

1 SB86
2 188072-1
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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8 SYNOPSIS: This bill would establish the Alabama Road
9 and Bridge Rehabilitation and Improvement Authority
10 for the purposes of establishing a local and state
11 program for financing the rehabilitation and
12 improvement of roads and bridges throughout the
13 state by the issuance of the debt obligations which
14 shall be payable solely from proceeds from any new
15 levy of gasoline and diesel fuel excise taxes and
16 fees appropriated, allocated or made payable in
17 whole or in part to the authority by an act of the
18 Legislature.

19
20 A BILL
21 TO BE ENTITLED
22 AN ACT

23
24 To provide for the establishment and incorporation
25 of the Alabama Road and Bridge Rehabilitation and Improvement
26 Authority; to establish the ATRIP-II Projects Special Fund; to
27 provide that the authority may issue bonds in an aggregate

1 principal amount not exceeding \$2,450,000,000, of which
2 \$1,250,000,000 thereof shall be issued to finance county and
3 municipal road and bridge rehabilitation and improvement
4 projects and the balance thereof issued to finance state road
5 and bridge rehabilitation and improvement projects, and to
6 provide for the use of any proceeds from any new levy of
7 gasoline and diesel fuel excise taxes and fees appropriated,
8 allocated or made payable to the authority in whole or in part
9 by an act of the Legislature to pay debt service on such bonds
10 and other obligations issued to provide funds for Alabama
11 Transportation Rehabilitation and Improvement (ATRIP) Projects
12 and Alabama State Department of Transportation Projects (as
13 defined herein) and to pay the costs of such projects and the
14 expense of issuing such bonds and other obligations; to
15 provide for additional duties of the ATRIP Committee
16 heretofore established in respect of county and municipal road
17 and bridge rehabilitation and improvement projects to be
18 financed by the authority; to provide procedures for the
19 proposal to the authority by the State Department of
20 Transportation of road and bridge improvement projects to be
21 financed with proceeds of the bonds authorized to be issued
22 hereby; and to provide that the authority may issue refunding
23 bonds to prepay and retire any bonds and other obligations of
24 the authority.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. It is the intention of the Legislature by
27 the passage of this act to authorize the incorporation of the

1 Alabama Road and Bridge Rehabilitation and Improvement
2 Authority for the purposes of establishing a program for
3 financing the rehabilitation and improvement of roads and
4 bridges throughout the state by the issuance of the
5 obligations of such corporation, which shall not be debts of
6 the State of Alabama but shall be payable solely from proceeds
7 from any new levy of gasoline and diesel fuel excise taxes and
8 fees appropriated, allocated and made payable in whole or in
9 part to the authority by an act of the Legislature, and to
10 provide for the use of the proceeds of any such taxes and fees
11 not needed for payment of debt service on such obligations for
12 the purposes set out herein.

13 Section 2. Definitions. When used in this act, the
14 following words and phrases shall have the following
15 respective meanings unless the context clearly indicates
16 otherwise:

17 (1) ALDOT. The State Department of Transportation
18 provided for in Section 23-1-20, Code of Alabama 1975, as
19 amended.

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

23 (3) ALDOT PROJECTS SPECIAL FUND. A special fund in
24 the State Treasury entitled the "State Department of
25 Transportation Road and Bridge Rehabilitation and Improvement
26 Program Fund" which shall be held by the State Treasurer, as

1 custodian therefor, and applied solely as provided in this
2 act.

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

7 (5) ATRIP SUPPLEMENTAL MUNICIPAL ALLOCATION
8 COMMITTEE. The ATRIP Supplemental Municipal Allocation
9 Committee established pursuant to the provisions of subsection
10 (b) of Section 8.

11 (6) ATRIP-II PROJECTS. County and municipal road and
12 bridge rehabilitation and improvement projects submitted to
13 and received by the ATRIP Committee or the ATRIP Supplemental
14 Municipal Allocation Committee pursuant to the provisions of
15 Section 8 for funding in accordance with the provisions of
16 this act.

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

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

25 (9) BOARD OF DIRECTORS. The board of directors of
26 the authority.

1 (10) BONDS. Any bonds, authorized to be issued
2 pursuant to the provisions of this article including refunding
3 bonds as herein authorized.

4 (11) CORPORATION. The Authority.

5 (12) NET PROCEEDS. The entire proceeds from a new
6 levy of gasoline and diesel fuel excise taxes and fees less
7 the cost of collection and less any refunds thereof; and with
8 reference to bonds or other obligations issued and sold by the
9 Authority, the aggregate principal amount thereof less costs
10 of issuance and discount, if any, plus original issue premium,
11 if any.

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

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

18 (15) PROJECT COSTS. As applied to any road and
19 bridge rehabilitation and improvement project, all costs of
20 construction or acquisition of any part thereof, including,
21 but without limitation to, the costs of supervising,
22 inspecting and constructing any such project and all costs and
23 expenses incidental thereto, the costs of locating, surveying
24 and mapping, resurfacing, restoration and rehabilitation,
25 acquisition of rights-of-way, and improvements which directly
26 facilitate and control traffic flow, including grade

1 separation of intersections, widening of lanes, channelization
2 of traffic, and traffic-control systems.

3 (16) ROAD AND BRIDGE REHABILITATION AND IMPROVEMENT
4 PROJECTS. Projects for the rehabilitation, repair,
5 improvement, construction or replacement of roads and bridges
6 in the state, the costs of which may be paid through the
7 issuance of bonds by the Authority or with proceeds from any
8 new levy of gasoline and diesel fuel excise taxes and fees
9 appropriated, allocated, or made payable in whole or in part
10 to the Authority pursuant to an act of the Legislature.

11 (17) REFUNDING BONDS. Bonds issued to refund or
12 prepay outstanding bonds and other obligations of the
13 Authority.

