

1 SB581  
2 122005-2  
3 By Senator Pittman (Constitutional Amendment)  
4 RFD: Local Legislation No. 1  
5 First Read: 30-MAR-10

1 SB581

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4 ENROLLED, An Act,

5 To propose an amendment to the Constitution of  
6 Alabama of 1901, relating to Baldwin County; to provide that  
7 only county-owned solid waste landfills may be used for the  
8 disposal of garbage, household waste, industrial solid waste,  
9 and solid waste; to exempt the disposal of certain inert  
10 debris and construction materials from the proposed amendment;  
11 to provide for certain exempted contracts; to exempt on-site  
12 and privately owned industrial landfills; to provide that the  
13 county may not charge rates exceeding rates for similar  
14 services charged by public and private landfill operators in  
15 surrounding counties; to provide for violations to the  
16 amendment; to require the county governing body to create the  
17 Baldwin County Solid Waste Management Authority to make  
18 recommendations to the county governing body relating to the  
19 operation of county landfills; and to allow the implementation  
20 and administration by local acts of the Legislature; and to  
21 provide that the proposed amendment, if adopted, and any  
22 implementing local laws would terminate three years following  
23 the ratification date of the amendment unless extended by  
24 local act with unanimous vote of the members of the Baldwin  
25 County Legislation Delegation.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. The following amendment to the  
3 Constitution of Alabama of 1901, is proposed and shall become  
4 valid as a part of the Constitution when all requirements of  
5 this act are fulfilled:

6 PROPOSED AMENDMENT

7 (a) Subject to the automatic termination of this  
8 amendment and any enabling local laws enacted pursuant to this  
9 amendment, unless extended, and except as provided in  
10 subsection (c) to exempt certain contracts and to exempt the  
11 disposal of certain inert debris and construction materials,  
12 in Baldwin County, only county-owned solid waste landfills may  
13 be used for the disposal of garbage, household waste,  
14 industrial solid waste, and solid waste as defined in Section  
15 22-27-1 et seq., Code of Alabama 1975. The rates for disposal  
16 at county-owned or operated solid waste landfills shall not  
17 exceed the established gate rates for similar services charged  
18 by publicly or privately owned solid waste landfills that  
19 process similar average daily volumes as the county-owned or  
20 operated landfills in the following counties: Mobile,  
21 Escambia, Washington, Monroe, Clarke, Conecuh, and Escambia  
22 County, Florida.

23 (b) The county governing body shall create the  
24 Baldwin County Solid Waste Management Authority comprised of  
25 five members, at least two of whom shall be mayors of

1 municipalities in Baldwin County. The committee shall  
2 recommend methods of operation, communications, rates,  
3 municipal recycling programs, revenue sharing, and other solid  
4 waste landfill functions as requested by the county governing  
5 body.

6 (c) (1) Contracts in effect on December 1, 2009,  
7 between municipalities and other entities for solid waste  
8 collection and disposal, including, but not limited to,  
9 dumpster contracts and recycling programs, are exempt from  
10 this amendment.

11 (2) The disposal of inert debris including, but not  
12 limited to, leaves, limbs, brush, and yard debris and  
13 construction materials collected for disposal by a  
14 municipality at a municipal or private facility is exempt from  
15 the requirements of this amendment.

16 (3) Notwithstanding any other provision of this act,  
17 on-site and privately owned industrial landfills that receive  
18 only waste generated on-site or by the industrial permit  
19 holder are expressly exempt from this act.

20 (d) Any person, firm, or corporation found in  
21 violation of this amendment shall be guilty of a misdemeanor  
22 and, upon conviction, shall be fined not less than fifty  
23 dollars (\$50) nor more than two hundred dollars (\$200), and if  
24 the violation or failure or refusal to obey or comply with  
25 this amendment is a continuing one, each day's violation shall

1 constitute a separate offense and shall be punished  
2 accordingly. All citations to violators of this amendment  
3 shall be served by any lawful officer or by the Solid Waste  
4 Officer.

5 (e) The Legislature, by local law, may provide for  
6 the implementation and administration of the provisions of  
7 this amendment.

8 (f) This amendment, if adopted and ratified, and any  
9 local law enacted pursuant to this amendment shall  
10 automatically terminate and have no further force or effect of  
11 law three years following the ratification of this amendment  
12 unless extended by local act with unanimous vote of the  
13 members of the Baldwin County Legislation Delegation.

14 Section 2. An election upon the proposed amendment  
15 shall be held in accordance with Amendment 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:

1           "Relating to Baldwin County, proposing an amendment  
2 to the Constitution of Alabama of 1901, to provide that only  
3 county-owned solid waste landfills may be used for the  
4 disposal of garbage, household waste, industrial solid waste,  
5 and solid waste; to exempt certain existing contracts, on-site  
6 and industrial permit holders, and the disposal of certain  
7 inert debris and construction materials from the proposed  
8 amendment; to provide that the county may not charge  
9 established gate rates exceeding the rates for similar  
10 services charged by public and private solid waste landfill  
11 operators in surrounding counties; to provide for violations  
12 to the amendment; to provide that the Baldwin County governing  
13 body shall create the Baldwin County Solid Waste Management  
14 Authority to recommend methods of operation, rates, and other  
15 functions requested by the Baldwin County governing body; to  
16 authorize local laws for the implementation and administration  
17 of the provisions of the amendment; and to provide that the  
18 amendment and any local law implementing the amendment  
19 automatically shall terminate three years following the  
20 ratification of the constitutional amendment unless extended  
21 by local act with unanimous vote of the members of the Baldwin  
22 County Legislative Delegation.

23           "Proposed by Act \_\_\_\_\_."

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

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"Yes ( ) No ( )."

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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB581

Senate 13-APR-10

I hereby certify that the within Act originated in and passed the Senate, as amended.

McDowell Lee  
Secretary

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House of Representatives  
Amended and passed 21-APR-10

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Senate concurred in House amendment 22-APR-10

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By: Senator Pittman