

1 SB150  
2 134381-9  
3 By Senators Orr and Allen  
4 RFD: Commerce, Transportation, and Utilities  
5 First Read: 07-FEB-12

1 SB150

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3  
4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 To establish the Alabama Transportation  
12 Infrastructure Bank; to specify the membership, powers,  
13 duties, terms, sources for capitalization, and liability of  
14 the bank; to provide for the redistribution of a portion of  
15 gasoline tax revenues and motor vehicle registration fee  
16 revenues; to provide procedures for the issuance of loans and  
17 other financial assistance to certain government entities for  
18 certain qualified projects; to provide authority for the bank  
19 to issue certain bonds under certain conditions; to require  
20 the bank to report annually to the Governor and the  
21 Legislature.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. This act shall be cited as the Alabama  
24 Transportation Infrastructure Bank Act.

25 Section 2. For the purposes of this act, the  
26 following words shall have the following meanings:

1                   (1) BANK. The Alabama Transportation Infrastructure  
2 Bank.

3                   (2) BOARD. The board of directors of the bank.

4                   (3) BONDS. Includes bonds, notes, or other evidence  
5 of indebtedness except as otherwise provided in this act.

6                   (4) DEPARTMENT or DEPARTMENT OF TRANSPORTATION. The  
7 Alabama Department of Transportation.

8                   (5) ELIGIBLE COST. As applied to a qualified project  
9 to be financed from the federal highway account, the costs  
10 that are permitted under applicable federal laws,  
11 requirements, procedures, and guidelines in regard to  
12 establishing, operating, and providing assistance from the  
13 bank. As applied to a qualified project to be financed from  
14 the state highway account, these costs include the costs of  
15 preliminary engineering, traffic, and revenue studies;  
16 environmental studies; right-of-way acquisition; legal and  
17 financial services associated with the development of the  
18 qualified project; construction; construction management;  
19 facilities; and other costs necessary for the qualified  
20 project.

21                   (6) ELIGIBLE PROJECT. Highways, roads, bridges and  
22 mass transit capital projects which provide public benefits by  
23 either enhancing mobility and safety, promoting economic  
24 development, or increasing the quality of life and general  
25 welfare of the public.

1           (7) FINANCING AGREEMENT. Any agreement entered into  
2 between the bank and a qualified borrower pertaining to a loan  
3 or other financial assistance. This agreement may contain, in  
4 addition to financial terms, provisions relating to the  
5 regulation and supervision of a qualified project, or other  
6 provisions as the board may determine. The term includes,  
7 without limitation, a loan agreement, trust indenture,  
8 security agreement, reimbursement agreement, guarantee  
9 agreement, bond or note, ordinance or resolution, or similar  
10 instrument.

11           (8) GOVERNMENT UNIT. A municipal corporation,  
12 county, or another public body, instrumentality, or agency of  
13 the state including combinations of two or more of these  
14 entities acting jointly to construct, own, or operate a  
15 qualified project, and any other state or local authority,  
16 board, commission, agency, department, or other political  
17 subdivision created by the Legislature or pursuant to the  
18 Constitution of Alabama of 1901, and laws of this state which  
19 may construct, own, or operate a qualified project.

20           (9) LOAN. An obligation subject to repayment which  
21 is provided by the bank to a qualified borrower for all or a  
22 part of the eligible cost of a qualified project. A loan may  
23 be disbursed in anticipation of reimbursement for or direct  
24 payment of eligible costs of a qualified project.

25           (10) LOAN OBLIGATION. A bond, note, or other  
26 evidence of an obligation issued by a qualified borrower.

1           (11) OTHER FINANCIAL ASSISTANCE. Includes, but is  
2 not limited to, grants, contributions, credit enhancement,  
3 capital or debt reserves for bonds or debt instrument  
4 financing, interest rate subsidies, provision of letters of  
5 credit and credit instruments, provision of bond or other debt  
6 financing instrument security, and other lawful forms of  
7 financing and methods of leveraging funds that are approved by  
8 the board, and in the case of federal funds, as allowed by  
9 federal law.