14 (18) STATE. The State of Alabama.

15 (19) SUPPLEMENTAL ALLOCATION MUNICIPAL ATRIP-II
16 PROJECTS. ATRIP-II projects for payment of the costs of road
17 and bridge rehabilitation and improvement projects to be
18 undertaken within the corporate limits and police
19 jurisdictions of municipalities in the state submitted by
20 municipalities to the ATRIP Supplemental Municipal Allocation
21 Committee pursuant to the provisions of paragraph (2) of
22 subsection (b) of Section 8.

23 Section 3. (a) (1) The Legislature finds that it is
24 necessary, desirable, and in the public interest to authorize
25 the creation of a public corporation to issue bonds or other
26 obligations for the purpose of providing funds to pay the
27 costs of road and bridge rehabilitation and improvement

1 projects in the state. The authority to be created as provided
2 in this section shall be authorized to pledge proceeds from
3 any new levy of gasoline and diesel fuel excise taxes and fees
4 appropriated, allocated or made payable in whole or in part to
5 the authority by an act of the Legislature, for the payment of
6 its bonds and other obligations. The proceeds to be pledged
7 and applied as herein provided shall be the sole source of
8 payment for such bonds and other debt obligations, and to the
9 extent not needed for such purpose, shall be used as provided
10 for road and bridge rehabilitation and improvement projects as
11 provided for in this act.

12 (2) a. To become a public corporation and
13 instrumentality of the State of Alabama, the State Treasurer,
14 the State Finance Director, the Director of the ALDOT, a
15 currently-serving Alabama county commissioner appointed by the
16 Speaker of the House of Representatives, and a
17 currently-serving mayor of an Alabama city or town appointed
18 by the President Pro Tempore of the Senate, shall, prior to
19 July 1, 2018, present to the Office of the Secretary of State
20 an application setting forth all of the following:

21 1. The name, official designation, and official
22 residence of each applicant with, for elected applicants, a
23 certified copy of the commission evidencing the applicant's
24 right to office, and, for appointed applicants, a certified
25 copy of the document or instrument of appointment of the
26 applicant.

1 2. The name of the proposed public corporation that
2 shall be the Alabama Road and Bridge Rehabilitation and
3 Improvement Authority.

4 3. The location of the principal office of the
5 proposed public corporation, that shall be in the City of
6 Montgomery, Alabama.

7 4. Any other matter the applicants may choose to
8 include that is not inconsistent with this act or the other
9 laws of the State of Alabama.

10 b. The application shall be subscribed and sworn to
11 by each of the applicants before an officer authorized by the
12 laws of the State of Alabama to take acknowledgements to
13 deeds. If the Secretary of State shall find the application
14 substantially complies with this section, the Secretary shall
15 record the same in an appropriate book of records in the
16 office thereof, whereupon the applicants shall constitute a
17 public corporation and instrumentality of the State of Alabama
18 under the name stated in the application, and the Secretary of
19 State of Alabama shall issue a certificate of incorporation
20 under the Great Seal of the State of Alabama and shall record
21 the certificate with the application.

22 (3) The authority and the directors, employees,
23 members, and officers of the authority are immune from suit to
24 the same extent as the State of Alabama and the agencies,
25 instrumentalities, officers, and employees thereof, subject to
26 Section 36-1-12, Code of Alabama 1975, as amended.

1 (4) a. The applicants named in the application shall
2 constitute the initial members of the authority and the
3 initial board of directors of the authority. The respective
4 successors in office of the State Treasurer, the State Finance
5 Director and the Director of the ALDOT, by virtue thereof,
6 shall serve as ex officio members of the authority and
7 directors of the authority. The appointed members and
8 directors of the authority shall each serve for four-year
9 terms expiring on the later of June 30 four years after the
10 appointment thereof or until a successor is appointed by the
11 President Pro-Tempore of the Senate or Speaker of the House of
12 Representatives, as appropriate, pursuant to the same
13 appointment method provided for in subdivision (2). Any
14 vacancy in a directorship held by an appointed director shall
15 be filled in the same manner within 60 days of such vacancy
16 for the unexpired term applicable to such vacancy. Each
17 appointed director shall reside within the State of Alabama
18 and may be reappointed for successive terms. No director shall
19 draw any salary or other compensation for any service rendered
20 or duty performed as a director. An appointed director may be
21 removed from office as a director by the official appointing
22 such director for any of the causes specified in Section 173,
23 or any successor provision, of the Constitution of Alabama of
24 1901, as amended.

25 b. The authority shall be governed by its board of
26 directors and all powers of the authority shall be exercised
27 by the board of directors or pursuant to its authorization.

1 The Director of the ALDOT shall be the president of the
2 authority, the State Finance Director shall be the
3 vice-president of the authority and the State Treasurer shall
4 be the secretary of the authority. A majority of the directors
5 shall constitute a quorum for the transaction of business. All
6 proceedings and minutes of meetings of the board of directors
7 shall be reduced to writing, signed by the president or
8 vice-president of the authority and a majority of directors
9 present at such proceedings and meetings, and recorded in the
10 Office of the Secretary of State. Such proceedings and
11 minutes, when certified by the secretary of the authority,
12 shall be received in all courts as prima facie evidence of the
13 matters therein certified.

14 (5) The authority shall have all rights, authority
15 and powers granted thereto in this act and all rights,
16 authority and powers granted by the laws of the State of
17 Alabama to public and private corporations that are not in
18 conflict with the public purposes of this act, including,
19 without limitation, the authority and power:

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

22 b. To institute and defend legal actions, provided
23 the authority, and the directors, agents, employees and
24 members thereof, acting on behalf of the authority, may not be
25 sued in any nisi prius court other than the courts of the
26 county in which is located the principal office of the
27 authority.

