

1 HB66
2 203761-7
3 By Representative McClammy
4 RFD: Ways and Means General Fund
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2 ENROLLED, An Act,

3 Relating to economic development; to authorize the
4 incorporation in any municipality or county in this state of a
5 local redevelopment authority for the purpose of promoting
6 trade and commerce by inducing commercial enterprise to
7 upgrade, improve, modernize, and expand existing facilities
8 and to locate new facilities on land contiguous with an active
9 U.S. Air Force military installation within the corporate
10 limits of the municipality, or geographical boundaries of the
11 county; to provide for the formation, governance, power, and
12 duties of the authority; to provide for the issuance by the
13 authority of interest-bearing revenue bonds and other
14 interest-bearing securities, payable solely out of the
15 revenues and receipts derived from the leasing or sale of
16 properties owned by the authority; to provide that the
17 securities may be secured by a pledge of the revenues and
18 receipts from which they are payable; to authorize the
19 authority to finance, construct, acquire, purchase, renovate,
20 maintain, improve, sell, equip, operate, or manage projects;
21 to authorize the authority to receive the proceeds of
22 municipal taxes levied for the authority's purposes; to make
23 the securities issued by the authority eligible investments
24 for various governmental bodies and fiduciaries; to provide
25 procedures for the issuance of bonds by the authority; to

1 exempt the income of any authority, and all conveyances,
2 leases, mortgages, and deeds of trust to which the authority
3 is a party, from all taxation in the state; to exempt the
4 authority from all license and excise taxes and all charges of
5 judges of probate; to exempt the authority from all laws of
6 the state governing usury or prescribing or limiting interest
7 rates; to authorize political subdivisions, agencies,
8 instrumentalities, and public corporations of the state to aid
9 the authority with loans or grants of money, the furnishing of
10 services, or the transfer of property to the authority without
11 any public election; and to further provide for the
12 dissolution of certain county industrial development
13 authorities.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Legislative Intent.

16 The redevelopment, revitalization, and redevelopment
17 of land contiguous with a U.S. Air Force military installation
18 operating within any municipality or county in this state,
19 whether operational or formerly operational, promotes the
20 public good by encouraging the initial development,
21 redevelopment, and revitalization of such land, and the
22 retention of U.S. Air Force military installations within the
23 state. It is therefore in the public interest and is vital to
24 the public welfare of the people of Alabama, and it is hereby
25 declared to be the public purpose of this act, to develop,

1 revitalize, and redevelop land contiguous with United States
2 military installations throughout the State of Alabama.

3 Section 2. Definitions.

4 For the purposes of this act, the following words
5 have the following meanings:

6 (1) APPLICANT. A natural person who files a written
7 application with the governing body of any authorizing
8 subdivision in accordance with Section 3.

9 (2) AUTHORITY. Any local redevelopment authority
10 organized pursuant to this act.

11 (3) AUTHORIZING RESOLUTION. A resolution adopted by
12 the governing body of any authorizing subdivision in
13 accordance with Section 3, that authorizes the incorporation
14 of the authority.

15 (4) AUTHORIZING SUBDIVISION. Any county or
16 municipality that has adopted an authorizing resolution.

17 (5) BOARD. The board of directors of the authority.

18 (6) BONDS. Any bonds, notes, certificates, or any
19 other form of indebtedness representing an obligation to pay
20 money.

21 (7) CONTIGUOUS. Two or more tracts of land if
22 touching for a continuous distance of not less than 200 feet.
23 The term shall include tracts of land divided by bodies of
24 water, streets, railroads, or utility rights-of-way, or by
25 land owned by a governmental entity. In determining whether

1 land is contiguous with a U.S. Air Force military
2 installation, either of the following is contiguous:

3 a. Land which is separated by bodies of water,
4 streets, railroads, or utility rights-of-way shall be deemed
5 to be contiguous even though such bodies of water, streets,
6 railroads, or utility rights-of-way are outside of the
7 geographical area of the applicable U.S. Air Force military
8 installation.

9 b. Land which is separated by other land which is
10 owned by a governmental entity.

11 (8) COOPERATIVE DISTRICT. An incorporated capital
12 improvement cooperative district formed in accordance with and
13 for the purposes set forth in Chapter 99B of Article 2 of
14 Title 11 of the Code of Alabama 1975, as amended.

15 (9) COUNTY. Any county in the state.

16 (10) DIRECTOR. A member of the board of the
17 authority.

18 (11) GOVERNING BODY. With respect to any
19 municipality, its city council or other governing body; with
20 respect to any county, its county commission or other
21 governing body.

22 (12) INCORPORATORS. The persons forming a public
23 corporation organized pursuant to this act.

24 (13) LOCAL REDEVELOPMENT AREA. Land contiguous with
25 an active U.S. Air Force military installation located and

1 operating within this state, totaling not more than 150 square
2 acres in geographical size, all as set forth in the
3 application required to be filed in accordance with Section 3.

4 (14) MILITARY INSTALLATION. ~~A~~ An active federal
5 military installation ~~currently~~ on the effective date of this
6 act funded in whole or in part by the United States Department
7 of Defense and operated by the U.S. Air Force. Military
8 installation shall specifically exclude from its definition
9 any and all armories, buildings, target ranges, and other
10 necessary facilities for the proper housing, instruction,
11 training, and administration of all units and headquarters of
12 the National Guard and Naval Militia of Alabama.

13 (15) MUNICIPALITY. Any incorporated city or town
14 within this state.

15 (16) PERSON. Unless limited to a natural person by
16 the context in which it is used, includes a public or private
17 corporation, a municipality, a county, the state, or an
18 agency, department, or instrumentality of the state, a county,
19 or a municipality.

20 (17) PRINCIPAL OFFICE. The place at which the
21 certificate of incorporation and amendments thereto, the
22 bylaws and the minutes of the proceedings of the board of the
23 authority are kept.

24 (18) PRIVATE USER. A lessee, manager,
25 non-governmental user, or any person relating to the planning,

1 development, construction, operation, management, or
2 maintenance of a project.

3 (19) PROJECT. Interests in land, buildings,
4 structures, facilities, or other improvements located or to be
5 located within the local redevelopment area, and any fixtures,
6 machinery, equipment, furniture, or other property of any
7 nature whatsoever used on, in, or in connection with any such
8 land, interest in land, building, structure, facility, or
9 other improvement, all for the essential public purpose of the
10 development of trade, entertainment, amusement, commerce,
11 industry, or employment opportunities in the local
12 redevelopment area. The term includes projects in the local
13 redevelopment area for any industrial, commercial,
14 entertainment or amusement, business, office, parking,
15 utility, residential (including, without limitation, homes,
16 apartments, town houses, condominiums, hotels, motels, or
17 assisted living facilities) or other use; provided:

18 a. Capital expenditures for development of the
19 project within the local redevelopment area equal or exceed
20 twenty-five million dollars (\$25,000,000)

21 b. A majority of the members of the authority
22 determine, by a resolution duly adopted, that the project and
23 use thereof would facilitate the retention, development, or
24 redevelopment of an active U.S. Air Force military
25 installation or the area contiguous to such military

1 installation as well as further the public purpose of this
2 act.

