

1 SB65
2 208138-2
3 By Senator Sessions
4 RFD: Governmental Affairs
5 First Read: 02-FEB-21
6 PFD: 01/25/2021

1 SB65

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4 ENROLLED, An Act,

5 Relating to public park and recreation boards; to
6 amend Section 11-22-16, Code of Alabama 1975, relating to the
7 dissolution of public park and recreation boards organized in
8 a county; to provide an alternative procedure for the
9 dissolution of the board under certain conditions and for the
10 transfer of the property of the board to the municipality
11 where the public park is located upon approval of both the
12 county and the municipality.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 11-22-16, Code of Alabama 1975,
15 is amended to read as follows:

16 "§11-22-16.

17 "(a) Whenever the board of directors of the
18 corporation shall by resolution determine that the purposes
19 for which the corporation was formed have been substantially
20 complied with and all bonds theretofore issued and all
21 obligations theretofore incurred by the corporation have been
22 fully paid, the then members of the board of directors of the
23 corporation shall thereupon execute and file for record in the
24 office of the judge of probate of the county in which the
25 corporation is organized a certificate of dissolution reciting

1 ~~such~~ those facts and declaring the corporation to be
2 dissolved. ~~Such~~ The certificate of dissolution shall be
3 executed under the corporate seal of the corporation. Upon the
4 filing of ~~such~~ the certificate of dissolution, the corporation
5 shall stand dissolved, the title to all funds and properties
6 owned by it at the time of ~~such~~ dissolution shall vest in the
7 county, and possession of ~~such~~ the funds and properties of the
8 board shall forthwith be delivered to ~~such~~ the county.

9 "(b) (1) In addition to the procedures provided in
10 subsection (a), any corporation organized under this chapter
11 composed of property originally acquired by a corporation
12 organized under Chapter 18 of this title, and located entirely
13 within the corporate limits of a municipality, by a majority
14 vote of the governing body of the municipality and adoption of
15 a resolution by the county commission, may be ordered to be
16 dissolved, transferred, and merged with the municipality.

17 "(2) Within 90 days after the approval of the
18 dissolution by the municipality and the county, the
19 corporation shall transfer all funds, assets, and title to
20 real property owned by the corporation to the municipality.
21 Upon the transfer, all funds, assets, real property, and
22 liabilities of the corporation shall vest in the municipality
23 and all employees of the corporation existing at the time of
24 the transfer shall become employees of the municipality.

1 "(3) After the transfer of the assets of the
2 corporation to the municipality, a certificate of dissolution
3 declaring the corporation to be dissolved shall be filed with
4 the judge of probate of the county in which the corporation
5 was organized and the corporation shall stand dissolved.

6 "(4) A separate contract may be executed prior to
7 the dissolution by the corporation and the governing body of
8 the municipality providing for the orderly transfer of the
9 assets, liabilities, and employees of the corporation to the
10 municipality prior to dissolution."

11 Section 2. This act shall become effective
12 immediately following its passage and approval by the
13 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB65
Senate 25-FEB-21
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 30-MAR-21

By: Senator Sessions