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

3 d. To sell and issue its bonds and other obligations
4 to finance payment of the costs of ATRIP-II projects and
5 payment of the costs of ALDOT projects, payable from the
6 sources, and on the terms, as provided in this act, and to
7 sell and issue refunding bonds as provided in this act.

8 e. To pledge any proceeds from any new levy of
9 gasoline and diesel fuel excise taxes and fees to be made
10 available and appropriated to the authority as the sole source
11 of payment of, and security for, the bonds and other
12 obligations of the authority.

13 f. To provide for and obtain credit ratings for
14 bonds and other obligations of the authority as well as credit
15 enhancement and supplemental security therefor, including
16 insurance policies, guaranties, letters of credit, surety
17 bonds and similar instruments.

18 g. To enter into and perform such agreements,
19 contracts, indentures, instruments, mortgages, and security
20 agreements, as shall be necessary or desirable to provide for
21 the issuance and security of bonds of the authority, to
22 exercise any authority or power of the authority, or to carry
23 out any public purpose of the authority.

24 h. To acquire, by devise, gift, lease, purchase, or
25 otherwise, hold, and convey, with or without consideration, to
26 the State of Alabama and to any political subdivision, public

1 body, or public corporation in the State of Alabama, tangible
2 and intangible property of any description.

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

17 j. To provide for insurance as the directors
18 determine to be necessary or desirable.

19 k. As security for payment of the principal of and
20 the interest on its bonds, to pledge any funds or revenues
21 from which its bonds may be made payable and to arrange for
22 and provide such additional security for its bonds, including
23 letters of credit, bond insurance policies, surety bonds and
24 the like, as the board of directors shall determine to be
25 necessary or desirable;

26 l. To borrow money and issue its bonds in evidence
27 thereof subject to the provisions of this article.

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

2 (1) Be solely and exclusively limited obligations of
3 the authority payable solely from and secured by a pledge of
4 the amounts of the proceeds from any new levy of gasoline and
5 diesel fuel excise taxes and fees appropriated, allocated, or
6 made payable to the authority by or pursuant to an act of the
7 Legislature, and shall never constitute or give rise to a
8 general obligation of the authority or an indebtedness,
9 obligation, pecuniary liability, or charge against the general
10 credit or taxing powers of the State of Alabama or any
11 political subdivision thereof or therein.

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

14 (3) Be signed by the president or vice-president of
15 the authority and attested by the secretary under the seal of
16 the authority affixed thereto, provided that facsimiles of the
17 signatures of such officers may be reproduced on such bonds in
18 lieu of manual signatures.

19 (4) Be issued from time to time or at any time as
20 the authority shall determine, in an aggregate principal
21 amount not exceeding, not including refunding bonds, two
22 billion four hundred fifty million dollars (\$2,450,000,000),
23 of which one billion two hundred fifty million dollars
24 (\$1,250,000,000) thereof shall be for payment of costs of
25 ATRIP-II projects and expenses of issuance of the bonds and
26 one billion two hundred million dollars (\$1,200,000,000)
27 thereof shall be for payment of costs of ALDOT projects and

1 expenses of issuance of the bonds, in such series, forms and
2 denominations, of such maturities as shall not exceed 15 years
3 from the dated date of each thereof, bearing such fixed or
4 variable rates of interest, being subject to redemption, and
5 containing such other terms and provisions as shall be
6 approved by the Board of Directors of the authority.

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

8 (6) Be a legal investment for all governmental
9 entities, political subdivisions and public corporations in
10 the State of Alabama, and administrators, executors,
11 guardians, persons, or organizations acting in a fiduciary
12 capacity unless otherwise directed by a court of competent
13 jurisdiction.

14 (b) The authority shall be authorized to sell and
15 issue its refunding bonds for the purpose of refunding,
16 redeeming, paying and retiring any matured or unmatured bonds
17 or other obligations of the authority then outstanding, which
18 refunding bonds may be issued at such times, and in such
19 series, forms denominations and aggregate principal amounts as
20 the authority shall determine, the proceeds remaining after
21 paying the expenses of their issuance shall be used only for
22 such purposes set forth above in this subsection (b) and to
23 pay any premium that may be necessary to be paid in order to
24 redeem, pay or retire the bonds or other obligations of the
25 authority to be refunded.

26 Section 5. For the benefit of the State of Alabama
27 and the citizens thereof, there is hereby created a special

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

19 (1) First, as directed by the authority in each
20 fiscal year such amounts at such times as shall be sufficient,
21 with other funds available to the authority therefor, to
22 provide for the due and punctual payment in full of all
23 principal of, premium, if any, and interest on all bonds and
24 other obligations of the authority at any time outstanding (i)
25 which shall have become due and payable and which shall not
26 have theretofore been paid, in a prior fiscal year, and (ii)
27 which shall become due and payable in such fiscal year.

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

3 (3) Thereafter, all remaining moneys in the ATRIP-II
4 Projects Special Fund shall be further distributed as provided
5 in subsection (a) of Section 13 of this act and expended only
6 as provided in that section. Thus, when all bonds and other
7 obligations of the authority shall have been paid in full and
8 in accordance with the terms thereof and of the documents
9 under which those bonds and other obligations were issued, all
10 moneys remaining each year in the ATRIP-II Projects Special
11 Fund shall be applied and distributed as provided in
12 subsection (a) of Section 13 of this act.

13 Section 6. (a) Any moneys, including proceeds of the
14 authority's bonds, allocated to counties and municipalities
15 pursuant to this act shall be in addition to and shall not
16 diminish any other revenues allocated or distributed from any
17 other source.

