

1 HB526
2 184013-2
3 By Representative Morrow (N & P)
4 RFD: Local Legislation
5 First Read: 18-APR-17

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9 A BILL
10 TO BE ENTITLED
11 AN ACT
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13 Relating to Lauderdale and Colbert Counties; to
14 amend Section 45-17-91.23, Code of Alabama 1975, relating to
15 the Shoals Economic Development Fund; to provide that a
16 portion of the Shoals Economic Development Fund may be used to
17 build a Workforce Training and Development Center.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Section 45-17-91.23, Code of Alabama
20 1975, is amended to read as follows:

21 "§45-17-91.23.

22 "(a) There is created the Shoals Economic
23 Development Fund, which shall be a special or trust fund or
24 account of the committee, and which shall be administered in
25 accordance with this subpart.

26 "(b) (1) The authority may, at any time and from time
27 to time, request that the committee authorize and approve the

1 expenditure or appropriation of moneys on deposit in the
2 Shoals Economic Development Fund, but solely for purposes
3 authorized in subsection (c). Any such request may specify
4 that such moneys shall be expended by, or appropriated
5 directly or indirectly to, any of the following:

6 "a. The authority itself.

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

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

18 "(2) Every such recipient shall be liable for any
19 misuse of such moneys to the extent provided by the law or
20 laws under which it was created or organized, or as otherwise
21 provided by law. The authority may, if and to the extent it is
22 otherwise authorized by law to do so, expend any moneys so
23 appropriated to it out of the Shoals Economic Development Fund
24 without any further consent or other action on the part of the
25 committee.

26 "(c) Subject to succeeding provisions of this
27 subpart, including particularly, but without limitation, those

1 provisions hereof respecting the investment of moneys held in
2 and forming a part of the Shoals Economic Development Fund,
3 and the management, use, and disposition of other properties,
4 whether real or personal, tangible or intangible, contributed
5 to such fund, all moneys held in and forming a part of the
6 Shoals Economic Development Fund, whether such moneys may be
7 characterized as either principal or income of such fund, may
8 be expended or appropriated, and all other properties
9 contributed to such fund may be used, only for the following
10 purposes:

11 "(1) To induce the location, within either of the
12 counties or any city or town therein, of (i) new
13 manufacturing, industrial, and research enterprises, (ii) new
14 commercial enterprises for storing, warehousing, or
15 distributing any products of agriculture or industry,
16 including, without limitation, warehouse or distribution
17 centers owned or utilized by commercial or retail enterprises
18 existing in either of the counties or any city or town
19 therein, (iii) new enterprises for maintaining, repairing, or
20 restoring transportation and communications machinery and
21 equipment of any kind including, without limitation, motor
22 vehicles and vehicles for air or water transport of every
23 description, and (iv) new facilities suitable for use by any
24 of the foregoing enterprises in providing, whether for
25 themselves or other such enterprises, the customers or
26 consumers of any such enterprise or enterprises, or the
27 general public, technical, electronic, telephonic,

1 telecommunications, and other similar services, including,
2 without limitation, so-called "call centers", provided that
3 substantially all the employees of any such enterprise
4 employed at such new facility are engaged in providing such
5 services.

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

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

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

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

26 "(6) If and to the extent consistent with the
27 preceding provisions of this subsection, to assist the

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

22 "(7) To expend an equal match of up to five million
23 dollars (\$5,000,000), which shall be expended to construct a
24 Workforce Training and Development Center on property owned by
25 Northwest-Shoals Community College.

26 "(d) Any moneys authorized, pursuant to this
27 subpart, to be expended by either the authority or any other

1 recipient shall, if not expended for the purpose or purposes
2 approved by the committee, be promptly returned to and
3 deposited into the Shoals Economic Development Fund.

4 "(e) It is the express intent of the Legislature
5 that all expenditures of moneys at any time on deposit in the
6 Shoals Economic Development Fund be made to promote the
7 economic development of the citizens of each of the counties
8 and every city or town therein, to create and provide for the
9 creation of non-retail job opportunities that support salaries
10 at or above the estimated entry wage per occupation, as
11 established by the most recent wage survey of the State of
12 Alabama, and to enable the committee and the participating
13 governments to support (1) the establishment and promotion of
14 business and industry in the Shoals area, (2) the development
15 of trade and commerce in the Shoals area, (3) the furtherance
16 of the use of the agricultural products and natural resources
17 of the State of Alabama, and (4) the development and
18 preservation of such resources. However, the Legislature
19 recognizes and acknowledges that the authority and other
20 potential recipients of moneys on deposit in the Shoals
21 Economic Development Fund may be empowered by law to engage in
22 activities, or to perform functions, for purposes that are
23 different from, or that are unrelated to, the purposes for
24 which such moneys are authorized by this subpart to be
25 expended. It is therefore also the intent of the Legislature
26 that no moneys on deposit in the Shoals Economic Development
27 Fund be expended by, or appropriated to, either the authority

1 or any such other recipient for any purpose or project except
2 those described in this subpart. Any expenditure or
3 appropriation permitted by the preceding provisions of this
4 section to be made out of moneys on deposit in the Shoals
5 Economic Development Fund, and any such use of other
6 properties contributed to any such fund, shall be deemed an
7 expenditure or use, as the case may be, for a public purpose."

8 Section 2. This act shall become effective on the
9 first day of the third month following its passage and
10 approval by the Governor, or its otherwise becoming law.