

1 SB86
2 188072-2
3 By Senators Dial, Allen, Holley, Whatley, Beasley and
4 Livingston
5 RFD: Transportation and Energy
6 First Read: 09-JAN-18

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 To provide for the establishment and incorporation
12 of the Alabama Road and Bridge Rehabilitation and Improvement
13 Authority; to establish the ATRIP-II Projects Special Fund; to
14 provide that the authority may issue bonds in an aggregate
15 principal amount not exceeding \$2,450,000,000, of which
16 \$1,250,000,000 thereof shall be issued to finance county and
17 municipal road and bridge rehabilitation and improvement
18 projects and the balance thereof issued to finance state road
19 and bridge rehabilitation and improvement projects, and to
20 provide for the use of any proceeds from any new levy of
21 gasoline and diesel fuel excise taxes and fees appropriated,
22 allocated or made payable to the authority in whole or in part
23 by an act of the Legislature to pay debt service on such bonds
24 and other obligations issued to provide funds for Alabama
25 Transportation Rehabilitation and Improvement (ATRIP) Projects
26 and Alabama State Department of Transportation Projects (as
27 defined herein) and to pay the costs of such projects and the

1 expense of issuing such bonds and other obligations; to
2 provide for additional duties of the ATRIP Committee
3 heretofore established in respect of county and municipal road
4 and bridge rehabilitation and improvement projects to be
5 financed by the authority; to provide procedures for the
6 proposal to the authority by the State Department of
7 Transportation of road and bridge improvement projects to be
8 financed with proceeds of the bonds authorized to be issued
9 hereby; and to provide that the authority may issue refunding
10 bonds to prepay and retire any bonds and other obligations of
11 the authority.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. It is the intention of the Legislature by
14 the passage of this act to authorize the incorporation of the
15 Alabama Road and Bridge Rehabilitation and Improvement
16 Authority for the purposes of establishing a program for
17 financing the rehabilitation and improvement of roads and
18 bridges throughout the state by the issuance of the
19 obligations of such corporation, which shall not be debts of
20 the State of Alabama but shall be payable solely from proceeds
21 from any new levy of gasoline and diesel fuel excise taxes and
22 fees appropriated, allocated and made payable in whole or in
23 part to the authority by an act of the Legislature, and to
24 provide for the use of the proceeds of any such taxes and fees
25 not needed for payment of debt service on such obligations for
26 the purposes set out herein.

1 Section 2. Definitions. When used in this act, the
2 following words and phrases shall have the following
3 respective meanings unless the context clearly indicates
4 otherwise:

5 (1) ALDOT. The State Department of Transportation
6 provided for in Section 23-1-20, Code of Alabama 1975, as
7 amended.

8 (2) ALDOT PROJECTS. Road and Bridge Rehabilitation
9 and Improvement Projects submitted to the authority for
10 funding in accordance with the provisions of Section 12.

11 (3) ALDOT PROJECTS SPECIAL FUND. A special fund in
12 the State Treasury entitled the "State Department of
13 Transportation Road and Bridge Rehabilitation and Improvement
14 Program Fund" which shall be held by the State Treasurer, as
15 custodian therefor, and applied solely as provided in this
16 act.

17 (4) ATRIP COMMITTEE. The Alabama Transportation
18 Rehabilitation and Improvement Program Committee established
19 pursuant to Section 23-1-435, Code of Alabama 1975, as
20 amended.

21 (5) ATRIP SUPPLEMENTAL MUNICIPAL ALLOCATION
22 COMMITTEE. The ATRIP Supplemental Municipal Allocation
23 Committee established pursuant to the provisions of subsection
24 (b) of Section 8.

25 (6) ATRIP-II PROJECTS. County and municipal road and
26 bridge rehabilitation and improvement projects submitted to
27 and received by the ATRIP Committee or the ATRIP Supplemental

1 Municipal Allocation Committee pursuant to the provisions of
2 Section 8 for funding in accordance with the provisions of
3 this act.

4 (7) ATRIP-II PROJECTS SPECIAL FUND. A special fund
5 in the State Treasury entitled the "ATRIP-II Projects Special
6 Fund" which shall be held by the State Treasurer, as custodian
7 therefor, and applied solely as provided in this act.

8 (8) AUTHORITY. The Alabama Road and Bridge
9 Rehabilitation and Improvement Authority, a public corporation
10 and instrumentality of the state authorized to be organized
11 under the provisions of this act.

12 (9) BOARD OF DIRECTORS. The board of directors of
13 the authority.

14 (10) BONDS. Any bonds, authorized to be issued
15 pursuant to the provisions of this article including refunding
16 bonds as herein authorized.

17 (11) CORPORATION. The Authority.

18 (12) NET PROCEEDS. The entire proceeds from a new
19 levy of gasoline and diesel fuel excise taxes and fees less
20 the cost of collection and less any refunds thereof; and with
21 reference to bonds or other obligations issued and sold by the
22 Authority, the aggregate principal amount thereof less costs
23 of issuance and discount, if any, plus original issue premium,
24 if any.

25 (13) OBLIGATIONS. Any bonds, temporary bonds or
26 notes authorized to be issued by the Authority.

1 (14) PLEDGED TAXES. That portion of any new levy of
2 gasoline or diesel fuel excise taxes and fees pledged hereby
3 or pursuant hereto for the payment of bonds and other
4 obligations of the authority.

5 (15) PROJECT COSTS. As applied to any road and
6 bridge rehabilitation and improvement project, all costs of
7 construction or acquisition of any part thereof, including,
8 but without limitation to, the costs of supervising,
9 inspecting and constructing any such project and all costs and
10 expenses incidental thereto, the costs of locating, surveying
11 and mapping, resurfacing, restoration and rehabilitation,
12 acquisition of rights-of-way, and improvements which directly
13 facilitate and control traffic flow, including grade
14 separation of intersections, widening of lanes, channelization
15 of traffic, and traffic-control systems.

16 (16) ROAD AND BRIDGE REHABILITATION AND IMPROVEMENT
17 PROJECTS. Projects for the rehabilitation, repair,
18 improvement, construction or replacement of roads and bridges
19 in the state, the costs of which may be paid through the
20 issuance of bonds by the Authority or with proceeds from any
21 new levy of gasoline and diesel fuel excise taxes and fees
22 appropriated, allocated, or made payable in whole or in part
23 to the Authority pursuant to an act of the Legislature.

24 (17) REFUNDING BONDS. Bonds issued to refund or
25 prepay outstanding bonds and other obligations of the
26 Authority.

27 (18) STATE. The State of Alabama.

1 (19) SUPPLEMENTAL ALLOCATION MUNICIPAL ATRIP-II
2 PROJECTS. ATRIP-II projects for payment of the costs of road
3 and bridge rehabilitation and improvement projects to be
4 undertaken within the corporate limits and police
5 jurisdictions of municipalities in the state submitted by
6 municipalities to the ATRIP Supplemental Municipal Allocation
7 Committee pursuant to the provisions of paragraph (2) of
8 subsection (b) of Section 8.

