

**SB288 INTRODUCED**



1 SB288  
2 ZQ1XQKK-1  
3 By Senator Melson  
4 RFD: Agriculture, Conservation, and Forestry  
5 First Read: 10-Feb-26



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4     SYNOPSIS:

5                 Under existing law, the directors of an  
6     agriculture authority's board of directors are  
7     appointed by a combination of the county commission and  
8     legislative delegation where the agriculture authority  
9     is located.

10                This bill would require a director to appoint  
11     his or her own successor upon expiration of the  
12     director's term five years after an agriculture  
13     authority is established.

14                Under existing law, an agriculture authority may  
15     only purchase items on the statewide public contract  
16     list.

17                This bill would authorize an agriculture  
18     authority to make purchases through a national or  
19     regional governmental cooperative purchasing program.

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22                A BILL

23                TO BE ENTITLED

24                AN ACT

25

26                Relating to agriculture authorities; to amend Sections  
27     11-20-71 and 11-20-73, Code of Alabama 1975; to provide for  
28     each director on the board of directors to appoint his or her

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29 successor; to allow an agriculture authority to purchase goods  
30 or services through a national or regional governmental  
31 cooperative purchasing program; and to make nonsubstantive,  
32 technical revisions to update existing code language to  
33 current style.

34 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

35           Section 1. Sections 11-20-71 and 11-20-73, Code of  
36 Alabama 1975, are amended to read as follows:

37           "§11-20-71

38           (a) (1) The board of directors of an agriculture  
39 authority shall be as specified in the articles and in  
40 accordance with Section 11-20-70.

41           (2) Notwithstanding Section 11-20-70(d)(9), five years  
42 after an agriculture authority is incorporated, each director  
43 shall appoint his or her successor upon the expiration of his  
44 or her term. A director may not serve more than two full  
45 terms.

46           (b) Each agriculture authority shall have a chair, vice  
47 chair, secretary, and treasurer to be elected by the board of  
48 directors. The offices of secretary and treasurer may be held  
49 by the same ~~person~~individual. A majority of the directors  
50 shall constitute a quorum for the transaction of business. The  
51 officers and directors shall serve for the terms provided for  
52 in the articles. A director may not draw any salary for any  
53 service rendered or for any duty performed as director. The  
54 duties of the chair, vice chair, secretary, and treasurer  
55 shall be those as are customarily performed by these officers  
56 and as may be prescribed by the board of directors.



57 (c) All directors shall serve until their successors  
58 are appointed or until they cease to be qualified. Vacancies  
59 on the board shall be filled as provided for in the articles,  
60 but any individual appointed to fill a vacancy shall serve  
61 only for the unexpired portion of the term. ~~In the event any~~  
~~uncertainty arises as to the terms of office of the directors,~~  
~~the county commission or individual authorized to appoint the~~  
~~directors may clarify the term by adoption of an appropriate~~  
~~resolution or by execution of an appropriate certificate, and~~  
~~the term of office shall be as so clarified.~~

67 (d) All proceedings of the board of directors of an  
68 agriculture authority shall be reduced to writing by the  
69 secretary of the authority and shall be signed by at least two  
70 directors present at the proceedings. Copies of the  
71 proceedings, when certified by the secretary under the seal of  
72 the agriculture authority, shall be received in all courts as  
73 prima facie evidence of the matters and things therein  
74 certified.

82 (f) A director of an agriculture authority may not have  
83 an interest, directly or indirectly, in any contract of work,  
84 material, or services, or the profits therefrom, to be

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85 furnished or performed for the authority under this article if  
86 the director has, directly or indirectly, more than a 10  
87 percent interest in any business, firm, or corporation, or  
88 profits thereof, furnishing or providing work, materials, or  
89 services.

90 (g) The board of directors may appoint former members  
91 of the board to serve as directors emeritus. Directors  
92 emeritus shall not have voting rights on the board or  
93 otherwise directly participate in meetings of the board.  
94 Directors emeritus shall receive no compensation for their  
95 service, but may be granted benefits and may attend events of  
96 the authority as guests of the authority at the discretion of  
97 the board. The directors emeritus shall serve as goodwill  
98 ambassadors for the authority and may perform duties at the  
99 request of the authority. Directors emeritus shall be subject  
100 to subsections (e) and (f)."

101 "§11-20-73

102 (a) An agriculture authority shall have the following  
103 powers, which it may exercise in the agriculture authority's  
104 authorized operational area:

105 (1) To have succession by its corporate name until  
106 dissolved as provided in this article.

107 (2) To adopt bylaws making provisions for its actions  
108 not inconsistent with this article.

