

1 SB121
2 122001-4
3 By Senators Barron, Little (T), Bedford, Keahey, Smitherman,
4 Coleman, Little (Z), Benefield, Dunn, Sanders, Denton, Means,
5 Mitchell, Mitchem, and Butler (Constitutional Amendment)
6 RFD: Finance and Taxation General Fund
7 First Read: 12-JAN-10

1 SB121

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4 ENROLLED, An Act,

5 To propose an amendment to the Constitution of
6 Alabama of 1901, to provide for a ten year road, bridge and
7 other transportation related construction and improvement
8 program to be funded with appropriations from the Alabama
9 Trust Fund and to provide for a transfer of funds to the
10 County and Municipal Government Capital Improvement Fund.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

18 PROPOSED AMENDMENT

19 Beginning in the fiscal year ending September 30,
20 2011 and continuing through the fiscal year ending September
21 30, 2020, the Legislature shall appropriate from the Alabama
22 Trust Fund the amount of one hundred million dollars
23 (\$100,000,000) in each fiscal year, subject to the limitation
24 in Section 4. The appropriation may be made in either the
25 general appropriations act or a separate appropriations act,

1 and the funds shall be distributed as provided in subdivisions
2 1 and 2 below, except as may be provided in Section 3 of this
3 amendment.

4 (1) Seventy-five percent (75%) of the appropriation
5 from the Alabama Trust Fund shall be distributed to the
6 Department of Transportation for construction, maintenance and
7 repair of state and local highways, roads, and bridges and
8 other transportation purposes as follows:

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

20 b. A total of five million dollars (\$5,000,000)
21 shall be expended in each congressional district in the state
22 as these districts exist on the effective date of this
23 amendment.

24 (i) For each of the fiscal years ending September
25 30, 2011 and 2012, the funds allocated to the fifth

1 congressional district shall be expended in the Primary Study
2 Area, including Redstone Arsenal, as such area was identified
3 in the Tennessee Valley Regional Growth Coordination Plan of
4 March 2009.

5 (ii) Beginning with the fiscal year ending September
6 30, 2011 and continuing through the fiscal year ending
7 September 30, 2020, one million dollars (\$1,000,000) of the
8 funds allocated annually to the sixth congressional district
9 and one million dollars (\$1,000,000) of the funds allocated
10 annually to the seventh congressional district shall be
11 expended to fund mass transit.

12 (iii) For each of the fiscal years ending September
13 30, 2011 and 2012, one million dollars (\$1,000,000) of the
14 funds allocated to the sixth congressional district shall be
15 expended to leverage federal funds to complete a new study for
16 interchange improvements at Interstate 459 and Highway 280.

17 (iv) For the fiscal year ending September 30, 2011,
18 the five million dollars (\$5,000,000) allocated to the first
19 congressional district shall be distributed to the Alabama
20 State Port Authority for capital improvements to the state
21 port in order to continue to expand the economic opportunities
22 for Alabama industries.

23 (v) For the fiscal year ending September 30, 2011,
24 one million dollars (\$1,000,000) of the funds allocated to the
25 second congressional district shall be distributed to the

1 Houston County Commission for a connector to Interstate 10 in
2 Dothan, Alabama.

3 (vi) For each of the fiscal years ending September
4 30, 2011 and 2012, one million dollars (\$1,000,000) of the
5 funds allocated to the third congressional district shall be
6 distributed to the Russell County Commission for
7 infrastructure supporting the growth and expansion related to
8 the Defense Base Closure and Realignment Commission (BRAC).

9 c. The remainder shall be expended as follows:

10 1. An amount equal to forty-five percent (45%)
11 divided by 67 shall be expended in each county, subject to
12 subdivision (1) c. 3.

13 2. An amount equal to fifty-five percent (55%)
14 divided on the basis of the ratio of the population of each
15 county to the total population of the state according to then
16 next preceding federal decennial census shall be expended in
17 each county, subject to subdivision (1) c. 3.

18 3. The Department of Transportation shall ensure
19 that the expenditure requirements in subdivision (1) c. 1. and
20 (1) c. 2. for each county are met during the 10-year life of
21 the appropriations authorized in this amendment. The
22 Department is not required to expend the funds as provided in
23 subdivision (1) c. 1. and (1) c. 2. on an annual basis but
24 shall make an annual report of its expenditures to the Joint
25 Transportation Committee or its successor.

1 4. In order to provide a uniform procedure for
2 bidding projects, the Department of Transportation shall
3 administer the bid process in accordance with procedures
4 established for this purpose. The Department shall not charge
5 an administrative fee for the bid process for funds allocated
6 pursuant to this subdivision (1) c.

