

1 HB228
2 147801-1
3 By Representatives DeMarco, Carns, Treadaway, Drake,
4 Robinson (O), Scott, Rogers, Coleman-Evans, Givan, Farley,
5 Todd, McAdory, Standridge, Moore (M) and McClurkin (N & P)
6 RFD: Jefferson County Legislation
7 First Read: 07-FEB-13

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Jefferson County; to amend Section 1 of
14 Act No. 87-741 of the Regular Session of the Legislature of
15 Alabama of 1987, amending Section 4 of Act No. 547 of the
16 Regular Session of the Legislature of Alabama of 1965, as
17 amended, relating to the Board of Directors for a civic center
18 authority, so as to provide further for the procedure for
19 selecting the members of such board and changing the number of
20 the members of such board.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. The paragraph added by Section 1 of Act
23 No. 87-741 of the Regular Session of the Legislature of
24 Alabama of 1987 to Section 4 of Act No. 547 of the Regular
25 Session of the Legislature of Alabama of 1965, as amended, is
26 hereby amended as follows:

1 ~~"After March 1, 1986, the seven elected members of~~
2 ~~the Board of Directors shall no longer be elected by the~~
3 ~~Legislative Electoral College. After said date, whenever a~~
4 ~~Board member's term expires or his seat becomes vacant during~~
5 ~~a term, the incumbent members of the state Senate from~~
6 ~~Jefferson County and House of Representatives from Jefferson~~
7 ~~County shall hereafter separately and alternatively elect~~
8 ~~successors to vacant directorships with the Senate members~~
9 ~~filling the first vacancy after such date and the House~~
10 ~~members filling the second vacancy after such date. In case a~~
11 ~~directorship held by an elected Director becomes vacant during~~
12 ~~his or her term, the successor shall be elected by the Senate~~
13 ~~or House members, as the case may be, for the remainder of the~~
14 ~~term during which such vacancy occurred; October 1, 2012, the~~
15 ~~Board of Directors of the Authority shall have eight elected~~
16 ~~members. Four of the elected members, and their successors,~~
17 ~~shall be elected by the members of the state Senate from~~
18 ~~Jefferson County, and four of the elected members, and their~~
19 ~~successors, shall be elected by the members of the state House~~
20 ~~of Representatives from Jefferson County. If a vacancy of a~~
21 ~~seat elected by the members of the state Senate from Jefferson~~
22 ~~County shall occur on the Board of Directors by expiration of~~
23 ~~a Board member's term, resignation, death, or any other~~
24 ~~reason, that vacancy shall be filled by election by the~~
25 ~~members of the state Senate from Jefferson County. If a~~
26 ~~vacancy of a seat elected by the members of the state House of~~
27 ~~Representatives from Jefferson County shall occur on the Board~~

1 of Directors by expiration of a Board member's term,
2 resignation, death, or any other reason, that vacancy shall be
3 filled by election by the members of the state House of
4 Representatives from Jefferson County.

5 "An election of a Director of the Authority must
6 occur after the date the seat becomes vacant, and within sixty
7 (60) days from the date of the occurrence of the vacancy, or
8 the remaining members of the Board of Directors shall fill
9 said vacancy; provided, however, that upon the subsequent
10 vacancy of a seat filled by the remaining Board of Directors,
11 if that seat was previously subject to election by the members
12 of the state Senate from Jefferson County any subsequent
13 vacancy of such seat shall again be subject to election by the
14 members of the state Senate from Jefferson County, and if that
15 seat was previously subject to election by the members of the
16 state House of Representatives from Jefferson County any
17 subsequent vacancy of such seat shall again be subject to
18 election by the members of the state House of Representatives
19 from Jefferson County.

20 "If a directorship held by an elected Director
21 becomes vacant during his or her term, the successor shall be
22 elected for the remainder of the term during which such
23 vacancy occurred by the appropriate body as provided above;
24 provided, however, that if a person is elected to any vacant
25 directorship during the last six months of any term of such
26 directorship, he or she shall be deemed elected for the
27 remainder of such term and for the next succeeding term of

1 such directorship. ~~In the event a vacancy shall occur on the~~
2 ~~Board of Directors by resignation, death or expiration of a~~
3 ~~Board member's term, said vacancy shall be filled by the~~
4 ~~Legislative delegation, as set out above, and if said~~
5 ~~legislative delegation fails for any reason to fill said~~
6 ~~vacancy within sixty (60) days from the date of the occurrence~~
7 ~~of said vacancy, the remaining members of the Board of~~
8 ~~Directors shall fill said vacancy.~~

9 "If a Director serves on the Board of Directors of
10 the Authority for more than eight (8) years after the
11 effective date of this Act (whether or not there is a break in
12 such service), such Director shall be entitled to serve out
13 his or her remaining term but shall not thereafter be eligible
14 for election or re-election as a Director at any time in the
15 future.

16 "The term of each elected Director (unless elected
17 to fill a vacancy during a prior elected Director's term, as
18 provided above) shall be four (4) years, beginning on October
19 1 and ending on September 30. However, for purposes of
20 transition only, the following shall apply:

21 "(a) With respect to the two Directors elected by
22 the members of the state Senate from Jefferson County whose
23 terms were scheduled to begin October 1, 2012 and end on
24 September 30, 2016, the term of the first Director elected
25 shall instead expire on September 30, 2017, while the term of
26 the second Director elected shall remain unchanged and shall
27 expire on September 30, 2016. Their successors shall be

1 elected by the members of the state Senate from Jefferson
2 County.

3 "(b) With respect to the two Directors elected by
4 the members of the state House of Representatives from
5 Jefferson County whose terms were scheduled to begin October
6 1, 2012 and end on September 30, 2016, the term of the first
7 Director elected shall instead expire on September 30, 2017,
8 while the term of the second Director elected shall remain
9 unchanged and shall expire on September 30, 2016. Their
10 successors shall be elected by the members of the state House
11 of Representatives from Jefferson County.

12 "(c) With respect to the Director elected by the
13 members of the state Senate from Jefferson County whose term
14 was scheduled to end on September 30, 2014, his term shall
15 remain unchanged and shall expire on September 30, 2014. His
16 successors shall be elected by the members of the state Senate
17 from Jefferson County.

18 "(d) With respect to the Director elected by the
19 members of the state House of Representatives from Jefferson
20 County whose term was scheduled to end on September 30, 2014,
21 his term shall remain unchanged and shall expire on September
22 30, 2014. His successors shall be elected by the members of
23 the state House of Representatives from Jefferson County.

24 "(e) With respect to the Director elected by the
25 members of the state Senate from Jefferson County whose term
26 was scheduled to end on September 30, 2015, his term shall
27 remain unchanged and shall expire on September 30, 2015. His

1 successors shall be elected by the members of the state Senate
2 from Jefferson County.

3 "(f) With respect to the Director elected by the
4 members of the state House of Representatives from Jefferson
5 County whose term was scheduled to end on September 30, 2015,
6 her term shall remain unchanged and shall expire on September
7 30, 2015. Her successors shall be elected by the members of
8 the state House of Representatives from Jefferson County."

9 Section 2. All laws or parts of laws which conflict
10 with this act are repealed.

11 Section 3. If any provision of this act shall be
12 held by any court of competent jurisdiction to be invalid,
13 such invalidity shall not affect any other provisions of this
14 act and the act shall be given full force and effect as
15 completely as if the invalid provision had not been included.

16 Section 4. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.