

1 HB229
2 116267-1
3 By Representative Laird
4 RFD: Government Appropriations
5 First Read: 12-JAN-10

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8 SYNOPSIS: Under existing law, the Legislative
9 Building Authority holds title to State House
10 property; may provide for the management and
11 supervision, administration, improvement,
12 equipping, operation, and maintenance of State
13 House property; and may take other action
14 considered necessary to ensure sufficient space and
15 facilities for the functions of the Legislative
16 Department.

17 This bill would transfer control of certain
18 parking areas in the State Capitol complex from the
19 Joint Parking Committee to the Legislative Building
20 Authority, and repeal the code section previously
21 giving control of such areas to the Joint Parking
22 Committee.

23 This bill would authorize the Legislative
24 Building Authority to extend and connect with the
25 State Capitol any building used for functions of
26 the Legislature, with such connection permitting
27 ingress and egress between the buildings.

1 This bill would authorize the Legislative
2 Building Authority to enter into contracts,
3 transactions, statements of understanding, and
4 other agreements with the State of Alabama or the
5 Retirement Systems of Alabama, or both.

6 This bill would permit the Legislative
7 Building Authority to specify a quorum for the
8 authority and for the authority when acting as a
9 public corporation.

10 This bill would specifically permit the
11 authority to employ personnel.

12 This bill would transfer title and control
13 of the parking lot to the rear of the State Capitol
14 and between the Alabama State House and the Folsom
15 Building to the Legislative Building Authority in
16 fee simple absolute.

17 This bill would authorize the Legislative
18 Building Authority to organize as a public
19 corporation; to issue, sell, and execute revenue
20 bonds to ensure sufficient space and facilities for
21 the functions of the Legislative Department; to
22 secure the bonds with lease proceeds; and to
23 provide investment of proceeds, tax exemption, the
24 bonds constitute negotiable instruments, the bonds
25 are lawful securities for state deposits, such
26 obligations are not a debt of the state, and for
27 earnings of the authority.

1 This bill would provide for the vacation of
2 certain portions of streets in the Capitol Complex
3 and the transfer of title and control to the state.
4 The state would then transfer title and control in
5 fee simple absolute to the Legislative Building
6 Authority.

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8 A BILL
9 TO BE ENTITLED
10 AN ACT

11
12 Relating to the Legislative Building Authority, to
13 amend Sections 29-2-200 and 29-2-201 of the Code of Alabama
14 1975, and to add Sections 29-2-203 and 29-2-204 to the Code of
15 Alabama 1975, to transfer control of certain parking areas to
16 the authority; to authorize the authority to extend and
17 connect buildings to the State Capitol; to authorize the
18 authority to enter certain agreements with the state, the
19 Retirement Systems of Alabama, the City of Montgomery, and
20 Montgomery County; to transfer title and control of the
21 parking lot behind the State Capitol to the authority in fee
22 simple absolute; to provide for a quorum; to authorize the
23 employment of personnel; to authorize the authority to
24 organize as a public corporation, issue revenue bonds, and
25 expend proceeds for facilities for the Legislative Department;
26 to provide for the vacation of certain portions of streets in
27 the Capitol Complex and the transfer of title and control; and

1 to repeal Section 29-1-19.1, Code of Alabama 1975, relating to
2 the control of certain parking areas by the Joint Parking
3 Committee.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Sections 29-2-200 and 29-2-201 of the
6 Code of Alabama 1975, are amended to read as follows:

7 "§29-2-200.

8 "(a) The Legislative Building Authority is created
9 as a continuing permanent committee of the Legislature.

10 "(b) The authority shall consist of three members of
11 the Senate appointed by the President Pro Tempore of the
12 Senate and three members of the House of Representatives
13 appointed by the Speaker of the House of Representatives.

14 "(c) The membership of the authority shall be
15 inclusive and reflect the racial, gender, geographic, urban
16 and rural, and economic diversity of the state.

17 "(d) Initial members of the authority shall be
18 appointed after June 14, 2007. Thereafter members of the
19 authority shall be appointed by the incoming President Pro
20 Tempore of the Senate and the incoming Speaker of the House of
21 Representatives after the election of such officers for each
22 legislative term. Members shall serve a term concurrent with
23 the legislative term of office.

24 "(e) Members of the authority may serve on the
25 authority during the term in which appointed, and if reelected
26 to the same house without a break in service to that house,

1 during the succeeding legislative term until a successor on
2 the authority is appointed.

3 "(f) Vacancies shall be filled by the appointing
4 authority who appointed the vacating member for the remainder
5 of the vacated term.

