

1 HB500  
2 204280-3  
3 By Representative Hatcher (N & P)  
4 RFD: Montgomery County Legislation  
5 First Read: 04-MAY-20

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2 ENROLLED, An Act,

3 To authorize the Montgomery County Commission,  
4 pursuant to Amendment No. 373 to the Constitution of Alabama  
5 of 1901, to increase the rate at which there may be levied and  
6 collected by the county, on all taxable property situated  
7 within the Montgomery School Tax District, the special ad  
8 valorem tax authorized by Amendment No. 382 of the  
9 Constitution of Alabama of 1901, to be levied at the rate of 3  
10 mills on each dollar of assessed value, to a maximum rate for  
11 any tax year equal to \$1.85 on each one hundred dollars (18.5  
12 mills on each dollar) of assessed value.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. The following words and phrases shall  
15 have the following meanings:

16 (1) AMENDMENT NO. 3. Amendment No. 3 of the  
17 Constitution of Alabama 1901, proposed by Act 60, 1915 Regular  
18 Session, now appearing as Sections 269.01 and 269.02 of the  
19 Official Recompilation of the Constitution of Alabama of 1901,  
20 as amended.

21 (2) AMENDMENT NO. 373. Amendment No. 373 of the  
22 Constitution of Alabama of 1901, proposed by Act 6, H. 170,  
23 1978 Second Special Session, now appearing as Section 217 of  
24 the Official Recompilation of the Constitution of Alabama of  
25 1901, as amended.

1           (3) AMENDMENT NO. 382. Amendment No. 382 of the  
2 Constitution of Alabama of 1901, proposed by Act 79-485, 1979  
3 Regular Session, now appearing as Section 269.05 of the  
4 Official Recompilation of the Constitution of Alabama of 1901,  
5 as amended.

6           (4) AMENDMENT NO. 778. Amendment No. 778 of  
7 Constitution of Alabama of 1901, proposed by Act 2005-215,  
8 2005 First Special Session, now appearing as Section 269.08 of  
9 the Official Recompilation of the Constitution of Alabama of  
10 1901, as amended.

11           (5) CONSTITUTION. The Constitution of Alabama of  
12 1901.

13           (6) COUNTY. Montgomery County, Alabama.

14           (7) COUNTY COMMISSION. The county commission of the  
15 county.

16           (8) DISTRICT. The Montgomery School Tax District,  
17 the special school tax district in Montgomery County, the  
18 boundaries of which have been fixed by the Montgomery County  
19 Board of Education and include all the area lying within the  
20 boundaries of the county less and except the area lying within  
21 the corporate limits of the City of Pike Road.

22           (9) SPECIAL AD VALOREM TAX. The special ad valorem  
23 tax authorized in Amendment No. 382 of the Constitution of  
24 Alabama of 1901, to be levied and collected at the rate of 3

1 mills on taxable property in the district, subject to approval  
2 by the electorate as provided by the laws of Alabama.

3 Section 2. Montgomery County presently is authorized  
4 to levy and collect the special ad valorem tax at a rate of  
5 \$.30 on each one hundred dollars (3 mills on each dollar) of  
6 assessed value pursuant to Amendment No. 382 subject to  
7 approval by the electorate as provided by the laws of this  
8 state. Pursuant to a resolution adopted by the county  
9 commission in accordance with Amendment No. 373, Montgomery  
10 County proposes to increase the rate at which it may levy and  
11 collect the special ad valorem tax in the district to a  
12 maximum rate, for any tax year, which is equal to \$1.85 on  
13 each one hundred dollars (18.5 mills on each dollar) of  
14 assessed value.

15 Section 3. Pursuant to subsection (f) of Amendment  
16 No. 373 and a resolution adopted by the county commission  
17 after a public hearing, the county commission may increase the  
18 rate at which the county may levy and collect the special ad  
19 valorem tax in the district to a maximum rate, for any tax  
20 year, which is equal to \$1.85 on each one hundred dollars  
21 (18.5 mills on each dollar) of assessed value, the levy and  
22 collection at such rate to be in lieu of the levy and  
23 collection of any district tax under the provisions of either  
24 Section 2 of Amendment No. 3 or Amendment No. 778; provided,  
25 that from the proceeds of the special ad valorem tax that may

1 be levied and collected in the district each year pursuant to  
2 the increase procedure in this section authorized not more  
3 than the proceeds of six mills thereof may be used for capital  
4 outlay or to provide, acquire, equip, maintain, construct, or  
5 repair public school facilities or for the payment of the  
6 principal of or the interest on indebtedness incurred for such  
7 purpose; and, provided further, that the special ad valorem  
8 tax that may be levied and collected in the district each year  
9 pursuant to the increase procedure in this section authorized  
10 may, from and after the levy for the year for which district  
11 school taxes become due and payable on October 1, 2028, not be  
12 levied at a rate, for any tax year, greater than \$1.25 on each  
13 one hundred dollars (12.5 mills on each dollar) of assessed  
14 value of taxable property unless, prior to the date on which  
15 the annual levy of ad valorem taxes is adopted for the tax  
16 year for which district school taxes become due and payable on  
17 October 1, 2028, the continued levy at the maximum rate equal  
18 to \$1.85 on each one hundred dollars (18.5 mills on each  
19 dollar) of assessed value has been approved by a local act of  
20 the Legislature.

21           Section 4. The increase in the rate at which the  
22 special ad valorem tax may be levied and collected pursuant to  
23 this act is subject to the approval of a majority of the  
24 qualified electors residing in the district who vote on the  
25 proposed levy at a special election called and held for such

1 purpose pursuant to the provisions of subsection (f) of  
2 ~~Amendment No. 373, and shall be levied for the tax year~~  
3 ~~beginning October 1, 2022~~ Amendment No. 373, and the tax shall  
4 be levied for each tax year as authorized by referendum but in  
5 no instance shall the first collection be due before the tax  
6 year for which school district taxes become due and payable on  
7 October 1, 2023.

8 Section 5. (a) Within six months after the enactment  
9 of this act, the Montgomery County Board of Education shall  
10 adopt after considering recommendation of the Montgomery  
11 County Superintendent of Education, all of the following:

12 (1) A detailed strategic plan with defined steps,  
13 assigned staff, financial implications, goals, deadlines, and  
14 intended results to guide the Montgomery Public School System.

15 (2) Achievable, but ambitious, performance metrics  
16 correlated with the desired outcomes of the strategic plan.  
17 Performance metrics shall be adopted by the board based on  
18 recognized objective educational outcomes and updated as  
19 determined by the board.

20 (b) The Montgomery County Superintendent of  
21 Education, after approval of the Montgomery County Board of  
22 Education, shall annually submit the Strategic Plan and  
23 performance metrics to the Montgomery County Legislative  
24 Delegation for review prior to commencement of the next  
25 Regular Session of the Legislature.

1                   Section 6. This act shall become effective  
2 immediately following its passage and approval by the  
3 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 07-MAY-20.

Jeff Woodard  
Clerk

Senate	09-MAY-20	Amended and Passed
House	09-MAY-20	Concurred in Senate Amendment