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3 HOUSE TRANSPORTATION COMMITTEE AMENDMENT #1 TO HB487  
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8 On page 18, delete lines 24 through 26 and insert  
9 the following:

10 "this act. The amounts on deposit in the ATRIP-II"

11 On page 19, line 1, after the word "Fund", insert  
12 the following: "shall be applied, and are hereby  
13 appropriated,"

14 On page 19, line 3, delete "transfer to or"

15 On page 20, delete lines 10 through 14 and insert  
16 the following:

17 "have been issued and as provided in this act. The  
18 Authority shall establish procedures to account for each  
19 county's portion of the net proceeds of the bonds. Each county  
20 shall obtain such proceeds"

21 On page 31, line 20, after "into", insert "a"

22 On page 31, line 20, delete "funds" and insert  
23 "fund"

24 On page 34, line 6, after "into" insert "a"

25 On page 34, line 7, delete "funds" and insert "fund"  
26 On page 37, line 22, and on page 38, lines 1 and 10, delete  
27 "Treasurer" and insert in lieu thereof "Comptroller".

1                   On page 38, delete lines 20 through 22 and insert  
2                   "(b) The amounts on deposit in the ALDOT Projects" On page 38,  
3                   line 23, insert the following after the word "Fund": "shall be  
4                   applied, and are hereby appropriated,"

5                   On page 38, line 25, delete "transfer to or"

1 185007-2 : n : 04/11/2017 : TU & I / emj

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3 HOUSE TRANSPORTATION COMMITTEE AMENDMENT #2 TO HB487  
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8 On page 1, delete line 27 and insert the following:

9 "principal amount not exceeding \$2,450,000,000, of  
10 which \$1,250,000,000"

11 On page 2, delete lines 1 and 2, and insert the  
12 following:

13 "thereof shall be issued to finance county and  
14 municipal road and bridge rehabilitation and improvement  
15 projects and the balance thereof issued"

16 On page 4, lines 10 and 11 delete subdivision (3)  
17 and renumber subsequent subdivisions on pages 4, 5 and 6  
18 accordingly.

19 On page 6, after line 17 insert the following:

20 "(18) SUPPLEMENTAL ALLOCATION MUNICIPAL ATRIP-II  
21 PROJECTS. ATRIP-II Projects for payment of the costs of road  
22 and bridge rehabilitation and improvement projects to be  
23 undertaken within the corporate limits and police  
24 jurisdictions of municipalities in the State submitted by  
25 municipalities to the ATRIP-II Committee pursuant to the  
26 provisions of paragraph (2) of subsection (a) of Section 10 of  
27 this act."

1 On page 16, delete lines 1 through 3, inclusive, and  
2 insert in lieu thereof the following:

3 "hundred and fifty million dollars (\$2,450,000,000),  
4 of which one billion two hundred and fifty million dollars  
5 (\$1,250,000,000) thereof shall be for payment of Costs of  
6 ATRIP-II Projects and expenses of issuance of the Bonds and  
7 one billion two hundred million dollars (\$1,200,000,000)  
8 thereof shall be for payment of Costs of ALDOT"

9 On page 21, line 1, after "thereof" insert the  
10 following:

11 ", other than those proceeds allocated for  
12 Supplemental Allocation Municipal ATRIP-II Projects,"

13 On page 21, line 14, after "provided", insert the  
14 following:

15 ", i.e., other than those proceeds allocated for  
16 Supplemental Allocation ATRIP-II Projects,"

17 On page 25, delete lines 21 through 27, inclusive,  
18 and substitute therefor the following:

19 "(c) The motor fuel subject to the excise taxes  
20 ~~levied~~ imposed by this section shall not be subject to any  
21 other excise tax imposed or levied by ~~theis~~ state. However,  
22 the payment ~~of the motor fuel excise taxes~~ imposed ~~levied~~ by  
23 this section shall not exempt ~~the~~ sellers or importers of  
24 fuel, as described in Section 40-17-174, from the license fees  
25 ~~levied by Section 40-17-174~~ payable pursuant thereto."

26 On page 28, line 1, insert "(1)" after "(a)".

27 On page 28, after line 25, insert the following:

1           "(2) Any application for the review of Supplemental  
2 Allocation Municipal ATRIP-II Projects submitted by  
3 municipalities in the State to the ATRIP Committee shall be  
4 identified as such in the application and submitted separate  
5 and apart from applications made by municipalities for other  
6 ATRIP-II projects. Upon review by the ATRIP Committee of  
7 applications for Supplemental Allocation Municipal ATRIP-II  
8 Projects, such projects that meet the criteria for funding as  
9 set forth in Section 12(a) (1)-(4) of this act may be  
10 certified by the chair of the ATRIP Committee to the Authority  
11 as eligible for financing through the issuance by the  
12 Authority of its Bonds or other obligations allocated by the  
13 Authority for Supplemental Allocation Municipal ATRIP-II  
14 Projects, up to an aggregate amount of the Costs of all such  
15 Projects proposed to be paid with proceeds of Bonds to be  
16 issued by the Authority pursuant to this act not exceeding the  
17 sum of fifty million dollars (\$50,000,000)."

18           On page 28, delete lines 26 and 27 and insert in  
19 lieu thereof the following:

20           "(b) The ATRIP Committee shall be entitled to  
21 request such information from the Alabama Department of  
22 Transportation as the Committee may deem appropriate to assist  
23 it in carrying out its responsibilities and duties as provided  
24 herein and in Section 23-1-435, Code of Alabama 1975, and said  
25 Department is hereby authorized to provide such  
26 non-confidential information concerning the condition of roads  
27 and bridges in the State and the anticipated costs of repair,

1 improvement and rehabilitation thereof as may reasonably be so  
2 requested."

3 Delete pages 29 and 30 in their entirety.

4 On page 31, delete lines 1 through 11, inclusive,  
5 and insert in lieu thereof the following:

6 "Section 11. (a) Not more than one billion two  
7 hundred fifty million dollars (\$1,250,000,000) of the proceeds  
8 of"

9 On page 34, line 5, after "Projects" insert the  
10 following:

11 ", including Supplemental Allocation Municipal  
12 ATRIP-II Projects,"

13 On page 35, line 18, after the word "municipal"  
14 insert the following: "ATRIP-II"

1 HB487  
2 184509-2  
3 By Representative Poole  
4 RFD: Transportation, Utilities and Infrastructure  
5 First Read: 06-APR-17

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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 the proceeds from  
15 additional gasoline and diesel fuel excise taxes  
16 and registration fees on certain alternative fuel  
17 vehicles to be levied pursuant to this act.