6 "(g) The initial meeting of the authority for each
7 legislative term shall be called by either the President Pro
8 Tempore of the Senate or the Speaker of the House of
9 Representatives. The authority shall elect a chair and a vice
10 chair at such initial meeting and adopt appropriate
11 procedures.

12 "(h) Each member of the authority shall be entitled
13 to his or her regular legislative compensation, his or her per
14 diem, and travel expenses for each day he or she attends a
15 meeting of the authority. Upon requisitions signed by the
16 chair of the authority, these payments shall be paid out of
17 any funds appropriated to the use of the Legislature by means
18 of warrants drawn by the state Comptroller on the State
19 Treasury. Notwithstanding the foregoing, no member shall
20 receive additional legislative compensation or per diem when
21 the Legislature is in session or if a member is being paid any
22 other payments on the same dates for attendance on other state
23 business.

24 "(i) The powers and duties of the authority shall
25 include all of the following:

26 "(1) Accept title to State House property.

1 "(2) Provide for the management and supervision,
2 administration, improvement, equipping, operation, and
3 maintenance of such State House property.

4 "(3) Take any other action considered necessary by
5 the authority to ensure sufficient space and facilities for
6 the functions of the Legislative Department.

7 "(4) Control the usage of the following parking
8 areas in the State Capitol Complex in the City of Montgomery
9 and the grounds of the State Capitol Building:

10 "a. That portion of King Street lying between Union
11 Street and Ripley Street.

12 "b. That portion of McDowell Lee Lane lying between
13 Union Street and Ripley Street.

14 "c. The parking lot bounded by Washington, Jackson,
15 Ripley, and Pelham Streets.

16 "d. The driveway and parking spaces on the grounds
17 surrounding the Capitol itself.

18 "(5) Extend and connect to the State Capitol any
19 building, now existing or subsequently constructed, and
20 whether owned or leased by the authority, that is used for
21 space and facilities for the function of the Legislative
22 Department, with such connection being at any level and
23 permitting full ingress and egress between the buildings.

24 "(6) Enter into contracts, transactions, statements
25 of understanding, and other agreements with the State of
26 Alabama or the Retirement Systems of Alabama, or both.

1 "(7) Specify a quorum for the authority and for the
2 authority when acting as a public corporation under Section
3 29-2-203.

4 "(8) Employ personnel.

5 "§29-2-201.

6 "(a) (1) For purposes of this article, State House
7 property means the real property bordered by Union Street,
8 McDowell Lee Lane, Ripley Street, and Washington Avenue and
9 the building, parking deck, and improvements located thereon.

10 "(2) The Alabama Building Renovation Finance
11 Authority, hereafter referred to as ABRFA, created pursuant to
12 Article 14 (commencing with Section 41-10-450) of Chapter 10
13 of Title 41, shall execute and deliver on June 14, 2007, an
14 appropriate deed or deeds and accompanying documents conveying
15 State House property in fee simple absolute to the Legislative
16 Building Authority.

17 "(3) Upon delivery of the deed and documents, the
18 Legislative Building Authority shall be invested with all
19 rights and title to the State House property.

20 "(4) The consideration for the conveyance shall be
21 the amounts appropriated in Section 29-2-202. This
22 consideration is conclusively determined to be valuable,
23 adequate, and fair.

24 "(b) The right of reverter created in Section
25 41-10-470, in relation to the land upon which the Alabama
26 State House is situated is abolished on the date of the
27 conveyance.

1 "(c) Any statutory lien created under Section
2 41-10-472, in relation to the land upon which the Alabama
3 State House is situated is abolished on the date of the
4 conveyance.

5 "(d) The Legislative Building Authority shall be
6 vested with absolute title and control of the State House
7 property.

8 "(e) (1) The state shall execute and deliver an
9 appropriate deed or deeds and accompanying documents conveying
10 to the Legislative Building Authority in fee simple absolute
11 the parking lot located across Union Street to the rear of the
12 State Capitol between the Alabama State House and the Folsom
13 Building and bounded by the streets of Union, Ripley, McDowell
14 Lee Lane, and King.

15 "(2) Upon the delivery of the deed and documents,
16 the Legislative Building Authority shall be invested with all
17 rights, title, and control to the parking lot."

18 Section 2. Section 29-2-203 is added to the Code of
19 Alabama 1975, to read as follows:

20 §29-2-203.

21 (a) The Legislative Building Authority may organize
22 as a public corporation with all the powers and authorities
23 granted to other public corporations by the laws of this
24 state, including, but not limited to, each of the following:

25 (1) To file appropriate application with the
26 Secretary of State and receive from the Secretary of State, a
27 certificate of incorporation.

