

1 SB199
2 209832-2
3 By Senator Melson (N & P)
4 RFD: Local Legislation
5 First Read: 04-FEB-21

1 SB199

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4 With Notice and Proof

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6 ENROLLED, An Act,

7 Relating to Colbert and Lauderdale Counties; to
8 amend Section 45-17-91.23, Code of Alabama 1975, relating to
9 the Shoals Economic Development Fund; to provide that a
10 portion of that fund may be used to build a Workforce Training
11 and Development Center on property owned by the Lauderdale
12 County Commission.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Section 45-17-91.23, Code of Alabama
15 1975, is amended to read as follows:

16 "§45-17-91.23.

17 "(a) There is created the Shoals Economic
18 Development Fund, which shall be a special or trust fund or
19 account of the committee, and which shall be administered in
20 accordance with this subpart.

21 "(b) (1) The authority may, at any time and from time
22 to time, request that the committee authorize and approve the
23 expenditure or appropriation of moneys on deposit in the
24 Shoals Economic Development Fund, but solely for purposes
25 authorized in subsection (c). Any such request may specify

1 that such moneys shall be expended by, or appropriated
2 directly or indirectly to, any of the following:

3 "a. The authority itself.

4 "b. Either of the counties, or any city or town
5 located, in whole or in part, in either of the counties.

6 "c. Any public corporation that has been organized
7 with the approval or consent of any one or more of the
8 counties, the municipalities, or any other city or town in
9 either of the counties, and that operates for the purpose,
10 among others, of supporting the establishment and promotion of
11 business and industry or the development of trade and
12 commerce, including, without limiting the generality of the
13 foregoing, any county or municipal industrial development
14 board, industrial development authority, or port authority.

15 "(2) Every such recipient shall be liable for any
16 misuse of such moneys to the extent provided by the law or
17 laws under which it was created or organized, or as otherwise
18 provided by law. The authority may, if and to the extent it is
19 otherwise authorized by law to do so, expend any moneys so
20 appropriated to it out of the Shoals Economic Development Fund
21 without any further consent or other action on the part of the
22 committee.

23 "(c) Subject to succeeding provisions of this
24 subpart, including particularly, but without limitation, those
25 provisions hereof respecting the investment of moneys held in

1 and forming a part of the Shoals Economic Development Fund,
2 and the management, use, and disposition of other properties,
3 whether real or personal, tangible or intangible, contributed
4 to such fund, all moneys held in and forming a part of the
5 Shoals Economic Development Fund, whether such moneys may be
6 characterized as either principal or income of such fund, may
7 be expended or appropriated, and all other properties
8 contributed to such fund may be used, only for the following
9 purposes:

10 "(1) To induce the location, within either of the
11 counties or any city or town therein, of (i) new
12 manufacturing, industrial, and research enterprises, (ii) new
13 commercial enterprises for storing, warehousing, or
14 distributing any products of agriculture or industry,
15 including, without limitation, warehouse or distribution
16 centers owned or utilized by commercial or retail enterprises
17 existing in either of the counties or any city or town
18 therein, (iii) new enterprises for maintaining, repairing, or
19 restoring transportation and communications machinery and
20 equipment of any kind including, without limitation, motor
21 vehicles and vehicles for air or water transport of every
22 description, and (iv) new facilities suitable for use by any
23 of the foregoing enterprises in providing, whether for
24 themselves or other such enterprises, the customers or
25 consumers of any such enterprise or enterprises, or the

1 general public, technical, electronic, telephonic,
2 telecommunications, and other similar services, including,
3 without limitation, so-called "call centers," provided that
4 substantially all the employees of any such enterprise
5 employed at such new facility are engaged in providing such
6 services.

7 "(2) To foster activities and policies conducive to
8 expansion of existing industries within either of the counties
9 or any city or town therein.

10 "(3) To acquire and develop land within the
11 jurisdiction of either of the counties, or of any city or town
12 therein, for use as an industrial park or site by any
13 enterprise described in subdivision (1).

14 "(4) To construct buildings for lease or other
15 disposition to enterprises described in subdivision (1),
16 including, without limitation, buildings suitable for use as
17 administrative offices of any such enterprise.