18  
19 A BILL  
20 TO BE ENTITLED  
21 AN ACT  
22

23 To provide for the establishment and incorporation  
24 of the Alabama Road and Bridge Rehabilitation and Improvement  
25 Authority; to establish the ATRIP-II Projects Special Fund; to  
26 provide that the Authority may issue bonds in an aggregate  
27 principal amount not exceeding \$2,400,000,000, one-half

1       thereof to finance county and municipal road and bridge  
2       rehabilitation and improvement projects and one-half thereof  
3       to finance state road and bridge rehabilitation and  
4       improvement projects, and to provide for the use of the  
5       proceeds of the net tax revenues from additional gasoline and  
6       diesel fuel excise taxes and fees provided for in this act to  
7       pay debt service on such bonds and other obligations issued to  
8       provide funds for Alabama Transportation Infrastructure  
9       (ATRIP) Projects and Alabama Department of Transportation  
10       Projects (as defined herein) and to pay the costs of such  
11       projects and the expenses of issuance of such bonds and other  
12       obligations; to provide for additional duties of the ATRIP  
13       Committee heretofore established in respect of county and  
14       municipal road and bridge rehabilitation and improvement  
15       projects to be financed by the Authority; to provide  
16       procedures for the proposal to the Authority by the Department  
17       of Transportation of road and bridge improvement projects to  
18       be financed with proceeds of the bonds authorized to be issued  
19       hereby; to provide that the said Authority may issue refunding  
20       bonds to prepay and retire any bonds and other obligations of  
21       Authority; to amend Section 40-17-325, Code of Alabama 1975,  
22       as last amended by Act 2015-54, 2015 Regular Session, relating  
23       to gasoline and diesel fuel taxes, to provide for an  
24       additional gasoline and diesel fuel taxes; to provide for an  
25       adjustment of the additional gasoline and diesel fuel tax rate  
26       if certain criteria are met; to provide for additional fees  
27       for private passenger alternative fuel vehicles and commercial

1 alternative fuel vehicles, the net proceeds of which  
2 additional taxes and fees are to be used as provided herein  
3 for payment of debt service on bonds and other obligations of  
4 the authority; and to provide for the pledge of the net  
5 proceeds of the additional taxes and fees for payment of debt  
6 service on bonds and other obligations of the Authority,  
7 including refunding bonds, and for the use of proceeds of said  
8 additional taxes and fees not needed for payment of such debt  
9 service.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. It is the intention of the Legislature by  
12 the passage of this act to authorize the incorporation of the  
13 Alabama Road and Bridge Rehabilitation and Improvement  
14 Authority for the purposes of establishing a program for  
15 financing the rehabilitation and improvement of roads and  
16 bridges throughout the state by the issuance of the  
17 obligations of such corporation, which shall not be debts of  
18 the State of Alabama but shall be payable solely from the net  
19 proceeds of certain new taxes and fees to be levied pursuant  
20 to this act, and to provide for the use of the proceeds of  
21 such taxes and fees not needed for payment of debt service on  
22 such obligations for the purposes set out herein.

23 Section 2. Definitions. When used in this act, the  
24 following words and phrases shall have the following  
25 respective meanings unless the context clearly indicates  
26 otherwise:

1                   (1) ALDOT Projects. Those Road and Bridge  
2 Rehabilitation and Improvement Projects submitted to the  
3 Authority for funding in accordance with the provisions of  
4 Section 14 hereof.

5                   (2) ALDOT PROJECTS SPECIAL FUND. A special fund in  
6 the State Treasury entitled the "Department of Transportation  
7 Road and Bridge Rehabilitation and Improvement Program Fund"  
8 which shall be held by the State Treasurer, as custodian  
9 therefor, and applied solely as provided in this act.

10                   (3) ATI. The Alabama Transportation Institute  
11 described in Section 10 hereof.

12                   (4) ATRIP Committee. The Alabama Transportation  
13 Rehabilitation and Improvement Program Committee established  
14 pursuant to Section 6 of Act No. 216-150 enacted at the 2016  
15 Regular Session of the Legislature.

16                   (5) ATRIP-II Projects. Those county and municipal  
17 Road and Bridge Rehabilitation and Improvement Projects  
18 submitted to and received by the ATRIP Committee pursuant to  
19 the provisions of Section 10 hereof for funding in accordance  
20 with the provisions of this act.

21                   (6) ATRIP-II Projects Special Fund. A special fund  
22 in the State Treasury entitled the "ATRIP-II Projects Special  
23 Fund" which shall be held by the State Treasurer, as custodian  
24 therefor, and applied solely as provided in this act.

25                   (7) AUTHORITY. The Alabama Road and Bridge  
26 Rehabilitation and Improvement Authority, a public corporation

1 and instrumentality of the state authorized to be organized  
2 under the provisions of this act.

3 (8) BOARD OF DIRECTORS. The board of directors of  
4 the Authority.

5 (9) BONDS. Those bonds, including refunding bonds  
6 issued to refund outstanding obligations of the Authority,  
7 that in this act are authorized to be sold and issued by the  
8 Authority.

9 (10) CORPORATION. The Authority.

10 (11) COSTS. As applied to any Road and Bridge  
11 Rehabilitation and Improvement Project, all costs of  
12 construction or acquisition of any part thereof, including,  
13 but without limitation to, the costs of supervising,  
14 inspecting and constructing any such project and all costs and  
15 expenses incidental thereto, the costs of locating, surveying  
16 and mapping, resurfacing, restoration and rehabilitation,  
17 acquisition of rights-of-way, and improvements which directly  
18 facilitate and control traffic flow, including grade  
19 separation of intersections, widening of lanes, channelization  
20 of traffic, and traffic-control systems.

21 (12) LEGISLATURE. The Legislature of Alabama.

22 (13) NET PLEDGED TAX PROCEEDS. The entire proceeds  
23 from the Pledged Taxes less the cost of collection and less  
24 any refunds thereof.

25 (14) OBLIGATIONS. Any bonds, temporary bonds or  
26 notes authorized to be issued by the Authority.

1 (15) PLEDGED TAXES. (a) The excise taxes levied  
2 under subdivisions (1), (2) and (3) of subsection (b) of  
3 Section 40-17-325, as amended hereby, with the exception of  
4 those portions of those taxes levied on aviation fuel and  
5 marine gasoline, and (b) the additional annual registration  
6 fees imposed pursuant to Section 40-12-275, as herein  
7 provided.

8 (16) ROAD AND BRIDGE REHABILITATION AND IMPROVEMENT  
9 PROJECTS. Projects for the rehabilitation, repair,  
10 improvement, construction or replacement of roads and bridges  
11 in the state, the costs of which may be paid through the  
12 issuance of Bonds by the Authority or with Net Pledged Tax  
13 Proceeds as provided in this act.

14 (17) REFUNDING BONDS. Bonds issued to refund or  
15 prepay outstanding bonds and other obligations of the  
16 Authority.

17 (18) STATE. The State of Alabama.

18 Section 3. (a) (1) The Legislature finds that it is  
19 necessary, desirable, and in the public interest to authorize  
20 the creation of a public corporation to issue bonds or other  
21 obligations for the purpose of providing funds to pay the  
22 costs of road and bridge rehabilitation and improvement  
23 projects in the State. The authority to be created as provided  
24 in this section shall be authorized to pledge the proceeds of  
25 the additional excise taxes imposed on gasoline and diesel  
26 fuel pursuant to Section 40-17-325(b), Code of Alabama 1975,  
27 as amended, and of the additional registration fees imposed

1 pursuant to Section 40-12-275, Code of Alabama 1975, as  
2 amended (such taxes and fees collectively referred to herein  
3 as the "Pledged Taxes"), for the payment of its bonds and  
4 other obligations, such proceeds to be pledged and applied as  
5 herein provided and as provided for in Section  
6 40-17-325(b) (5) (i) and (ii), Code of Alabama 1975, as amended,  
7 as the sole source of payment for such bonds and other debt  
8 obligations, and to the extent not needed for such purpose,  
9 otherwise to be used as provided for Road and Bridge  
10 Rehabilitation and Improvement Projects as provided for in  
11 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 Alabama  
15 Department of Transportation, a currently-serving Alabama  
16 county commissioner to be appointed by the Speaker of the  
17 House of Representatives, and a currently-serving mayor of an  
18 Alabama city or town to be appointed by the President Pro  
19 Tempore of the Senate, shall, prior to July 1, 2017, present  
20 to the Secretary of State of Alabama an application setting  
21 forth all of the following:

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

1           2. The name of the proposed public corporation which  
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, which 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 such 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 such 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.

