

1 SB121  
2 117937-8  
3 By Senators Barron, Little (T), Bedford, Keahey, Smitherman,  
4 Coleman, Little (Z), Benefield, Dunn, Sanders, Denton, Means,  
5 Mitchell, Mitchem, and Butler (Constitutional Amendment)  
6 RFD: Finance and Taxation General Fund  
7 First Read: 12-JAN-10

2  
3  
4 ENGROSSED

5  
6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 To propose an amendment to the Constitution of  
12 Alabama of 1901, to provide for a ten year road and bridge  
13 construction program to be funded with appropriations from the  
14 Alabama Trust Fund and to provide for a transfer of funds to  
15 the County and Municipal Government Capital Improvement Fund.  
16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

17 Section 1. The following amendment to the  
18 Constitution of Alabama of 1901, as amended, is proposed and  
19 shall become valid as a part thereof when approved by a  
20 majority of the qualified electors voting thereon and in  
21 accordance with Sections 284, 285, and 287 of the Constitution  
22 of Alabama of 1901, as amended:

23 PROPOSED AMENDMENT

24 Beginning in the fiscal year ending September 30,  
25 2011 and continuing through the fiscal year ending September  
26 30, 2020, the Legislature shall appropriate from the Alabama  
27 Trust Fund the amount of one hundred million dollars

1 (\$100,000,000) in each fiscal year, subject to the limitation  
2 in Section 4. The appropriation may be made in either the  
3 general appropriations act or a separate appropriations act,  
4 and the funds shall be distributed as provided in subdivisions  
5 1 and 2 below.

6 (1) Seventy-five percent of the appropriation from  
7 the Alabama Trust Fund shall be distributed to the Department  
8 of Transportation for construction, maintenance and repair of  
9 state and local highways, roads, and bridges and other  
10 transportation purposes to be further allocated as follows:

11 a. One million (\$1,000,000) of this amount shall be  
12 distributed to the Alabama Shortline Railroad Infrastructure  
13 Rehabilitation Fund established by Act No. 2008-382 in the  
14 2008 Regular Session. These funds shall be granted in a manner  
15 which will enhance economic development and growth by  
16 providing for the proper rehabilitation and upgrading of  
17 shortline railroads. In order to be eligible to receive grant  
18 funds from this allocation an eligible grantee must provide  
19 matching funds equal to 20% of the amount of the grant award  
20 which shall be allocated for the same purposes for which the  
21 grant is made.

22 b. A total of five million shall be expended in each  
23 congressional district in the state as these districts exist  
24 on the effective date of this amendment. For the fiscal year  
25 ending September 30, 2011 and 2012, the funds allocated to the  
26 fifth congressional district shall be further allocated to the  
27 Primary Study Area, including Redstone Arsenal as such area

1 was identified in the Tennessee Valley Regional Growth  
2 Coordination Plan of March 2009.

3 c. The remainder shall be expended as follows:

4 1. An amount equal to forty-five percent (45%)  
5 divided by 67 shall be expended in each county, subject to  
6 subsection c.

7 2. An amount equal to fifty-five percent (55%)  
8 divided on the basis of the ratio of the population of each  
9 county to the total population of the state according to then  
10 next preceding federal decennial census shall be expended in  
11 each county, subject to subsection c.

12 3. The Department of Transportation shall ensure  
13 that the expenditure requirement in subdivision (1) c. 1. and  
14 (1) c. 2. for each county are met during the 10-year life of  
15 the appropriations authorized in this amendment. The  
16 Department is not required to expend the funds as provided in  
17 subdivision (1)a. and b. on an annual basis but shall make an  
18 annual report of its expenditures to the Joint Transportation  
19 Committee or its successor.

20 (2) The remaining twenty-five (25%) shall be  
21 distributed to the counties and municipalities to be used for  
22 new construction and maintenance and repair. This amount shall  
23 be allocated as follows:

24 a. Forty-five percent (45%) shall be allocated  
25 equally among the sixty-seven counties of the state.

26 b. Fifty-five percent (55%) shall be allocated among  
27 the sixty-seven counties of the state on the basis of the

1 ratio of the population of each county to the total population  
2 of the state according to the then next preceding federal  
3 decennial census.

