

1 HB620
2 199738-3
3 By Representatives McMillan, Baker, Faust, Shiver and Simpson
4 (Constitutional Amendment)
5 RFD: Baldwin County Legislation
6 First Read: 15-MAY-19

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ENROLLED, An Act,

To propose an amendment to the Constitution of Alabama of 1901, as amended, relating to Baldwin County; to authorize the Legislature by local law to provide for the incorporation, operation, powers, and organization of a toll road and bridge authority as a public corporation in the county for the purposes of acquiring, designing, construction, equipping, regulating, improving, repairing, operating, and maintaining a toll road and bridge project in Baldwin County to extend the present northern terminus of the Baldwin Beach Express to U.S. Interstate Highway 65; to authorize the authority to issue revenue bonds to pay the costs of the project; and to authorize the authority to set and collect tolls, fees, and charges for the use of the project; to authorize the authority to use the net proceeds of the tolls, fees, and charges to pay the authority's revenue bonds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, is proposed and shall become valid as a part of the Constitution when all requirements of this act are fulfilled:

PROPOSED AMENDMENT

Section 1. As used in this amendment, the following words have the following meanings:

1 (1) AUTHORITY. A public body or corporation
2 incorporated for the purposes of acquiring, designing,
3 constructing, equipping, regulating, operating, improving, and
4 maintaining the project, and to be composed in the manner,
5 prescribed for the purposes, granted the powers, and otherwise
6 made subject to the other terms, conditions, restrictions,
7 exemptions, limitations of liability, and other limitations,
8 specified in any local law or laws enacted by the Legislature
9 referable to this amendment.

10 (2) BONDS. Bonds, warrants, notes, and other
11 securities or obligations of the authority including, without
12 limitation, any refunding bonds, warrants, notes, and other
13 obligations or securities, payable out of, and secured by a
14 pledge of, all or any part of the revenues to be derived from
15 the operation of the project, including, without limitation,
16 tolls, charges, and fees imposed or collected by the
17 authority.

18 (3) COUNTY. Baldwin County.

19 (4) PROJECT. A toll road, street, highway, and/or
20 bridge connecting the present northern terminus of the Baldwin
21 Beach express to U.S. Interstate Highway 65, together with any
22 real or personal property and other related or ancillary
23 properties, equipment, and facilities necessary at any time or
24 from time to time, for the use of which by the public certain
25 tolls, charges, and other fees are to be charged and

1 collected, or for which certain payments are to be made in
2 lieu of the tolls, charges, and other fees, including, without
3 limitation, at any time and from time to time, all of the
4 following directly related to the project:

5 a. Any road, highway, street, or bridge of any kind,
6 construction, composition, or surface, and any facilities,
7 property, or equipment for providing access of any kind to,
8 over, under, or around any road, highway, street, or bridge.

9 b. Any access road, causeway, parkway, access
10 bridge, crossing, underpass, viaduct, approach, connection, or
11 similar property of any description.

12 c. All other necessary supporting roads,
13 interchanges, properties, construction, components, features,
14 grading, landscaping, persons, facilities, and equipment,
15 including those for maintenance, improvements, alterations,
16 extensions, and repair.

17 d. Facilities, property, persons, and equipment for
18 noticing, charging, and collecting tolls, fees, and charges
19 for the use of the toll road, highway, and bridge, and other
20 properties and facilities.

21 e. Any land, real property, right to or interest in
22 land or real property, easement, right-of-way, contract right,
23 access, or franchise that the authority shall deem necessary
24 in connection therewith.

1 f. Any and all other costs of the project at any
2 time or from time to time.

3 (5) STATE. The State of Alabama.

4 Section 2. Notwithstanding any other provisions of
5 the Constitution of Alabama of 1901, as amended, to the
6 contrary, including, without limitation, Sections 104 and 105,
7 and in order to improve public safety and transportation, and
8 promote tourism, economic development, and commerce, in the
9 county, the Legislature may by local law, at any time and from
10 time to time, provide for all of the following directly
11 related to the project:

12 (1) The incorporation and organization of the
13 authority as a toll road and bridge authority, and the
14 organization, government, operation, powers, rights, and
15 duration of the authority.

16 (2) The powers of the authority, including
17 particularly, but without limitation, the following powers:

18 a. To acquire real or personal property for use as
19 part of, or in connection with, the project, and to lease the
20 project to any entity, public or private.

21 b. To receive financial or other assistance of any
22 kind, including the grant of funds, things, of value, or any
23 real or personal property, from the state, the county, or any
24 other county, municipality, political subdivision, agency, or
25 department in and of the state, which such funds, things of

1 value, or real or personal property, the state, the county, or
 2 any other county, municipality, political subdivision, agency,
 3 or department in and of the state, are likewise hereby
 4 authorized to convey, transfer, grant, sell, or provide with
 5 respect to the project at any time, without consideration
 6 therefor.

