

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

A BILL  
TO BE ENTITLED  
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

1 members serving on the authority shall end. Thereafter, the  
2 authority shall consist of the following members:

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

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

9 "1. House District 29, expiring November 10, 2022.  
10 The initial appointment occurring after the effective date of  
11 the act adding this amendatory language shall be made by the  
12 Director of the Etowah County Tourism Board. Subsequent  
13 appointments to this position shall be made by the legislative  
14 member representing House District 29.

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

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

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

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

20 ~~"d. Three members appointed by the Director of the~~  
21 ~~Etowah County Chamber of Commerce.~~

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

24 "d. One member appointed by the governing body of  
25 the City of Rainbow City, for an initial term expiring  
26 November 10, 2024.

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

6           "(3) A member shall be removed from the authority  
7 after failing to attend three consecutive properly noticed  
8 regular meetings of the authority, or more than half of the  
9 properly noticed regular meetings, during a calendar year. The  
10 members of the authority shall meet at least quarterly and  
11 minutes of the meetings of the authority shall be posted on a  
12 website operated by the authority or on a social media website  
13 of the authority, or both, within 30 days after the meeting  
14 date. A vacancy on the authority for any reason shall be  
15 filled by appointment by the original appointing authority for  
16 the unexpired term.

17           "(4) Except for the Director of the Etowah County  
18 Tourism Board, no member of the authority may also serve as a  
19 member of the Etowah County Tourism Board.

20           "(d) The authority shall evaluate the development of  
21 a sports complex for Etowah County for implementation and  
22 administration by the authority. The evaluation shall include,  
23 but is not limited to, the following considerations and  
24 issues:

25           "(1) The feasibility of a mega sports complex for  
26 the county.

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

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

2           "(4) The cost associated with acquiring and  
3 maintaining such a complex.

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

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

8           "(f) The authority shall also have the following  
9 powers and duties:

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

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

16           "(3) To establish and appoint committees and hire  
17 staff which it deems necessary for the carrying out of its  
18 functions.

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

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

24           "(g) All T.V.A. in-lieu-of-taxes payments to Etowah  
25 County retained by the county and not transferred to the City  
26 of Sardis pursuant to Section 40-28-2 shall be distributed to

1 the Etowah County Mega Sports Complex Authority, to be used  
2 for the financing and operation of a mega sports complex.

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

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

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

23 "§45-28-243.02.

24 "In Etowah County, the portion of the tax proceeds  
25 collected pursuant to Section 40-26-1, which is distributed to  
26 the County Commission pursuant to Section 40-26-20, to be used  
27 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.