

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

8 SYNOPSIS: This bill would propose a local
9 constitutional amendment applicable to Baldwin
10 County to provide for the incorporation,
11 organization, and operation of a toll road and
12 bridge authority in the county for the purposes of
13 designing, acquiring, constructing, equipping,
14 operating, improving, regulating, and maintaining a
15 new toll road and bridge project to extend the
16 present northern terminus of the Baldwin Beach
17 Express to U.S. Interstate Highway 65. The
18 amendment would authorize the authority to issue
19 revenue bonds to pay the costs of the project, to
20 set and collect tolls, fees, and charges for the
21 use of the project, and to use the tolls, fees, and
22 charges to pay the authority's revenue bonds.
23

24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

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

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

21 PROPOSED AMENDMENT

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

24 (1) AUTHORITY. A public body or corporation
25 incorporated for the purposes of acquiring, designing,
26 constructing, equipping, regulating, operating, improving, and
27 maintaining the project, and to be composed in the manner,

1 prescribed for the purposes, granted the powers, and otherwise
2 made subject to the other terms, conditions, restrictions,
3 exemptions, limitations of liability, and other limitations,
4 specified in any local law or laws enacted by the Legislature
5 referable to this amendment.

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

14 (3) COUNTY. Baldwin County.

15 (4) PROJECT. A toll road, street, highway, and/or
16 bridge connecting the present northern terminus of the Baldwin
17 Beach express to U.S. Interstate Highway 65, together with any
18 real or personal property and other related or ancillary
19 properties, equipment, and facilities necessary at any time or
20 from time to time, for the use of which by the public certain
21 tolls, charges, and other fees are to be charged and
22 collected, or for which certain payments are to be made in
23 lieu of the tolls, charges, and other fees, including, without
24 limitation, at any time and from time to time, all of the
25 following directly related to the project:

26 a. Any road, highway, street, or bridge of any kind,
27 construction, composition, or surface, and any facilities,

1 property, or equipment for providing access of any kind to,
2 over, under, or around any road, highway, street, or bridge.

3 b. Any access road, causeway, parkway, access
4 bridge, crossing, underpass, viaduct, approach, connection, or
5 similar property of any description.

6 c. All other necessary supporting roads,
7 interchanges, properties, construction, components, features,
8 grading, landscaping, persons, facilities, and equipment,
9 including those for maintenance, improvements, alterations,
10 extensions, and repair.

11 d. Facilities, property, persons, and equipment for
12 noticing, charging, and collecting tolls, fees, and charges
13 for the use of the toll road, highway, and bridge, and other
14 properties and facilities.

15 e. Any land, real property, right to or interest in
16 land or real property, easement, right-of-way, contract right,
17 access, or franchise that the authority shall deem necessary
18 in connection therewith.

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

21 (5) STATE. The State of Alabama.

22 Section 2. Notwithstanding any other provisions of
23 the Constitution of Alabama of 1901, as amended, to the
24 contrary, including, without limitation, Sections 104 and 105,
25 and in order to improve public safety and transportation, and
26 promote tourism, economic development, and commerce, in the
27 county, the Legislature may by local law, at any time and from

1 time to time, provide for all of the following directly
2 related to the project:

3 (1) The incorporation and organization of the
4 authority as a toll road and bridge authority, and the
5 organization, government, operation, powers, rights, and
6 duration of the authority.

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

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

12 b. To receive financial or other assistance of any
13 kind, including the grant of funds, things, of value, or any
14 real or personal property, from the state, the county, or any
15 other county, municipality, political subdivision, agency, or
16 department in and of the state, which such funds, things of
17 value, or real or personal property, the state, the county, or
18 any other county, municipality, political subdivision, agency,
19 or department in and of the state, are likewise hereby
20 authorized to convey, transfer, grant, sell, or provide with
21 respect to the project at any time, without consideration
22 therefor.

23 (3) The acquisition, design, construction,
24 regulation, equipping, operation, improvement, repair, and
25 maintenance of the project.