109 (3) To institute and defend legal proceedings in any  
110 court of competent jurisdiction and proper venue, ~~provided~~, provided  
111 ~~however~~, that the board may not be sued in any trial court  
112 other than the courts of the county of incorporation;



113 provided, further, that the officers, directors, agents, and  
114 employees of an agriculture authority may not be sued for  
115 their actions on behalf of the authority except for actions  
116 that are unreasonable or known by the person to be unlawful or  
117 are performed with reckless disregard for the lawfulness of  
118 such actions.

119 (4) To plan for construction and development of an  
120 agriculture center within the operational area of the  
121 agriculture authority on property owned by the authority.  
122 Construction and development may include, without limitation,  
123 any or all of the following:

124 a. Buildings to hold offices for use by the federal  
125 government, the state or any agency of the state, the county,  
126 or one or more municipalities within the county.

127 b. Buildings to house or accommodate public facilities  
128 of the federal government, the state or any agency of the  
129 state, the county, or one or more municipalities within the  
130 county.

131 c. Streets, boulevards, walkways, parkways, parks, or  
132 other places of recreation.

133 d. Monuments, statues, or other structures beautifying  
134 the agriculture center.

135 e. Community houses, meeting houses, or auditoriums.

136 f. Arenas, convention halls, sports facilities,  
137 stadiums, hotels or other facilities for use as a transient  
138 guest housing facility, multifamily housing, dormitory  
139 housing, food courts or other food venue facilities, any  
140 facilities that provide for or support any public or private



141 educational institution, and any other facilities related to  
142 or incidental to the foregoing.

143 g. Music halls, art museums, art exhibits, or other  
144 exhibits for the advancement of the humanities and cultural  
145 development.

146 h. Any other buildings, structures, facilities, and  
147 other improvements that the board of directors of the  
148 agriculture authority determines are appropriate, useful, or  
149 expedient to the authority's purposes from time to time. The  
150 determination of the authority board of directors shall be  
151 conclusive.

152 (5) To acquire property and rights and interests in  
153 property by gift, grant, lease, or purchase.

154 (6) To accept or receive gifts, bequests, and devises.

155 (7) To have and use a corporate seal and alter the seal  
156 at its pleasure.

157 (8) To appoint officers, agents, employees, and  
158 attorneys and to fix their compensation.

159 (9) To hire professionals and enter into contracts for  
160 their services in designing and supervising the construction  
161 of any building, agriculture center, auditorium, arena,  
162 convention hall, music hall, art museum, place of recreation,  
163 art exhibit, office building, or other structure that it  
164 desires to construct.

165 (10) To make and enter into contracts and to execute  
166 all instruments necessary or convenient to lease or purchase  
167 and own real or personal property to be used for the  
168 furtherance of the purposes for the accomplishment of which

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169 the authority is created.

170 (11) To plan for programs and exhibits in the  
171 agriculture center for the advancement of the agricultural,  
172 cultural, and workforce development interests of the citizens  
173 of the county and of the municipalities thereof.

174 (12) To purchase or lease real property and rights or  
175 easements ~~therein~~ necessary or convenient for its purposes and  
176 to use the same property so long as its existence shall  
177 continue.

178 (13) To accept pledges of revenues or grants of money  
179 from any person or governmental entity.

180 (14) To sell and lease its property to any person or  
181 governmental entity.

182 (15) To enter into financing agreements with federal or  
183 state agencies that may require the authority to mortgage its  
184 property.

185 (16) To plan for programs and exhibits in the  
186 agriculture center for the advancement of agricultural and  
187 workforce development interests in the county.

188 (17) To enter into long-term contracts or agreements  
189 for sewer service with any Class 5 municipality within three  
190 miles of the authority or a utility board of the Class 5  
191 municipality.

192 (18) To accept lease payments, loan repayments, or  
193 other compensation to or for the authority or other public  
194 person.

195 (19) To invest in bank deposits, U.S. Treasury bills,  
196 projects, instruments, real, personal, or mixed property, or



any other investments as the board of directors of the authority may from time to time determine to be appropriate and convenient to accomplish any purpose for which an agriculture authority is organized, including works of internal improvement, interests in private or corporate enterprises, loans of money or credit to individuals, associations, or corporations; and to lend the authority's credit, grant public money or things of value in aid of or to any individual, association, or corporation whatsoever, or become a stockholder in any such corporation, association, or company by issuing bonds or otherwise even though they may be in violation of Section 93 or Section 94 of the Constitution of Alabama of 2022, if done by the state, a county, city, town, or other subdivision of the state, notwithstanding the fact that any such investment or action may involve the expenditure or appropriation of funds received from a public person. In particular, but not by way of limitation, an authority may invest its funds, from whatever source, in the stock, bonds, debentures, notes, or other securities issued by any person locating a project in the authority's operational area and may enter into contracts or options, including contracts or options for the conveyance, sale, or lease of property, to the person and make direct grants of money, property, or services for the purpose of inducing the person to locate a project in the authority's operational area.

