

1 HB679
2 132044-3
3 By Representatives Mask and Harper (Constitutional Amendment)
4 RFD: Economic Development and Tourism
5 First Read: 25-MAY-11

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8 SYNOPSIS: This bill would propose an amendment to the
9 Constitution of Alabama of 1901, as amended, to
10 authorize the state to perform certain actions for
11 the purpose of creating jobs and promoting economic
12 and industrial development in the state.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 To propose an amendment to the Constitution of
19 Alabama of 1901, as amended, to authorize the state to perform
20 certain actions for the purpose of creating jobs and promoting
21 economic and industrial development in the state.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. The following amendment to the
24 Constitution of Alabama of 1901, as amended, is proposed and
25 shall become valid as a part thereof when approved by a
26 majority of the qualified electors voting thereon and in

1 accordance with Sections 284, 285, and 287 of the Constitution
2 of Alabama of 1901, as amended:

3 PROPOSED AMENDMENT

4 (a) Notwithstanding any other provision of this
5 Constitution, the state shall have full and continuing power
6 to do any of the following:

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

16 (2) Lease, sell, grant, exchange, or otherwise
17 convey, on terms approved by the State Industrial Development
18 Authority, all or any part of any real property, buildings,
19 plants, factories, facilities, machinery, and equipment of any
20 kind or industrial park project to any individual, firm,
21 corporation, or other business entity, public or private,
22 including any industrial development board or other public
23 corporation or authority heretofore or hereafter created, for
24 the purpose of constructing, developing, equipping, and
25 operating industrial, commercial, research, or service
26 facilities of any kind.

1 (3) Lend its credit to or grant public funds and
2 things of value in aid of or to any individual, firm,
3 corporation, or other business entity, public or private, for
4 the purpose of creating jobs and promoting the economic and
5 industrial development of the state.

6 (b) In carrying out the purpose of this amendment,
7 the state and each department, board, bureau, commission,
8 institution, corporation, agency, or other instrumentality or
9 entity of the state shall not be subject to Sections 93, as
10 amended by Amendment 58, 99, 211, or 212 of, Amendment 25 to,
11 now appearing as Section 211.01 of the Official Recompilation
12 of the Constitution of Alabama of 1901, as amended, Amendment
13 61 to, now appearing as Section 211.02 of the Official
14 Recompilation of the Constitution of Alabama of 1901, as
15 amended, or any other provision of, this Constitution; Title
16 9, Chapter 15, Article 3 of the Code of Alabama 1975; Section
17 40-18-58; and Title 41, Chapter 16, Articles 2 and 3; of the
18 Code of Alabama 1975; or other similar laws. Each department,
19 board, bureau, commission, institution, corporation, agency,
20 or other instrumentality or entity of the state heretofore
21 created, including without limitation, the State Industrial
22 Development Authority, the Alabama Incentives Financing
23 Authority, and the Alabama 21st Century Authority are
24 validated and the powers granted to each such entity,
25 including, without limitation, the powers granted to the State
26 Industrial Development Authority pursuant to any legislation
27 enacted at the 2011 Regular Session are validated

1 notwithstanding any other provision of law or of this
2 Constitution. The powers granted by this amendment may be
3 exercised as an alternative to, or cumulative with, and in no
4 way restrictive of, powers otherwise granted by law to the
5 state or to any entity created pursuant to the laws of this
6 state.

7 (c) The state shall not lend its credit to or grant
8 any public funds or thing of value to or in aid of any private
9 entity under the authority of this amendment unless prior
10 thereto both of the following are satisfied:

11 (1) The action proposed to be taken by the state is
12 approved by the State Industrial Development Authority after
13 it makes a written determination that the expenditure of
14 public funds for the purpose specified will serve a valid and
15 sufficient public purpose, notwithstanding any incidental
16 benefit accruing to any private entity or entities.

17 (2) At least seven days prior to the State
18 Industrial Development Authority making its written
19 determination, a notice is published describing in reasonable
20 detail the action proposed to be taken, a description of the
21 public benefits sought to be achieved by the action, and
22 identifying each individual, firm, corporation, or other
23 business entity to whom or for whose benefit the state
24 proposes to lend its credit or grant public funds or thing of
25 value.

26 For purposes of the foregoing, any sale, lease, or
27 other disposition of property for a price equal to the fair

1 market value thereof shall not constitute the lending of
2 credit or a grant of public funds or thing of value in aid of
3 a private entity.

4 Section 2. An election upon the proposed amendment
5 shall be held in accordance with Sections 284 and 285 of the
6 Constitution of Alabama of 1901, now appearing as Sections 284
7 and 285 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 "Proposing an amendment to the Constitution of
16 Alabama of 1901, to authorize the state to perform certain
17 actions for the purpose of creating jobs and promoting
18 economic and industrial development in the state.

19 "Proposed by Act _____."

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

22 "Yes () No ()."