

SB27 ENGROSSED



1 ARFCQS-2
2 By Senator Melson
3 RFD: Agriculture, Conservation, and Forestry
4 First Read: 07-Mar-23
5 PFD: 01-Mar-23



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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 authority.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§11-20-71

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

(b) Each agriculture authority shall have a chair, vice chair, secretary, and treasurer to be elected by the board of directors. The offices of secretary and treasurer may, but need not, be held by the same person. A majority of the



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29 directors shall constitute a quorum for the transaction of
30 business. The officers and directors shall serve for the terms
31 provided for in the articles. A director may not draw any
32 salary for any service rendered or for any duty performed as
33 director. The duties of the chair, vice chair, secretary, and
34 treasurer shall be those as are customarily performed by such
35 officers and as may be prescribed by the board of directors
36 from time to time.

37 (c) All directors shall serve until their successors
38 are duly appointed or until they cease to be qualified.
39 Vacancies on the board shall be filled as provided for in the
40 articles, but any individual appointed to fill a vacancy shall
41 serve only for the unexpired portion of the term. In the event
42 any uncertainty arises as to the terms of office of the
43 directors, the county commission or individual authorized to
44 appoint the directors may clarify the term by adoption of an
45 appropriate resolution or by execution of an appropriate
46 certificate, and the term of office shall be as so clarified.

47 (d) All proceedings of the board of directors of an
48 agriculture authority shall be reduced to writing by the
49 secretary of the authority and shall be signed by at least two
50 directors present at the proceedings. Copies of the
51 proceedings, when certified by the secretary under the seal of
52 the agriculture authority, shall be received in all courts as
53 prima facie evidence of the matters and things therein
54 certified.

55 (e) Directors of an agriculture authority must be
56 residents and qualified electors of the county within the



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57 authorized operational area of the authority. If any director
58 ceases to be a resident of the county, he or she shall cease
59 to be a director, and the position shall remain vacant until a
60 successor is appointed in accordance with the articles and
61 this article.

62 (f) A director of an agriculture authority may not have
63 an interest, directly or indirectly, in any contract of work,
64 material, or services, or the profits therefrom, to be
65 furnished or performed for the authority under this article if
66 the director has, directly or indirectly, more than a 10
67 percent interest in any business, firm, or corporation, or
68 profits thereof, furnishing or providing work, materials, or
69 services.

70 (g) The board of directors may appoint former members of
71 the board to serve as directors emeritus. Directors emeritus
72 shall not have voting rights on the board or otherwise
73 directly participate in meetings of the board. Directors
74 emeritus shall receive no compensation for their service, but
75 may be granted benefits and may attend events of the authority
76 as guests of the authority at the discretion of the board. The
77 directors emeritus shall serve as goodwill ambassadors for the
78 authority and may perform duties at the request of the
79 authority. Directors emeritus shall be subject to subsections
80 (e) and (f)."

81 "§11-20-80

82 (a) An agriculture authority and all property in which
83 it may have any ownership, leasehold, or other interest,
84 direct or indirect, is exempt from all municipal planning



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85 boards and municipal planning board requirements and all
86 municipal zoning ordinances and laws. This exemption shall not
87 apply to property owned by a private entity or private
88 entities in which an agriculture authority has no ownership,
89 leasehold, or other interest, direct or indirect.

90 (b) Any agricultural authority incorporated prior to the
91 effective date of the act adding this subsection shall be
92 exempt from any ordinance or regulation of any municipality
93 unless the board of the authority consents to the application
94 of the ordinance or regulation to the authority."

95 Section 2. This act shall become effective immediately
96 following its passage and approval by the Governor, or its
97 otherwise becoming law.



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101 Read for the first time and referred02-Mar-23
102 to the Senate committee on
103 Agriculture, Conservation, and
104 Forestry
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106 Read for the second time and placed21-Mar-23
107 on the calendar:
108 0 amendments
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110 Read for the third time and passed23-Mar-23
111 as amended
112 Yeas 30
113 Nays 1
114 Abstains 0
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Patrick Harris,
Secretary.