

1 SB176
2 164306-3
3 By Senator Orr (N & P)
4 RFD: Local Legislation
5 First Read: 10-MAR-15

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Morgan County; to amend Sections 1 and
14 10 of Act 2007-339 of the 2007 Regular Session (Acts 2007, p.
15 595), as reenacted and amended by Act 2009-767 of the 2009
16 Regular Session (Acts 2009, p. 2347), providing for the
17 distribution of certain payments made in lieu of taxes by the
18 Tennessee Valley Authority; to further provide that the
19 jurisdiction of the Morgan County Industrial Park and Economic
20 Development Cooperative District for the purposes of economic
21 development includes the entire county.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Sections 1 and 10 of Act 2007-339 of the
24 2007 Regular Session (Acts 2007, p. 595), as reenacted and
25 amended by Act 2009-767 of the 2009 Regular Session (Acts
26 2009, p. 2347), are amended to read as follows:

27 "Section 1. Definitions.

1 "The following words and phrases used in this act
2 shall, unless the context clearly indicates otherwise, have
3 the following respective meanings.

4 "Annual Debt Service" shall mean the aggregate
5 amount of principal maturing (or required to be redeemed), and
6 interest accrued, with respect to the Obligations during a
7 Bond Year.

8 "Authority" shall mean Decatur-Morgan County Port
9 Authority, a public corporation and instrumentality organized
10 under the provisions of Chapter 94 of Title 11 of the Code of
11 Alabama 1975, as amended (Act No. 80-647 of the 1980 Regular
12 Session of the Legislature), and any successor thereto.

13 "Bond Year" shall mean the period of twelve
14 consecutive calendar months ending on the date that is one
15 year after the stated date of the first Obligations to be
16 issued, and each period of twelve consecutive calendar months
17 beginning on the day following the expiration of the preceding
18 such Bond Year.

19 "Commission" shall mean the Morgan County Commission
20 or other governing body of the County.

21 "County" shall mean Morgan County, Alabama.

22 "District" shall mean The Morgan County Industrial
23 Park and Economic Development Cooperative District, a public
24 corporation organized under Chapter 99B of Title 11 of the
25 Code of Alabama 1975 by the Authority and the Participating
26 Local Governments.

1 "District Jurisdiction" shall mean an area
2 coterminous with the boundaries of, and including all land
3 within, Morgan County, Alabama, including without limitation,
4 all land located within Morgan County, Alabama, and within any
5 incorporated municipality and all land within Morgan County,
6 Alabama, and outside any incorporated municipality. Interstate
7 ~~65 Corridor" shall means all that land lying and being~~
8 ~~entirely within the County and included within an area~~
9 ~~described as follows: beginning at (a) a point which is on the~~
10 ~~border of the County and Limestone County, Alabama, and which~~
11 ~~is five miles west of Interstate 65, thence proceed in a~~
12 ~~southeasterly direction to (b) a point which is on the border~~
13 ~~of the County and Limestone County, Alabama, and which is five~~
14 ~~miles east of Interstate 65, thence proceed in a southerly~~
15 ~~direction to (c) a point which is on the border of the County~~
16 ~~and Cullman County, Alabama, and which is five miles east of~~
17 ~~Interstate 65, thence proceed in a westerly direction to (d) a~~
18 ~~point which is on the border of the County and Cullman County,~~
19 ~~Alabama, and which is five miles west of Interstate 65, thence~~
20 ~~proceed in a northerly direction to (e) the point of beginning~~
21 ~~described in (a) herein.~~

22 "Morgan County Economic Development Fund" shall mean
23 the fund established under Section 7 hereof.

24 "Morgan County Industrial ~~Park~~ Parks" shall mean and
25 include any ~~land~~ real property, or interest therein, within
26 the ~~Interstate 65 Corridor~~ District Jurisdiction determined by
27 the District to be suitable for use by any public or private

1 entity for any industrial, commercial, agricultural,
2 transportation, manufacturing, assembly, financial services,
3 distribution, warehouse, entertainment, medical or research
4 activity, purpose, or use and any office or other facilities
5 related thereto or used or useful in connection therewith.

