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SYNOPSIS:

Under existing law, a county may establish an agriculture authority to construct and operate facilities to promote agriculture businesses, operations, commodities, workforce development, and economic development in the county.

This bill would authorize the board of directors of an authority to appoint former members of the board as directors emeritus to serve as goodwill ambassadors of the authority.

This bill would also exempt certain agricultural authorities from municipal ordinances or regulations without the consent of the authority.

A BILL  
TO BE ENACTED  
AN ACT

Relating to agriculture authorities; to amend Section 11-20-71, Code of Alabama 1975, to authorize the board of directors of an authority to appoint former members of the board as directors emeritus to serve as goodwill ambassadors of the board; and to amend Section 11-20-80, Code of Alabama 1975, to exempt certain agricultural authorities from municipal ordinances or regulations without the consent of the



29 authority.

30 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

31 Section 1. Sections 11-20-71 and 11-20-80, Code of  
32 Alabama 1975, are amended to read as follows:

33 "§11-20-71

34 (a) The board of directors of an agriculture authority  
35 shall be as specified in the articles and in accordance with  
36 Section 11-20-70.

37 (b) Each agriculture authority shall have a chair, vice  
38 chair, secretary, and treasurer to be elected by the board of  
39 directors. The offices of secretary and treasurer may, but  
40 need not, be held by the same person. A majority of the  
41 directors shall constitute a quorum for the transaction of  
42 business. The officers and directors shall serve for the terms  
43 provided for in the articles. A director may not draw any  
44 salary for any service rendered or for any duty performed as  
45 director. The duties of the chair, vice chair, secretary, and  
46 treasurer shall be those as are customarily performed by such  
47 officers and as may be prescribed by the board of directors  
48 from time to time.

49 (c) All directors shall serve until their successors  
50 are duly appointed or until they cease to be qualified.  
51 Vacancies on the board shall be filled as provided for in the  
52 articles, but any individual appointed to fill a vacancy shall  
53 serve only for the unexpired portion of the term. In the event  
54 any uncertainty arises as to the terms of office of the  
55 directors, the county commission or individual authorized to  
56 appoint the directors may clarify the term by adoption of an



57 appropriate resolution or by execution of an appropriate  
58 certificate, and the term of office shall be as so clarified.

59 (d) All proceedings of the board of directors of an  
60 agriculture authority shall be reduced to writing by the  
61 secretary of the authority and shall be signed by at least two  
62 directors present at the proceedings. Copies of the  
63 proceedings, when certified by the secretary under the seal of  
64 the agriculture authority, shall be received in all courts as  
65 prima facie evidence of the matters and things therein  
66 certified.

67 (e) Directors of an agriculture authority must be  
68 residents and qualified electors of the county within the  
69 authorized operational area of the authority. If any director  
70 ceases to be a resident of the county, he or she shall cease  
71 to be a director, and the position shall remain vacant until a  
72 successor is appointed in accordance with the articles and  
73 this article.

74 (f) A director of an agriculture authority may not have  
75 an interest, directly or indirectly, in any contract of work,  
76 material, or services, or the profits therefrom, to be  
77 furnished or performed for the authority under this article if  
78 the director has, directly or indirectly, more than a 10  
79 percent interest in any business, firm, or corporation, or  
80 profits thereof, furnishing or providing work, materials, or  
81 services.

82 (g) The board of directors may appoint former members of  
83 the board to serve as directors emeritus. Directors emeritus  
84 shall not have voting rights on the board or otherwise



85 directly participate in meetings of the board. Directors  
86 emeritus shall receive no compensation for their service, but  
87 may be granted benefits and may attend events of the authority  
88 as guests of the authority at the discretion of the board. The  
89 directors emeritus shall serve as goodwill ambassadors for the  
90 authority and may perform duties at the request of the  
91 authority. Directors emeritus shall be subject to subsections  
92 (e) and (f)."

93 "§11-20-80

94 (a) An agriculture authority and all property in which  
95 it may have any ownership, leasehold, or other interest,  
96 direct or indirect, is exempt from all municipal planning  
97 boards and municipal planning board requirements and all  
98 municipal zoning ordinances and laws. This exemption shall not  
99 apply to property owned by a private entity or private  
100 entities in which an agriculture authority has no ownership,  
101 leasehold, or other interest, direct or indirect.

102 (b) Any agricultural authority incorporated prior to the  
103 effective date of the act adding this subsection shall be  
104 exempt from any ordinance or regulation of any municipality  
105 unless the board of the authority consents to the application  
106 of the ordinance or regulation to the authority."

107 Section 2. This act shall become effective immediately  
108 following its passage and approval by the Governor, or its  
109 otherwise becoming law.