3 (20) STATE. The State of Alabama.

4 Section 3. Filing of Application; Authorization of
5 Incorporation by Governing Body of an Authorizing Subdivision.

6 (a) An authority may be organized pursuant to this
7 act. In order to incorporate a public corporation, any number
8 of natural persons, not less than three, who are duly
9 qualified electors of the authorizing subdivision, shall first
10 file a written application with the governing body of the
11 authorizing subdivision, which shall contain all of the
12 following:

13 (1) A statement that the applicants propose to
14 incorporate the authority pursuant to the provisions of this
15 act.

16 (2) A statement of the proposed location of the
17 principal office of the authority, which shall be within the
18 corporate limits of a municipality or geographical limits of a
19 county.

20 (3) A general description of the proposed project.

21 (4) A map or legal description or other description
22 of the proposed local redevelopment area.

23 (5) A statement that each of the applicants is a
24 duly qualified elector residing in the authorizing
25 subdivision.

1 (6) A request that the governing body of the
2 authorizing subdivision adopt a resolution declaring that it
3 is wise, expedient, and necessary that the proposed authority
4 be formed and authorizing the applicants to proceed to form
5 the proposed authority by the filing for record of a
6 certificate of incorporation in accordance with Section 4.

7 (7) A signed letter of authorization from the
8 Governor and the Chair of the Alabama Job Creation and
9 Military Stability Commission designating the project as a
10 project eligible for the benefits of this act.

11 (b) (1) Every application shall be accompanied by
12 supporting documents or evidence as the applicants may
13 consider appropriate. As promptly as may be practicable after
14 the filing of the application in accordance with the
15 provisions of this section, the governing body of the
16 authorizing subdivision shall review the contents of the
17 application, and shall adopt a resolution either:

18 a. Denying the application.

19 b. Declaring that its approval of the application
20 will benefit the authorizing subdivision, as applicable, and
21 will facilitate the retention, development, or redevelopment
22 of an existing military installation or area contiguous to the
23 military installation, and that the proposed authority be
24 formed and authorizing the applicants to proceed to form the

1 proposed authority by filing for record of a certificate of
2 incorporation in accordance with Section 4.

3 (2) The governing body with which the application is
4 filed shall also include a copy of the application in the
5 minutes of the meeting of the governing body at which final
6 action upon the application is taken.

7 Section 4. Procedure to Incorporate; Contents and
8 Execution of Certificate of Incorporation.

9 (a) Within 40 days following the adoption of the
10 authorizing resolution, the applicants shall proceed to
11 incorporate the authority by filing for record in the office
12 of the judge of probate of the county wherein the proposed
13 local redevelopment area is located a certificate of
14 incorporation which shall comply in form and substance with
15 the requirements of this section and which shall be in the
16 form and executed in the manner provided in this section.

17 (b) The certificate of incorporation of the
18 authority shall state all of the following:

19 (1) The names of the persons forming the authority,
20 and that each of them is a duly qualified elector residing in
21 the authorizing subdivision.

22 (2) The name of the authority, which shall include
23 the local redevelopment authority.

24 (3) A general description of the proposed project.

1 (4) The period for the duration of the authority, if
2 the duration is to be perpetual, subject to Section 19, that
3 fact shall be stated.

4 (5) The name of the authorizing subdivision,
5 together with the date on which the governing body thereof
6 adopted the authorizing resolution.

7 (6) The location of the principal office of the
8 authority, which shall be within the corporate limits of the
9 municipality or within the geographical limits of the county,
10 as applicable.

11 (7) That the authority is organized pursuant to the
12 provisions of this act.

13 (8) A map, legal description, or other description
14 describing the geographical area of the local redevelopment
15 area.

16 (9) Any other matters relating to the authority that
17 the incorporators may choose to insert and that are not
18 inconsistent with this act or with the laws of this state.

19 (c) The certificate of incorporation shall be signed
20 and acknowledged by the incorporators before an officer
21 authorized by the laws of this state to take acknowledgments
22 to deeds. When the certificate of incorporation is filed for
23 record, there shall be attached to it the following:

1 (1) A copy of the application as filed with the
2 governing body of the authorizing subdivision in accordance
3 with Section 3.

4 (2) A certified copy of the authorizing resolution
5 adopted by the governing body of the authorizing subdivision.

6 (3) A certificate by the Secretary of State that the
7 name proposed for the authority is not identical to that of
8 any other corporation organized under the laws of this state
9 or so nearly similar thereto as to lead to confusion and
10 uncertainty.

11 (d) Upon the filing for record of the certificate of
12 incorporation and the documents required by subsection (c),
13 the authority shall come into existence and shall constitute a
14 public corporation under the name set forth in the certificate
15 of incorporation. The judge of probate shall send notice to
16 the Secretary of State that the certificate of incorporation
17 of the authority has been filed for record.

18 Section 5. Amendments to Certificate of
19 Incorporation.

20 (a) The certificate of incorporation of the
21 authority incorporated under this act may at any time and from
22 time to time be amended in the manner provided in this
23 section. The board shall first adopt a resolution proposing an
24 amendment to the certificate of incorporation which shall set
25 forth in full in the resolution, and which amendment may

1 include any matters which might have been included in the
2 original certificate of incorporation.

3 (b) After the adoption by the board of a resolution
4 proposing an amendment to the certificate of incorporation of
5 the authority, the chair of the board and the secretary of the
6 authority shall sign and file a written application in the
7 name of and on behalf of the authority, under its seal, with
8 the governing body of the authorizing subdivision, requesting
9 the governing body to adopt a resolution approving the
10 proposed amendment, and accompanied by a certified copy of the
11 resolution adopted by the board proposing the amendment to the
12 certificate of incorporation, together with documents in
13 support of the application as the chair may consider
14 appropriate. As promptly as may be practicable after the
15 filing of the application with the governing body of the
16 authorizing subdivision pursuant to the foregoing provisions
17 of this section, the governing body shall review the
18 application and shall adopt a resolution either denying the
19 application or authorizing the proposed amendment. The
20 governing body shall also cause to be made a part of the
21 minutes of the meeting of the governing body at which final
22 action upon the application is taken.

23 (c) Within 40 days following the adoption by the
24 governing body of the authorizing subdivision of a resolution
25 approving the proposed amendment the chair of the board of the

1 authority and the secretary of the authority shall sign, and
2 file a certificate for record in the office of the judge of
3 probate of the county of incorporation in the name of and on
4 behalf of the authority under its seal reciting the adoption
5 of the respective resolutions by the board and by the
6 governing body and setting forth the proposed amendment. The
7 judge of probate for the county shall record the certificate
8 in an appropriate book in his or her office. When the
9 certificate has been filed and recorded, the amendment shall
10 become effective and the certificate of incorporation shall be
11 amended to the extent provided in the amendment. No
12 certificate of incorporation of the authority shall be amended
13 except in the manner provided in this section.

