

1 HB455
2 173198-1
3 By Representatives McMillan and Faust (Constitutional
4 Amendment)
5 RFD: Baldwin County Legislation
6 First Read: 22-MAR-16

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8 SYNOPSIS: This bill would propose an amendment to the
9 Constitution of Alabama of 1901, which would
10 provide for the incorporation of the Fort Morgan
11 Planning District in Baldwin County as the Town of
12 Fort Morgan.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 Proposing an amendment to the Constitution of
19 Alabama of 1901, to provide for the incorporation of the Fort
20 Morgan Planning District in Baldwin County as the Town of Fort
21 Morgan.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. The Legislature finds that the general
24 laws of this state provide procedures for the incorporation of
25 municipalities in this state, but that the requirements of
26 general law are not appropriate for the incorporation of a
27 municipality on the Fort Morgan peninsula of Baldwin County

1 due to the unique geographic features and population
2 characteristics of the Fort Morgan peninsula. The Legislature
3 further finds that the Fort Morgan Zoning District is the
4 appropriate political subdivision affected by the proposed
5 amendment and that the vote on the approval of this amendment
6 serves as a referendum election on whether the Town of Fort
7 Morgan consisting of the property within the Fort Morgan
8 Zoning District will be incorporated as a municipality
9 provided the amendment is otherwise ratified pursuant to
10 procedures of Amendment 555 of the Constitution of Alabama of
11 1901, now appearing as Section 284.01 of the Recompiled
12 Constitution of Alabama of 1901.

13 Section 2. The following amendment to the
14 Constitution of Alabama of 1901, is proposed and shall become
15 valid as a part of the Constitution when all requirements of
16 this act are fulfilled:

17 PROPOSED AMENDMENT

18 (a) For the purposes of this amendment, the "Baldwin
19 County Planning and Zoning District 25" means the Baldwin
20 County Planning and Zoning District 25 as established by the
21 Baldwin County Commission pursuant to Act 91-719 of the 1991
22 Regular Session (Acts 1991, p. 1389), as amended, as
23 hereinafter referred to as the Fort Morgan Zoning District, as
24 that zoning district was adopted and in effect on July 1,
25 2014, and ratified and confirmed in Act 2015-411 of the
26 Legislature.

1 (b) Subject to the approval of a majority of the
2 qualified electors in the Fort Morgan Zoning District voting
3 at the constitutional amendment election on the approval of
4 this amendment, the Fort Morgan Zoning District is
5 incorporated as a municipality in this state in the same
6 manner as if otherwise incorporated as a municipality pursuant
7 to the general law of this state. Upon that approval and
8 ratification of this amendment, the Judge of Probate of
9 Baldwin County shall issue his or her order of incorporation
10 as provided by general law.

11 (c) Upon the incorporation of the Town of Fort
12 Morgan pursuant to this constitutional amendment, the zoning
13 ratified and confirmed and adopted by reference and expressly
14 made applicable to the Fort Morgan Zoning District pursuant to
15 Act 2015-411 shall remain in effect and the property in the
16 Town of Fort Morgan shall continue to be subject to Act
17 2015-411 and the Baldwin County Planning and Zoning Commission
18 until the Town of Fort Morgan by affirmative resolution of the
19 town council acts to assume jurisdiction of the zoning of the
20 town.

21 Section 3. An election upon the proposed amendment
22 shall be held in accordance with Amendment 555 to the
23 Constitution of Alabama of 1901, now appearing as Section
24 284.01 of the Official Recompilation of the Constitution of
25 Alabama of 1901, as amended, and the election laws of this
26 state.

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

6 "Relating to Baldwin County, proposing an amendment
7 to the Constitution of Alabama of 1901, to provide for the
8 incorporation of the Fort Morgan Planning District as the Town
9 of Fort Morgan.

10 "Proposed by Act _____"

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

13 "Yes () No ()."