

1 SB121
2 108881-6
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

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8 SYNOPSIS: This bill would propose an amendment to the
9 Constitution of Alabama of 1901, to provide for a
10 ten year road and bridge construction program to be
11 funded with appropriations from the Alabama Trust
12 Fund and to provide for a transfer of funds to the
13 County and Municipal Government Capital Improvement
14 Fund.

15
16 A BILL
17 TO BE ENTITLED
18 AN ACT
19

20 To propose an amendment to the Constitution of
21 Alabama of 1901, to provide for a ten year road and bridge
22 construction program to be funded with appropriations from the
23 Alabama Trust Fund and to provide for a transfer of funds to
24 the County and Municipal Government Capital Improvement Fund.
25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. The following amendment to the
27 Constitution of Alabama of 1901, as amended, is proposed and

1 shall become valid as a part thereof when approved by a
2 majority of the qualified electors voting thereon and in
3 accordance with Sections 284, 285, and 287 of the Constitution
4 of Alabama of 1901, as amended:

5 PROPOSED AMENDMENT

6 Beginning in the fiscal year ending September 30,
7 2011 and continuing through the fiscal year ending September
8 30, 2020, the Legislature shall appropriate from the Alabama
9 Trust Fund the amount of one hundred million dollars
10 (\$100,000,000) in each fiscal year. The appropriation may be
11 made in either the general appropriations act or a separate
12 appropriations act, and the funds shall be distributed as
13 provided in subdivisions 1 and 2 below. Not less than
14 twenty-five percent of this amount shall be used for
15 maintenance and repairs.

16 (1) Seventy-five percent of the appropriation from
17 the Alabama Trust Fund shall be distributed to the Department
18 of Transportation for state highways, roads, and bridges and
19 other transportation purposes to be further allocated as
20 follows:

21 a. At least five million (\$5,000,000) of this amount
22 shall be used in each congressional district in this state as
23 these districts exist on the effective date of this amendment.
24 For the fiscal year ending September 30, 2011 and 2012, the
25 funds allocated to the Fifth Congressional district shall be
26 further allocated to the City of Huntsville for infrastructure

1 supporting the growth and expansion related to the Defense
2 Base Closure and Realignment Commission (BRAC).

3 b. One million (\$1,000,000) of this amount shall be
4 distributed to the Alabama Shortline Railroad Infrastructure
5 Rehabilitation Fund established by Act No. 2008-382 in the
6 2008 Regular Session. These funds shall be granted in a manner
7 which will enhance economic development and growth by
8 providing for the proper rehabilitation and upgrading of
9 shortline railroads. In order to be eligible to receive grant
10 funds from this allocation an eligible grantee must provide
11 matching funds equal to 20% of the amount of the grant award
12 which shall be allocated for the same purposes for which the
13 grant is made.

14 (2) The remaining twenty-five (25%) shall be
15 distributed to the counties and municipalities to be used for
16 new construction and maintenance and repair. This amount shall
17 be allocated as follows:

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

20 b. Fifty-five percent (55%) shall be allocated among
21 the sixty-seven counties of the state on the basis of the
22 ratio of the population of each county to the total population
23 of the state according to the then next preceding federal
24 decennial census.

25 c. Ten percent of the total amount allocated to each
26 county in accordance with subdivisions (2)a. and b. of this
27 amendment shall be distributed among the municipalities within

1 the county on the basis of the ratio of the population of each
2 municipality to the total population of all municipalities in
3 the county according to the then next preceding federal
4 decennial census except that in the fiscal year ending
5 September 30, 2011 and 2012, any funds allocated to Madison
6 County under subsection (a) and (b) shall be further allocated
7 to the City of Huntsville for infrastructure supporting the
8 growth and expansion related to the Defense Base Closure and
9 Realignment Commission (BRAC).

10 Section 2. In order to compensate for the reduction
11 in interest earnings to local governments due to the transfer
12 of funds from the Alabama Trust Fund, the following additional
13 transfers shall be made from the Alabama Trust Fund in each of
14 the following fiscal years to be divided equally between the
15 Municipal Government Capital Improvement Fund created in Code
16 of Alabama 1975, Section 11-66-4 and the County Government
17 Capital Improvement Fund created in Code of Alabama 1975,
18 Section 11-29-4.

19 FY 2011 - \$1 million

20 FY 2012 - \$2 million

21 FY 2013 - \$3 million

22 FY 2014 - \$4 million

23 FY 2015 - \$5 million

24 FY 2016 - \$6 million

25 FY 2017 - \$7 million

26 FY 2018 - \$8 million

27 FY 2019 - \$9 million

1 FY 2020 and each fiscal year thereafter - \$10
2 million.

3 Section 3. An election upon the proposed amendment
4 shall be held in accordance with Sections 284 and 285 of the
5 Constitution of Alabama of 1901, now appearing as Sections 284
6 and 285 of the Official Recompilation of the Constitution of
7 Alabama of 1901, as amended, and the election laws of this
8 state.

9 Section 4. The appropriate election official shall
10 assign a ballot number for the proposed constitutional
11 amendment on the election ballot and shall set forth the
12 following description of the substance or subject matter of
13 the proposed constitutional amendment:

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

20 "Proposed by Act _____."

21 This description shall be followed by the following
22 language:

23 "Yes () No ()."