14 Section 6. Each authority shall be Governed by a
15 Board of Directors.

16 (a) All powers of the authority shall be exercised
17 by the board or pursuant to its authorization. The board shall
18 consist of any number of directors, not less than three, who
19 shall be elected by the governing body of the authorizing
20 subdivision for staggered terms as provided in this section.

21 (b) At the time of the election of the first board,
22 the governing body of the authorizing subdivision shall divide
23 the directors into three groups containing as nearly equal
24 whole numbers as may be possible. The governing body of the
25 authorizing subdivision shall specify for which term each

1 director is elected. The initial term of office of the first
2 group shall be two years. The initial terms of office of the
3 second group shall be four years. The initial term of office
4 of the third group shall be six years.

5 (c) Thereafter, the term of office of each director
6 shall be six years. If at the expiration of any term of office
7 of any director, a successor has not been elected, the
8 director whose term of office has expired shall continue to
9 hold office until his or her successor has been elected. If at
10 any time there is be a vacancy on the board, a successor
11 director shall be elected by the governing body of the
12 authorizing subdivision to serve for the unexpired term
13 applicable to the vacancy.

14 (d) Each director shall be a duly qualified elector
15 residing in the authorizing subdivision. Directors shall be
16 eligible for reelection. Each director shall be reimbursed for
17 expenses actually incurred by him or her in and about the
18 performance of his or her duties. Except as provided in the
19 preceding sentence, no director shall be compensated for
20 serving as a director of the authority.

21 (e) Any director of the authority may be impeached
22 and removed from office in the same manner and on the same
23 grounds provided in Section 175 of the Constitution of Alabama
24 of 1901, and the general laws of the state for impeachment and

1 removal of the officers provided in Section 175 of the
2 Constitution of Alabama of 1901.

3 Section 7. Officers of the Authority.

4 The officers of the authority shall consist of a
5 chair, vice chair, secretary, treasurer, and other officers as
6 its board shall deem necessary or appropriate. The offices of
7 secretary and treasurer may, but need not, be held by the same
8 person. The chair and vice chair of the authority shall be
9 elected by the board from the membership thereof; the
10 secretary, the treasurer, and any other officers of the
11 authority may, but need not, be members of the board and shall
12 also be elected by the board. The chair, vice chair,
13 secretary, and treasurer of the authority shall also be the
14 chair, vice chair, secretary, and treasurer of the board,
15 respectively.

16 Section 8. Powers of Authority.

17 The authority shall have the following powers,
18 together with all powers incidental thereto or necessary to
19 the discharge thereof in corporate form:

20 (1) To have succession by its corporate name for the
21 duration of time, which may be in perpetuity, subject to
22 Section 19, specified in its certificate of incorporation.

23 (2) To sue and be sued in its own name and to
24 prosecute and defend civil actions in any court having
25 jurisdiction of the subject matter and of the parties;

1 provided that the authority shall be deemed to be a
2 governmental entity as defined in Chapter 93 of Title 11, Code
3 of Alabama 1975, for the purpose of limiting the damages for
4 which the authority may be liable.

5 (3) To adopt and make use of a corporate seal and to
6 alter the seal at its pleasure.

7 (4) To adopt and alter bylaws for the regulation and
8 conduct of its affairs and business.

9 (5) To acquire, whether by purchase, construction,
10 exchange, gift, lease, or otherwise, and to refinance existing
11 indebtedness on, improve, maintain, equip, and furnish one or
12 more projects, including all real and personal properties
13 which the board of the authority may deem necessary in
14 connection therewith, regardless of whether or not such
15 projects shall then be in existence.

16 (6) To lease to others any or all of its projects
17 and to share and collect rent thereof, and to terminate any
18 lease upon the failure of the lessee to comply with any of the
19 obligations thereof.

20 (7) To sell, exchange, donate, or convey and to
21 grant options to any lessee to acquire any of its projects and
22 any or all of its properties if the board finds that action is
23 in furtherance of the purposes for which the authority was
24 organized.

1 (8) To issue its bonds for the purpose of carrying
2 out any of its powers.

3 (9) To mortgage and pledge any or all of its
4 projects or any part or parts thereof, as security for the
5 payment of the principal of and interest on any bonds so
6 issued and any agreements made in connection therewith,
7 whether then owned or thereafter acquired, and to pledge the
8 revenues and receipts therefrom or from any thereof.

9 (10) To execute and deliver, in accordance with the
10 provisions of this section and Section 9, mortgages and deeds
11 of trust and trust indentures, or either.

12 (11) To finance, by loan, bond, grant, lease, or
13 otherwise, construct, erect, assemble, purchase, acquire, own,
14 repair, remodel, renovate, rehabilitate, modify, maintain,
15 extend, improve, install, sell, equip, expand, add to,
16 operate, or manage projects and to pay the costs of any
17 project from the proceeds of bonds, or any other funds of the
18 authority, or from any contributions or loans by persons,
19 corporations, partnerships, either general or limited, or
20 other entities, all of which the authority is hereby
21 authorized to receive, accept, and use.

22 (12) To issue and use the proceeds of any bonds or
23 other indebtedness thereof for the purpose of paying or
24 loaning the proceeds thereof to pay all or any part of the
25 cost of any project and otherwise to further or carry out the

1 public purpose of the authority and to pay all costs of the
2 authority incident to, or necessary and appropriate to,
3 furthering or carrying out such purpose.

4 (13) To make application directly or indirectly to
5 any federal, state, county, or municipal government or agency
6 or to any other source, public or private, for loans, grants,
7 guarantees, or other financial assistance in furtherance of
8 the authority's public purpose and to accept and use the same
9 upon the terms and conditions as are prescribed by the
10 federal, state, county, or municipal government or agency or
11 other source.

12 (14) To enter into agreements with the federal
13 government or any agency thereof to use facilities or the
14 services of the federal government or any agency thereof in
15 order to further carry out the purposes of the authority.

16 (15) To contract for any period with this state,
17 state institutions, or any city, town, municipality, or county
18 of the state for the use by the authority of any facilities or
19 services of the state or any state institution, city, town,
20 municipality, or county, or for the use by any state
21 institution or any city, town, municipality, or county of any
22 facilities or services of the authority, provided such
23 contracts shall deal with activities and transactions as the
24 authority and any political subdivision with which the
25 authority contracts are by law authorized to undertake.

