



**House Boards, Agencies and Commissions Reported  
Substitute for HB385**

A BILL

TO BE ENTITLED

AN ACT

Relating to governmental agencies; to prohibit certain governmental agencies and quasi-governmental agencies from acquiring or purchasing property under the power of eminent domain; to grandfather in real property previously purchased or acquired by the agency or entity under eminent domain; and to amend Sections 9-16-74, 33-15-6, 34-23-92, 41-9-242, and 41-10-725, Code of Alabama 1975, relating to the Alabama Surface Mining Reclamation Commission, Bear Creek Development Authority, Alabama State Board of Pharmacy, the Historical Commission and the Alabama Construction Recruitment Institute; and to prohibit further acquisition of real property under the power of eminent domain by those entities.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Commencing on June 1, 2025, no enumerated agency, as defined by Section 41-20-2, Code of Alabama 1975, or other nonenumerated or governmental entity statutorily subject to the Alabama Sunset Law of 1981, Chapter 20 of Title 41, Code of Alabama 1975, may purchase or acquire title to real property through eminent domain. This section shall not affect any purchase or acquisition of real property



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through eminent domain that is in the process of closing or completed on or before June 1, 2025.

Section 2. Sections 9-16-74, 33-15-6, 34-23-92, 41-9-242, and 41-10-725 of the Code of Alabama 1975, are amended to read as follows:

"§9-16-74

(a) In addition to any other powers conferred on it by law, the commission shall have the power to do all of the following:

(1) Adopt, amend, suspend, repeal, and enforce reasonably necessary rules ~~and regulations~~, provided such rules ~~and regulations~~ shall not be more stringent than those ~~promulgated~~ adopted by federal law, or rule ~~or regulation~~, to control surface coal mining operations consistent with this article including the declaration of public policy and legislative intent contained in Section 9-16-71. Such rules ~~and regulations~~ may be for the state as a whole or may vary from area to area, as may be appropriate to accomplish the policy and intent of this article and in order to take into account varying local conditions.

(2) Hold public hearings as may be specified by law relating to any aspect or matter in the administration of this article and, in connection therewith, administer oaths and compel the attendance of witnesses and the production of evidence. In the event of failure of any person to comply with any subpoena lawfully issued, or on the refusal of any witness to produce evidence or to testify as to any matter regarding which he or she may be lawfully interrogated, it shall be the



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duty of any court of competent jurisdiction, upon the application of the commission, to compel obedience by proceedings for contempt as if the disobedience occurred in such court.

(3) Issue such orders as may be necessary to effectuate the purposes of this article and enforce the same through appropriate administrative and judicial proceedings.

(4) ~~Promulgate~~Adopt and enforce rules~~, regulations,~~ and standards requiring the training, examination, and certification of persons engaging in or directly responsible for the use of explosives for the purpose of blasting in surface coal mining. Such rules ~~and regulations~~ shall include, but not be limited to, provisions for establishing and charging reasonable fees for the administration of these rules~~, regulations,~~ and standards and for the training and examination of applicants for certification, for the renewal of certification, and for continuing education.

(5) Secure through its director necessary scientific, technical, administrative, and operational services, including laboratory facilities by contract or otherwise.

(6) Encourage voluntary cooperation by persons and groups to achieve the purposes of this article.

(7) Encourage and conduct through its director and staff studies, investigations, and research relating to surface mining reclamation.

(8) Establish and enforce coal surface mining reclamation standards for the state which may vary according to appropriate areas, provided ~~they~~the standards are not



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inconsistent with this article and the declaration of public policy and legislative intent contained in Section 9-16-71.

(9) Collect and disseminate information and conduct educational and training programs relating to surface coal mining and reclamation of land.

(10) Advise, consult, contract, and cooperate with other agencies of the state, local governments, industries, other states, interstate agencies, and the federal government and with interested persons or groups, especially, but not limited to, achieve one-stop permitting for surface coal mining operations and to transfer funds to carry out reclamation activities.

(11) Consult, upon request, with any person proposing to construct, install, or otherwise acquire a surface coal mine, concerning the efficacy of construction, installation, or acquisition of such surface mine. Nothing in any such consultation shall be construed to relieve any person from compliance with this article, and rules ~~and regulations~~ in force pursuant to this article, or any other provision of law.

