

REFERENCE TITLE: international trade; authority; transportation

State of Arizona
House of Representatives
Fifty-third Legislature
Second Regular Session
2018

HB 2622

Introduced by
Representatives Rivero: Mosley, Toma

AN ACT

AMENDING SECTION 28-7701, ARIZONA REVISED STATUTES; AMENDING TITLE 41, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 16; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3028.01; APPROPRIATING MONIES; RELATING TO INTERNATIONAL COMMERCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 28-7701, Arizona Revised Statutes, is amended to
3 read:

4 28-7701. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Concession" means any lease, ground lease, franchise, easement,
7 permit or other binding agreement transferring rights for the use or
8 control, in whole or in part, of an eligible facility by the department or
9 other unit of government to a private partner in accordance with this
10 chapter.

11 2. "DEPARTMENT" INCLUDES THE INTERNATIONAL TRANSPORTATION AND TRADE
12 CORRIDOR AUTHORITY ESTABLISHED BY TITLE 41, CHAPTER 16.

13 ~~2.~~ 3. "Eligible facility" means any facility, whether real or
14 personal property, developed or operated after September 30, 2009 in
15 accordance with this chapter, including any existing, enhanced, upgraded
16 or new facility that is any of the following:

17 (a) Used or useful for the safe transport of people, information or
18 goods via one or more modes of transport, whether involving highways,
19 bridges, tunnels, conduits, railways, monorails, transit, bus systems,
20 guided rapid transit, fixed guideways, ferries, boats, vessels, airports,
21 intermodal or multimodal systems or any other mode of transport.

22 (b) Used by or useful to the department, including vehicle
23 registration and driver licensing facilities, operating systems and
24 information systems.

25 (c) Related or ancillary to, or used or useful to provide, operate,
26 maintain or generate revenue for, a facility under subdivision (a) or (b)
27 OF THIS PARAGRAPH, including administrative buildings and other buildings,
28 structures, parking, rest areas, maintenance yards, rail yards, ports of
29 entry or storage facilities, vehicles, rolling stock, energy systems or
30 other related equipment, items or property.

31 ~~3.~~ 4. "Private partner" means a person, entity or organization
32 that is not the federal government, this state, a political subdivision of
33 this state or a unit of government.

34 ~~4.~~ 5. "Unit of government" means any agency, office or department
35 of this state, city, county, district, commission, authority, entity, port
36 or other public corporation organized and existing under statutory law or
37 under a ~~voter-approved~~ VOTER-APPROVED charter or initiative, and any
38 intergovernmental entity.

39 Sec. 2. Title 41, Arizona Revised Statutes, is amended by adding
40 chapter 16, to read:

41 CHAPTER 16

42 INTERNATIONAL TRANSPORTATION AND TRADE CORRIDOR AUTHORITY

43 ARTICLE 1. GENERAL PROVISIONS

44 41-2101. Definitions

45 IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- 1 1. "AUTHORITY" MEANS THE INTERNATIONAL TRANSPORTATION AND TRADE
2 CORRIDOR AUTHORITY.
- 3 2. "BOARD" MEANS THE BOARD OF DIRECTORS OF THE AUTHORITY.
- 4 3. "INDIAN TRIBE" MEANS ANY ORGANIZED INDIAN NATION, TRIBE, BAND OR
5 COMMUNITY THAT IS RECOGNIZED AS AN INDIAN TRIBE BY THE UNITED STATES
6 DEPARTMENT OF THE INTERIOR.
- 7 4. "JURISDICTIONAL SPONSOR" MEANS ANY OF THE FOLLOWING ENTITIES
8 THAT OWN ALL OR PART OF A TRANSPORTATION AND TRADE FACILITY SITE AT THE
9 TIME THE SITE IS PROVIDED TO THE AUTHORITY PURSUANT TO SECTION 41-2107:
- 10 (a) THIS STATE OR ANY AGENCY OF THIS STATE.
- 11 (b) A COUNTY IN WHICH THE AUTHORITY HAS JURISDICTION.
- 12 (c) ANY CITY OR TOWN LOCATED IN A COUNTY IN WHICH THE AUTHORITY HAS
13 JURISDICTION.
- 14 (d) ANY INDIAN TRIBE IF ALL OR PART OF THE TRIBE'S RESERVATION IS
15 LOCATED IN A COUNTY IN WHICH THE AUTHORITY HAS JURISDICTION.
- 16 5. "TRANSPORTATION AND TRADE FACILITY" MEANS ANY FACILITY THAT IS
17 SUITABLE TO BE USED TO ACCOMMODATE TRANSPORTATION AND TRADE OF RAIL
18 VEHICLES AND THEIR CONTENTS, ROADWAY VEHICLES AND THEIR CONTENTS, FUEL,
19 ENERGY, WATER, WASTEWATER, ELECTROMAGNETIC SIGNALS OR OTHER PRODUCTS OR
20 SERVICES, AND THE MEANS TO TRANSPORT PRODUCTS OR SERVICES.
- 21 41-2102. Formation of authority
- 22 A. THE INTERNATIONAL TRANSPORTATION AND TRADE CORRIDOR AUTHORITY IS
23 ESTABLISHED. THE BOUNDARIES OF THE AUTHORITY ARE THE BOUNDARIES OF THIS
24 STATE.
- 25 B. THE AUTHORITY IS A CORPORATE AND POLITICAL BODY AND, EXCEPT AS
26 OTHERWISE LIMITED, MODIFIED OR PROVIDED BY THIS CHAPTER, HAS ALL THE
27 RIGHTS, POWERS AND IMMUNITIES OF MUNICIPAL CORPORATIONS.
- 28 C. THE BOARD AND THE AUTHORITY DO NOT HAVE THE POWER TO LEVY OR
29 OTHERWISE IMPOSE ANY TAX OR ASSESSMENT, OTHER THAN CHARGES FOR THE USE OF
30 FACILITIES OWNED OR CREATED BY THE AUTHORITY. THE QUALIFIED ELECTORS
31 RESIDING IN THE AUTHORITY MAY LEVY A TAX OR SURCHARGE FOR THE FISCAL NEEDS
32 OF THE AUTHORITY AS PROVIDED BY THIS CHAPTER, BUT THE BOARD HAS NO
33 INDEPENDENT AUTHORITY TO IMPOSE OR COLLECT A TAX OR ASSESSMENT. SUBJECT TO
34 THAT LIMITATION, THE AUTHORITY IS CONSIDERED A TAX LEVYING PUBLIC
35 IMPROVEMENT DISTRICT FOR THE PURPOSES OF ARTICLE XIII, SECTION 7,
36 CONSTITUTION OF ARIZONA.
- 37 D. THE AUTHORITY IS REGARDED AS PERFORMING A GOVERNMENTAL FUNCTION
38 IN CARRYING OUT THE PURPOSES OF THIS CHAPTER. THE PROPERTY ACQUIRED,
39 CONSTRUCTED OR ALLOWED TO BE CONSTRUCTED BY THE AUTHORITY, THE ACTIVITIES
40 OF THE AUTHORITY IN MAINTAINING AND CARING FOR THE PROPERTY AND THE MONIES
41 DERIVED BY THE AUTHORITY FROM OPERATING THE PROPERTY ARE EXEMPT FROM STATE
42 AND LOCAL INCOME AND PROPERTY TAXATION.