1 (16) To extend credit or make loans to any person,
2 corporation, partnership, either general or limited, or other
3 entity for the costs of any project or any part of the costs
4 of any project, which credit or loans may be evidenced or
5 secured by loan agreements, notes, mortgages, deeds to secure
6 debt, trust deeds, security agreements, assignments, or other
7 instruments, or by rentals, revenues, fees, or charges, upon
8 the terms and conditions as the authority shall determine to
9 be reasonable in connection with such extension of credit or
10 loans, including provision for the establishment and
11 maintenance of reserve funds, and, in the exercise of powers
12 granted hereby in connection with any project, the authority
13 may require the inclusion in any loan agreement, note,
14 mortgage, deed to secure debt, trust deed, security agreement,
15 assignment, or other instrument of the provisions or
16 requirements for guaranty of any obligations, insurance,
17 construction, use, operation, maintenance, and financing of a
18 project, and other terms and conditions, as the authority may
19 deem necessary or desirable.

20 (17) To acquire, accept, or retain equitable
21 interests, security interests, or other interests in any real
22 property, personal property, or fixtures by loan agreement,
23 note, mortgage, deed to secure debt, trust deed, security
24 agreement, assignment, pledge, conveyance, contract, lien,
25 loan agreement, or other consensual transfer in order to

1 secure the repayment of any moneys loaned or credit extended
2 by the authority.

3 (18) To appoint, employ, contract with, and provide
4 for the compensation of, officers, employees, and agents,
5 including, without limitation, engineers, attorneys,
6 contractors, consultants, and fiscal advisors, as the board
7 shall deem necessary for the conduct of the business of the
8 authority.

9 (19) To provide the insurance as the board may deem
10 advisable.

11 (20) To make, enter into, and execute contracts,
12 agreements, leases, and other instruments and to take other
13 actions as may be necessary or convenient to accomplish any
14 purpose for which the authority was organized or to exercise
15 any power expressly granted in this act.

16 (21) To require payments in lieu of tax, to be
17 administered in a parallel manner to state ad valorem, income,
18 sales, and use taxes, to be made by any private user of the
19 project to the authority, a cooperative district of which the
20 authority is a member, any municipality, or any county, as the
21 case may be. To enter into any agreements requiring any person
22 to make a payment in lieu of taxes and to enforce the payment
23 in lieu of taxes with all rights of a tax assessor or tax
24 collector within this state collecting ad valorem taxes, sales

1 taxes, or income taxes due to the governing body establishing
 2 the authority.

3 (22) To receive and use the proceeds of any tax,
 4 fee, charge, or payment in lieu of tax to pay the costs of any
 5 project or for any other purpose for which the authority may
 6 use its own funds pursuant to this act.

7 (23) To encourage and promote the retention,
 8 development and redevelopment of any military installation, or
 9 the improvement and revitalization of the local redevelopment
 10 area and to make, contract for, or otherwise cause to be made
 11 long-range plans or proposals for the local redevelopment area
 12 in cooperation with the authorizing subdivision.

13 (24) To exercise any power granted by the laws of
 14 this state to public or private corporations, not to include
 15 the power of eminent domain, which is not in conflict with the
 16 public purpose of the authority.

17 (25) To do all things necessary or convenient to
 18 carry out the powers conferred by this act. Nothing in this
 19 act shall affect any right, title, or interest in real or
 20 personal property, whether recorded or unrecorded, that is
 21 held by any person or entity engaged in providing utility
 22 services.

23 (26) To enter into agreements with a private user.

24 (27) To pursue any tax liens relating to the failure
 25 of any person to make any payments in lieu of tax.

1 (28) To acquire, receive, and take, by purchase,
2 gift, lease, devise, or otherwise, and to hold property of
3 every description, whether located in one or more counties or
4 municipalities.

5 (29) To make, enter into, and execute licenses,
6 contracts, agreements, leases, and other instruments and to
7 take other actions as may be necessary or convenient to
8 accomplish any purpose for which the authority was organized
9 or to exercise any power expressly granted under this section.

10 (30) To plan, establish, develop, acquire, purchase,
11 lease, construct, reconstruct, enlarge, improve, maintain,
12 equip, and operate a project or projects or any part or
13 combination of any thereof, whether located in one or more
14 counties or municipalities, and to acquire franchises and
15 easements deemed necessary or desirable in connection
16 therewith.

17 (31) To assume obligations secured by a lien on or
18 payable out of or secured by a pledge of the revenues from any
19 project or any part of any thereof that may be acquired by the
20 authority, any obligation so assumed to be payable by the
21 authority solely out of the revenues derived from the
22 operation of any project or any thereof of the authority, or
23 any other sources of revenue, taxes, fees, or payments in lieu
24 of tax.

1 (32) To pledge for payment of any bonds issued or
2 obligations assumed by the authority any revenues from which
3 those bonds or obligations are made payable as provided in
4 this act.

5 (33) To execute and deliver trust indentures in
6 accordance with the provisions of this act.

7 (34) To appoint, employ, contract with, and provide
8 for the compensation of officers, employees, and agents,
9 including, but without limitation to, engineers, attorneys,
10 accountants, architects, management consultants, and fiscal
11 advisers as the business of the authority may require.

12 (35) To make and enforce reasonable rules governing
13 the use of any project managed, leased, owned, or controlled
14 by the authority, a cooperative district of which the
15 authority is a member, or any private users.

16 (36) To cooperate with the United States of America,
17 any agency or instrumentality thereof, this state, any county,
18 municipality, or other political subdivision of the state and
19 any public corporation, and to make contracts with them or any
20 of them, as the board may deem advisable to accomplish the
21 purpose for which the authority was established.

22 (37) To sell and convey any of its properties that
23 may have become obsolete or worn out or that may no longer be
24 needed or useful as a part of any project of the authority.

1 (38) To sell and convey, with or without valuable
2 consideration, any of its projects or any portion thereof to
3 any one or more counties, municipalities, or public
4 corporations which have the corporate power to operate the
5 project or portions thereof so conveyed and the property and
6 income of which are not subject to taxation.

7 (39) To enter into a management agreement or
8 agreements with any person for the management by the authority
9 of any project or any part thereof upon such terms and
10 conditions as may be mutually agreeable.

11 (40) To fix and revise from time to time reasonable
12 rentals, licenses, rates, fees, and other charges for the use
13 of any project or portion thereof owned, managed, leased, or
14 operated by the authority, a cooperative district of which the
15 authority is a member, or any private users, and to collect
16 all charges imposed by the foregoing.

17 (41) To require any users of any of its projects any
18 part thereof to make a reasonable deposit with the authority
19 in advance to insure the payment of rentals, licenses, rates,
20 fees or charges, or costs of repair to any damage to the
21 project and to be subject to the application to the payment
22 thereof if and when delinquent.

23 (42) All projects of the authority shall be located
24 wholly within the local redevelopment area.

25 Section 9. Bonds of Authority.

1 (a) Source of Payment. All bonds issued by the
2 authority shall be payable solely out of the revenues and
3 receipts derived from the leasing or sale by the board of its
4 projects, or from any other source as may be designated in the
5 proceedings of the board under which the bonds are authorized
6 to be issued.