(12) Accept, receive, and administer grants or other funds or gifts from public and private agencies, including the federal government, for the purpose of carrying out any of the functions of this article. Funds received by the regulatory authority pursuant to this section shall be deposited in the State Treasury to the account of the Alabama Surface Mining Fund.

(13) Employ personnel and consultants, purchase such equipment and supplies, and lease or otherwise acquire through



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its director such personal property as may be necessary for the administration of this article. Subject to any applicable restrictions contained in law, any department or agency of the state, from its available resources, may provide the regulatory authority with personnel and services, with or without charge, and the regulatory authority may compensate other agencies for services.

(14) Provide for the performance by its director, deputy director, or staff and employees in the name of the commission, of any act or duty authorized by and consistent with administration of this article, except for the ~~promulgation~~adoption, modification, suspension, or repeal of standards, and rules, ~~and regulations~~.

(15) Perform other acts and duties consistent with this article as may be necessary to implement the declaration of public policy and legislative intent contained in Section 9-16-71, except acquiring or purchasing property through eminent domain.

(16) Provide for the establishment of advisory committees, appointment and adequate compensation for membership of the committees, scope of study and other duties, periods of duration, and terms of advisory members.

(17) Issue, modify, or revoke orders prohibiting actions which violate this article or the rules, ~~regulations~~, or standards ~~promulgated~~adopted pursuant to this article and require affirmative action to bring any surface coal mining operation into compliance with this article.

(18) Issue, continue in effect, revoke, modify, or deny



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permits through its director and staff for the conduct of surface coal mining operations or explorations which are subject to this article.

(19) Issue warnings and initiate civil or criminal actions through its director and staff as provided for in this article.

(20) Acquire and maintain workers' compensation insurance in the amount prescribed by the workers' compensation laws of Alabama and such general liability insurance as may be reasonably necessary to assure adequate protection of the commission ~~and~~ and its director, employees, and agents for lawful acts by them during the course of enforcing and administering this article.

(21)a. Enforce the state program, approved pursuant to Section 503 of the Federal Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. § 1200.

b. The commission shall make every effort to obtain full reimbursement from the Director of the Office of Surface Mining Reclamation and Enforcement for the costs of performing its duties under paragraph a.

c. If P.L. 95-87 or any rules or regulations ~~promulgated~~ adopted thereunder or the federal laws it amends are adjudged unconstitutional or invalid in their application, or stayed pending litigation in any court of competent jurisdiction over surface coal mining operations in Alabama, the Alabama Surface Mining Commission shall suspend the enforcement of this article to the extent of such adjudication, unconstitutionality, inapplicability, or stay.



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d. If any of the commission's rules ~~or regulations~~ are adjudged unconstitutional or invalid in their application, or stayed pending litigation in any court of competent jurisdiction, the Alabama Surface Mining Commission ~~shall have the power to~~may enforce any valid, constitutional, and analogous provision of the rules and regulations ~~promulgated~~adopted under P.L. 95-87.

e. The State of Alabama, by any provision, part, or all of this article, does not waive any rights and powers reserved to it by the Tenth Amendment to the Constitution of the United States, and this subdivision shall not be interpreted so as to prevent the State of Alabama from protecting any and all of its rights and governmental powers through any legal action as might be determined by duly constituted officials of the State of Alabama.

~~(22)~~ (b) No commission member, employee of the commission, or any other state employee performing any function or duties under this article shall have a direct or indirect financial interest in underground or surface coal mining operations. Whoever knowingly violates this ~~subdivision~~subsection, upon conviction, shall be punished by a fine of not more than two thousand five hundred dollars (\$2,500), or by imprisonment for not more than one year, or both."