18 (b) (1) The net proceeds of bonds and other
19 obligations, other than refunding bonds, issued by the
20 authority, being the proceeds realized upon sale of such bonds
21 after payment therefrom of all expenses, ratings fees, credit
22 enhancement fees, and similar costs of issuance thereof, plus
23 premium, if any, shall be deposited in the State Treasury and
24 disbursed as provided in the proceedings under which such
25 bonds or obligations shall have been issued and as provided in
26 this act. The authority shall establish procedures to account
27 for each county's and each municipality's portion of the net

1 proceeds of the authority's bonds and other obligations. Each
2 county and municipality shall obtain the benefit of such
3 proceeds of bonds and other obligations of the authority only
4 in accordance with this act and the proceedings under which
5 such bonds or obligations shall have been issued and shall
6 apply and use such proceeds only for the purposes and as
7 provided in this act.

8 (2) The authority shall sell and issue its bonds and
9 other obligations at such times and in such aggregate
10 principal amounts so as to ensure that, when all of the bonds
11 herein authorized to be issued pursuant to subsection (a) of
12 Section 4 of this act, other than refunding bonds, for the
13 purpose of paying the costs of county and municipal road and
14 bridge improvement and rehabilitation projects, other than
15 those bonds and other obligations issued for the purpose of
16 paying the costs of Supplemental Allocation Municipal ATRIP-II
17 projects, have been issued, the remaining shall be allocated
18 as follows:

19 a. Twenty percent (20%) of the aggregate net
20 proceeds of the authority's aforesaid bonds for the purpose of
21 paying the costs of county and municipal road and bridge
22 improvement and rehabilitation projects as hereinabove
23 provided, i.e., other than those of such proceeds allocated
24 for Supplemental Allocation Municipal ATRIP-II projects, shall
25 be allocated for distribution among the municipalities in the
26 state on the basis of the ratio of the population of each

1 municipality to the total population of all the municipalities
2 in the state according to the 2010 federal decennial census.

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

5 1. 45.45 percent thereof shall be allocated for
6 distribution for payment of the costs of road and bridge
7 improvement and rehabilitation projects equally among the 67
8 counties of the state; and

9 2. 54.55 percent thereof shall be allocated for
10 distribution for payment of the costs of road and bridge
11 improvement and rehabilitation projects among the 67 counties
12 of the state on the basis of the ratio of the population of
13 each county to the total population of the state according to
14 the 2010 federal decennial census.

15 Section 7. Notwithstanding any other law or
16 provision of this act to the contrary, no county or
17 municipality receiving any proceeds of bonds or other
18 obligations issued by the authority under this act payable
19 from the pledged taxes and fees shall have any obligation,
20 direct, indirect, or contingent, for the repayment of any of
21 the proceeds so received, or for payment of any interest
22 thereon, to the authority or the State of Alabama or any
23 agency, department or instrumentality thereof.

24 Section 8. (a) (1) In order to assist in carrying out
25 of the purposes of this act and to provide for the repair,
26 maintenance, improvement, replacement, and construction of
27 county and municipal roads and bridges infrastructure under

1 the procedures and requirements set forth herein, the ATRIP
2 Committee created pursuant to Section 23-1-435, Code of
3 Alabama 1975, as amended, is hereby permanently established,
4 any provision of Section 23-1-435, Code of Alabama 1975 to the
5 contrary notwithstanding. Except for Supplemental Allocation
6 Municipal ATRIP-II projects applications for the review of
7 which are required to be made to the ATRIP Supplemental
8 Municipal Allocation Committee pursuant to subsection (2) of
9 this section, the ATRIP Committee is hereby charged with
10 reviewing all ATRIP-II projects for funding through the
11 issuance of bonds and other debt obligations issued by the
12 authority, applications to the ATRIP Committee for review of
13 which are made by counties and municipalities in the state
14 pursuant to procedures developed and adopted by the ATRIP
15 Committee and that meet the criteria for funding as set forth
16 in subsection (a) of Section 9 or subsection (a) of Section 10
17 of this act.

18 (2) ATRIP-II projects, applications for the review
19 of which are made to the ATRIP Committee and that fall within
20 the aforesaid criteria, shall be certified to the authority
21 from time to time by the Chair of the ATRIP Committee, and
22 thereafter the costs of the certified ATRIP-II projects shall
23 be eligible for financing through the issuance by the
24 authority of its bonds or other obligations allocated by the
25 authority for such ATRIP-II projects as authorized hereby in
26 an aggregate principal sum not exceeding one billion two
27 hundred million dollars (\$1,200,000,000).

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

18 (2) Any application for the review of Supplemental
19 Allocation Municipal ATRIP-II projects submitted by
20 municipalities in the state to the ATRIP Supplemental
21 Municipal Allocation Committee shall be identified as such in
22 the application and submitted separate and apart from
23 applications made by municipalities for other ATRIP-II
24 projects. Such applications may also include calculations of
25 the differences in funding allocations for bond proceeds for
26 municipal ATRIP-II projects that have been or will be affected
27 by the different ways in which moneys for municipal ATRIP-II

1 projects are allocated pursuant to this act from the method by
2 which moneys had been allocated among municipalities pursuant
3 to the original ATRIP program. It is the intent of the
4 Legislature that the ATRIP Supplemental Municipal Allocation
5 Committee review and take into account the calculations of
6 such differences in prioritizing certifications of
7 Supplemental Allocation Municipal ATRIP-II projects to the
8 Authority. Upon review of applications for Supplemental
9 Allocation Municipal ATRIP-II projects by the ATRIP
10 Supplemental Municipal Allocation Committee, the projects that
11 meet the criteria for funding as set forth in subsection (a)
12 of Section 10 of this act may be certified by the chair of the
13 Committee to the authority as eligible for financing through
14 the issuance by the authority of its bonds or other
15 obligations allocated by the authority for Supplemental
16 Allocation Municipal ATRIP-II projects, up to an aggregate
17 amount of the costs of all such projects proposed to be paid
18 with proceeds of the bonds to be issued by the authority
19 pursuant to this act not exceeding the aggregate principal sum
20 of fifty million dollars (\$50,000,000). Supplemental
21 Allocation Municipal ATRIP-II projects, applications for the
22 review of which are made to the ATRIP Supplemental Municipal
23 Allocation Committee and that fall within the aforesaid
24 criteria, shall be certified to the Authority from time to
25 time by the Chair of the ATRIP Supplemental Municipal
26 Allocation Committee, and thereafter the costs of the
27 certified ATRIP-II projects shall be eligible for financing

1 through the issuance by the authority of its bonds or other
2 obligations allocated by the authority for Supplemental
3 Allocation Municipal ATRIP-II projects as authorized hereby.