10           (12) PROJECT REVENUES. All rates, rents, fees,  
11 assessments, charges, and other receipts derived or to be  
12 derived by a qualified borrower from a qualified project or  
13 made available from a special source, and, as provided in the  
14 applicable financing agreement, derived from any system of  
15 which the qualified project is a part of, from any other  
16 revenue producing facility under the ownership or control of  
17 the qualified borrower including, without limitation, proceeds  
18 of grants, gifts, appropriations, and loans, including the  
19 proceeds of loans made by the bank, investment earnings,  
20 reserves for capital and current expenses, proceeds of  
21 insurance or condemnation and proceeds from the sale or other  
22 disposition of property and from any other special source as  
23 may be provided by the qualified borrower.

24           (13) QUALIFIED BORROWER. Any government unit which  
25 is authorized to construct, operate, or own a qualified  
26 project.

1           (14) QUALIFIED PROJECT. An eligible project the  
2 total cost of which exceeds five million dollars (\$5,000,000)  
3 which has been selected by the bank to receive a loan or other  
4 financial assistance from the bank to defray an eligible cost.

5           (15) REVENUES. When used with respect to the bank,  
6 any receipts, fees, income, or other payments received or to  
7 be received by the bank including, without limitation,  
8 receipts and other payments deposited in the bank and  
9 investment earnings on its funds and accounts.

10           Section 3. (a) There is created a public corporation  
11 to be known as the Alabama Transportation Infrastructure Bank.

12           (b) The bank is governed by a board of directors as  
13 provided in this act.

14           (c) The corporate purpose of the bank is to select  
15 and assist in financing major qualified projects by providing  
16 loans and other financial assistance to government units for  
17 constructing and improving highway and transportation  
18 facilities necessary for public purposes including economic  
19 development.

20           (d) The bank shall establish and maintain at least  
21 the following accounts:

22           (1) State highway account.

23           (2) Federal highway account.

24           Section 4. (a) The board of directors is the  
25 governing board of the bank. The board shall consist of seven  
26 voting members as follows:

1                   (1) The Director of the Department of  
2 Transportation, ex officio.

3                   (2) Four members appointed by the Governor, one of  
4 whom shall be designated as chair.

5                   (3) One member of the House of Representatives  
6 appointed by the Speaker of the House of Representatives.

7                   (4) One member of the Senate appointed by the  
8 President Pro Tempore of the Senate.

9                   (b) Members appointed by the Governor hold office  
10 concurrently with the Governor and until their successors are  
11 appointed and qualified. Members appointed by the Speaker of  
12 the House of Representatives and the President Pro Tempore of  
13 the Senate shall serve during the member's term of office  
14 during which the member was appointed and until the member's  
15 successor is appointed and qualified. The vice chair shall be  
16 elected by the board. Any person appointed to fill a vacancy  
17 shall be appointed in the same manner as the original  
18 appointee for the remainder of the unexpired term.

19                   (c) Any four members of the board of directors shall  
20 constitute a quorum for the transaction of business.

21                   Section 5. (a) In addition to the powers contained  
22 in other provisions of this act, the bank has all power  
23 necessary, useful, or appropriate to fund, operate, and  
24 administer the bank, and to perform its other functions  
25 including, but not limited to, the following power to:

26                   (1) Have perpetual succession.

1           (2) Adopt, promulgate, amend, and repeal bylaws, not  
2 inconsistent with this act for the administration of the  
3 bank's affairs and the implementation of its functions  
4 including the right of the board to select qualifying projects  
5 and to provide loans and other financial assistance.

6           (3) Sue and be sued in its own name.

7           (4) Have a seal and alter it at pleasure, although  
8 the failure to affix the seal does not affect the validity of  
9 an instrument executed on behalf of the bank.

