

1 HB262
2 127473-1
3 By Representative McClammy (Constitutional Amendment)
4 RFD: Montgomery County Legislation
5 First Read: 09-FEB-12

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8 SYNOPSIS: This bill would propose an amendment to the
9 Constitution of Alabama of 1901, relating to
10 Montgomery County, to authorize the establishment
11 of the Montgomery County Reservoir Management Area
12 Authority for the development of Catoma Creek in
13 Montgomery County.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT
18

19 To propose an amendment to the Constitution of
20 Alabama of 1901, relating to Montgomery County, to authorize
21 the establishment of the Montgomery County Reservoir
22 Management Area Authority for the development of Catoma Creek
23 in Montgomery County.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. The following amendment to the
26 Constitution of Alabama of 1901, is proposed and shall become

1 valid as a part of the Constitution when all requirements of
2 this act are fulfilled:

3 PROPOSED AMENDMENT

4 Any provision of the Constitution of Alabama of
5 1901, or amendments thereto, to the contrary notwithstanding,
6 the Legislature by general or local law may provide for and
7 authorize in Montgomery County the incorporation of a public
8 corporation as a political subdivision of the state to be
9 named the Montgomery County Reservoir Management Area
10 Authority, for the development of that portion of Catoma Creek
11 in Montgomery County and within the Montgomery County
12 Reservoir Management Area, its tributaries, and watershed
13 area, for the purposes of water conservation and supply, dam
14 construction and reservoir development, industrial
15 development, flood control, navigation, irrigation, public
16 recreation, and related purposes. The law shall provide for
17 the composition of the board of directors of the authority and
18 specify the powers and duties of the authority and its board
19 of directors; provide for the boundaries of the reservoir
20 management area; authorize the authority to investigate the
21 resources of the Montgomery County Reservoir Management Area,
22 determine and implement the requirements for its full
23 development and control, and carry out a unified comprehensive
24 program of resource development, together with other powers,
25 to effectuate the foregoing objective; authorize the authority
26 to acquire land and interests in land by purchase,
27 construction, lease, condemnation, or otherwise and to hold,

1 manage, and sell land and interests therein; make provisions
2 respecting the establishment and revision of rates, fees, and
3 charges for services rendered by the authority; provide for
4 the issuance by the authority for any of its corporate
5 purposes of interest-bearing revenue bonds and notes payable
6 solely out of the revenues of the authority or out of the
7 revenues of any particular facilities and other property of
8 the authority, without regard to the specific facilities and
9 other property with respect to which the bonds and notes may
10 have been issued; provide for certain taxes; provide that the
11 bonds and notes shall constitute negotiable instruments;
12 provide that the bonds and notes may be secured by a pledge of
13 the revenues from which they are payable, by contracts binding
14 the authority for the proper application of its revenues and
15 the proceeds of such bonds and notes and by a nonforeclosable
16 mortgage or deed of trust or statutory mortgage lien on the
17 facilities and other property out of the revenues from which
18 the bonds and notes are payable; provide that bonds and notes
19 of the authority may be issued under a trust indenture;
20 provide for constructive notice of any statutory mortgage
21 lien; authorize and make provisions respecting the assumption
22 by the authority of obligations respecting facilities and
23 other property acquired by the authority; provide for the use
24 of the proceeds of bonds and notes issued by the authority and
25 provide for the refunding by the issuance of bonds and notes
26 of the authority of bonds and notes theretofore issued or
27 obligations theretofore assumed by it; provide that bonds and

1 notes issued and contracts entered into by the authority
2 pursuant to the act shall not constitute or create a debt of
3 the state or of any county, municipality, or other political
4 subdivision of the state; authorize the Montgomery County
5 Commission and the municipalities located within Montgomery
6 County to contribute money to the authority, without the
7 necessity of an election and with or without consideration
8 therefor; exempt from all taxation in this state, the
9 authority, its property, corporate activities, income,
10 revenues, bonds and notes, the income from its bonds and
11 notes, and conveyances, leases, and mortgages and deeds of
12 trust to which the authority is a party and exempt the
13 authority from payment of certain charges to judges of
14 probate; grant to the authority the power to levy and collect
15 within the boundaries of the management area certain excise
16 taxes, sales taxes, and ad valorem taxes; provide that the
17 authority shall have zoning power within the boundaries of the
18 management area; provide that the authority shall be exempt
19 from regulation and supervision by the Public Service
20 Commission and the state Department of Finance; provide for
21 the use of public roads in the state by the authority; and
22 provide for certain annual reports by the authority.
23 Notwithstanding any other provision of this constitution, the
24 Montgomery County Reservoir Management Area Authority may
25 enter into contracts with and may accept grants from another
26 authority organized pursuant to the laws of this state or
27 federal laws and the contracts with or grants from another

1 authority, including, but not limited to, any other authority
2 authorized to issue general obligation bonds of this state,
3 shall not constitute the extension of the state's credit in
4 violation of Amendment No. 58 of the Constitution of Alabama
5 of 1901, now appearing as Section 93 of the Official
6 Recompilation of the Constitution of Alabama of 1901, as
7 amended, or any other provision of this constitution or the
8 laws of this state.

9 Section 2. An election upon the proposed amendment
10 shall be held in accordance with Amendment 555 to the
11 Constitution of Alabama of 1901, now appearing as Section
12 284.01 of the Official Recompilation of the Constitution of
13 Alabama of 1901, as amended, and the election laws of this
14 state.

15 Section 3. The appropriate election official shall
16 assign a ballot number for the proposed constitutional
17 amendment on the election ballot and shall set forth the
18 following description of the substance or subject matter of
19 the proposed constitutional amendment:

20 "Relating to Montgomery County, proposing an
21 amendment to the Constitution of Alabama of 1901, to authorize
22 the establishment of the Montgomery County Reservoir
23 Management Area Authority for the development of Catoma Creek
24 in Montgomery County.

25 "Proposed by Act _____."

26 This description shall be followed by the following
27 language:

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"Yes () No ()."