

**SB302 ENROLLED**



1 ZESEWK-2  
2 By Senator Waggoner (N & P)  
3 RFD: Jefferson County Legislation  
4 First Read: 09-May-23  
5 2023 Regular Session



**SB302 Enrolled**

1 Enrolled, An Act,

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3 Relating to Jefferson County; to amend Section  
4 45-37-90.03 of the Code of Alabama 1975, as last amended by  
5 Act 2015-213, establishing the Birmingham-Jefferson Civic  
6 Center Authority, to provide for two additional members on the  
7 board of directors and to further provide for vacancies on the  
8 board of directors under certain conditions.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 45-37-90.03 of the Code of Alabama  
11 1975, is amended to read as follows:

12 "§45-37-90.03

13 (a) There is established in the county a public  
14 corporation for the purposes hereinafter specified, which  
15 corporation shall be vested with the powers conferred upon it  
16 by this part. The public corporation is at times hereinafter  
17 referred to as the authority.

18 (b) Subject to the conditions and qualifications  
19 hereinafter stated, the name of the corporation shall be Civic  
20 Center Authority of the Cities and County of \_\_\_\_\_ County  
21 (in the blank space will be inserted the name of the county).  
22 The board of directors of the authority may choose some name  
23 other than that above specified at any time it elects to do  
24 so. If the board of directors chooses any other name there  
25 shall be filed for record in the office of the judge of  
26 probate of the county a copy of the resolution of the board of  
27 directors stating the name adopted by the authority, which  
28 resolution shall be followed by a certificate signed by the



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29 chair of the board of directors stating the date on which the  
30 resolution was adopted and stating that the copy of the  
31 resolution preceding the certificate is a true and correct  
32 copy of the resolution adopted by the board of directors.

33 (c) (1) The affairs of the authority shall be managed  
34 and controlled by a board of directors consisting of ~~nine~~11  
35 members. One of the members shall be the mayor or chief  
36 executive officer of the largest municipality in the county;  
37 at least two of the additional members shall be resident  
38 citizens of the largest municipality in the county; one of the  
39 members shall be the president or chair of the governing body  
40 of the county; and none of the members shall be a member of  
41 the Legislature. The remaining members shall be elected in the  
42 manner hereinafter prescribed. If there shall be a branch  
43 ~~court house~~courthouse in the county, one of the members of  
44 the board shall be a resident of the area served by the branch  
45 ~~court house~~courthouse. Except for members of the board  
46 specifically provided for, the members of the House of  
47 Representatives and the members of the Senate, in appointing  
48 the remaining members of the board, shall coordinate their  
49 appointments to assure that the membership of the board is  
50 inclusive and reflects the racial, gender, and geographic  
51 diversity of Jefferson County. The chair of the board of  
52 directors shall be elected by the board after all members of  
53 the board shall have been elected and qualified.

54 (2) Each of the ~~seven~~ elected board members shall serve  
55 a four-year term of office. No elected board member may be  
56 elected to a new term after he or she has served three



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57 consecutive full terms. Whether a board member has served  
58 three consecutive full terms is not affected by the enactment  
59 of Act No. 2015-213 or any litigation preceding that act. A  
60 board member who is serving on May 26, 2015, shall continue to  
61 serve as a board member for a four-year term commencing from  
62 the date his or her current term of office began. At the  
63 expiration of the board member's term, the incumbent members  
64 of the State Senate from Jefferson County and the incumbent  
65 members of the House of Representatives from Jefferson County  
66 serving at that time shall separately and alternatively elect  
67 a successor to the vacant directorship. The first vacancy to  
68 occur after the passage of Act 2015-213 shall be filled by the  
69 House of Representatives members with the second vacancy being  
70 filled by the Senate members. If a directorship held by an  
71 elected director becomes vacant during his or her term, the  
72 successor shall be elected by the Senate or House of  
73 Representatives members based on members of the body that made  
74 the appointment to the seat that is vacant for the remainder  
75 of the term of the vacant position.

