

1 HB586
2 168582-1
3 By Representatives McMillan, Faust, Shiver, Baker, Ainsworth,
4 Gaston, Davis, Harper, Hill (M) and Greer
5 RFD: Economic Development and Tourism
6 First Read: 30-APR-15

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8 SYNOPSIS: This bill would authorize the incorporation
9 of the Gulf State Park Improvements Financing
10 Authority.

11 This bill would authorize the authority to
12 sell and issue from time to time its bonds not
13 exceeding fifty million dollars (\$50,000,000) in
14 aggregate principal amount for the purpose of
15 providing the funds necessary to construct and
16 equip capital improvements at Gulf State Park in
17 Baldwin County, Alabama, including capital
18 improvements authorized by the provisions of
19 Chapter 14E of Title 9 of the Code of Alabama,
20 1975.

21 This bill would provide that the bonds
22 issued by the authority pursuant to this act would
23 be payable solely out of and secured by a pledge
24 and assignment of certain designated revenues,
25 including (i) certain tax revenues allocable to the
26 Department of Conservation and Natural Resources
27 from the state sales and use tax and the state tax

1 on tobacco products and (ii) such revenues derived
2 from the operation of the park improvements
3 financed with proceeds of the bonds as the
4 authority may determine.

5 This bill would provide for the details of
6 the bonds and for the terms of the sale thereof.

7 This bill would provide that the bonds and
8 the income therefrom shall be exempt from taxation
9 in this state.

10 This bill would authorize the issuance by
11 the authority of refunding bonds for the purpose of
12 refunding the principal of and interest on any then
13 outstanding bonds theretofore issued by the
14 authority and the expenses of the refunding and any
15 premiums necessary to retire those so refunded.

16 This bill would amend Section 9-14E-9 of the
17 Code of Alabama 1975 to provide that casualty
18 insurance proceeds respecting damage to the project
19 authorized therein and proceeds of bonds issued by
20 the authority would constitute a source of funds to
21 pay a portion of the costs of constructing and
22 equipping the project authorized therein.

23
24 A BILL
25 TO BE ENTITLED
26 AN ACT
27

1 To authorize the incorporation of the Gulf State
2 Park Improvements Financing Authority; to authorize the
3 authority to sell and issue from time to time its bonds not
4 exceeding fifty million dollars (\$50,000,000) in aggregate
5 principal amount for the purpose of providing a portion of the
6 funds necessary to construct and equip capital improvements at
7 Gulf State Park in Baldwin County, Alabama, including capital
8 improvements authorized by the provisions of Chapter 14E of
9 Title 9, Code of Alabama, 1975; to provide that the bonds
10 issued by the authority pursuant to this act shall be payable
11 solely out of and secured by a pledge and assignment of
12 certain designated revenues, including (i) certain tax
13 revenues allocable to the Department of Conservation and
14 Natural Resources from the state sales and use tax and the
15 state tax on tobacco products and (ii) the revenues derived
16 with respect to the operation of capital improvements financed
17 with proceeds of the bonds; to provide for the details of the
18 bonds and for the terms of the sale thereof; to provide that
19 the bonds and the income therefrom shall be exempt from
20 taxation in this state; to authorize the issuance by the
21 authority of refunding bonds for the purpose of refunding the
22 principal of and interest on any then outstanding bonds
23 theretofore issued by the authority and the expenses of the
24 refunding and any premiums necessary to retire those so
25 refunded; and to amend Section 9-14E-9 of the Code of Alabama
26 1975 in order to provide that casualty insurance proceeds
27 respecting damage to the project authorized therein and

1 proceeds of bonds issued by the authority would constitute a
2 source of funds to pay a portion of the costs of constructing
3 and equipping the project authorized therein.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. Legislative Findings and Purpose.