(20) To enter into deeds, mortgages, leases, loan agreements, or other agreements with any person.

(21) To acquire real property for the purpose of

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225 establishing one or more agriculture centers; to improve  
226 agriculture center sites, whether owned by the authority or by  
227 any other person, including the improvement of the centers or  
228 sites by the construction of roads, curbing, gutters,  
229 drainage, sewerage, utilities, railroad spurs, docks, harbors,  
230 ports, grading, and the like; to construct, for its own  
231 account or the account of others, improvements thereon,  
232 including any project, for the purpose of conveying, leasing,  
233 or selling the same to any person, including the power to  
234 convey, lease, or sell the same for its own account or to  
235 construct the same as an inducement for any person to locate  
236 and operate a project in the agriculture center or operational  
237 area, even though the person may not have been identified at  
238 the time that the improvement may be constructed.

239 (22) To sell, exchange, donate, and convey any or all  
240 of its properties whenever its board of directors finds the  
241 action to be in furtherance of the purposes for which the  
242 authority was organized.

243 (23) To issue its bonds for the purpose of carrying out  
244 any of its powers and to apply proceeds from the sale of its  
245 bonds, whether heretofore or hereafter issued, not only for  
246 payment of interest thereon prior to and during the  
247 construction and equipment of any buildings, structures,  
248 facilities, or other improvements being financed thereby, but  
249 also for payment of interest thereon.

250 (24) To mortgage and pledge any or all of its  
251 properties both real and personal or any part or parts  
252 thereof, as security for the payment of the principal of and



253 the interest on any bonds so issued and any agreements made in  
254 connection therewith, whether then owned or thereafter  
255 acquired, and to pledge the revenues and receipts therefrom or  
256 from any thereof.

257 (25) To enter into contracts, agreements, options,  
258 leases, loan agreements, deeds, and other instruments, and to  
259 take other actions as may be necessary or convenient to  
260 accomplish any purpose for which an authority is organized or  
261 to exercise any power expressly granted hereunder.

262 (26) To enter into contracts, agreements, leases, or  
263 other instruments, either independently or through another  
264 entity, to design, develop, construct, own, or operate any  
265 commercial facility, to acquire lands or other assets for the  
266 facility, to raise revenue from the operation of the facility,  
267 and to use any revenue from the operation of the facility to  
268 fund projects and operations in support of the authority's  
269 mission, including the payment of any expenses and debt of the  
270 authority. The power provided in this subdivision shall  
271 include the power to make advance payments to third parties  
272 for services.

273 (27)a. To terminate or relocate an easement on property  
274 owned by the authority using the same power of eminent domain  
275 as the state possesses, which shall be exercised in the same  
276 manner and under the same conditions as are provided by law  
277 for the exercise of the power of eminent domain by the state.

278 b. This subdivision shall not apply to any easement to  
279 which an electric utility has the right to enter-upon.

280 (b) Contracts of an agriculture authority shall be

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281       executed in the name of the authority by the chair and  
282       attested by the secretary of the authority. The board may  
283       provide by resolution for a different form for the execution  
284       of a contract by an officer or agent other than the chair and  
285       secretary. A contract, irrespective of its form and of the  
286       persons executing the contract, shall not be binding unless  
287       the contract is authorized or ratified by the board.

288               (c) An agriculture authority may deposit its funds not  
289       needed to meet expenses or obligations in any bank or building  
290       and loan association, provided the deposit is fully insured by  
291       a federal corporation or agency of the federal government  
292       insuring deposits in financial institutions.

293               (d) In exercising the powers enumerated in this  
294       section, all mortgages, contracts, judgments, investments,  
295       loans, debts, and other obligations of any sort of the  
296       authority due to any third party shall be recovered and  
297       enforced only against the authority unless the county  
298       commission approving the formation of the authority  
299       specifically agrees to accept the obligation by a separate  
300       affirmative vote of a majority of the members of the county  
301       commission.