9 Section 3. (a) (1) The Legislature finds that it is
10 necessary, desirable, and in the public interest to authorize
11 the creation of a public corporation to issue bonds or other
12 obligations for the purpose of providing funds to pay the
13 costs of road and bridge rehabilitation and improvement
14 projects in the state. The authority to be created as provided
15 in this section shall be authorized to pledge proceeds from
16 any new levy of gasoline and diesel fuel excise taxes and fees
17 appropriated, allocated or made payable in whole or in part to
18 the authority by an act of the Legislature, for the payment of
19 its bonds and other obligations. The proceeds to be pledged
20 and applied as herein provided shall be the sole source of
21 payment for such bonds and other debt obligations, and to the
22 extent not needed for such purpose, shall be used as provided
23 for road and bridge rehabilitation and improvement projects as
24 provided for in this act.

25 (2) a. To become a public corporation and
26 instrumentality of the State of Alabama, the State Treasurer,
27 the State Finance Director, the Director of the ALDOT, a

1 currently-serving Alabama county commissioner appointed by the
2 Speaker of the House of Representatives, and a
3 currently-serving mayor of an Alabama city or town appointed
4 by the President Pro Tempore of the Senate, shall, prior to
5 July 1, 2018, present to the Office of the Secretary of State
6 an application setting forth all of the following:

7 1. The name, official designation, and official
8 residence of each applicant with, for elected applicants, a
9 certified copy of the commission evidencing the applicant's
10 right to office, and, for appointed applicants, a certified
11 copy of the document or instrument of appointment of the
12 applicant.

13 2. The name of the proposed public corporation that
14 shall be the Alabama Road and Bridge Rehabilitation and
15 Improvement Authority.

16 3. The location of the principal office of the
17 proposed public corporation, that shall be in the City of
18 Montgomery, Alabama.

19 4. Any other matter the applicants may choose to
20 include that is not inconsistent with this act or the other
21 laws of the State of Alabama.

22 b. The application shall be subscribed and sworn to
23 by each of the applicants before an officer authorized by the
24 laws of the State of Alabama to take acknowledgements to
25 deeds. If the Secretary of State shall find the application
26 substantially complies with this section, the Secretary shall
27 record the same in an appropriate book of records in the

1 office thereof, whereupon the applicants shall constitute a
2 public corporation and instrumentality of the State of Alabama
3 under the name stated in the application, and the Secretary of
4 State of Alabama shall issue a certificate of incorporation
5 under the Great Seal of the State of Alabama and shall record
6 the certificate with the application.

7 (3) The authority is immune from suit to the same
8 extent as the State of Alabama. The directors, employees,
9 members, and officers of the authority are immune from suit in
10 accordance with Section 36-1-12, Code of Alabama 1975, as
11 amended.

12 (4) a. The applicants named in the application shall
13 constitute the initial members of the authority and the
14 initial board of directors of the authority. The respective
15 successors in office of the State Treasurer, the State Finance
16 Director and the Director of the ALDOT, by virtue thereof,
17 shall serve as ex officio members of the authority and
18 directors of the authority. The appointed members and
19 directors of the authority shall each serve for four-year
20 terms expiring on the later of June 30 four years after the
21 appointment thereof or until a successor is appointed by the
22 President Pro-Tempore of the Senate or Speaker of the House of
23 Representatives, as appropriate, pursuant to the same
24 appointment method provided for in subdivision (2). Any
25 vacancy in a directorship held by an appointed director shall
26 be filled in the same manner within 60 days of such vacancy
27 for the unexpired term applicable to such vacancy. Each

1 appointed director shall reside within the State of Alabama
2 and may be reappointed for successive terms. No director shall
3 draw any salary or other compensation for any service rendered
4 or duty performed as a director. An appointed director may be
5 removed from office as a director by the official appointing
6 such director for any of the causes specified in Section 173,
7 or any successor provision, of the Constitution of Alabama of
8 1901, as amended.

9 b. The authority shall be governed by its board of
10 directors and all powers of the authority shall be exercised
11 by the board of directors or pursuant to its authorization.
12 The Director of the ALDOT shall be the president of the
13 authority, the State Finance Director shall be the
14 vice-president of the authority and the State Treasurer shall
15 be the secretary of the authority. A majority of the directors
16 shall constitute a quorum for the transaction of business. All
17 proceedings and minutes of meetings of the board of directors
18 shall be reduced to writing, signed by the president or
19 vice-president of the authority and a majority of directors
20 present at such proceedings and meetings, and recorded in the
21 Office of the Secretary of State. Such proceedings and
22 minutes, when certified by the secretary of the authority,
23 shall be received in all courts as prima facie evidence of the
24 matters therein certified.

25 (5) The authority shall have all rights, authority
26 and powers granted thereto in this act and all rights,
27 authority and powers granted by the laws of the State of

1 Alabama to public and private corporations that are not in
2 conflict with the public purposes of this act, including,
3 without limitation, the authority and power:

4 a. To have succession by its corporate name until
5 dissolved as provided in this act.

6 b. To institute and defend legal actions, provided
7 the authority, and the directors, agents, employees and
8 members thereof, acting on behalf of the authority, may not be
9 sued in any circuit court other than the courts of the county
10 in which is located the principal office of the authority.

11 c. To adopt bylaws and regulations consistent with
12 this act and to adopt and use a corporate seal.

13 d. To sell and issue its bonds and other obligations
14 to finance payment of the costs of ATRIP-II projects and
15 payment of the costs of ALDOT projects, payable from the
16 sources, and on the terms, as provided in this act, and to
17 sell and issue refunding bonds as provided in this act.

18 e. To pledge any proceeds from any new levy of
19 gasoline and diesel fuel excise taxes and fees to be made
20 available and appropriated to the authority as the sole source
21 of payment of, and security for, the bonds and other
22 obligations of the authority.

23 f. To provide for and obtain credit ratings for
24 bonds and other obligations of the authority as well as credit
25 enhancement and supplemental security therefor, including
26 insurance policies, guaranties, letters of credit, surety
27 bonds and similar instruments.

1 g. To enter into and perform such agreements,
2 contracts, indentures, instruments, mortgages, and security
3 agreements, as shall be necessary or desirable to provide for
4 the issuance and security of bonds of the authority, to
5 exercise any authority or power of the authority, or to carry
6 out any public purpose of the authority.

7 h. To acquire, by devise, gift, lease, purchase, or
8 otherwise, hold, and convey, with or without consideration, to
9 the State of Alabama and to any political subdivision, public
10 body, or public corporation in the State of Alabama, tangible
11 and intangible property of any description.