6 The Legislature finds and declares the following:
7 That it is desirable and in the public interest that capital
8 improvements be constructed and installed at Gulf State Park;
9 that by the passage of this act, it is the intention of the
10 Legislature to (i) authorize the incorporation of the Gulf
11 State Park Improvements Financing Authority, (ii) authorize
12 the authority to sell and issue from time to time its bonds
13 not exceeding fifty million dollars (\$50,000,000) in aggregate
14 principal amount for the purpose of paying a portion of the
15 costs of capital improvements at Gulf State Park, (iii)
16 provide that the bonds authorized hereby will be payable
17 solely out of and secured by a pledge and assignment of the
18 pledged revenues described in Section 3 of this act, and (iv)
19 amend Section 9-14E-9 of the Code of Alabama 1975 in order to
20 provide that casualty insurance proceeds respecting damage to
21 the project authorized therein and proceeds of bonds issued by
22 the authority will constitute a source of funds to pay a
23 portion of the costs of the capital improvements authorized
24 therein.

25 Section 2. Short Title. This act shall be known and
26 may be cited as the "Gulf State Park Improvements Financing
27 Authority Act."

1 Section 3. Definitions. Whenever used in this act,
2 the following terms shall have the following meanings
3 respectively, unless the context clearly indicates otherwise:

4 (1) AUTHORITY. The Gulf State Park Improvements
5 Financing Authority authorized to be established pursuant to
6 Section 4 of this act.

7 (2) BONDS. Those bonds, including refunding bonds,
8 issued under the provisions of this act.

9 (3) DEPARTMENT. The Department of Conservation and
10 Natural Resources, an agency of the State of Alabama, and its
11 successors.

12 (4) GOVERNMENT SECURITIES. Any bonds or other
13 obligations which as the principal and interest constitute
14 direct obligations of, or are unconditionally guaranteed by,
15 the United States of America, including obligations of any
16 federal agency to the extent such obligations are
17 unconditionally guaranteed by the United States of America and
18 any certificates or any other evidences of an ownership
19 interest in such obligations of, or unconditionally guaranteed
20 by, the United States of America or in specified portions
21 thereof, which may consist of the principal thereof or the
22 interest thereon.

23 (5) PARK IMPROVEMENTS. Capital improvements
24 constructed and installed at Gulf State Park in Baldwin
25 County, Alabama, including, but without limitation thereto,
26 the project.

1 (6) PARK IMPROVEMENTS COSTS. All costs and expenses
2 incurred by the authority, the Department, or any person in
3 connection with the acquisition, construction, installation,
4 and equipping of any part of any park improvements, including
5 without limitation, any of the following:

6 a. The direct costs of acquiring, constructing,
7 installing and equipping any part of any park improvements,
8 including building materials, equipment, labor costs, and
9 payments to contractors, subcontractors, builders, and
10 materialmen.

11 b. The costs of acquiring land or rights in land for
12 direct use, and any costs incidental thereto, including
13 recording fees.

14 c. The costs of site preparation for any part of any
15 park improvements.

16 d. The costs of contract bonds and of insurance of
17 all kinds that may be required or necessary during the
18 acquisition, construction, or installation of any part of any
19 park improvements.

20 e. The direct costs of architectural and engineering
21 services, including without limitation, test borings, surveys,
22 estimates, plans and specifications, preliminary
23 investigations, cultural and environmental mitigation, and
24 supervision of construction, as well as for the performance of
25 all the duties acquired by or consequent upon the acquisition,
26 construction, and installation of any part of any park
27 improvements.

1 f. The costs incurred in connection with
2 installation of fixtures and equipment, surveys, including
3 archeological and environmental surveys, site tests and
4 inspections, subsurface site work, excavation, removal of
5 structures, roadways, cemeteries, and other surface
6 obstructions, filling, grading, and provisions for drainage,
7 storm water retention, installation of utilities, including
8 water, sewer, sewage treatment, gas, electricity,
9 communications, and other similar facilities, off-site
10 construction of utility extensions to the boundaries of any
11 park improvements, and paving.

12 g. Interest accruing with respect to the bonds for a
13 period of up to two years after the issuance of the bonds.

