

1 SB385
2 133355-2
3 By Senators Pittman and Keahey (Constitutional Amendment)
4 RFD: Local Legislation No. 1
5 First Read: 01-MAR-12

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8 SYNOPSIS: This bill would propose a local
9 constitutional amendment relating to Baldwin
10 County, to amend Amendment No. 750 of the
11 Constitution of Alabama of 1901, now appearing as
12 Section 5 of the Baldwin County Local Amendments,
13 Official Recompilation of the Constitution of
14 Alabama of 1901, as amended, providing for economic
15 development in the county, to require prior to any
16 purchase, lease, or acquisition of land, or any
17 sale, lease, or other conveyance of land pursuant
18 to Amendment No. 750, the land or any interest in
19 the land would be subject to an appraisal by a real
20 estate appraiser licensed in this state.

21
22 A BILL

23 TO BE ENTITLED

24 AN ACT

25
26 To propose a local constitutional amendment relating
27 to Baldwin County, to amend Amendment No. 750 of the

1 Constitution of Alabama of 1901, now appearing as Section 5 of
2 the Baldwin County Local Amendments, Official ReCompilation of
3 the Constitution of Alabama of 1901, as amended, providing for
4 economic development in the county, to require prior to any
5 purchase, lease, or acquisition of land, or any sale, lease,
6 or other conveyance of land pursuant to Amendment No. 750, the
7 land or any interest in the land would be subject to an
8 appraisal by a real estate appraiser licensed in this state.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. The following amendment to the
11 Constitution of Alabama of 1901, is proposed and shall become
12 valid as a part of the Constitution when all requirements of
13 this act are fulfilled:

14 PROPOSED AMENDMENT

15 AMENDMENT TO AMENDMENT NO. 750

16 "For the promotion of local economic and industrial
17 development, the Baldwin County Commission and the governing
18 body of any municipality located therein, any other provision
19 of law or of this Constitution notwithstanding, shall have,
20 independently or in cooperation with one another, full and
21 continuing power to do any of the following:

22 "(1) Use public funds to purchase, lease, or
23 otherwise acquire land, or to utilize land heretofore
24 purchased or otherwise acquired, and improve and develop such
25 land for use as sites for industry of any kind or as
26 industrial park projects, including, but not limited to,
27 grading and the construction of roads, drainage, sewers,

1 sewage and waste disposal systems, parking areas, and
2 utilities to serve such sites or projects.

3 "(2) Lease, sell, grant, exchange, or otherwise
4 convey, on terms approved by the governing body of the county
5 or the municipality, as applicable, all or any part of any
6 site or industrial park project to any individual, firm,
7 corporation, or other business entity, public or private,
8 including any industrial development board or other public
9 corporation or authority heretofore or hereafter created by
10 the county or the municipality, for the purpose of
11 constructing, developing, equipping, and operating industrial,
12 commercial, research, or service facilities of any kind.

13 "(3) Lend its credit to or grant public funds and
14 things of value in aid of or to any individual, firm,
15 corporation, or other business entity, public or private, for
16 the purpose of promoting the economic and industrial
17 development of Baldwin County or the municipality.

18 "In carrying out the purposes of this amendment,
19 neither Baldwin County nor the municipality shall be subject
20 to Section 93 or 94 of this Constitution. Each public
21 corporation heretofore created by Baldwin County or by the
22 municipality, including, specifically, any industrial
23 development board incorporated under Chapter 54, Article 4,
24 Title 11 of the Code of Alabama 1975, and any industrial
25 development authority incorporated or reincorporated under
26 Chapter 92A, Title 11 of the Code of Alabama 1975, is
27 validated and the powers granted to such board or authority

1 under its respective enabling legislation are validated
2 notwithstanding any other provision of law or of this
3 Constitution. The powers granted in this amendment may be
4 exercised as an alternative to, or cumulative with, and in no
5 way restrictive of, powers otherwise granted by law to the
6 county, or to any municipality, or to any agency, board, or
7 authority created pursuant to the laws of this state. Baldwin
8 County or any municipality located therein shall neither lend
9 its credit to or grant any public funds or thing of value to
10 or in aid of any private entity under the authority of this
11 amendment unless prior thereto: (i) Any land proposed to be
12 purchased, leased, or acquired, or any land proposed to be
13 sold, leased, or conveyed, shall have been appraised by a real
14 estate appraiser licensed in this state, and a copy of the
15 appraisal shall be made available not less than seven days
16 prior to consideration by the governing body of the county or
17 municipality of any resolution as provided herein; ~~The~~ (ii)
18 the action proposed to be taken by Baldwin County or the
19 municipality is at a public meeting of the governing body of
20 the county or municipality, as the case may be, by a
21 resolution containing a determination by such governing body
22 that the expenditure of public funds for such purpose will
23 serve a valid and sufficient public purpose, notwithstanding
24 any incidental benefit accruing to any private entity or
25 entities; and ~~(ii)~~ (iii) at least seven days prior to the
26 public meeting, a notice is published in the newspaper having
27 the largest circulation in the county or in the municipality,

1 as the case may be, describing in reasonable detail the action
2 proposed to be taken, a description of the public benefits
3 sought to be achieved by such action, and identifying each
4 individual, firm, corporation, or other business entity to
5 whom or for whose benefit the county or the municipality
6 proposes to lend its credit or grant public funds or thing of
7 value. For purposes of the foregoing, any sale, lease, or
8 other disposition of property for a price equal to the fair
9 market value thereof shall not constitute the lending of
10 credit or a grant of public funds or thing of value in aid of
11 a private entity."

12 Section 2. An election upon the proposed amendment
13 shall be held at the 2012 General Election in accordance with
14 Amendment 555 to the Constitution of Alabama of 1901, now
15 appearing as Section 284.01 of the Official Recompilation of
16 the Constitution of Alabama of 1901, as amended, and the
17 election laws of this state.

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

23 "Relating to Baldwin County, proposing an amendment
24 to Amendment No. 750 of the Constitution of Alabama of 1901,
25 now appearing as Section 5 of the Baldwin County Local
26 Amendments, Official Recompilation of the Constitution of
27 Alabama of 1901, as amended, providing for economic

1 development in the county, to require prior to any purchase,
2 lease, or acquisition of land, or any sale, lease, or other
3 conveyances of land pursuant to Amendment No. 750, the land or
4 any interest in the land would be subject to an appraisal by a
5 real estate appraiser licensed in this state.

6 "Proposed by Act _____."

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

9 "Yes () No ()."