

1 HB110
2 209386-3
3 By Representative Sorrells (Constitutional Amendment)
4 RFD: County and Municipal Government
5 First Read: 11-JAN-22

SYNOPSIS: This bill would propose an amendment to the Constitution of Alabama of 1901, to amend Constitutional Amendment No. 429 and Constitutional Amendment No. 759, applicable to economic development in several named counties, including Geneva County, to delete Geneva County from the amendments, and would provide a savings clause for any actions of Geneva County prior to the ratification of this amendment. Amendment No. 772 of the Constitution of Alabama of 1901, now appearing as Section 94.01 of the Recompiled Constitution of Alabama of 1901, as amended, a statewide constitutional amendment relating to economic development, would continue to apply to Geneva County.

A BILL
TO BE ENTITLED
AN ACT

1 heretofore purchased or otherwise acquired, and to improve and
2 develop such land for use as industrial site, or industrial
3 park, projects, including, but not limited to, grading and the
4 construction of roads, drainage, sewers, sewage and waste
5 disposal systems, parking areas and utilities to serve said
6 projects, and (b) to lease, sell, grant, exchange, or
7 otherwise convey, on terms approved by the governing body of
8 the county, or of municipality exercising such power, all, or
9 any part of, any such project to any person, firm or
10 corporation, public or private, including to any industrial
11 development board or authority heretofore or hereafter created
12 by any such county or municipality therein, for the purpose of
13 the constructing, or developing thereon, by such purchaser or
14 lessees, and the equipping and operating of, industrial,
15 transportation, distribution, warehouse or research
16 facilities, and of office and other facilities auxiliary to
17 the foregoing. Nothing herein shall authorize the counties
18 named, or any municipality there, to construct residential or
19 any other buildings for the purpose of lease or sale.

20 "In carrying out the purposes of this amendment,
21 neither the governing bodies of the counties named
22 hereinabove, nor of any municipality situated in said counties
23 to which this amendment is or becomes applicable, shall be
24 subject to the provisions of ~~sections~~ Sections 93 or 94 of the
25 Constitution of Alabama, as amended. The provisions of this
26 amendment shall be self-executing and the powers granted
27 hereby may be exercised as alternative to, or cumulative with,

1 and in no way restrictive of, powers otherwise granted by law
2 to the governing body of such counties, or of any municipality
3 therein, or to any agency, board, or authority created or
4 approved thereby pursuant to this Constitution or the laws of
5 this state.

6 "The names and addresses of all parties involved in
7 conveyances of land herein provided, and the amount of any
8 monies paid or received, shall be published in the newspaper
9 in the county with the largest circulation.

10 "This amendment shall not be construed to grant any
11 power of eminent domain in addition to that which may be
12 provided otherwise by statute heretofore or hereafter enacted
13 by the ~~legislature~~ Legislature of Alabama; nor shall this
14 amendment be construed to affect the annexation statutes
15 heretofore or hereafter enacted by said legislature.

16 "Furthermore, no county or municipality shall sell
17 any real property acquired under the authority hereof for a
18 price less than its actual purchase and development cost of
19 such property, unless:

20 "(a) The price be approved at a public meeting of
21 the governing body of such county or municipality; and

22 "(b) At least fourteen (14) days prior to such
23 public meeting at which such price is approved by such
24 governing body, it has published notice in the newspaper with
25 the largest circulation in the county in which the property is
26 located stating (1) the acreage proposed to be sold, (2) the
27 section or sections or subdivisions of record in which the

1 property is located, (3) the price per acre at which sale is
2 proposed to be made, and (4) the place where a map of the
3 property can be examined by the public; and

4 "(c) The price thus approved is no less than the
5 price advertised as aforesaid; provided, however, that should
6 any real property be acquired for any purpose authorized by
7 this amendment by eminent domain pursuant to other legislative
8 authority as aforesaid, such property shall not be sold, in
9 any event, for less than the price determined and paid
10 pursuant to the orders of the court in such condemnation
11 proceedings. Provided further, that no municipality shall
12 acquire real property in unincorporated areas without a prior
13 consent thereto as expressed in a resolution by the county
14 governing body. Provided further, that no county or
15 municipality shall acquire real property which is located in
16 another county or municipality without such other county's or
17 municipality's prior consent thereto as expressed in a
18 resolution by its governing body. Nothing in the provisions of
19 this constitutional amendment shall be construed to allow
20 construction of dormitories or other type housing on or off
21 university or college campuses.