14 h. All costs, expenses and fees incurred in
15 connection with issuance of the bonds, including without
16 limitation, all legal, accounting, financial, printing,
17 recording, filing and other fees and expenses.

18 i. The costs of obtaining bond insurance, letters of
19 credit, or other forms of credit enhancement for liquidity
20 facilities.

21 j. Amounts to be deposited in any reserve fund
22 established with respect to the bonds.

23 k. All other costs of a nature comparable to or
24 required in direct connection with those described.

25 l. Reimbursement to any person of any of the
26 foregoing costs incurred by the person either for its own
27 account or for the account of the authority.

1 m. Any other costs paid or incurred pursuant to a
2 project agreement.

3 (7) PARK IMPROVEMENTS REVENUES. All gross earnings,
4 income, receipts, lease payments, revenues, and other moneys
5 derived from or with respect to any park improvements,
6 including the project.

7 (8) PERMITTED INVESTMENTS. Any of the following: (i)
8 government securities, (ii) bonds, debentures, notes, or other
9 evidences of indebtedness issued by any of the following
10 agencies: Bank for Cooperatives; Federal Intermediate Credit
11 Banks; Federal Financing Bank; Federal Home Loan Banks;
12 Federal Farm Credit Bank; Export-Import Bank of the United
13 States; Federal Land Banks; or Farmers Home Administration or
14 any other agency or corporation which has been or may
15 hereafter be created by or pursuant to an act of the Congress
16 of the United States as an agency or instrumentality thereof,
17 (iii) bonds, notes, pass through securities or other evidences
18 of indebtedness of Government National Mortgage Association,
19 and participation certificates of Federal Home Loan Mortgage
20 Corporation, (iv) full faith and credit obligations of any
21 state, provided that at the time of purchase such obligations
22 are rated at least "AA" by Standard & Poor's Ratings Services
23 and at least "Aa" by Moody's Investors Service, (v) public
24 housing bonds issued by public agencies or municipalities and
25 fully secured as to the payment of both principal and interest
26 by contracts with the United States of America, or temporary
27 notes, preliminary notes, or project notes issued by public

1 agencies or municipalities, in each case fully secured as to
2 the payment of both principal and interest by a requisition or
3 payment agreement with the United States of America, (vi) time
4 deposits evidenced by certificates of deposit issued by banks
5 or savings and loan associations which are members of the
6 Federal Deposit Insurance Corporation, provided that, to the
7 extent such time deposits are not covered by federal deposit
8 insurance, such time deposits (including interest thereon) are
9 fully secured by a pledge of obligations described in clauses
10 (i), (ii), (iii), and (v) above, which at all times have a
11 market value not less than the amount of such bank time
12 deposits required to be so secured and which meet the greater
13 of 100% collateralization or the "AA" collateral levels
14 established by Standard & Poor's Ratings Services for
15 structured financings, (vii) repurchase agreements for
16 obligations of the type specified in clauses (i), (ii), (iii),
17 and (v) above, provided such repurchase agreements are fully
18 collateralized and secured by such obligations which have a
19 market value at least equal to the purchase price of such
20 repurchase agreements which are held by a depository
21 satisfactory to the State Treasurer in such manner as may be
22 required to provide a perfected security interest in such
23 obligations, and which meet the greater of 100%
24 collateralization or the "AA" collateral levels established by
25 Standard & Poor's Ratings Services for structured financings,
26 and (viii) uncollateralized investment agreements with, or
27 certificates of deposit issued by, banks or bank holding

1 companies, the senior long-term securities of which are rated
2 at least "AA" by Standard & Poor's Ratings Services and at
3 least "Aa" by Moody's Investors Service.

4 (9) PLEDGED REVENUES. The pledged taxes and such
5 portion of park improvements revenues as the authority may
6 pledge for the payment of the principal of and the interest on
7 the bonds.

8 (10) PLEDGED TAXES. So much thereof as shall be
9 necessary from (i) the portion of the state sales and use tax
10 allocable to the department pursuant to Section
11 40-23-35(b)(4)a. of the Code of Alabama 1975 and (ii) the
12 portion of the state tax on tobacco products allocable to the
13 department pursuant to Section 40-25-23(1)d. of the Code of
14 Alabama 1975.

