

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

1
2 ENROLLED, An Act,

3 Relating to Escambia County; to amend Sections
4 45-27-90 and 45-27-246.02 of the Code of Alabama 1975,
5 relating to the Escambia County Industrial Development
6 Authority; to further provide for certain non-voting ex
7 officio members of the authority; and to provide that the
8 portion of the net proceeds from the state oil and gas tax
9 appropriated annually to the authority by the county would be
10 carried over by the authority if not expended during the
11 fiscal year.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15 "§45-27-90.

16 "For the purpose of promoting industry and trade and
17 to assist the county commission or other like governing bodies
18 in Escambia County in their pursuits thereof, there is hereby
19 created an Industrial Development Authority for Escambia
20 County which shall be composed of ~~11~~ members as provided in
21 this section. No member of the authority shall hold an elected
22 office. ~~All~~ Except as otherwise provided in this section, all
23 members of the authority shall be residents and qualified
24 electors of Escambia County.

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

19 "(2) The governing bodies of Brewton and Atmore
20 shall each appoint two members of the authority. The governing
21 bodies of Flomaton and East Brewton shall each appoint one
22 member of the authority. The members of the authority
23 appointed by the governing bodies of Brewton, Atmore,
24 Flomaton, and East Brewton shall serve for terms of three
25 years. Successors to these six members shall be appointed in

1 the same manner as the original six members are appointed, so
2 long as the governing bodies financially support the
3 Industrial Development Authority of Escambia County. All
4 members shall serve until their successors are appointed.
5 Vacancies in the positions of these six members shall be
6 filled in the same manner as the original six members are
7 appointed, but any person appointed to fill a vacancy shall
8 serve only for the unexpired portion of the term. At the
9 completion of any three-year term, or in the case of a
10 vacancy, if a governing body has chosen not to financially
11 support the Industrial Development Authority of Escambia
12 County, its appointees shall be appointed in the same manner
13 as those in subdivision (1).

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

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

23 "§45-27-246.02.

24 "An amount equal to one-tenth of the net funds
25 received by Escambia County pursuant to Sections 40-20-1

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

19 Section 3. This act shall become effective
20 immediately following its passage and approval by the
21 Governor, or its otherwise becoming law.