4 (c) In reviewing projects submitted for funding
5 pursuant to the provisions of this section, the ATRIP
6 Committee and the ATRIP Supplemental Municipal Allocation
7 Committee shall appraise and consider information that shall
8 be submitted by counties and municipalities in their
9 applications with respect to those projects concerning their
10 hiring or contracting with businesses or individuals in
11 carrying out such projects which reflect the racial and ethnic
12 diversity of the state. A report on the hiring and contracting
13 information so submitted by counties and municipalities shall
14 be distributed annually to the Governor, the Senate President
15 Pro Tempore, the Speaker of the House of Representatives, the
16 Senate Minority Leader, and the House of Representatives
17 Minority Leader no later than October 1 of each year,
18 beginning on October 1, 2019.

19 Section 9. (a) Not more than one billion two hundred
20 fifty million dollars (\$1,250,000,000) of the proceeds of the
21 aggregate principal amount of bonds that the authority is
22 hereby authorized in this act to sell and issue shall be
23 utilized for the purpose of paying costs of ATRIP-II projects
24 certified to the authority as provided in Section 8 of this
25 act and to pay the costs of issuance of said bonds. Net
26 proceeds of the sale by the authority of its bonds and other
27 obligations of the authority authorized hereby and issued to

1 pay the costs of county ATRIP-II projects shall be deposited,
2 once allocated for distribution, into a separate fund in the
3 State Treasury to be maintained for the respective benefit of
4 each distributee county and disbursed therefrom only in
5 accordance with procedures therefor adopted by the Board of
6 Directors of the authority, and pursuant to the proceedings
7 under which the bonds and obligations are issued, and shall be
8 utilized for any or all of the following purposes:

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

11 a. Are posted for traffic below the maximum legal
12 weight limit.

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

15 c. Have an average daily traffic count of 200 or
16 more vehicles.

17 (2) To repair or improve any major collectors that
18 are not scheduled as a federal project within two years of the
19 effective date of this act and have not been resurfaced or
20 otherwise significantly rehabilitated since 2000, which
21 projects may include the repair or improvement of a major
22 collector that is partially located within a municipality that
23 has a population of 800 or less according to the 2010 federal
24 decennial census, provided the county in which such
25 municipality is located shall be repairing or improving all or
26 a portion of the major collector that is immediately adjacent

1 to the corporate limits of the municipality on one or both
2 sides and lies along an unincorporated area of the county.

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

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

12 (5) With the consent of the municipalities located
13 in the county, to provide funds for the maintenance,
14 improvement, or replacement of municipally-maintained roads
15 and bridges.

16 (6) To provide funds for joint road or bridge
17 projects with one or more municipalities in the county
18 pursuant to any agreement executed under the authority of
19 state law.

20 (b) Any county ATRIP-II project utilizing proceeds
21 of bonds and other obligations of the authority for road or
22 bridge maintenance, improvement, replacement, or construction,
23 on roads or bridges shall be designed in a manner consistent
24 with the standards for low volume roads as established in the
25 County Road Design Policy for Low Volume Roads as recommended
26 by the Association of County Commissions of Alabama and
27 adopted by the ALDOT.

1 (c) Counties may not utilize any allocated proceeds
2 of bonds and other obligations of the authority for any of the
3 following purposes except in accordance with generally
4 accepted accounting principles for job cost accounting or
5 federal cost allocation regulations:

6 (1) Salaries, benefits, or any other form of
7 compensation for county or contract employees or for county or
8 municipal officials.

9 (2) The purchase, lease, or maintenance of
10 equipment.

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

13 (d) All proceeds of bonds and other obligations of
14 the authority allocated and distributed to or for the benefit
15 of counties pursuant to this act shall be audited by the
16 Examiners of Public Accounts in the same manner as all other
17 county funds.

18 (e) At its first meeting held in October 2018, and
19 in each October thereafter, the county commission of each
20 county shall adopt an annual ATRIP-II Plan for the then
21 current fiscal year, which plan shall be approved by
22 affirmative vote of a majority of the members of the county
23 commission. The plan shall include only ATRIP-II projects
24 authorized in this section for the benefit of the county. The
25 plan shall be based upon an estimate of the proceeds of the
26 authority's bonds or other obligations anticipated to be
27 allocated by the authority to and made available for the

1 benefit of the county during the fiscal year. The county
2 commission shall consider the needs of each district in the
3 county in establishing its annual plan, and the plan shall not
4 be altered once adopted at the first meeting in October.
5 Following its adoption, the annual plan shall at all times be
6 posted in conspicuous places at the county courthouse, the
7 county commission office, the county highway or road
8 department, and any other place or places deemed appropriate
9 by the county commission. The plan shall also be posted on the
10 county's website, if available. Written notice of the meeting
11 at which the plan is to be adopted shall be mailed or
12 otherwise disseminated to each member of the county's
13 legislative delegation at least five days in advance of the
14 meeting.

15 (f) At the first meeting of the county commission of
16 each county held in January 2020, and in each January
17 thereafter, the county engineer or other person designated by
18 the county commission for that purpose shall present the
19 county commission with an annual written report detailing
20 expenditures made for ATRIP-II projects in the county during
21 the previous fiscal year, and the report shall include the
22 status of each project included in the county's previous
23 fiscal year's ATRIP-II Plan. Notice of the meeting at which
24 the report will be made shall be mailed or otherwise
25 disseminated to each member of the county's legislative
26 delegation at least five days in advance of the meeting. The
27 report shall be entered in the minutes of the county

1 commission meeting and shall be made available to the public
2 for inspection, including posting on the county's website, if
3 available.