10          (5) Make loans to qualified borrowers to finance the  
11 eligible costs of qualified projects and to acquire, hold, and  
12 sell loan obligations at prices and in a manner as the board  
13 determines advisable.

14          (6) Provide qualified borrowers with other financial  
15 assistance necessary to defray eligible costs of a qualified  
16 project.

17          (7) Enter into contracts, arrangements, and  
18 agreements with qualified borrowers and other persons and  
19 execute and deliver all financing agreements and other  
20 instruments necessary or convenient to the exercise of the  
21 powers granted in this act.

22          (8) Enter into agreements with a department, agency,  
23 or instrumentality of the United States or of this state or  
24 another state for the purpose of planning and providing for  
25 the financing of qualified projects.

26          (9) Establish the following:



1 a. Policies and procedures for the making and  
2 administering of loans and other financial assistance.

3 b. Fiscal controls and accounting procedures to  
4 ensure proper accounting and reporting by the bank, and  
5 government units.

6 (10) Acquire by purchase, lease, donation, or other  
7 lawful means and sell, convey, pledge, lease, exchange,  
8 transfer, and dispose of all or any part of its properties and  
9 assets of every kind and character or any interest in it to  
10 further the public purpose of the bank.

11 (11) Procure insurance, guarantees, letters of  
12 credit, and other forms of collateral or security or credit  
13 support from any public entity, including any department,  
14 agency, or instrumentality of the United States or this state,  
15 for the payment of any bonds issued by it, including the power  
16 to pay premiums or fees on any insurance, guarantees, letters  
17 of credit, and other forms of collateral or security or credit  
18 support.

19 (12) Collect or authorize the trustee under any  
20 trust indenture securing any bonds to collect amounts due  
21 under any loan obligations owned by it, including taking the  
22 action required to obtain payment of any sums in default.

23 (13) Unless restricted under any agreement with  
24 holders of bonds, consent to any modification with respect to  
25 the rate of interest, time, and payment of any installment of

1 principal or interest, or any other term of any loan  
2 obligations owned by it.

3 (14) Borrow money through the issuance of bonds and  
4 other forms of indebtedness as provided in this act.

5 (15) Expend funds to obtain accounting, management,  
6 legal, financial consulting, and other professional services  
7 necessary to the operations of the bank.

8 (16) Expend funds credited to the bank as the board  
9 determines necessary for the costs of administering the  
10 operations of the bank.

11 (17) Establish advisory committees as the board  
12 determines appropriate, which may include individuals from the  
13 private sector with banking and financial expertise.

14 (18) Procure insurance against losses in connection  
15 with its property, assets, or activities including insurance  
16 against liability for its acts or the acts of its employees or  
17 agents or to establish cash reserves to enable it to act as a  
18 self-insurer against any and all such losses.

19 (19) Collect fees and charges in connection with its  
20 loans or other financial assistance.

21 (20) Apply for, receive, and accept from any source,  
22 aid, grants, and contributions of money, property, labor, or  
23 other things of value to be used to carry out the purposes of  
24 this act subject to the conditions upon which the aid, grants,  
25 or contributions are made.

1           (21) Enter into contracts or agreements for the  
2 servicing and processing of financial agreements.

3           (22) To appoint and employ attorneys, accountants,  
4 financial advisors, underwriters, trustees, depositories,  
5 registrars, fiscal agents, and other advisors, agents, and  
6 independent contractors as may be necessary or desirable.

7           (23) Do all other things necessary or convenient to  
8 carry out the purposes and powers conferred by this act.

9           (b) The bank is not authorized or empowered to be or  
10 to constitute a bank or trust company within the jurisdiction  
11 or under the control of the state or an agency of it or the  
12 Comptroller of the Currency or the Treasury Department of the  
13 United States, or a bank, banker, or dealer in securities  
14 within the meaning of, or subject to the provisions of, any  
15 securities, securities exchange, or securities dealers' law of  
16 the United States or this state.

