

1 HB366  
2 196512-3  
3 By Representative Martin (N & P)  
4 RFD: Local Legislation  
5 First Read: 09-APR-19

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ENROLLED, An Act,

Relating to Chilton County; to authorize the Chilton County Commission to further expend funds from the trust account established pursuant to Act 96-631 of the 1996 Regular Session (Acts 1996, p. 1002) for the maintenance and repair of the county jail; and to amend Section 8 of Act 96-631 of the 1996 Regular Session to conform to this act.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall apply only in Chilton County.

Section 2. Legislative findings. Act 96-631 of the 1996 Regular Session (Acts 1996, p. 1002) authorized the Chilton County Commission to levy an additional sales and use tax for the purpose of financing a new county jail. When the bonds to finance the jail were retired, Act 96-631 provided for the tax to be levied for one year thereafter with the revenue placed in a trust account with the interest used to operate and maintain the new jail. The Legislature finds that at the current time the interest from the account is not sufficient to maintain the county jail in a prudent manner to keep the county jail functional, safe, and secure. Therefor, the Legislature, at the request of the Chilton County Commission, finds that there is a need to allow both principal

1 and interest in the account to be used for the maintenance and  
2 repair of the county jail as provided in this act.

3 Section 3. Effective beginning with the first fiscal  
4 year after the effective date of this act, the Chilton County  
5 Commission may appropriate principal and interest from the  
6 trust account established in Section 8 of Act 96-631 of the  
7 1996 Regular Session (Acts 1996, p. 1002), for the maintenance  
8 and repair of the county jail as follows: For the first fiscal  
9 year after the effective date of this act, the Chilton County  
10 Commission may appropriate from the account an amount not to  
11 exceed four hundred thousand dollars (\$400,000) to be carried  
12 over from year to year for the maintenance and repair of the  
13 county jail; and for each fiscal year thereafter, the county  
14 commission may appropriate from the account additional amounts  
15 not to exceed one hundred thousand dollars (\$100,000) per year  
16 for the maintenance and repair of the county jail until the  
17 funds in the account are exhausted.

18 Section 4. Section 8 of Act 96-631 of the 1996  
19 Regular Session (Acts 1996, p. 1002), is amended to read as  
20 follows:

21 "Section 8.

22 "The department shall charge Chilton County for  
23 collecting the tax levied under this act in an amount or  
24 percentage of total collections as may be agreed upon by the  
25 commissioner and the Chilton County Commission. The charge

1 shall not exceed five percent of the total amount of the tax  
2 collected in the county. The charge may be deducted each month  
3 from the gross revenues from the tax before certification of  
4 the amount of the proceeds due Chilton County for that month.  
5 The Commissioner of Revenue shall pay into the State Treasury  
6 all amounts collected under this act, as the tax is received  
7 by the department on or before the first day of each  
8 successive month. The commissioner shall certify to the State  
9 Comptroller the amount collected and paid into the State  
10 Treasury for the benefit of Chilton County during the month  
11 immediately preceding the certification. The State Comptroller  
12 shall issue a warrant each month payable to the County  
13 Treasurer of Chilton County in an amount equal to the  
14 certified amount which shall be paid into the county general  
15 fund to be used ~~used~~ to build a new county jail. The tax shall  
16 expire within one year of certification by the Chilton County  
17 Commission that the county indebtedness has been retired from  
18 the bond issuance and that the debt no longer exists. The  
19 taxes collected one year after the indebtedness has been  
20 retired shall be placed in ~~an irrevocable~~ a trust account with  
21 ~~the interest used to operate and maintain~~ for the maintenance  
22 and repair of the new jail as follows: For the first fiscal  
23 year after the effective date of the act adding this language,  
24 an amount not to exceed four hundred thousand dollars  
25 (\$400,000) may be appropriated by the county commission from

1 the trust account, which amount may be carried over from year  
2 to year, for the maintenance and repair of the county jail;  
3 and for each fiscal year thereafter amounts not to exceed one  
4 hundred thousand dollars (\$100,000) per year may be  
5 appropriated by the county commission from the trust account  
6 for the maintenance and repair of the county jail, until the  
7 funds in the account are exhausted. Upon certification, the  
8 tax levied pursuant to this act shall terminate and ~~this act~~  
9 ~~and~~ the tax shall automatically become null and void."

10           Section 5. The provisions of this act are severable.  
11 If any part of this act is declared invalid or  
12 unconstitutional, that declaration shall not affect the part  
13 which remains.

14           Section 6. All laws or parts of laws which conflict  
15 with this act are repealed.

16           Section 7. This act shall become effective  
17 immediately following its passage and approval by the  
18 Governor, or its otherwise becoming law.