7 (b) Pledge of Revenues, Receipts, and Other
8 Security. The principal and interest on any bonds issued by
9 the authority shall be secured by a pledge of the revenues and
10 receipts out of which the principal and interest may be
11 payable and may be secured by a mortgage and deed of trust or
12 trust indenture conveying as security for the bonds all or any
13 part of the property of the authority from which the revenues
14 or receipts so pledged may be derived.

15 (c) Resolutions. The resolution under which the
16 bonds are authorized to be issued and any mortgage and deed of
17 trust or trust indenture may contain any agreements and
18 provisions respecting the operation, maintenance, and
19 insurance of the property covered by the mortgage and deed of
20 trust or trust indenture, the use of the revenues and receipts
21 subject to the mortgage and deed of trust or trust indenture,
22 the creation and maintenance of special funds from the
23 revenues and receipts, the rights, duties, and remedies of the
24 parties to any instrument and the parties for the benefit of
25 whom the instrument is made and the rights and remedies

1 available in the event of default as the board shall deem
2 advisable and which are not in conflict with the provisions of
3 this act. Each pledge, agreement, mortgage, and deed of trust
4 or trust indenture made for the benefit or security of any of
5 the bonds of the authority shall continue effective until the
6 principal of and interest on the bonds for the benefit of
7 which the same were made shall have been fully paid.

8 (d) Defaults. In the event of default in payment or
9 in any agreements of the authority made as a part of the
10 contract under which the bonds were issued, whether contained
11 in the proceedings authorizing the bonds or in any mortgage
12 and deed of trust or trust indenture executed as security
13 therefor, the rights of any holder of the bonds may be
14 enforced by mandamus, the appointment of a receiver, or either
15 of the remedies, and, if provided in the instrument, the
16 mortgage, and the deed of trust, or trust indenture, may be
17 foreclosed.

18 (e) Execution. All bonds issued by the authority
19 shall be signed by the chair of its board and attested by its
20 secretary, and the seal of the authority shall be affixed
21 thereto, and any interest coupons applicable to the bonds of
22 the authority shall be signed by the chair of its board;
23 provided, that as long as the registrar of the bonds has
24 manually signed an authentication certificate for the bonds,
25 facsimile signatures of both of the officers may be printed or

1 otherwise reproduced on any bonds in lieu of each manually
2 signing the same, a facsimile of the seal of the authority may
3 be printed or otherwise reproduced on any bonds in lieu of
4 being manually affixed thereto, and a facsimile of the
5 signature of the chair of the board may be printed or
6 otherwise reproduced on any such interest coupons in lieu of
7 his or her manually signing the same.

8 (f) General provisions respecting form, interest
9 rate, maturities, sale, and negotiability. Any bonds may be
10 executed and delivered by the authority at any time and from
11 time to time, shall be in the form and denominations and of
12 the tenor and maturities, shall contain provisions not
13 inconsistent with the provisions of this act, and shall bear
14 the rate or rates of interest, payable and evidenced in the
15 manner, as may be provided by resolution of its board. Bonds
16 of the authority may be sold at either public or private sale
17 in the manner and at the price or prices and at such time or
18 times as may be determined by the board to be most
19 advantageous. The authority may pay all expenses, premiums,
20 and commissions in connection with any financing performed by
21 it. All bonds, except bonds registered as to principal or as
22 to both principal and interest, and any interest coupons
23 applicable thereto issued by the authority shall be construed
24 to be negotiable instruments although payable solely from a
25 specified source.

1 (g) Nature of obligation and source of payment. All
2 obligations created or assumed and all bonds issued or assumed
3 by the authority shall be solely an obligation of the
4 authority and shall not create an obligation or debt of the
5 state or of any county or of any city; provided that this
6 sentence shall not be construed to release the original
7 obligor from liability on any bond or other obligation assumed
8 by the authority. Any bonds issued by the authority shall be
9 limited or special obligations of the authority payable solely
10 out of its revenues and receipts of the authority specified in
11 the proceedings authorizing those bonds.

12 (h) Eligibility for investment. Bonds of the
13 authority are made legal investments for executors,
14 administrators, trustees, and other fiduciaries, unless
15 otherwise directed by the court having jurisdiction of the
16 fiduciary relation or by the document that is the source of
17 the fiduciary's authority, and for savings banks and insurance
18 companies organized under the laws of the state.

19 (i) Contracts to secure payment of principal and
20 interest. As security for payment of the principal of and the
21 interest on bonds issued or obligations assumed by it, the
22 authority may enter into a contract or contracts binding
23 itself for the proper application of the proceeds of bonds and
24 other funds, for the continued operation and maintenance of
25 any project owned by it or any part or parts thereof, for the

1 imposition and collection of reasonable rates, licenses,
2 rentals, fees, and charges for and the promulgation of
3 reasonable regulations respecting any project, for the
4 disposition and application of its gross revenues or any part
5 thereof, and for any other act or series of acts not
6 inconsistent with the provisions of this act for the
7 protection of the bonds and other obligations being secured
8 and the assurance that the revenues from the project will be
9 sufficient to operate the project, maintain the same in good
10 repair and in good operating condition, pay the principal of
11 and the interest on any bonds payable from the revenues and
12 maintain the reserves as may be deemed appropriate for the
13 protection of the bonds, the efficient operation of the
14 project, and the making of replacements thereof and capital
15 improvements thereto. Any contract pursuant to the provisions
16 of this section may be set forth in any resolution of the
17 board authorizing the issuance of bonds or the assumption of
18 obligations or in any trust indenture made by the authority
19 under this act.

20 Section 10. Proceeds from the Sale of Bonds.

21 All moneys derived from the sale of any bonds issued
22 by the authority shall be used solely for the purpose or
23 purposes for which the same are authorized, including, but
24 limited to, the use of bond proceeds to establish reserve
25 funds as security for the payment of the principal, premium,

1 as applicable, and interest on the bonds, and any costs and
2 expenses incidental thereto. The costs and expenses may
3 include, but shall not be limited to the following:

4 (1) The underwriting, fiscal, engineering, legal,
5 and other expenses incurred in connection with the issuance of
6 the bonds.

7 (2) Except in the case of refunding bonds, interest
8 to accrue on the bonds for a period ending not later than two
9 years from their date.