17           As used in this act, the bank is not a "bank" within  
18 the meaning of Title 5, Code of Alabama 1975, including  
19 without limitation Section 5-1A-2 and Section 5-1A-3, and is  
20 not a "bank" within the meaning of Alabama Constitution,  
21 Sections 247, 248 and 253. Under this act, bank does not  
22 accept deposits from the public, its loans are only with  
23 Qualified Borrowers as defined in Section 2(13), and the bank  
24 does not, and is not authorized to, transact banking business  
25 with the public.

1 (c) The bank is subject to the provisions of the  
2 Administrative Procedure Act.

3 Section 6. (a) The following sources may be used to  
4 capitalize the bank and for the bank to carry out its  
5 purposes:

6 (1) An annual contribution, as determined by the  
7 Director of the Department of Transportation and approved by  
8 the Governor, of an amount not to exceed revenues produced by  
9 one cent (\$.01) a gallon of the tax on gasoline imposed  
10 pursuant to Act 2011-565, 2011 Regular Session. Any funds  
11 contributed pursuant to this subdivision shall be derived from  
12 the gasoline tax proceeds remaining in the Public Road and  
13 Bridge Fund after distributions of the tax to the cities and  
14 counties. Any contributions which are to provide funds for  
15 debt service on bonds issued by the bank shall continue until  
16 the bonds have been fully repaid.

17 (2) An annual contribution, as determined by the  
18 Director of the Department of Transportation and approved by  
19 the Governor, of an amount of the revenues collected pursuant  
20 to Section 40-12-248, Code of Alabama 1975, not to exceed the  
21 balance remaining in the Public Road and Bridge Fund pursuant  
22 to Section 40-12-270(d)(3), Code of Alabama 1975, after the  
23 distributions required pursuant to Sections 40-12-270(d)(1)  
24 and 40-12-270(d)(2), Code of Alabama 1975. Any contributions  
25 which are to provide funds for debt service on bonds issued by

1 the bank shall continue until the bonds have been fully  
2 repaid.

3 (3) Federal funds made available to the state.

4 (4) Federal funds made available to the state for  
5 the bank.

6 (5) Contributions and donations from government  
7 units, and any other source as may become available to the  
8 bank including, but not limited to, appropriations from the  
9 Legislature.

10 (6) All monies paid or credited to the bank, by  
11 contract or otherwise, payments of principal and interest on  
12 loans or other financial assistance made from the bank, and  
13 interest earnings which may accrue from the investment or  
14 reinvestment of the bank's monies.

15 (7) Proceeds from the issuance of bonds as provided  
16 in this act.

17 (8) Other lawful sources as determined appropriate  
18 by the board.

19 (9) Loans from the department to the bank to be  
20 repaid from revenues committed to the bank for the following  
21 year.

22 Section 7. (a) Earnings on balances in the federal  
23 highway account, as created by this act, must be credited and  
24 invested according to federal law. The bank may establish  
25 accounts and subaccounts within the state highway account and  
26 the federal highway account as considered desirable to

1 effectuate the purposes of this act, or to meet the  
2 requirements of any state or federal programs. All accounts  
3 shall be held in trust by the State Treasurer.

4 (b) For necessary and convenient administration of  
5 the bank, the board shall direct the State Treasurer to  
6 establish federal and state accounts and subaccounts within  
7 the bank necessary to meet any applicable federal law  
8 requirements or as the bank shall determine necessary or  
9 desirable in order to implement this act.

10 (c) The bank shall comply with all applicable  
11 federal laws and regulations prohibiting the commingling of  
12 certain federal funds deposited in the bank.

13 Section 8. (a) The bank may provide loans and other  
14 financial assistance to a government unit to pay for all or  
15 part of the eligible cost of a qualified project. The term of  
16 the loan or other financial assistance must not exceed the  
17 useful life of the project. The bank may require the  
18 government unit to enter into a financing agreement in  
19 connection with its loan obligation or other financial  
20 assistance. The board shall determine the form and content of  
21 loan applications, financing agreements, and loan obligations  
22 including the term and rate or rates of interest on a  
23 financing agreement. The terms and conditions of a loan or  
24 other financial assistance from the federal highway account  
25 shall comply with applicable federal requirements.