1 41-2103. Board of directors
2 A. THE AUTHORITY IS GOVERNED BY A BOARD OF DIRECTORS CONSISTING OF
3 THE FOLLOWING MEMBERS WHO MUST RESIDE IN A COUNTY IN WHICH THE AUTHORITY
4 HAS JURISDICTION:
5 1. FIVE MEMBERS APPOINTED BY THE GOVERNOR PURSUANT TO SECTION
6 38-211.
7 2. TWO MEMBERS WHO ARE APPOINTED BY THE PRESIDENT OF THE SENATE.
8 3. TWO MEMBERS WHO ARE APPOINTED BY THE SPEAKER OF THE HOUSE OF
9 REPRESENTATIVES.
10 B. THE GOVERNOR, PRESIDENT OF THE SENATE AND SPEAKER OF THE HOUSE
11 OF REPRESENTATIVES SHALL MAKE APPOINTMENTS TO PRODUCE A GENERAL
12 GEOGRAPHICALLY DIVERSE REPRESENTATION OF AREAS IN THE AUTHORITY. MEMBERS
13 OF THE BOARD SHALL BE APPOINTED FOR TERMS OF FIVE YEARS. A MEMBER MAY BE
14 REAPPOINTED FOR ONE FULL SUBSEQUENT TERM.
15 C. MEMBERS OF THE BOARD ARE ELIGIBLE FOR COMPENSATION AS PROVIDED
16 BY SECTION 38-611.
17 41-2104. Administrative powers and duties; hearings; lobbying
18 A. THE BOARD, ON BEHALF OF THE AUTHORITY, MAY:
19 1. ADOPT AND USE A CORPORATE SEAL.
20 2. SUE AND BE SUED.
21 3. ENTER INTO CONTRACTS, INCLUDING INTERGOVERNMENTAL AGREEMENTS
22 UNDER TITLE 11, CHAPTER 7, ARTICLE 3, AS NECESSARY TO CARRY OUT THE
23 PURPOSES AND REQUIREMENTS OF THIS CHAPTER.
24 4. ADOPT ADMINISTRATIVE RULES AS NECESSARY TO ADMINISTER AND
25 OPERATE THE AUTHORITY AND ANY PROPERTY UNDER ITS JURISDICTION.
26 5. ACQUIRE BY ANY LAWFUL MEANS AND OPERATE, MAINTAIN, ENCUMBER AND
27 DISPOSE OF REAL AND PERSONAL PROPERTY AND INTERESTS IN PROPERTY.
28 6. RETAIN LEGAL COUNSEL AND OTHER CONSULTANTS AS NECESSARY TO CARRY
29 OUT THE PURPOSES OF THE AUTHORITY.
30 7. ENTER INTO CONTRACTS WITH ONE OR MORE PRIVATE SECTOR PARTNERS
31 FOR THE CONSTRUCTION AND OPERATION OF ANY TRANSPORTATION AND TRADE
32 FACILITY PURSUANT TO TITLE 28, CHAPTER 22.
33 8. ACCESS EXISTING EASEMENTS ON HIGHWAYS.
34 B. THE BOARD SHALL:
35 1. APPOINT FROM AMONG ITS MEMBERS A CHAIRPERSON, A SECRETARY AND
36 OTHER OFFICERS AS MAY BE NECESSARY TO CONDUCT ITS BUSINESS.
37 2. EMPLOY AN EXECUTIVE DIRECTOR AND PRESCRIBE THE TERMS AND
38 CONDITIONS OF EMPLOYMENT.
39 3. KEEP AND MAINTAIN A COMPLETE AND ACCURATE RECORD OF ALL ITS
40 PROCEEDINGS. THE BOARD IS A PUBLIC BODY FOR THE PURPOSES OF TITLE 38,
41 CHAPTER 3, ARTICLE 3.1 AND TITLE 39, CHAPTER 1.
42 4. PROVIDE FOR THE USE, MAINTENANCE AND OPERATION OF THE PROPERTIES
43 AND INTERESTS OWNED OR CONTROLLED BY THE AUTHORITY.
44 5. ON OR BEFORE DECEMBER 31, 2025, APPROVE SITES FOR THE
45 CONSTRUCTION OF A TRANSPORTATION AND TRADE FACILITY PROPOSED AT ANY TIME

1 BEFORE THAT DATE BY THE BOARD IN CONSULTATION WITH JURISDICTIONAL
2 SPONSORS.

3 C. AT THE DISCRETION OF THE CHAIRPERSONS OF THE SENATE COMMERCE AND
4 PUBLIC SAFETY COMMITTEE AND THE HOUSE OF REPRESENTATIVES LOCAL AND
5 INTERNATIONAL AFFAIRS COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, THE
6 COMMITTEES MAY HOLD HEARINGS TO REVIEW THE ACTIVITIES OF THE AUTHORITY.

7 D. THE BOARD MAY NOT USE ANY PUBLIC MONIES TO PAY OR CONTRACT WITH
8 AN INDIVIDUAL FOR LOBBYING SERVICES.

9 41-2105. Executive director; duties

10 A. THE EXECUTIVE DIRECTOR IS RESPONSIBLE FOR MANAGING,
11 ADMINISTERING AND SUPERVISING THE ACTIVITIES OF THE AUTHORITY.

12 B. THE EXECUTIVE DIRECTOR SHALL NEGOTIATE, MAKE, EXECUTE,
13 ACKNOWLEDGE AND PERFORM CONTRACTS AND OTHER AGREEMENTS IN THE INTEREST OF
14 THE AUTHORITY OR TO CARRY OUT OR ACCOMPLISH THE PURPOSES OF THIS CHAPTER,
15 INCLUDING CONSTRUCTION CONTRACTS AND AGREEMENTS WITH USERS OF A
16 TRANSPORTATION AND TRADE FACILITY, ALL OF WHICH ARE SUBJECT TO APPROVAL BY
17 THE BOARD.

18 C. THE EXECUTIVE DIRECTOR SHALL:

19 1. EMPLOY A TREASURER TO SERVE AS THE FISCAL AGENT TO COLLECT,
20 DEPOSIT, HOLD, INVEST AND DISBURSE THE AUTHORITY'S MONIES.

21 2. EMPLOY ADMINISTRATIVE AND CLERICAL EMPLOYEES AND PRESCRIBE THE
22 TERMS AND CONDITIONS OF THEIR EMPLOYMENT AS NECESSARY TO CARRY OUT THE
23 PURPOSES OF THE AUTHORITY. EMPLOYEES OF THE AUTHORITY ARE CONSIDERED
24 PUBLIC EMPLOYEES FOR THE PURPOSES OF TITLE 38.

25 3. RECOMMEND THE EMPLOYMENT OF CONSULTANTS BY THE BOARD, INCLUDING
26 OUTSIDE COUNSEL AND A PROFESSIONAL FACILITY MANAGEMENT COMPANY.

27 4. DIRECT THE ACTIVITIES OF OUTSIDE CONSULTANTS.

28 41-2106. Gift ban; principals and lobbyists; exemptions

29 A. A PRINCIPAL OR LOBBYIST OR ANY OTHER PERSON ACTING ON BEHALF OF
30 A PRINCIPAL OR LOBBYIST MAY NOT GIVE A GIFT TO ANY BOARD MEMBER OR
31 EMPLOYEE OF THE BOARD AND A BOARD MEMBER OR EMPLOYEE OF THE BOARD MAY NOT
32 ACCEPT A GIFT FROM A PRINCIPAL OR LOBBYIST.

33 B. FOR THE PURPOSES OF THIS SECTION, A GIFT DOES NOT INCLUDE ANY OF
34 THE FOLLOWING:

35 1. SALARY, COMPENSATION OR EMPLOYER-REIMBURSED EXPENSES LAWFULLY
36 PAID TO A BOARD MEMBER OR EMPLOYEE OF THE BOARD.

37 2. A FAMILY GIFT.

38 3. AN AWARD OR PRIZE THAT IS GIVEN TO COMPETITORS IN A CONTEST OR
39 EVENT THAT IS OPEN TO THE PUBLIC, INCLUDING A RANDOM DRAWING.

40 4. ANY DISCOUNT OR OTHER BENEFIT THAT IS OFFERED TO A BOARD MEMBER
41 OR EMPLOYEE OF THE BOARD ON THE SAME CONDITIONS AS TO THE PUBLIC, TO A
42 CLASS CONSISTING OF ALL BOARD MEMBERS AND EMPLOYEES OF THE BOARD OR TO A
43 GROUP OR CLASS IN WHICH MEMBERSHIP IS UNRELATED TO BEING A BOARD MEMBER OR
44 EMPLOYEE OF THE BOARD.

45 5. AN EDUCATIONAL EVENT OR SPEAKING ENGAGEMENT.