12 i. To appoint, contract with, employ, and provide
13 for the compensation, without competitive bid, of accountants,
14 attorneys, architects, consultants, engineers, financial
15 advisors, investment bankers, trustees, and underwriters as
16 the authority determines to be necessary or desirable for the
17 business of the authority. The authority shall hire or
18 contract with attorneys, fiscal or financial advisors,
19 trustees, paying agents, investment bankers, banks, and
20 underwriters that reflect the racial and ethnic diversity of
21 the state. A report of all persons or companies hired by the
22 authority shall be submitted to the Governor, the President
23 Pro Tempore of the Senate, the Speaker of the House of
24 Representatives, the Senate Minority Leader, and the House of
25 Representatives Minority Leader on a quarterly basis.

26 j. To provide for insurance as the directors
27 determine to be necessary or desirable.

1 k. As security for payment of the principal of and
2 the interest on its bonds, to pledge any funds or revenues
3 from which its bonds may be made payable and to arrange for
4 and provide such additional security for its bonds, including
5 letters of credit, bond insurance policies, surety bonds and
6 the like, as the board of directors shall determine to be
7 necessary or desirable;

8 1. To borrow money and issue its bonds in evidence
9 thereof subject to the provisions of this article.

10 Section 4. (a) Bonds of the authority shall:

11 (1) Be solely and exclusively limited obligations of
12 the authority payable solely from and secured by a pledge of
13 the amounts of the proceeds from any new levy of gasoline and
14 diesel fuel excise taxes and fees appropriated, allocated, or
15 made payable to the authority by or pursuant to an act of the
16 Legislature, and shall never constitute or give rise to a
17 general obligation of the authority or an indebtedness,
18 obligation, pecuniary liability, or charge against the general
19 credit or taxing powers of the State of Alabama or any
20 political subdivision thereof or therein.

21 (2) Be construed to be negotiable instruments,
22 although payable solely from a specified source.

23 (3) Be signed by the president or vice-president of
24 the authority and attested by the secretary under the seal of
25 the authority affixed thereto, provided that facsimiles of the
26 signatures of such officers may be reproduced on such bonds in
27 lieu of manual signatures.

1 (4) Be issued from time to time or at any time as
2 the authority shall determine, in an aggregate principal
3 amount not exceeding, not including refunding bonds, two
4 billion four hundred fifty million dollars (\$2,450,000,000),
5 of which one billion two hundred fifty million dollars
6 (\$1,250,000,000) thereof shall be for payment of costs of
7 ATRIP-II projects and expenses of issuance of the bonds and
8 one billion two hundred million dollars (\$1,200,000,000)
9 thereof shall be for payment of costs of ALDOT projects and
10 expenses of issuance of the bonds, in such series, forms and
11 denominations, of such maturities as shall not exceed 15 years
12 from the dated date of each thereof, bearing such fixed or
13 variable rates of interest, being subject to redemption, and
14 containing such other terms and provisions as shall be
15 approved by the Board of Directors of the authority.

16 (5) Be sold at public or private negotiated sale.

17 (6) Be a legal investment for all governmental
18 entities, political subdivisions and public corporations in
19 the State of Alabama, and administrators, executors,
20 guardians, persons, or organizations acting in a fiduciary
21 capacity unless otherwise directed by a court of competent
22 jurisdiction.

23 (b) The authority shall be authorized to sell and
24 issue its refunding bonds for the purpose of refunding,
25 redeeming, paying and retiring any matured or unmatured bonds
26 or other obligations of the authority then outstanding, which
27 refunding bonds may be issued at such times, and in such

1 series, forms denominations and aggregate principal amounts as
2 the authority shall determine, the proceeds remaining after
3 paying the expenses of their issuance shall be used only for
4 such purposes set forth above in this subsection (b) and to
5 pay any premium that may be necessary to be paid in order to
6 redeem, pay or retire the bonds or other obligations of the
7 authority to be refunded.

8 Section 5. For the benefit of the State of Alabama
9 and the citizens thereof, there is hereby created a special
10 fund in the State Treasury entitled the "ATRIP-II Projects
11 Special Fund" which shall be held by the State Treasurer, as
12 custodian therefor, and applied solely as provided in this
13 act. There shall be deposited in the ATRIP-II Projects Special
14 Fund, when and as received, one-half of all net proceeds from
15 any new levy of gasoline and diesel fuel excise taxes and fees
16 appropriated, allocated or made payable in whole or in part to
17 the Authority by an act of the Legislature. No other funds
18 from any source shall be deposited in, or credited to, the
19 ATRIP-II Projects Special Fund. All amounts on deposit in, or
20 credited to, the ATRIP-II Projects Special Fund shall be
21 invested as permitted for funds of the State of Alabama, and
22 all earnings, income and profits therefrom shall be held in
23 the ATRIP-II Projects Special Fund and applied solely for the
24 purposes thereof as provided in this act. The amounts on
25 deposit in the ATRIP-II Projects Special Fund shall be
26 applied, and are hereby solely for the following purposes and
27 in the following order:

1 (1) First, as directed by the authority in each
2 fiscal year such amounts at such times as shall be sufficient,
3 with other funds available to the authority therefor, to
4 provide for the due and punctual payment in full of all
5 principal of, premium, if any, and interest on all bonds and
6 other obligations of the authority at any time outstanding (i)
7 which shall have become due and payable and which shall not
8 have theretofore been paid, in a prior fiscal year, and (ii)
9 which shall become due and payable in such fiscal year.

10 (2) Second, to pay the annual costs, if any, of
11 administering the ATRIP-II Projects Special Fund.

12 (3) Thereafter, all remaining moneys in the ATRIP-II
13 Projects Special Fund shall be further distributed as provided
14 in subsection (a) of Section 13 of this act and expended only
15 as provided in that section. Thus, when all bonds and other
16 obligations of the authority shall have been paid in full and
17 in accordance with the terms thereof and of the documents
18 under which those bonds and other obligations were issued, all
19 moneys remaining each year in the ATRIP-II Projects Special
20 Fund shall be applied and distributed as provided in
21 subsection (a) of Section 13 of this act.

22 Section 6. (a) Any moneys, including proceeds of the
23 authority's bonds, allocated to counties and municipalities
24 pursuant to this act shall be in addition to and shall not
25 diminish any other revenues allocated or distributed from any
26 other source.

1 (b) (1) The net proceeds of bonds and other
2 obligations, other than refunding bonds, issued by the
3 authority, being the proceeds realized upon sale of such bonds
4 after payment therefrom of all expenses, ratings fees, credit
5 enhancement fees, and similar costs of issuance thereof, plus
6 premium, if any, shall be deposited in the State Treasury and
7 disbursed as provided in the proceedings under which such
8 bonds or obligations shall have been issued and as provided in
9 this act. The authority shall establish procedures to account
10 for each county's and each municipality's portion of the net
11 proceeds of the authority's bonds and other obligations. Each
12 county and municipality shall obtain the benefit of such
13 proceeds of bonds and other obligations of the authority only
14 in accordance with this act and the proceedings under which
15 such bonds or obligations shall have been issued and shall
16 apply and use such proceeds only for the purposes and as
17 provided in this act.

