

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

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Chilton County; to authorize the Chilton
14 County Commission to further expend funds from the trust
15 account established pursuant to Act 96-631 of the 1996 Regular
16 Session (Acts 1996, p. 1002) for the maintenance and repair of
17 the county jail; and to amend Section 8 of Act 96-631 of the
18 1996 Regular Session to conform to this act.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

22 Section 2. Legislative findings. Act 96-631 of the
23 1996 Regular Session (Acts 1996, p. 1002) authorized the
24 Chilton County Commission to levy an additional sales and use
25 tax for the purpose of financing a new county jail. When the
26 bonds to finance the jail were retired, Act 96-631 provided
27 for the tax to be levied for one year thereafter with the

1 revenue placed in a trust account with the interest used to
2 operate and maintain the new jail. The Legislature finds that
3 at the current time the interest from the account is not
4 sufficient to maintain the county jail in a prudent manner to
5 keep the county jail functional, safe, and secure. Therefor,
6 the Legislature, at the request of the Chilton County
7 Commission, finds that there is a need to allow both principal
8 and interest in the account to be used for the maintenance and
9 repair of the county jail as provided in this act.

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

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

1 "Section 8.

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

1 year after the effective date of the act adding this language,
2 an amount not to exceed four hundred thousand dollars
3 (\$400,000) may be appropriated by the county commission from
4 the trust account, which amount may be carried over from year
5 to year, for the maintenance and repair of the county jail;
6 and for each fiscal year thereafter amounts not to exceed one
7 hundred thousand dollars (\$100,000) per year may be
8 appropriated by the county commission from the trust account
9 for the maintenance and repair of the county jail, until the
10 funds in the account are exhausted. Upon certification, the
11 tax levied pursuant to this act shall terminate and ~~this act~~
12 ~~and~~ the tax shall automatically become null and void."

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

17 Section 6. All laws or parts of laws which conflict
18 with this act are repealed.

19 Section 7. This act shall become effective
20 immediately following its passage and approval by the
21 Governor, or its otherwise becoming law.