- 1 6. EXPENSES THAT RELATE TO A SPECIAL EVENT OR FUNCTION TO WHICH ALL
- 2 MEMBERS OF THE BOARD ARE INVITED AND THAT ARE PROPERLY REPORTED.
- 3 7. FLOWERS.
- 4 8. FOOD AND BEVERAGE.
- 5 9. INFORMATIONAL MATERIAL, INCLUDING A BOOK, CALENDAR, PAMPHLET,
- 6 PERIODICAL, REPORT OR VIDEO.
- 7 10. AN ITEM THAT IS NOT USED AND THAT IS RETURNED WITHIN FIFTEEN
- 8 DAYS AFTER RECEIPT TO THE DONOR OR THAT IS DELIVERED WITHIN FIFTEEN DAYS
- 9 AFTER RECEIPT TO A CHARITABLE ORGANIZATION AND THAT IS NOT CLAIMED AS A
- 10 CHARITABLE CONTRIBUTION FOR STATE OR FEDERAL INCOME TAX PURPOSES.
- 11 11. AN ITEM THAT IS GIVEN TO A BOARD MEMBER OR EMPLOYEE OF THE
- 12 BOARD IF THE BOARD MEMBER OR EMPLOYEE GIVES AN ITEM OF APPROXIMATELY THE
- 13 SAME VALUE TO THE GIVER OF THE ITEM AT THE SAME TIME THE ITEM IS GIVEN OR
- 14 ON A SIMILAR OCCASION AS THE ONE THAT PROMPTED THE ORIGINAL ITEM TO BE
- 15 GIVEN.
- 16 12. AN ITEM OF A PERSONAL NATURE THAT WAS CUSTOMARILY RECEIVED BY
- 17 AN INDIVIDUAL FROM THE DONOR BEFORE THE INDIVIDUAL BECAME A BOARD MEMBER
- 18 OR EMPLOYEE OF THE BOARD.
- 19 13. AN ITEM THAT IS GIVEN TO THE GENERAL PUBLIC AT AN EVENT.
- 20 14. AN ITEM OF NOMINAL VALUE SUCH AS A GREETING CARD, BASEBALL CAP,
- 21 T-SHIRT, MUG OR PEN.
- 22 15. NONRECREATIONAL TRAVEL OR LODGING, OR BOTH.
- 23 16. PERSONAL HOSPITALITY.
- 24 17. A PLAQUE OR OTHER FORM OF RECOGNITION SIMILAR TO A PLAQUE THAT
- 25 IS GIVEN TO A BOARD MEMBER OR EMPLOYEE OF THE BOARD TO SIGNIFY THE
- 26 HONORARY RECOGNITION OF A SERVICE OR OTHER NOTABLE ACCOMPLISHMENT.
- 27 18. PROFESSIONAL OR CONSULTING SERVICES THAT ARE RENDERED ON
- 28 MATTERS DIRECTLY RELATED TO HOLDING A POSITION ON THE BOARD OR BEING AN
- 29 EMPLOYEE OF THE BOARD AND THAT ARE NOT RENDERED TO OBTAIN A BENEFIT FOR
- 30 ANY REGISTERED PRINCIPAL, PUBLIC BODY, LOBBYIST, DESIGNATED PUBLIC
- 31 LOBBYIST OR AUTHORIZED PUBLIC LOBBYIST OR THE CLIENTS OF A PRINCIPAL OR
- 32 LOBBYIST.
- 33 41-2107. Constructing and operating transportation and trade
- 34 facility
- 35 A. THE AUTHORITY SHALL CONSTRUCT, FINANCE, FURNISH, MAINTAIN,
- 36 IMPROVE, OPERATE, MARKET AND PROMOTE THE USE OF TRANSPORTATION AND TRADE
- 37 FACILITIES AND DO ALL THINGS NECESSARY OR CONVENIENT TO ACCOMPLISH THOSE
- 38 PURPOSES. ONE OR MORE JURISDICTIONAL SPONSORS MAY PROVIDE THE LAND
- 39 ASSOCIATED WITH A TRANSPORTATION AND TRADE FACILITY ON APPROPRIATE TERMS
- 40 AND CONDITIONS. THE AUTHORITY SHALL OWN TRANSPORTATION AND TRADE
- 41 FACILITIES, SUBJECT ONLY TO LEASES, CONTRACTS, ARRANGEMENTS, LIENS AND
- 42 OTHER SECURITY INTERESTS OF RECORD. THE AUTHORITY MAY OWN OR LEASE THE
- 43 LAND ON WHICH A TRANSPORTATION AND TRADE FACILITY IS LOCATED AND MAY LEASE
- 44 A TRANSPORTATION AND TRADE FACILITY FOR THE OPERATION AND MAINTENANCE OF
- 45 THE TRANSPORTATION AND TRADE FACILITY.

- 1 B. THE EXECUTIVE DIRECTOR SHALL:
- 2 1. RECOMMEND TO THE BOARD FOR ITS APPROVAL A CONTRACTOR AND
- 3 ARCHITECT, UNLESS SUCH A CONTRACTOR OR ARCHITECT WILL BE EMPLOYED BY A
- 4 LESSEE OF A TRANSPORTATION AND TRADE FACILITY.
- 5 2. WORK WITH THE LESSEE, CONTRACTOR AND ARCHITECT TO PREPARE
- 6 DESIGNS FOR EACH TRANSPORTATION AND TRADE FACILITY AND SUBMIT THE DESIGN
- 7 TO THE BOARD FOR ITS APPROVAL.
- 8 3. PREPARE A SCHEDULE FOR THE CONSTRUCTION OF A TRANSPORTATION AND
- 9 TRADE FACILITY AND SUBMIT THE SCHEDULE TO THE BOARD FOR ITS APPROVAL.
- 10 4. PREPARE THE ANNUAL OPERATING BUDGET FOR THE AUTHORITY AND SUBMIT
- 11 THE BUDGET TO THE BOARD FOR ITS APPROVAL.
- 12 5. NEGOTIATE USE AGREEMENTS WITH PARTIES THAT WILL USE A
- 13 TRANSPORTATION AND TRADE FACILITY ON A REGULAR BASIS, INCLUDING PARTIES
- 14 THAT WILL MAKE A CONTRIBUTION TOWARD THE CONSTRUCTION OF A TRANSPORTATION
- 15 AND TRADE FACILITY, AND SUBMIT THE AGREEMENTS TO THE BOARD FOR ITS FINAL
- 16 ACTION. ANY SUCH AGREEMENT THAT GRANTS NAMING OR OTHER ADVERTISING RIGHTS
- 17 MUST INCLUDE A PROVISION REQUIRING THAT THE NAMING AND OTHER ADVERTISING
- 18 COMPLY WITH COMMUNITY DECENCY STANDARDS.
- 19 6. NEGOTIATE AGREEMENTS WITH A CONTRACTOR, AN ARCHITECT AND OTHER
- 20 PROFESSIONALS, UNLESS THE CONTRACTOR, ARCHITECT OR PROFESSIONAL IS
- 21 EMPLOYED DIRECTLY BY A LESSEE, AND SUBMIT THE AGREEMENTS TO THE BOARD FOR
- 22 ITS FINAL ACTION.
- 23 7. REVIEW CONSTRUCTION CHANGE ORDER REQUESTS THAT ARE OBLIGATIONS
- 24 OF THE AUTHORITY AND SUBMIT THE REQUESTS TO THE BOARD WITH A
- 25 RECOMMENDATION FOR FINAL ACTION.
- 26 8. ARRANGE FOR CAPITAL AND OPERATING FINANCING, AS NEEDED, AND
- 27 SUBMIT THE TRANSACTIONS TO THE BOARD FOR ITS FINAL ACTION.
- 28 9. ANALYZE AND RECOMMEND TO THE BOARD POTENTIAL SITES FOR ANY
- 29 TRANSPORTATION AND TRADE FACILITY PROPOSED BY A JURISDICTIONAL SPONSOR AT
- 30 ANY TIME BEFORE DECEMBER 31, 2025.
- 31 10. NEGOTIATE AGREEMENTS WITH JURISDICTIONAL SPONSORS, INCLUDING
- 32 INTERGOVERNMENTAL AGREEMENTS PURSUANT TO TITLE 11, CHAPTER 7, ARTICLE 3 IF
- 33 A JURISDICTIONAL SPONSOR IS A PUBLIC AGENCY AS DEFINED IN SECTION 11-951,
- 34 CONCERNING THE LAND AND ANY INFRASTRUCTURE TO BE PROVIDED BY THE
- 35 JURISDICTIONAL SPONSOR AND SUBMIT THE AGREEMENTS TO THE BOARD FOR ITS
- 36 FINAL ACTION. ALL AGREEMENTS MUST:
- 37 (a) PROVIDE THAT THE JURISDICTIONAL SPONSOR SHALL INDEMNIFY AND
- 38 HOLD HARMLESS THE AUTHORITY AND THIS STATE FROM ANY LIABILITY RESULTING
- 39 FROM ANY ACCESS WAYS THAT ARE PROVIDED BY THE JURISDICTIONAL SPONSOR AND
- 40 THAT ARE REASONABLY USED BY THE PUBLIC FOR INGRESS AND EGRESS TO ANY
- 41 TRANSPORTATION AND TRADE FACILITY PROVIDED BY THE JURISDICTIONAL SPONSOR
- 42 FOR USE IN CONNECTION WITH THE TRANSPORTATION AND TRADE FACILITY TO THE
- 43 EXTENT THAT LIABILITY RESULTS FROM THE NEGLIGENT OR INTENTIONAL ACTS OR
- 44 OMISSIONS OF THE JURISDICTIONAL SPONSOR OR ITS REPRESENTATIVES, AGENTS OR
- 45 EMPLOYEES.

1 (b) REQUIRE ANY JURISDICTIONAL SPONSOR TO MAINTAIN INSURANCE OR AN
2 ADEQUATE SELF-INSURANCE PLAN FOR ANY LIABILITY OF THE JURISDICTIONAL
3 SPONSOR, WITH A WAIVER OF SOVEREIGN IMMUNITY IF NECESSARY.

4 11. IN CONSULTATION WITH THE LESSEES OR OTHER USERS OF ANY
5 TRANSPORTATION AND TRADE FACILITY, NEGOTIATE CONTRACTS TO PROVIDE FOR THE
6 OPERATION, MAINTENANCE, PROMOTION AND MARKETING OF ANY TRANSPORTATION AND
7 TRADE FACILITY AND SUBMIT THE CONTRACTS TO THE BOARD FOR ITS FINAL ACTION.