18 (2) The authority shall sell and issue its bonds and
19 other obligations at such times and in such aggregate
20 principal amounts so as to ensure that, when all of the bonds
21 herein authorized to be issued pursuant to subsection (a) of
22 Section 4 of this act, other than refunding bonds, for the
23 purpose of paying the costs of county and municipal road and
24 bridge improvement and rehabilitation projects, other than
25 those bonds and other obligations issued for the purpose of
26 paying the costs of Supplemental Allocation Municipal ATRIP-II

1 projects, have been issued, the remaining shall be allocated
2 as follows:

3 a. Twenty percent (20%) of the aggregate net
4 proceeds of the authority's aforesaid bonds for the purpose of
5 paying the costs of county and municipal road and bridge
6 improvement and rehabilitation projects as hereinabove
7 provided, i.e., other than those of such proceeds allocated
8 for Supplemental Allocation Municipal ATRIP-II projects, shall
9 be allocated for distribution among the municipalities in the
10 state on the basis of the ratio of the population of each
11 municipality to the total population of all the municipalities
12 in the state according to the 2010 federal decennial census.

13 b. Eighty percent (80%) of the aggregate net
14 proceeds, shall be distributed as follows:

15 1. 45.45 percent thereof shall be allocated for
16 distribution for payment of the costs of road and bridge
17 improvement and rehabilitation projects equally among the 67
18 counties of the state; and

19 2. 54.55 percent thereof shall be allocated for
20 distribution for payment of the costs of road and bridge
21 improvement and rehabilitation projects among the 67 counties
22 of the state on the basis of the ratio of the population of
23 each county to the total population of the state according to
24 the 2010 federal decennial census.

25 Section 7. Notwithstanding any other law or
26 provision of this act to the contrary, no county or
27 municipality receiving any proceeds of bonds or other

1 obligations issued by the authority under this act payable
2 from the pledged taxes and fees shall have any obligation,
3 direct, indirect, or contingent, for the repayment of any of
4 the proceeds so received, or for payment of any interest
5 thereon, to the authority or the State of Alabama or any
6 agency, department or instrumentality thereof.

7 Section 8. (a) (1) In order to assist in carrying out
8 of the purposes of this act and to provide for the repair,
9 maintenance, improvement, replacement, and construction of
10 county and municipal roads and bridges infrastructure under
11 the procedures and requirements set forth herein, the ATRIP
12 Committee created pursuant to Section 23-1-435, Code of
13 Alabama 1975, as amended, is hereby permanently established,
14 any provision of Section 23-1-435, Code of Alabama 1975 to the
15 contrary notwithstanding. Except for Supplemental Allocation
16 Municipal ATRIP-II projects applications for the review of
17 which are required to be made to the ATRIP Supplemental
18 Municipal Allocation Committee pursuant to subsection (2) of
19 this section, the ATRIP Committee is hereby charged with
20 reviewing all ATRIP-II projects for funding through the
21 issuance of bonds and other debt obligations issued by the
22 authority, applications to the ATRIP Committee for review of
23 which are made by counties and municipalities in the state
24 pursuant to procedures developed and adopted by the ATRIP
25 Committee and that meet the criteria for funding as set forth
26 in subsection (a) of Section 9 or subsection (a) of Section 10
27 of this act.

1 (2) ATRIP-II projects, applications for the review
2 of which are made to the ATRIP Committee and that fall within
3 the aforesaid criteria, shall be certified to the authority
4 from time to time by the Chair of the ATRIP Committee, and
5 thereafter the costs of the certified ATRIP-II projects shall
6 be eligible for financing through the issuance by the
7 authority of its bonds or other obligations allocated by the
8 authority for such ATRIP-II projects as authorized hereby in
9 an aggregate principal sum not exceeding one billion two
10 hundred million dollars (\$1,200,000,000).

11 (b) (1) There is hereby created the ATRIP
12 Supplemental Municipal Allocation Committee which is hereby
13 charged with reviewing all Supplemental Allocation Municipal
14 ATRIP-II projects. The Committee shall consist of three
15 members appointed by the Governor, one of whom shall be the
16 Director of the ALDOT who shall serve as the chair of the
17 Committee, three members appointed by the Alabama League of
18 Municipalities, each of whom shall be the mayor of an Alabama
19 municipality, one member appointed by the Speaker of the House
20 of Representatives, and one member appointed by the President
21 Pro Tempore of the Senate. The appointing authorities shall
22 coordinate their appointments to assure the Committee
23 membership is inclusive and reflects the racial, gender,
24 geographic, urban, rural, and economic diversity of the state.
25 All members of the ATRIP Supplemental Municipal Allocation
26 Committee shall be appointed not later than June 1, 2018, and
27 each shall serve until his or her successor is appointed.

1 (2) Any application for the review of Supplemental
2 Allocation Municipal ATRIP-II projects submitted by
3 municipalities in the state to the ATRIP Supplemental
4 Municipal Allocation Committee shall be identified as such in
5 the application and submitted separate and apart from
6 applications made by municipalities for other ATRIP-II
7 projects. Such applications may also include calculations of
8 the differences in funding allocations for bond proceeds for
9 municipal ATRIP-II projects that have been or will be affected
10 by the different ways in which moneys for municipal ATRIP-II
11 projects are allocated pursuant to this act from the method by
12 which moneys had been allocated among municipalities pursuant
13 to the original ATRIP program. It is the intent of the
14 Legislature that the ATRIP Supplemental Municipal Allocation
15 Committee review and take into account the calculations of
16 such differences in prioritizing certifications of
17 Supplemental Allocation Municipal ATRIP-II projects to the
18 Authority. Upon review of applications for Supplemental
19 Allocation Municipal ATRIP-II projects by the ATRIP
20 Supplemental Municipal Allocation Committee, the projects that
21 meet the criteria for funding as set forth in subsection (a)
22 of Section 10 of this act may be certified by the chair of the
23 Committee to the authority as eligible for financing through
24 the issuance by the authority of its bonds or other
25 obligations allocated by the authority for Supplemental
26 Allocation Municipal ATRIP-II projects, up to an aggregate
27 amount of the costs of all such projects proposed to be paid

1 with proceeds of the bonds to be issued by the authority
2 pursuant to this act not exceeding the aggregate principal sum
3 of fifty million dollars (\$50,000,000). Supplemental
4 Allocation Municipal ATRIP-II projects, applications for the
5 review of which are made to the ATRIP Supplemental Municipal
6 Allocation Committee and that fall within the aforesaid
7 criteria, shall be certified to the Authority from time to
8 time by the Chair of the ATRIP Supplemental Municipal
9 Allocation Committee, and thereafter the costs of the
10 certified ATRIP-II projects shall be eligible for financing
11 through the issuance by the authority of its bonds or other
12 obligations allocated by the authority for Supplemental
13 Allocation Municipal ATRIP-II projects as authorized hereby.