15 (11) PROJECT. The project within the meaning of
16 Chapter 14E of Title 9, of the Code of Alabama 1975.

17 (12) PROJECT AGREEMENT. Any project agreement within
18 the meaning of Chapter 14E of Title 9, of the Code of Alabama
19 1975 and any agreement between the authority and the
20 department governing the disbursement of bond proceeds and
21 payment of debt service and related matters.

22 (13) REFUNDING BONDS. Those refunding bonds issued
23 under the provisions of this act.

24 (14) STATE. The State of Alabama or any agency
25 thereof.

26 Section 4. Incorporation of Authority Authorized;
27 Application; Filing.

1 (a) To become a public corporation and
2 instrumentality of the state with the powers herein provided,
3 the Governor, the Director of Finance of the state, and the
4 Commissioner of the Department of Conservation and Natural
5 Resources of the state shall present to the Secretary of the
6 State of Alabama an application signed by them which shall set
7 forth all of the following:

8 (1) The name, official designation, and official
9 residence of each of the applicants, together with a certified
10 copy of the commission evidencing each applicant's right to
11 office.

12 (2) The date on which each applicant was inducted
13 into office and the term of office of each applicant.

14 (3) The name of the proposed public corporation,
15 which shall be "Gulf State Park Improvements Financing
16 Authority."

17 (4) The location of the principal office of the
18 proposed corporation, which shall be in the City of
19 Montgomery.

20 (5) Any other matter relating to the authority which
21 the applicants may choose to insert and which is not
22 inconsistent with this act or the laws of the state.

23 (b) The application shall be subscribed and sworn to
24 by each of the applicants before an officer authorized by the
25 laws of the state to take acknowledgments to deeds. The
26 Secretary of State shall examine the application and, if he or
27 she finds that it substantially complies with the requirements

1 of this section, it shall be filed and recorded in an
2 appropriate book of records in the office of the Secretary of
3 State.

4 (c) When the application has been made, filed, and
5 recorded as provided in subsection (b) of this section, the
6 applicants shall constitute a corporation under the name
7 stated in the application, and the Secretary of State shall
8 make and issue to the applicants a certificate of
9 incorporation pursuant to this act, under the Great Seal of
10 the State, and shall record the certificate with the
11 application. There shall be no fees paid to the Secretary of
12 State for any work done in connection with the incorporation
13 or dissolution of the authority.

14 Section 5. Members, officers and directors.

15 The following persons shall constitute the members
16 of the authority: (1) The Governor of the State of Alabama,
17 (2) the Commissioner of the Department, and (3) the Director
18 of Finance of the State of Alabama. The Governor shall be the
19 president of the authority, the Commissioner of the Department
20 shall be the vice president, and the Director of Finance shall
21 be the secretary. The State Treasurer shall be registrar,
22 transfer agent, and paying agent for the bonds. The State
23 Treasurer may designate named individuals who are employees of
24 the state and who are assigned to the State Treasurer's office
25 to authenticate the bonds. The State Treasurer shall be
26 treasurer of the authority and shall act as custodian of its
27 funds, but shall not be a member or director of the authority.

1 The members of the authority shall constitute all of the
2 directors of the authority and any two directors shall
3 constitute a quorum for the transaction of business. Should
4 any person holding any office named in this section cease to
5 hold the office by reason of death, resignation, expiration of
6 the term of office, or for any other reason, then his or her
7 successor in office shall take the place as an officer, member
8 and director of the authority. No officer or director of the
9 authority shall receive any salary or other compensation for
10 any service rendered or for any duty performed in connection
11 with the authority in addition to that now authorized by law
12 to the state office to which the officer has been elected or
13 appointed and by virtue of which is a member, director and
14 officer of the authority. All official actions had and done by
15 the directors shall be recorded in the minutes of the meeting
16 at which the action was taken, by the secretary of the
17 authority. The minutes shall be submitted to the directors for
18 approval not later than the next successive meeting of the
19 directors and shall be signed by at least two directors. At
20 the time the minutes are submitted to the directors for
21 approval, should a director who was present at the meeting no
22 longer hold that office, the successor to that director shall
23 acknowledge the minutes. The minutes shall be recorded in a
24 substantially bound book and filed in the office of the
25 Director of Finance. Copies of the minutes, when certified by
26 the secretary of the authority shall be received in all courts