18 "(5) To pay administrative and other costs or
19 expenses, other than expenses of members of the committee,
20 whether or not such expenses may be reimbursed pursuant to
21 Section 45-17-91.24 and otherwise to provide for the general
22 operations of the authority, provided that no more than 10
23 percent of the proceeds of the county sales and use taxes
24 deposited into the Shoals Economic Development Fund during

1 each calendar year may be expended during such calendar year
2 for such purposes.

3 "(6) If and to the extent consistent with the
4 preceding provisions of this subsection, to assist the
5 authority in the execution of its powers, and the performance
6 of its duties and obligations, under and pursuant to any laws
7 at any time pertaining to the authority, including, without
8 limitation, Subpart 1 and Act 95-409, and any subsequent act
9 of the Legislature amending either or both thereof. Except to
10 the extent provided in the preceding provisions of this
11 subsection, none of the moneys and other properties, if any,
12 on deposit in the Shoals Economic Development Fund may be used
13 to induce any commercial or retail establishment to locate
14 within either of the counties, any of the municipalities, or
15 any other city or town located, in whole or in part, in either
16 of the counties, or to construct any building for sale, lease,
17 or other conveyance to, or use by, a commercial or retail
18 establishment of any sort. Furthermore, nothing in this
19 subpart shall be construed to empower the committee to approve
20 the expenditure or appropriation of any such moneys or other
21 properties in connection with the construction or operation of
22 any shopping center or similar facility, any hotel or
23 convention facility, any sports stadium or facility, any
24 amusement or entertainment park or facility, or any comparable
25 or similar commercial or retail facility.

1 "(7) To expend an equal match of up to five million
2 dollars (\$5,000,000), which shall be expended to construct a
3 Workforce Training and Development Center on property owned by
4 ~~Northwest Shoals Community College~~ the Lauderdale County
5 Commission. The site of the center will be determined.

6 "(8) To expend an equal match of up to five million
7 dollars (\$5,000,000), which shall be expended for workforce
8 training and economic development programs at the University
9 of North Alabama.

10 "(d) Any moneys authorized, pursuant to this
11 subpart, to be expended by either the authority or any other
12 recipient shall, if not expended for the purpose or purposes
13 approved by the committee, be promptly returned to and
14 deposited into the Shoals Economic Development Fund.

15 "(e) It is the express intent of the Legislature
16 that all expenditures of moneys at any time on deposit in the
17 Shoals Economic Development Fund be made to promote the
18 economic development of the citizens of each of the counties
19 and every city or town therein, to create and provide for the
20 creation of non-retail job opportunities that support salaries
21 at or above the estimated entry wage per occupation, as
22 established by the most recent wage survey of the State of
23 Alabama, and to enable the committee and the participating
24 governments to support (1) the establishment and promotion of
25 business and industry in the Shoals area, (2) the development

1 of trade and commerce in the Shoals area, (3) the furtherance
2 of the use of the agricultural products and natural resources
3 of the State of Alabama, and (4) the development and
4 preservation of such resources. However, the Legislature
5 recognizes and acknowledges that the authority and other
6 potential recipients of moneys on deposit in the Shoals
7 Economic Development Fund may be empowered by law to engage in
8 activities, or to perform functions, for purposes that are
9 different from, or that are unrelated to, the purposes for
10 which such moneys are authorized by this subpart to be
11 expended. It is therefore also the intent of the Legislature
12 that no moneys on deposit in the Shoals Economic Development
13 Fund be expended by, or appropriated to, either the authority
14 or any such other recipient for any purpose or project except
15 those described in this subpart. Any expenditure or
16 appropriation permitted by the preceding provisions of this
17 section to be made out of moneys on deposit in the Shoals
18 Economic Development Fund, and any such use of other
19 properties contributed to any such fund, shall be deemed an
20 expenditure or use, as the case may be, for a public purpose."

21 Section 2. This act shall become effective
22 immediately following its passage and approval by the
23 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB199

Senate 06-APR-21

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

Patrick Harris,
Secretary.

House of Representatives
Passed: 15-APR-21

By: Senator Melson