

1 HB471
2 156195-2
3 By Representative Scott (N & P)
4 RFD: Jefferson County Legislation
5 First Read: 12-FEB-14

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8 SYNOPSIS: Under existing law, a public corporation may
9 be organized for the purpose of providing a public
10 transportation system in any county having a
11 population of not less than 600,000 according to
12 the last or any subsequent federal decennial
13 census.

14 Also under existing law, the existence of an
15 authority incorporated under, or governed by, the
16 provisions of this act in a county shall prevent
17 the subsequent incorporation of another authority
18 under this act in the same county.

19 This bill would provide that one or more
20 public corporations may be organized for the
21 purpose of providing a public transportation system
22 in any county having a population of not less than
23 600,000 according to the last or any subsequent
24 federal decennial census.

25 This bill would repeal the prohibition that
26 the existence of an authority incorporated under,
27 or governed by, the provisions of this act in a

1 county shall prevent the subsequent incorporation
2 of another authority under this act in the same
3 county.

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5 A BILL
6 TO BE ENTITLED
7 AN ACT
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9 Relating to county public transportation systems; to
10 amend Section 3 of Act 2013-380 of the 2013 Regular Session,
11 now appearing as Section 11-32-3 of the Code of Alabama 1975;
12 to provide that one or more public corporations may be
13 organized for the purpose of providing a public transportation
14 system in any county having a population of not less than
15 600,000 according to the last or any subsequent federal
16 decennial census; and to repeal Section 15 of Act 2013-380 of
17 the 2013 Regular Session, now appearing as Section 11-32-15 of
18 the Code of Alabama 1975.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 3 of Act 2013-380 of the 2013
21 Regular Session, now appearing as Section 11-32-3 of the Code
22 of Alabama 1975, is amended to read as follows:

23 "§11-32-3.

24 "(a) ~~A~~ One or more public corporation corporations
25 may be organized pursuant to this chapter in a county having a
26 population of not less than 600,000 according to the last or
27 any subsequent federal decennial census. Once incorporated

1 under or governed by this chapter, ~~the~~ each corporation shall
2 continue to be subject to this chapter, even if the population
3 of the county falls below 600,000. In order to incorporate as
4 a public corporation, any number of natural persons, not less
5 than three, shall first file a written application with the
6 governing body of the county and with the governing body of
7 the municipality in the county having the largest population
8 according to the most recent federal decennial census, which
9 applications shall include all of the following:

10 "(1) A statement that the authority proposes to
11 render public transportation service in the county.

12 "(2) The proposed location of the principal office
13 of the authority, which shall be within the county with the
14 governing body of which the application is filed.

15 "(3) A statement that each of the applicants is a
16 duly qualified elector of the county in which the application
17 is filed.

18 "(4) A request that the governing body adopt a
19 resolution declaring that it is wise, expedient, and necessary
20 that the proposed authority be formed and authorizing the
21 applicants to proceed to form the proposed authority by the
22 filing for record of a certificate of incorporation in
23 accordance with Section 11-32-4.

24 "(b) The applications shall, except in their
25 designation of the governing body to which they are addressed
26 and with which they are filed, be identical, and accompanied
27 by the supporting documents or evidence as the applicants may

1 consider appropriate. As promptly as may be practicable after
2 the filing of the applications in accordance with this
3 section, the governing bodies of the county and the
4 municipality with which the application was filed shall review
5 the contents of the application and shall adopt resolutions
6 either denying the application or declaring that it is wise,
7 expedient, and necessary that the proposed authority be formed
8 and authorizing the applicants to proceed to form the proposed
9 authority by the filing for record of a certificate of
10 incorporation in accordance with Section 11-32-4. Each
11 governing body with which an application is filed shall also
12 cause a copy of the application to be spread upon or otherwise
13 made a part of the minutes of the meeting of the governing
14 body at which final action upon the application is taken."

15 Section 2. Section 15 of Act 2013-380 of the 2013
16 Regular Session, now appearing as Section 11-32-15 of the Code
17 of Alabama 1975, is repealed.

18 Section 3. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.