1 as prima facie evidence of the matters and things therein
2 certified.

3 Section 6. Powers of the Authority.

4 The authority shall have, in addition to all other
5 powers granted to it in this act, all of the following powers:

6 (1) To have succession by its corporate name until
7 dissolved as herein provided.

8 (2) To institute and defend legal proceedings in any
9 court of competent jurisdiction and proper venue; provided,
10 however, that the authority may not be sued in any nisi prius
11 court other than the courts of the county in which is located
12 the principal office of the authority, and provided further,
13 that the officers, directors, agents, and employees of the
14 authority may not be sued for actions on behalf of the
15 authority in any nisi prius court other than the courts of the
16 county in which is located the principal office of the
17 authority.

18 (3) To have and to use a corporate seal and to alter
19 the seal at pleasure; provided that the authority shall not be
20 required to have or use a corporate seal, and the failure to
21 affix a corporate seal to any instrument executed in the name
22 and behalf of the authority shall not affect the validity of
23 such instrument.

24 (4) To establish a fiscal year.

25 (5) To adopt, and from time to time amend and
26 repeal, bylaws and rules and regulations not inconsistent with

1 this act, to carry and to effect the powers and purposes of
2 the authority in the conduct of its business.

3 (6) To sell and issue bonds authorized herein for
4 the purposes specified herein.

5 (7) To sell and issue refunding bonds, subject to
6 the terms and conditions of this act.

7 (8) To execute and deliver security agreements, and
8 trust indentures, and other forms of agreements for the
9 purpose of securing the authority's bonds and in connection
10 therewith, to pledge, or assign the pledged revenues and other
11 monies available to the authority.

12 (9) To receive the pledged revenues and to apply the
13 pledged revenues as provided herein.

14 (10) As security for the payment of the authority's
15 bonds, to pledge the pledged revenues, all rights or interests
16 of the authority in any project agreement and any other monies
17 and property available to the authority, and to make and enter
18 into any financial covenants or other agreements reasonably
19 necessary for the issuance and sale of the bonds.

20 (11) To arrange for various forms of security or
21 credit enhancement for the authority's bonds, including
22 letters of credit, guaranties, policies of insurance, surety
23 bonds, and the like.

24 (12) To accept gifts, grants, loans, and other forms
25 of aid from the federal government, the state, or any state
26 agency, including, without limitation, the department, any
27 political subdivision of the state, or any person, corporation

1 (including municipal corporations), foundation, or legal
2 entity, and to agree to and comply with any conditions
3 attached to federal and state financial assistance not
4 inconsistent with this act.

5 (13) To appoint, employ, contract with, and provide
6 for the compensation of employees and agents, including
7 engineers, attorneys, contractors, consultants, accountants,
8 fiscal advisors, trustees, paying agents, investment bankers,
9 and underwriters as the directors deem necessary or desirable
10 for the conduct of the business of the authority; provided,
11 that the authority shall, hire or contract with businesses and
12 individuals that reflect the racial and ethnic diversity of
13 the state.

14 (14) To make, enter into, and execute contracts,
15 agreements, or other instruments, including, without
16 limitation, one or more project agreements and to take other
17 actions as may be necessary or convenient to accomplish any
18 purpose for which the authority was organized or to exercise
19 any power granted to it, as provided by the constitution and
20 the laws of the State of Alabama.

21 (15) To sell, exchange, and convey any or all
22 personal property belonging to the authority whenever its
23 directors shall find the action to be in furtherance of the
24 purposes for which the authority was organized.

