

1 SB503
2 136423-4
3 By Senators Holtzclaw, Orr and McGill (N & P)
4 RFD: Local Legislation No. 4
5 First Read: 12-APR-12

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Madison County; to amend Section 1 of
14 Act No. 80-277, 1980 Regular Session (Acts 1980, p. 366), as
15 last amended by Act No. 2010-108, 2010 Regular Session (Acts
16 2010, p. 142), to provide further for the distribution of
17 Madison County's share of payments made by the Tennessee
18 Valley Authority to the state in-lieu-of-taxes.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 1 of Act No. 80-277, 1980 Regular
21 Session (Acts 1980, p. 366), as last amended by Act No.
22 2010-108, 2010 Regular Session (Acts 2010, p. 142), is further
23 amended to read as follows:

24 "Section 1. A. Pursuant to the authority granted by
25 Section 40-28-2, Code of Alabama 1975, Madison County's share
26 of payments made by the Tennessee Valley Authority to the

1 state in lieu of ad valorem taxes shall be distributed in the
2 following manner:

3 "One percent of such payments each year shall be
4 used to equip and maintain a legislative delegation office for
5 members of the state legislature serving the county. All
6 decisions concerning the Madison County Legislative Office,
7 including, but not limited to, revenue, income, purchases and
8 grants shall be made by resolutions of the delegation adopted
9 by a concurrent majority of the Madison County delegation,
10 Senators and House of Representative members, each house
11 voting separately. Such resolution may provide an operation
12 procedure for the delegation office. The Madison County
13 Commission shall immediately pay such amounts from such funds
14 as the Madison County legislative delegation may request. Such
15 requests shall be in the form of a resolution passed by the
16 county legislative delegation, signed by one Senator and one
17 Member of the House of Representatives from the county who
18 shall be duly appointed by the legislative delegation. The
19 legislative delegation shall expend such monies to employ
20 staff, acquire adequate physical office space, equipment,
21 supplies, services, and all other necessary items and may also
22 expend the monies for other purposes, including grants for
23 allowable public purposes at the discretion and direction of
24 the legislative delegation. The persons employed and
25 expenditures of the funds by the legislative delegation shall
26 be in their discretion. Any funds allocated but not spent at

1 the end of the fiscal year, in accordance with this
2 subsection, shall not revert to the general fund of the county
3 treasury, but shall be carried forward and shall remain
4 available year to year for expenditure. The revenue and
5 expenditures of the legislative office shall be audited on an
6 annual basis.

7 "In addition to its annual budget allocation, the
8 legislative delegation is authorized to receive a separate
9 allocation for extraordinary purchase of equipment, not to
10 exceed 10 percent of its budget allocation. It is understood
11 this allocation may not be made annually, but only as needed.

12 "B. The remaining money, disbursed pursuant to the
13 authority granted by Section 40-28-2, Code of Alabama 1975,
14 shall be prorated in the following manner:

15 "1. Seventy-one percent of the remaining money shall
16 be distributed among the county school system and the
17 municipal school systems on the basis of average daily
18 attendance of each school system as it bears to the total
19 average daily attendance of all county and municipal school
20 systems based on the number of students residing within the
21 county.

22 "2. Nine percent of the remaining money shall be
23 paid to the Madison County General Fund.

24 "3. Twenty percent of the remaining money shall be
25 paid to the incorporated municipalities within Madison County
26 on the basis of the ratio of the population of each

1 incorporated municipality to the total population the
2 incorporated municipalities according to the next preceding
3 federal decennial census. Payments shall be distributed in the
4 following manner:

5 "(a) The amount paid to the City of Huntsville shall
6 be paid to the City of Huntsville General Fund of which
7 fifteen percent shall be earmarked to the Huntsville City
8 School System.

9 "(b) The amount paid to the City of Madison shall be
10 paid to the City of Madison General Fund of which fifteen
11 percent shall be earmarked to the Madison City School System.

12 "(c) The amount paid to the Town of Triana shall be
13 paid to the Town of Triana General Fund of which fifteen
14 percent shall be earmarked to the Madison City School System.

15 "(d) The amounts paid to the other incorporated
16 municipalities shall be distributed as follows:

17 "(i) Fifteen percent to the county school system to
18 be paid by the municipal governing body directly to the school
19 system.

20 "(ii) Eighty-five percent to the municipal general
21 fund.

22 "C. Provided, however, notwithstanding the
23 foregoing, the three percent increase to be distributed to
24 Madison County pursuant to Act 2006-655, now appearing as
25 Section 40-28-2, Code of Alabama 1975, shall be paid to the
26 county and each incorporated municipality on the basis of the

1 ratio of the population of the unincorporated areas of the
2 county and each incorporated municipality to the total
3 population of the county according to the next preceding
4 federal decennial census. The amounts distributed under this
5 subsection shall be used for road and bridge projects as
6 determined by the County Commission and each incorporated
7 municipality respectively. Any amounts previously allocated
8 for specific road projects pursuant to this subsection which
9 remain in escrow on the effective date of this amendatory act
10 shall be allocated as provided above.

11 "D. Notwithstanding the provisions of C. above, any
12 growth in a fiscal year that is in excess of two and one-half
13 percent more than the amount received in the immediately
14 preceding fiscal year shall be distributed to the Madison
15 County Legislative Delegation Office. For purposes of
16 calculating growth pursuant to this subdivision, the three
17 percent allocation in C. above shall be excluded.

18 "E. Notwithstanding any other provision of this act
19 to the contrary, any increase in funding received by Madison
20 County as a result of Act 2010-135 of the 2010 Regular Session
21 shall be distributed to the Madison County Legislation
22 Delegation Office."

23 Section 2. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.