

SB168 INTRODUCED



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



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SYNOPSIS:

Under existing law, a municipality may authorize the incorporation of a commercial development authority for the purposes of acquiring, owning, and leasing projects as defined for the purpose of commercial development in order to encourage commercial enterprises to locate, expand, and improve facilities in the municipality.

This bill would amend this law to further define a project to include a single commercial enterprise.

A BILL
TO BE ENTITLED
AN ACT

Relating to economic development; to amend Section 11-54-171 of the Code of Alabama 1975, authorizing municipalities to authorize the incorporation of commercial development authorities in the municipality; to further define project to include a single commercial enterprise.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-54-171 of the Code of Alabama 1975, is amended to read as follows:

"§11-54-171



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29 The following words and phrases used in this article
30 shall, in the absence of clear implication otherwise, be given
31 the following interpretations:

32 (1) APPLICANT. A person who files a written application
33 with the governing body of any municipality in accordance with
34 Section 11-54-173.

35 (2) AUTHORITY. A public corporation organized pursuant
36 to this article.

37 (3) AUTHORIZING MUNICIPALITY. Any municipality the
38 governing body of which shall have adopted an authorizing
39 resolution.

40 (4) AUTHORIZING RESOLUTION. A resolution adopted by the
41 governing body of any municipality in accordance with Section
42 11-54-173, that authorizes the incorporation of an authority.

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

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

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

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

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

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

53 (11) MUNICIPALITY. Any incorporated city or town of the
54 state.

55 (12) PERSON. Unless limited to a natural person by the
56 context in which it is used, includes a public or private



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57 corporation, limited liability company or partnership, a
58 municipality or county, or an agency, department, or
59 instrumentality of the state or of a county or municipality.

60 (13) PRINCIPAL OFFICE. The place at which the
61 certificate of incorporation and amendments thereto, the
62 bylaws, and the minutes of the proceedings of the board of an
63 authority are kept.

64 (14) POLLUTION. Any of the following:

65 a. The placing, whether by emission, discharge,
66 leakage, or other means, of any noxious or deleterious noise
67 or substance into any air or water of, in, or adjacent to the
68 State of Alabama.

69 b. The contaminating of air and water.

70 c. The affecting of any air or water so as to render or
71 be likely to render the air or water, or the use of either for
72 domestic, industrial, agricultural, or recreational purposes,
73 hazardous, inimical, or harmful to the health, safety, or
74 welfare of human beings, animals, birds, aquatic creatures, or
75 any of them, or to the existence or growth of vegetation.

76 (15) POLLUTION CONTROL FACILITY. Any land, building,
77 structure, machinery, or equipment having to do with or
78 designed for or the end purpose of which is the control,
79 reduction, abatement, or prevention of air, noise, water, or
80 general environmental pollution, including, but not limited
81 to, the following: Any air pollution control facility, noise
82 abatement, or reduction facility, water management facility,
83 water purification facility, waste water collecting system,
84 waste water treatment works, or solid waste disposal facility.



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85 (16) PROJECT.

86 a. Any land and any building or other improvement
87 thereon and all real and personal properties deemed necessary
88 in connection therewith, whether or not now in existence,
89 which shall be suitable for use by the following or by any
90 combination of two or more of the following:

91 1. Any commercial enterprise engaged in the
92 manufacturing, processing, assembling, storing, warehousing,
93 distributing, or selling of any products of agriculture,
94 mining, or industry.

95 2. Any enterprise for the purpose of research in
96 connection with:

97 (i) Any of the foregoing.

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

99 (iii) The improvement of existing products or known
100 processes.

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

103 3. Any commercial enterprise engaged in selling,
104 servicing, providing, or handling any policies of insurance or
105 any financial services.

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

110 1. A ship canal, port or port facility, off-street
111 parking facility, dock or dock facility, harbor facility,
112 railroad, monorail or tramway, railway terminal or railway



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113 belt line and switch.

114 2. An office building or buildings.

115 3. A planetarium or museum.

116 4. A pollution control facility.

117 5. A hotel, including parking facilities, facilities
118 for meetings, and facilities suitable for rental to persons
119 engaged in any business, trade, profession, occupation, or
120 activity.

121 6. A shopping center or similar facility suitable for
122 use by two or more commercial enterprises engaged in any
123 business, trade, profession, occupation, or activity,
124 provided, that a project shall not include facilities, other
125 than office buildings or other buildings suitable for use as
126 corporate headquarters, designed for the sale or distribution
127 to the public of electricity, gas, water, or telephone, or
128 other services commonly classified as public utilities.

129 7. A single commercial enterprise engaged in any
130 business, trade, profession, occupation, or activity
131 including, but not limited to, retail, restaurant,
132 professional office, or other commercial enterprises deemed
133 beneficial for job creation, workforce development, financial
134 investment, and other beneficial purposes identified in the
135 redevelopment plan of the authority.

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

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