14 (c) In reviewing projects submitted for funding
15 pursuant to the provisions of this section, the ATRIP
16 Committee and the ATRIP Supplemental Municipal Allocation
17 Committee shall appraise and consider information that shall
18 be submitted by counties and municipalities in their
19 applications with respect to those projects concerning their
20 hiring or contracting with businesses or individuals in
21 carrying out such projects which reflect the racial and ethnic
22 diversity of the state. A report on the hiring and contracting
23 information so submitted by counties and municipalities shall
24 be distributed annually to the Governor, the Senate President
25 Pro Tempore, the Speaker of the House of Representatives, the
26 Senate Minority Leader, and the House of Representatives

1 Minority Leader no later than October 1 of each year,
2 beginning on October 1, 2019.

3 Section 9. (a) Not more than one billion two hundred
4 fifty million dollars (\$1,250,000,000) of the proceeds of the
5 aggregate principal amount of bonds that the authority is
6 hereby authorized in this act to sell and issue shall be
7 utilized for the purpose of paying costs of ATRIP-II projects
8 certified to the authority as provided in Section 8 of this
9 act and to pay the costs of issuance of said bonds. Net
10 proceeds of the sale by the authority of its bonds and other
11 obligations of the authority authorized hereby and issued to
12 pay the costs of county ATRIP-II projects shall be deposited,
13 once allocated for distribution, into a separate fund in the
14 State Treasury to be maintained for the respective benefit of
15 each distributee county and disbursed therefrom only in
16 accordance with procedures therefor adopted by the Board of
17 Directors of the authority, and pursuant to the proceedings
18 under which the bonds and obligations are issued, and shall be
19 utilized for any or all of the following purposes:

20 (1) To replace or repair county bridges which meet
21 all of the following criteria:

22 a. Are posted for traffic below the maximum legal
23 weight limit.

24 b. Have a sufficiency rating of 50 or less on the
25 then current ALDOT bridge inventory.

26 c. Have an average daily traffic count of 200 or
27 more vehicles.

1 (2) To repair or improve any major collectors that
2 are not scheduled as a federal project within two years of the
3 effective date of this act and have not been resurfaced or
4 otherwise significantly rehabilitated since 2000, which
5 projects may include the repair or improvement of a major
6 collector that is partially located within a municipality that
7 has a population of 800 or less according to the 2010 federal
8 decennial census, provided the county in which such
9 municipality is located shall be repairing or improving all or
10 a portion of the major collector that is immediately adjacent
11 to the corporate limits of the municipality on one or both
12 sides and lies along an unincorporated area of the county.

13 (3) To repair or improve any other county-maintained
14 roads with an average daily traffic count of 200 or above and
15 a grade, if graded by the ALDOT, of 75 or below and, after
16 such repairs or improvements are made, to repair and improve
17 other county-maintained roads.

18 (4) To provide matching funds for federal road or
19 bridge projects in the county; provided, however, that no more
20 than 20 percent of such proceeds allocated to a county shall
21 be used for matching purposes.

22 (5) With the consent of the municipalities located
23 in the county, to provide funds for the maintenance,
24 improvement, or replacement of municipally-maintained roads
25 and bridges.

26 (6) To provide funds for joint road or bridge
27 projects with one or more municipalities in the county

1 pursuant to any agreement executed under the authority of
2 state law.

3 (b) Any county ATRIP-II project utilizing proceeds
4 of bonds and other obligations of the authority for road or
5 bridge maintenance, improvement, replacement, or construction,
6 on roads or bridges shall be designed in a manner consistent
7 with the standards for low volume roads as established in the
8 County Road Design Policy for Low Volume Roads as recommended
9 by the Association of County Commissions of Alabama and
10 adopted by the ALDOT.

11 (c) Counties may not utilize any allocated proceeds
12 of bonds and other obligations of the authority for any of the
13 following purposes except in accordance with generally
14 accepted accounting principles for job cost accounting or
15 federal cost allocation regulations:

16 (1) Salaries, benefits, or any other form of
17 compensation for county or contract employees or for county or
18 municipal officials.

19 (2) The purchase, lease, or maintenance of
20 equipment.

21 (3) The maintenance or construction of public
22 buildings or other structures that are not roads or bridges.

23 (d) All proceeds of bonds and other obligations of
24 the authority allocated and distributed to or for the benefit
25 of counties pursuant to this act shall be audited by the
26 Examiners of Public Accounts in the same manner as all other
27 county funds.

1 (e) At its first meeting held in October 2018, and
2 in each October thereafter, the county commission of each
3 county shall adopt an annual ATRIP-II Plan for the then
4 current fiscal year, which plan shall be approved by
5 affirmative vote of a majority of the members of the county
6 commission. The plan shall include only ATRIP-II projects
7 authorized in this section for the benefit of the county. The
8 plan shall be based upon an estimate of the proceeds of the
9 authority's bonds or other obligations anticipated to be
10 allocated by the authority to and made available for the
11 benefit of the county during the fiscal year. The county
12 commission shall consider the needs of each district in the
13 county in establishing its annual plan, and the plan shall not
14 be altered once adopted at the first meeting in October.
15 Following its adoption, the annual plan shall at all times be
16 posted in conspicuous places at the county courthouse, the
17 county commission office, the county highway or road
18 department, and any other place or places deemed appropriate
19 by the county commission. The plan shall also be posted on the
20 county's website, if available. Written notice of the meeting
21 at which the plan is to be adopted shall be mailed or
22 otherwise disseminated to each member of the county's
23 legislative delegation at least five days in advance of the
24 meeting.

25 (f) At the first meeting of the county commission of
26 each county held in January 2020, and in each January
27 thereafter, the county engineer or other person designated by

1 the county commission for that purpose shall present the
2 county commission with an annual written report detailing
3 expenditures made for ATRIP-II projects in the county during
4 the previous fiscal year, and the report shall include the
5 status of each project included in the county's previous
6 fiscal year's ATRIP-II Plan. Notice of the meeting at which
7 the report will be made shall be mailed or otherwise
8 disseminated to each member of the county's legislative
9 delegation at least five days in advance of the meeting. The
10 report shall be entered in the minutes of the county
11 commission meeting and shall be made available to the public
12 for inspection, including posting on the county's website, if
13 available.

