

1 HB490  
2 205109-1  
3 By Representatives Baker and Jones (M) (N & P)  
4 RFD: Local Legislation  
5 First Read: 04-MAY-20

A BILL  
TO BE ENTITLED  
AN ACT

Relating to Escambia County; to amend Sections 45-27-90 and 45-27-246.02 of the Code of Alabama 1975, relating to the Escambia County Industrial Development Authority; to further provide for certain non-voting ex officio members of the authority; and to provide that the portion of the net proceeds from the state oil and gas tax appropriated annually to the authority by the county would be carried over by the authority if not expended during the fiscal year.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-27-90, Code of Alabama 1975, is amended to read as follows:

"§45-27-90.

"For the purpose of promoting industry and trade and to assist the county commission or other like governing bodies

1 in Escambia County in their pursuits thereof, there is hereby  
2 created an Industrial Development Authority for Escambia  
3 County which shall be composed of ~~11~~ members as provided in  
4 this section. No member of the authority shall hold an elected  
5 office. ~~All~~ Except as otherwise provided in this section, all  
6 members of the authority shall be residents and qualified  
7 electors of Escambia County.

8 "(1) Five members of the authority shall be  
9 appointed by the Escambia County Commission. All appointments  
10 of successors to these five members shall be made by the  
11 Escambia County Commission, from a list submitted by the House  
12 of Representatives member whose district encompasses the  
13 majority of Escambia County. If ~~such~~ successors are not  
14 appointed within 90 days after the expiration of ~~such~~ the  
15 members' terms, the House of Representatives member whose  
16 district encompasses the majority of Escambia County shall  
17 appoint the successors, and all members shall serve until  
18 their successors are appointed. The members of the authority  
19 appointed by the Escambia County Commission or the House of  
20 Representatives member whose district encompasses the majority  
21 of Escambia County shall serve for terms of four years.  
22 Vacancies in the positions of these five members shall be  
23 filled in the same manner as the original five members are  
24 appointed, but any person appointed to fill a vacancy shall  
25 serve only for the unexpired portion of the term.

26 "(2) The governing bodies of Brewton and Atmore  
27 shall each appoint two members of the authority. The governing

1 bodies of Flomaton and East Brewton shall each appoint one  
2 member of the authority. The members of the authority  
3 appointed by the governing bodies of Brewton, Atmore,  
4 Flomaton, and East Brewton shall serve for terms of three  
5 years. Successors to these six members shall be appointed in  
6 the same manner as the original six members are appointed, so  
7 long as the governing bodies financially support the  
8 Industrial Development Authority of Escambia County. All  
9 members shall serve until their successors are appointed.  
10 Vacancies in the positions of these six members shall be  
11 filled in the same manner as the original six members are  
12 appointed, but any person appointed to fill a vacancy shall  
13 serve only for the unexpired portion of the term. At the  
14 completion of any three-year term, or in the case of a  
15 vacancy, if a governing body has chosen not to financially  
16 support the Industrial Development Authority of Escambia  
17 County, its appointees shall be appointed in the same manner  
18 as those in subdivision (1).

19 "(3) The Escambia County Commission may authorize  
20 additional non-voting ex officio members who are not required  
21 to be residents or electors of the county to be appointed by  
22 an entity that requests to participate in the authority  
23 provided the entity contributes not less than ten thousand  
24 dollars (\$10,000) each year for the operation of the  
25 authority.

26 Section 2. Section 45-27-246.02 of the Code of  
27 Alabama 1975, is amended to read as follows:

1               "§45-27-246.02.

2               "An amount equal to one-tenth of the net funds  
3 received by Escambia County pursuant to Sections 40-20-1  
4 through 40-20-13, for the general fund of the county or one  
5 hundred thousand dollars (\$100,000) of ~~such the~~ funds,  
6 whichever is the lesser, shall be appropriated by the Escambia  
7 County Commission from the county general fund to the Escambia  
8 County Industrial Development Authority, created by Article 9.  
9 Furthermore, the governing body of Escambia County ~~is hereby~~  
10 ~~authorized to~~ may deposit directly into an account authorized  
11 by the Escambia County Industrial Development Authority on a  
12 monthly installment basis. The development authority ~~shall~~  
13 ~~have the authority to contact~~ may contract with any  
14 municipality in Escambia County for services it deems  
15 appropriate out of the funds allocated by this section. Any  
16 ~~such~~ monies which are not expended by the authority by  
17 ~~September 20, 1982, and each September 30 thereafter~~ of each  
18 fiscal year, shall ~~at the request of the Escambia County~~  
19 ~~Commission be returned to the general fund of the county~~ be  
20 carried over from year-to-year by the authority and remain  
21 available for expenditure by the authority."

22               Section 3. This act shall become effective  
23 immediately following its passage and approval by the  
24 Governor, or its otherwise becoming law.