

1 HB578
2 114988-1
3 By Representatives Rogers, Robinson (O) and Scott
4 (Constitutional Amendment)
5 RFD: Jefferson County Legislation
6 First Read: 16-FEB-10

SYNOPSIS: This bill would propose a local constitutional amendment to amend Amendment 818 of the Constitution of Alabama of 1901, now appearing as Section 12.10, Local Amendments, Jefferson County, Official Recompilation of the Constitution of Alabama of 1901, as amended, relating to billing for sewer services. Amendment 818 currently provides that a sewer bill for sewer service received in the name of the tenant shall be the sole responsibility of the tenant and shall not constitute a lien on the property receiving the sewer service. This proposed amendment to Amendment 818 would provide that for a period of time beginning five years prior to the ratification of this amendment, any amounts paid by persons other than tenants would be refunded to such non-tenants to the same extent as if Amendment 818 had been in effect at the beginning of that period of time.

A BILL

1 TO BE ENTITLED

2 AN ACT

3
4 Proposing an amendment to Amendment 818 of the
5 Constitution of Alabama of 1901, now appearing as Section
6 12.10, Local Amendments, Jefferson County, Official
7 Recompilation of the Constitution of Alabama of 1901, as
8 amended, ratified December 1, 2008, to provide further that
9 for a period of time beginning five years prior to the
10 ratification date of this amendment, any funds paid for sewer
11 service from persons other than a tenant of a property shall
12 be refunded to the person who paid funds for sewer service at
13 the property to the same extent as if Amendment 818 had been
14 in effect at the beginning of that period of time.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. The following amendment to Amendment 818
17 of the Constitution of Alabama of 1901, now appearing as
18 Section 12.10, Local Amendments, Jefferson County, Official
19 Recompilation of the Constitution of Alabama of 1901, as
20 amended, is proposed and shall become valid as a part of the
21 Constitution when all requirements of this act are fulfilled:

22 PROPOSED AMENDMENT

23 Proposed Amendment to Amendment 818, Jefferson
24 County: Sewer Service

25 "(a) In Jefferson County, notwithstanding any other
26 provision of this constitution, any bill for sewer service
27 received in the name of the tenant or tenants shall be the

1 sole responsibility of the tenant or tenants and shall not
2 constitute a lien on the property where the sewer service was
3 received. This amendment shall not be interpreted to impair
4 the obligation of any contract entered into before the
5 effective date of ~~the amendment~~ this subsection.

6 "(b) For a period of time that began five years
7 prior to the ratification date of the amendment adding this
8 subsection, any funds paid by any person other than a tenant
9 shall be refunded to the non-tenant to the same extent as if
10 the requirements of subsection (a) had been in effect at the
11 beginning of that period of time."

12 Section 2. An election upon the proposed amendment
13 shall be held in accordance with Amendment 555 to the
14 Constitution of Alabama of 1901, now appearing as Section
15 284.01 of the Official ReCompilation of the Constitution of
16 Alabama of 1901, as amended, and the election laws of this
17 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 Jefferson County, proposing an
24 amendment to Amendment 818 of the Constitution of Alabama of
25 1901, now appearing as Section 12.10, Local Amendments,
26 Jefferson County, Official ReCompilation of the Constitution
27 of Alabama of 1901, as amended, to provide that for a period

1 of time that began five years prior to the date that this
2 proposed amendment is ratified, any funds paid for sewer fees
3 by persons who are not or were not tenants of the property
4 shall have those amounts refunded to the same extent as if the
5 requirements of Amendment 818 had been in effect at the prior
6 time period.

7 "Proposed by Act _____."

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

10 "Yes () No ()."