1 (2) To sell, issue, and execute interest-bearing or
2 noninterest-bearing revenue bonds, in one or more series, in
3 necessary aggregate amounts and terms, for the purpose of
4 providing funds to ensure sufficient space and facilities for
5 the functions of the Legislative Department; and to
6 subsequently issue refunding bonds.

7 (3) For the purpose of providing funds for the
8 payment of the principal of and interest on the bonds issued
9 by the authority, create and irrevocably pledge to the payment
10 of such obligations a special and continuing trust fund which
11 shall consist of all receipts and income from rents contracted
12 for and received by the authority under leases of building or
13 buildings utilized for space and facilities for the functions
14 of the Legislative Department.

15 (b) Any portion of the principal proceeds derived
16 from the sale of the bonds which the authority may determine
17 is not then needed for any of the purposes for which the bonds
18 are authorized to be issued shall, on order of the authority,
19 be invested by the State Treasurer in permitted investments
20 which mature at such time or times as the authority shall
21 direct. Any such investments may, at any time and from time to
22 time on order of the authority, be sold or otherwise converted
23 by the State Treasurer into cash. The income derived from any
24 such investments shall be disbursed on order of the authority
25 for any purpose for which it may lawfully expend funds.

26 (c) The properties of the authority and the income
27 therefrom, all lease agreements made by the authority, all

1 bonds issued by the authority and the income therefrom and all
2 lien notices, mortgages, assignments and financing statements
3 filed with respect thereto shall be forever exempt from any
4 and all taxation in the state.

5 (d) All bonds, and income therefrom, issued by the
6 authority shall be construed to be negotiable instruments
7 subject to the registration provisions pertaining to
8 transfers, even though they are payable from a limited source.

9 (e) All contracts made, obligations incurred, and
10 bonds issued by the authority shall be solely and exclusively
11 obligations of the authority and shall not create obligations
12 or debts of the state.

13 (f) Any bonds issued by the authority may be used by
14 the holders thereof as security for deposits of any funds
15 belonging to the state or to any instrumentality, agency, or
16 political subdivision of the state in any instance where
17 security for such deposits may be required or permitted by
18 law. Any surplus in any state fund and any retirement or trust
19 fund, where the investment thereof is permitted or required by
20 law, may be invested in bonds issued by the authority. Unless
21 otherwise directed by the court having jurisdiction thereof,
22 or the document that is the source of authority, a trustee,
23 executor, administrator, guardian, or one acting in any other
24 fiduciary capacity may, in addition to any other investment
25 powers conferred by law and with the exercise of reasonable
26 business prudence, invest trust funds in the bonds of the
27 authority.

1 (g) The authority shall be a nonprofit corporation,
2 and no part of its net earnings remaining after payment of its
3 expenses shall inure to the benefit of any private entity.

4 (h) It is the intent of this section, without the
5 necessity of additional legislation, to vest the public
6 corporation with all powers, authority, rights, privileges,
7 and titles that may be necessary to enable it to accomplish
8 the purposes of this section.

9 Section 3. Section 29-2-204 is added to the Code of
10 Alabama 1975, to read as follows:

11 §29-2-204.

12 (a) Under the authority of Section 23 of the
13 Constitution of Alabama of 1901, now appearing as Section 23
14 of the Official Recompilation of the Constitution of Alabama
15 of 1901, as amended, effective on a date specified by
16 resolution adopted by the Legislative Building Authority, the
17 portions of the following streets in the City of Montgomery,
18 Alabama, are vacated and title and control is vested in the
19 State of Alabama:

20 (1) McDowell Lee Lane between Union Street and
21 Ripley Street.

22 (2) King Street between Union Street and Ripley
23 Street.

24 (3) Union Street between Washington Avenue and
25 Monroe Street.

26 (b) Upon the effective date of such vacation,
27 absolute title and control of the portions of the streets

1 vacated under subsection (a) are transferred in fee simple
2 absolute from the State of Alabama to the Legislative Building
3 Authority.

4 (c) Appropriate officials of the City of Montgomery
5 shall execute all appropriate documents concerning vacation
6 and transfer of title and control and deliver such documents
7 to the Legislative Building Authority.

8 (d) This section specifically supersedes Article 6,
9 commencing with Section 11-49-100, of Chapter 49 of Title 11
10 of the Code of Alabama 1975, concerning the vacation of
11 streets for the erection of public buildings; and any other
12 law to the contrary.

13 Section 4. Section 29-1-19.1 of the Code of Alabama
14 1975, relating to the control of certain streets adjacent to
15 the State Capitol, is repealed.

16 Section 5. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.