6 "Morgan County Industrial Park Facilities" shall
7 mean and include (a) capital improvements of real or personal
8 property, or both which are located within or without, or
9 partially within and partially without, any of the Morgan
10 County Industrial ~~Park~~ Parks, which provide services to, or
11 benefit, ~~the~~ a Morgan County Industrial Park, or any part
12 thereof, including without limitation roads, streets, and
13 other facilities for access and transportation; utility
14 facilities including water, sanitary and storm sewage
15 disposal, drainage, waste disposal systems, facilities for
16 provision of manufactured and natural gas, and other utility
17 services; facilities for communications; and parking areas and
18 facilities, and (b) any property which any of the
19 Participating Local Governments may acquire, develop, and
20 convey under any ~~provision of the laws~~ law of ~~the State of~~
21 Alabama or under any provision of the Constitution of Alabama
22 of 1901, as amended, including without limitation Morgan
23 County, Section 6 of the Official Recompilation of the
24 Constitution of Alabama of 1901, Local Amendments (formerly
25 Amendment No. 303 to the Constitution of Alabama of 1901, as
26 amended) and Morgan County, Section 7 of the Official
27 Recompilation of the Constitution of Alabama of 1901, Local

1 Amendments (formerly Amendment No. 429 to the Constitution of
2 Alabama of 1901, as amended).

3 "Obligations" shall mean and include all bonds,
4 warrants, notes or other obligations (including without
5 limitation bonds, warrants, notes or other obligations issued
6 to pay, retire or refund any bonds, warrants, notes or other
7 obligations) issued by the District for the purpose of paying
8 the costs of any or all of the Morgan County Industrial ~~Park~~
9 Parks or any or all Morgan County Industrial Park Facilities.

10 "Participating Boards of Education" shall mean The
11 County Board of Education of Morgan County, Alabama; The City
12 Board of Education of the City of Decatur, Alabama; and The
13 City Board of Education of the City of Hartselle.

14 "Participating Local Governments" shall mean the
15 County, the Cities of Decatur and Hartselle, Alabama, the
16 Towns of Eva, Falkville, Priceville, Somerville and Trinity,
17 Alabama, and any other city or town hereafter incorporated and
18 situated, in whole or in part, within the boundaries of the
19 County.

20 "Three Percent Increase" shall mean that amount of
21 the TVA Payment determined by the Alabama Department of
22 Revenue to be allocable to the three percent increase in the
23 portion of the in-lieu-of-taxes payments made by the Tennessee
24 Valley Authority to the State of Alabama which are annually
25 transferred to the Commission pursuant to Chapter 28 of Title
26 40 of the Code of Alabama 1975, which three percent increase
27 became effective after September 30, 2005 pursuant to Act No.

1 2006-655 of the 2006 Regular Session of the Alabama
2 Legislature and pursuant thereto shall be allocated by local
3 legislation.

4 "TVA Payment" shall mean an amount of Tennessee
5 Valley Authority in-lieu-of-tax moneys transferred and
6 distributed by the State of Alabama to the Commission pursuant
7 to the provisions of Chapter 28 of Title 40 of the Code of
8 Alabama 1975, as amended, or any subsequent statute of similar
9 import.

10 "Section 10. Pledge; Use and Expenditure of Payments
11 to the District; Conveyance of Properties by District.

12 "(a) The District may pledge the TVA Payments to be
13 made to the District hereunder for the payment and benefit of
14 any of the Obligations. The District shall use, expend and
15 apply all amounts paid and distributed to it pursuant to the
16 provisions of Section 6 hereof for payment of Annual Debt
17 Service (or, if the District uses any moneys other than those
18 distributed to it under Section 6 hereof for payment of Annual
19 Debt Service, to reimburse the District, or any of the
20 Participating Local Governments, for any other such moneys so
21 used).

22 "(b) Any provision of law to the contrary
23 notwithstanding, and in addition to the power and authority of
24 the District under Chapter 99B of Title 11 of the Code of
25 Alabama 1975, the District may sell and convey, with or
26 without valuable consideration, any part of any of the Morgan
27 County Industrial ~~Park~~ Parks, or any part of any of the Morgan

1 County Industrial Park Facilities, to the Authority (to the
2 extent of the authority and jurisdiction thereof to own and
3 operate the properties so conveyed), or to any one or more of
4 the Participating Local Governments which has, under any
5 provision of the laws or constitution of the State of Alabama
6 (including without limitation Morgan County, Section 6 of the
7 Official Recompilation of the Constitution of Alabama of 1901,
8 Local Amendments (formerly Amendment No. 303 to the
9 Constitution of Alabama of 1901, as amended) and Morgan
10 County, Section 7 of the Official Recompilation of the
11 Constitution of Alabama of 1901, Local Amendments (formerly
12 Amendment No. 429 to the Constitution of Alabama of 1901, as
13 amended), the corporate power to acquire, or operate, or
14 convey (to any person, firm or corporation), the properties so
15 conveyed thereto by the District.

16 Section 2. This Act shall become effective
17 immediately upon its passage and approval by the Governor, or
18 upon its otherwise becoming a law.