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 Alabama Department of  
6 Transportation, by virtue thereof, shall serve as ex officio  
7 members of the Authority and directors of the Authority. The  
8 appointed members and directors of the Authority shall each  
9 serve for four-year terms expiring on the later of June 30  
10 four years after the appointment thereof or until a successor  
11 is appointed by the President Pro-Tempore of the Senate or  
12 Speaker of the House, 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 directors shall elect a president, vice-president and  
2 secretary of the Authority, each of which officers shall be a  
3 member and director of the authority, for such terms as the  
4 directors shall establish. A majority of the directors shall  
5 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 of Alabama. Such proceedings  
11 and 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 the Net Tax Pledged Proceeds to be made  
9 available and appropriated to the Authority as the sole source  
10 of payment of, and security for, the Bonds and other  
11 obligations of the Authority.

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

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

23           h. To acquire, by devise, gift, lease, purchase, or  
24 otherwise, hold, and convey, with or without consideration, to  
25 the State of Alabama and to any political subdivision, public  
26 body, or public corporation in the State of Alabama, tangible  
27 and intangible property of any description.

1           i. To appoint, contract with, employ, and provide  
2 for the compensation, without competitive bid, of such  
3 accountants, attorneys, architects, consultants, engineers,  
4 financial advisors, investment bankers, trustees, and  
5 underwriters as the authority determines to be necessary or  
6 desirable for the business of the authority.

7           j. To provide for such insurance as the directors  
8 determine to be necessary or desirable.

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

19           (7) The Authority shall be a nonprofit public  
20 corporation, and no part of its net earnings remaining after  
21 payment of the expenses thereof shall inure to the benefit of  
22 any individual, firm, or corporation.

23           (8) At any time when no bonds or other obligations  
24 of the Authority are outstanding, the Authority may be  
25 dissolved upon the filing with the Secretary of State of  
26 Alabama of an application for dissolution, which shall be  
27 executed by each of the directors of the authority and sworn

1 to by each director before an officer authorized by the laws  
2 of the State of Alabama to take acknowledgements to deeds.  
3 Upon the filing of the application the authority shall cease  
4 to exist. The Secretary of State shall record in the office  
5 thereof the application for dissolution together with a  
6 certificate, under the Great Seal of the State, that the  
7 authority is dissolved. Upon dissolution of the Authority as  
8 provided in this act, title to all property held in the name  
9 of the authority shall be vested in the State of Alabama.

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

22 (b) It is the intention of the Legislature that the  
23 board of directors of the Authority, once the Authority is  
24 incorporated, shall move promptly to sell and issue its bonds  
25 or other obligations in accordance with this act, in such  
26 series and aggregate principal amounts as the Authority shall  
27 deem prudent and appropriate based on prevailing interest

1 rates and economic conditions, so as to provide as soon as  
2 practicable sufficient funds to pay those Costs for the  
3 financing of which the Authority is to be established,  
4 especially the Costs of county and municipal road and bridge  
5 rehabilitation and improvement projects reviewed by the  
6 ATRIP-II Committee and certified to the Authority.

7 (c) There is hereby appropriated to the Authority,  
8 in each fiscal year of the State, the Net Pledged Tax  
9 Proceeds, i.e., the proceeds of the Pledged Taxes after  
10 payment of costs of collection and refunds, in such amounts  
11 and at such times as shall be sufficient to provide for the  
12 punctual payment in full of all principal of, premium, if any,  
13 and interest on all bonds and other obligations of the  
14 Authority at the time outstanding (i) which shall have become  
15 due and payable, and which shall not have theretofore been  
16 paid in a prior fiscal year, and (ii) which shall become due  
17 and payable in such fiscal year, provided that, if the said  
18 net proceeds so appropriated shall be insufficient to pay in  
19 full such principal, premium and interest in any fiscal year,  
20 nothing in this act shall give rise to any obligation of the  
21 Authority or of the State of Alabama to provide any funds or  
22 moneys to make payments of debt service otherwise than from  
23 proceeds of the Pledged Taxes.

24 (d) The Legislature covenants and agrees, on behalf  
25 of the State, with the owners of all bonds and other  
26 obligations of the Authority at any time outstanding, to  
27 continue to provide for the imposition, levy and collection of

1 the Pledged Taxes until all principal of, premium, if any, and  
2 interest on all such bonds and obligations shall have been  
3 paid in full in accordance with the terms thereof and of the  
4 proceedings pursuant to which such bonds and other obligations  
5 were issued.

6 (e) The maturity of any bond or other obligation  
7 issued by the Authority shall be limited to a maximum of  
8 twenty years from the dated date thereof.

9 Section 4. (a) Bonds of the Authority shall:

10 1. Be solely and exclusively limited obligations of  
11 the Authority payable solely from and secured by a pledge of  
12 the amounts of the Net Pledged Tax Proceeds allocated and  
13 appropriated to the Authority, and shall never constitute or  
14 give rise to a general obligation of the Authority or an  
15 indebtedness, obligation, pecuniary liability, or charge  
16 against the general credit or taxing powers of the State of  
17 Alabama or any political subdivision thereof or therein.

18 2. Be construed to be negotiable instruments,  
19 although payable solely from a specified source.

20 3. Be signed by the president or vice-president of  
21 the Authority and attested by the secretary under the seal of  
22 the Authority affixed thereto, provided that facsimiles of the  
23 signatures of such officers may be reproduced on such bonds in  
24 lieu of manual signatures.

25 4. Be issued from time to time or at any time as the  
26 Authority shall determine, in an aggregate principal amount  
27 not exceeding, not including Refunding Bonds, two billion four

1 hundred million dollars (\$2,400,000,000), one-half thereof for  
2 payment of Costs of ATRIP-II Projects and expenses of issuance  
3 of the Bonds and the other half for payment of Costs of ALDOT  
4 Projects and expenses of issuance of the Bonds, in such  
5 series, forms and denominations, of such maturities as shall  
6 not exceed 20 years from the dated date of each thereof,  
7 bearing such fixed or variable rates of interest, being  
8 subject to redemption, and containing such other terms and  
9 provisions as shall be approved by the board of directors of  
10 the authority.

11 5. Be sold at public or private negotiated sale.

12 6. Be a legal investment for all governmental  
13 entities, political subdivisions and public corporations in  
14 the State of Alabama, and administrators, executors,  
15 guardians, persons, or organizations acting in a fiduciary  
16 capacity unless otherwise directed by a court of competent  
17 jurisdiction.

