

1 SB420  
2 185408-1  
3 By Senator Melson (N & P)  
4 RFD: Local Legislation  
5 First Read: 09-MAY-17

2  
3  
4  
5  
6  
7  
8  
9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
12

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 for  
17 workforce training and economic development programs at the  
18 University of North Alabama.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Section 45-17-91.23, Code of Alabama  
21 1975, is amended to read as follows:

22 "§45-17-91.23.

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

1           "(b) (1) The authority may, at any time and from time  
2 to time, request that the committee authorize and approve the  
3 expenditure or appropriation of moneys on deposit in the  
4 Shoals Economic Development Fund, but solely for purposes  
5 authorized in subsection (c). Any such request may specify  
6 that such moneys shall be expended by, or appropriated  
7 directly or indirectly to, any of the following:

8           "a. The authority itself.

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

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

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

1           "(c) Subject to succeeding provisions of this  
2 subpart, including particularly, but without limitation, those  
3 provisions hereof respecting the investment of moneys held in  
4 and forming a part of the Shoals Economic Development Fund,  
5 and the management, use, and disposition of other properties,  
6 whether real or personal, tangible or intangible, contributed  
7 to such fund, all moneys held in and forming a part of the  
8 Shoals Economic Development Fund, whether such moneys may be  
9 characterized as either principal or income of such fund, may  
10 be expended or appropriated, and all other properties  
11 contributed to such fund may be used, only for the following  
12 purposes:

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

1 consumers of any such enterprise or enterprises, or the  
2 general public, technical, electronic, telephonic,  
3 telecommunications, and other similar services, including,  
4 without limitation, so-called "call centers", provided that  
5 substantially all the employees of any such enterprise  
6 employed at such new facility are engaged in providing such  
7 services.

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

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

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

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

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

24           "(7) To expend an equal match of up to five million  
25 dollars (\$5,000,000) which shall be expended for workforce  
26 training and economic development programs at the University  
27 of North Alabama.

1           "(d) Any moneys authorized, pursuant to this  
2 subpart, to be expended by either the authority or any other  
3 recipient shall, if not expended for the purpose or purposes  
4 approved by the committee, be promptly returned to and  
5 deposited into the Shoals Economic Development Fund.

6           "(e) It is the express intent of the Legislature  
7 that all expenditures of moneys at any time on deposit in the  
8 Shoals Economic Development Fund be made to promote the  
9 economic development of the citizens of each of the counties  
10 and every city or town therein, to create and provide for the  
11 creation of non-retail job opportunities that support salaries  
12 at or above the estimated entry wage per occupation, as  
13 established by the most recent wage survey of the State of  
14 Alabama, and to enable the committee and the participating  
15 governments to support (1) the establishment and promotion of  
16 business and industry in the Shoals area, (2) the development  
17 of trade and commerce in the Shoals area, (3) the furtherance  
18 of the use of the agricultural products and natural resources  
19 of the State of Alabama, and (4) the development and  
20 preservation of such resources. However, the Legislature  
21 recognizes and acknowledges that the authority and other  
22 potential recipients of moneys on deposit in the Shoals  
23 Economic Development Fund may be empowered by law to engage in  
24 activities, or to perform functions, for purposes that are  
25 different from, or that are unrelated to, the purposes for  
26 which such moneys are authorized by this subpart to be  
27 expended. It is therefore also the intent of the Legislature

1 that no moneys on deposit in the Shoals Economic Development  
2 Fund be expended by, or appropriated to, either the authority  
3 or any such other recipient for any purpose or project except  
4 those described in this subpart. Any expenditure or  
5 appropriation permitted by the preceding provisions of this  
6 section to be made out of moneys on deposit in the Shoals  
7 Economic Development Fund, and any such use of other  
8 properties contributed to any such fund, shall be deemed an  
9 expenditure or use, as the case may be, for a public purpose."

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