302               (e) In addition to all other powers at any time  
303       conferred on it by this section or otherwise by law, an  
304       authority shall have the following powers together with all  
305       powers incidental ~~thereto~~ or necessary to the discharge  
306       thereof in corporate form:

307                       (1) To participate: As a shareholder in a corporation;  
308       as a joint venturer in a joint venture, whether the joint



309 venture is to be memorialized contractually or through the  
310 formation of one or more separate business entities; as a  
311 general or limited partner in a limited partnership or a  
312 general partnership; as a member in a nonprofit corporation or  
313 limited liability company; or as a member of any other lawful  
314 form of business organization that may be involved in the  
315 development or operational activities of any buildings,  
316 structures, facilities, and other improvements that the board  
317 of directors of the authority determines are appropriate,  
318 useful, or expedient to the authority's purposes. In  
319 connection with the foregoing, an authority may elect or  
320 appoint an individual or individuals to a governing body and  
321 enter into contracts or other agreements with other parties  
322 for the development, operation, design, marketing,  
323 maintenance, and use of any facilities upon the terms as the  
324 board of directors of the authority determines are  
325 appropriate, useful, or expedient to the authority's purposes.  
326 Any determination by the authority shall be conclusive.

327 (2) To make or arrange for loans, contributions to  
328 capital, and other debt and equity financing for the  
329 activities of any corporation of which the authority is a  
330 shareholder; any joint venture in which the authority is a  
331 joint venture; any limited partnership or general partnership  
332 of which the authority is a general or limited partnership;  
333 any nonprofit corporation in which the authority is a member  
334 of any other lawful form of business organization of which the  
335 authority is a member; and to guarantee loans, issue bonds, or  
336 incur other forms of indebtedness on behalf of the



337 corporation, joint venture, partnership, nonprofit  
338 corporation, or other business entity, for such purposes. An  
339 authority may loan funds that include seller financing  
340 arrangements whereby the authority is a seller to other  
341 governmental entities or other business entities whether for  
342 profit or nonprofit and whether affiliated or  
343 ~~non-affiliated~~nonaffiliated with the authority, upon the terms  
344 as the authority shall determine appropriate, useful, or  
345 expedient for the authority's purposes and the determination  
346 by the authority shall be conclusive.

347 (3) To create, establish, acquire, operate, or support  
348 subsidiaries and affiliates, either for profit or nonprofit,  
349 to assist the authority in fulfilling its purposes.

350 (4) To create, establish, or support nonaffiliated for  
351 profit or nonprofit corporations or other lawful business  
352 organizations that operate and have as their purposes the  
353 furtherance of the authority's purposes.

354 (5) Without limiting the generality of subdivisions (1)  
355 through (4), to accomplish and facilitate the creation,  
356 establishment, acquisition, development, operation, or support  
357 of any subsidiary, affiliate, nonaffiliated corporation, or  
358 other lawful business organization by means of loans of funds,  
359 leases of real or personal property, gifts and grants of  
360 funds, or guarantees of indebtedness of the subsidiaries,  
361 affiliates, and ~~non-affiliated~~nonaffiliated corporations.

362 (6) In addition to any other authority to enter into  
363 contracts, to enter into contracts, agreements, or  
364 understandings with any other public and private parties



365 including, but not limited to, the following:

366       a. Design-build, design-build-operate,  
367 design-build-own-operate, design-build-own-operate-maintain,  
368 design-build-finance-operate-maintain, or other similar  
369 arrangements or agreements pursuant to which the design,  
370 right-of-way acquisition, relocation of structures or  
371 utilities, construction, financing, ownership, management,  
372 maintenance, and operation, or any combination ~~thereof~~ of a  
373 project is accomplished by or on behalf of the authority.

374       b. Leases, licenses, franchises, concessions, or other  
375 agreements for the development, operation, management, or  
376 undertaking of all or any part of a project of or on behalf of  
377 the authority.

378       (7) Notwithstanding any provision of law to the  
379 contrary, proposals under this subsection may be evaluated and  
380 awarded by the authority based on qualifications of  
381 participants or best value, or both, as evaluated by  
382 procedures of the authority and taking into consideration the  
383 best interests of the authority. Evaluation criteria for a  
384 contract procured pursuant to the preceding sentence shall be  
385 set forth in the request for proposal for the contract. The  
386 contract may also be awarded through any existing procurement  
387 authority, proposals, or other means of procurement otherwise  
388 available to the authority.

389       (f) (1) An agriculture authority may purchase or  
390 otherwise obtain any item on the statewide public contract  
391 list compiled by the Chief Procurement Officer on the terms  
392 provided therein.

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393                   (2) An agriculture authority may also purchase or  
394                   otherwise obtain goods and services through a purchasing  
395                   cooperative sponsored by the National Association of Counties,  
396                   its successor organization, or any other national or regional  
397                   governmental cooperative purchasing program that uses  
398                   competitive procurement processes, as provided under  
399                   subdivision 41-16-51(a)(16)."

400                   Section 2. This act shall become effective on October  
401                   1, 2026.