10 Section 11. Refunding Bonds.

11 Any bonds issued by the authority may from time to
12 time be refunded by the issuance, by sale or exchange, of
13 refunding bonds payable from the same or different sources for
14 the purpose of paying all or any part of the principal of the
15 bonds to be refunded, any redemption premium required to be
16 paid as a condition to the redemption prior to maturity of any
17 bonds that are to be so redeemed in connection with refunding,
18 any accrued and unpaid interest on the bonds to be refunded,
19 any interest to accrue on each bond to be refunded to the date
20 on which it is to be paid, whether at maturity or by
21 redemption prior to maturity, and the expenses incurred in
22 connection with refunding; provided, that unless duly called
23 for redemption pursuant to provisions contained therein; the
24 holders of any bonds then outstanding and proposed to be
25 refunded shall not be compelled without their consent to

1 surrender their outstanding bonds for refunding. Any refunding
2 bonds may be sold by the authority at public or private sale
3 at the price or prices as may be determined by its board to be
4 most advantageous, or may be exchanged for the bonds or other
5 obligations to be refunded. Any refunding bonds may be
6 executed and delivered by the authority at any time and from
7 time to time, shall be in the form and denominations and have
8 the tenor and maturities, shall contain provisions not
9 inconsistent with this act, and shall bear the rate or rates
10 of interest, payable and evidenced in the manner, as may be
11 provided by resolution of its board. Any refunding bonds
12 issued by the authority shall be issued and may be secured in
13 accordance with Section 9.

14 Section 12. Notice of Bond Resolution.

15 (a) Upon the adoption by the board of the authority
16 of any resolution providing for the issuance of bonds, the
17 authority may cause to be published once a week for two
18 consecutive weeks, in a newspaper published and having general
19 circulation in the geographical area of the authorizing
20 subdivision, a notice in substantially the following form (the
21 blanks being properly filled in) at the end of which shall be
22 printed the name and title of either the chair or secretary of
23 the authority.

24 "The _____ Local Redevelopment authority, a public
25 corporation under the laws of the State of Alabama, on the

1 _____ day of _____ authorized the issuance of \$_____ principal
2 amount of bonds of the public corporation for purposes
3 authorized in the act of the Legislature of Alabama under
4 which the public corporation was organized. Any action or
5 proceeding questioning the validity of the bonds, or the
6 pledge and the mortgage and deed of trust or trust indenture
7 to secure the same, or the proceedings authorizing the same,
8 must be commenced within 30 days after the first publication
9 of this notice."

10 (b) A newspaper shall be deemed to be published in
11 the geographical area of the authorizing subdivision, within
12 the meaning of this section, if its principal editorial office
13 is located in the geographical area of the authorizing
14 subdivision.

15 (c) Any action or proceeding in any court to set
16 aside or question the proceedings for the issuance of the
17 bonds referred to in the notice or to contest the validity of
18 any bonds, or the validity of any agreements relating to any
19 payment in lieu of taxes, fees, charges, and any pledge and
20 mortgage and deed of trust or trust indenture made therefor,
21 must be commenced within 30 days after the first publication
22 of the notice. After the expiration of that period, no right
23 of action or defense questioning or attacking the validity of
24 the proceedings or of the bonds or the pledge or mortgage and
25 deed of trust or trust indenture shall be asserted, nor shall

1 the validity of the proceedings, bonds, pledge, mortgage, and
2 deed of trust or trust indenture be open to question in any
3 court on any ground whatsoever except in an action commenced
4 within that period.

5 Section 13. Exemption from Taxation.

6 (a) Any authority formed under this act, a
7 cooperative district of which the authority is a constituent
8 member, the sales, property, and income of the authority or
9 cooperative district, whether used by it or leased to others,
10 all bonds issued by the authority or cooperative district, the
11 income from the bonds or from other sources, the interest and
12 other profits from the bonds inuring to and received by the
13 holders thereof, conveyances by and to the authority or
14 cooperative district of which the authority is a member, and
15 leases, mortgages, and deeds of trust by and to the authority
16 or the cooperative district shall be exempt from all taxation
17 in the state, inclusive of any ad valorem taxes or lodgings
18 taxes imposed by the State of Alabama, a municipality, or
19 county. The authority shall be exempt from the payment of any
20 fees, taxes, or costs to the judge of probate of any county in
21 connection with its incorporation or with any amendment to its
22 certificate of incorporation or otherwise or to any judge of
23 probate of any county in connection with the recording by it
24 of any document or otherwise. No license or excise tax may be

1 imposed by any authority with respect to the privilege of
2 engaging in any of the activities authorized by this article.

3 (b) An authority, any cooperative district of which
4 an authority is a member, and any private user is exempt from
5 the payment of all state, county, and municipal sales and use
6 taxes relating in any way to the construction, operation, and
7 maintenance of the project. The exemption set forth in this
8 section may be conditioned (1) by the authorizing subdivision
9 on a payment by the exempt party of a payment in lieu of tax,
10 or (2) by the authority on a payment by the private user of a
11 payment in lieu of tax pursuant to subdivision (21) of Section
12 8, or by both subdivisions (1) and (2) which shall be subject
13 to enforcement and collection like any sales and use taxes and
14 which shall constitute a first lien on the project and shall
15 be foreclosable in the same manner as a past due assessment
16 pursuant to Section 15. The exemption provided in this
17 subsection shall apply to any cooperative district of which
18 the authority is a constituent member, and any private user
19 which leases, operates, or manages a project owned by the
20 authority or cooperative district of which the authority is a
21 member.

22 (c) Notwithstanding subsections (a) and (b), an
23 authority or a cooperative district of which an authority is a
24 member shall be subject to sales and use taxes, income tax,
25 and ad valorem tax ~~after all bonds financing or refinancing~~

1 ~~the projects have been paid~~ upon the first day of the third
2 calendar month following 20 years after the date of the
3 incorporation of the authority.

4 (d) Any payments in lieu of tax received by the
5 authority, as set forth in this section, shall be dedicated to
6 the payment of bonds financing or refinancing the projects of
7 the authority, including, but not limited to, accelerated
8 payments and reserve payments. Any funds from the in-lieu-of
9 tax payments remaining with the authority after all bonds
10 financing or refinancing the projects are fully paid, in
11 excess of the amounts necessary to fully repay the bonds,
12 shall be transferred to the governmental entity or entities
13 that would have received the tax revenue if not for the tax
14 exemption and corresponding in lieu of tax payment.

15 Section 14. Liability of the Authorizing
16 Subdivision.

17 The authorizing subdivision shall not in any event
18 be liable for the payment of the principal of, or interest on,
19 any bonds of the authority or for the performance of any
20 pledge, mortgage, obligation, or agreement of any kind
21 whatsoever which may be undertaken by the authority, and none
22 of the bonds of the authority or any of its agreements or
23 obligations shall be construed to constitute indebtedness of
24 the authorizing subdivision within the meaning of any
25 constitutional or statutory provision.

1 Section 15. Failure to Pay Past Due Assessments.

2 If any user, lessee, or owner of the project fails
3 to pay when due, with time being of the essence, any
4 assessments or fees due under this act, including, but without
5 limitation, any payments in lieu of taxes, collectively the
6 "past due assessment," then the authorizing subdivision or
7 authority, or their designated agents, hereinafter
8 collectively referred to as the "fee collector," may commence
9 proceedings to foreclose on the land and improvements of the
10 user, lessee, or owner of the project having land within the
11 State of Alabama, subject to the terms of any executed
12 agreement between the fee collector and the user, lessee, or
13 owner of the project, as follows:

14 (1) The fee collector shall send a letter by means
15 of United States certified mail, return receipt requested, to
16 the last known address of the user, owner, or lessee of the
17 project. The address of the user, owner, or lessee as shown in
18 the tax assessment records of the tax assessor or revenue
19 commissioner for the county in which land of the user, owner,
20 or lessee is located shall be sufficient.