18 (b) The Authority shall be empowered:

19 (1) To receive those proceeds of the Pledged Taxes  
20 appropriated to the Authority for the purpose of payment of  
21 bonds and other obligations of the Authority, to pledge and  
22 apply such funds to payments of bonds and other obligations  
23 issued by the Authority in the manner provided in this act,  
24 and to cause the net proceeds from the sale of the bonds and  
25 other obligations of the authority to be used as herein  
26 provided.

1           (2) To execute and deliver mortgages, security  
2 agreements and trust indentures, and other forms of agreements  
3 for the purpose of securing the Authority's bonds and other  
4 obligations and in connection therewith, to mortgage, pledge,  
5 and assign the appropriated funds from the Pledged Taxes  
6 solely as permitted in this act.

7           (3) As security for the payment of the Authority's  
8 bonds, to pledge those proceeds of the Pledged Taxes  
9 appropriated to the Authority. The principal of and interest  
10 on any bonds or other obligations issued by the Authority may  
11 be secured by a trust indenture evidencing the pledge made  
12 therefor. The resolutions of the Board of Directors of the  
13 Authority or any trust indentures under which the Authority's  
14 bonds or other obligations are authorized to be issued may  
15 contain any agreements or provisions respecting the rights,  
16 duties, and remedies of the parties to any such instrument and  
17 the parties for the benefit for whom such instrument is made  
18 and the rights and remedies available in the event of default  
19 that the Authority shall deem advisable and which are not in  
20 conflict with this act or the Constitution and other laws of  
21 the State.

22           (c) The Authority shall be authorized to sell and  
23 issue its Refunding Bonds for the purpose of refunding,  
24 redeeming, paying and retiring any matured or unmatured bonds  
25 or other obligations of the Authority then outstanding, which  
26 Refunding Bonds may be issued at such times, and in such  
27 series, forms denominations and aggregate principal amounts as

1 the Authority shall determine, the proceeds of which remaining  
2 after paying the expenses of their issuance shall be used only  
3 for such purposes set forth above in this subsection (c) and  
4 to pay any premium that may be necessary to be paid in order  
5 to redeem, pay or retire the bonds or other obligations of the  
6 Authority to be refunded.

7 Section 5. For the benefit of the State of Alabama  
8 and the citizens thereof, there is hereby created a special  
9 fund in the State Treasury entitled the "ATRIP-II Projects  
10 Special Fund" which shall be held by the State Treasurer, as  
11 custodian therefor, and applied solely as provided in this  
12 act. There shall be deposited in the ATRIP-II Projects Special  
13 Fund, when and as received, one-half of all net proceeds of  
14 the additional excise taxes and fees imposed pursuant to  
15 Section 40-17-325(b) and Section 40-12-275, Code of Alabama  
16 1975, as amended, and allocated as provided in Section  
17 40-17-325(b) (5) (ii). No other funds from any source shall be  
18 deposited in, or credited to, the ATRIP-II Projects Special  
19 Fund. All amounts on deposit in, or credited to, the ATRIP-II  
20 Projects Special Fund shall be invested as permitted for funds  
21 of the State of Alabama, and all earnings, income and profits  
22 therefrom shall be held in the ATRIP-II Projects Special Fund  
23 and applied solely for the purposes thereof as provided in  
24 this act. The State Treasurer, as custodian of the ATRIP-II  
25 Projects Special Fund, shall apply, and there are hereby  
26 annually appropriated, the amounts on deposit in the ATRIP-II

1 Projects Special Fund solely for the following purposes and in  
2 the following order:

3 (1) First, transfer to or as directed by the  
4 Authority in each fiscal year such amounts at such times as  
5 shall be sufficient, with other funds available to the  
6 Authority therefor, to provide for the due and punctual  
7 payment in full of all principal of, premium, if any, and  
8 interest on all bonds and other obligations of the Authority  
9 at any time outstanding (i) which shall have become due and  
10 payable and which shall not have theretofore been paid, in a  
11 prior fiscal year, and (ii) which shall become due and payable  
12 in such fiscal year.

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

15 (3) Thereafter, all remaining moneys in the ATRIP-II  
16 Projects Special Fund shall be further distributed as provided  
17 in subsection (a) of Section 15 of this act and expended only  
18 as provided in that section. Thus, when all bonds and other  
19 obligations of the authority shall have been paid in full in  
20 accordance with the terms thereof and of the documents under  
21 which those bonds and other obligations were issued, all  
22 moneys remaining each year in the ATRIP-II Projects Special  
23 Fund shall be applied and distributed as provided in  
24 subsection (a) of Section 15 of this act.

25 Section 6. (a) Any moneys, including proceeds of the  
26 Authority's Bonds, allocated to counties and municipalities  
27 pursuant to this act shall be in addition to and shall not

1 diminish any other revenues allocated or distributed from any  
2 other source.

3 (b) (1) The net proceeds of bonds and other  
4 obligations, other than refunding bonds, issued by the  
5 Authority, being the proceeds realized upon sale of such bonds  
6 after payment therefrom of all expenses, ratings fees, credit  
7 enhancement fees, and similar costs of issuance thereof, shall  
8 be deposited in the State Treasury and disbursed as provided  
9 in the proceedings under which such bonds or obligations shall  
10 have been issued and as provided in this act. The State  
11 Treasurer shall establish a separate fund for each county in  
12 this state and deposit in each such fund the portion of the  
13 net proceeds of such bonds allocated to each such county as  
14 provided in this act. Each county shall obtain such proceeds  
15 of bonds and other obligations of the Authority only in  
16 accordance with this act and the proceedings under which such  
17 bonds or obligations shall have been issued and shall apply  
18 and use such proceeds only for the purposes and as provided in  
19 this act.

20 (2) The Authority shall sell and issue its bonds and  
21 other obligations at such times and in such aggregate  
22 principal amounts so as to ensure that, when all of the bonds  
23 herein authorized to be issued pursuant to Section 4(a) of  
24 this act, other than refunding bonds, for the purpose of  
25 paying the costs of county and municipal road and bridge  
26 improvement and rehabilitation projects have been issued,

1           a. the net proceeds thereof shall have been  
2 allocated for distribution as follows: 45.45 percent thereof  
3 allocated for distribution for payment of the costs of road  
4 and bridge improvement and rehabilitation projects equally  
5 among the 67 counties of the state and the remaining 54.55  
6 percent thereof allocated for distribution for payment of the  
7 costs of road and bridge improvement and rehabilitation  
8 projects among the 67 counties of the state on the basis of  
9 the ratio of the population of each county to the total  
10 population of the state according to the 2010 federal  
11 decennial census, and

12           b. twenty percent (20%) of the aggregate net  
13 proceeds of the Authority's aforesaid bonds allocated for  
14 distribution to each county as hereinabove provided shall have  
15 been allocated for distribution among the municipalities in  
16 the county on the basis of the ratio of the population within  
17 the county of each municipality to the total population within  
18 the county of all municipalities in the applicable county  
19 according to the 2010 federal decennial census.

