

SB168 ENROLLED



1 SB168
2 4WB53I3-2
3 By Senator Weaver
4 RFD: County and Municipal Government
5 First Read: 27-Feb-24



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1 Enrolled, An Act,

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4 Relating to economic development; to amend Section

5 11-54-171 of the Code of Alabama 1975, authorizing

6 municipalities to authorize the incorporation of commercial

7 development authorities in the municipality; to further define

8 project to include a single commercial enterprise; to amend

9 Section 41-10-47.04 of the Code of Alabama 1975, authorizing

10 the awarding of site development grants; to further provide

11 that commercial development authorities operating certain

12 single commercial enterprises are ineligible for site

13 development grants; to clarify Legislative intent.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 11-54-171 of the Code of Alabama

16 1975, is amended to read as follows:

17 "§11-54-171

18 The following words and phrases used in this article

19 shall, in the absence of clear implication otherwise, be given

20 the following interpretations:

21 (1) APPLICANT. A person who files a written application

22 with the governing body of any municipality in accordance with

23 Section 11-54-173.

24 (2) AUTHORITY. A public corporation organized pursuant

25 to this article.

26 (3) AUTHORIZING MUNICIPALITY. Any municipality the

27 governing body of which shall have adopted an authorizing

28 resolution.



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29 (4) AUTHORIZING RESOLUTION. A resolution adopted by the
30 governing body of any municipality in accordance with Section
31 11-54-173, that authorizes the incorporation of an authority.

32 (5) BOARD. The board of directors of an authority.

33 (6) BONDS. Includes bonds, notes, and certificates
34 representing an obligation to pay money.

35 (7) COUNTY. Any county in the state.

36 (8) DIRECTOR. A member of the board of an authority.

37 (9) GOVERNING BODY. With respect to a municipality, its
38 city or town council, board of commissioners, or other like
39 governing body.

40 (10) INCORPORATORS. The persons forming a public
41 corporation organized pursuant to this article.

42 (11) MUNICIPALITY. Any incorporated city or town of the
43 state.

44 (12) PERSON. Unless limited to a natural person by the
45 context in which it is used, includes a public or private
46 corporation, limited liability company or partnership, a
47 municipality or county, or an agency, department, or
48 instrumentality of the state or of a county or municipality.

49 (13) PRINCIPAL OFFICE. The place at which the
50 certificate of incorporation and amendments thereto, the
51 bylaws, and the minutes of the proceedings of the board of an
52 authority are kept.

53 (14) POLLUTION. Any of the following:

54 a. The placing, whether by emission, discharge,
55 leakage, or other means, of any noxious or deleterious noise
56 or substance into any air or water of, in, or adjacent to the



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57 State of Alabama.

58 b. The contaminating of air and water.

59 c. The affecting of any air or water so as to render or
60 be likely to render the air or water, or the use of either for
61 domestic, industrial, agricultural, or recreational purposes,
62 hazardous, inimical, or harmful to the health, safety, or
63 welfare of human beings, animals, birds, aquatic creatures, or
64 any of them, or to the existence or growth of vegetation.

65 (15) POLLUTION CONTROL FACILITY. Any land, building,
66 structure, machinery, or equipment having to do with or
67 designed for or the end purpose of which is the control,
68 reduction, abatement, or prevention of air, noise, water, or
69 general environmental pollution, including, but not limited
70 to, the following: Any air pollution control facility, noise
71 abatement, or reduction facility, water management facility,
72 water purification facility, waste water collecting system,
73 waste water treatment works, or solid waste disposal facility.

74 (16) PROJECT.

75 a. Any land and any building or other improvement
76 thereon and all real and personal properties deemed necessary
77 in connection therewith, whether or not now in existence,
78 which shall be suitable for use by the following or by any
79 combination of two or more of the following:

80 1. Any commercial enterprise engaged in the
81 manufacturing, processing, assembling, storing, warehousing,
82 distributing, or selling of any products of agriculture,
83 mining, or industry.

84 2. Any enterprise for the purpose of research in



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85 connection with:

86 (i) Any of the foregoing.

87 (ii) The development of new products or new processes.

88 (iii) The improvement of existing products or known
89 processes.