7 (3) The acquisition, design, construction,
 8 regulation, equipping, operation, improvement, repair, and
 9 maintenance of the project.

10 (4) The membership, cooperation, participation, or
 11 inclusion of the authority in any corporation, limited
 12 liability company, public corporation, or other entity, public
 13 or private, necessary in connection with the project at any
 14 time.

15 (5) The issuance of bonds by the authority from time
 16 to time.

17 (6) The establishment, modification, and collection
 18 by the authority of tolls, fees, and charges with respect to
 19 the project.

20 (7) The use of the tolls, fees, and charges to pay
 21 the revenue bonds.

22 Section 3. The project shall be located entirely
 23 within the county. The authority shall have no power
 24 hereunder, or under any local law enacted referable to this
 25 amendment, to collect tolls, fees, or charges on any public

1 road, street, highway, or bridge in the county except for
2 those forming a part of the project.

3 Section 4. All bonds of the authority, and any
4 bonds, warrants, notes, securities, contracts, agreements, or
5 other obligations of the state, the county, or any other
6 county, municipality, or other political subdivision, agency,
7 or department in and of the state issued or entered into in
8 connection with the project at any time or from time to time,
9 shall not constitute a debt of any one or more of the state,
10 the county, or any county, municipality, political
11 subdivision, agency, or department in and of the state, within
12 the meaning of Sections 213, 224, or 225, or any other
13 provision, of the Constitution of Alabama of 1901, as amended.

14 Section 5. No public vote, referendum, or election
15 shall be necessary at any time to authorize the issuance of
16 any bonds by the authority, or to authorize the issuance or
17 entering into of any bonds, warrants, notes, securities,
18 contracts, agreements, or other obligations by any one or more
19 of the state, the county, or any other county, municipality,
20 political subdivision, agency, or department in and of the
21 state, with respect to the project, Section 222 or 104(17) of
22 the Constitution of Alabama of 1901, as amended, or any other
23 provision of the Constitution of Alabama of 1901, as amended,
24 notwithstanding.

1 Section 6. Notwithstanding any other provision of
2 state law to the contrary, if the authority determines that
3 all or any part of the project can be better accomplished on a
4 design-build, design-build-own, design-build-own-operate, or
5 design-build-own-operate-maintain basis, any proposals,
6 property, equipment, providers, contracts, services, or
7 agreements solicited by the authority in connection with the
8 project, including the acquisition, design, leasing,
9 management, construction, building, equipping, operation,
10 servicing, improvement, repair, or maintenance thereof, may be
11 evaluated and awarded by the authority in its sole discretion.

12 Section 7. The tolls, fees, and charges of the
13 authority for the use of the project may be temporarily
14 suspended by the commission upon both of the following:

15 (1) The declaration by the Baldwin County Commission
16 of a countywide emergency.

17 (2) The determination by the county commission that
18 the temporary suspension of the tolls, fees, and charges is
19 necessary to promote public safety and effect the orderly
20 evacuation of the county.

21 Section 8. Any bonds issued by the authority, and
22 any bonds issued by the state, the county, or any county,
23 municipality, political subdivision, agency, or department in
24 and of the state, pursuant to any local law enacted by the
25 Legislature at the 2019 Regular Session relating to this

1 amendment, are ratified, validated, and confirmed in all
2 respects, notwithstanding any procedural, substantive, or
3 constitutional deficiency therein.

4 Section 9. Any local law enacted by the Legislature
5 at the 2019 Regular Session relating to this amendment is
6 ratified, validated, and confirmed in all respects,
7 notwithstanding any procedural, substantive, or constitutional
8 deficiency therein.

9 END OF PROPOSED AMENDMENT

10 Section 2. An election upon the proposed amendment
11 shall be held in accordance with Section 284.01 of the
12 Constitution of Alabama of 1901, now appearing as Section
13 284.01 of the Official ReCompilation of the Constitution of
14 Alabama of 1901, as amended, and the election laws of this
15 state.

16 Section 3. The appropriate election official shall
17 assign a ballot number for the proposed constitutional
18 amendment on the election ballot and shall set forth the
19 following description of the substance or subject matter of
20 the proposed constitutional amendment:

21 "Relating to Baldwin County, proposing an amendment
22 to the Constitution of Alabama of 1901, as amended, to
23 authorize the Legislature by local law to provide for the
24 incorporation of a toll road and bridge authority as a public
25 corporation in the county for the purposes of acquiring,

1 designing, constructing, equipping, regulating, improving,
2 operating, and maintaining a new toll road and bridge project
3 in the county in order to extend the present northern terminus
4 of the Baldwin Beach Express to U.S. Interstate Highway 65.

5 "Proposed by Act _____"

6 This description shall be followed by the following
7 language:

8 "Yes () No ()."