20           Section 7. Notwithstanding any other law or  
21 provision of this act to the contrary, no county or  
22 municipality receiving any proceeds of bonds or other  
23 obligations issued by the Authority under this act payable  
24 from the Pledged Taxes shall have any obligation, direct,  
25 indirect, or contingent, for the repayment of any of such  
26 proceeds so received, or for payment of any interest thereon,

1 to the Authority or the State of Alabama or any agency,  
2 department or instrumentality thereof.

3 Section 8. Section 40-17-325, Code of Alabama 1975,  
4 is amended to read as follows:

5 "§40-17-325.

6 "(a) Subject to the exemptions provided for in this  
7 article, ~~the~~ tax is imposed on net gallons of motor fuel in  
8 accordance with the provisions of Section 40-17-326 at the  
9 following rates:

10 "(1) Eighteen cents (\$.18) per gallon on gasoline,  
11 which is comprised of a seven cents (\$.07) excise tax, a  
12 supplemental five cents (\$.05) excise tax, and an additional  
13 six cent (\$.06) excise tax.

14 "(2) Nineteen cents (\$.19) per gallon on diesel  
15 fuel, comprised of a thirteen cents (\$.13) excise tax and an  
16 additional six cents (\$.06) excise tax.

17 "(3) Nine and one-half cents per gallon (\$.095) on  
18 aviation gasoline and three and one-half cents per gallon  
19 (\$.035) on aviation jet fuel when the aviation fuel is sold to  
20 a licensed aviation fuel purchaser. Aviation gasoline is to be  
21 taxed as gasoline and aviation jet fuel is to be taxed as  
22 diesel fuel when not sold to a licensed aviation fuel  
23 purchaser.

24 "(b) (1) Effective September 1, 2017, and  
25 thereafter, an additional four cents (\$0.04) per gallon excise  
26 tax shall be imposed on gasoline and diesel fuel not exempt  
27 from the tax levied by subsection (a) of this section in

1 accordance with the provisions of Section 40-17-326, the  
2 proceeds of which additional tax, less the cost of collection  
3 thereof and less any refunds pursuant to the provisions of  
4 this article, shall be allocated and distributed as set forth  
5 in paragraph (5) of this subsection (b).

6 "(2) Effective September 1, 2019, and thereafter, a  
7 further additional two cents (\$0.02) per gallon excise tax  
8 shall be imposed on gasoline and diesel fuel not exempt from  
9 the tax levied by subsection (a) of this section in accordance  
10 with the provisions of Section 40-17-326, the proceeds of  
11 which additional tax, less the cost of collection thereof and  
12 less any refunds pursuant to the provisions of this article,  
13 shall be allocated and distributed as set forth in paragraph  
14 (5) of this subsection (b).

15 "(3) Effective September 1, 2024, and thereafter,  
16 subject to the provisions of paragraph (4) of this subsection  
17 (b), a further additional three cents (\$0.03) per gallon  
18 excise tax shall be imposed on gasoline and diesel fuel not  
19 exempt from the tax levied by subsection (a) of this section  
20 in accordance with the provisions of Section 40-17-326, the  
21 proceeds of which additional tax, less the cost of collection  
22 thereof and less any refunds pursuant to the provisions of  
23 this article, shall be allocated and distributed as set forth  
24 in paragraph (5) of this subsection (b).

25 "(4) The additional excise tax to be imposed  
26 pursuant to paragraph (3) of this subsection (b) shall, any  
27 provision hereof to the contrary notwithstanding, be imposed

1 unless, during the Regular Session of the Legislature  
2 immediately preceding September 1, 2024, the House of  
3 Representatives and Senate of Alabama shall, not later than  
4 the conclusion of the tenth legislative day of said Regular  
5 Session, adopt and approve a joint resolution finding that  
6 revenues from the additional taxes then being imposed pursuant  
7 to paragraphs (1) and (2) of this subsection (b) are expected  
8 to be sufficient to pay the debt service then anticipated to  
9 be coming due and payable in the future on bonds or other  
10 obligations of the Alabama Road and Bridge Rehabilitation and  
11 Improvement Authority authorized to be created under the act  
12 of the Legislature pursuant to which this section shall have  
13 been amended during the 2017 Regular Session of the  
14 Legislature of Alabama theretofore issued or expected to be  
15 thereafter issued to pay the costs of road and bridge  
16 improvements for which bonds and other obligations of said  
17 Authority may be issued.

18 "(5) (i) One-half of the net proceeds from the  
19 additional excise taxes imposed pursuant to this subsection  
20 (b) of this section, after costs of collection and refunds,  
21 shall be deposited in the State Treasury and used for the  
22 payment of debt service on bonds and other debt obligations  
23 issued by the Alabama Road and Bridge Rehabilitation and  
24 Improvement Authority authorized to be created under the act  
25 of the Legislature pursuant to which this section shall have  
26 been amended during the 2017 Regular Session of the  
27 Legislature of Alabama, and, to the extent not needed for the

1 payment of such debt service, to retire bonds and other  
2 obligations of the said Authority as the Board of Directors  
3 thereof may in its discretion determine to be appropriate and,  
4 to the extent not so used, to pay the costs of county and  
5 municipal road and bridge rehabilitation and improvement  
6 projects in the State in such manner as shall be provided for  
7 in the aforesaid 2017 act of the Legislature.

8 "(ii) The remaining one-half of the net proceeds  
9 from the said additional excise taxes, after costs of  
10 collection and refunds, shall be deposited in the State  
11 Treasury and used for the payment of debt service on bonds and  
12 other debt obligations issued by the aforesaid Authority, and,  
13 to the extent not needed for the payment of such debt service,  
14 to retire bonds and other obligations of the said Authority as  
15 the Board of Directors thereof may in its discretion determine  
16 to be appropriate and, to the extent no so used, to pay the  
17 costs of road and bridge rehabilitation and improvement  
18 projects in this state as recommended by the Alabama  
19 Department of Transportation in such manner as shall be  
20 provided for in the aforesaid 2017 act of the Legislature.

21 "(c) The motor fuel subject to the excise taxes  
22 levied imposed by this section shall not be subject to any  
23 other excise tax imposed or levied by the state.

24 "However, the payment of taxes imposed levied by  
25 this section shall not exempt sellers or importers of motor  
26 fuel, as described in Section 40-17-174, from the license fees  
27 payable pursuant thereto."

1           Section 9. Section 40-12-275 is added to the Code of  
2 Alabama 1975, to read as follows:

3           "§40-12-275.

4           "(a) (1) Effective January 1, 2018, in addition to  
5 any other license tax or registration fee levied or imposed  
6 pursuant to Chapter 6 of Title 32 or pursuant to this chapter,  
7 or otherwise, in respect of motor vehicles operated upon any  
8 city street or other public highway of or in this state, there  
9 shall be imposed an additional annual registration fee of one  
10 hundred dollars (\$100) for each private passenger alternative  
11 fuel vehicle and an additional annual registration fee of one  
12 hundred fifty dollars (\$150) for each commercial alternative  
13 fuel vehicle. The additional annual registration fee imposed  
14 by this section for each commercial alternative fuel vehicle  
15 registered pursuant to Section 32-6-56 shall be prorated on an  
16 apportionment or allocation basis as provided for in Section  
17 32-6-56 pursuant to rules and regulations of the Department of  
18 Revenue. Any other provisions hereof to the contrary  
19 notwithstanding, the additional annual registration fee  
20 imposed by this section shall not be imposed with respect to  
21 Alternative Fuel Vehicles or Commercial Alternative Fuel  
22 Vehicles that are propelled and operated solely through the  
23 combustion of natural gas, provided that the excise taxes on  
24 compressed natural gas and liquefied natural gas imposed  
25 pursuant to Section 40-17-168.2(a) shall then be imposed at a  
26 rate or rates aggregating respectively not less than the

1 excise taxes on gasoline and diesel fuel provided for in  
2 Section 40-17-325(a) and (b).