8 12. IN CONSULTATION WITH THE LESSEES OR OTHER USERS OF ANY
9 TRANSPORTATION AND TRADE FACILITY, NEGOTIATE CONTRACTS WITH
10 CONCESSIONAIRES AND OTHER PROVIDERS FOR FOOD, BEVERAGE AND OTHER SERVICES
11 ALONG ANY TRANSPORTATION AND TRADE FACILITY AND SUBMIT THE CONTRACTS TO
12 THE BOARD FOR ITS FINAL ACTION.

13 13. TAKE OTHER ACTIONS THAT ARE NECESSARY TO ENSURE THAT EACH
14 TRANSPORTATION AND TRADE FACILITY IS CONSTRUCTED ACCORDING TO THE SCHEDULE
15 AND BUDGET APPROVED BY THE BOARD.

16 C. TITLE 34 APPLIES TO THE AUTHORITY, EXCEPT THAT REGARDLESS OF THE
17 FUNDING SOURCE FOR THE DESIGN AND CONSTRUCTION OF FACILITIES AND
18 STRUCTURES AND NOTWITHSTANDING CHAPTER 23 OF THIS TITLE, THE AUTHORITY MAY
19 ESTABLISH ALTERNATIVE SYSTEMS AND PROCEDURES, INCLUDING THE USE OF THE
20 DESIGN-BUILD METHOD OF CONSTRUCTION AND THE USE OF QUALIFICATIONS-BASED
21 SELECTION OF CONTRACTORS WITH EXPERIENCE IN TRANSPORTATION AND TRADE
22 FACILITY DESIGN OR CONSTRUCTION, BY EITHER DIRECT SELECTION OR BY PUBLIC
23 COMPETITION, TO EXPEDITE THE DESIGN AND CONSTRUCTION OF ANY OF ITS
24 FACILITIES OR STRUCTURES OR ANY FACILITIES OR STRUCTURES LEASED TO THE
25 AUTHORITY OR USED BY THE AUTHORITY PURSUANT TO AN INTERGOVERNMENTAL
26 AGREEMENT. FOR THE PURPOSES OF THIS SUBSECTION:

27 1. "DESIGN-BUILD" MEANS A PROCESS OF ENTERING INTO AND MANAGING A
28 CONTRACT BETWEEN THE AUTHORITY AND ANOTHER PARTY IN WHICH THE OTHER PARTY
29 AGREES TO BOTH DESIGN AND BUILD ANY STRUCTURE, FACILITY OR OTHER ITEMS
30 SPECIFIED IN THE CONTRACT.

31 2. "QUALIFICATIONS-BASED SELECTION" MEANS A PROCESS OF ENTERING
32 INTO AND MANAGING A CONTRACT BETWEEN THE AUTHORITY AND ANOTHER PARTY IN
33 WHICH THE OTHER PARTY IS SELECTED BY THE AUTHORITY ON THE BASIS OF THE
34 PARTY'S QUALIFICATIONS AND EXPERIENCE IN DESIGNING OR CONSTRUCTING
35 FACILITIES, STRUCTURES OR OTHER ITEMS SIMILAR TO THOSE THE AUTHORITY IS
36 AUTHORIZED TO CONSTRUCT OR LEASE.

37 D. THE PLANS AND SPECIFICATIONS FOR ANY TRANSPORTATION AND TRADE
38 FACILITY ARE SUBJECT TO REVIEW AND APPROVAL BY THE BOARD. THE BOARD SHALL
39 INSPECT THE CONSTRUCTION OF A TRANSPORTATION AND TRADE FACILITY AND
40 APPROVE THE CONSTRUCTION IF THE CONSTRUCTION CONFORMS TO THE PLANS AND
41 SPECIFICATIONS AND APPLICABLE ENGINEERING STANDARDS. THROUGHOUT THE LIFE
42 OF A TRANSPORTATION AND TRADE FACILITY, THE BOARD IS RESPONSIBLE FOR
43 ENSURING AND SHALL MONITOR AND TAKE ACTION AS NECESSARY TO ENSURE THE
44 APPROPRIATE MAINTENANCE AND OPERATION OF EACH TRANSPORTATION AND TRADE
45 FACILITY.

1 E. TO ENSURE THAT ANY LESSEE, USER OR JURISDICTIONAL SPONSOR HAS
2 THE FINANCIAL CAPABILITY TO PERFORM ITS OBLIGATIONS UNDER ANY AGREEMENTS
3 WITH THE AUTHORITY, BEFORE ENTERING INTO AN AGREEMENT WITH ANY
4 JURISDICTIONAL SPONSOR, THE AUTHORITY SHALL EITHER:

5 1. CAUSE A REVIEW OF THE FINANCIAL BOOKS AND RECORDS OF THE LESSEE,
6 USER OR JURISDICTIONAL SPONSOR BY AN INDEPENDENT CERTIFIED PUBLIC
7 ACCOUNTANT SELECTED BY THE AUTHORITY. THE INDEPENDENT CERTIFIED PUBLIC
8 ACCOUNTANT SHALL PREPARE FOR THE AUTHORITY, AND ATTEST TO, A REPORT
9 SETTING FORTH THE RESULTS OF THAT REVIEW.

10 2. PROVIDE IN THE AGREEMENT WITH ANY LESSEE, USER OR JURISDICTIONAL
11 SPONSOR ANOTHER METHOD FOR ASSURING THE PAYMENT OF THE OBLIGATIONS OF THE
12 LESSEE, USER OR JURISDICTIONAL SPONSOR. THE ALTERNATIVE METHODS FOR
13 ASSURING PAYMENT MAY INCLUDE:

14 (a) DEPOSITS IN A CONSTRUCTION TRUST ACCOUNT IN AN AMOUNT EQUAL TO
15 THE LESSEE'S, USER'S OR JURISDICTIONAL SPONSOR'S ESTIMATED OBLIGATIONS TO
16 THE AUTHORITY.

17 (b) POSTING A BOND IN AN AMOUNT EQUAL TO THE LESSEE'S, USER'S OR
18 JURISDICTIONAL SPONSOR'S ESTIMATED OBLIGATIONS TO THE AUTHORITY.

19 (c) PROVIDING THE AUTHORITY WITH A LETTER OF CREDIT IN AN AMOUNT
20 EQUAL TO THE LESSEE'S, USER'S OR JURISDICTIONAL SPONSOR'S ESTIMATED
21 OBLIGATIONS TO THE AUTHORITY.

22 (d) OTHER SIMILAR FINANCIAL ASSURANCE.

23 F. THE AUTHORITY SHALL PROVIDE IN ANY AGREEMENTS BETWEEN THE
24 AUTHORITY AND A JURISDICTIONAL SPONSOR THAT IS AN INDIAN TRIBE:

25 1. A WAIVER OF SOVEREIGN IMMUNITY TO ALLOW THE ENFORCEMENT BY THE
26 AUTHORITY OF THE AGREEMENTS ENTERED INTO BETWEEN THE AUTHORITY AND THE
27 INDIAN TRIBE.

28 2. A CONSENT TO THE JURISDICTION OF STATE AND FEDERAL COURTS BY THE
29 INDIAN TRIBE.

30 3. A WAIVER OF THE RIGHT TO REQUIRE THE AUTHORITY TO EXHAUST TRIBAL
31 REMEDIES BEFORE BRINGING AN ACTION IN STATE OR FEDERAL COURTS.

32 4. THAT STATE AND FEDERAL LAW WILL GOVERN THE INTERPRETATION OF ANY
33 AGREEMENTS ENTERED INTO BETWEEN THE AUTHORITY AND THE INDIAN TRIBE.

34 41-2108. Regulating sale, use and consumption of alcoholic
35 beverages

36 SUBJECT TO THE REQUIREMENTS OF TITLE 4, THE BOARD MAY ALLOW AND
37 REGULATE THE SALE, USE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT LOCATIONS
38 ON PROPERTY ACQUIRED, LEASED OR SUBLEASED UNDER THIS CHAPTER.

39 41-2109. Conflicts of interest; violation; classification

40 A. THE DIRECTORS, OFFICERS AND EMPLOYEES OF THE AUTHORITY ARE
41 SUBJECT TO TITLE 38, CHAPTER 3, ARTICLE 8 RELATING TO CONFLICTS OF
42 INTEREST.

43 B. A DIRECTOR, OFFICER OR EMPLOYEE OF THE AUTHORITY WHO HAS A
44 DIRECT OR INDIRECT FINANCIAL INTEREST IN ANY PROPERTY OWNED, PURCHASED OR
45 CONSTRUCTED BY THE AUTHORITY SHALL MAKE KNOWN THAT INTEREST IN THE

1 OFFICIAL RECORDS OF THE AUTHORITY AND SHALL REFRAIN FROM VOTING ON OR
2 OTHERWISE PARTICIPATING IN ANY MANNER IN ANY PROJECT ASSOCIATED WITH THAT
3 PROPERTY.

