

1 HB369  
2 127473-1  
3 By Representative McClammy (Constitutional Amendment)  
4 RFD: Montgomery County Legislation  
5 First Read: 29-MAR-11

SYNOPSIS: This bill would propose an amendment to the Constitution of Alabama of 1901, relating to Montgomery County, to authorize the establishment of the Montgomery County Reservoir Management Area Authority for the development of Catoma Creek in Montgomery County.

A BILL  
TO BE ENTITLED  
AN ACT

To propose an amendment to the Constitution of Alabama of 1901, relating to Montgomery County, to authorize the establishment of the Montgomery County Reservoir Management Area Authority for the development of Catoma Creek in Montgomery County.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become

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

3 PROPOSED AMENDMENT

4 Any provision of the Constitution of Alabama of  
5 1901, or amendments thereto, to the contrary notwithstanding,  
6 the Legislature by general or local law may provide for and  
7 authorize in Montgomery County the incorporation of a public  
8 corporation as a political subdivision of the state to be  
9 named the Montgomery County Reservoir Management Area  
10 Authority, for the development of that portion of Catoma Creek  
11 in Montgomery County and within the Montgomery County  
12 Reservoir Management Area, its tributaries, and watershed  
13 area, for the purposes of water conservation and supply, dam  
14 construction and reservoir development, industrial  
15 development, flood control, navigation, irrigation, public  
16 recreation, and related purposes. The law shall provide for  
17 the composition of the board of directors of the authority and  
18 specify the powers and duties of the authority and its board  
19 of directors; provide for the boundaries of the reservoir  
20 management area; authorize the authority to investigate the  
21 resources of the Montgomery County Reservoir Management Area,  
22 determine and implement the requirements for its full  
23 development and control, and carry out a unified comprehensive  
24 program of resource development, together with other powers,  
25 to effectuate the foregoing objective; authorize the authority  
26 to acquire land and interests in land by purchase,  
27 construction, lease, condemnation, or otherwise and to hold,

1 manage, and sell land and interests therein; make provisions  
2 respecting the establishment and revision of rates, fees, and  
3 charges for services rendered by the authority; provide for  
4 the issuance by the authority for any of its corporate  
5 purposes of interest-bearing revenue bonds and notes payable  
6 solely out of the revenues of the authority or out of the  
7 revenues of any particular facilities and other property of  
8 the authority, without regard to the specific facilities and  
9 other property with respect to which the bonds and notes may  
10 have been issued; provide for certain taxes; provide that the  
11 bonds and notes shall constitute negotiable instruments;  
12 provide that the bonds and notes may be secured by a pledge of  
13 the revenues from which they are payable, by contracts binding  
14 the authority for the proper application of its revenues and  
15 the proceeds of such bonds and notes and by a nonforeclosable  
16 mortgage or deed of trust or statutory mortgage lien on the  
17 facilities and other property out of the revenues from which  
18 the bonds and notes are payable; provide that bonds and notes  
19 of the authority may be issued under a trust indenture;  
20 provide for constructive notice of any statutory mortgage  
21 lien; authorize and make provisions respecting the assumption  
22 by the authority of obligations respecting facilities and  
23 other property acquired by the authority; provide for the use  
24 of the proceeds of bonds and notes issued by the authority and  
25 provide for the refunding by the issuance of bonds and notes  
26 of the authority of bonds and notes theretofore issued or  
27 obligations theretofore assumed by it; provide that bonds and

1 notes issued and contracts entered into by the authority  
2 pursuant to the act shall not constitute or create a debt of  
3 the state or of any county, municipality, or other political  
4 subdivision of the state; authorize the Montgomery County  
5 Commission and the municipalities located within Montgomery  
6 County to contribute money to the authority, without the  
7 necessity of an election and with or without consideration  
8 therefor; exempt from all taxation in this state, the  
9 authority, its property, corporate activities, income,  
10 revenues, bonds and notes, the income from its bonds and  
11 notes, and conveyances, leases, and mortgages and deeds of  
12 trust to which the authority is a party and exempt the  
13 authority from payment of certain charges to judges of  
14 probate; grant to the authority the power to levy and collect  
15 within the boundaries of the management area certain excise  
16 taxes, sales taxes, and ad valorem taxes; provide that the  
17 authority shall have zoning power within the boundaries of the  
18 management area; provide that the authority shall be exempt  
19 from regulation and supervision by the Public Service  
20 Commission and the state Department of Finance; provide for  
21 the use of public roads in the state by the authority; and  
22 provide for certain annual reports by the authority.  
23 Notwithstanding any other provision of this constitution, the  
24 Montgomery County Reservoir Management Area Authority may  
25 enter into contracts with and may accept grants from another  
26 authority organized pursuant to the laws of this state or  
27 federal laws and the contracts with or grants from another

1 authority, including, but not limited to, any other authority  
2 authorized to issue general obligation bonds of this state,  
3 shall not constitute the extension of the state's credit in  
4 violation of Amendment No. 58 of the Constitution of Alabama  
5 of 1901, now appearing as Section 93 of the Official  
6 Recompilation of the Constitution of Alabama of 1901, as  
7 amended, or any other provision of this constitution or the  
8 laws of this state.

9 Section 2. An election upon the proposed amendment  
10 shall be held in accordance with Amendment 555 to the  
11 Constitution of Alabama of 1901, now appearing as Section  
12 284.01 of the Official Recompilation of the Constitution of  
13 Alabama of 1901, as amended, and the election laws of this  
14 state.

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

20 "Relating to Montgomery County, proposing an  
21 amendment to the Constitution of Alabama of 1901, to authorize  
22 the establishment of the Montgomery County Reservoir  
23 Management Area Authority for the development of Catoma Creek  
24 in Montgomery County.

25 "Proposed by Act \_\_\_\_\_."

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

1

"Yes ( ) No ( )."