

HB336 ENGROSSED



1 HB336
2 GGBL662-2
3 By Representative Brown
4 RFD: Boards, Agencies and Commissions
5 First Read: 19-Mar-24



HB336 Engrossed

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A BILL
TO BE ENTITLED
AN ACT

Relating to county and municipal authorities; to amend Section 11-88-6, Code of Alabama 1975, to further provide for water, sewer, and fire protection authorities by permitting an individual holding a state, county, or municipal office to be eligible for uncompensated membership on an authority board of directors; and to delete duplicative language and make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-88-6, Code of Alabama 1975, is amended to read as follows:

"§11-88-6

(a) Each authority shall be governed by a board of directors. All powers of the authority shall be exercised by the board or pursuant to its authorization.

(b) (1) The board shall consist initially of three directors, elected, as soon as ~~may be~~ practicable after the organization of the authority, by the governing body of the determining county for staggered terms as follows:

a. The first term of one director shall begin



HB336 Engrossed

29 immediately upon the director's election and shall end at noon
30 on March 1 of the next succeeding odd-numbered calendar year
31 following the election~~+~~.

32 b. ~~the~~The first term of another director shall begin
33 immediately upon his or her election and shall end at noon on
34 March 1 of the second succeeding odd-numbered calendar year
35 following the election~~;~~ and.

36 c. ~~the~~The first term of the remaining director shall
37 begin immediately upon his or her election and shall end at
38 noon on March 1 of the third succeeding odd-numbered calendar
39 year following the election.

40 (2) ~~Thereafter,~~ After the first term, the term of office
41 of each director shall be six years.

42 (c) If any amendment to the certificate of
43 incorporation of the authority, effected pursuant to ~~the~~
44 ~~provisions of~~ Section 11-88-5, ~~shall increase~~ increases the
45 membership of the board, the board shall thereafter consist of
46 ~~such~~ the number of directors, elected by ~~such~~ the governing
47 bodies, as may be specified in the amendment. The terms of
48 office of any new directors added by ~~any such~~ the amendment
49 shall be so arranged that, taking into consideration the terms
50 of office of the original three directors, the terms of office
51 of approximately one-third of all directors, ~~(or as nearly~~
52 ~~one-third thereof as may be practicable)~~, will end at noon on
53 March 1 in each odd-numbered year following the effective date
54 of the amendment. The term of office of each new director,
55 added by amendment ~~as aforesaid,~~ ~~shall~~ following the initial
56 term of ~~such~~ the new director, shall be for a period of six



HB336 Engrossed

57 years. If at any time there ~~should be~~is a vacancy on the
58 board, a successor director to serve for the unexpired term
59 ~~applicable to such~~of the vacancy shall be elected by that
60 governing body ~~which~~that elected the director whose unexpired
61 term he or she is to fill. Each election of a director,
62 whether for a full six-year term or to complete an unexpired
63 term, shall be made not earlier than 30 days prior to the date
64 on which ~~such~~the director is to take office ~~as such~~. ~~No~~
65 ~~officer of the state or of any county or municipality shall,~~
66 ~~during his or her tenure as such officer, be eligible to serve~~
67 ~~as a director.~~

68 (d) (1) Each director elected by a county governing body
69 shall be a ~~duly~~ qualified elector of that county and shall be
70 a resident of and the owner of real property in that part of
71 the service area of the authority which lies within that
72 county. An officer of the state or of any county or
73 municipality, during his or her tenure in the office, may
74 serve as a director subject to subdivision (2). Directors
75 shall be eligible for reelection.

76 (2) Each director shall be reimbursed for expenses
77 actually incurred by the director in ~~and about~~ the performance
78 of the director's duties. If the certificate of incorporation
79 ~~so~~ provides, each director, except the chairman of the board,
80 shall be compensated in an additional amount not to exceed
81 four hundred dollars (\$400) per meeting attended but not to
82 exceed four thousand eight hundred dollars (\$4,800) per year.
83 The chairman shall, if the certificate ~~so~~ provides, be
84 compensated in an additional amount not to exceed six hundred



HB336 Engrossed

85 dollars (\$600) per meeting attended but not to exceed seven
86 thousand two hundred dollars (\$7,200) per year. A director who
87 is also serving his or her tenure as an officer of the state
88 or of any county or municipality may not be compensated for
89 serving as a director. No individual may serve as a director
90 if he or she is an officer or employee of any entity with the
91 authority to elect or appoint a director.

92 (e) Any director of the authority may be impeached and
93 removed from office in the same manner and on the same grounds
94 provided by Section 175 of the Constitution of Alabama of 2022
95 and the general laws of the state for impeachment and removal
96 of the officers mentioned in Section 175.

97 (f) If the service area, or the greater part thereof,
98 in which an authority is authorized by its certificate of
99 incorporation or any amendment ~~thereto~~ to render water
100 service, fire protection service, sewer service, or any one or
101 more ~~thereof~~ of the same, includes a resort area pursuant to
102 Article 2 of this chapter and the service area is incorporated
103 or annexed into a municipality subsequent to the creation of
104 an authority, and if the municipality has assumed and taken
105 over the fire protection responsibility and the sewer service
106 originally placed upon the authority, the board of directors
107 of the authority shall be increased ~~in membership~~ by a
108 sufficient number of new members to increase membership on the
109 board of directors to a maximum of seven ~~members~~. Each of the
110 new members to the board of directors shall be appointed by
111 the governing body of the municipality by ordinance ~~duly~~
112 ~~adopted~~. The first term of each new member so appointed shall



HB336 Engrossed

113 be staggered for terms of one, two, three, and four years, as
114 needed. Thereafter, the term of the new members added pursuant
115 to this subsection shall be six years. The governing body of
116 the determining county shall continue to make appointments and
117 fill vacancies as ~~heretofore~~ authorized in this section. After
118 May 18, 1993, the governing body of the municipality shall
119 make appointments and fill vacancies as provided in this
120 subsection. All members of the board of directors of the
121 authority shall have all the authority, privileges,
122 immunities, and qualifications as provided in this article.

123 (g) Nothing in this section as amended by Act 2010-580
124 shall apply to the City of Prichard Water and Sewer Board."

125 Section 2. This act shall become effective on October
126 1, 2024.



HB336 Engrossed

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House of Representatives

130 Read for the first time and referred19-Mar-24
131 to the House of Representatives
132 committee on Boards, Agencies and
133 Commissions
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135 Read for the second time and placed04-Apr-24
136 on the calendar:
137 1 amendment
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139 Read for the third time and passed11-Apr-24
140 as amended
141 Yeas 101
142 Nays 1
143 Abstains 0
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John Treadwell
Clerk

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