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

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

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

23 (3) With the consent of the county in which the
24 municipality is located, for the maintenance, improvement, or
25 replacement of county-maintained roads and bridges within the
26 municipality's jurisdictional limits.

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

4 (b) Municipalities may not utilize any allocated
5 bond proceeds and other obligations of the authority for any
6 of the following purposes except in accordance with generally
7 accepted accounting principles for job cost accounting or
8 federal cost allocation regulations:

9 (1) Salaries, benefits, or any other form of
10 compensation for municipal or contract employees or for
11 municipal or county officials.

12 (2) The purchase, lease, or maintenance of
13 equipment.

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

16 (c) All bond proceeds and other obligations of the
17 authority allocated and distributed to or for the benefit of
18 municipalities pursuant to this act shall be audited by the
19 Examiners of Public Accounts in the same manner as all other
20 municipal funds.

21 (d) Any municipal ATRIP-II project utilizing bond
22 proceeds for road or bridge maintenance, improvement,
23 replacement, or construction of roads or bridges shall be
24 designed in a manner consistent with the standards adopted by
25 the ALDOT.

26 (e) At its first meeting held in October 2018, and
27 in each October thereafter, the governing body of each

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

23 (f) At the first meeting of the governing body of
24 the municipality held in January 2020, and in each January
25 thereafter, the city engineer or other person designated by
26 the municipal governing body for such purpose shall present
27 the municipal governing body with an annual written report

1 detailing expenditures made from for ATRIP-II projects in the
2 municipality during the previous fiscal year, which report
3 shall include the status of each project included in the
4 municipality's previous fiscal year's ATRIP-II Plan. Written
5 notice of the meeting at which the report will be made shall
6 be mailed or otherwise disseminated to each member of the
7 municipality's legislative delegation at least five days in
8 advance of the meeting. The report shall be entered in the
9 minutes of the municipal governing body meeting and shall be
10 made available to the public for inspection, including posting
11 on the municipality's website, if available.

12 Section 11. (a) All ATRIP-II projects shall be let
13 to contract by each county or municipality, as the case may
14 be, utilizing contractors and material suppliers listed on the
15 ALDOT's list of approved contractors and suppliers rather than
16 be performed by county or municipal forces and shall be
17 subject to the reporting requirements contained in Section
18 23-1-433 and Section 23-1-434, Code of Alabama 1975, as
19 amended, respectively. Each county and municipality shall
20 provide on October 1 of every other year, beginning on October
21 1, 2019, a list of all contractors who have been awarded
22 projects under this section to the Senate President Pro
23 Tempore and the Speaker of the House of Representatives.

24 (b) ALDOT's list of approved contractors and
25 material suppliers shall include the ALDOT's Certified
26 Disadvantaged Business Enterprise List. Each county and
27 municipality shall provide a list of all contractors who have

1 been awarded projects under this section to the Senate
2 President Pro Tempore and the Speaker of the House of
3 Representatives every other year, beginning on October 1,
4 2019.

5 (c) All contracts awarded under this section shall
6 be bid in accordance with the provisions of Title 39, Code of
7 Alabama 1975, as amended, except as provided in this section.
8 Provisions of Chapter 2, Title 39, Code of Alabama 1975, as
9 amended, notwithstanding, bids for projects funded with bonds
10 proceeds or other obligations of the authority may only be
11 opened at 10:00 a.m. central time on the second Wednesday of
12 each month. For all county ATRIP-II projects, the appropriate
13 plans and bid opening dates shall be published in electronic
14 form no later than the tenth day of the month preceding the
15 bid opening on a website maintained for that purpose by the
16 Association of County Commissions of Alabama. Notwithstanding
17 any provision of law to the contrary, no bidding shall be
18 required by the county for asphalt or other road construction
19 or repair materials if the county has an annual contract for
20 providing such materials in effect on the effective date of
21 this act. Any such materials shall be bid for any project let
22 for contract on or after the expiration of asphalt or road
23 construction or repair materials contract in place on the
24 effective date of this act. For all municipal ATRIP-II
25 projects, the appropriate plans and bid opening dates shall be
26 published in electronic form no later than the tenth day of
27 the month preceding the bid opening on a website maintained

1 for that purpose by the Alabama League of Municipalities. Bids
2 for county and municipal contracts awarded under this section
3 shall only be awarded in accordance with Section 39-2-6, Code
4 of Alabama 1975, as amended, during a regularly-scheduled
5 meeting of the governmental body of the county or city, as the
6 case may be. Immediately after the completion of each project,
7 the publication notifications required by Section 39-1-1(f),
8 Code of Alabama 1975, as amended, shall be satisfied by
9 posting on the same website utilized for the posting of
10 specifications and notice of bid openings.

11 (d) The State Comptroller shall disburse or pay
12 moneys from the proceeds derived from the sale of bonds and
13 other obligations of the authority and on deposit in each of
14 the special funds maintained in the State Treasury for the
15 benefit of each distributee county and municipality only
16 against vouchers or other evidence satisfactory to the State
17 Comptroller submitted by such distributee counties and
18 municipalities for satisfaction of amounts currently due and
19 payable under contracts awarded under this section to carry
20 out ATRIP-II projects with respect to which the authority has
21 allocated proceeds of its bonds or other obligations. The
22 authority may provide by resolution of its Board of Directors
23 for the time, form, manner and methods pursuant to which such
24 submissions may be made by counties or municipalities and
25 disbursements or payments responsive thereto shall be made by
26 the State Comptroller.