3 "(2) The additional registration fees imposed  
4 pursuant hereto shall be collected pursuant to the applicable  
5 provisions of this chapter and deposited in the State Treasury  
6 and allocated and used in the same manner for the same  
7 purposes and at the same times as proceeds of the excise taxes  
8 imposed by subsection (b) of Section 40-17-325 are required to  
9 be allocated and used pursuant to Section 40-17-325(b) (5).

10 "(b) For the purposes of this section, the following  
11 terms shall have the following respective meanings:

12 "(1) ALTERNATIVE FUEL VEHICLE. A motor vehicle that  
13 is propelled and operates solely through the combustion of  
14 natural gas or solely utilizing any energy source other than  
15 gasoline or diesel fuel, which includes, but is not limited  
16 to, a battery-powered electric vehicle or solar-powered  
17 vehicle. The term does not include any motor vehicle that is  
18 not registered for operation on public roads or highways in  
19 the State.

20 "(2) COMMERCIAL ALTERNATIVE FUEL VEHICLE. A  
21 commercial motor vehicle as defined in Section 32-6-49.3, that  
22 is propelled and operates utilizing one of the methods  
23 described in subdivision (1) above.

24 "(3) PASSENGER ALTERNATIVE FUEL VEHICLE. A private  
25 passenger automobile as defined in Section 40-12-240(18), that  
26 is propelled and operates utilizing one of the methods  
27 described in subdivision (1) above."

1           Section 10. (a) In order to assist in the carrying  
2 out of the purposes of this act and provide for the repair,  
3 maintenance, improvement, replacement, and construction of  
4 county and municipal roads and bridges infrastructure under  
5 the procedures and requirements set forth herein, the ATRIP  
6 Committee created pursuant to Section 6 of Act No. 2016-150  
7 enacted at the 2016 Regular Session of the Legislature  
8 (appearing as Section 23-1-435, Code of Alabama 1975), is  
9 hereby permanently established, any provision of said Act No.  
10 2016-150 to the contrary notwithstanding. The ATRIP Committee  
11 is hereby charged with reviewing ATRIP-II Projects for funding  
12 through the issuance of bonds and other debt obligations  
13 issued by the Authority, applications to the ATRIP Committee  
14 for review of which are made by counties and municipalities in  
15 the State pursuant to procedures developed and adopted by the  
16 ATRIP Committee and that meet the criteria for funding as set  
17 forth in Section 11(a)(1)-(6) or Section 12(a)(1)-(4) of this  
18 act. ATRIP-II Projects, applications for the review of which  
19 are made to the ATRIP Committee and that fall within the  
20 aforesaid criteria, shall be certified to the Authority from  
21 time to time by the Chair of the ATRIP Committee, and  
22 thereafter the costs of such 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.

26           (b) (1) Reports and studies of the Alabama  
27 Transportation Institute (the "ATI"), so long as ATI shall be

1 funded in whole or in part with state funds, shall be provided  
2 to the ATRIP Committee and the Alabama Department of  
3 Transportation, which may from time to time request of the  
4 said Institute such additional reports and studies as the  
5 ATRIP Committee or the Alabama Department of Transportation  
6 may deem appropriate to assist the Committee in carrying out  
7 its responsibilities under this act. Such reports and  
8 studies, as well as those to be provided pursuant to  
9 subparagraphs (2) and (3) of this subsection (b), shall be  
10 reviewed by the members of the ATRIP Committee, and any  
11 recommendations contained therein considered for  
12 implementation and for the purpose of assisting the ATRIP  
13 Committee in carrying out its duties as provided herein and in  
14 Section 23-1-435, Code of Alabama 1975.

15 (2) Additionally, commencing not later than on the  
16 second Wednesday of November in 2017 and annually not later  
17 than on the second Wednesday of November of each year  
18 thereafter, ATI shall provide the Governor, the Legislature,  
19 the ATRIP Committee, the Alabama Department of Transportation,  
20 and the public (via posting on a public website) the following  
21 reports:

22 (i) A summary of key indicators related to the  
23 condition and performance of the state's transportation  
24 system, with indicators including but not limited to:

25 (A) A list of the 25 most significant roadway  
26 sections or groups of sections in the State based on the  
27 following roadway attributes and divided by rural and urban:

1 safety; infrastructure condition (roadway and bridges); delays  
2 and congestion; travel time reliability; and freight movement.

3 (B) For each roadway section or group of sections  
4 listed above there shall also be provided a listing of the  
5 solution strategies that may then be used to address the  
6 relevant problems, and a quantification (where possible) or  
7 description of elements with respect thereto such as: impact  
8 on economic and industrial activity and development;  
9 financial, operations, policy or technology; strategy  
10 innovation elements; and local government investment in  
11 projects.

12 (ii) A summary of the following: Emerging trends and  
13 opportunities related to transportation systems in the state;  
14 significant initiatives in other neighboring states in the  
15 Southeast that could impact demands on Alabama's  
16 transportation system or approaches; and key transportation  
17 infrastructure revenue trends at the national level and in  
18 neighboring states.

19 (iii) An assessment of the state's then current  
20 transportation funding needs, actual revenues and expenditures  
21 in the State for bridges and highways, and policy options that  
22 can be considered in order to achieve desirable goals for the  
23 state's road and bridge system, its condition and performance.

24 (3) In addition to the annual reports referenced  
25 above, not later than February 1, 2018, and not later than  
26 February 1 of every fifth year thereafter, ATI shall submit to  
27 the Governor, the Legislature, the Alabama Department of

1 Transportation, the ATRIP Committee, and to the public (via  
2 public website) a status assessment report regarding Alabama's  
3 transportation system generally, addressing urban mobility and  
4 rural connectivity problems, infrastructure quality measures,  
5 highway and traffic safety, anticipated future funding for  
6 roads and bridges and other transportation infrastructure, and  
7 estimated benefits, monetary and otherwise, anticipated to be  
8 derived from new and additional transportation system  
9 investments in Alabama.

10 Section 11. (a) Not more than one billion two  
11 hundred million dollars (\$1,200,000,000) of the proceeds of  
12 the aggregate principal amount of Bonds that the Authority is  
13 hereby authorized in this act to sell and issue shall be  
14 utilized for the purpose of paying costs of ATRIP-II Projects  
15 certified to the Authority as provided in Section 10 of this  
16 act and to pay the costs of issuance of said Bonds. Net  
17 proceeds of the sale by the Authority of its bonds and other  
18 obligations of the Authority authorized hereby and issued to  
19 pay the costs of county ATRIP-II Projects shall be deposited,  
20 once allocated for distribution, into separate funds in the  
21 State Treasury to be maintained for the respective benefit of  
22 each distributee county and disbursed therefrom only in  
23 accordance with procedures therefor adopted by the Board of  
24 Directors of the Authority, and pursuant to the proceedings  
25 under which such bonds and obligations are issued, and shall  
26 be utilized to for any or all of the following purposes:

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

3           a. Are posted for traffic below the maximum legal  
4 weight limit.

