Section 4, Local Amendments, Marengo

1 County, Official Recompilation of the Constitution of Alabama
2 of 1901, as amended.

3 (35) Amendment 538 to the Constitution of Alabama of
4 1901, now appearing as Section 4, Local Amendments, Fayette
5 County, Official Recompilation of the Constitution of Alabama
6 of 1901, as amended.

7 (36) Amendment 545 to the Constitution of Alabama of
8 1901, now appearing as Section 5, Local Amendments, Lawrence
9 County, Official Recompilation of the Constitution of Alabama
10 of 1901, as amended.

11 (37) Amendment 563 to the Constitution of Alabama of
12 1901, now appearing as Section 5, Local Amendments, Calhoun
13 County, Official Recompilation of the Constitution of Alabama
14 of 1901, as amended.

15 (38) Amendment 596 to the Constitution of Alabama of
16 1901, now appearing as Section 3, Local Amendments, Walker
17 County, Official Recompilation of the Constitution of Alabama
18 of 1901, as amended.

19 (39) Amendment 624 to the Constitution of Alabama of
20 1901, now appearing as Section 5, Local Amendments, Marengo
21 County, Official Recompilation of the Constitution of Alabama
22 of 1901, as amended.

23 (40) Amendment 642 to the Constitution of Alabama of
24 1901, now appearing as Section 2, Local Amendments, Lee
25 County, Official Recompilation of the Constitution of Alabama
26 of 1901, as amended.

1 (41) Amendment 646 to the Constitution of Alabama of
2 1901, now appearing as Section 6, Local Amendments, Marengo
3 County, Official Recompilation of the Constitution of Alabama
4 of 1901, as amended.

5 (42) Amendment 678 to the Constitution of Alabama of
6 1901, now appearing as Section 2, Local Amendments, Chambers
7 County, Official Recompilation of the Constitution of Alabama
8 of 1901, as amended.

9 (43) Amendment 679 to the Constitution of Alabama of
10 1901, now appearing as Section 2, Local Amendments, Chilton
11 County, Official Recompilation of the Constitution of Alabama
12 of 1901, as amended.

13 (44) Amendment 682 to the Constitution of Alabama of
14 1901, now appearing as Section 2, Local Amendments, Clay
15 County, Official Recompilation of the Constitution of Alabama
16 of 1901, as amended.

17 (45) Amendment 701 to the Constitution of Alabama of
18 1901, now appearing as Section 2, Local Amendments, Randolph
19 County, Official Recompilation of the Constitution of Alabama
20 of 1901, as amended.

21 (46) Amendment 713 to the Constitution of Alabama of
22 1901, now appearing as Section 3, Local Amendments, Montgomery
23 County, Official Recompilation of the Constitution of Alabama
24 of 1901, as amended.

25 (47) Amendment 719 to the Constitution of Alabama of
26 1901, now appearing as Section 2, Local Amendments, Butler

1 County, Official Recompilation of the Constitution of Alabama
2 of 1901, as amended.

3 (48) Amendment 723 to the Constitution of Alabama of
4 1901, now appearing as Section 4, Local Amendments, Coffee
5 County, Official Recompilation of the Constitution of Alabama
6 of 1901, as amended.

7 (49) Amendment 725 to the Constitution of Alabama of
8 1901, now appearing as Section 2, Local Amendments, Covington
9 County, Official Recompilation of the Constitution of Alabama
10 of 1901, as amended.

11 (50) Amendment 729 to the Constitution of Alabama of
12 1901, now appearing as Section 3, Local Amendments, Henry
13 County, Official Recompilation of the Constitution of Alabama
14 of 1901, as amended.

15 (51) Amendment 737 to the Constitution of Alabama of
16 1901, now appearing as Section 3, Local Amendments, Russell
17 County, Official Recompilation of the Constitution of Alabama
18 of 1901, as amended.

19 (52) Amendment 739 to the Constitution of Alabama of
20 1901, now appearing as Section 1, Local Amendments, Tallapoosa
21 County, Official Recompilation of the Constitution of Alabama
22 of 1901, as amended.

23 (53) Amendment 748 to the Constitution of Alabama of
24 1901, now appearing as Section 2, Local Amendments, Crenshaw
25 County, Official Recompilation of the Constitution of Alabama
26 of 1901, as amended.

1 (54) Amendment 750 to the Constitution of Alabama of
2 1901, now appearing as Section 3, Local Amendments, Baldwin
3 County, Official Recompilation of the Constitution of Alabama
4 of 1901, as amended.

5 (55) Amendment 751 to the Constitution of Alabama of
6 1901, now appearing as Section 4, Local Amendments, Fayette
7 County, Official Recompilation of the Constitution of Alabama
8 of 1901, as amended.

9 (56) Amendment 757 to the Constitution of Alabama of
10 1901, now appearing as Section 3, Local Amendments, Barbour
11 County, Official Recompilation of the Constitution of Alabama
12 of 1901, as amended.

13 (57) Amendment 759 to the Constitution of Alabama of
14 1901, now appearing as Section 4, Local Amendments, Baldwin
15 County, Official Recompilation of the Constitution of Alabama
16 of 1901, as amended, and applying to Baldwin, Bullock, Coffee,
17 Coosa, Dallas, Etowah, Geneva, Houston, Jefferson, Lawrence,
18 Macon, Madison, Marengo, Mobile, Morgan, Talladega, Shelby,
19 and Tuscaloosa Counties.

20 (58) Amendment 761 to the Constitution of Alabama of
21 1901, now appearing as Section 4, Local Amendments, Etowah
22 County, Official Recompilation of the Constitution of Alabama
23 of 1901, as amended.

24 Section 2. An election upon the proposed amendment
25 shall be held in accordance with Sections 284 and 285 of the
26 Constitution of Alabama of 1901, now appearing as Sections 284
27 and 285 of the Official Recompilation of the Constitution of

1 Alabama of 1901, as amended, and the election laws of this
2 state.

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

8 "Proposing an amendment to the Constitution of
9 Alabama of 1901, to amend Amendment 772 to the Constitution of
10 Alabama of 1901, now appearing as Section 94.01 of the
11 Official Recompilation of the Constitution of Alabama of 1901,
12 as amended, relating to the promotion of economic and
13 industrial development in counties and municipalities; to
14 clarify that local economic and industrial development
15 authorities existing on the ratification date of Amendment 772
16 may continue to promote local economic and industrial
17 development; and to repeal the local constitutional amendments
18 that authorized the creation of local economic and industrial
19 development authorities.

20 "Proposed by Act _____."

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

23 "Yes () No ()."