4 c. Ten percent of the total amount allocated to each  
5 county in accordance with subdivisions (2)a. and b. of this  
6 amendment shall be distributed among the municipalities within  
7 the county on the basis of the ratio of the population of each  
8 municipality to the total population of all municipalities in  
9 the county according to the then next preceding federal  
10 decennial census.

11 Section 2. In the awarding of contracts utilizing  
12 funds appropriated in this amendment, the Department of  
13 Transportation and the local governments may give preference  
14 to Alabama based companies which employ Alabama residents to  
15 the extent authorized by Alabama laws.

16 Section 3. Funds expended under Section 1 shall  
17 comply with the United States Department of Transportation's  
18 Disadvantaged Business Enterprise (DBE) Program.

19 Section 4. No part of any appropriation may be  
20 allotted if such allotment would cause the total capital of  
21 the Alabama Trust Fund as of the end of the previous fiscal  
22 year to fall below two billion dollars (\$2,000,000,000). For  
23 the purposes of this amendment total capital shall not include  
24 any amount that has been withdrawn from either the Education  
25 Trust Fund Rainy Day Account or the State General Fund Rainy  
26 Day Account and that has not been repaid to either account as  
27 of the end of the applicable fiscal year. In the event that an

1 amount less than \$100 million is allotted in any fiscal year  
2 pursuant to this amendment, the amount not allotted due to  
3 this limitation may be appropriated in a subsequent fiscal  
4 year.

5 Section 5. In order to compensate for the reduction  
6 in interest earnings to local governments due to the transfer  
7 of funds from the Alabama Trust Fund, the following additional  
8 transfers shall be made from the Alabama Trust Fund in each of  
9 the following fiscal years to be divided equally between the  
10 Municipal Government Capital Improvement Fund created in Code  
11 of Alabama 1975, Section 11-66-4 and the County Government  
12 Capital Improvement Fund created in Code of Alabama 1975,  
13 Section 11-29-4.

14 FY 2011 -- 1% of the amount appropriated for FY 2011

15 FY 2012 -- 1% of total amounts appropriated through  
16 2012

17 FY 2013 -- 1% of total amounts appropriated through  
18 2013

19 FY 2014 -- 1% of total amounts appropriated through  
20 2014

21 FY 2015 -- 1% of total amounts appropriated through  
22 2015

23 FY 2016 -- 1% of total amounts appropriated through  
24 2016

25 FY 2017 -- 1% of total amounts appropriated through  
26 2017

1                   FY 2018 -- 1% of total amounts appropriated through  
2                   2018

3                   FY 2019 -- 1% of total amounts appropriated through  
4                   2019

5                   FY 2020 -- 1% of total amounts appropriated through  
6                   2020

7                   Section 6. An election upon the proposed amendment  
8                   shall be held in accordance with Sections 284 and 285 of the  
9                   Constitution of Alabama of 1901, now appearing as Sections 284  
10                  and 285 of the Official Recompilation of the Constitution of  
11                  Alabama of 1901, as amended, and the election laws of this  
12                  state.

13                  Section 7. The appropriate election official shall  
14                  assign a ballot number for the proposed constitutional  
15                  amendment on the election ballot and shall set forth the  
16                  following description of the substance or subject matter of  
17                  the proposed constitutional amendment:

18                  "Proposing an amendment to the Constitution of  
19                  Alabama of 1901, as amended, relating to the Alabama Trust  
20                  Fund, to provide for the appropriation of funds in the Alabama  
21                  Trust Fund to be distributed for state and local  
22                  transportation purposes and to provide for funds for the  
23                  County and Municipal Government Capital Improvement Fund.

24                  "Proposed by Act \_\_\_\_\_."

25                  This description shall be followed by the following  
26                  language:

27                  "Yes ( ) No ( )."

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19

Senate

Read for the first time and referred to  
the Senate committee on Finance and Taxation Gen-  
eral Fund ..... 12-JAN-10

Read for the second time and placed on  
the calendar 1 amendment ..... 14-JAN-10

Read for the third time and passed as  
amended ..... 11-MAR-10

Yeas 25  
Nays 10

McDowell Lee  
Secretary