4 C. A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A CLASS 1
5 MISDEMEANOR.

6 41-2110. Performance audit

7 A. BEGINNING NOT LATER THAN 2020 AND AT LEAST EVERY FIFTH YEAR
8 THEREAFTER, THE AUDITOR GENERAL SHALL CONDUCT A PERFORMANCE AUDIT, AS
9 DEFINED IN SECTION 41-1278, OF THE AUTHORITY.

10 B. ON OR BEFORE NOVEMBER 30 OF THE RESPECTIVE YEAR, THE AUDITOR
11 GENERAL SHALL ISSUE A PUBLIC REPORT OF THE PERFORMANCE AUDIT, INCLUDING
12 FINDINGS AND SPECIFIC RECOMMENDATIONS FOR STATUTORY AND ADMINISTRATIVE
13 CHANGES TO IMPROVE THE OPERATION OF THE AUTHORITY. THE AUDITOR GENERAL
14 SHALL SUBMIT COPIES OF THE REPORT TO THE GOVERNOR, PRESIDENT OF THE
15 SENATE, SPEAKER OF THE HOUSE OF REPRESENTATIVES AND SECRETARY OF STATE.

16 41-2111. Disadvantaged business enterprise participation
17 goals; contractor employment requirements

18 A. NOTWITHSTANDING ANY OTHER LAW, THE AUTHORITY SHALL:

19 1. ESTABLISH DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION GOALS
20 FOR THE DESIGN, ENGINEERING AND CONSTRUCTION OF A TRANSPORTATION AND TRADE
21 FACILITY UNDER SECTION 41-2107 BASED ON THE AVAILABILITY OF READY, WILLING
22 AND ABLE DISADVANTAGED BUSINESS ENTERPRISES COMPARED TO THE GENERAL
23 POPULATION OF CONSULTANTS, PRIME CONTRACTORS AND SUBCONTRACTORS, SUPPLIERS
24 AND SERVICE PROVIDERS.

25 2. ESTABLISH PROCEDURES FOR MEETING THE GOALS ESTABLISHED PURSUANT
26 TO PARAGRAPH 1 OF THIS SUBSECTION, INCLUDING COMPILING A REGISTRY OF
27 DISADVANTAGED BUSINESS ENTERPRISES THAT ARE CERTIFIED BY A LOCAL, COUNTY
28 OR STATE AGENCY.

29 3. REQUIRE MONTHLY REPORTS BY THE PROJECT COORDINATOR REGARDING
30 COMPLIANCE WITH THE GOALS.

31 4. MONITOR COMPLIANCE WITH THIS SECTION THROUGH INTERGOVERNMENTAL
32 AGREEMENTS WITH A STATE OR COUNTY DISADVANTAGED BUSINESS ENTERPRISE
33 PROGRAM MONITOR OR A CONTRACT WITH AN INDEPENDENT ORGANIZATION THAT IS
34 EXPERIENCED IN MONITORING DISADVANTAGED BUSINESS ENTERPRISE PROGRAMS.

35 5. IMPOSE SANCTIONS IF, BASED ON RECOMMENDATIONS OF THE MONITORING
36 ORGANIZATION, THE AUTHORITY DETERMINES THAT A GOOD FAITH EFFORT WAS NOT
37 MADE TO COMPLY WITH THE ESTABLISHED PROCEDURES.

38 B. THE AUTHORITY SHALL PROVIDE THAT ANY CONTRACT WITH RESPECT TO
39 THE DESIGN, ENGINEERING AND CONSTRUCTION OF A TRANSPORTATION AND TRADE
40 FACILITY UNDER SECTION 41-2107 SHALL REQUIRE EACH PRIME CONTRACTOR AND
41 MAJOR SUBCONTRACTORS TO PROVIDE HEALTH INSURANCE TO THE CONTRACTOR'S
42 EMPLOYEES AND DEPENDENTS OF THE CONTRACTOR'S EMPLOYEES, EXCEPT FOR THOSE
43 EMPLOYEES WHO WORK LESS THAN ONE HUNDRED TWENTY DAYS IN A CALENDAR YEAR.

44 C. THE EXECUTIVE DIRECTOR, THE PROJECT COORDINATOR AND ALL PERSONS
45 WHO ENTER INTO CONTRACTS, AGREEMENTS OR UNDERSTANDINGS RELATED TO THE

1 CONSTRUCTION AND OPERATION OF A TRANSPORTATION AND TRADE FACILITY SHALL
2 COMPLY WITH THE PROCEDURES ESTABLISHED PURSUANT TO THIS SECTION.

3 41-2112. Monthly report; appearance before joint legislative
4 budget committee; standing committees

5 A. WITHIN THREE WEEKS AFTER THE END OF EACH CALENDAR MONTH, THE
6 AUTHORITY SHALL PREPARE A REPORT SIGNED BY THE EXECUTIVE DIRECTOR OF THE
7 AUTHORITY AND TRANSMIT THE REPORT TO THE GOVERNOR, THE LEGISLATURE, AS
8 PROVIDED BY SECTION 41-1178, AND THE JOINT LEGISLATIVE BUDGET COMMITTEE.
9 THE REPORT SHALL INCLUDE A PROGRESS REPORT OF THE ACTIVITIES OF THE
10 AUTHORITY DURING THE PREVIOUS MONTH.

11 B. AT THE REQUEST OF THE CHAIRPERSON OF THE JOINT LEGISLATIVE
12 BUDGET COMMITTEE, THE EXECUTIVE DIRECTOR SHALL APPEAR BEFORE THE JOINT
13 LEGISLATIVE BUDGET COMMITTEE ANNUALLY TO REPORT ON THE ACTIVITIES AND
14 FINANCIAL PERFORMANCE OF THE AUTHORITY DURING THE PREVIOUS YEAR.

15 C. AT THE REQUEST OF THE CHAIRPERSON OF THE HOUSE OF
16 REPRESENTATIVES LOCAL AND INTERNATIONAL AFFAIRS COMMITTEE OR THE
17 CHAIRPERSON OF THE SENATE COMMERCE AND PUBLIC SAFETY COMMITTEE, OR THEIR
18 SUCCESSOR COMMITTEES, THE EXECUTIVE DIRECTOR SHALL APPEAR BEFORE THE
19 COMMITTEE WITHIN THIRTY DAYS AFTER RECEIVING THE REQUEST TO REPORT ON THE
20 ACTIVITIES AND FINANCIAL PERFORMANCE OF THE AUTHORITY DURING THE PREVIOUS
21 YEAR.

22 41-2113. Annual budget

23 A. BEGINNING IN 2019, ON OR BEFORE JUNE 30 OF EACH YEAR THE BOARD
24 SHALL HOLD A PUBLIC HEARING TO ADOPT A BUDGET FOR THE FOLLOWING FISCAL
25 YEAR THAT INCLUDES:

- 26 1. RECEIPTS DURING THE PAST FISCAL YEAR.
- 27 2. EXPENDITURES DURING THE PAST FISCAL YEAR.
- 28 3. ESTIMATES OF AMOUNTS NECESSARY FOR EXPENSES DURING THE FOLLOWING
29 FISCAL YEAR, INCLUDING AMOUNTS PROPOSED FOR:
 - 30 (a) COSTS OF PLANNING, CONSTRUCTING, FINANCING, MAINTAINING,
31 OPERATING AND MANAGING EACH TRANSPORTATION AND TRADE FACILITY.
 - 32 (b) PROMOTIONAL AND MARKETING EXPENSES OF THE AUTHORITY.
 - 33 (c) ADMINISTRATIVE COSTS OF THE AUTHORITY.
- 34 4. ANTICIPATED REVENUE TO THE AUTHORITY FROM EACH SOURCE IN THE
35 FOLLOWING FISCAL YEAR.
- 36 5. A COMPLETE ASSET AND LIABILITY STATEMENT.
- 37 6. A STATEMENT OF PROFIT OR LOSS FROM OPERATIONS.
- 38 7. CASH ON HAND AS OF THE DATE THE BUDGET IS ADOPTED AND THE
39 ANTICIPATED BALANCE AT THE END OF THE CURRENT FISCAL YEAR.
- 40 8. AN ITEMIZED STATEMENT OF COMMITMENTS, RESERVES AND ANTICIPATED
41 OBLIGATIONS FOR THE FOLLOWING FISCAL YEAR.

