

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

A BILL
TO BE ENTITLED
AN ACT

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§45-17-91.23.

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

1 "(b) (1) The authority may, at any time and from time
2 to time, request that the committee authorize and approve the
3 expenditure or appropriation of moneys on deposit in the
4 Shoals Economic Development Fund, but solely for purposes
5 authorized in subsection (c). Any such request may specify
6 that such moneys shall be expended by, or appropriated
7 directly or indirectly to, any of the following:

8 "a. The authority itself.

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

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

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

1 "(c) Subject to succeeding provisions of this
2 subpart, including particularly, but without limitation, those
3 provisions hereof respecting the investment of moneys held in
4 and forming a part of the Shoals Economic Development Fund,
5 and the management, use, and disposition of other properties,
6 whether real or personal, tangible or intangible, contributed
7 to such fund, all moneys held in and forming a part of the
8 Shoals Economic Development Fund, whether such moneys may be
9 characterized as either principal or income of such fund, may
10 be expended or appropriated, and all other properties
11 contributed to such fund may be used, only for the following
12 purposes:

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

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

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

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

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

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

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

24 "(7) To expend an equal match of up to five million
25 dollars (\$5,000,000), which shall be expended to construct a
26 Workforce Training and Development Center on property owned by

1 ~~Northwest Shoals Community College~~ the Lauderdale County
2 Commission. The site of the center will be determined.

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

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

12 "(e) It is the express intent of the Legislature
13 that all expenditures of moneys at any time on deposit in the
14 Shoals Economic Development Fund be made to promote the
15 economic development of the citizens of each of the counties
16 and every city or town therein, to create and provide for the
17 creation of non-retail job opportunities that support salaries
18 at or above the estimated entry wage per occupation, as
19 established by the most recent wage survey of the State of
20 Alabama, and to enable the committee and the participating
21 governments to support (1) the establishment and promotion of
22 business and industry in the Shoals area, (2) the development
23 of trade and commerce in the Shoals area, (3) the furtherance
24 of the use of the agricultural products and natural resources
25 of the State of Alabama, and (4) the development and
26 preservation of such resources. However, the Legislature
27 recognizes and acknowledges that the authority and other

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

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