"§33-15-6

The general powers, duties, and functions of the authority shall be as follows:

(1) GENERAL. The authority:



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a. Shall have perpetual succession in its corporate name;

b. May bring civil actions and have civil actions brought against it in its corporate name;

c. May adopt, use, and alter a corporate seal, which shall be judicially noticed;

d. May enter into such contracts and cooperative agreements with federal, state, and local governments, with agencies of such governments, and with private individuals, corporations, associations, and other organizations, including the Bear Creek Watershed Association, Inc., whether organized under the laws of Alabama or of another state, as the board may deem necessary or convenient to enable it to carry out the purposes of this article, which authorization shall include without limitation contracts and cooperative arrangements with any of the several states and with counties and municipalities in and agencies of such states;

e. May adopt, amend, and repeal bylaws;

f. May appoint managers, officers, employees, attorneys, and agents as the board deems necessary for the transaction of its business, fix their compensation, define their duties, and require bonds of such of them as the board may determine; the salaries of any such employees to be paid out of such funds as may be available to the authority from any source;

g. May institute legal proceedings in any court of competent jurisdiction and proper venue; provided, that no civil action may be brought against the authority nor may the





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authority be subjected to a counterclaim or cross-claim in any court other than the courts of Franklin County, Alabama; and provided further, that no civil action may be brought against the officers, directors, agents, or employees of the authority nor may they or any of them be subjected to a counterclaim or cross-claim for actions in behalf of the authority in any court other than the courts of Franklin County, Alabama; and provided further, that no claim or cause of action, based wholly or in part upon allegations ~~which~~that call into question the validity of the authority, shall be heard or adjudicated in any court other than the courts of Franklin County, Alabama; and

h. May appoint park rangers to enforce rules~~and regulations~~ including those of Section 33-15-7(c), in regard to property owned or under the jurisdiction of the Bear Creek Development Authority; to grant this authority to any conservation enforcement officer; and to give ~~said~~the rangers and officers the power and authority of deputy sheriffs to arrest without warrant and carry before the district court of the county which has jurisdiction over the Bear Creek Development Authority any person violating any of the laws of this state or the rules ~~and regulations prescribed~~adopted by the Bear Creek Development Authority while on the property of ~~such~~the authority.

(2) FORMULATION AND EXECUTION OF DEVELOPMENT PLANS. The authority ~~is authorized to~~may:

a. Investigate the resources of the Bear Creek Watershed and determine the requirements for its full



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development and for control and development of its stream system as an integral part of the economy of the area;

b. Develop and carry out a unified, comprehensive program of resource development designed to encourage and assist the economic growth of the area, which program shall not be inconsistent with official programs for statewide economic development;

c. Provide for the construction of water control structures, channel improvements, and other facilities for navigation, drainage, irrigation, water conservation and supply, industrial development, recreation, and related purposes, as a part of comprehensive plans;

d. Arrange with the state and with any city, county, municipality, or supplier of utilities for the abandonment, relocation, or other adjustments of roads, highways, bridges, and utility lines; and

e. In making investigations and in formulating and executing development plans, seek and utilize the assistance of appropriate federal, state, and local agencies and of private citizens and citizen organizations and, in aid of such activities, accept loans, grants, or other assistance from federal, state, and local governments or from agencies of such governments, and make contracts and execute instruments containing such terms, provisions, and conditions as the board in its discretion deems to be necessary, proper, or advisable for the purpose of obtaining such loans, grants, or other assistance.

(3) ~~LAND~~PROPERTY ACQUISITION. ~~The~~Commencing on June 1,



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281 2025, the authority may acquire by purchase, construction,  
282 lease, gift, ~~condemnation~~ or otherwise, except eminent domain,  
283 property of any kind, real, personal, or mixed, or any  
284 interest therein, ~~that~~ which the board deems necessary or  
285 convenient to the exercise of its powers or functions. ~~+~~  
286 ~~provided, that acquisition by condemnation shall be limited to~~  
287 ~~lands, rights in land, including leaseholds and easements, and~~  
288 ~~water rights in the Bear Creek Watershed that the board~~  
289 ~~determines to be necessary to the control and optimum~~  
290 ~~development of Bear Creek and its tributaries, including such~~  
291 ~~lands adjacent to or in the immediate vicinity of water~~  
292 ~~control reservoirs as the board determines to be necessary to~~  
293 ~~assure full development and optimum use of such reservoirs for~~  
294 ~~the purposes of navigation, water conservation and supply,~~  
295 ~~flood control, irrigation, industrial development, public~~  
296 ~~recreation and related purposes. The amount and character of~~  
297 ~~the interests in land, rights in land and water rights to be~~  
298 ~~acquired in such area shall be determined by the board of~~  
299 ~~directors, and its determination shall be conclusive. The~~  
300 ~~authority's power of eminent domain may be exercised under~~  
301 ~~Title 18 and any amendments thereto or pursuant to any other~~  
302 ~~general statutory provisions hereafter enacted for the~~  
303 ~~exercise of the power of eminent domain. The authority is~~  
304 ~~expressly authorized to acquire by condemnation or otherwise~~  
305 ~~and hold for resale or lease to private or other industrial~~  
306 ~~organizations land or interests in land in the Alabama portion~~  
307 ~~of the Bear Creek Watershed that it determines to be suitable~~  
308 ~~for industrial uses, and such acquisition is hereby declared~~