42 B. THE BOARD MAY AMEND THE BUDGET ON A FINDING OF GOOD CAUSE.

ARTICLE 2. FINANCIAL PROVISIONS

41-2121. General fund; investments

A. THE AUTHORITY SHALL MAINTAIN A GENERAL FUND, DIVIDED INTO A CONSTRUCTION ACCOUNT, A FACILITY REVENUE CLEARING ACCOUNT AND AN OPERATING ACCOUNT. THE AUTHORITY MAY ESTABLISH ADDITIONAL ACCOUNTS AND SUBACCOUNTS AS NECESSARY AND CONVENIENT. ALL REVENUES AND MONIES RECEIVED BY THE AUTHORITY SHALL INITIALLY BE DEPOSITED IN ACCOUNTS AND SUBACCOUNTS IN THE GENERAL FUND AS PROVIDED BY LAW.

B. THE AUTHORITY MAY INVEST ANY UNEXPENDED MONIES IN THE FUND AS PROVIDED IN TITLE 35, CHAPTER 2. INTEREST AND OTHER INCOME FROM INVESTMENTS OF MONIES IN ANY ACCOUNT SHALL BE CREDITED TO THAT ACCOUNT EXCEPT AS OTHERWISE PROVIDED BY LAW.

C. THE AUTHORITY'S INVESTMENTS MUST MATURE WHEN THE FUND ASSETS WILL BE REQUIRED FOR THE PURPOSES OF THIS CHAPTER. IF THE LIQUID ASSETS IN THE FUND OR ANY ACCOUNT OR SUBACCOUNT BECOME INSUFFICIENT TO MEET THE STATUTORY OBLIGATIONS, THE BOARD SHALL DIRECT THE TREASURER TO LIQUIDATE SUFFICIENT SECURITIES TO MEET ALL THE CURRENT OBLIGATIONS AND IMMEDIATELY NOTIFY THE AUDITOR GENERAL OF THE INSUFFICIENCY. THE AUDITOR GENERAL SHALL INVESTIGATE AND AUDIT THE CIRCUMSTANCES SURROUNDING THE DEPLETION OF THE FUND, ACCOUNT OR SUBACCOUNT AND REPORT THE FINDINGS TO THE BOARD.

41-2122. Construction account

A. THE AUTHORITY SHALL MAINTAIN A CONSTRUCTION ACCOUNT IN THE GENERAL FUND CONSISTING OF:

1. MONIES RECEIVED BY THE AUTHORITY FROM ANY SOURCE FOR THE PURPOSE OF ACQUIRING LAND FOR AND FUNDING THE COST OF CONSTRUCTING A TRANSPORTATION AND TRADE FACILITY, INCLUDING FINANCIAL PARTICIPATION FOR CAPITAL COSTS OF THE TRANSPORTATION AND TRADE FACILITY FROM ANY PRIVATE OR PUBLIC SOURCE.

2. PROCEEDS OF BONDS ISSUED BY THE AUTHORITY PURSUANT TO SECTION 41-2163, WHICH SHALL BE HELD IN A SEGREGATED BOND PROCEEDS SUBACCOUNT IN THE CONSTRUCTION ACCOUNT.

B. THE AUTHORITY MAY SPEND MONIES IN THE CONSTRUCTION ACCOUNT FOR THE COSTS OF ANY TRANSPORTATION AND TRADE FACILITY PURPOSE AS DEFINED IN SECTION 41-2161.

41-2123. Facility revenue clearing account

A. THE AUTHORITY SHALL MAINTAIN A FACILITY REVENUE CLEARING ACCOUNT IN THE GENERAL FUND CONSISTING OF:

1. REVENUES RECEIVED FROM DEDICATED PUBLIC FUNDING SOURCES AS PROVIDED BY LAW.

2. PAYMENTS RECEIVED FROM LEASING, SUBLEASING OR RENTING PROPERTY OWNED, LEASED OR CONTROLLED BY THE AUTHORITY.

3. REVENUES RECEIVED BY THE AUTHORITY FROM CONCESSIONS AND OTHER PROCEEDS FROM CONCESSION FACILITIES THAT ARE LOCATED WITHIN A TRANSPORTATION AND TRADE FACILITY THAT IS OWNED OR LEASED BY THE AUTHORITY.

1 4. GIFTS, GRANTS AND DONATIONS RECEIVED FOR OPERATING PURPOSES FROM
2 ANY PUBLIC OR PRIVATE SOURCE.

3 5. PROCEEDS FROM THE SALE OF ANY OF THE AUTHORITY'S PROPERTY.

4 6. FINANCIAL PARTICIPATION FOR OPERATING COSTS RECEIVED FROM THE
5 COUNTY OR MUNICIPALITY IN WHICH A TRANSPORTATION AND TRADE FACILITY THAT
6 IS OWNED OR LEASED BY THE AUTHORITY IS LOCATED.

7 B. ON THE SECOND TUESDAY OF EACH MONTH, THE TREASURER OF THE
8 AUTHORITY SHALL DISTRIBUTE ALL MONIES IN THE ACCOUNT IN THE FOLLOWING
9 ORDER OF PRIORITY:

10 1. TO THE DEBT SERVICE ACCOUNT ESTABLISHED BY SECTION 41-2165, AN
11 AMOUNT EQUAL TO ONE-TWELFTH OF THE ANNUAL DEBT SERVICE ON BONDS AND OTHER
12 DEBT OBLIGATIONS OF THE AUTHORITY THAT ARE SECURED IN WHOLE OR IN PART BY
13 AND PAYABLE FROM REVENUES OR MONIES DEPOSITED TO THE FACILITY REVENUE
14 CLEARING ACCOUNT, NET OF DEPOSITS TO THE DEBT SERVICE ACCOUNT PURSUANT TO
15 SECTION 41-2124, SUBSECTION B, PARAGRAPH 1.

16 2. TO THE OPERATING ACCOUNT OF THE AUTHORITY ESTABLISHED BY SECTION
17 41-2124, ALL REMAINING MONIES IN THE FACILITY REVENUE CLEARING ACCOUNT.

18 41-2124. Operating account

19 A. THE AUTHORITY SHALL MAINTAIN AN OPERATING ACCOUNT CONSISTING OF
20 MONIES TRANSMITTED TO THE ACCOUNT PURSUANT TO SECTIONS 41-2122 AND
21 41-2123.

22 B. THE AUTHORITY MAY SPEND MONIES IN THE OPERATING ACCOUNT FOR
23 COSTS INCURRED FOR ANY OF THE FOLLOWING PURPOSES:

24 1. OPERATING, MARKETING, PROMOTING, FURNISHING AND EQUIPPING A
25 TRANSPORTATION AND TRADE FACILITY.

26 2. PAYING ALL COSTS ASSOCIATED WITH THE AUTHORITY'S ADMINISTRATIVE
27 DUTIES AS PROVIDED IN SECTIONS 41-2104 AND 41-2105.

28 3. PAYMENT TO THE DEBT SERVICE ACCOUNT ESTABLISHED BY SECTION
29 41-2165 TO BE USED FOR PAYMENT OR EARLY REDEMPTION OF BONDED INDEBTEDNESS.

30 C. THE AUTHORITY SHALL ESTABLISH IN THE OPERATING ACCOUNT:

31 1. A RESERVE TO MEET FUTURE OPERATING COSTS OF THE AUTHORITY,
32 INCLUDING AMOUNTS THAT ARE SUFFICIENT TO PAY ALL COSTS ASSOCIATED WITH
33 EVENTS HELD AT A TRANSPORTATION AND TRADE FACILITY.

34 2. A RESERVE FOR REPAIR, REPLACEMENT AND REMOVAL COSTS ASSOCIATED
35 WITH A TRANSPORTATION AND TRADE FACILITY IN AN AMOUNT AT LEAST EQUAL TO
36 TWENTY-FIVE MILLION DOLLARS, ADJUSTED FOR INFLATION EACH YEAR AFTER 2019.

37 D. THIS STATE IS NOT LIABLE OR RESPONSIBLE FOR THE OPERATING COSTS
38 OF THE AUTHORITY, INCLUDING THE OPERATING, MARKETING, PROMOTION,
39 FURNISHING, EQUIPPING, REPAIR OR REPLACEMENT COSTS OF ANY FACILITY OR
40 PROJECT FUNDED BY THE AUTHORITY.

41 41-2125. Audit

42 A. THE BOARD SHALL CAUSE AN ANNUAL AUDIT TO BE CONDUCTED OF EACH OF
43 THE AUTHORITY'S FUNDS, ACCOUNTS AND SUBACCOUNTS BY AN INDEPENDENT
44 CERTIFIED PUBLIC ACCOUNTANT WITHIN ONE HUNDRED TWENTY DAYS AFTER THE END
45 OF THE FISCAL YEAR.

1 B. THE BOARD SHALL IMMEDIATELY FILE A CERTIFIED COPY OF THE AUDIT
2 WITH THE AUDITOR GENERAL. THE AUDITOR GENERAL MAY MAKE SUCH FURTHER
3 AUDITS AND EXAMINATIONS AS NECESSARY AND MAY TAKE APPROPRIATE ACTION
4 RELATING TO THE AUDIT OR EXAMINATION PURSUANT TO CHAPTER 7, ARTICLE 10.1
5 OF THIS TITLE. IF THE AUDITOR GENERAL TAKES NO FURTHER ACTION WITHIN
6 THIRTY DAYS AFTER THE AUDIT IS FILED, THE AUDIT IS CONSIDERED TO BE
7 SUFFICIENT.