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

7           c. Have an average daily traffic count of 200 or  
8 more vehicles.

9           (2) To repair or improve any major collectors that  
10 are not scheduled as a federal project within two years of the  
11 effective date of this act and have not been resurfaced or  
12 otherwise significantly rehabilitated since 2000.

13           (3) To repair or improve any other county-maintained  
14 roads with an average daily traffic count of 200 or above and  
15 a grade, if graded by the Alabama Department of  
16 Transportation, of 75 or below and, after such repairs or  
17 improvements are made, to repair and improve other  
18 county-maintained roads.

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

23           (5) With the consent of the municipalities located  
24 in the county, to provide funds for the maintenance,  
25 improvement, or replacement of municipally-maintained roads  
26 and bridges.

1           (6) To provide funds for joint road or bridge  
2 projects with one or more municipalities in the county  
3 pursuant to any agreement executed under the authority of  
4 state law.

5           (b) Any county ATRIP-II Project utilizing proceeds  
6 of bonds and other obligations of the Authority for road or  
7 bridge maintenance, improvement, replacement, or construction,  
8 on roads or bridges shall be designed in a manner consistent  
9 with the standards for low volume roads as established in the  
10 County Road Design Policy for Low Volume Roads as recommended  
11 by the Association of County Commissions of Alabama and  
12 adopted by the Alabama Department of Transportation.

13           (c) Counties may not utilize any allocated proceeds  
14 of bonds and other obligations of the Authority for any of the  
15 following purposes except in accordance with generally  
16 accepted accounting principles for job cost accounting or  
17 federal cost allocation regulations:

18           (1) Salaries, benefits, or any other form of  
19 compensation for county or contract employees or for county or  
20 municipal officials.

21           (2) The purchase, lease, or maintenance of  
22 equipment.

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

25           (d) All proceeds of bonds and other obligations of  
26 the Authority allocated and distributed to or for the benefit  
27 of counties pursuant to this act shall be audited by the

1 Examiners of Public Accounts in the same manner as all other  
2 county funds.

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

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

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

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

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

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

6           (1) Salaries, benefits, or any other form of  
7 compensation for municipal or contract employees or for  
8 municipal or county 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           (c) All proceeds of bonds and other obligations of  
14 the Authority allocated and distributed to or for the benefit  
15 of municipalities pursuant to this act shall be audited by the  
16 Examiners of Public Accounts in the same manner as all other  
17 municipal funds.

18           (d) Any municipal project utilizing bond proceeds  
19 for road or bridge maintenance, improvement, replacement, or  
20 construction of roads or bridges shall be designed in a manner  
21 consistent with the standards adopted by the Alabama  
22 Department of Transportation.

23           Section 13. (a) All ATRIP-II Projects shall be let  
24 to contract by each county or municipality, as the case may  
25 be, utilizing contractors and material suppliers listed on the  
26 Alabama Department of Transportation's list of approved  
27 contractors and suppliers rather than be performed by county

1 or municipal forces and shall be subject to the reporting  
2 requirements contained in Section 23-1-433 and Section  
3 23-1-434 respectively. Each county and municipality shall  
4 provide on October 1 of every other year, beginning on October  
5 1, 2018, a list of all contractors who have been awarded  
6 projects under this section to the Senate President Pro  
7 Tempore and the Speaker of the House.

8 (b) The Department of Transportation's list of  
9 approved contractors and material suppliers shall include the  
10 Department's Certified Disadvantaged Business Enterprise List.  
11 Each county and municipality shall provide a list of all  
12 contractors who have been awarded projects under this section  
13 to the Senate President Pro Tempore and the Speaker of the  
14 House of Representatives every other year, beginning on  
15 October 1, 2018.

16 (c) All contracts awarded under this section shall  
17 be bid in accordance with the provisions of Title 39, Code of  
18 Alabama 1975, except as provided in this section. Provisions  
19 of Chapter 2, Title 39, Code of Alabama 1975 notwithstanding,  
20 bids for projects funded with proceeds of bonds or other  
21 obligations of the Authority may only be opened at 10:00 a.m.  
22 central time on the second Wednesday of each month. For all  
23 county ATRIP-II Projects, the appropriate plans and bid  
24 opening date shall be published in electronic form no later  
25 than the tenth day of the month preceding the bid opening on a  
26 website maintained for that purpose by the Association of  
27 County Commissions of Alabama. Notwithstanding any provision

1 of law to the contrary, no bidding shall be required by the  
2 county for asphalt or other road construction or repair  
3 materials if the county has an annual contract for providing  
4 such materials in effect on the effective date of this act.  
5 Any such materials shall be bid for any project let for  
6 contract on or after the expiration of asphalt or road  
7 construction or repair materials contract in place on the  
8 effective date of this act. For all municipal ATRIP-II  
9 Projects, the appropriate plans and bid opening date shall be  
10 published in electronic form no later than the tenth day of  
11 the month preceding the bid opening on a website maintained  
12 for that purpose by the Alabama League of Municipalities. Bids  
13 for county and municipal contracts awarded under this section  
14 shall only be awarded in accordance with Section 39-2-6, Code  
15 of Alabama 1975, during a regularly-scheduled meeting of the  
16 governmental body of the county or city, as the case may be.  
17 Immediately after the completion of each project, the  
18 publication notifications required by Section 39-1-1(f), Code  
19 of Alabama 1975, shall be satisfied by posting on the same  
20 website utilized for the posting of specifications and notice  
21 of bid openings.

22 (d) The State Treasurer shall disburse or pay  
23 moneys from the proceeds derived from the sale of bonds and  
24 other obligations of the Authority and on deposit in each of  
25 the special funds maintained in the State Treasury for the  
26 benefit of each distributee county and municipality only  
27 against vouchers or other evidence satisfactory to the State

1 Treasurer submitted by such distributee counties and  
2 municipalities for satisfaction of amounts currently due and  
3 payable under contracts awarded under this section to carry  
4 out ATRIP-II Projects with respect to which the Authority has  
5 allocated proceeds of its bonds or other obligations. The  
6 Authority may provide by resolution of its Board of Directors  
7 for the time, form, manner and methods pursuant to which such  
8 submissions may be made by counties or municipalities and  
9 disbursements or payments responsive thereto shall be made by  
10 the State Treasurer.

11 Section 14. (a) Effective September 1, 2017, and  
12 until such time as any and all bonds or other obligations of  
13 the Authority have been paid in full pursuant to the terms  
14 thereof, one-half of the net proceeds from the Pledged Taxes  
15 deposited in the State Treasury shall be transferred into a  
16 special fund in the State Treasury entitled the "Department of  
17 Transportation Road and Bridge Rehabilitation and Improvement  
18 Program Fund", (the "ALDOT Projects Special Fund") and applied  
19 solely as provided in this act.