26 (4) The membership, cooperation, participation, or
27 inclusion of the authority in any corporation, limited

1 liability company, public corporation, or other entity, public
2 or private, necessary in connection with the project at any
3 time.

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

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

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

11 Section 3. The project shall be located entirely
12 within the county. The authority shall have no power
13 hereunder, or under any local law enacted referable to this
14 amendment, to collect tolls, fees, or charges on any public
15 road, street, highway, or bridge in the county except for
16 those forming a part of the project.

17 Section 4. All bonds of the authority, and any
18 bonds, warrants, notes, securities, contracts, agreements, or
19 other obligations of the state, the county, or any other
20 county, municipality, or other political subdivision, agency,
21 or department in and of the state issued or entered into in
22 connection with the project at any time or from time to time,
23 shall not constitute a debt of any one or more of the state,
24 the county, or any county, municipality, political
25 subdivision, agency, or department in and of the state, within
26 the meaning of Sections 213, 224, or 225, or any other
27 provision, of the Constitution of Alabama of 1901, as amended.

1 Section 5. No public vote, referendum, or election
2 shall be necessary at any time to authorize the issuance of
3 any bonds by the authority, or to authorize the issuance or
4 entering into of any bonds, warrants, notes, securities,
5 contracts, agreements, or other obligations by any one or more
6 of the state, the county, or any other county, municipality,
7 political subdivision, agency, or department in and of the
8 state, with respect to the project, Section 222 or 104(17) of
9 the Constitution of Alabama of 1901, as amended, or any other
10 provision of the Constitution of Alabama of 1901, as amended,
11 notwithstanding.

12 Section 6. Notwithstanding any other provision of
13 state law to the contrary, if the authority determines that
14 all or any part of the project can be better accomplished on a
15 design-build, design-build-own, design-build-own-operate, or
16 design-build-own-operate-maintain basis, any proposals,
17 property, equipment, providers, contracts, services, or
18 agreements solicited by the authority in connection with the
19 project, including the acquisition, design, leasing,
20 management, construction, building, equipping, operation,
21 servicing, improvement, repair, or maintenance thereof, may be
22 evaluated and awarded by the authority in its sole discretion.

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

26 (1) The declaration by the Baldwin County Commission
27 of a countywide emergency.

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

5 Section 8. Any bonds issued by the authority, and
6 any bonds issued by the state, the county, or any county,
7 municipality, political subdivision, agency, or department in
8 and of the state, pursuant to any local law enacted by the
9 Legislature at the 2019 Regular Session relating to this
10 amendment, are ratified, validated, and confirmed in all
11 respects, notwithstanding any procedural, substantive, or
12 constitutional deficiency therein.

13 Section 9. Any local law enacted by the Legislature
14 at the 2019 Regular Session relating to this amendment is
15 ratified, validated, and confirmed in all respects,
16 notwithstanding any procedural, substantive, or constitutional
17 deficiency therein.

18 END OF PROPOSED AMENDMENT

19 Section 2. An election upon the proposed amendment
20 shall be held in accordance with Section 284.01 of the
21 Constitution of Alabama of 1901, now appearing as Section
22 284.01 of the Official ReCompilation of the Constitution of
23 Alabama of 1901, as amended, and the election laws of this
24 state.

25 Section 3. The appropriate election official shall
26 assign a ballot number for the proposed constitutional
27 amendment on the election ballot and shall set forth the

1 following description of the substance or subject matter of
2 the proposed constitutional amendment:

3 "Relating to Baldwin County, proposing an amendment
4 to the Constitution of Alabama of 1901, as amended, to
5 authorize the Legislature by local law to provide for the
6 incorporation of a toll road and bridge authority as a public
7 corporation in the county for the purposes of acquiring,
8 designing, constructing, equipping, regulating, improving,
9 operating, and maintaining a new toll road and bridge project
10 in the county in order to extend the present northern terminus
11 of the Baldwin Beach Express to U.S. Interstate Highway 65.

12 "Proposed by Act _____"

13 This description shall be followed by the following
14 language:

15 "Yes () No ()."