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~~to be for the public purpose of the state's industrial  
development and for the increase of industrial employment  
opportunities.~~

(4) MANAGEMENT AND OPERATION. The authority may:

a. Enter into contracts with the United States, with the several states, and with individuals, private corporations, associations, municipalities, and other public agencies or political subdivisions of any kind, for the sale of water for municipal, domestic, agricultural, or industrial use, or for the sale of any other services, facilities, or commodities that the authority may be in a position to supply;

b. Acquire or purchase, except by eminent domain, and develop reservoirs and shoreline lands and provide for their operation for industrial, recreational, and other uses directly or by concessionaires, licensees, lessees, or ~~venders~~vendors of shoreline lands;

c. Sell or lease shoreline lands, or any interest therein, in connection with development of the stream system, for uses consistent with the authority's development plan and subject to such restrictions as the authority deems necessary for reservoir protection and subject to such requirements as to character of improvements and activities and the time within which such improvements or activities shall be undertaken as the authority deems appropriate to its overall development plan;

d. Acquire or operate shoreline lands of reservoirs owned by the United States of America as the agent of the federal agency having custody and control thereof under



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appropriate agreements with such agencies;

e. Acquire, construct, or operate such other facilities or works of improvement as are necessary to effectuate plans for the comprehensive development of the area;

f. Make and enforce reasonable rules ~~and regulations~~ governing the use of any facilities and other property owned, controlled, or operated by the authority;

g. Provide for such insurance as the board may deem advisable; and

h. Fix and revise from time to time reasonable rates, fees, and other charges for the sale of water for municipal, domestic, agricultural, or industrial use, or for the sale of any other services, facilities, or commodities that the authority may be in a position to supply.

(5) FINANCING. The authority may:

a. Sell and issue its bonds from time to time in order to provide funds for any corporate function, use, or purpose, all such bonds to be payable solely out of the revenues derived from the facilities and other property of the authority or out of the revenues of any particular facilities and other property of the authority; and

b. Secure such bonds by a pledge of all or any of the revenues which may now or hereafter come to the authority from any source, by a mortgage or deed of trust covering the authority's land or any part thereof, or under the provisions of a trust indenture, or by a combination of one or more thereof; provided, that all obligations created or assumed and all bonds issued by the authority shall be solely and



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exclusively obligations of the authority and shall not create an obligation or debt of the state or of any county or municipality."

"§34-23-92

The board shall exercise, subject to this chapter, the following powers and duties:

(1) To adopt rules concerning the records and reports to be kept and made by a pharmacy relating to the filling of prescriptions and the handling and preservation of drugs.

(2) To fix standards and requirements for licenses and permits except as otherwise specified in this chapter.

(3) To ~~make~~adopt rules ~~and regulations~~ regarding sanitation consistent with state health regulations.

(4) To employ ~~such~~ chemists, agents, clerical help, and attorneys necessary for the proper administration of the duties of the board.

(5) To employ a Chief Drug Investigator and ~~such~~ other drug investigators that it deems necessary to enforce this chapter which are under the supervision of the board.

(6) To adopt rules ~~and regulations~~ for the administration and enforcement of this chapter and not inconsistent ~~herewith~~with this chapter. ~~Such~~The rules ~~and regulations~~ shall be referenced to the section or sections of this chapter which set forth the legislative standard which ~~it~~the rule interprets or to which it applies. Every ~~such~~ rule ~~and regulation~~ shall be adopted in accordance with the Alabama Administrative Procedure Act. A copy of every rule ~~and regulation~~ containing a requirement of general application



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393 shall be electronically mailed to each registered pharmacist  
394 at least 10 days before the effective date ~~thereof~~of the rule.  
395 A printed copy of ~~such~~the rules ~~and regulations~~ shall be  
396 mailed to any registered pharmacist upon written request to  
397 the board.