7 (2) The remaining twenty-five (25%) shall be
8 distributed to the counties and municipalities to be used for
9 new construction and maintenance and repair. This amount shall
10 be allocated as follows:

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

13 b. Fifty-five percent (55%) shall be allocated among
14 the sixty-seven counties of the state on the basis of the
15 ratio of the population of each county to the total population
16 of the state according to the then next preceding federal
17 decennial census.

18 c. Ten percent of the total amount allocated to each
19 county in accordance with subdivisions (2)a. and b. of this
20 amendment shall be distributed among the municipalities within
21 the county on the basis of the ratio of the population of each
22 municipality to the total population of all municipalities in
23 the county according to the then next preceding federal
24 decennial census.

1 Section 2. In the awarding of contracts utilizing
2 funds appropriated in this amendment, the Department of
3 Transportation and the local governments may give preference
4 to Alabama based companies which employ Alabama residents to
5 the extent authorized by Alabama laws.

6 Section 3. Funds expended under Section 1 shall
7 comply with the United States Department of Transportation's
8 Disadvantaged Business Enterprise (DBE) Program in compliance
9 with the Code of Federal Regulations, Title 49, Subpart C,
10 Section 26.41(a). There is hereby created a fund in the State
11 Treasury to be known as the Disadvantaged Enterprise
12 Collateral Fund. The Legislature shall provide for
13 appropriations to this fund from amounts allocated under this
14 amendment. The Alabama Department of Transportation shall
15 appoint a committee to insure participation of the
16 disadvantaged business enterprises ("DBEs") in funds expended
17 under Section 1. and to review the funds expended under the
18 Disadvantaged Enterprise Collateral Fund. This committee shall
19 carry out its duties as determined by the committee
20 membership. The committee shall be comprised of: the Chairman
21 of the House General Fund Appropriations Committee; the
22 Chairman of the Senate Finance and Taxation General Fund
23 Committee; the DBE Administrator from the Construction Bureau
24 of the Alabama Department of Transportation; and four members
25 recommended to the Director of the Alabama Department of

1 Transportation, two of whom are designated by the Alabama DBE
2 Contractors Association, Inc. to represent DBEs, and two of
3 whom are designated by the Alabama Road Builders Association,
4 Inc. to represent the construction industry. The membership of
5 this committee shall be inclusive and reflect the racial,
6 gender, geographic, urban-rural, and economic diversity of the
7 state. The committee shall annually report to the legislature
8 by the second day of each regular session the extent to which
9 the committee has complied with the provisions provided for in
10 the act. The Legislature shall provide for appropriations to
11 this fund from amounts allocated under this amendment.

12 Section 4. No part of any appropriation may be
13 allotted if such allotment would cause the total capital of
14 the Alabama Trust Fund as of the end of the previous fiscal
15 year to fall below two billion dollars (\$2,000,000,000). For
16 the purposes of this amendment total capital shall not include
17 any amount that has been withdrawn from either the Education
18 Trust Fund Rainy Day Account or the State General Fund Rainy
19 Day Account and that has not been repaid to either account as
20 of the end of the applicable fiscal year. In the event that an
21 amount less than one hundred million dollars (\$100,000,000) is
22 allotted in any fiscal year pursuant to this amendment, the
23 amount not allotted due to this limitation may be appropriated
24 in a subsequent fiscal year.

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

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

11 FY 2012 -- 1% of total amounts appropriated through
12 2012

13 FY 2013 -- 1% of total amounts appropriated through
14 2013

15 FY 2014 -- 1% of total amounts appropriated through
16 2014

17 FY 2015 -- 1% of total amounts appropriated through
18 2015

19 FY 2016 -- 1% of total amounts appropriated through
20 2016

21 FY 2017 -- 1% of total amounts appropriated through
22 2017

23 FY 2018 -- 1% of total amounts appropriated through
24 2018

1 FY 2019 -- 1% of total amounts appropriated through
2 2019

3 FY 2020 -- 1% of total amounts appropriated through
4 2020

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

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

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

22 "Proposed by Act _____."

23 This description shall be followed by the following
24 language:

25 "Yes () No ()."

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President and Presiding Officer of
the Senate

Speaker of the House of Representa-
tives

SB121

Senate 11-MAR-10

I hereby certify that the within Act originated in
and passed the Senate, as amended.

Senate 21-APR-10

I hereby certify that the within Act originated in
and passed the Senate, as amended by Conference Committee
Report.

McDowell Lee
Secretary

House of Representatives
Passed: 13-APR-10, as amended

House of Representatives
Passed: 21-APR-2010, as amended by Conference
Committee Report.

By: Senator Barron