

1 HB479
2 216701-1
3 By Representatives Greer, Pettus and Kiel (N & P)
4 RFD: Local Legislation
5 First Read: 09-MAR-22

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Colbert and Lauderdale Counties; to
14 amend Section 45-17-91.23, Code of Alabama 1975, as last
15 amended by Act 2021-278, 2021 Regular Session, relating to the
16 Shoals Economic Development Fund; to provide that a portion of
17 that fund may be distributed to the Lauderdale County
18 Commission for the construction of a Workforce Training and
19 Development Center.

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

21 Section 1. Section 45-17-91.23, Code of Alabama
22 1975, as last amended by Act 2021-278, 2021 Regular Session,
23 is amended to read as follows:

24 "§45-17-91.23.

25 "(a) There is created the Shoals Economic
26 Development Fund, which shall be a special or trust fund or

1 account of the committee, and which shall be administered in
2 accordance with this subpart.

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

10 "a. The authority itself.

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

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

22 "(2) Every recipient shall be liable for any misuse
23 of the monies to the extent provided by the law or laws under
24 which it was created or organized, or as otherwise provided by
25 law. The authority, if and to the extent it is otherwise
26 authorized by law to do so, may expend any monies so
27 appropriated to it out of the Shoals Economic Development Fund

1 without any further consent or other action on the part of the
2 committee.

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

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

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

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

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

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

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

1 each calendar year may be expended during the calendar year
2 for such purposes.

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

26 "~~(7) To expend an equal match of up to~~ distribute to
27 the Lauderdale County Commission the amount of five million

1 dollars (\$5,000,000), which shall be expended to construct a
2 Workforce Training and Development Center ~~on property owned by~~
3 ~~the Lauderdale County Commission. The site of the center will~~
4 ~~be determined.~~

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

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

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

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

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