

1 HB189
2 208138-1
3 By Representative Brown (C)
4 RFD: County and Municipal Government
5 First Read: 02-FEB-21
6 PFD: 01/28/2021

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8 SYNOPSIS: This bill would relate to any public park
9 and recreation board organized in a county and
10 would provide an alternative procedure for the
11 dissolution of the board under certain conditions
12 and for the transfer of the property of the board
13 to the municipality where the public park is
14 located upon approval of both the county and the
15 municipality.

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17 A BILL
18 TO BE ENTITLED
19 AN ACT

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21 Relating to public park and recreation boards; to
22 amend Section 11-22-16, Code of Alabama 1975, relating to the
23 dissolution of public park and recreation boards organized in
24 a county; to provide an alternative procedure for the
25 dissolution of the board under certain conditions and for the
26 transfer of the property of the board to the municipality

1 where the public park is located upon approval of both the
2 county and the municipality.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§11-22-16.

7 "(a) Whenever the board of directors of the
8 corporation shall by resolution determine that the purposes
9 for which the corporation was formed have been substantially
10 complied with and all bonds theretofore issued and all
11 obligations theretofore incurred by the corporation have been
12 fully paid, the then members of the board of directors of the
13 corporation shall thereupon execute and file for record in the
14 office of the judge of probate of the county in which the
15 corporation is organized a certificate of dissolution reciting
16 ~~such~~ those facts and declaring the corporation to be
17 dissolved. ~~Such~~ The certificate of dissolution shall be
18 executed under the corporate seal of the corporation. Upon the
19 filing of ~~such~~ the certificate of dissolution, the corporation
20 shall stand dissolved, the title to all funds and properties
21 owned by it at the time of ~~such~~ dissolution shall vest in the
22 county, and possession of ~~such~~ the funds and properties of the
23 board shall forthwith be delivered to ~~such~~ the county.

24 "(b) (1) In addition to the procedures provided in
25 subsection (a), any corporation organized under this chapter
26 composed of property originally acquired by a corporation
27 organized under Chapter 18 of this title, and located entirely

1 within the corporate limits of a municipality, by a majority
2 vote of the governing body of the municipality and adoption of
3 a resolution by the county commission, may be ordered to be
4 dissolved, transferred, and merged with the municipality.

5 "(2) Within 90 days after the approval of the
6 dissolution by the municipality and the county, the
7 corporation shall transfer all funds, assets, and title to
8 real property owned by the corporation to the municipality.
9 Upon the transfer, all funds, assets, real property, and
10 liabilities of the corporation shall vest in the municipality
11 and all employees of the corporation existing at the time of
12 the transfer shall become employees of the municipality.

13 "(3) After the transfer of the assets of the
14 corporation to the municipality, a certificate of dissolution
15 declaring the corporation to be dissolved shall be filed with
16 the judge of probate of the county in which the corporation
17 was organized and the corporation shall stand dissolved.

18 "(4) A separate contract may be executed prior to
19 the dissolution by the corporation and the governing body of
20 the municipality providing for the orderly transfer of the
21 assets, liabilities, and employees of the corporation to the
22 municipality prior to dissolution."

23 Section 2. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.