398 (7) To investigate violations of this chapter or any  
399 other law pertaining to the practice of pharmacy that may come  
400 to the knowledge of the board and institute or cause to be  
401 instituted before the board or in a proper court appropriate  
402 proceedings in connection therewith.

403 (8) To issue subpoenas and compel the attendance of  
404 witnesses and the production of all necessary papers, books  
405 and records, documentary evidence and materials, or other  
406 evidence in matters pending before the board relating to the  
407 revocation, suspension, or probation of any license. Those  
408 persons issued subpoenas and compelled to attend hearings or  
409 meetings in matters pending before the board shall be entitled  
410 to witness fees from board funds. Claims for witness fees  
411 shall be made on accepted State of Alabama voucher forms as  
412 appropriate. Travel and mileage expenses shall be reimbursed  
413 to witnesses in the amounts officially authorized to the board  
414 and its personnel at the time the service to the board is  
415 performed.

416 (9) To administer oaths in connection with the duties  
417 of the board.

418 (10) To make a written report annually of its receipts  
419 and disbursements to the Governor and to the State  
420 Pharmaceutical Association. Included in this report shall be



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the names of all registrants licensed to practice under this chapter and a record of all permits issued during the period covered by the report.

(11) To enforce ~~the state barbiturate act, the state amphetamine act, the state narcotic law, and all other~~ laws of the state which pertain to the practice of pharmacy, the examination of applicants, the licensing of pharmacists, the manufacture, packaging, repackaging, production, sale, or distribution of drugs, chemicals, and poisons, and all laws pertaining to standards for their strength and purity. The board may work in conjunction with other law enforcement agencies to enforce any law pertaining to the practice of pharmacy. Nothing in this section shall be construed to deprive the State Board of Health of any powers or duties otherwise prescribed by law including the enforcement of the narcotic law.

(12) To investigate alleged violations of this chapter or any rule ~~or regulation~~ published by the board and conduct hearings to revoke, suspend, or probate any license or permit granted by the board under this chapter and to invoke penalties not to exceed the sum of one thousand dollars (\$1,000) for each violation and to institute any legal proceedings necessary to effect compliance with this chapter; provided, that any person, firm, or corporation subjected to such penalty or legal proceedings may take an appeal in accordance with Section 34-23-94.

(13) On application of any person and payment of the cost therefor, the secretary of the board shall furnish, under





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its seal and signed by the secretary, a certified copy of the license or permit of the requestor, or a certified copy of a ~~regulation or~~ rule of the board. In any court or proceeding, such copy shall be prima facie evidence of the fact of the issuance of ~~such~~the permit or license and the adoption of ~~such~~the rule ~~or regulation~~.

(14) ~~To acquire by gift, grant, purchase, condemnation, or otherwise, and to convey or hold title to, real property, together with all rights incidental thereto~~Commencing on June 1, 2025, the board may not acquire or purchase by eminent domain any additional real property."

"§41-9-242

The purpose of the Alabama Historical Commission, hereinafter referred to as the commission, shall be to acquire in its own name or in the name of the State of Alabama by purchase, devise, lease, assignment, license, ~~condemnation~~, gift, bequest, transfer or otherwise, except eminent domain, buildings, objects, and sites deemed worthy of being preserved, improved, protected, and maintained for or on account of their particular historic, archaeological, or architectural significance, including adjacent properties deemed necessary for the proper setting, use, and administration of same, and ~~said~~those buildings, objects, and sites shall include, but shall not be limited to, the following:

(1) Buildings in which events of great significance to Alabama's or the nation's history have taken place and the sites surrounding them~~.~~.



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(2) Birthplaces or residences of outstanding personages and the sites surrounding them~~+~~.

(3) The sites of historic or significant events in Alabama or United States history, including military engagements, Indian treaties, and massacres~~+~~.

