

1 HB520  
2 216989-2  
3 By Representatives Isbell and Lipscomb (N & P)  
4 RFD: Local Legislation  
5 First Read: 29-MAR-22

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ENROLLED, An Act,

To amend Sections 45-28-220.03 and 45-28-243.02, Code of Alabama 1975, relating to the Etowah County Mega Sports Complex Authority and the distribution of certain lodging taxes to the authority; to provide further for the membership of the authority; the distribution of certain funds to the authority; the treatment of debt; and routine audits.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 45-28-220.03 and 45-28-243.02 of the Code of Alabama 1975, are amended to read as follows:

"§45-28-220.03.

"(a) This section shall only apply in Etowah County.

"(b) The Etowah County Mega Sports Complex Authority is created.

"(c) (1) ~~The~~ Immediately after the effective date of the act adding this amendatory language, the terms of the members serving on the authority shall end. Thereafter, the authority shall consist of the following members:

~~"a. The legislative sponsor of the act creating the authority.~~

"a. Except as otherwise provided in subparagraph 1., one ~~b. A member appointed by each member of the local legislative delegation.~~ with initial terms expiring as follows:

1           "1. House District 29, expiring November 10, 2022.

2           The initial appointment occurring after the effective date of  
3           the act adding this amendatory language shall be made by the  
4           Director of the Etowah County Tourism Board. Subsequent  
5           appointments to this position shall be made by the legislative  
6           member representing House District 29.

7           "2. House District 28, expiring November 10, 2023.

8           "3. House District 30, expiring November 10, 2024.

9           "4. Senate District 10, expiring November 10, 2025.

10          "b. c. The Director President of the Etowah County  
11          Chamber of Commerce, or his or her designee.

12          ~~"d. Three members appointed by the Director of the~~  
13          ~~Etowah County Chamber of Commerce.~~

14          "c. The Director of the Etowah County Tourism Board,  
15          or his or her designee.

16          "d. One member appointed by the governing body of  
17          the City of Rainbow City, for an initial term expiring  
18          November 10, 2024.

19          ~~"(2) The authority may appoint additional members to~~  
20          ~~the authority upon a majority vote of its members. Upon~~  
21          ~~completion of the initial staggered terms, subsequent~~  
22          ~~appointments of non ex-officio members shall be made in the~~  
23          ~~same manner for terms of four years.~~

24          "(3) A member shall be removed from the authority  
25          after failing to attend three consecutive properly noticed

1 regular meetings of the authority, or more than half of the  
2 properly noticed regular meetings, during a calendar year. The  
3 members of the authority shall meet at least quarterly and  
4 minutes of the meetings of the authority shall be posted on a  
5 website operated by the authority or on a social media website  
6 of the authority, or both, within 30 days after the meeting  
7 date. A vacancy on the authority for any reason shall be  
8 filled by appointment by the original appointing authority for  
9 the unexpired term.

10 "(4) Except for the Director of the Etowah County  
11 Tourism Board, no member of the authority may also serve as a  
12 member of the Etowah County Tourism Board.

13 "(d) The authority shall evaluate the development of  
14 a sports complex for Etowah County for implementation and  
15 administration by the authority. The evaluation shall include,  
16 but is not limited to, the following considerations and  
17 issues:

18 "(1) The feasibility of a mega sports complex for  
19 the county.

20 "(2) What should be included in such a complex.

21 "(3) The location of such a complex.

22 "(4) The cost associated with acquiring and  
23 maintaining such a complex.

24 "(5) Possible funding sources for such a complex.

1           "(e) After its evaluation, the authority may  
2 initiate the development and management of a public mega  
3 sports complex in the county.

4           "(f) The authority shall also have the following  
5 powers and duties:

6           "(1) To acquire or lease real property for the  
7 development of sports or other recreational facilities and  
8 related improvements for public purposes.

9           "(2) To make, enter into, and execute contracts,  
10 agreements, or other instruments necessary to accomplish the  
11 purposes of this section.

12           "(3) To establish and appoint committees and hire  
13 staff which it deems necessary for the carrying out of its  
14 functions.

15           "(4) To accept any and all donations and grants of  
16 money, equipment, supplies, materials, and services, and to  
17 receive, utilize, and dispose of it.

18           "(5) To perform other functions as may be necessary  
19 or appropriate to achieve the purposes of this section.

20           "(g) All T.V.A. in-lieu-of-taxes payments to Etowah  
21 County retained by the county and not transferred to the City  
22 of Sardis pursuant to Section 40-28-2 shall be distributed to  
23 the Etowah County Mega Sports Complex Authority, to be used  
24 for the financing and operation of a mega sports complex.

1           "(h) (1) Any additional funds received by the  
2 authority, from any state or county tax revenue, shall be  
3 applied first toward the payment of existing debts.

4           "(2) Immediately upon the full payment of all debts  
5 in existence as of the effective date of the act amending this  
6 subdivision, all revenues referenced in subsection (g) and  
7 subdivision (1) of Section 45-28-91.02, shall be held in the  
8 county treasury until otherwise directed by unanimous consent  
9 of the members of the legislative delegation.

10           "(i) A comprehensive financial audit of the  
11 authority shall be performed immediately after the effective  
12 date of the act adding this subsection, annually for the  
13 immediately succeeding two years, and every two years  
14 thereafter. The audit shall be performed by a  
15 licensed independent certified public accountant chosen by the  
16 authority from a list of three auditing firms nominated by the  
17 governing body of the City of Rainbow City. A copy of each  
18 audit performed shall be submitted to the Chief Examiner of  
19 the Department of Examiners of Public Accounts and each  
20 appointing authority within 30 days after completion.

21           "§45-28-243.02.

22           "In Etowah County, the portion of the tax proceeds  
23 collected pursuant to Section 40-26-1, which is distributed to  
24 the County Commission pursuant to Section 40-26-20, to be used  
25 for the promotion of tourism, recreation, and conventions,

1 shall be distributed to the Etowah County Mega Sports Complex  
2 Authority. Immediately upon the full payment of all debts of  
3 the authority in existence as of the effective date of the act  
4 amending this section, all revenues referenced in this section  
5 shall be held in the county treasury until otherwise directed  
6 by unanimous consent of the members of the legislative  
7 delegation."

8 Section 2. This act shall become effective October  
9 1, 2022, following its passage and approval by the Governor,  
10 or its otherwise becoming law.