14 Section 10. (a) Net proceeds of the sale by the
15 authority of its bonds and other obligations authorized hereby
16 and issued to pay the costs of municipal ATRIP-II projects,
17 including Supplemental Allocation Municipal ATRIP-II projects,
18 shall be deposited, once allocated for distribution, into a
19 separate fund in the State Treasury to be maintained for the
20 respective benefit of each distributee municipality and
21 disbursed therefrom only in accordance with procedures
22 therefor adopted by the Board of Directors of the Authority,
23 and pursuant to the proceedings under which the bonds and
24 obligations are issued, and shall be utilized for any or all
25 of the following purposes:

1 (1) The maintenance, improvement, replacement, and
2 construction of roads and bridges within a municipality's
3 jurisdictional limits.

4 (2) As matching funds for federal road or bridge
5 projects; provided, however, that no more than 20 percent of
6 such proceeds allocated to a municipality may be used for
7 matching purposes.

8 (3) With the consent of the county in which the
9 municipality is located, for the maintenance, improvement, or
10 replacement of county-maintained roads and bridges within the
11 municipality's jurisdictional limits.

12 (4) For a joint road or bridge project with the
13 county in which the municipality is located pursuant to any
14 agreement executed under the authority of state law.

15 (b) Municipalities may not utilize any allocated
16 bond proceeds and other obligations of the authority for any
17 of the following purposes except in accordance with generally
18 accepted accounting principles for job cost accounting or
19 federal cost allocation regulations:

20 (1) Salaries, benefits, or any other form of
21 compensation for municipal or contract employees or for
22 municipal or county officials.

23 (2) The purchase, lease, or maintenance of
24 equipment.

25 (3) The maintenance or construction of public
26 buildings or other structures that are not roads or bridges.

1 (c) All bond proceeds and other obligations of the
2 authority allocated and distributed to or for the benefit of
3 municipalities pursuant to this act shall be audited by the
4 Examiners of Public Accounts in the same manner as all other
5 municipal funds.

6 (d) Any municipal ATRIP-II project utilizing bond
7 proceeds for road or bridge maintenance, improvement,
8 replacement, or construction of roads or bridges shall be
9 designed in a manner consistent with the standards adopted by
10 the ALDOT.

11 (e) At its first meeting held in October 2018, and
12 in each October thereafter, the governing body of each
13 municipality in the state shall adopt an annual ATRIP-II Plan
14 for the current fiscal year, which plan shall be approved by
15 the affirmative vote of a majority of the members of the
16 municipal governing body. The plan shall include only ATRIP-II
17 projects authorized in this section for the benefit of the
18 municipality. The plan shall be based upon an estimate of the
19 proceeds of the authority's bonds and other obligations
20 anticipated to be allocated by the authority to and made
21 available for the benefit of the municipality during the
22 fiscal year. The municipal governing body shall consider the
23 needs of each district in the municipality in establishing its
24 annual plan, and the plan shall not be altered once adopted at
25 the first meeting in October. Following its adoption, the
26 annual plan shall at all times be posted in conspicuous places
27 at the municipality's offices, the municipality's highway,

1 street or road department, and any other place or places
2 deemed appropriate by the municipal governing body. The plan
3 shall be posted on the municipality's website, if available.
4 Written notice of the meeting at which the plan is to be
5 adopted shall be mailed or otherwise disseminated to each
6 member of the municipality's legislative delegation at least
7 five days in advance of the meeting.

8 (f) At the first meeting of the governing body of
9 the municipality held in January 2020, and in each January
10 thereafter, the city engineer or other person designated by
11 the municipal governing body for such purpose shall present
12 the municipal governing body with an annual written report
13 detailing expenditures made from for ATRIP-II projects in the
14 municipality during the previous fiscal year, which report
15 shall include the status of each project included in the
16 municipality's previous fiscal year's ATRIP-II Plan. Written
17 notice of the meeting at which the report will be made shall
18 be mailed or otherwise disseminated to each member of the
19 municipality's legislative delegation at least five days in
20 advance of the meeting. The report shall be entered in the
21 minutes of the municipal governing body meeting and shall be
22 made available to the public for inspection, including posting
23 on the municipality's website, if available.

24 Section 11. (a) All ATRIP-II projects shall be let
25 to contract by each county or municipality, as the case may
26 be, utilizing contractors and material suppliers listed on the
27 ALDOT's list of approved contractors and suppliers rather than

1 be performed by county or municipal forces and shall be
2 subject to the reporting requirements contained in Section
3 23-1-433 and Section 23-1-434, Code of Alabama 1975, as
4 amended, respectively. Each county and municipality shall
5 provide on October 1 of every other year, beginning on October
6 1, 2019, a list of all contractors who have been awarded
7 projects under this section to the Senate President Pro
8 Tempore and the Speaker of the House of Representatives.

9 (b) ALDOT's list of approved contractors and
10 material suppliers shall include the ALDOT's Certified
11 Disadvantaged Business Enterprise List. Each county and
12 municipality shall provide a list of all contractors who have
13 been awarded projects under this section to the Senate
14 President Pro Tempore and the Speaker of the House of
15 Representatives every other year, beginning on October 1,
16 2019.

17 (c) In addition to the requirements of Chapter 2 of
18 Title 39, Code of Alabama 1975, the provisions of Chapter 2
19 shall apply to all contracts awarded under this section except
20 to the extent of any direct conflict with Chapter 2 and as
21 otherwise provided in this subsection. Provisions of Chapter
22 2, Title 39, Code of Alabama 1975, as amended,
23 notwithstanding, bids for projects funded with bonds proceeds
24 or other obligations of the authority may only be opened at
25 10:00 a.m. central time on the second Wednesday of each month.
26 For all county ATRIP-II projects, the appropriate plans and
27 bid opening dates shall be published in electronic form no

1 later than the tenth day of the month preceding the bid
2 opening on a website maintained for that purpose by the
3 Association of County Commissions of Alabama. Notwithstanding
4 any provision of law to the contrary, no bidding shall be
5 required by the county for asphalt or other road construction
6 or repair materials if the county has an annual contract for
7 providing such materials in effect on the effective date of
8 this act. Any such materials shall be bid for any project let
9 for contract on or after the expiration of asphalt or road
10 construction or repair materials contract in place on the
11 effective date of this act. For all municipal ATRIP-II
12 projects, the appropriate plans and bid opening dates shall be
13 published in electronic form no later than the tenth day of
14 the month preceding the bid opening on a website maintained
15 for that purpose by the Alabama League of Municipalities. Bids
16 for county and municipal contracts awarded under this section
17 shall only be awarded in accordance with Section 39-2-6, Code
18 of Alabama 1975, as amended, during a regularly-scheduled
19 meeting of the governmental body of the county or city, as the
20 case may be. Immediately after the completion of each project,
21 the publication notifications required by Section 39-1-1(f),
22 Code of Alabama 1975, as amended, shall be satisfied by
23 posting on the same website utilized for the posting of
24 specifications and notice of bid openings.

