

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



1           (a) Baldwin County shall have the power to expend  
2 any revenues heretofore or hereafter derived by it from the  
3 operation by it of any landfill, for the purposes of paying  
4 costs of operating and maintaining a landfill, promoting the  
5 economic and industrial development of the county, and  
6 construction of roads in and for the county directly related  
7 to specific economic and industrial development projects. The  
8 revenues shall include all moneys paid to or received by the  
9 county from any source in connection with the operation of a  
10 landfill, including, but not limited to, tipping fees and  
11 other charges heretofore or hereafter imposed by the county  
12 for use of any landfill, and any payments heretofore or  
13 hereafter received by the county from any political  
14 subdivision, public corporation, agency, or instrumentality of  
15 either the State of Alabama or the United States of America.

16           (b) The county may hereafter continue to levy or  
17 charge tipping fees and other charges for the use of any  
18 landfill operated by the county, at a rate in an amount as the  
19 governing body may determine, and to alter the tipping fees  
20 and charges at any time and from time to time. The fees and  
21 charges may be uniform for all users of the landfill or may be  
22 fixed in different amounts for different classes or categories  
23 of the users. The county, at the discretion of its governing  
24 body, may deposit, or cause to be deposited, in its general  
25 fund or in any other fund or account maintained by it, any or  
26 all of the revenues derived by it from the operation of any  
27 such landfill, and may deposit or retain any or all revenues

1 in any depositary, fiduciary, or trust account maintained by  
2 it with any bank or other financial institution.

3 (c) All powers hereby granted to the county or to  
4 its governing body, as the case may be, shall be in addition  
5 to, and not in derogation of, any other powers heretofore or  
6 hereafter granted by law to the county, and may be exercised  
7 without regard to any other conditions, limitations,  
8 restrictions, or requirements heretofore otherwise imposed by  
9 law on the county or its governing body, as the case may be.

10 (d) There are hereby ratified, validated, and  
11 confirmed all actions heretofore taken by the county or by its  
12 governing body, as the case may be, in connection with the  
13 operation by the county of any landfill, including, without  
14 limitation, the levy or charge and collection by the county of  
15 any tipping fees or charges in connection with the operation  
16 or any such landfill, the deposit or retention by the county  
17 of any or all revenues derived by it from the operation of any  
18 such landfill in any fund or account created, held, or  
19 maintained by the county, including, without limitation, its  
20 general fund, or any depositary, fiduciary, or trust account  
21 maintained by the county with any bank or other financial  
22 institution, and the expenditure by the county, for any  
23 otherwise lawful purpose, of any or all such revenues.

24 (e) The provisions of this amendment are and shall  
25 be self-executing, and authorization from or any other action  
26 by the Legislature shall not be a prerequisite to the  
27 continued levy or charge by the county of tipping fees and

1 other charges in respect of any landfill, or to the use or  
2 expenditure of the revenues therefrom; but notwithstanding any  
3 contrary provision of either Section 104 or Section 105 of the  
4 Constitution of Alabama of 1901, now appearing as Sections 104  
5 and 105, respectively, of the Official Recompilation of the  
6 Constitution of Alabama of 1901, as amended, the Legislature  
7 shall have the power to enact general, special, or local laws  
8 supplemental hereto or in furtherance of the purpose hereof;  
9 provided, that no such special or local law shall be subject  
10 to the provisions of Section 106 of the Constitution, as  
11 amended.

12 Section 2. An election on the proposed amendment is  
13 ordered to held on November 6, 2012, (a) in Baldwin County, or  
14 (b) if and only if so required at a statewide referendum, in  
15 accordance with the provisions of Amendment No. 555 to the  
16 Constitution of Alabama of 1901, now appearing as Section  
17 284.01 of the Official Recompilation of the Constitution of  
18 Alabama of 1901, as amended, and the election laws of this  
19 state.

20 Section 3. The appropriate election official shall  
21 assign a ballot number for the proposed constitutional  
22 amendment on the election ballot and shall set forth the  
23 following description of the substance or subject matter of  
24 the proposed constitutional amendment:

25 "Relating to Baldwin County, proposing an amendment  
26 to the Constitution of Alabama of 1901, authorizing the county  
27 to use any revenues derived by it from the operation of any

1 county landfill for certain purposes, including promoting the  
2 economic and industrial development of the county and  
3 constructing roads in and for the county directly related to  
4 specific economic and industrial development projects, and to  
5 continue to levy tipping fees and charges for the use of any  
6 such county landfill and validating all actions heretofore  
7 taken by the county in connection with the operation of any  
8 such county landfill.

9 "Proposed by Act \_\_\_\_\_."

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

12 "Yes ( ) No ( )."

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Baldwin County  
Legislation..... . . . . . 24-APR-12

Read for the second time and placed  
on the calendar 1 amendment ..... . . . . . 02-MAY-12

Read for the third time and passed  
as amended..... . . . . . 09-MAY-12

Yeas 68, Nays 0, Abstains 25

Greg Pappas  
Clerk