

HB336 INTRODUCED



1 HB336
2 L8V9AWW-1
3 By Representative Brown
4 RFD: Boards, Agencies and Commissions
5 First Read: 19-Mar-24



SYNOPSIS:

Existing law provides that an individual who holds an office with the State of Alabama or a county or municipality may not also serve as a director of a local water, sewer, or fire protection authority.

This bill would allow an individual who holds a state office, or another county or municipal office, to simultaneously serve as a director of a water, sewer, or fire protection authority as long as the individual is not compensated for serving as a director.

This bill would delete duplicative language and would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to county and municipal authorities; to amend Section 11-88-6, Code of Alabama 1975, to further provide for water, sewer, and fire protection authorities by permitting an individual holding a state, county, or municipal office to be eligible for uncompensated membership on an authority board of directors; and to delete duplicative language and make



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nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 11-88-6, Code of Alabama 1975, is amended to read as follows:

"§11-88-6

(a) Each authority shall be governed by a board of directors. All powers of the authority shall be exercised by the board or pursuant to its authorization.

(b) (1) The board shall consist initially of three directors, elected, as soon as ~~may be~~ practicable after the organization of the authority, by the governing body of the determining county for staggered terms as follows:

a. The first term of one director shall begin immediately upon the director's election and shall end at noon on March 1 of the next succeeding odd-numbered calendar year following the election~~;~~.

b. ~~the~~The first term of another director shall begin immediately upon his or her election and shall end at noon on March 1 of the second succeeding odd-numbered calendar year following the election~~;~~and.

c. ~~the~~The first term of the remaining director shall begin immediately upon his or her election and shall end at noon on March 1 of the third succeeding odd-numbered calendar year following the election.

(2) ~~Thereafter,~~After the first term, the term of office of each director shall be six years.

(c) If any amendment to the certificate of



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incorporation of the authority, effected pursuant to ~~the~~
~~provisions of~~ Section 11-88-5, ~~shall increase~~increases the
membership of the board, the board shall thereafter consist of
~~such~~the number of directors, elected by ~~such~~the governing
bodies, as may be specified in the amendment. The terms of
office of any new directors added by ~~any such~~the amendment
shall be so arranged that, taking into consideration the terms
of office of the original three directors, the terms of office
of approximately one-third of all directors, ~~for~~ as nearly
one-third thereof as may be practicable~~),~~ will end at noon on
March 1 in each odd-numbered year following the effective date
of the amendment. The term of office of each new director,
added by amendment ~~as aforesaid,~~ ~~shall~~ following the initial
term of ~~such~~the new director, shall be for a period of six
years. If at any time there ~~should be~~is a vacancy on the
board, a successor director to serve for the unexpired term
~~applicable to such~~of the vacancy shall be elected by that
governing body ~~which~~that elected the director whose unexpired
term he or she is to fill. Each election of a director,
whether for a full six-year term or to complete an unexpired
term, shall be made not earlier than 30 days prior to the date
on which ~~such~~the director is to take office ~~as such. No~~
~~officer of the state or of any county or municipality shall,~~
~~during his or her tenure as such officer, be eligible to serve~~
~~as a director.~~

(d) (1) Each director elected by a county governing body
shall be a ~~duly~~ qualified elector of that county and shall be
a resident of and the owner of real property in that part of



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the service area of the authority which lies within that county. An officer of the state or of any county or municipality, during his or her tenure in the office, may serve as a director subject to subdivision (2). Directors shall be eligible for reelection.

(2) Each director shall be reimbursed for expenses actually incurred by the director in ~~and about~~ the performance of the director's duties. If the certificate of incorporation ~~so~~ provides, each director, except the chairman of the board, shall be compensated in an additional amount not to exceed four hundred dollars (\$400) per meeting attended but not to exceed four thousand eight hundred dollars (\$4,800) per year. The chairman shall, if the certificate ~~so~~ provides, be compensated in an additional amount not to exceed six hundred dollars (\$600) per meeting attended but not to exceed seven thousand two hundred dollars (\$7,200) per year. A director who is also serving his or her tenure as an officer of the state or of any county or municipality may not be compensated for serving as a director.

(e) Any director of the authority may be impeached and removed from office in the same manner and on the same grounds provided by Section 175 of the Constitution of Alabama of 2022 and the general laws of the state for impeachment and removal of the officers mentioned in Section 175.

(f) If the service area, or the greater part thereof, in which an authority is authorized by its certificate of incorporation or any amendment ~~thereto~~ to render water service, fire protection service, sewer service, or any one or



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more ~~thereof~~of the same, includes a resort area pursuant to Article 2 of this chapter and the service area is incorporated or annexed into a municipality subsequent to the creation of an authority, and if the municipality has assumed and taken over the fire protection responsibility and the sewer service originally placed upon the authority, the board of directors of the authority shall be increased ~~in membership~~ by a sufficient number of new members to increase membership on the board of directors to a maximum of seven ~~members~~. Each of the new members to the board of directors shall be appointed by the governing body of the municipality by ordinance ~~duly adopted~~. The first term of each new member so appointed shall be staggered for terms of one, two, three, and four years, as needed. Thereafter, the term of the new members added pursuant to this subsection shall be six years. The governing body of the determining county shall continue to make appointments and fill vacancies as ~~heretofore~~ authorized in this section. After May 18, 1993, the governing body of the municipality shall make appointments and fill vacancies as provided in this subsection. All members of the board of directors of the authority shall have all the authority, privileges, immunities, and qualifications as provided in this article.

(g) Nothing in this section as amended by Act 2010-580 shall apply to the City of Prichard Water and Sewer Board."

Section 2. This act shall become effective on October 1, 2024.