90 (iv) The development of facilities for the exploration
91 of outer space or promotion of the national defense.

92 3. Any commercial enterprise engaged in selling,
93 servicing, providing, or handling any policies of insurance or
94 any financial services.

95 b. Any land and any building or other improvement
96 thereon and all real and personal property deemed necessary in
97 connection therewith, whether or not now in existence, which
98 shall be suitable for use as all or any part of the following:

99 1. A ship canal, port or port facility, off-street
100 parking facility, dock or dock facility, harbor facility,
101 railroad, monorail or tramway, railway terminal or railway
102 belt line and switch.

103 2. An office building or buildings.

104 3. A planetarium or museum.

105 4. A pollution control facility.

106 5. A hotel, including parking facilities, facilities
107 for meetings, and facilities suitable for rental to persons
108 engaged in any business, trade, profession, occupation, or
109 activity.

110 6. A shopping center or similar facility suitable for
111 use by two or more commercial enterprises engaged in any
112 business, trade, profession, occupation, or activity,



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113 provided, that a project shall not include facilities, other
114 than office buildings or other buildings suitable for use as
115 corporate headquarters, designed for the sale or distribution
116 to the public of electricity, gas, water, or telephone, or
117 other services commonly classified as public utilities.

118 7. A single commercial enterprise engaged in any
119 business, trade, profession, occupation, or activity
120 including, but not limited to, retail, restaurant,
121 professional office, or other commercial enterprises deemed
122 beneficial for job creation, workforce development, financial
123 investment, and other beneficial purposes identified in the
124 redevelopment plan of the authority.

125 (17) STATE. The State of Alabama."

126 Section 2. Section 41-10-47.04 of the Code of Alabama
127 1975, is amended to read as follows:

128 "§41-10-47.04

129 (a) Any local economic development organization may
130 apply to the authority for a site development grant.

131 (b) Before making a site development grant, the
132 authority shall make both of the following findings:

133 (1) The site is comprised of at least 75 contiguous
134 acres, provided that in addition to the 75 contiguous acres,
135 other proximate but noncontiguous property may be a part of
136 the site.

137 (2) The application includes proof that the grant funds
138 that are approved by the authority will be matched by funds on
139 hand with, or contingently committed to, the applicant such
140 that one of the following is true:



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141 a. If the site is located in a targeted county with a
142 population of less than 12,000, for every dollar of grant
143 funds, the applicant will contribute twenty-five cents (\$0.25)
144 of additional funds.

145 b. If the site is located in a targeted county with a
146 population of 12,000 or greater but less than 60,000, for
147 every dollar of grant funds, the applicant will contribute
148 fifty cents (\$0.50) of additional funds.

149 c. If the site is located in a county with a population
150 of 60,000 or greater but less than 150,000, for every dollar
151 of grant funds, the applicant will contribute seventy-five
152 cents (\$0.75) of additional funds.

153 d. If the site is located in a county with a population
154 of 150,000 or greater, for every dollar of grant funds, the
155 applicant will contribute one dollar (\$1) of additional funds.

156 (c) The authority may impose additional requirements
157 with regard to the sites, including, but not limited to,
158 environmental and geotechnical matters, as well as utility
159 related and transportation related issues.

160 (d) Each applicant must enter into a project agreement
161 with the authority to establish the terms and conditions of
162 the site development grant.

163 (e) A commercial development authority project as
164 defined in Section 11-54-171(16)b.(7) shall not be eligible
165 for a site development grant unless the proposed use of the
166 site is to conduct a predominant activity described in Section
167 40-18-372(1).

168 (f) The intent of this section is to allow the



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169 authority to provide funds for site development consistent
170 with the authority's existing powers to finance or pay for
171 "project costs" as that term is defined in Section
172 41-10-44.2(7), including, without limitation, site
173 acquisition. This subsection is declaratory of the
174 Legislature's intent in originally enacting this article and
175 applies retroactively to the original effective date of this
176 article."

177 Section 3. This act shall become effective on October
178 1, 2024.



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB168

Senate 19-Mar-24

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed: 16-Apr-24

Senate concurred in House amendment 18-Apr-24

By: Senator Weaver