

1 HB107
2 113881-2
3 By Representatives Hinshaw and Hall (N & P)
4 RFD: Madison County Legislation
5 First Read: 12-JAN-10
6 PFD: 01/06/2010

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ENROLLED, An Act,

Relating to Madison County; to amend Section 1 of Act No. 80-277, 1980 Regular Session (Acts 1980, p. 366), as last amended by Act No. 2007-320, 2007 Regular Session (Acts 2007, p. 574), 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 1 of Act No. 80-277, 1980 Regular Session (Acts 1980, p. 366), as last amended by Act No. 2007-320, 2007 Regular Session (Acts 2007, p. 574), is further amended to read as follows:

"Section 1. A. Pursuant to the authority granted by Section 40-28-2, Code of Alabama 1975, 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. Up to one percent of such payments each year shall be used to establish, equip, and maintain a legislative delegation office. All decisions concerning the Madison County Legislative Office, including, but not limited to, revenue, income, or purchases shall be made by resolutions of the delegation adopted by a concurrent majority of the Madison County delegation, Senators and House of Representative

1 members, each house voting separately. Such resolution may
2 provide an operation procedure for the delegation office. The
3 Madison County Commission shall immediately pay such amounts
4 from such funds as the Madison County legislative delegation
5 may request. Such requests shall be in the form of a
6 resolution passed by the county legislative delegation, signed
7 by one Senator and one Member of the House of Representatives
8 from the county who shall be duly appointed by the legislative
9 delegation. The legislative delegation shall expend such
10 monies to employ staff, acquire adequate physical office
11 space, equipment, supplies, services, and all other necessary
12 items and may also expend the monies for other county purposes
13 at the discretion and direction of the legislative delegation.
14 The persons employed and expenditures of the funds by the
15 legislative delegation shall be in their discretion. Any funds
16 allocated but not spent at the end of the fiscal year, in
17 accordance with this subsection, shall not revert to the
18 general fund of the county treasury, but shall be carried
19 forward and shall remain available year to year for
20 expenditure. The revenue and expenditures of the legislative
21 office shall be audited on an annual basis.

22 "In addition to its annual budget allocation, the
23 legislative delegation is authorized to receive a separate
24 allocation for extraordinary purchase of equipment, not to

1 exceed 10 percent of its budget allocation. It is understood
2 this allocation may not be made annually, but only as needed.

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

6 "1. Seventy percent of the remaining money shall be
7 distributed among the county school system and the municipal
8 school systems on the basis of average daily attendance of
9 each school system as it bears to the total average daily
10 attendance of all county and municipal school systems based on
11 the number of students residing within the county. Beginning
12 October 1, 2000, of this amount received by the City of
13 Madison school system, forty thousand dollars (\$40,000) shall
14 be expended annually at Bob Jones High School in the City of
15 Madison on outdoor athletic facilities, extracurricular
16 equipment, athletic fields, or stadiums and ten thousand
17 dollars (\$10,000) shall be expended for the City of Madison
18 middle schools for outdoor athletic facilities, including
19 athletic fields or extracurricular equipment. Of this amount
20 received by the county, two hundred fifty thousand dollars
21 (\$250,000) shall be expended annually by the county school
22 system on outdoor athletic facilities, including athletic
23 fields or stadiums. Beginning with the 2002-2003 school year,
24 the funds provided to the county school system pursuant to the
25 preceding sentence for outdoor athletic facilities shall be

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

19 "Notwithstanding the foregoing, for the first fiscal
20 year following the effective date of this act, the county
21 school system shall reimburse any municipal school system in
22 the amount of three-fourths of any loss incurred by that
23 municipal school system under this section. For the second
24 fiscal year following the effective date of this act, the
25 county school system shall reimburse any municipal school

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

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

12 "3. One percent shall be allocated to municipal
13 schools on academic alert or academic caution as determined by
14 the State Superintendent of Education for the first five
15 fiscal years following the effective date of Act 97-852 and
16 thereafter the one percent shall be allocated pursuant to B.1.

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

21 "5. One-half percent of the remaining money shall be
22 paid to the incorporated municipalities within Madison County
23 on a per capita basis. Payments shall be distributed in the
24 following manner:

1 "(a) Sixty-five percent to the county school system
2 to be paid by the municipal governing body directly to the
3 school system.

4 "(b) Thirty-five percent to the municipal general
5 fund.

6 "C. Provided, however, notwithstanding the
7 foregoing, the three percent increase to be distributed to
8 Madison County pursuant to Act 2006-655, now appearing as
9 Section 40-28-2, Code of Alabama 1975, shall be paid to the
10 Madison County Delegation Office for the 2007 fiscal year only
11 and then to the Madison County Commission to be expended
12 exclusively for road projects as follows:

13 "FY 2008 Old Madison Pike Bridges

14 "FY 2009-2010 Extending Martin Luther King Jr. Blvd
15 to Memorial Parkway

16 "FY 2011-2012 Winchester Road to Naugher Road

17 "FY 2013 King Drake to U.S. 431 Connector

18 "FY 2014-2015 U.S. 431 Bridges

19 "FY 2016 Jeff Road-University Drive to Capshaw Road

20 "FY 2017 Zierdt Road-Madison Blvd to Martin Road.

21 In any fiscal year in which any of the
22 aforementioned road projects are not begun or completed, the
23 funds for such projects shall be placed in a separate escrow
24 account to be used exclusively for the unfinished or
25 incomplete project.

1 "D. Notwithstanding the provisions of C. above, all
2 future growth in excess of two and one-half percent, excluding
3 the three percent allocation in C. above, shall be distributed
4 to the Madison County Legislative Delegation Office.

5 "E. Notwithstanding any other provision of this act
6 to the contrary, any increase in funding received by Madison
7 County as a result of any legislation enacted after the
8 effective date of this amendatory act shall be distributed to
9 the Madison County Legislation Delegation Office."

10 Section 2. This act shall become effective
11 immediately following its passage and approval by the
12 Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 19-JAN-10.

Greg Pappas
Clerk

Senate

16-FEB-10

Passed