

1 SB308
2 207636-2
3 By Senator Butler (N & P)
4 RFD: Madison County Legislation
5 First Read: 10-MAR-22

A BILL
TO BE ENTITLED
AN ACT

Relating to Madison County; to amend Section 45-45-161, Code of Alabama 1975, as last amended by Act 2010-108 of the 2010 Regular Session (Acts 2010, p.142), to provide further for the distribution of Madison County's share of payments made by the Tennessee Valley Authority to the state in-lieu-of-taxes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 45-45-161, Code of Alabama 1975, as last amended by Act 2010-108 of the 2010 Regular Session (Acts 2010, p.142), is amended to read as follows:

"§45-45-161.

"(a) (1) Pursuant to the authority granted by Section 40-28-2, Madison County's share of payments made by the Tennessee Valley Authority to the state in lieu of ad valorem taxes shall be distributed in the following manner:

1 "(1) Up to one percent of ~~such~~ the payments each
2 year shall be used to establish, equip, and maintain a
3 legislative delegation office. All decisions concerning the
4 Madison County Legislative Office including, but not limited
5 to, revenue, income, or purchases shall be made by resolutions
6 of the delegation adopted by a concurrent majority of the
7 Madison County delegation, senators and house of
8 representative members, each house voting separately. ~~Such~~ The
9 resolution may provide an operation procedure for the
10 delegation office. The Madison County Commission shall
11 immediately pay ~~such~~ the amounts from such funds as the
12 Madison County legislative delegation may request. Requests
13 shall be in the form of a resolution passed by the county
14 legislative delegation, signed by one senator and one member
15 of the House of Representatives from the county who shall be
16 duly appointed by the legislative delegation. The legislative
17 delegation shall expend ~~such~~ the monies to employ staff,
18 acquire adequate physical office space, equipment, supplies,
19 services, and all other necessary items and may also expend
20 the monies for other county purposes at the discretion and
21 direction of the legislative delegation. The persons employed
22 and expenditures of the funds by the legislative delegation
23 shall be in their discretion. Any funds allocated but not
24 spent at the end of the fiscal year, in accordance with this
25 subsection, shall not revert to the general fund of the county
26 treasury, but shall be carried forward and shall remain
27 available year to year for expenditure. The revenue and

1 expenditures of the legislative office shall be audited on an
2 annual basis.

3 "(2) In addition to its annual budget allocation,
4 the legislative delegation is authorized to receive a separate
5 allocation for extraordinary purchase of equipment, not to
6 exceed 10 percent of its budget allocation. It is understood
7 this allocation may not be made annually, but only as needed.

8 "(b) The remaining money, disbursed pursuant to the
9 authority granted by Section 40-28-2, shall be prorated in the
10 following manner:

11 "(1) ~~a. Seventy~~ Seventy-one percent of the remaining
12 money shall be distributed among the county school system and
13 the municipal school systems on the basis of average daily
14 ~~attendance~~ membership of each school system as it bears to the
15 total average daily ~~attendance~~ membership of all county and
16 municipal school systems based on the number of students
17 residing within the county. ~~Beginning October 1, 2000, of this~~
18 ~~amount received by the City of Madison school system, forty~~
19 ~~thousand dollars (\$40,000) shall be expended annually at Bob~~
20 ~~Jones High School in the City of Madison on outdoor athletic~~
21 ~~facilities, extracurricular equipment, athletic fields, or~~
22 ~~stadiums and ten thousand dollars (\$10,000) shall be expended~~
23 ~~for the City of Madison middle schools for outdoor athletic~~
24 ~~facilities, including athletic fields or extracurricular~~
25 ~~equipment. Of this amount received by the county, two hundred~~
26 ~~fifty thousand dollars (\$250,000) shall be expended annually~~
27 ~~by the county school system on outdoor athletic facilities,~~

1 including athletic fields or stadiums. Beginning with the
2 2002-2003 school year, the funds provided to the county school
3 system pursuant to the preceding sentence for outdoor athletic
4 facilities shall be expended annually as follows: Forty
5 thousand dollars (\$40,000) shall be expended at each of the
6 current five high schools in the county school system for
7 outdoor athletic facilities, including athletic fields or
8 stadiums, and fifty thousand dollars (\$50,000) which shall be
9 distributed to the middle schools in the county school system
10 and expended for outside athletic facilities, including
11 athletic fields. Any funds currently being held on February 1,
12 2006, for matching purposes at middle schools shall be
13 released to the middle school for which the funds were being
14 held without regard to any matching funds for outside athletic
15 facilities, including athletic fields. Upon a request by an
16 individual school and its athletic booster club or
17 association, the Madison County Board of Education or the
18 Madison City Board of Education, within its respective school
19 system, may pledge funds provided pursuant to this paragraph
20 subdivision for high school athletic fields or stadiums as
21 collateral for securing loans for the construction of new
22 outdoor athletic fields or stadiums.

