

1 HB642
2 152754-3
3 By Representatives McMillan, Faust, Baker and Shiver
4 (Constitutional Amendment)
5 RFD: Baldwin County Legislation
6 First Read: 18-APR-13

1 (a) (1) Subject to the ratification of this
2 constitutional amendment, beginning December 1, 2014, the
3 proceeds from the existing ad valorem tax on motor vehicles
4 levied and distributed pursuant to Section 45-2-242 of the
5 Code of Alabama 1975, shall be distributed to the Baldwin
6 Community and Economic Development Foundation, Incorporated,
7 for the purpose of encouraging, promoting, or assisting
8 economic development and to encourage and facilitate creation
9 and development of new jobs throughout Baldwin County. The
10 proceeds from the ad valorem tax on motor vehicles shall be
11 used by the foundation as follows:

12 a. A minimum 60 percent of the proceeds shall be
13 expended on economic development projects and infrastructure
14 and new job creation projects, including, but not limited to,
15 acquisition of property or projects, financing or refinancing
16 of new or existing projects, or for the construction,
17 maintenance, or repair of roads or bridges within Baldwin
18 County, directly related to specific economic development
19 projects.

20 b. The balance of the proceeds shall be expended on
21 marketing and initiatives pertaining or related to new job
22 creation in Baldwin County, including, but not limited to,
23 advertising, job training, and workforce development.

24 c. The Baldwin Community and Economic Development
25 Foundation, Incorporated, shall have the authority to expend
26 the proceeds as deemed necessary and shall also be entitled to
27 transfer proceeds to other entities for the purposes set forth

1 herein, including, but not limited to, transfers of proceeds
2 to industrial development boards, municipalities, other state
3 boards or agencies, and nonprofit corporations.

4 (2) The proceeds referenced in this amendment may
5 not be used for the salary of any employees of Baldwin County
6 or for any other personnel expenditures of the county.

7 (b) The Legislature may provide, by local law, for
8 the implementation and administration of this amendment and
9 may decrease that portion of the proceeds distributed to the
10 Baldwin Community and Economic Development Foundation,
11 Incorporated, or allocate or reallocate the distribution of
12 proceeds between the foundation and other entities as
13 determined by the Legislature.

14 (c) In carrying out the purposes of this amendment,
15 neither Baldwin County nor any other entity shall be subject
16 to the provisions of Sections 93 and 94 of the Constitution of
17 Alabama of 1901, as amended. The provisions of this amendment
18 shall be self-executing and the powers granted hereby may be
19 exercised as alternative to, or cumulative with, and no way
20 restrictive of, powers otherwise granted by law to Baldwin
21 County, the Baldwin County Commission, the Baldwin Community
22 and Economic Development Foundation, Incorporated, or any
23 other agency, board, authority, or entity approved pursuant to
24 this Constitution or the laws of this state.

25 (d) The foundation shall continue to require an
26 annual independent, external audit of the foundation which
27 shall be provided to the Baldwin County Commission.

1 Section 2. An election upon the proposed amendment
2 shall be held at the next general election in the year 2014 in
3 accordance with Amendment 555 to the Constitution of Alabama
4 of 1901, now appearing as Section 284.01 of the Official
5 Recompilation of the Constitution of Alabama of 1901, as
6 amended, and the election laws of this state.

7 Section 3. The appropriate election official shall
8 assign a ballot number for the proposed constitutional
9 amendment on the election ballot and shall set forth the
10 following description of the substance or subject matter of
11 the proposed constitutional amendment:

12 "Relating to Baldwin County; proposing an amendment
13 to the Constitution of Alabama of 1901, to provide that the
14 proceeds from an existing ad valorem tax only on motor
15 vehicles distributed to the Baldwin Community and Economic
16 Development Foundation, Incorporated, for the purpose of
17 encouraging, promoting, or assisting economic development and
18 to encourage and facilitate the creation and development of
19 new jobs throughout Baldwin County; and to allow the
20 Legislature to reallocate the distribution of the proceeds
21 from the tax.

22 "Proposed by Act _____."

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

25 "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..... 18-APR-13

Read for the second time and placed
on the calendar..... 23-APR-13

Read for the third time and passed
as amended..... 30-APR-13

Yeas 64, Nays 0, Abstains 24

Jeff Woodard
Clerk