25 (16) To acquire, hold, and dispose of personal
26 property.

1 (17) To exercise any power granted by the laws of
2 the state to public or private corporations which is not in
3 conflict with the public purpose of this act.

4 (18) Notwithstanding any of the foregoing to the
5 contrary, the authority shall have no power to mortgage,
6 encumber, or otherwise use real property as collateral.

7 Section 7. Authorization to Issue Bonds.

8 (a) General. In its discretion, the authority from
9 time to time may sell and issue the bonds in one or more
10 series in an aggregate principal amount of up to fifty million
11 dollars (\$50,000,000) in order to provide the funds to pay
12 park improvements costs.

13 (b) Source of Payment. Bonds issued by the authority
14 shall be solely and exclusively an obligation of the authority
15 and shall not create an obligation or debt of the state. The
16 bonds shall not be general obligations of the authority, but
17 shall be payable solely from the pledged revenues.

18 (c) Security for the Bonds. The principal of and
19 interest on the bonds shall be secured by a pledge of the
20 pledged revenues and, if necessary and desirable in the
21 authority's sole discretion, a pledge of the authority's
22 right, title, and interest in any agreements with respect to
23 any part of any park improvements, including any project
24 agreements on any part of the project. The resolution under
25 which the bonds are authorized by the authority to be issued
26 and any trust indenture may contain any agreements and
27 provisions respecting the rights, duties, and remedies of the

1 parties to the instrument and the parties for the benefit for
2 whom the instrument is made and the rights and remedies
3 available in the event of default as the authority shall deem
4 advisable.

5 (d) General Provisions Respecting Form, Sale, and
6 Execution of the Bonds. The bonds shall be signed by the
7 president of the authority and attested by its secretary. A
8 facsimile of the signature of one or both of the officers may
9 be printed or otherwise reproduced on the bonds in lieu of
10 being manually subscribed thereon and a facsimile of the seal
11 of the authority (if affixed) may be printed or otherwise
12 reproduced on any of the bonds in lieu of being manually
13 affixed thereto. The bonds may be executed and delivered by it
14 at any time and from time to time, and shall be in the form
15 and denominations and of the tenor and maturities, shall bear
16 the rate or rates of interest, shall be payable at the times
17 and evidenced in the manner, may be made subject to redemption
18 at the option of the authority at the times and after the
19 notice and on the conditions and at the redemption price or
20 prices, and may contain any other provisions not inconsistent
21 herewith, all as may be provided by the resolution of the
22 directors of the authority under which the bonds are
23 authorized to be issued. The bonds shall be sold, in the
24 discretion of the authority, either (i) at public sale or
25 sales, based on sealed bids received either electronically or
26 on paper, after advertisement as may be prescribed by the
27 authority, to the bidder whose bid reflects the lowest true

1 interest cost to the state computed to the respective
2 maturities of the bonds sold; provided, however, that if no
3 bid deemed acceptable by the authority is received, all bids
4 may be rejected and the bonds offered again for public sale in
5 accordance with the terms herein prescribed; or (ii) by
6 negotiated sale. The bonds may be issued in the form of
7 current interest bonds or capital appreciation bonds and may
8 be issued as serial bonds or term bonds, all as may be
9 directed by the authority.

10 (e) State Treasurer as Registrar, Transfer Agent,
11 and Paying Agent. The State Treasurer shall be registrar,
12 transfer agent, and paying agent for the bonds. The State
13 Treasurer may designate named individuals who are employees of
14 the state and who are assigned to the State Treasurer's office
15 to authenticate the bonds.