23 "b. Notwithstanding the foregoing, for the first
24 fiscal year following February 23, 2010, the county school
25 system shall reimburse any municipal school system in the
26 amount of three-fourths of any loss incurred by that municipal
27 school system under this section. For the second fiscal year

1 following February 23, 2010, the county school system shall
2 reimburse any municipal school system in the amount of one
3 half of any loss incurred by that municipal school system
4 under this section. For the third fiscal year following
5 February 23, 2010, the county school system shall reimburse
6 any municipal school system in the amount of one fourth of any
7 loss incurred by that municipal school system under this
8 section. Any reimbursements made pursuant to this section
9 shall be made prior to any transfers of money to any municipal
10 school system pursuant to this section.

11 "(2) Nine percent of the remaining money shall be
12 paid to the Madison County General Fund.

13 "~~(3) One percent shall be allocated to municipal~~
14 ~~schools on academic alert or academic caution as determined by~~
15 ~~the State Superintendent of Education for the first five~~
16 ~~fiscal years following October 1, 1997, and thereafter the one~~
17 ~~percent shall be allocated pursuant to subdivision (1).~~

18 "~~(4) Nineteen and one-half percent of the remaining~~
19 ~~money shall be paid to the City of Huntsville General Fund of~~
20 ~~which 15 percent shall be earmarked to the Huntsville City~~
21 ~~School System.~~

22 "~~(5) One-half percent of the remaining money shall~~
23 ~~be paid to the incorporated municipalities within Madison~~
24 ~~County on a per capita basis.~~

25 "(3) Twenty percent of the remaining money shall be
26 paid to the municipal general fund of the City of Huntsville,
27 the City of Madison, the City of New Hope, the City of Owens

1 Crossroad Roads, the Town of Gurley, and the Town of Triana
2 respectively, based on the percentage of population of each
3 municipality according to the most recent federal decennial
4 census as it bears to the total population of all of the
5 municipalities according to the most recent federal decennial
6 census. Payments shall be further distributed by the
7 municipalities in the following manner:

8 "a. ~~Sixty five percent to the county school system~~
9 ~~to be paid by the municipal governing body directly to the~~
10 ~~school system.~~

11 "b. ~~Thirty five percent to the municipal general~~
12 ~~fund.~~

13 "(c) Notwithstanding the foregoing, the three
14 percent increase to be distributed to Madison County pursuant
15 to Section 40-28-2, shall be paid to the Madison County
16 Delegation Office. ~~for the 2007 fiscal year only and then to~~
17 ~~the Madison County Commission to be expended exclusively for~~
18 ~~road projects as follows:~~

19 "a. ~~Fiscal year 2008, Old Madison Pike Bridges.~~

20 "b. ~~Fiscal year 2009-2010, extending Martin Luther~~
21 ~~King Jr. Blvd to Memorial Parkway.~~

22 "c. ~~Fiscal year 2011-2012, Winchester Road to~~
23 ~~Naugher Road.~~

24 "d. ~~Fiscal year 2013, King Drake to U.S. 431~~
25 ~~Connector.~~

26 "e. ~~Fiscal year 2014-2015, U.S. 431 Bridges.~~

1 ~~"f. Fiscal year 2016, Jeff Road-University Drive to~~
2 ~~Capshaw Road.~~

3 ~~"g. Fiscal year 2017, Zierdt Road-Madison Blvd to~~
4 ~~Martin Road.~~

5 ~~"(2) In any fiscal year in which any of the~~
6 ~~above-mentioned road projects are not begun or completed, the~~
7 ~~funds for such projects shall be placed in a separate escrow~~
8 ~~account to be used exclusively for the unfinished or~~
9 ~~incomplete project.~~

10 ~~"(d) Notwithstanding subsection (c), all future~~
11 ~~growth in excess of two and one-half percent, excluding the~~
12 ~~three percent allocation in subsection (c), shall be~~
13 ~~distributed to the Madison County Legislative Delegation~~
14 ~~Office."~~

15 ~~"(e) Notwithstanding any other provision of this~~
16 ~~section to the contrary, any increase in funding received by~~
17 ~~Madison County as a result of any legislation enacted after~~
18 ~~February 23, 2010, shall be distributed to the Madison County~~
19 ~~Legislative Delegation Office.~~

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