

HB394 INTRODUCED



1 HB394
2 XCAKZ7E-1
3 By Representatives Reynolds, Whitt, Blackshear
4 RFD: Ways and Means General Fund
5 First Read: 02-Apr-24

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SYNOPSIS:

This bill would amend those provisions of Act No. 90-602 enacted at the 1990 Regular Session of the Legislature of Alabama, codified as Sections 41-10-458 and 41-10-461, Code of Alabama 1975, to allow the Alabama Building Renovation Finance Authority to issue bonds in an amount not to exceed \$50 million for authorized projects allowed under Section 41-10-456, Code of Alabama 1975, and clarify certain provisions related to the sale of bonds by the Authority.

A BILL

TO BE ENTITLED

AN ACT

To amend those provisions of Act No. 90-602 enacted at the 1990 Regular Session of the Legislature of Alabama, codified as Sections 41-10-458 and 41-10-461, Code of Alabama 1975, to allow the Alabama Building Renovation Finance Authority to issue bonds in an amount not to exceed \$50 million for authorized projects allowed under Section

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27 41-10-456, Code of Alabama 1975, and to clarify certain
28 provisions related to the sale of bonds by the
29 Authority.

30 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

31 Section 1. Definitions. The following terms, whenever
32 used in this act, shall have the following respective meanings
33 unless the context clearly indicates otherwise:

34 (1) "Authority" means Alabama Building Renovation
35 Finance Authority established pursuant to the 1990 Act.

36 (2) "Bonds" (except where that word is used with
37 reference to bonds issued under another act) means those bonds
38 authorized to be issued pursuant to the authorization
39 contained in this act.

40 (3) "1990 Act" means Act No. 90-602 enacted at the 1990
41 Regular Session of the Legislature of Alabama, codified as
42 Article 14 of Chapter 10 of Title 41, Code of Alabama 1975.

43 (4) "1998 Act" means Act No. 98-245 enacted at the 1998
44 Regular Session of the Legislature of Alabama.

45 (5) "2006 Act" means Act No. 06-618 enacted at the 2006
46 Regular Session of the Legislature of Alabama.

47 Section 2. In addition to those bonds authorized to be
48 issued or refunded by the Authority pursuant to the 1990,
49 1998, and 2006 Acts, the Authority, acting pursuant to and
50 exercising the powers granted to it by Article 14 of Chapter
51 10 of Title 41 of the Code of Alabama 1975, as heretofore and
52 hereby amended, is hereby authorized to sell and issue its
53 Bonds in an aggregate principal amount not to exceed fifty

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54 million dollars (\$50,000,000) for the purpose of the
55 construction, renovation, reconstruction, improvement,
56 alteration, addition, demolition, surfacing and resurfacing of
57 land for parking and other uses to produce revenue, equipment,
58 operation and maintenance of public office building facilities
59 (including the State Capitol) and any other public office
60 facility or improvement related thereto, paying the costs of
61 such projects as shall be necessary or convenient, and paying
62 the costs of issuance of the Bonds.

63 Section 3. Section 41-10-461, Code of Alabama 1975 is
64 amended to read as follows:

65 "§41-10-461

66 Bonds may be sold by the authority from time to time in
67 series, and if sold in more than one series may all be
68 authorized in one initial resolution of the board of directors
69 with the pledges therefor made in such initial resolution
70 although some of the details applicable to each series may be
71 specified in the respective resolutions under which the
72 different series are issued; provided, however, that no bonds
73 of the authority that are authorized under Act 98-245 shall be
74 sold or counsel hired prior to February 1, 1999. Each series
75 of the bonds may be sold at public or private sale, or via
76 negotiation, as determined by the authority, at such price or
77 prices as the authority shall determine, and, if sold at
78 public sale either on sealed bids or at public auction, on a
79 basis determined by the authority to enable it to effect the
80 sale of the bonds being sold at the lowest ~~effective borrowing~~
81 true interest cost to the authority; provided, that if in the

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82 event of public sale of the bonds no bid acceptable to the
83 authority is received it may reject all bids. ~~Notice of each~~
84 ~~public sale or summary notice of sale or both shall be given~~
85 ~~by publication in either a financial journal or a financial~~
86 ~~newspaper published in the City of New York, New York, and~~
87 ~~also by publication in a newspaper published in the state~~
88 ~~which is customarily published not less than five days during~~
89 ~~each calendar week, each of which notices must be published at~~
90 ~~least one time not less than 10 days prior to the date fixed~~
91 ~~for the sale.~~ The ~~board of directors~~authority may fix the
92 terms and conditions under which each such sale may be held;
93 provided, that such terms and conditions shall not conflict
94 with any of the requirements of this article. Approval by the
95 Governor of the terms and conditions under which any of the
96 bonds may be issued shall be requisite to their validity,
97 which approval signed by the Governor shall be entered on the
98 minutes of the respective meetings of the board of directors
99 at which the series of the bonds proposed to be issued are
100 authorized or sold."

101 Section 4. All laws or parts of laws which conflict
102 with this act are repealed.

103 Section 5. The provisions of this act are severable.
104 If any part of this act is declared invalid or
105 unconstitutional, that declaration shall not affect the part
106 which remains.

107 Section 6. This act shall become effective immediately
108 upon its passage and approval by the Governor, or its
109 otherwise becoming a law.