16 (f) Other Matters. The bonds may be used by the
17 holder as security for any funds belonging to the state, or to
18 any political subdivision, instrumentality, or agency of the
19 state, in any instance where security for the deposits may be
20 required by law. Unless otherwise directed by the court having
21 jurisdiction, or the document that is the source of authority,
22 a trustee, executor, administrator, guardian, or one acting in
23 any other fiduciary capacity, in addition to any other
24 investment powers conferred by law and with the exercise of
25 reasonable business prudence, may invest trust funds in the
26 bonds. The bonds shall be legal investments for funds of the

1 Teachers' Retirement System of Alabama, the Employees'
2 Retirement System of Alabama, and the State Insurance Fund.

3 Section 8. Pledge and Appropriation of Pledged
4 Revenues.

5 There is hereby irrevocably pledged and appropriated
6 the amount of pledged revenues and earnings thereon, as may be
7 necessary to pay and to redeem prior to their respective
8 maturities the principal, interest, and premium (if any) on
9 the bonds.

10 Section 9. Refunding Bonds.

11 (a) Any bonds issued by the authority from time to
12 time may be refunded by the issuance, sale, or exchange of
13 refunding bonds for the purpose of paying:

14 (1) All or any part of the principal of the bonds to
15 be refunded.

16 (2) Any redemption premium required to be paid as a
17 condition to the redemption prior to maturity of the bonds
18 that are to be so redeemed in connection with the refunding.

19 (3) Any accrued and unpaid interest on the bonds to
20 be refunded.

21 (4) Any interest to accrue on each bond to be
22 refunded to the date on which it is to be paid, whether at
23 maturity or by redemption prior to maturity.

24 (5) The costs of obtaining bond insurance, letters
25 of credit, or other forms of credit enhancement for liquidity
26 facilities.

1 (6) Amounts to be deposited in any reserve fund
2 established with respect to the refunding bonds.

3 (7) The expenses incurred in connection with the
4 refunding.

5 (b) Any refunding bonds may be sold by the
6 authority, in its discretion, either at public sale or sales
7 in the same manner as provided in Section 7 or by negotiated
8 sale. The refunding bonds may be executed and delivered by the
9 authority at any time and from time to time, shall be in the
10 form and denomination or denominations and of the tenor and
11 maturity or maturities, shall contain the provisions not
12 inconsistent with the provisions of this chapter, and shall
13 bear the rate or rates of interest, payable at the place or
14 places, either within or without the state, and evidenced in
15 the manner, as may be provided by resolution of the authority.

16 (c) Any refunding bonds issued by the authority may
17 be issued at the discretion of the authority, subject to the
18 provisions of this act, without any separate authorization by
19 the Legislature.

20 Section 10. Disposition of Proceeds of Bonds.

21 (a) The authority may apply the proceeds of the
22 bonds for all of the following: (1) To pay for park
23 improvements costs; (2) to fund any reserve fund established
24 in connection with an authorized issue if the authority deems
25 the establishment of the reserve fund to be necessary and
26 desirable; (3) to pay for the cost of obtaining credit
27 enhancement for the bonds; (4) to pay the costs of issuing the

1 bonds, (5) to pay capitalized interest on the bonds, and (6)
2 if refunding bonds are issued pursuant to the provisions of
3 this act, to pay debt service on and the redemption price of
4 any bonds to be refunded.

5 (b) The proceeds derived from the sale of the bonds
6 shall be deposited in the State Treasury and shall be carried
7 in a separate fund therein for the account of the authority.
8 The proceeds from the sale of the bonds remaining after
9 payment of the expenses of issuance thereof shall be retained
10 in the fund and, until they are paid out, shall be invested by
11 the State Treasurer at the direction of the authority, in
12 investments that constitute permitted investments. Monies in
13 the fund, whether original proceeds from the sale of the bonds
14 or principal proceeds of matured investments, shall be paid
15 out from time to time in orders or warrants issued by or on
16 the direction of the authority for any one or more of the
17 purposes specified in this act.

18 (c) Any and all revenues, receipts, investment
19 earnings, and other funds paid to, or otherwise coming into
20 the possession of, the authority shall be held, deposited,
21 administered, invested, and applied as provided in the
22 resolution of the directors authorizing the issuance of the
23 bonds and as provided in any trust indenture or other
24 agreement delivered in connection therewith, or otherwise as
25 the authority may direct, consistent with the resolution,
26 trust indenture, or other agreement and this act.