20 (b) The State Treasurer, as custodian of the ALDOT  
21 Projects Special Fund, shall apply, and there are hereby  
22 appropriated, the amounts on deposit in the ALDOT Projects  
23 Special Fund solely for the following purposes and in the  
24 following order:

25 (1) First, transfer to or as directed by the  
26 Authority in each fiscal year such amounts at such times as  
27 shall be sufficient, with other funds available to the

1 Authority therefor, to provide for the due and punctual  
2 payment in full of all principal of, premium, if any, ad  
3 interest on all bonds and other obligations of the Authority  
4 at any time outstanding (i) which shall have become due and  
5 payable and which shall not have theretofore been paid, in a  
6 prior fiscal year, and (ii) which shall become due and payable  
7 in such fiscal year.

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

10 (3) Thereafter, all remaining moneys in the ALDOT  
11 Projects Special Fund shall be further distributed as provided  
12 in subsection (b) of Section 15 of this act and expended only  
13 as provided in that section. Thus, when all bonds and other  
14 obligations of the authority shall have been paid in full in  
15 accordance with the terms thereof and of the documents under  
16 which those bonds and other obligations were issued, all  
17 moneys remaining each year in the ALDOT Projects Special Fund  
18 shall be applied and distributed as provided in subsection (b)  
19 of Section 15 of this act.

20 (c) Not more than one billion two hundred million  
21 dollars (\$1,200,000,000) of the proceeds of the aggregate  
22 principal amount of bonds authorized in this act to be issued  
23 by the Authority shall be utilized to pay the costs of ALDOT  
24 Projects submitted to the Authority by the Department of  
25 Transportation as provided for in and in accordance with this  
26 section and to pay the expenses of issuance of said Bonds. Net  
27 proceeds of such bonds or obligations may also be used as

1 matching funds for any federal projects approved for the State  
2 pursuant to such federally-created infrastructure program  
3 relating to roads, bridges and highways, as may be established  
4 after the effective date of this act pursuant to a  
5 presidential executive order, act of Congress, or other  
6 legally-approved federal action.

7 (d) The proceeds of bonds and other obligations of  
8 the Authority and other funds made available to the Department  
9 of Transportation pursuant to this section shall not be  
10 utilized for any of the following purposes except in  
11 accordance with generally accepted accounting principles for  
12 job cost accounting or federal cost allocation regulations:

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

15 (2) The purchase, lease, or maintenance of  
16 equipment.

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

19 (e) No later than September 1, 2017, and no later  
20 than September 1 of each year thereafter until all of the  
21 bonds and other obligations authorized to be issued by the  
22 Authority shall have been sold and issued, the director of the  
23 Alabama Department of Transportation shall annually identify  
24 the road and bridge infrastructure projects he shall recommend  
25 be conducted or undertaken by the said Department and funded  
26 in whole or in part with moneys available from proceeds of  
27 bonds or other obligations of the Authority pursuant to this

1 section, and shall submit the recommended list of projects to  
2 the Authority for consideration and allocation of proceeds of  
3 the Authority's bonds and other obligations. The director of  
4 the Department in making such recommendations shall consider  
5 and give priority to the following infrastructure needs:  
6 safety, congestion, economic and industrial impact,  
7 educational impact, connectivity, innovation, local government  
8 investment in projects, and public-private partnerships.

9 Section 15. To the extent in each fiscal year of the  
10 State the net proceeds from the additional excise taxes on  
11 gasoline and diesel fuel imposed pursuant to Section  
12 40-17-325(b), Code of Alabama 1975, and the additional license  
13 fees imposed pursuant to Section 40-12-275, Code of Alabama  
14 1975, and allocated pursuant to Section 40-17-325(b) (5) (i) are  
15 not needed for payment of debt service on bonds or other  
16 obligations of the Authority and are not otherwise restricted  
17 as to use by Section 5 of the act or by agreement of the  
18 Authority with the holders of said bonds or other obligations,  
19 or if all such bonds and obligations, including refunding  
20 bonds, have been retired or are deemed paid in full pursuant  
21 to the terms thereof,

22 (a) one-half of the net proceeds from the additional  
23 excise taxes on gasoline and diesel fuel imposed pursuant to  
24 Section 40-17-325(b), Code of Alabama 1975, and the additional  
25 license fees imposed pursuant to Section 40-12-275, Code of  
26 Alabama 1975, and allocated pursuant to Section  
27 40-17-325(b) (5) (i), Code of Alabama 1975, shall be divided and

1 are hereby appropriated as follows: a total of 45.45 percent  
2 of the proceeds shall be divided equally among the 67 counties  
3 of the state and the remaining 54.55 percent of the proceeds  
4 shall be allocated among the 67 counties of the state on the  
5 basis of the ratio of the population of each county to the  
6 total population of the state according to the then  
7 immediately preceding federal decennial census, provided that

8 (i) thirty percent (30%) of the amount hereby  
9 allocated and appropriated to each county shall be distributed  
10 by the county commission among the municipalities in the  
11 county on the basis of the ratio of the population in the  
12 county of each municipality to the total population in the  
13 county of all municipalities in the applicable county  
14 according to the then immediately preceding federal decennial  
15 census, and

16 (ii) following such time as the Authority shall have  
17 issued all of the bonds and other obligations herein  
18 authorized to be issued for county and municipal road and  
19 bridge projects there shall be allocated and appropriated, on  
20 a pro-rata basis to each of the 67 counties in the State that  
21 shall not have theretofore had allocated to it pursuant to the  
22 provisions of this act bond proceeds for Costs of ATRIP-II  
23 Projects aggregating at least ten million dollars  
24 (\$10,000,000) pursuant to Sections 10 and 11 of this act, such  
25 additional amount of net proceeds of the additional excise  
26 taxes on gasoline and diesel fuel imposed pursuant to Section  
27 40-17-325(b), Code of Alabama 1975, and the additional license

1 fees imposed pursuant to Section 40-12-275, Code of Alabama  
2 1975, as shall bring the county's final cumulative allocation  
3 for ATRIP-II projects pursuant to this act to ten million  
4 dollars (\$10,000,000).

5 The net tax proceeds so appropriated in this  
6 subsection (a) shall be expended only for payment of costs of  
7 road and bridge construction, rehabilitation and improvement  
8 subject to the restrictions on use of proceeds of bonds and  
9 other obligations of the Authority allocated to counties and  
10 municipalities set out in Sections 11 and 12 of the act, and

11 (b) the remaining one-half of the net proceeds from  
12 the additional excise taxes on gasoline and diesel fuel  
13 imposed pursuant to Section 40-17-325(b) and the additional  
14 license fees imposed pursuant to Section 40-12-275, Code of  
15 Alabama 1975, and allocated pursuant to Section  
16 40-17-325(b) (5) (ii), Code of Alabama 1975, shall be deposited  
17 in the State Highway Fund and are hereby appropriated and  
18 shall be expended annually for road and bridge construction,  
19 improvement, rehabilitation, repair and related infrastructure  
20 projects in the state as determined by the director of the  
21 Alabama Department of Transportation.

22 Section 16. This act shall become effective  
23 immediately following its passage and approval by the  
24 Governor, or its otherwise becoming law.