

1 SB231
2 127241-4
3 By Senators Brooks and Glover
4 RFD: Tourism and Marketing
5 First Read: 22-MAR-11

1 SB231

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4 ENROLLED, An Act,

5 To authorize one or more municipalities, counties,
6 or any combination thereof to create a public authority for
7 the purpose of promoting and developing tourism and
8 development; to provide for the duties, powers, and board
9 membership of the authority; to authorize the authority to
10 create a tourism promotion and development district; and to
11 provide for the boundaries of the district.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Any one or more municipalities or
14 counties, or any combination thereof, by resolution of the
15 governing body of each participating municipality or county,
16 may elect to form a public authority for the purpose of
17 promoting and developing tourism in the geographic area to be
18 served by the authority. The authority shall be vested with
19 the powers provided by this act.

20 Section 2. A public authority established pursuant
21 to this act shall designate a tourism promotion and
22 development district which may be comprised of part or all of
23 the corporate limits of any participating municipality and all
24 or part of the unincorporated areas of any participating
25 county. The governing body of each municipality and each

1 county participating in the formation of the authority shall
2 state in its authorizing resolution or by separate resolution
3 the geographic area within its corporate limits that shall
4 comprise the tourism promotion and development district.

5 Section 3. (a) A public authority established
6 pursuant to this act may conduct programs and events,
7 including, but not limited to, programs of information and
8 publicity and public events to attract tourists to geographic
9 areas served by the authority. The authority may conduct
10 programs or events in Alabama and elsewhere and expend its
11 funds in the furtherance of such programs and events in
12 Alabama and elsewhere.

13 (b) The authority may enter into contracts with a
14 person, firm, corporation, or association to carry out the
15 purposes set forth herein. No contract entered into by the
16 council shall bind the State of Alabama or any county or
17 municipality of the State of Alabama.

18 (c) The authority shall have all of the following
19 powers:

20 (1) To sue and be sued.

21 (2) To own, lease, license, operate, purchase,
22 acquire, hold, improve, develop, manage, sell, convey,
23 transfer, exchange, release, and dispose of, either alone or
24 in conjunction with others, real and personal property,

1 tangible and intangible, of every kind, character, and
2 description.

3 (3) To have a seal and alter the seal as necessary
4 or appropriate.

5 (4) To appoint officers, agents, employees,
6 attorneys, and accountants and fix their compensation.

7 (5) To make bylaws for the management and regulation
8 of the authority's affairs, including the appointment of
9 committees, upon resolution of the board of directors of the
10 authority.

11 (6) To enter into contracts and execute all
12 instruments necessary or convenient to lease, purchase, and
13 own real or personal property used in furtherance of the
14 purposes for the accomplishment of which the authority is
15 created.

16 (7) To accept or receive gifts, bequests, devises,
17 and all other types of funds, both public and private,
18 regardless of the source, subject to all applicable laws, and
19 to expend all such funds to carry out the purposes of this
20 act.

21 (8) To provide funds directly or indirectly to third
22 parties in connection with any public program, event, or
23 advertising campaign to carry out the purposes herein stated.

24 (9) To borrow money, execute notes, and other
25 evidence of indebtedness which may be required by the lender,

1 and pledge anticipated revenue or income to secure payment of
2 loans.

3 (10) To do all things necessary or convenient to
4 carry out the powers expressly given herein.

5 (d) The authority shall not have the power of
6 eminent domain.

7 Section 4. (a) The affairs of the authority shall be
8 managed by a board of directors, hereinafter called "the
9 board," which shall consist of the following: At least one and
10 not more than five board members representing each
11 incorporated municipality located within the defined tourism
12 promotion and development district and not more than two board
13 members from any unincorporated area included in the tourism
14 promotion and development district, except that the number of
15 board members from the unincorporated area of the tourism
16 development district may be increased to not more than four
17 board members by a two-thirds majority vote of the then
18 existing board members of the authority.

19 (b) The number of board members representing each
20 municipality included in the tourism promotion and development
21 district shall be computed as follows:

22 (1) One board seat for each seventy thousand dollars
23 (\$70,000) of annual lodging tax collections collected within
24 the municipality. The minimum board seats per municipality

1 shall be one and the maximum board seats per municipality
2 shall be five.

3 (2) The board members representing the incorporated
4 municipalities shall be appointed by the governing body of
5 their respective municipality. The board members shall not be
6 required to reside within any municipality or the tourism
7 promotion and development district. The initial board member
8 terms shall be one each for a one, two, and three-year term.
9 In the event there are more than three board members
10 representing any incorporated municipality, each additional
11 board member shall be appointed for a three, two, or one-year
12 initial term in the order the additional board member is
13 appointed. Subsequent appointments shall be for a term of
14 three years. No board member representing any incorporated
15 municipality shall serve longer than the initial term of the
16 board member plus two consecutive three-year terms.

