

HB471 INTRODUCED



1 HB471
2 SLB4188-1
3 By Representatives Brown, Stringer
4 RFD: Boards, Agencies and Commissions
5 First Read: 20-Mar-25



SYNOPSIS:

State law sets out a process for the incorporation of local authorities to provide water, sewer, and fire protection services. These local authorities are governed by a board of directors.

This bill would remove a prohibition on a state or local officer from serving on the board of directors of a local water, sewer, or fire protection authority.

A BILL
TO BE ENTITLED
AN ACT

Relating to local water, sewer, and fire protection authorities; to amend Section 11-88-6, Code of Alabama 1975, to remove the prohibition on a state or local officer from serving on the board of directors of an authority.

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.



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

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

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

(2) Thereafter, the term of office of each director shall be six years.

(c) (1) If any amendment to the certificate of incorporation of ~~the~~ an authority, effected pursuant to ~~the provisions of~~ Section 11-88-5, ~~shall increase~~ increases the membership of the board, the board shall thereafter consist of ~~such~~ that number of directors, ~~elected~~ appointed by ~~such~~ the respective governing ~~bodies, as may be~~ body, as specified in the amendment. The terms of office of any new directors added by any ~~such~~ amendment shall be so arranged that, taking into consideration the terms of office of the original three directors, the terms of office of approximately one-third of



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all directors, ~~for~~ as nearly one-third thereof as may be practicable~~),~~ will end at noon on March 1 in each odd-numbered year following the effective date of the amendment.

(2) ~~The term of office of each new director, added by amendment as aforesaid, shall following~~ After the initial term of ~~such a~~ new director, the term of office shall be for a period of six years.

(3) If at any time there ~~should be~~ is a vacancy on the board, a successor director to serve for the unexpired term applicable to ~~such the~~ vacancy shall be ~~elected~~ appointed by that governing body ~~which that~~ elected the director whose unexpired term he or she is to fill.

(4) Each ~~election~~ appointment of a director, whether for a full six-year term or to complete an unexpired term, shall be made not earlier than 30 days prior to the date on which ~~such the~~ director is to take office ~~as such. No officer of the state or of any county or municipality shall, during his or her tenure as such officer, be eligible to serve as a director.~~

(d) Each director ~~elected~~ appointed by a county governing body shall be a duly qualified elector of that county and shall be a resident of and the owner of real property in that part of the service area of the authority which lies within that county. Directors shall be eligible for reelection.

(e) Each director shall be reimbursed for expenses actually incurred by the director in and about the performance of the director's duties. If the certificate of incorporation



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so provides, each director except the ~~chairman~~chair of the board shall be compensated in an additional amount not to exceed four hundred dollars (\$400) per meeting attended but not to exceed four thousand eight hundred dollars (\$4,800) per year. The ~~chairman shall~~chair, if the certificate so provides, shall be compensated in an additional amount not to exceed six hundred dollars (\$600) per meeting attended but not to exceed seven thousand two hundred dollars (\$7,200) per year.

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

~~(f)~~ (g) (1) If the service area, or the greater part thereof, in which an authority is authorized by its certificate of incorporation or any amendment thereto to render water service, fire protection service, sewer service, or any one or more thereof, includes a resort area pursuant to Article 2 ~~of this chapter~~ and the service area is incorporated or annexed into a municipality subsequent to the creation of an authority, and if the municipality has assumed and taken over the fire protection responsibility and the sewer service originally placed upon the authority, the board of directors of the authority shall be increased in membership by a sufficient number of new members to increase membership on the board of directors to a maximum of seven members. Each of the new members to the board of directors shall be appointed by the governing body of the municipality by ordinance duly



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adopted.

(2) The first term of each new member so appointed shall be staggered for terms of one, two, three, and four years, as needed. Thereafter, the term of the new members added pursuant to this subsection shall be six years. The governing body of the determining county shall continue to make appointments and fill vacancies as heretofore authorized.

~~After May 18, 1993, the governing body of the municipality shall make appointments and fill vacancies as provided in this subsection.—~~

(3) All members of the board of directors of the authority shall have all the authority, privileges, immunities, and qualifications as provided in this article.

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

Section 2. This act shall become effective on October 1, 2025.