25 (d) The State Comptroller shall disburse or pay
26 moneys from the proceeds derived from the sale of bonds and
27 other obligations of the authority and on deposit in each of

1 the special funds maintained in the State Treasury for the
2 benefit of each distributee county and municipality only
3 against vouchers or other evidence satisfactory to the State
4 Comptroller submitted by such distributee counties and
5 municipalities for satisfaction of amounts currently due and
6 payable under contracts awarded under this section to carry
7 out ATRIP-II projects with respect to which the authority has
8 allocated proceeds of its bonds or other obligations. The
9 authority may provide by resolution of its Board of Directors
10 for the time, form, manner and methods pursuant to which such
11 submissions may be made by counties or municipalities and
12 disbursements or payments responsive thereto shall be made by
13 the State Comptroller.

14 Section 12. (a) Effective September 1, 2018, and
15 until such time as any and all bonds or other obligations of
16 the authority have been paid in full pursuant to the terms
17 thereof, one-half of the net proceeds from any new levy of
18 gasoline and diesel fuel excise taxes and fees appropriated,
19 allocated or made payable in whole or in part to the Authority
20 by an act of the Legislature and deposited in the State
21 Treasury shall be transferred into a special fund in the State
22 Treasury entitled the "State Department of Transportation Road
23 and Bridge Rehabilitation and Improvement Program Fund", (the
24 "ALDOT Projects Special Fund") and applied solely as provided
25 in this act.

1 (b) The amounts on deposit in the ALDOT Projects
2 Special Fund shall be applied, and are hereby appropriated
3 solely for the following purposes and in the following order:

4 (1) First, as directed by the authority in each
5 fiscal year such amounts at such times as shall be sufficient,
6 with other funds available to the authority therefor, to
7 provide for the due and punctual payment in full of all
8 principal of, premium, if any, and interest on all bonds and
9 other obligations of the authority at any time outstanding (i)
10 which shall have become due and payable and which shall not
11 have theretofore been paid, in a prior fiscal year, and (ii)
12 which shall become due and payable in such fiscal year.

13 (2) Second, to pay the annual costs, if any, of
14 administering the ALDOT Projects Special Fund.

15 (3) Thereafter, all remaining moneys in the ALDOT
16 Projects Special Fund shall be further distributed as provided
17 in subsection (b) of Section 13 of this act and expended only
18 as provided in that section. Thus, when all bonds and other
19 obligations of the authority shall have been paid in full in
20 accordance with the terms thereof and of the documents under
21 which those bonds and other obligations were issued, all
22 moneys remaining each year in the ALDOT Projects Special Fund
23 shall be applied and distributed as provided in subsection (b)
24 of Section 13 of this act.

25 (c) Not more than one billion two hundred million
26 dollars (\$1,200,000,000) of the proceeds of the aggregate
27 principal amount of bonds authorized in this act to be issued

1 by the authority shall be utilized to pay the costs of ALDOT
2 projects submitted to the authority by ALDOT as provided for
3 in and in accordance with this section and to pay the expenses
4 of issuance of said bonds. Net proceeds of such bonds or
5 obligations may also be used as matching funds for any federal
6 projects approved for the state pursuant to such
7 federally-created infrastructure program relating to roads,
8 bridges and highways, as may be established after the
9 effective date of this act pursuant to a presidential
10 executive order, act of Congress, or other legally-approved
11 federal action.

12 (d) The proceeds of bonds and other obligations of
13 the authority and other funds made available to ALDOT pursuant
14 to this section shall not be utilized for any of the following
15 purposes except in accordance with generally accepted
16 accounting principles for job cost accounting or federal cost
17 allocation regulations:

18 (1) Salaries, benefits, or any other form of
19 compensation for state or contract employees.

20 (2) The purchase, lease, or maintenance of
21 equipment.

22 (3) The maintenance or construction of public
23 buildings or other structures that are not roads and bridges.

24 (e) No later than September 1, 2018, and no later
25 than September 1 of each year thereafter, until all of the
26 bonds and other obligations authorized to be issued by the
27 authority shall have been sold and issued, the Director of the

1 ALDOT shall annually identify the road and bridge improvement
2 projects he shall recommend be conducted or undertaken by
3 ALDOT and funded in whole or in part with moneys available
4 from bond proceeds or other obligations of the authority
5 pursuant to this section, and shall submit the recommended
6 list of projects to the authority for consideration and
7 allocation of proceeds of the authority's bonds and other
8 obligations. The Director of the ALDOT in making such
9 recommendations shall consider and give priority to the
10 following infrastructure needs: safety, congestion, economic
11 and industrial impact, educational impact, connectivity,
12 innovation, local government investment in projects, and
13 public-private partnerships.

14 (f) All ALDOT projects funded pursuant to this
15 section shall be let to contract by ALDOT. ALDOT shall
16 establish and apply Disadvantaged Business Enterprise (DBE)
17 goals in the same manner and consistent with the requirements
18 respecting DBE goals of the Federal Highway Administration
19 (FHWA) for road and bridge and other similar contracts funded
20 with federal funds. The DBE goal for ALDOT projects funded
21 pursuant to this section shall be the same as the goal
22 established annually by ALDOT for contracts funded with
23 federal funds and approved by FHWA. ALDOT shall provide, on
24 October 1 of every fiscal year of the state, beginning October
25 1, 2019, for the then immediately preceding fiscal year, a
26 report of ALDOT projects let to contract pursuant to this
27 section, including information on the established DBE goals

1 for ALDOT projects, to the Board of Directors of the
2 authority, the Governor, the President Pro Tempore of the
3 Senate, the Speaker of the of Representatives, the Senate
4 Minority Leader, and the Alabama House of Representatives
5 Minority Leader.