1           (b) The board shall determine which projects are  
2 eligible projects and then select from among the eligible  
3 projects those qualified to receive from the bank a loan or  
4 other financial assistance. Preference shall be given to  
5 eligible projects that have the most local financial support.  
6 The board shall establish by rule or regulation a minimum  
7 amount of local financial support which will be required in  
8 order to qualify for loans or grants from the bank. Any such  
9 minimum requirement shall be established as a percentage of  
10 the total project costs and shall apply to all eligible  
11 projects. In selecting qualified projects, the board shall  
12 consider the projected feasibility of the project and the  
13 amount and degree of risk to be assumed by the bank. The board  
14 also may consider, but shall not be limited to, the following  
15 criteria in making its determination that an eligible project  
16 is a qualified project:

17           (1) The local support of the project, expressed by  
18 resolutions by the governing bodies in the areas in which the  
19 project will be located, and the financial or in-kind  
20 contributions to the project.

21           (2) Maximum economic benefit, enhancement of  
22 mobility, enhancement of public safety, acceleration of  
23 project completion, and enhancement of transportation  
24 services.

25           (3) The ability of the applicant to repay a loan  
26 according to the terms and conditions established pursuant to

1 this act, consideration of which may include, at the option of  
2 the bank board, the existence of current investment grade  
3 rating on existing debt of the applicant secured by the same  
4 revenues to be pledged to secure repayment under the loan  
5 repayment agreement.

6 (4) The financial or in-kind contributions to the  
7 project.

8 (5) Greater weighting in recommending priorities for  
9 eligible projects to areas of the state experiencing high  
10 unemployment.

11 (6) Whether the governing bodies of the county or  
12 the incorporated municipality in which the project is to be  
13 located provides to the bank a resolution which makes a  
14 finding that the project is essential to economic development  
15 in the political subdivisions, or the bank receives a  
16 certificate from the Alabama Development Office that the  
17 project is essential to economic development in the state, or  
18 both, at the option of the board.

19 Section 9. (a) Qualified borrowers may obtain loans  
20 or other financial assistance from the bank through financing  
21 agreements. Qualified borrowers entering into financing  
22 agreements and issuing loan obligations to the bank may  
23 perform any acts, take any action, adopt any proceedings, and  
24 make and carry out any contracts or agreements with the bank  
25 as may be agreed to by the bank and any qualified borrower for  
26 the carrying out the purposes of this act.



1           (b) In addition to the authorizations contained in  
2 this act, all other statutes or provisions permitting  
3 government units to borrow money and issue obligations may be  
4 utilized by any government unit in obtaining a loan or other  
5 financial assistance from the bank to the extent determined  
6 necessary or useful by the government unit in connection with  
7 any financing agreement and the issuance, securing, or sale of  
8 loan obligations to the bank.

9           (c) A qualified borrower may receive, apply, pledge,  
10 assign, and grant a security interest in project revenues,  
11 and, in the case of a government unit, its project revenues,  
12 revenues derived from a special source or ad valorem taxes, to  
13 secure its obligations as provided in this act, and may fix,  
14 revise, charge, and collect fees, rates, rents, assessments,  
15 and other charges of general or special application for the  
16 operation or services of a qualified project, the system of  
17 which it is a part, and any other revenue producing facilities  
18 from which the qualified borrower derives project revenues, to  
19 meet its obligations under a financing agreement or to provide  
20 for the construction and improving of a qualified project.

21           Section 10. The bank is performing an essential  
22 governmental function in the exercise of the powers conferred  
23 upon it and is not required to pay taxes or assessments upon  
24 property or upon its operations or the income from them, or  
25 taxes or assessments upon property or loan obligations  
26 acquired or used by the bank or upon the income from them.

