

HB336 INTRODUCED



1 HB336
2 L8V9AWW-1
3 By Representative Brown
4 RFD: Boards, Agencies and Commissions
5 First Read: 19-Mar-24



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SYNOPSIS:

Existing law provides that an individual who holds an office with the State of Alabama or a county or municipality may not also serve as a director of a local water, sewer, or fire protection authority.

This bill would allow an individual who holds a state office, or another county or municipal office, to simultaneously serve as a director of a water, sewer, or fire protection authority as long as the individual is not compensated for serving as a director.

This bill would delete duplicative language and would also make nonsubstantive, technical revisions to update the existing code language to current style.

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



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29 nonsubstantive, technical revisions to update the existing
30 code language to current style.

31 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

34 "§11-88-6

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

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

42 a. The first term of one director shall begin
43 immediately upon the director's election and shall end at noon
44 on March 1 of the next succeeding odd-numbered calendar year
45 following the election~~;~~.

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

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

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

56 (c) If any amendment to the certificate of



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57 incorporation of the authority, effected pursuant to ~~the~~
58 ~~provisions of~~ Section 11-88-5, ~~shall increase~~increases the
59 membership of the board, the board shall thereafter consist of
60 ~~such~~the number of directors, elected by ~~such~~the governing
61 bodies, as may be specified in the amendment. The terms of
62 office of any new directors added by ~~any such~~the amendment
63 shall be so arranged that, taking into consideration the terms
64 of office of the original three directors, the terms of office
65 of approximately one-third of all directors, ~~for~~ as nearly
66 one-third thereof as may be practicable~~),~~ will end at noon on
67 March 1 in each odd-numbered year following the effective date
68 of the amendment. The term of office of each new director,
69 added by amendment ~~as aforesaid~~, ~~shall~~ following the initial
70 term of ~~such~~the new director, shall be for a period of six
71 years. If at any time there ~~should be~~is a vacancy on the
72 board, a successor director to serve for the unexpired term
73 ~~applicable to such~~of the vacancy shall be elected by that
74 governing body ~~which~~that elected the director whose unexpired
75 term he or she is to fill. Each election of a director,
76 whether for a full six-year term or to complete an unexpired
77 term, shall be made not earlier than 30 days prior to the date
78 on which ~~such~~the director is to take office ~~as such. No~~
79 ~~officer of the state or of any county or municipality shall,~~
80 ~~during his or her tenure as such officer, be eligible to serve~~
81 ~~as a director.~~

82 (d) (1) Each director elected by a county governing body
83 shall be a ~~duly~~ qualified elector of that county and shall be
84 a resident of and the owner of real property in that part of



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85 the service area of the authority which lies within that
86 county. An officer of the state or of any county or
87 municipality, during his or her tenure in the office, may
88 serve as a director subject to subdivision (2). Directors
89 shall be eligible for reelection.

90 (2) Each director shall be reimbursed for expenses
91 actually incurred by the director in ~~and about~~ the performance
92 of the director's duties. If the certificate of incorporation
93 ~~so~~ provides, each director, except the chairman of the board,
94 shall be compensated in an additional amount not to exceed
95 four hundred dollars (\$400) per meeting attended but not to
96 exceed four thousand eight hundred dollars (\$4,800) per year.
97 The chairman shall, if the certificate ~~so~~ provides, be
98 compensated in an additional amount not to exceed six hundred
99 dollars (\$600) per meeting attended but not to exceed seven
100 thousand two hundred dollars (\$7,200) per year. A director who
101 is also serving his or her tenure as an officer of the state
102 or of any county or municipality may not be compensated for
103 serving as a director.

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

109 (f) If the service area, or the greater part thereof,
110 in which an authority is authorized by its certificate of
111 incorporation or any amendment ~~thereto~~ to render water
112 service, fire protection service, sewer service, or any one or



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113 more ~~thereof~~ of the same, includes a resort area pursuant to
114 Article 2 of this chapter and the service area is incorporated
115 or annexed into a municipality subsequent to the creation of
116 an authority, and if the municipality has assumed and taken
117 over the fire protection responsibility and the sewer service
118 originally placed upon the authority, the board of directors
119 of the authority shall be increased ~~in membership~~ by a
120 sufficient number of new members to increase membership on the
121 board of directors to a maximum of seven ~~members~~. Each of the
122 new members to the board of directors shall be appointed by
123 the governing body of the municipality by ordinance ~~duly~~
124 ~~adopted~~. The first term of each new member so appointed shall
125 be staggered for terms of one, two, three, and four years, as
126 needed. Thereafter, the term of the new members added pursuant
127 to this subsection shall be six years. The governing body of
128 the determining county shall continue to make appointments and
129 fill vacancies as ~~heretofore~~ authorized in this section. After
130 May 18, 1993, the governing body of the municipality shall
131 make appointments and fill vacancies as provided in this
132 subsection. All members of the board of directors of the
133 authority shall have all the authority, privileges,
134 immunities, and qualifications as provided in this article.

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

137 Section 2. This act shall become effective on October
138 1, 2024.