22 "Amendment No. 759

23 "For the promotion of local economic and industrial
24 development, the governing body of Baldwin, Bullock, Coffee,
25 Coosa, Dallas, Etowah, ~~Geneva~~, Houston, Jefferson, Lawrence,
26 Macon, Marengo, Mobile, Morgan, Talladega, Madison, Shelby,
27 and Tuscaloosa counties and of each municipality situated in

1 said counties, other provisions of law or this Constitution
2 notwithstanding, shall each have, independently or in
3 cooperation with one or more of such governmental entities in
4 such counties, full and continuing power (a) to purchase,
5 lease or otherwise acquire, land, or to utilize land
6 heretofore purchased or otherwise acquired, and to improve and
7 develop such land for use as industrial site, or industrial
8 park, projects, including, but not limited to, grading and the
9 construction of roads, drainage, sewers, sewage and waste
10 disposal systems, parking areas and utilities to serve said
11 projects, and (b) to lease, sell, grant, exchange, or
12 otherwise convey, on terms approved by the governing body of
13 the county, or of municipality exercising such power, all, or
14 any part of, any such project to any person, firm or
15 corporation, public or private, including to any industrial
16 development board or authority heretofore or hereafter created
17 by any such county or municipality therein, for the purpose of
18 the constructing, or developing thereon, by such purchaser or
19 lessees, and the equipping and operating of, industrial,
20 transportation, distribution, warehouse or research
21 facilities, and of office and other facilities auxiliary to
22 the foregoing. Nothing herein shall authorize the counties
23 named, or any municipality there, to construct residential or
24 any other buildings for the purpose of lease or sale.

25 "In carrying out the purposes of this amendment,
26 neither the governing bodies of the counties named
27 hereinabove, nor of any municipality situated in said counties

1 to which this amendment is or becomes applicable, shall be
2 subject to the provisions of sections 93 or 94 of the
3 Constitution of Alabama, as amended. The provisions of this
4 amendment shall be self-executing and the powers granted
5 hereby may be exercised as alternative to, or cumulative with,
6 and in no way restrictive of, powers otherwise granted by law
7 to the governing body of such counties, or of any municipality
8 therein, or to any agency, board, or authority created or
9 approved thereby pursuant to this Constitution or the laws of
10 this state.

11 "The names and addresses of all parties involved in
12 conveyances of land herein provided, and the amount of any
13 monies paid or received, shall be published in the newspaper
14 in the county with the largest circulation.

15 "This amendment shall not be construed to grant any
16 power of eminent domain in addition to that which may be
17 provided otherwise by statute heretofore or hereafter enacted
18 by the legislature of Alabama; nor shall this amendment be
19 construed to affect the annexation statutes heretofore or
20 hereafter enacted by said legislature.

21 "Furthermore, no county or municipality shall sell
22 any real property acquired under the authority hereof for a
23 price less than its actual purchase and development cost of
24 such property, unless:

25 "(a) The price be approved at a public meeting of
26 the governing body of such county or municipality; and

1 "(b) At least fourteen (14) days prior to such
2 public meeting at which such price is approved by such
3 governing body, it has published notice in the newspaper with
4 the largest circulation in the county in which the property is
5 located stating (1) the acreage proposed to be sold, (2) the
6 section or sections or subdivisions of record in which the
7 property is located, (3) the price per acre at which sale is
8 proposed to be made, and (4) the place where a map of the
9 property can be examined by the public; and

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11 price advertised as aforesaid; provided, however, that should
12 any real property be acquired for any purpose authorized by
13 this amendment by eminent domain pursuant to other legislative
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15 any event, for less than the price determined and paid
16 pursuant to the orders of the court in such condemnation
17 proceedings. Provided further, that no municipality shall
18 acquire real property in unincorporated areas without a prior
19 consent thereto as expressed in a resolution by the county
20 governing body. Provided further, that no county or
21 municipality shall acquire real property which is located in
22 another county or municipality without such other county's or
23 municipality's prior consent thereto as expressed in a
24 resolution by its governing body. Nothing in the provisions of
25 this constitutional amendment shall be construed to allow
26 construction of dormitories or other type housing on or off
27 university or college campuses."

1 Section 2. This amendment shall not affect any
2 actions taken by Geneva County under Amendment No. 429 or
3 Amendment No. 759 of the Constitution of Alabama of 1901,
4 prior to the ratification of this amendment.

5 END OF PROPOSED AMENDMENT

6 Section 2. An election upon the proposed amendment
7 shall be held at the general election in 2022, in accordance
8 with Section 284.01 of the Constitution of Alabama of 1901,
9 now appearing as Section 284.01 of the Official Recompilation
10 of the Constitution of Alabama of 1901, as amended, and the
11 election laws of this state.

12 Section 3. The appropriate election official shall
13 assign a ballot number for the proposed constitutional
14 amendment on the election ballot and shall set forth the
15 following description of the substance or subject matter of
16 the proposed constitutional amendment:

17 "Relating to Geneva County, proposing an amendment
18 to the Constitution of Alabama of 1901, to amend
19 Constitutional Amendment No. 429 and Constitutional Amendment
20 No. 759, applicable to economic development in several named
21 counties, including Geneva County, to delete Geneva County
22 from the amendments, and to provide a savings clause for any
23 actions of Geneva County prior to the ratification of this
24 amendment.

25 "Proposed by Act _____"

26 This description shall be followed by the following
27 language:

1

"Yes () No ()."