

1 HB767  
2 139891-1  
3 By Representative Warren (N & P)  
4 RFD: Local Legislation  
5 First Read: 01-MAY-12

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9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
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13 Relating to Macon County; to amend Section 2 of Act  
14 93-875 of the 1993 First Special Session (Acts 1993 First  
15 Special Session, p. 137) as last amended by Act 2010-524 of  
16 the 2010 Regular Session (Acts 2010, p. 885), to further  
17 provide for the appointment of additional voting members to  
18 the board of directors of the Macon County Economic  
19 Development Authority, to provide for terms of members  
20 appointed by the board of directors and to remove the  
21 limitation on consecutive terms; and to amend Section 4 of Act  
22 93-875 of the 1993 First Special Session (Acts 1993 First  
23 Special Session, p. 137) as last amended by Act 2008-463 of  
24 the 2008 Regular Session (Acts 2008, p. 900), to provide for  
25 distribution of funds.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Section 2 of Act 93-875 of the 1993 First  
2 Special Session (Acts 1993 First Special Session, p. 137) as  
3 last amended by Act 2010-524 of the 2010 Regular Session (Acts  
4 2010, p. 885) is amended to read as follows:

5           "Section 2. The authority shall be governed by a  
6 board of directors consisting of members to be appointed as  
7 follows: One member appointed by the Macon County Commission;  
8 one member appointed by the member of the Alabama House of  
9 Representatives who represents Macon County; one member  
10 appointed by the member of the Alabama State Senate who  
11 represents Macon County; one member appointed by Tuskegee  
12 University; and one member appointed by the governing body of  
13 each incorporated municipality in the county. Additional  
14 voting members may be appointed to the board of directors by a  
15 two-thirds vote of a quorum of the board of directors,  
16 provided that the board of directors shall be composed of no  
17 more than 13 members. No member of the board of directors  
18 shall hold any elected public office. The initial terms of the  
19 directors shall be staggered. Two members, the one appointed  
20 by the member of the House of Representatives representing  
21 Macon County and the one appointed by the member of the  
22 Alabama Senate representing Macon County, shall serve for  
23 initial terms of one year each. Notwithstanding the foregoing,  
24 the initial member added to the board by appointment of a  
25 municipality that did not appoint a member prior to the  
26 effective date of this act adding this language shall serve a  
27 term of four years, the initial member appointed by Tuskegee

1 University shall serve a term of four years, and the members  
2 appointed by the board of directors shall serve a term of four  
3 years. Any member serving on the effective date of the act  
4 adding this language, except the member previously appointed  
5 by Tuskegee University, shall serve the remainder of his or  
6 her term. Thereafter, all members shall serve for a term of  
7 four years. All members shall serve until their successors are  
8 appointed and qualified. Upon a vacancy, the successor shall  
9 be appointed in the same manner and by the same method as the  
10 member whose place is being filled.

11 "Within 30 days after the effective date of this  
12 act, the appointing authorities shall submit the names and  
13 addresses of the members of the board to the judge of probate  
14 and the appointments shall be filed and maintained in the  
15 office of the judge of probate. The members shall elect from  
16 among themselves a president, vice-president, secretary, and  
17 treasurer. Each officer shall serve for a period of one year  
18 or until a successor is elected to serve. No officer shall be  
19 bonded, except the treasurer, who shall obtain bond as an  
20 official.

21 "Ex officio nonvoting members of the board shall  
22 consist of: One member from each industrial development board,  
23 one member appointed by the Macon County Chamber of Commerce,  
24 and one member from the Macon County Board of Education. The  
25 board shall meet at least once per month."

26 Section 2. Section 4 of Act 93-875 of the 1993 First  
27 Special Session (Acts 1993 First Special Session, p. 137) as

1 last amended by Act 2008-463 of the 2008 Regular Session (Acts  
2 2008, p. 900) is amended to read as follows:

3 "Section 4. The authority may employ a qualified  
4 executive director who shall have the responsibility of  
5 implementing policies and directives of the board of directors  
6 and any necessary staff. The executive director shall have a  
7 minimum of a bachelor's degree in economic development,  
8 business administration, marketing, finance, economics, public  
9 administration, or other related field.

10 "The executive director shall serve at the pleasure  
11 of the board. The board shall set the annual salary of the  
12 executive director. The board shall provide necessary office  
13 space for the authority, which shall be maintained in the  
14 county seat.

15 "The appointed members of the board may employ  
16 consultants, only upon a unanimous vote of all members of the  
17 board at a board meeting attended by all members.

18 "The authority may solicit and receive contributions  
19 from other governmental entities, corporations, partnerships,  
20 or individuals. The authority shall submit to audits by the  
21 Examiner of Public Accounts.

22 "All funds received by the county from the severance  
23 tax levied pursuant to Article 3 of Chapter 13, Title 40, Code  
24 of Alabama 1975, shall be distributed by the Macon County  
25 Commission as follows:

1                   "(1) Ninety percent to the Macon County Economic  
2     Development Authority which shall use the funds for economic  
3     development activities.

4                   "(2) Ten percent to the Macon County Sheriff's  
5     Department which shall use the funds to defray the cost of  
6     enforcing this act."

7                   Section 3. This act shall become effective on the  
8     first day of the third month following its passage and  
9     approval by the Governor, or its otherwise becoming law.