

1 HB442
2 195954-1
3 By Representative McClammy
4 RFD: County and Municipal Government
5 First Read: 16-APR-19

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8 SYNOPSIS: Under existing law, for purposes of
9 management of parks, playgrounds, or other
10 recreational or athletic facilities by
11 municipalities, the term "project" is not defined
12 to include the establishment of a hotel,
13 restaurant, caf, cafeteria, lunch counter, or
14 public eating house where meals or food or
15 refreshments are furnished or served.

16 This bill would modify the definition of
17 "project" to include the establishment of a hotel,
18 restaurant, caf, cafeteria, lunch counter, or
19 public eating house where meals or food or
20 refreshments are furnished or served.

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22 A BILL
23 TO BE ENTITLED
24 AN ACT

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26 To amend Section 11-47-210 of the Code of Alabama
27 1975, relating to municipalities and parks, playgrounds, and

1 other recreational facilities; to modify the definition of
2 "project" to include the establishment of a hotel, restaurant,
3 caf, cafeteria, lunch counter, or public eating house where
4 meals or food or refreshments are furnished or served.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

6 Section 1. Section 11-47-210 of the Code of Alabama
7 1975, is amended to read as follows:

8 "§11-47-210.

9 "When used in this article, unless the context
10 plainly indicates otherwise, the following words and phrases
11 shall have the meanings respectively ascribed to them by this
12 section:

13 "(1) APPLICANT. An individual who files a written
14 application with the governing body of any county or
15 municipality in accordance with Section 11-47-214.

16 "(2) AUTHORITY. A public corporation organized under
17 this article for the purposes, with the powers, and subject to
18 the restrictions set forth in this article.

19 "(3) AUTHORIZING COUNTY. With respect to an
20 authority, any county which has a governing body that has made
21 findings and determinations of facts pertaining to the
22 organization of the authority in accordance with Section
23 11-47-214.

24 "(4) AUTHORIZING MUNICIPALITY. With respect to an
25 authority, any municipality which has a governing body that
26 has made findings and determinations of facts pertaining to

1 the organization of the authority in accordance with Section
2 11-47-214.

3 "(5) AUTHORIZING RESOLUTION. A resolution or
4 ordinance adopted by the governing body of any county or
5 municipality in accordance with Section 11-47-214 to authorize
6 the incorporation of an authority.

7 "(6) AUTHORIZING SUBDIVISION. With respect to an
8 authority, any authorizing county or authorizing municipality.

9 "(7) BOARD. The board of directors of the authority.

10 "(8) BONDS. Bonds, notes, or other obligations
11 representing an obligation to pay money.

12 "(9) COUNTY. Any county in the state.

13 "(10) DIRECTOR. A member of the board of directors
14 of the authority.

15 "(11) GOVERNING BODY. With respect to a
16 municipality, its city or town council, board of
17 commissioners, or other comparable governing body exercising
18 the legislative functions of a municipality and with respect
19 to a county, its county commission, or other comparable
20 governing body exercising the legislative functions of a
21 county.

22 "(12) INCORPORATORS. The individuals forming a
23 public corporation pursuant to this article.

24 "(13) INDENTURE. A mortgage, mortgage indenture,
25 mortgage and trust indenture, or trust indenture executed by
26 an authority as security for any of its bonds.

1 "(14) MUNICIPALITY. Any city or town incorporated
2 under the laws of the State of Alabama.

3 "(15) PERSON. The state, a municipality, a county,
4 any political subdivision or agency of the state or any county
5 or municipality, a public corporation, or any private
6 corporation, individual, partnership, trust, or foundation.

7 "(16) PROJECT. Any land and interest therein,
8 including forests, rivers, streams, waterways, and lakes, and
9 any buildings or other improvements thereon, and all real and
10 personal properties deemed necessary in connection therewith,
11 whether or not now in existence, which shall be suitable for a
12 public park, including, without limitation, any park that
13 constitutes or includes a water theme park, an amusement park
14 or any comparable entertainment facility, a playground or
15 other recreational or athletic facility, and all buildings,
16 facilities, and improvements incident thereto or useful in
17 connection therewith, including, without limitation, picnic
18 areas, campsites, trailer sites, cabins, lodges, hotels,
19 restaurants, cafes cafeterias, lunch counters, or public
20 eating houses where meals or food or refreshments are
21 furnished or served, roads, and trails for hiking, bicycling,
22 or horseback riding, nature trails, botanical gardens, zoos,
23 museums, athletic fields, golf courses, tennis, handball and
24 badminton courts, public restroom facilities, boats, rides,
25 amusement facilities, bowling alleys, skeet, trap, rifle, and
26 archery ranges, gymnasiums, swimming pools, bathhouses,
27 beaches, docks and marinas, boating facilities, areas and

1 facilities for fishing and hunting, areas and facilities for
2 aquatic entertainment and sports, stadiums, coliseums, arenas,
3 grandstands, auditoriums, meeting halls, pavilions, centers
4 for cultural entertainment, music, drama, exhibitions and
5 exhibits, amphitheaters, administrative building, and sports,
6 gift, and souvenir shops. This term shall not include any
7 facility or location for casino gambling or any other game of
8 chance.

9 "(17) STATE. The State of Alabama.

10 "(18) SUBDIVISION. Any county or municipality."

11 Section 2. This act shall become effective
12 immediately following its passage and approval by the
13 Governor, or its otherwise becoming law.