1           Section 11. (a) If a government unit fails to  
2 collect and remit in full all amounts due to the bank on the  
3 date these amounts are due under the terms of any note or  
4 other obligation of the government unit, the bank shall notify  
5 the State Treasurer who shall withhold all or a portion of the  
6 funds of the state and all funds administered by the state,  
7 its agencies, boards, and instrumentalities allotted or  
8 appropriated to the government unit and apply an amount  
9 necessary to the payment of the amount due.

10           (b) Nothing contained in this section mandates the  
11 withholding of funds allocated to a government unit the  
12 withholding of which would violate contracts to which the  
13 state is a party, the requirements of federal law imposed on  
14 the state, or judgments of a court binding on the state.

15           Section 12. Neither the board nor any officer,  
16 employee, or committee of the bank acting on behalf of it,  
17 while acting within the scope of authority granted by this  
18 act, is subject to any liability resulting from carrying out  
19 any of the powers given in this act.

20           Section 13. Notice, proceeding, or publication,  
21 except those required in this act, are not necessary to the  
22 performance of any power authorized in this act nor is any act  
23 of the bank subject to any referendum.

24           Section 14. All money of the bank, except as  
25 authorized by law or provided in this act, shall be deposited  
26 with and invested by the State Treasurer. Funds of the bank

1 not needed for immediate use or disbursement may be invested  
2 by the State Treasurer in obligations or securities which are  
3 declared to be legal obligations by general law. All federal  
4 funds shall be invested as required by applicable federal law.

5 Section 15. Following the close of each state fiscal  
6 year, the bank shall submit an annual report of its activities  
7 for the preceding year to the Governor and to the Legislature.  
8 The bank also shall submit an annual report to the appropriate  
9 federal agency in accordance with requirements of any federal  
10 program. An independent certified public accountant shall  
11 perform an audit of the books and accounts of the bank at  
12 least once in each state fiscal year.

13 Section 16. This act, being for the welfare of this  
14 state and its inhabitants, shall be liberally construed to  
15 effect the purposes specified in this act. However, nothing in  
16 this act shall be construed as affecting any proceeding,  
17 notice, or approval required by law for the issuance by a  
18 government unit of the loan obligations, instruments, or  
19 security for loan obligations.

20 Section 17. (a) Whenever it shall become necessary  
21 that monies be raised for qualified projects, including monies  
22 to be used to refund any bonds then outstanding, the bank may  
23 issue bonds as provided in this act.

24 (b) The bank may pledge any of its revenue or funds  
25 to the payment of its bonds, subject only to any prior  
26 agreements with the holders of particular bonds which may have

1 pledged specific money or revenue. Bonds may be secured by a  
2 pledge of any loan obligation owned by the bank, any grant,  
3 contribution, or guaranty from the United States, the state,  
4 or any corporation, association, institution, or person, any  
5 other property or assets of the bank, or a pledge of any  
6 money, income, or revenue of the bank from any source.

7 Section 18. Bonds issued by the bank shall not  
8 constitute a debt or a pledge of the full faith and credit of  
9 this state, or any of its political subdivisions other than  
10 the bank, but are payable solely from the revenue, money, or  
11 property of the bank as provided in this act. The bonds issued  
12 do not constitute an indebtedness of the state within the  
13 meaning of any constitutional or statutory limitation. No  
14 member of the bank or any person executing bonds of the bank  
15 is liable personally on the bonds by reason of their issuance  
16 or execution. Each bond issued under this act shall contain on  
17 its face a statement to the effect of the following:

18 (1) Neither the state, any of its political  
19 subdivisions, nor the bank is obligated to pay the principal  
20 of or interest on the bond or other costs incident to the bond  
21 except from the revenue, money, or property of the bank  
22 pledged.

23 (2) Neither the full faith and credit nor the taxing  
24 power of the state, or any of its political subdivisions, is  
25 pledged to the payment of the principal of or interest on the  
26 bond.