76 (3) Seven elected members of the board of directors  
77 shall hold specific seats on the board designated as seats 1  
78 through 7. The seats for the two directors whose terms expire  
79 in 2015 shall be designated as seats 1 and 2. The seats of the  
80 three directors whose terms expire in 2016 shall be designated  
81 as seats 3, 4, and 5. The seats of the two directors whose  
82 terms expire in 2018 shall be designated as seats 6 and 7. As  
83 these terms expire and new directors are elected, the members  
84 of the House of Representatives shall elect the director



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85 designated as seat 1, and the members of the Senate shall  
86 elect the director for seat 2, and thereafter the election  
87 shall be made on an alternating basis until appointments have  
88 been made for all seven elected seats. Thereafter, all  
89 succeeding appointments shall continue to be made on an  
90 alternating basis with the members of the Senate next electing  
91 the director designated as seat 1, the members of the House  
92 electing the director for seat 2, and so forth. Seat ~~number-1~~  
93 shall be designated as the seat to be occupied by a resident  
94 of the area served by the branch courthouse. Seats ~~number-2~~  
95 and ~~number-3~~ shall be designated as the seats to be occupied  
96 by two resident citizens of the largest municipality in the  
97 county. No appointment to fill an expiring term may be made  
98 sooner than 120 days prior to the start of a new term. All  
99 terms of office shall commence on October 1 and last for four  
100 years, ending on September 30.

101 (4) Upon the election of any director by the House of  
102 Representatives or the Senate, as the case may be, the chair  
103 of local legislative delegation for the respective legislative  
104 body shall deliver a written certificate to the Clerk of the  
105 House or the Secretary of the Senate, as the case may be,  
106 advising that the individual has been elected to a designated  
107 director's seat. The Clerk of the House or Secretary of the  
108 Senate shall maintain the originals of the certificates as  
109 official records filed with that office. The chair of the  
110 legislative body shall also forward a copy of the filed  
111 certificate to the executive director of the authority, who  
112 will file a copy of the certificate in the office of the judge



113 of probate of the county in which the authority is located.  
114 The certificate shall also be spread upon the official records  
115 or minutes of the board of directors of the authority.

116 (5) Two additional members shall be added to the board  
117 of directors as follows:

118 a. One additional member shall be a member of the Board  
119 of Directors of the Greater Birmingham Convention and Visitors  
120 Bureau, provided for in Part 2 of this article, commencing at  
121 Section 45-37-91, designated by the board of directors.

122 b. One additional member shall be elected as provided  
123 herein and shall be a resident and qualified elector of  
124 Jefferson County. The first member elected shall be elected by  
125 the members of the state Senate delegation representing  
126 Jefferson County. At the expiration of the term of this  
127 additional member, a successor meeting the same qualifications  
128 shall be elected by the members of the House of  
129 Representatives delegation representing Jefferson County.  
130 Thereafter, the election of this additional member shall be  
131 made on an alternating basis by the members of the Senate  
132 delegation and the members of the House of Representatives  
133 delegation representing Jefferson County, respectfully. This  
134 member shall serve a four-year term commencing on October 1  
135 and shall otherwise be subject to this section.

136 (d) The board of directors shall elect a chair of the  
137 board who shall serve as chair until his or her term as a  
138 member of the board, which he or she is serving at the time of  
139 election as chair, expires. The chair shall preside at all  
140 meetings of the board of directors and the chair shall have a



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141 vote the same as any other member of the board of directors.

142 (e) (1) No person shall be elected as a member of the  
143 board of directors of the authority unless he or she is a  
144 qualified elector of the county.

145 (2) Not more than one member of the board of directors  
146 elected by the Senate members or House of Representatives  
147 members or by the directors shall hold any public office.

148 (3) The position of any elected member of the board of  
149 directors shall be deemed vacant if the board member misses  
150 three consecutive regular board meetings which were not  
151 excused for good cause by the board. The vacant seat shall be  
152 filled for the remainder of the unexpired term by the members  
153 of the body that made the original appointment pursuant to the  
154 same appointing process as provided in this section for the  
155 vacant seat.

156 (f) The members of the board of directors shall serve  
157 without compensation, except that they shall be reimbursed for  
158 actual expenses incurred in and about the performance of their  
159 duties hereunder.

160 (g) In the event a vacancy on the board of directors  
161 occurs which is to be filled pursuant to Act 2015-213 and if  
162 members of the House of Representatives or Senate as is  
163 appropriate fail for any reason to fill the vacancy within 60  
164 days from the date of the occurrence of the vacancy, the  
165 remaining members of the board of directors shall elect a  
166 member of the board to fill the vacancy."

167 Section 2. This act shall become effective immediately  
168 following its passage and approval by the Governor, or its



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169 otherwise becoming law.



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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

SB302  
Senate 16-May-23  
I hereby certify that the within Act originated in and passed  
the Senate.

Patrick Harris,  
Secretary.

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House of Representatives  
Amended and passed: 31-May-23

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Senate concurred in House amendment 31-May-23

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By: Senator Waggoner