

1 HB779  
2 120754-3  
3 By Representatives Davis, Faust, McMillan and Baker (A)  
4 (Constitutional Amendment)  
5 RFD: Baldwin County Legislation  
6 First Read: 25-MAR-10



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

3 PROPOSED AMENDMENT

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

18 (b) The county governing body shall create the  
19 Baldwin County Solid Waste Management Authority comprised of  
20 five members at least two of whom shall be mayors of  
21 municipalities in Baldwin County. The committee shall  
22 recommend methods of operation, communications, rates,  
23 municipal recycling programs, revenue sharing, and other solid  
24 waste landfill functions as requested by the county governing  
25 body.

1 (c) (1) Contracts in effect on December 1, 2009,  
2 between municipalities and other entities for solid waste  
3 collection and disposal, including, but not limited to,  
4 dumpster ~~contacts~~ contracts and recycling programs, are exempt  
5 from this amendment.

6 (2) The disposal of debris including, but not  
7 limited to, leaves, limbs, brush, and yard debris and  
8 construction materials collected for disposal by a  
9 ~~municipality at a municipal facility pursuant to a clean-up~~  
10 ~~following a storm, flood, hurricane, or other weather related~~  
11 ~~disaster is exempt from the requirements of this amendment~~  
12 municipality at a municipal or private facility is exempt from  
13 the requirements of this amendment.

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

18 (d) Any person, firm, or corporation found in  
19 violation of this amendment shall be guilty of a misdemeanor  
20 and, upon conviction, shall be fined not less than fifty  
21 dollars (\$50) nor more than two hundred dollars (\$200), and if  
22 the violation or failure or refusal to obey or comply with  
23 this amendment is a continuing one, each day's violation shall  
24 constitute a separate offense and shall be punished  
25 accordingly. All citations to violators of this article shall  
26 be served by any lawful officer or by the Solid Waste Officer.

1           Section 2. An election upon the proposed amendment  
2 shall be held in accordance with Amendment 555 to the  
3 Constitution of Alabama of 1901, now appearing as Section  
4 284.01 of the Official Recompilation of the Constitution of  
5 Alabama of 1901, as amended, and the election laws of this  
6 state.

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

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 Baldwin County, proposing an amendment  
16 to the Constitution of Alabama of 1901, to provide that only  
17 county-owned solid waste landfills may be used for the  
18 disposal of garbage, household waste, industrial solid waste  
19 and solid waste; to exempt the disposal of inert certain  
20 debris and construction materials from the proposed amendment;  
21 to provide that the county may not charge established gate  
22 rates exceeding the rates for similar services charged by  
23 public and private solid waste landfill operators in  
24 surrounding counties; to provide for violations to the  
25 amendment; to provide that the Baldwin County governing body  
26 shall create the Baldwin County Solid Waste Management

1 Authority to recommend methods of operation, rates, and other  
2 functions requested by the Baldwin County governing body; and  
3 to authorize local laws for the implementation and  
4 administration of the provisions of the amendment.

5 "Proposed by Act \_\_\_\_\_."

6 This description shall be followed by the following  
7 language:

8 "Yes ( ) No ( )."

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Baldwin County  
Legislation ..... 25-MAR-10

Read for the second time and placed  
on the calendar with 1 substitute  
and ..... 30-MAR-10

Read for the third time and failed  
as amended ..... 06-APR-10  
Yeas 42, Nays 0, Abstains 4

Motion to Reconsider adopted by Voice Vote on April 6, 2010.

Read for the third time and passed  
as amended ..... 14-APR-10  
Yeas 79, Nays 0, Abstains 4

Greg Pappas  
Clerk