1 (3) The bank does not have taxing power.

2 Section 19. (a) The bonds of the bank must be  
3 authorized by a resolution of the bank.

4 (b) The bonds shall bear the date and mature at the  
5 time which the resolution provides, except that no bond may  
6 mature more than 40 years from its date of issue.

7 (c) The bonds may be in the denominations, be  
8 executed in the manner, be payable in the medium of payment,  
9 be payable at the place and at the time, and be subject to  
10 redemption or repurchase and contain other provisions  
11 determined by the bank prior to their issuance.

12 (d) The bonds may bear interest payable at a time  
13 and at a rate as determined by the bank, including the  
14 determination by agents designated by the bank under  
15 guidelines established by it.

16 (e) Bonds may be sold by the bank at public or  
17 private sale at the price it determines and approves.

18 (f) The State Treasurer shall issue the bonds of the  
19 bank not later than 60 days upon the resolution of the bank  
20 authorizing the issuance of the bonds.

21 Section 20. (a) Bonds may be secured by a trust  
22 indenture between the bank and a corporate trustee, which may  
23 be the State Treasurer or any bank having trust powers or any  
24 trust company, designated by the State Treasurer doing  
25 business in this state. A trust indenture may contain  
26 provisions for protecting and enforcing the rights and

1 remedies of the bondholders which are reasonable and proper,  
2 including covenants setting forth the duties of the bank in  
3 relation to the exercise of its powers and the custody,  
4 safekeeping, and application of its money. The bank may  
5 provide by the trust indenture for the payment of the proceeds  
6 of the bonds and all or any part of the revenues of the bank  
7 to the trustee under the trust indenture or to some other  
8 depository, and for the method of its disbursement with  
9 safeguards and restrictions prescribed by it. All expenses  
10 incurred in performing the obligations of the bank under the  
11 trust indenture may be treated as part of its operating  
12 expenses.

13 (b) Any resolution or trust indenture pursuant to  
14 which bonds are issued may contain provisions which are part  
15 of the contract with the holders of the bonds and which  
16 include the following:

17 (1) Pledging all or any part of the revenue of the  
18 bank to secure the payment of the bonds.

19 (2) Pledging all or any part of the assets of the  
20 bank including loan obligations owned by it to secure the  
21 payment of the bonds.

22 (3) The use and disposition of the gross income  
23 from, and payment of the principal of, and interest on loan  
24 obligations owned by the bank.

1           (4) The establishment of reserves, sinking funds,  
2 and other funds and accounts, and their regulation and  
3 disposition.

4           (5) Limitations on the purposes to which the  
5 proceeds from the sale of the bonds may be applied, and  
6 limitations on pledging the proceeds to secure the payment of  
7 the bonds.

8           (6) Limitations on the issuance of additional bonds,  
9 the terms upon which additional bonds may be issued and  
10 secured, and the refunding of outstanding or other bonds.

11           (7) The procedure, if any, by which the terms of any  
12 contract with bondholders may be amended or abrogated, the  
13 amount of bonds, if any, the holders of which must consent to,  
14 and the manner in which any consent may be given.

15           (8) Limitations on the amount of money to be  
16 expended by the bank for its operating expenses.

17           (9) Vesting in a trustee property, rights, powers,  
18 and duties as the bank may determine, limiting or abrogating  
19 the right of bondholders to appoint a trustee, and limiting  
20 the rights, powers, and duties of the trustee.

21           (10) Defining the acts or omissions which constitute  
22 a default, the obligations or duties of the bank to the  
23 holders of the bonds, and the rights and remedies of the  
24 holders of the bonds in the event of default, including as a  
25 matter of right the appointment of a receiver, and all other  
26 rights generally available to creditors.

1           (11) Requiring the bank or the trustee under the  
2 trust indenture to take any and all other action to obtain  
3 payment of all sums required to eliminate any default as to  
4 any principal of and interest on loan obligations owned by the  
5 bank or held by a trustee, which may be authorized by the laws  
6 of this state.

