SB27 ENGROSSED



- 1 ARFCQS-2
- 2 By Senator Melson
- 3 RFD: Agriculture, Conservation, and Forestry
- 4 First Read: 07-Mar-23
- 5 PFD: 01-Mar-23

SB27 Engrossed



1	
2	
3	
4	
5	
6	A BILL
7	TO BE ENACTED
8	AN ACT
9	
10	Relating to agriculture authorities; to amend Section
11	11-20-71, Code of Alabama 1975, to authorize the board of
12	directors of an authority to appoint former members of the
13	board as directors emeritus to serve as goodwill ambassadors
14	of the board; and to amend Section 11-20-80, Code of Alabama
15	1975, to exempt certain agricultural authorities from
16	municipal ordinances or regulations without the consent of the
17	authority.
18	BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:
19	Section 1. Sections 11-20-71 and 11-20-80, Code of
20	Alabama 1975, are amended to read as follows:
21	" §11-20-71
22	(a) The board of directors of an agriculture authority
23	shall be as specified in the articles and in accordance with
24	Section 11-20-70.
25	(b) Each agriculture authority shall have a chair, vice
26	chair, secretary, and treasurer to be elected by the board of
27	directors. The offices of secretary and treasurer may, but
28	need not, be held by the same person. A majority of the

SB27 Engrossed



directors shall constitute a quorum for the transaction of business. The officers and directors shall serve for the terms provided for in the articles. A director may not draw any salary for any service rendered or for any duty performed as director. The duties of the chair, vice chair, secretary, and treasurer shall be those as are customarily performed by such officers and as may be prescribed by the board of directors from time to time.

- (c) All directors shall serve until their successors are duly appointed or until they cease to be qualified.

 Vacancies on the board shall be filled as provided for in the articles, but any individual appointed to fill a vacancy shall serve only for the unexpired portion of the term. In the event any uncertainty arises as to the terms of office of the directors, the county commission or individual authorized to appoint the directors may clarify the term by adoption of an appropriate resolution or by execution of an appropriate certificate, and the term of office shall be as so clarified.
- (d) All proceedings of the board of directors of an agriculture authority shall be reduced to writing by the secretary of the authority and shall be signed by at least two directors present at the proceedings. Copies of the proceedings, when certified by the secretary under the seal of the agriculture authority, shall be received in all courts as prima facie evidence of the matters and things therein certified.
- (e) Directors of an agriculture authority must be residents and qualified electors of the county within the

SB27 Engrossed



- authorized operational area of the authority. If any director ceases to be a resident of the county, he or she shall cease to be a director, and the position shall remain vacant until a successor is appointed in accordance with the articles and this article.
 - (f) A director of an agriculture authority may not have an interest, directly or indirectly, in any contract of work, material, or services, or the profits therefrom, to be furnished or performed for the authority under this article if the director has, directly or indirectly, more than a 10 percent interest in any business, firm, or corporation, or profits thereof, furnishing or providing work, materials, or services.
 - the board to serve as directors emeritus. Directors emeritus shall not have voting rights on the board or otherwise directly participate in meetings of the board. Directors emeritus shall receive no compensation for their service, but may be granted benefits and may attend events of the authority as guests of the authority at the discretion of the board. The directors emeritus shall serve as goodwill ambassadors for the authority and may perform duties at the request of the authority. Directors emeritus shall be subject to subsections (e) and (f)."
- 81 "\$11-20-80

62

63

64

65

66

67

68

69

70

71

72

73

74

75

76

77

78

79

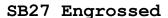
80

82 (a) An agriculture authority and all property in which 83 it may have any ownership, leasehold, or other interest, 84 direct or indirect, is exempt from all municipal planning





85	boards and municipal planning board requirements and all
86	municipal zoning ordinances and laws. This exemption shall not
87	apply to property owned by a private entity or private
88	entities in which an agriculture authority has no ownership,
89	leasehold, or other interest, direct or indirect.
90	(b) Any agricultural authority incorporated prior to the
91	effective date of the act adding this subsection shall be
92	exempt from any ordinance or regulation of any municipality
93	unless the board of the authority consents to the application
94	of the ordinance or regulation to the authority."
95	Section 2. This act shall become effective immediately
96	following its passage and approval by the Governor, or its
97	otherwise becoming law.





98 99 100 Senate Read for the first time and referred23 101 102 to the Senate committee on Agriculture, Conservation, and 103 104 Forestry 105 106 Read for the second time and placed21-Mar-23 on the calendar: 107 108 0 amendments 109 110 Read for the third time and passed23-Mar-23 111 as amended 112 Yeas 30 113 Nays 1 Abstains 0 114 115 116 117 Patrick Harris, 118 Secretary. 119