8 C. THE BOARD SHALL PAY NEGOTIATED AND APPROVED FEES AND COSTS OF
9 THE CERTIFIED PUBLIC ACCOUNTANT AND AUDITOR GENERAL UNDER THIS SECTION
10 FROM THE OPERATING ACCOUNT OF THE AUTHORITY.

11 ARTICLE 3. BONDING

12 41-2161. Definitions

13 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

14 1. "BOND-RELATED EXPENSES" MEANS ANY EXPENSES INCURRED BY THE
15 AUTHORITY TO ISSUE AND ADMINISTER ITS BONDS, INCLUDING UNDERWRITING FEES
16 AND COSTS, TRUSTEE FEES, FINANCIAL CONSULTANT FEES, PRINTING AND
17 ADVERTISING COSTS, PAYING AGENT FEES, TRANSFER AGENT FEES, LEGAL,
18 ACCOUNTING, FEASIBILITY CONSULTANT AND OTHER PROFESSIONAL FEES AND
19 EXPENSES, CREDIT ENHANCEMENT FEES, ATTORNEY AND ACCOUNTING FEES AND
20 EXPENSES RELATED TO CREDIT ENHANCEMENT, BOND INSURANCE OR LIQUIDITY
21 ENHANCEMENT, REMARKETING FEES, RATING AGENCY FEES AND COSTS, TRAVEL AND
22 TELEPHONE EXPENSES AND ALL OTHER FEES CONSIDERED NECESSARY BY THE
23 AUTHORITY TO MARKET AND ADMINISTER THE BONDS.

24 2. "BONDS" MEANS THE BONDS OF THE AUTHORITY ISSUED PURSUANT TO THIS
25 ARTICLE.

26 3. "TRANSPORTATION AND TRADE FACILITY PURPOSE" INCLUDES THE
27 FOLLOWING PURPOSES:

28 (a) ACQUIRING, DESIGNING, DEVELOPING, CONSTRUCTING, RECONSTRUCTING,
29 EQUIPPING, REPAIRING, MAINTAINING, OPERATING AND IMPROVING A
30 TRANSPORTATION AND TRADE FACILITY AND IMPROVEMENTS.

31 (b) THE PAYMENT OF BOND OBLIGATIONS.

32 (c) BOND-RELATED EXPENSES.

33 41-2162. Authorization of bonds

34 A. THE AUTHORITY MAY ISSUE NEGOTIABLE BONDS PURSUANT TO THIS
35 ARTICLE IN SUCH PRINCIPAL AMOUNT AS, IN THE OPINION OF THE BOARD, IS
36 NECESSARY TO:

37 1. PROVIDE SUFFICIENT MONIES FOR A TRANSPORTATION AND TRADE
38 FACILITY PURPOSE.

39 2. PAY NECESSARY BOND-RELATED EXPENSES.

40 3. ESTABLISH AND FULLY OR PARTIALLY FUND ANY RESERVES OR SINKING
41 ACCOUNTS ESTABLISHED BY THE BOND RESOLUTION.

42 4. ISSUE REFUNDING BONDS IF THE BOARD CONSIDERS REFUNDING TO BE
43 EXPEDIENT. THE BOARD MAY PROVIDE FOR INVESTING AND HOLDING THE PROCEEDS
44 OF THE REFUNDING BONDS IN TRUST FOR THE BENEFIT OF THE HOLDERS OF THE
45 BONDS BEING REFUNDED.

1 5. REFUND ANY BONDS ISSUED BY THE AUTHORITY IF THE BONDS ARE
2 SECURED FROM THE SAME SOURCE OF REVENUES AS THE BONDS AUTHORIZED IN THIS
3 ARTICLE BY ISSUING NEW BONDS, WHETHER THE BONDS TO BE REFUNDED HAVE OR
4 HAVE NOT MATURED.

5 6. ISSUE BONDS PARTLY TO REFUND OUTSTANDING BONDS AND PARTLY FOR A
6 TRANSPORTATION AND TRADE FACILITY PURPOSE CONSISTENT WITH THIS ARTICLE.

7 B. THE BOARD SHALL AUTHORIZE THE BONDS BY RESOLUTION. THE
8 RESOLUTION SHALL PRESCRIBE:

9 1. THE AUTHORITY'S REVENUE SOURCES THAT ARE PLEDGED AND DEDICATED
10 TO SECURE THE BONDS.

11 2. THE RATE OR RATES OF INTEREST, WHICH MAY BE FIXED OR VARIABLE,
12 THE DATE OR DATES ON WHICH INTEREST IS PAYABLE AND THE DENOMINATIONS OF
13 THE BONDS.

14 3. THE DATE OR DATES OF THE BONDS AND MATURITY.

15 4. THE MANNER OF EXECUTING THE BONDS.

16 5. THE MEDIUM AND PLACE OF PAYMENT.

17 6. THE TERMS OF REDEMPTION, WHICH MAY PROVIDE FOR A PREMIUM FOR
18 EARLY REDEMPTION.

19 41-2163. Issuance and sales of bonds; notice

20 A. THE BOARD SHALL ISSUE THE BONDS IN THE NUMBER AND AMOUNT
21 PROVIDED IN THE RESOLUTION.

22 B. THE BONDS MAY BE SOLD BY COMPETITIVE BID OR NEGOTIATED SALE FOR
23 PUBLIC OR PRIVATE OFFERING AT THE PRICE AND ON THE TERMS PRESCRIBED IN THE
24 RESOLUTION.

25 C. THE PROCEEDS FROM THE SALE OF THE BONDS SHALL BE DEPOSITED IN
26 THE BOND PROCEEDS SUBACCOUNT ESTABLISHED BY SECTION 41-2164.

27 D. TITLE 35, CHAPTER 3, ARTICLE 7 APPLIES TO THE BOARD AND TO BONDS
28 ISSUED UNDER THIS ARTICLE.

29 41-2164. Bond proceeds subaccount

30 A. IF THE AUTHORITY ISSUES BONDS UNDER THIS ARTICLE, THE BOARD
31 SHALL ESTABLISH A BOND PROCEEDS SUBACCOUNT WITHIN THE CONSTRUCTION ACCOUNT
32 ESTABLISHED BY SECTION 41-2122 CONSISTING OF MONIES RECEIVED FROM THE SALE
33 OF THE BONDS.

34 B. THE AUTHORITY MAY USE MONIES IN THE BOND PROCEEDS SUBACCOUNT
35 ONLY FOR TRANSPORTATION AND TRADE FACILITY PURPOSES IN THE MANNER
36 PRESCRIBED BY THIS CHAPTER.

37 C. THE TREASURER OR FISCAL AGENT OF THE AUTHORITY SHALL ADMINISTER
38 AND ACCOUNT FOR THE BOND PROCEEDS SUBACCOUNT.

39 41-2165. Debt service account

40 A. IF THE AUTHORITY ISSUES BONDS UNDER THIS ARTICLE, THE BOARD
41 SHALL ESTABLISH A DEBT SERVICE ACCOUNT CONSISTING OF MONIES DESIGNATED AND
42 DEDICATED BY THE BOARD FOR REPAYMENT OF THE BONDS AND PAYMENT OF COSTS AND
43 RELATED EXPENSES ASSOCIATED WITH REDEEMING THE BONDS.

44 B. MONIES IN THE DEBT SERVICE ACCOUNT MAY BE USED ONLY FOR THE
45 PURPOSES AUTHORIZED BY THIS ARTICLE.

1 C. THE TREASURER OR FISCAL AGENT OF THE AUTHORITY SHALL ADMINISTER
2 AND ACCOUNT FOR THE DEBT SERVICE ACCOUNT.

3 41-2166. Securing principal and interest

4 IN CONNECTION WITH ISSUING BONDS AUTHORIZED BY THIS ARTICLE AND TO
5 SECURE THE PRINCIPAL AND INTEREST ON THE BONDS, THE BOARD BY RESOLUTION
6 MAY:

7 1. PLEDGE FOR THE PAYMENT OF PRINCIPAL AND INTEREST ON THE BONDS
8 ALL OR PART OF THE REVENUES AND OTHER MONIES RECEIVED BY THE AUTHORITY AND
9 DEPOSITED IN THE GENERAL FUND OR ANY ACCOUNT OR SUBACCOUNT OF THE
10 AUTHORITY.