17 (3) Appointed board members shall represent the
18 following from within their respective municipality:

19 a. No more than one board member from each
20 municipality may be a member of the elected body of the
21 municipality.

22 b. No more than two board members from each
23 municipality may be engaged in the lodging business within the
24 tourism promotion and development district.

1 c. No more than two board members from each
 2 municipality may be engaged in a business within the tourism
 3 promotion and development district, other than a lodging
 4 business, whose customers or clients are primarily tourists or
 5 visitors.

6 d. Any other board members from each municipality
 7 shall have a background and experience in a tourist-related
 8 industry or attraction, in the field of marketing,
 9 advertising, or public relations, or other field or industry
 10 directly related to the purposes for which the authority is
 11 created and established.

12 (c) The number of board members representing any
 13 unincorporated area of the defined tourism promotion and
 14 development district shall be determined as follows:

15 (1) There shall be two board members from the
 16 unincorporated area of the tourism promotion and development
 17 district, except that the number of board members from the
 18 unincorporated area of the tourism promotion and development
 19 district may be increased to not more than four board members
 20 by a two-thirds majority vote of the then existing board
 21 members of the authority.

22 (2) The board members representing the
 23 unincorporated area of the defined tourism promotion and
 24 development district shall be appointed by a majority vote of
 25 the members of the county commission of the county in which

1 the unincorporated area is located. The board members shall be
2 required to reside within the county. The initial board member
3 terms shall be one each for a two and three-year term.

4 Subsequent appointments shall be for a term of three years. No
5 board member representing the unincorporated area of the
6 tourism promotion and development district shall serve longer
7 than the initial term of the board member plus two consecutive
8 three-year terms. At least one of the board members shall be
9 engaged in either the lodging business or a major tourist
10 attraction within the unincorporated area. Any additional
11 board members representing the unincorporated area of the
12 tourism promotion and development district that may be
13 appointed pursuant to subdivision (1) of this subsection shall
14 have a background and experience in a tourist-related industry
15 or attraction, in the field of marketing, advertising, or
16 public relations, or other field or industry directly related
17 to the purposes for which the authority is created and
18 established.

19 (3) Board members whose terms have expired shall
20 continue to serve until either replaced or reappointed by the
21 appropriate governing body.

22 (4) The members of the board shall serve without
23 compensation, but they may be reimbursed for actual expenses
24 incurred in the performance of their duties for the authority.

1 Section 5. (a) The power of the authority shall be
2 vested in and exercised by the board of directors pursuant to
3 this act.

4 (b) The board may employ agents, employees,
5 officers, consultants, attorneys, and secure services and
6 assistance the board deems necessary to enable it to conduct
7 and engage in the activities and purposes for which the
8 authority is created.

9 (c) The board may delegate to one or more of its
10 members, employees, agents, or officers, the duties it deems
11 proper.

12 (d) The board shall elect a chair and a treasurer,
13 and may elect a vice chair of the board who shall serve as
14 chair in the event of the absence of the chair, and a
15 secretary. One person may serve as treasurer and secretary.
16 The treasurer and secretary may, but need not be, a member of
17 the board.

18 (e) The board shall provide by resolution for the
19 dates on which the chair, vice chair, treasurer, secretary, or
20 any other officers shall be elected, which resolution shall
21 also specify the term or period for which each of the offices
22 shall serve.

23 (f) The treasurer shall act as custodian of all
24 funds from whatever sources derived received by the authority.

1 (g) The treasurer of the board shall execute a
2 fidelity bond with a company authorized to write bonds in the
3 State of Alabama being surety thereon, which bond shall be in
4 an amount approved by the board.

5 (h) Contracts of the authority shall be executed in
6 the name of the authority by the chair of the board and
7 attested by the secretary of the board. The board, by
8 resolution, may provide for a different form for the execution
9 of contracts and for the execution by an officer or agent
10 other than the chair and secretary. In no event may a
11 contract, irrespective of its form and of the persons
12 executing it, be binding unless the contract was authorized or
13 ratified by the board.

14 (i) Any member of the board may be removed without
15 cause upon a two-thirds majority vote of the then existing
16 board members of the authority.

17 Section 6. This act shall become effective
18 immediately following its passage and approval by the
19 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB231

Senate 27-APR-11

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 09-JUN-11

By: Senator Brooks