21 (2) The letter shall specify that if payment of the
22 past due assessment is not made within 10 days of the date of
23 the letter, foreclosure proceedings may be commenced against
24 the land of the user, owner, or lessee.

1 (3) Any late payment received within the 10-day
2 period will accrue a late fee of the greater of five percent
3 of the payment or fifty dollars (\$50).

4 (4) If payment is not made within the 10-day period,
5 the entire past due assessment shall become immediately due
6 and payable, and the fee collector may do either of the
7 following:

8 a. File a complaint in the circuit court for the
9 county in which the property of the user, owner, or lessee is
10 located requesting that the property be foreclosed. Thirty
11 days following service of process, unless the past due
12 assessment is paid in the meantime, the court shall enter a
13 decree declaring that the property shall be sold to the
14 highest bidder.

15 b. Proceed to sell the property of the user, owner,
16 or lessee against which the past due assessment is made to the
17 highest bidder for cash.

18 c. In either case, the property of the user, owner,
19 or lessee shall be sold in the same manner and upon the same
20 notice as provided by law for the sale of lands or property by
21 foreclosure by power of sale for mortgages. The proceeds from
22 the sale shall first be applied to the amount of the past due
23 assessment and all accrued interest thereon, plus penalties
24 specified in subdivision (3), plus the attorneys' fees and

1 other expenses incurred by the fee collector in the
2 foreclosure and suit.

3 (5) If the fee collector concludes that no bidders
4 are present or that all bids are insufficient, the fee
5 collector may announce that the sale shall be continued to a
6 later date to be announced by public notice.

7 (6) Upon declaring the highest bidder and receipt of
8 the purchase price, the fee collector shall deliver a
9 foreclosure deed to the highest bidder which shall vest
10 therein legal title to the property sold by this foreclosure,
11 subject to easement or other rights in such property of
12 persons other than the user, owner or lessee that has failed
13 to pay the past due assessment. The user, owner, or lessee of
14 the property shall have no right of redemption unless
15 otherwise provided in the certificate of incorporation of the
16 authority with respect to the past due assessment.

17 (7) The purchase price shall be used first for the
18 payment of the past due assessment, then for the cost of
19 collection, suit, foreclosure, and deed preparation, then for
20 penalties, then for accrued interest and interest until the
21 next principal payment date of bonds as provided in any
22 agreement relating to the payments in lieu of tax or as set
23 forth in this act with respect to prepayments of potentially
24 past due assessments, and then as a reserve fund until any
25 bonds are fully paid, and only then any remaining portion

1 shall be paid to the user, owner, or lessee of the land at
2 user's, owner's, or lessee's last known address as shown in
3 the records of the tax assessor or revenue commissioner with
4 respect to the tract of land.

5 (8) The fee collector may bid on any sale the same
6 as any other person, and may credit any portion of the past
7 due assessment and other costs as a part of its bid.

8 (9) If the highest amount bid and accepted is
9 insufficient to pay the entire past due assessment and to fund
10 a reserve to fully pay any bonds of the authority, the fee
11 collector and holders of the bonds shall have no further claim
12 against the user, owner, or lessee of the land assessed by
13 virtue of the past due assessment.

14 (10) Any foreclosure deed shall make no warranty
15 with respect to the title to the land other than as expressly
16 stated therein.

17 (11) At any point in the foreclosure proceedings,
18 until a bid is accepted, the fee collector may waive the
19 default on the past due assessment on terms as the fee
20 collector may consider proper and reinstate the past due
21 assessment, subject to any contrary terms of the fee
22 collector's proceedings with respect to any bonds.

23 (12) No suit may be brought or maintained to enjoin
24 the collection of any past due assessments under this act.

25 Section 16. Exemption from Usury Laws.

1 The authority shall be exempt from the laws of the
2 State of Alabama governing usury or prescribing or limiting
3 interest rates, including, but without limitation to, the
4 provisions of Chapter 8 of Title 8 of the Code of Alabama
5 1975, as it may at any time be amended.

6 Section 17. Exemption from Competitive Bid Laws.

7 The authority, cooperative district of which the
8 authority is a member, and any private user, and all contracts
9 made by them shall be exempt from the laws of the State of
10 Alabama requiring competitive bids for any contract to be
11 entered into by municipalities or public corporations
12 authorized by them or any public works, including, but without
13 limitation to, the provisions of Article 3 of Chapter 16 of
14 Title 41, commencing at Section 41-16-50, of the Code of
15 Alabama 1975, as amended from time to time, and Chapter 2 of
16 Title 39, commencing at Section 39-2-1 of the Code of Alabama
17 1975, as amended from time to time.

18 Section 18. Freedom of Authority from State
19 Supervision and Control.

20 This act is intended to aid the state through the
21 furtherance of the purposes of this act by providing an
22 appropriate and independent instrumentality of the state with
23 full and adequate powers to fulfill its functions. Except as
24 expressly provided in this act, no proceeding, notice, or
25 approval shall be required for the incorporation of the

1 authority or the amendment of its certificate of
2 incorporation, the issuance of any bonds, the execution of any
3 mortgage and deed of trust or trust indenture, or the exercise
4 of any other of its powers. Neither a public hearing nor the
5 consent of the State Department of Finance shall be a
6 prerequisite to the issuance of bonds by the authority.

7 Section 19. Earnings of the Authority.

8 The authority shall be a nonprofit corporation and
9 no part of its net earnings remaining after payment of its
10 expenses shall inure to the benefit of any individual, firm,
11 or corporation, except that in the event the board shall
12 determine that sufficient provision has been made for the full
13 payment of the expenses, bonds, and other obligations of the
14 authority, then any net earnings of the authority thereafter
15 accruing shall be paid to the authorizing subdivision or
16 private user for the creation and maintenance of the project.

17 Section 20. Dissolution of Corporation and Vesting
18 of Title to Property.

19 At any time when the authority has no bonds or other
20 obligations outstanding, its board may adopt a resolution,
21 which shall be duly entered upon its minutes, declaring that
22 the authority shall be dissolved. Upon filing for record of a
23 certified copy of the resolution in the office of the judge of
24 probate of the county in which the authority was formed
25 pursuant to Section 4, the authority shall thereupon stand

1 dissolved and in the event it owned any property at the time
2 of its dissolution, the title to all its properties shall
3 thereupon pass to the authorizing subdivision or private user
4 as required by any agreement with any private user.