6 Section 13. (a) To the extent in each fiscal year of
7 the state the net proceeds from any new levy of gasoline and
8 diesel fuel excise taxes and fees are not needed for payment
9 of debt service on bonds or other obligations of the Authority
10 and are not otherwise restricted by Section 5 of this act or
11 by agreement of the authority with the holders of said bonds
12 or other obligations, or when all such bonds and obligations
13 of the authority theretofore issued, including refunding
14 bonds, have been retired or are deemed paid in full pursuant
15 to the terms, the following allocations shall be made:

16 One-half of the net proceeds from any new levy of gasoline and
17 diesel fuel excise taxes and fees appropriated, allocated or
18 made payable in whole or in part to the Authority by an act of
19 the Legislature shall be divided and appropriated as follows:

20 (1) Thirty percent (30%) of the proceeds shall be
21 distributed equally among the municipalities of the state on
22 the basis of the ratio of population of each municipality to
23 the total population of the state according to the then
24 immediately preceding federal decennial census; and

25 (2) Seventy percent (70%) of the proceeds shall be
26 distributed to the counties of the state as follows:

1 i. 45.45 percent of the proceeds shall be divided
2 equally among the 67 counties of the state; and

3 ii. 54.55 percent of the proceeds shall be allocated
4 among the 67 counties of the state on the basis of the ratio
5 of the population of each county to the total population of
6 the state according to the then immediately preceding federal
7 decennial census, provided that, following the time as the
8 authority shall have issued all of the bonds and other
9 obligations herein authorized to be issued for county and
10 municipal road and bridge projects and distributed the net
11 proceeds therefrom for payment of costs of ATRIP-II projects
12 as herein otherwise provided, there shall be allocated and
13 appropriated from the remaining seventy percent (70%), on a
14 pro-rata basis to each of the 67 counties in the state that
15 shall not have theretofore had allocated to it or for its
16 benefit pursuant to the provisions of this act bond proceeds
17 for payment of costs of ATRIP-II projects aggregating at least
18 ten million dollars (\$10,000,000) pursuant to Sections 8 and 9
19 of this act, the additional amount of net proceeds of any new
20 levy of gasoline and diesel fuel excise taxes and fees
21 appropriated, allocated, or made payable in whole or in part
22 to the authority by an act of the Legislature, as shall bring
23 the county's final cumulative allocation for ATRIP-II projects
24 pursuant to this act plus the additional amount to the sum of
25 ten million dollars (\$10,000,000), provided always that the
26 additional net proceeds of any new levy of gasoline and diesel
27 fuel excise taxes and fees so appropriated in paragraphs (1)

1 and (2) of this subsection (a) shall be expended only for the
2 payment of costs of road and bridge construction,
3 rehabilitation and improvement subject to the restrictions on
4 the use of proceeds of bonds and other obligations of the
5 authority allocated to counties and municipalities set out in
6 Sections 9 and 10 of this act, and

7 (b) The remaining one-half of the net proceeds from
8 any new levy of gasoline and diesel fuel excise tax
9 appropriated, allocated or made payable in whole or in part to
10 the authority by an act of the Legislature shall be deposited
11 in the State Highway Fund and shall be expended annually by
12 ALDOT for road and bridge construction, improvement,
13 rehabilitation, repair and related infrastructure projects in
14 the state as determined by the Director of the ALDOT.

15 Section 14. The income and property (including the
16 purchase or use thereof) of the authority, all bonds of the
17 authority and the interest paid on such bonds, all conveyances
18 by or to the authority, and all agreements and instruments to
19 which the authority is a party, are exempt from all taxation
20 in the State of Alabama. The authority shall be exempt from
21 all license and excise taxes imposed in respect of the
22 privilege of engaging in any activity and exempt from the
23 payment of all fees, taxes or costs in the recordation of any
24 document in a county or with the Office of the Secretary of
25 State.

26 Section 15. The authority shall be a nonprofit
27 public corporation, and no part of its net earnings remaining

1 after payment of the expenses thereof shall inure to the
2 benefit of any individual, firm, or corporation.

3 Section 16. At any time when no bonds or other
4 obligations of the authority are outstanding, the authority
5 may be dissolved upon filing with the Office of the Secretary
6 of State an application for dissolution, which shall be
7 executed by each of the directors of the authority and sworn
8 to by each director before an officer authorized by the laws
9 of the State of Alabama to take acknowledgements to deeds.
10 Upon the filing of the application the Authority shall cease
11 to exist. The Secretary of state shall record in the office
12 thereof the application for dissolution together with a
13 certificate, under the Great Seal of the State, that the
14 authority is dissolved. Upon dissolution of the authority as
15 provided in this act, title to all property held in the name
16 of the authority shall be vested in the State of Alabama.

17 Section 17. This act is intended to aid the State of
18 Alabama through the furtherance of the purposes of this act by
19 providing an appropriate and independent public corporation
20 and instrumentality with full authority and power to effect
21 the purposes of this act as provided for herein. Therefore, no
22 approval, consent, hearing, proceeding, or notice shall be
23 required by or of any officer, agency, board, corporation or
24 department of the State of Alabama for the incorporation or
25 dissolution of the authority, for the exercise of any
26 authority or power of the authority, for the issuance of bonds

1 by the authority as provided in this act, or for the delivery
2 of any agreement by the authority.

3 (b) There is hereby appropriated to the authority,
4 in each fiscal year of the state, the proceeds of the pledged
5 taxes and fees after payment of costs of collection and
6 refunds, in such amounts and at such times as shall be
7 sufficient to provide for the punctual payment in full of all
8 principal of, premium, if any, and interest on all bonds and
9 other obligations of the authority at the time outstanding (i)
10 which shall have become due and payable, and which shall not
11 have theretofore been paid in a prior fiscal year, and (ii)
12 which shall become due and payable in such fiscal year,
13 provided that, if the proceeds so appropriated shall be
14 insufficient to pay in full the principal, premium and
15 interest in any fiscal year, nothing in this act shall give
16 rise to any obligation of the authority or of the State of
17 Alabama to provide any funds or moneys to make payments of
18 debt service otherwise than from proceeds of the pledged taxes
19 and fees.

20 (c) The Legislature covenants and agrees, on behalf
21 of the state, with the owners of all bonds and other
22 obligations of the authority at any time outstanding, to
23 continue to provide for the imposition, levy and collection of
24 the pledged taxes and fees until all principal of, premium, if
25 any, and interest on all bonds and obligations shall have been
26 paid in full in accordance with the terms thereof and of the

1 proceedings pursuant to which the bonds and other obligations
2 were issued.

3 (d) The maturity of any bond or other obligation
4 issued by the authority shall be limited to a maximum of
5 fifteen years from the dated date thereof.

6 Section 18. The Association of County Commissions of
7 Alabama shall hold, without expense to the state, a training
8 conference prior to September 1, 2018, on the provisions of
9 this act and the requirements for contractors eligible to bid
10 on the projects let to contract by ALDOT, the counties, and
11 the municipalities.

12 Section 19. The provisions of this act shall not be
13 superseded, amended, altered, violated, or overridden by any
14 provision of the State General Fund Appropriation Act or any
15 other annual or supplemental appropriation act, administrative
16 rule, inter-agency transfer, or executive order or directive.
17 The moneys allocated to counties and municipalities for
18 payment of the respective costs of ATRIP-II projects and
19 pursuant to the provisions of Section 13 of this act shall be
20 in addition to and shall not diminish any other revenues,
21 appropriations or other funds allocated or distributed from
22 other sources.

23 Section 20. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Transportation and Energy..... 09-JAN-18

Read for the second time and placed on the calen-
dar 2 amendments..... 18-JAN-18

Read for the third time and passed as amended 22-MAR-18

Yeas 29
Nays 2

Patrick Harris,
Secretary.