

1 SB329
2 216989-3
3 By Senator Jones (N & P)
4 RFD: Local Legislation
5 First Read: 29-MAR-22

1 SB329

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4 With Notice and Proof

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6 ENROLLED, An Act,

7 To amend Sections 45-28-220.03 and 45-28-243.02,
8 Code of Alabama 1975, relating to the Etowah County Mega
9 Sports Complex Authority and the distribution of certain
10 lodging taxes to the authority; to provide further for the
11 membership of the authority; the distribution of certain funds
12 to the authority; the treatment of debt; and routine audits.

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

14 Section 1. Sections 45-28-220.03 and 45-28-243.02 of
15 the Code of Alabama 1975, are amended to read as follows:

16 "§45-28-220.03.

17 "(a) This section shall only apply in Etowah County.

18 "(b) The Etowah County Mega Sports Complex Authority
19 is created.

20 "(c) (1) ~~The~~ Immediately after the effective date of
21 the act adding this amendatory language, the terms of the
22 members serving on the authority shall end. Thereafter, the
23 authority shall consist of the following members:

24 ~~"a. The legislative sponsor of the act creating the~~
25 ~~authority.~~

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

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

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

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

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

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

16 ~~"d. Three members appointed by the Director of the~~
17 ~~Etowah County Chamber of Commerce.~~

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

20 "d. One member appointed by the governing body of
21 the City of Rainbow City, for an initial term expiring
22 November 10, 2024.

23 ~~"(2) The authority may appoint additional members to~~
24 ~~the authority upon a majority vote of its members. Upon~~
25 ~~completion of the initial staggered terms, subsequent~~

1 appointments of non ex-officio members shall be made in the
2 same manner for terms of four years.

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

14 "(4) Except for the Director of the Etowah County
15 Tourism Board, no member of the authority may also serve as a
16 member of the Etowah County Tourism Board.

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

22 "(1) The feasibility of a mega sports complex for
23 the county.

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

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

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

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

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

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

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

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

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

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

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

23 "(g) All T.V.A. in-lieu-of-taxes payments to Etowah
24 County retained by the county and not transferred to the City
25 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

1 the County Commission pursuant to Section 40-26-20, to be used
2 for the promotion of tourism, recreation, and conventions,
3 shall be distributed to the Etowah County Mega Sports Complex
4 Authority. Immediately upon the full payment of all debts of
5 the authority in existence as of the effective date of the act
6 amending this section, all revenues referenced in this section
7 shall be held in the county treasury until otherwise directed
8 by unanimous consent of the members of the legislative
9 delegation."

10 Section 2. This act shall become effective October
11 1, 2022, following its passage and approval by the Governor,
12 or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB329

Senate 31-MAR-22

I hereby certify that the within Act originated in and passed the Senate.

Patrick Harris,
Secretary.

House of Representatives
Passed: 07-APR-22

By: Senator Jones