(4) Buildings of significant or outstanding architectural value~~+~~.

(5) Buildings, sites, objects, or monuments of special significance to our cultural, military, social, economic, religious, or commercial heritage, including post roads, traces, ruins, railroads, plantations, wharfs, missions, places of treaties, cemeteries, fortifications, and places of worship~~+~~ ~~and~~.

(6) Archaeological sites for excavational, salvage, protective, and interpretative purposes."

"§41-10-725

(a) The institute shall have the following powers:

(1) To design, implement, and amend a program or programs to provide for the recruitment of, and the promotion of training programs and opportunities for, new craft trade workers for the construction industry and the users of the construction industry.

(2) To educate the public about career opportunities as craft trade workers in the construction industry.

(3) To acquire, receive, and take title to, by purchase, gift, lease, license, devise, or otherwise, except eminent domain, to hold, keep, improve, maintain, equip, furnish, and develop personal property, and to transfer,



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convey, donate, sell, lease, license, grant options to, assign, or otherwise dispose of property of every kind and character, real, personal, mixed, tangible, and intangible, and any and every interest therein, to any person or entity.

(4) To accept gifts, grants, bequests, or devises of money and tangible and intangible property.

(5) To make and alter bylaws, not inconsistent with ~~the provisions of~~ this division or laws of the State of Alabama, for the administration and regulation of the affairs of the institute.

(6) To make, enter into, and execute contracts, agreements, leases, licenses, or other legal arrangements and to take such steps and actions as may be necessary or convenient in the furtherance of any purpose or the exercise of any power provided or granted to ~~it~~ reinstitute by this section.

(7) To engage in media advertising, marketing, website creation, website design, website maintenance, database creation, database design, database maintenance, data and information collection, and data and information dissemination and distribution, including the dissemination or distribution of data and information on potential construction workforce recruits, to the construction industry, users of the construction industry, and educational institutions, or other entities, as deemed necessary or appropriate by the institute in its sole discretion.

(8) To conduct surveys, studies, metrics, and other analyses of the construction industry and its potential



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workforce, and to disseminate or distribute the surveys, studies, metrics, and other analyses of the construction industry and its potential workforce to the construction industry, users of the construction industry, and educational institutions, or other entities, as deemed necessary or appropriate by the institute in its sole discretion.

(9) To incur ancillary costs, project costs, advertising costs, and recruitment costs and to pay these costs out of proceeds of the Recruitment and Training Promotion Fund.

(10) To make application directly or indirectly to any federal, state, county, or municipal government or agency or to any other source, public or private, for grants or other similar financial assistance in furtherance of the institute's purpose and to accept and use the same upon the terms and conditions as are prescribed by the federal, state, county, or municipal government or agency or other source.

(11) To employ and provide for the compensation of an executive director and staff and support personnel according to policies and procedures adopted by the institute. The executive director and the employees of the institute shall not be considered state employees; however, the director and employees may petition the Employees' Retirement System and the State Employees' Insurance Board for inclusion in these systems subject to terms and conditions of similarly situated persons who may petition for benefits from these entities. The Employees' Retirement System may elect to provide retirement benefits and the State Employees' Insurance Board may elect to



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provide health insurance benefits to the employees of the institute upon petition of the employees and subject to terms and conditions for similarly situated employees of other public entities.

(12) To hire accountants, attorneys, engineers, consultants, and other professionals as the board shall deem necessary for the conduct of the business of the institute.

(13) To provide grants to educational, governmental, nonprofit, community-based, workforce development, economic development, and other organizations and associations engaged in the education, recruitment, training, placement, and professional development of persons engaged in activities leading to the furtherance of careers in commercial and industrial construction in accordance with the purposes of the institute.

(14) To cooperate or partner, or both, with regional and national organizations promoting construction workforce development, including the sharing of ~~non-monetary~~nonmonetary marketing and educational resources and databases, in furtherance of the purposes of the institute.

(15) To do all things necessary or convenient to carry out the powers and purposes conferred by this section.

(16) To exercise any and all powers permissible under state law not in conflict with the purposes of the institute.

(b) Commencing on June 1, 2025, the commission may not purchase or acquire by eminent domain any additional real property."

Section 3. This act shall become effective on June 1,



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