

1 HB563
2 209386-1
3 By Representative Sorrells (Constitutional Amendment)
4 RFD: Local Legislation
5 First Read: 18-MAR-21

SYNOPSIS: This bill would propose an amendment to the Constitution of Alabama of 1901, to amend Constitutional Amendment No. 429 and Constitutional Amendment No. 759, applicable to economic development in several named counties, including Geneva County, to delete Geneva County from the amendments, and would provide a savings clause for any actions of Geneva County prior to the ratification of this amendment. Amendment No. 772 of the Constitution of Alabama of 1901, a statewide constitutional amendment relating to economic development, would continue to apply to Geneva County.

A BILL
TO BE ENTITLED
AN ACT

To propose an amendment to the Constitution of Alabama of 1901, to amend Constitutional Amendment No. 429 and

1 Constitutional Amendment No. 759, applicable to economic
2 development in several named counties, including Geneva
3 County, to delete Geneva County from the amendments, and to
4 provide a savings clause for any actions of Geneva County
5 prior to the ratification of this amendment.

6 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

11 PROPOSED AMENDMENT

12 Section 1. Constitutional Amendment No. 429 and
13 Constitutional Amendment No. 759 of the Constitution of
14 Alabama of 1901, are amended to read as follows:

15 "Amendment No. 429

16 "For the promotion of local economic and industrial
17 development, the governing body of Bullock, Coffee, Coosa,
18 Dallas, Etowah, ~~Geneva~~, Houston, Jefferson, Lawrence, Macon,
19 Marengo, Mobile, Morgan, Talladega, Madison, Shelby, and
20 Tuscaloosa counties and of each municipality situated in said
21 counties, other provisions of law or this Constitution
22 notwithstanding, shall each have, independently or in
23 cooperation with one or more of such governmental entities in
24 such counties, full and continuing power (a) to purchase,
25 lease or otherwise acquire, land, or to utilize land
26 heretofore purchased or otherwise acquired, and to improve and
27 develop such land for use as industrial site, or industrial

1 park, projects, including, but not limited to, grading and the
2 construction of roads, drainage, sewers, sewage and waste
3 disposal systems, parking areas and utilities to serve said
4 projects, and (b) to lease, sell, grant, exchange, or
5 otherwise convey, on terms approved by the governing body of
6 the county, or of municipality exercising such power, all, or
7 any part of, any such project to any person, firm or
8 corporation, public or private, including to any industrial
9 development board or authority heretofore or hereafter created
10 by any such county or municipality therein, for the purpose of
11 the constructing, or developing thereon, by such purchaser or
12 lessees, and the equipping and operating of, industrial,
13 transportation, distribution, warehouse or research
14 facilities, and of office and other facilities auxiliary to
15 the foregoing. Nothing herein shall authorize the counties
16 named, or any municipality there, to construct residential or
17 any other buildings for the purpose of lease or sale.

18 "In carrying out the purposes of this amendment,
19 neither the governing bodies of the counties named
20 hereinabove, nor of any municipality situated in said counties
21 to which this amendment is or becomes applicable, shall be
22 subject to the provisions of sections 93 or 94 of the
23 Constitution of Alabama, as amended. The provisions of this
24 amendment shall be self-executing and the powers granted
25 hereby may be exercised as alternative to, or cumulative with,
26 and in no way restrictive of, powers otherwise granted by law
27 to the governing body of such counties, or of any municipality

1 therein, or to any agency, board, or authority created or
2 approved thereby pursuant to this Constitution or the laws of
3 this state.

4 "The names and addresses of all parties involved in
5 conveyances of land herein provided, and the amount of any
6 monies paid or received, shall be published in the newspaper
7 in the county with the largest circulation.

8 "This amendment shall not be construed to grant any
9 power of eminent domain in addition to that which may be
10 provided otherwise by statute heretofore or hereafter enacted
11 by the legislature of Alabama; nor shall this amendment be
12 construed to affect the annexation statutes heretofore or
13 hereafter enacted by said legislature.

14 "Furthermore, no county or municipality shall sell
15 any real property acquired under the authority hereof for a
16 price less than its actual purchase and development cost of
17 such property, unless:

18 "(a) The price be approved at a public meeting of
19 the governing body of such county or municipality; and

20 "(b) At least fourteen (14) days prior to such
21 public meeting at which such price is approved by such
22 governing body, it has published notice in the newspaper with
23 the largest circulation in the county in which the property is
24 located stating (1) the acreage proposed to be sold, (2) the
25 section or sections or subdivisions of record in which the
26 property is located, (3) the price per acre at which sale is

1 proposed to be made, and (4) the place where a map of the
2 property can be examined by the public; and

3 "(c) The price thus approved is no less than the
4 price advertised as aforesaid; provided, however, that should
5 any real property be acquired for any purpose authorized by
6 this amendment by eminent domain pursuant to other legislative
7 authority as aforesaid, such property shall not be sold, in
8 any event, for less than the price determined and paid
9 pursuant to the orders of the court in such condemnation
10 proceedings. Provided further, that no municipality shall
11 acquire real property in unincorporated areas without a prior
12 consent thereto as expressed in a resolution by the county
13 governing body. Provided further, that no county or
14 municipality shall acquire real property which is located in
15 another county or municipality without such other county's or
16 municipality's prior consent thereto as expressed in a
17 resolution by its governing body. Nothing in the provisions of
18 this constitutional amendment shall be construed to allow
19 construction of dormitories or other type housing on or off
20 university or college campuses.