1 Section 12. (a) Effective September 1, 2018, and
2 until such time as any and all bonds or other obligations of
3 the authority have been paid in full pursuant to the terms
4 thereof, one-half of the net proceeds from any new levy of
5 gasoline and diesel fuel excise taxes and fees appropriated,
6 allocated or made payable in whole or in part to the Authority
7 by an act of the Legislature and deposited in the State
8 Treasury shall be transferred into a special fund in the State
9 Treasury entitled the "State Department of Transportation Road
10 and Bridge Rehabilitation and Improvement Program Fund", (the
11 "ALDOT Projects Special Fund") and applied solely as provided
12 in this act.

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

16 (1) First, as directed by the authority in each
17 fiscal year such amounts at such times as shall be sufficient,
18 with other funds available to the authority therefor, to
19 provide for the due and punctual payment in full of all
20 principal of, premium, if any, and interest on all bonds and
21 other obligations of the authority at any time outstanding (i)
22 which shall have become due and payable and which shall not
23 have theretofore been paid, in a prior fiscal year, and (ii)
24 which shall become due and payable in such fiscal year.

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

1 (3) Thereafter, all remaining moneys in the ALDOT
2 Projects Special Fund shall be further distributed as provided
3 in subsection (b) of Section 13 of this act and expended only
4 as provided in that section. Thus, when all bonds and other
5 obligations of the authority shall have been paid in full in
6 accordance with the terms thereof and of the documents under
7 which those bonds and other obligations were issued, all
8 moneys remaining each year in the ALDOT Projects Special Fund
9 shall be applied and distributed as provided in subsection (b)
10 of Section 13 of this act.

11 (c) Not more than one billion two hundred million
12 dollars (\$1,200,000,000) of the proceeds of the aggregate
13 principal amount of bonds authorized in this act to be issued
14 by the authority shall be utilized to pay the costs of ALDOT
15 projects submitted to the authority by ALDOT as provided for
16 in and in accordance with this section and to pay the expenses
17 of issuance of said bonds. Net proceeds of such bonds or
18 obligations may also be used as matching funds for any federal
19 projects approved for the state pursuant to such
20 federally-created infrastructure program relating to roads,
21 bridges and highways, as may be established after the
22 effective date of this act pursuant to a presidential
23 executive order, act of Congress, or other legally-approved
24 federal action.

25 (d) The proceeds of bonds and other obligations of
26 the authority and other funds made available to ALDOT pursuant
27 to this section shall not be utilized for any of the following

1 purposes except in accordance with generally accepted
2 accounting principles for job cost accounting or federal cost
3 allocation regulations:

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

6 (2) The purchase, lease, or maintenance of
7 equipment.

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

10 (e) No later than September 1, 2018, and no later
11 than September 1 of each year thereafter, until all of the
12 bonds and other obligations authorized to be issued by the
13 authority shall have been sold and issued, the Director of the
14 ALDOT shall annually identify the road and bridge improvement
15 projects he shall recommend be conducted or undertaken by
16 ALDOT and funded in whole or in part with moneys available
17 from bond proceeds or other obligations of the authority
18 pursuant to this section, and shall submit the recommended
19 list of projects to the authority for consideration and
20 allocation of proceeds of the authority's bonds and other
21 obligations. The Director of the ALDOT in making such
22 recommendations shall consider and give priority to the
23 following infrastructure needs: safety, congestion, economic
24 and industrial impact, educational impact, connectivity,
25 innovation, local government investment in projects, and
26 public-private partnerships.

1 (f) All ALDOT projects funded pursuant to this
2 section shall be let to contract by ALDOT. ALDOT shall
3 establish and apply Disadvantaged Business Enterprise (DBE)
4 goals in the same manner and consistent with the requirements
5 respecting DBE goals of the Federal Highway Administration
6 (FHWA) for road and bridge and other similar contracts funded
7 with federal funds. The DBE goal for ALDOT projects funded
8 pursuant to this section shall be the same as the goal
9 established annually by ALDOT for contracts funded with
10 federal funds and approved by FHWA. ALDOT shall provide, on
11 October 1 of every fiscal year of the state, beginning October
12 1, 2019, for the then immediately preceding fiscal year, a
13 report of ALDOT projects let to contract pursuant to this
14 section, including information on the established DBE goals
15 for ALDOT projects, to the Board of Directors of the
16 authority, the Governor, the President Pro Tempore of the
17 Senate, the Speaker of the of Representatives, the Senate
18 Minority Leader, and the Alabama House of Representatives
19 Minority Leader.

20 Section 13. (a) To the extent in each fiscal year of
21 the state the net proceeds from any new levy of gasoline and
22 diesel fuel excise taxes and fees are not needed for payment
23 of debt service on bonds or other obligations of the Authority
24 and are not otherwise restricted by Section 5 of this act or
25 by agreement of the authority with the holders of said bonds
26 or other obligations, or when all such bonds and obligations
27 of the authority theretofore issued, including refunding

1 bonds, have been retired or are deemed paid in full pursuant
2 to the terms, the following allocations shall be made:

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

7 (1) Thirty percent (30%) of the proceeds shall be
8 distributed equally among the municipalities of the state on
9 the basis of the ratio of population of each municipality to
10 the total population of the state according to the then
11 immediately preceding federal decennial census; and

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

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

16 ii. 54.55 percent of the proceeds shall be allocated
17 among the 67 counties of the state on the basis of the ratio
18 of the population of each county to the total population of
19 the state according to the then immediately preceding federal
20 decennial census, provided that, following the time as the
21 authority shall have issued all of the bonds and other
22 obligations herein authorized to be issued for county and
23 municipal road and bridge projects and distributed the net
24 proceeds therefrom for payment of costs of ATRIP-II projects
25 as herein otherwise provided, there shall be allocated and
26 appropriated from the remaining seventy percent (70%), on a
27 pro-rata basis to each of the 67 counties in the state that