5 Section 21. Existence of Authority Not to Prevent
6 Subsequent Incorporation of Another Authority.

7 The existence of one or more authorities
8 incorporated under this act shall not prevent the subsequent
9 incorporation under this act of another authority or the
10 amendment of the certificate of incorporation of another
11 authority pursuant to authority granted by the same county,
12 counties, municipality or municipalities, public corporation
13 or public corporations, or by the same combination thereof,
14 even though the project described in the certificate of
15 incorporation, as originally filed or amended, of any existing
16 authority may include a project proposed by an authority that
17 is proposed to be incorporated under this act or that proposes
18 to amend its certificate of incorporation under this act.

19 Section 22. Establishment and Revision of Rentals,
20 Licenses, Rates, Fees, and Charges for Services or Facilities
21 Rendered by Authority.

22 Rates, fees, charges, rentals, and licenses for
23 services rendered by the authority, a cooperative district of
24 which the authority is a member, or a private user or
25 facilities provided by the authority, a cooperative district

1 of which the authority is a member, or a private user from any
2 of their projects shall be so fixed and, from time to time,
3 revised as at all times to provide funds at least sufficient,
4 taking into account other sources for the payment thereof, to:

5 (1) Pay the cost of operating, maintaining,
6 repairing, replacing, extending, and improving the project or
7 projects of the authority, a cooperative district of which the
8 authority is a member, or any private user.

9 (2) Pay the principal of and the interest on all
10 bonds issued and obligations assumed by the authority, a
11 cooperative district of which the authority is a member, or
12 any private user that are payable out of the revenues derived
13 from operation of the project or projects of the authority, a
14 cooperative district of which the authority is a member, or
15 any private user as the principal and interest become due and
16 payable.

17 (3) Create and maintain such reserves for the
18 foregoing purposes or any of them as may be provided in any
19 trust indenture executed by the authority, a cooperative
20 district of which the authority is a member, or any private
21 user under this act or in any resolutions or agreements of the
22 board authorizing the issuance of bonds, the assumption of any
23 obligation, or the acquisition of the project.

24 (4) Make annual payments, if any, to the United
25 States of America or any agency or instrumentality thereof,

1 the state, municipalities, counties, departments, authorities,
2 agencies, and political subdivisions of the state, and any
3 public corporations organized under the laws of the state as
4 the authority, a cooperative district of which the authority
5 is a member, or any private user may have contracted to make.

6 Section 23. Loans, sales, grants, guarantees,
7 contractual or lease obligations of money or property, to an
8 authority, a cooperative district of which the authority is a
9 member, or any private user by counties, municipalities, and
10 public corporations.

11 (a) For the purpose of securing services of or the
12 right to use or the use by its citizens or customers of one or
13 more projects of an authority, a cooperative district of which
14 the authority is a member, or any private user, or aiding or
15 cooperating with the authority, a cooperative district of
16 which the authority is a member, or any private user in the
17 planning, development, undertaking, acquisition, construction,
18 extension, improvement, financing, operation, or protection of
19 a project, any county, municipality, or other political
20 subdivision, public corporation, agency, or instrumentality of
21 this state, upon such terms and with or without consideration,
22 as it determines, may do all of the following:

23 (1) Lend or donate money to, guarantee all or any
24 part of the indebtedness or operating expense of, or perform
25 services for the benefit of, the authority, a cooperative

1 district of which the authority is a member, or any private
2 user.

3 (2) Donate, sell, convey, transfer, lease, or grant
4 to the authority, a cooperative district of which the
5 authority is a member, or any private user, without the
6 necessity of authorization at any election of qualified
7 voters, any property of any kind, including, but without
8 limitation, any project, any interest in any thereof, and any
9 franchise.

10 (3) Contract with the authority, a cooperative
11 district of which the authority is a member, or any private
12 user, or enter into a lease or management agreement under
13 terms as may be mutually agreeable, including a contract
14 obligating it to purchase a certain service or product from
15 the authority, a cooperative district of which the authority
16 is a member, or any private user for a stipulated price in a
17 stipulated period of time, to pay for the service or product
18 whether or not it receives it, to lease all or a part of a
19 project for a stipulated rental for a stipulated period of
20 time, to pay the rental whether or not the leased facilities
21 are available to it, or to make a management fee payment.

22 (4) Do any and all things, whether or not
23 specifically authorized in this section, not otherwise
24 prohibited by law, that are necessary or convenient to aid and
25 cooperate with the authority, a cooperative district of which

1 the authority is a member, or any private user in the
2 planning, undertaking, acquisition, construction, financing,
3 or operation of its projects.

4 (5) Pay, or provide for the payment of, the
5 principal of or interest on any then outstanding bonds
6 theretofore issued by the authority, a cooperative district of
7 which the authority is a member, or any private user, whether
8 or not the principal and interest shall have then matured or
9 become due, and any premium that may be payable upon
10 redemption prior to maturity.

11 (6) Issue its bonds, warrants, or other evidences of
12 indebtedness in order to provide moneys to make any loan,
13 donation, or payment authorized in this subsection.

14 (7) Provide for payment of the bonds of the
15 authority, a cooperative district of which the authority is a
16 member, or any private user by an irrevocable trust fund
17 created by agreement with a bank or trust company.

18 (b) Any bonds, warrants, or other evidences of
19 indebtedness issued by an authorizing subdivision pursuant to
20 authorization in this section may be either general
21 obligations or special obligations payable solely from a
22 specified source or sources, which source or sources may
23 include any public revenues, or portions thereof, which the
24 authorizing subdivision may lawfully use for the purpose. The
25 county or municipality may pledge for payment of the principal

1 of and interest on any bonds that are general obligations any
2 public revenues that may lawfully be used for that purpose and
3 may pledge for the benefit of any special obligations issued
4 by it so much as may be necessary for the payment of the
5 public revenues from which the special obligations are made
6 payable.

7 (c) The proceeds of any bonds issued by an
8 authorizing subdivision for the purpose referred to in this
9 section may be applied for payment of principal, interest, and
10 redemption premium with respect to the authority's bonds to be
11 paid from the proceeds and the expenses of issuing the bonds
12 of the authorizing subdivision.

13 Section 24. In addition to the requirements for
14 dissolution under Section 11-92A-22, Code of Alabama 1975,
15 prior to the dissolution of an authority organized under
16 Chapter 92A of Title 11, Code of Alabama 1975, the authority
17 shall provide notice to the Legislature of the authority's
18 intent to dissolve, as adopted by its board of directors in
19 accordance with Section 11-92A-22, Code of Alabama 1975. The
20 articles of dissolution, as required by Section 11-92A-22,
21 Code of Alabama 1975, may not be effective prior to the 15th
22 legislative day of the regular session of the Legislature that
23 commences no sooner than six weeks after the notice of
24 dissolution is provided to the Legislature as required in this
25 section.

1 Section 25. The provisions of this act are
2 severable. If any part of this act is declared invalid or
3 unconstitutional, that declaration shall not affect the part
4 which remains.

5 Section 26. This act shall become effective
6 immediately following its passage and approval by the
7 Governor, or its otherwise becoming law.