7           (12) Any other matter relating to the terms of the  
8 bonds or the security or protection of the holders of the  
9 bonds which may be considered appropriate.

10           Section 21. (a) Any pledge made by the bank is valid  
11 and binding from the time the pledge is made. The revenue,  
12 money, or property pledged and received by the bank is  
13 immediately subject to the lien of the pledge without any  
14 physical delivery or further act. The lien of any pledge is  
15 valid and binding as against all parties having claims of any  
16 kind in tort, contract, or otherwise against the bank,  
17 irrespective of whether the parties have notice of the pledge.

18           (b) No recording or filing of the resolution  
19 authorizing the issuance of bonds, the trust indenture  
20 securing the bonds, or any other instrument including filings  
21 under the Uniform Commercial Code is necessary to create or  
22 perfect any pledge or security interest granted by the bank to  
23 secure any bonds.

24           Section 22. The bank, subject to agreements with  
25 bondholders as may then exist, may purchase outstanding bonds  
26 of the bank with any available funds, at any reasonable price.



1 If the bonds are then redeemable, the price shall not exceed  
2 the redemption price then applicable plus accrued interest to  
3 the next interest payment date.

4 Section 23. Bonds of the bank shall be in a form and  
5 shall be executed in a manner prescribed by the bank.

6 Section 24. If any of the members or officers of the  
7 bank cease to be members before the delivery of any bonds  
8 signed by them, their signatures or authorized facsimile  
9 signatures are nevertheless valid and sufficient for all  
10 purposes as if they had remained in office until the delivery  
11 of the bonds.

12 Section 25. Subsequent amendments to this act may  
13 not limit the rights vested in the bank with respect to any  
14 agreements made with, or remedies available to, the holders of  
15 bonds issued under this act before the enactment of the  
16 amendments until the bonds, with all premiums and interest on  
17 them, and all costs and expenses in connection with any  
18 proceeding by or on behalf of the holders, are fully met and  
19 discharged.

20 Section 26. Any bonds issued by the bank, the  
21 transfer of bonds, and the income from them, are free from  
22 taxation and assessment of every kind by the state and by the  
23 local governments and other political subdivisions of the  
24 state.

25 Section 27. (a) The bonds issued by the bank are  
26 legal investments in which all public officers or public

1 bodies of the state, its political subdivisions, all  
2 municipalities and political subdivisions, all insurance  
3 companies and associations and other persons carrying on  
4 insurance business, all banks, bankers, banking associations,  
5 trust companies, savings banks, savings associations,  
6 including savings and loan association investment companies,  
7 and other persons carrying on a banking business, all  
8 administrators, guardians, executors, trustees, and other  
9 fiduciaries, and all other persons who are now or may be  
10 authorized in the future to invest in bonds or other  
11 obligations of the state, may invest funds in their control or  
12 belonging to them.

13 (b) The bonds of the bank are also securities which  
14 may be deposited with and received by all public officers and  
15 bodies of the state or any agency or political subdivision of  
16 the state and all municipalities and public corporations for  
17 any purpose for which the deposit of bonds or other  
18 obligations of the state is now or may later be required by  
19 law.

20 Section 28. Except as otherwise prohibited by  
21 Federal law, all contracts funded with the revenue or bond  
22 proceeds which are authorized pursuant to this act shall be  
23 performed by a workforce which consists of only legal  
24 residents of the State of Alabama.

1                   Section 29. This act shall become effective on the  
2 first day of the third month following its passage and  
3 approval by the Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate  
committee on Commerce, Transportation, and Utili-  
ties..... 07-FEB-12

Read for the second time and placed on the calen-  
dar 1 amendment..... 14-FEB-12

Read for the third time and passed as amended .... 23-FEB-12

Yeas 24  
Nays 0

Patrick Harris  
Secretary