21 "Amendment No. 759

22 "For the promotion of local economic and industrial
23 development, the governing body of Baldwin, Bullock, Coffee,
24 Coosa, Dallas, Etowah, ~~Geneva~~, Houston, Jefferson, Lawrence,
25 Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby,
26 and Tuscaloosa counties and of each municipality situated in
27 said counties, other provisions of law or this Constitution

1 notwithstanding, shall each have, independently or in
2 cooperation with one or more of such governmental entities in
3 such counties, full and continuing power (a) to purchase,
4 lease or otherwise acquire, land, or to utilize land
5 heretofore purchased or otherwise acquired, and to improve and
6 develop such land for use as industrial site, or industrial
7 park, projects, including, but not limited to, grading and the
8 construction of roads, drainage, sewers, sewage and waste
9 disposal systems, parking areas and utilities to serve said
10 projects, and (b) to lease, sell, grant, exchange, or
11 otherwise convey, on terms approved by the governing body of
12 the county, or of municipality exercising such power, all, or
13 any part of, any such project to any person, firm or
14 corporation, public or private, including to any industrial
15 development board or authority heretofore or hereafter created
16 by any such county or municipality therein, for the purpose of
17 the constructing, or developing thereon, by such purchaser or
18 lessees, and the equipping and operating of, industrial,
19 transportation, distribution, warehouse or research
20 facilities, and of office and other facilities auxiliary to
21 the foregoing. Nothing herein shall authorize the counties
22 named, or any municipality there, to construct residential or
23 any other buildings for the purpose of lease or sale.

24 "In carrying out the purposes of this amendment,
25 neither the governing bodies of the counties named
26 hereinabove, nor of any municipality situated in said counties
27 to which this amendment is or becomes applicable, shall be

1 subject to the provisions of sections 93 or 94 of the
2 Constitution of Alabama, as amended. The provisions of this
3 amendment shall be self-executing and the powers granted
4 hereby may be exercised as alternative to, or cumulative with,
5 and in no way restrictive of, powers otherwise granted by law
6 to the governing body of such counties, or of any municipality
7 therein, or to any agency, board, or authority created or
8 approved thereby pursuant to this Constitution or the laws of
9 this state.

10 "The names and addresses of all parties involved in
11 conveyances of land herein provided, and the amount of any
12 monies paid or received, shall be published in the newspaper
13 in the county with the largest circulation.

14 "This amendment shall not be construed to grant any
15 power of eminent domain in addition to that which may be
16 provided otherwise by statute heretofore or hereafter enacted
17 by the legislature of Alabama; nor shall this amendment be
18 construed to affect the annexation statutes heretofore or
19 hereafter enacted by said legislature.

20 "Furthermore, no county or municipality shall sell
21 any real property acquired under the authority hereof for a
22 price less than its actual purchase and development cost of
23 such property, unless:

24 "(a) The price be approved at a public meeting of
25 the governing body of such county or municipality; and

26 "(b) At least fourteen (14) days prior to such
27 public meeting at which such price is approved by such

1 governing body, it has published notice in the newspaper with
2 the largest circulation in the county in which the property is
3 located stating (1) the acreage proposed to be sold, (2) the
4 section or sections or subdivisions of record in which the
5 property is located, (3) the price per acre at which sale is
6 proposed to be made, and (4) the place where a map of the
7 property can be examined by the public; and

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13 any event, for less than the price determined and paid
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18 governing body. Provided further, that no county or
19 municipality shall acquire real property which is located in
20 another county or municipality without such other county's or
21 municipality's prior consent thereto as expressed in a
22 resolution by its governing body. Nothing in the provisions of
23 this constitutional amendment shall be construed to allow
24 construction of dormitories or other type housing on or off
25 university or college campuses."

26 Section 2. This amendment shall not affect any
27 actions taken by Geneva County under Amendment No. 429 or

1 Amendment No. 759 of the Constitution of Alabama of 1901,
2 prior to the ratification of this amendment.

3 END OF PROPOSED AMENDMENT

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

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

15 "Relating to Geneva County, proposing an amendment
16 to the Constitution of Alabama of 1901, to amend
17 Constitutional Amendment No. 429 and Constitutional Amendment
18 No. 759, applicable to economic development in several named
19 counties, including Geneva County, to delete Geneva County
20 from the amendments, and to provide a savings clause for any
21 actions of Geneva County prior to the ratification of this
22 amendment.

23 "Proposed by Act _____"

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

26 "Yes () No ()."