1 shall not have theretofore had allocated to it or for its
2 benefit pursuant to the provisions of this act bond proceeds
3 for payment of costs of ATRIP-II projects aggregating at least
4 ten million dollars (\$10,000,000) pursuant to Sections 8 and 9
5 of this act, the additional amount of net proceeds of any new
6 levy of gasoline and diesel fuel excise taxes and fees
7 appropriated, allocated, or made payable in whole or in part
8 to the authority by an act of the Legislature, as shall bring
9 the county's final cumulative allocation for ATRIP-II projects
10 pursuant to this act plus the additional amount to the sum of
11 ten million dollars (\$10,000,000), provided always that the
12 additional net proceeds of any new levy of gasoline and diesel
13 fuel excise taxes and fees so appropriated in paragraphs (1)
14 and (2) of this subsection (a) shall be expended only for the
15 payment of costs of road and bridge construction,
16 rehabilitation and improvement subject to the restrictions on
17 the use of proceeds of bonds and other obligations of the
18 authority allocated to counties and municipalities set out in
19 Sections 9 and 10 of this act, and

20 (b) The remaining one-half of the net proceeds from
21 any new levy of gasoline and diesel fuel excise tax
22 appropriated, allocated or made payable in whole or in part to
23 the authority by an act of the Legislature shall be deposited
24 in the State Highway Fund and shall be expended annually by
25 ALDOT for road and bridge construction, improvement,
26 rehabilitation, repair and related infrastructure projects in
27 the state as determined by the Director of the ALDOT.

1 Section 14. The income and property (including the
2 purchase or use thereof) of the authority, all bonds of the
3 authority and the interest paid on such bonds, all conveyances
4 by or to the authority, and all agreements and instruments to
5 which the authority is a party, are exempt from all taxation
6 in the State of Alabama. The authority shall be exempt from
7 all license and excise taxes imposed in respect of the
8 privilege of engaging in any activity and exempt from the
9 payment of all fees, taxes or costs in the recordation of any
10 document in a county or with the Office of the Secretary of
11 State.

12 Section 15. The authority shall be a nonprofit
13 public corporation, and no part of its net earnings remaining
14 after payment of the expenses thereof shall inure to the
15 benefit of any individual, firm, or corporation.

16 Section 16. At any time when no bonds or other
17 obligations of the authority are outstanding, the authority
18 may be dissolved upon filing with the Office of the Secretary
19 of State an application for dissolution, which shall be
20 executed by each of the directors of the authority and sworn
21 to by each director before an officer authorized by the laws
22 of the State of Alabama to take acknowledgements to deeds.
23 Upon the filing of the application the Authority shall cease
24 to exist. The Secretary of state shall record in the office
25 thereof the application for dissolution together with a
26 certificate, under the Great Seal of the State, that the
27 authority is dissolved. Upon dissolution of the authority as

1 provided in this act, title to all property held in the name
2 of the authority shall be vested in the State of Alabama.

3 Section 17. This act is intended to aid the State of
4 Alabama through the furtherance of the purposes of this act by
5 providing an appropriate and independent public corporation
6 and instrumentality with full authority and power to effect
7 the purposes of this act as provided for herein. Therefore, no
8 approval, consent, hearing, proceeding, or notice shall be
9 required by or of any officer, agency, board, corporation or
10 department of the State of Alabama for the incorporation or
11 dissolution of the authority, for the exercise of any
12 authority or power of the authority, for the issuance of bonds
13 by the authority as provided in this act, or for the delivery
14 of any agreement by the authority.

15 (b) There is hereby appropriated to the authority,
16 in each fiscal year of the state, the proceeds of the pledged
17 taxes and fees after payment of costs of collection and
18 refunds, in such amounts and at such times as shall be
19 sufficient to provide for the punctual payment in full of all
20 principal of, premium, if any, and interest on all bonds and
21 other obligations of the authority at the time outstanding (i)
22 which shall have become due and payable, and which shall not
23 have theretofore been paid in a prior fiscal year, and (ii)
24 which shall become due and payable in such fiscal year,
25 provided that, if the proceeds so appropriated shall be
26 insufficient to pay in full the principal, premium and
27 interest in any fiscal year, nothing in this act shall give

1 rise to any obligation of the authority or of the State of
2 Alabama to provide any funds or moneys to make payments of
3 debt service otherwise than from proceeds of the pledged taxes
4 and fees.

5 (c) The Legislature covenants and agrees, on behalf
6 of the state, with the owners of all bonds and other
7 obligations of the authority at any time outstanding, to
8 continue to provide for the imposition, levy and collection of
9 the pledged taxes and fees until all principal of, premium, if
10 any, and interest on all bonds and obligations shall have been
11 paid in full in accordance with the terms thereof and of the
12 proceedings pursuant to which the bonds and other obligations
13 were issued.

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

17 Section 18. The Association of County Commissions of
18 Alabama shall hold, without expense to the state, a training
19 conference prior to September 1, 2018, on the provisions of
20 this act and the requirements for contractors eligible to bid
21 on the projects let to contract by ALDOT, the counties, and
22 the municipalities.

23 Section 19. The provisions of this act shall not be
24 superseded, amended, altered, violated, or overridden by any
25 provision of the State General Fund Appropriation Act or any
26 other annual or supplemental appropriation act, administrative
27 rule, inter-agency transfer, or executive order or directive.

1 The moneys allocated to counties and municipalities for
2 payment of the respective costs of ATRIP-II projects and
3 pursuant to the provisions of Section 13 of this act shall be
4 in addition to and shall not diminish any other revenues,
5 appropriations or other funds allocated or distributed from
6 other sources.

7 Section 20. This act shall become effective
8 immediately following its passage and approval by the
9 Governor, or its otherwise becoming law.