27 Section 11. Tax Exemption.

1 The income and property of the authority, all bonds
2 of the authority and the interest paid on any such bonds, all
3 conveyances by or to the authority, and all instruments by and
4 to the authority shall be exempt from all taxation in the
5 state. With the exception of lodging taxes, the authority
6 shall also be exempt from all license and excise taxes imposed
7 in respect of the privilege of engaging in any of the
8 activities in which the authority may engage, except that
9 nothing herein shall be construed to exempt from the payment
10 of sales taxes purchases made at the Gulf State Park. The
11 authority shall not be obligated to pay or allow any fees,
12 taxes, or costs in the recording of any document to the judge
13 of probate of any county.

14 Section 12. Dissolution.

15 At any time when no bonds of the authority are
16 outstanding, the authority may be dissolved upon the filing
17 with the Secretary of State of an application for dissolution,
18 which shall be subscribed by each of the directors of the
19 authority and sworn to by each director before an officer
20 authorized to take acknowledgements to deeds. Upon the filing
21 of the application for dissolution, the authority shall cease
22 to exist. The Secretary of State shall file and record the
23 application for dissolution in an appropriate book of record
24 in his or her office, and shall make and issue, under the
25 Great Seal of the State, a certificate that the authority is
26 dissolved, and shall record the certificate with the
27 application for dissolution. Title to all property held in the

1 name of the authority shall be vested in the department upon
2 dissolution of the authority.

3 Section 13. Utilization of Services Provided by
4 State Departments; Payment for Authority Services.

5 The authority shall utilize all administrative
6 services which may be provided by the State Department of
7 Finance, the Department of Conservation and Natural Resources,
8 and any other agency or department of the state. The authority
9 may pay for the services out of proceeds of the bonds, project
10 revenues or other funds available to the authority. The
11 authority may charge the department, and the department may
12 pay from project revenues or other funds, the costs incurred
13 by the authority in the administration and management of the
14 bond issue, including compliance with state and federal laws
15 and regulations, complying with any continuing disclosure
16 undertaking with respect to any bond issue, providing
17 necessary accounting services, payment of debt service,
18 payment of required costs such as post-closing legal fees,
19 trustee fees, and expenses incurred in regard to inquiries or
20 audits by any governmental agency, including the Internal
21 Revenue Service and the Securities and Exchange Commission.

22 Section 14. Severability.

23 In the event any section, sentence, clause, or
24 provisions of this act shall be declared invalid by a court of
25 competent jurisdiction, that action shall not affect the
26 validity of the remaining sections, sentences, clauses, or
27 provisions of this act, which shall continue to be effective.

1 Section 15. Section 9-14E-9 of the Code of Alabama
2 1975 is hereby amended to read as follows:

3 "§9-14E-9.

4 Only ~~Other than~~ project revenues, casualty
5 insurance proceeds respecting damage to the project, proceeds
6 of bonds issued by the state or any agency or authority
7 thereof, ~~only~~ National Resource Damage Assessment funds ~~or~~ and
8 Restore Act funds may be expended to implement this chapter.
9 If the State of Alabama does not receive or has not been
10 awarded any National Resource Damage Assessment funds or
11 Restore Act funds for the purposes of this chapter by December
12 31, 2015, this chapter is repealed on January 1, 2016."

13 Section 16. Coordination with Chapter 14E of Title
14 9; Liberal Construction.

15 The purpose of this act is to provide for the
16 financing of park improvements, including the project that is
17 authorized to be constructed, maintained, leased, supervised,
18 operated and managed pursuant to the provisions of Chapter 14E
19 of Title 9 of the Code of Alabama 1975, and all provisions of
20 this act shall be construed to effect that purpose.

21 This act being remedial in nature, the provisions of
22 this act shall be liberally construed to effect its purpose.

23 Section 17. This act shall become effective on the
24 first day following its passage and approval by the Governor,
25 or its otherwise becoming law.