11 2. PLEDGE AND ASSIGN TO OR IN TRUST FOR THE BENEFIT OF THE HOLDER
12 OR HOLDERS OF THE BONDS ALL OR PART OF THE MONIES IN THE DEBT SERVICE
13 ACCOUNT OR ANY OTHER ACCOUNT OR SUBACCOUNT AS NECESSARY TO SECURE AND PAY
14 THE PRINCIPAL, THE INTEREST AND ANY PREMIUM ON THE BONDS AS THEY COME DUE.

15 3. SEGREGATE THE DEBT SERVICE ACCOUNT INTO ONE OR MORE SUBACCOUNTS
16 AND PROVIDE THAT BONDS ISSUED UNDER THIS ARTICLE MAY BE SECURED BY A LIEN
17 ON ALL OR PART OF THE MONIES PAID INTO THE DEBT SERVICE ACCOUNT OR INTO
18 ANY SUBACCOUNT IN THE DEBT SERVICE ACCOUNT.

19 4. ESTABLISH PRIORITIES AMONG BONDHOLDERS BASED ON CRITERIA ADOPTED
20 BY THE BOARD.

21 5. SET ASIDE, REGULATE AND DISPOSE OF RESERVES AND SINKING
22 ACCOUNTS.

23 6. PRESCRIBE THE PROCEDURE, IF ANY, BY WHICH THE TERMS OF ANY
24 CONTRACT WITH BONDHOLDERS MAY BE AMENDED OR ABROGATED, THE AMOUNT OF BONDS
25 THE HOLDERS OF WHICH MUST CONSENT TO AND THE MANNER IN WHICH THE CONSENT
26 MAY BE GIVEN.

27 7. PROVIDE FOR PAYMENT OF BOND-RELATED EXPENSES FROM THE PROCEEDS
28 OF THE SALE OF THE BONDS OR OTHER REVENUES AVAILABLE TO THE BOARD.

29 8. PROVIDE FOR THE SERVICES OF TRUSTEES, COTRUSTEES, AGENTS,
30 CONSULTANTS AND OTHER SPECIALIZED SERVICES WITH RESPECT TO THE BONDS.

31 9. CONTRACT WITH A FINANCIAL INSTITUTION, INSURANCE COMPANY OR
32 INDEMNITY COMPANY TO PROVIDE ADDITIONAL SECURITY FOR THE BONDS IN THE FORM
33 OF A LINE OF CREDIT, LETTER OF CREDIT, INSURANCE POLICY OR OTHER SECURITY
34 AND PAY THE COSTS OF THIS ADDITIONAL SECURITY FROM AMOUNTS PROVIDED IN THE
35 BOND ISSUE OR FROM OTHER AVAILABLE SOURCES.

36 10. TAKE ANY OTHER ACTION THAT IN ANY WAY MAY AFFECT THE SECURITY
37 AND PROTECTION OF THE BONDS OR INTEREST ON THE BONDS.

38 41-2167. Lien of pledge

39 A. ANY PLEDGE MADE UNDER THIS ARTICLE IS VALID AND BINDING FROM THE
40 TIME WHEN THE PLEDGE IS MADE.

41 B. THE MONIES PLEDGED TO THE HOLDERS OF THE BONDS AND RECEIVED BY
42 THE AUTHORITY FOR PLACEMENT IN THE DEBT SERVICE ACCOUNT ARE IMMEDIATELY
43 SUBJECT TO THE LIEN OF THE PLEDGE WITHOUT ANY FURTHER ACT. ANY LIEN OF
44 ANY PLEDGE IS VALID AND BINDING AGAINST ALL PARTIES THAT HAVE CLAIMS OF
45 ANY KIND AGAINST THE AUTHORITY, REGARDLESS OF WHETHER THE PARTIES HAVE

1 NOTICE OF THE LIEN. THE OFFICIAL RESOLUTION OR ANY INSTRUMENT BY WHICH
2 THIS PLEDGE IS CREATED, WHEN ADOPTED BY THE BOARD, IS NOTICE TO ALL
3 CONCERNED OF THE CREATION OF THE PLEDGE, AND THOSE INSTRUMENTS NEED NOT BE
4 RECORDED IN ANY OTHER PLACE TO PERFECT THE PLEDGE.

5 41-2168. Bond purchase; cancellation

6 THE BOARD MAY PURCHASE BONDS FOR CANCELLATION, USING ANY AVAILABLE
7 MONIES, AT A PRICE NOT EXCEEDING THE FOLLOWING:

8 1. IF THE BONDS ARE REDEEMABLE AT THE TIME OF PURCHASE, THE
9 APPLICABLE REDEMPTION PRICE PLUS ACCRUED INTEREST TO THE NEXT INTEREST
10 PAYMENT DATE.

11 2. IF THE BONDS ARE NOT REDEEMABLE AT THE TIME OF PURCHASE, THE
12 APPLICABLE REDEMPTION PRICE ON THE FIRST DATE AFTER PURCHASE ON WHICH THE
13 BONDS BECOME SUBJECT TO REDEMPTION PLUS ACCRUED INTEREST TO THAT DATE.

14 41-2169. Payment of bonds

15 A. THE BONDS SHALL BE PAID SOLELY FROM MONIES IN THE DEBT SERVICE
16 ACCOUNT.

17 B. NEITHER THE MEMBERS OF THE BOARD NOR ANY PERSON EXECUTING THE
18 BONDS IS PERSONALLY LIABLE FOR THE PAYMENT OF THE BONDS.

19 C. THE TREASURER OR FISCAL AGENT OF THE AUTHORITY SHALL CANCEL ALL
20 BONDS WHEN PAID.

21 41-2170. Use of surplus monies

22 A. IF A BALANCE REMAINS IN THE BOND PROCEEDS SUBACCOUNT AFTER ALL
23 ACQUISITION, CONSTRUCTION AND RELATED COSTS HAVE BEEN PAID:

24 1. THE BOARD SHALL CREDIT THE BALANCE TO REPAY ANY OTHER
25 OUTSTANDING INDEBTEDNESS OF THE AUTHORITY.

26 2. IF THE AUTHORITY HAS NO OUTSTANDING INDEBTEDNESS, THE BOARD
27 SHALL CREDIT THE REMAINING BALANCE TO THE AUTHORITY'S OPERATING ACCOUNT
28 ESTABLISHED BY SECTION 41-2124.

29 B. IF A BALANCE REMAINS IN THE DEBT SERVICE ACCOUNT AFTER PAYMENT
30 OF ALL BONDS, INTEREST AND OTHER CHARGES RELATED TO BONDS ISSUED UNDER
31 THIS ARTICLE, THE BOARD SHALL CREDIT THE BALANCE TO THE AUTHORITY'S
32 OPERATING ACCOUNT ESTABLISHED BY SECTION 41-2124.

33 41-2171. Investment of monies in the bond proceeds subaccount

34 A. THE BOARD MAY AUTHORIZE THE TREASURER OR FISCAL AGENT OF THE
35 AUTHORITY TO INVEST MONIES IN THE BOND PROCEEDS SUBACCOUNT IN THE MANNER
36 PRESCRIBED BY SECTION 41-2173.

37 B. THE ORDER DIRECTING AN INVESTMENT SHALL STATE A DATE ON WHICH
38 THE PROCEEDS FROM THE SALE OF THE BONDS WILL BE NEEDED FOR USE, AND THE
39 TREASURER OR FISCAL AGENT SHALL MAKE THE INVESTMENT IN SUCH A WAY AS TO
40 MATURE ON OR BEFORE THE SPECIFIED DATE.

41 C. ALL MONIES EARNED AS INTEREST OR OTHERWISE DERIVED FROM THE
42 INVESTMENT OF THE MONIES IN THE BOND PROCEEDS SUBACCOUNT SHALL BE CREDITED
43 TO THAT SUBACCOUNT.

1 41-2172. Investment of monies in debt service account
2 A. THE BOARD MAY AUTHORIZE THE TREASURER OR FISCAL AGENT OF THE
3 AUTHORITY TO INVEST AND REINVEST ANY MONIES IN THE DEBT SERVICE ACCOUNT AS
4 PROVIDED BY SECTION 41-2173.
5 B. THE ORDER DIRECTING AN INVESTMENT SHALL STATE A DATE ON WHICH
6 THE MONIES AND OTHER RESOURCES IN THE DEBT SERVICE ACCOUNT WILL BE NEEDED
7 FOR USE, AND THE TREASURER OR FISCAL AGENT SHALL MAKE THE INVESTMENT IN
8 SUCH A WAY AS TO MATURE ON OR BEFORE THE SPECIFIED DATE.
9 C. ALL MONIES EARNED AS INTEREST OR OTHERWISE DERIVED FROM THE
10 INVESTMENT OF THE MONIES IN THE DEBT SERVICE ACCOUNT SHALL BE CREDITED TO
11 THAT ACCOUNT.
12 41-2173. Authorized investments of monies
13 A. THE MONIES IN EITHER THE BOND PROCEEDS SUBACCOUNT OR THE DEBT
14 SERVICE ACCOUNT MAY BE INVESTED AND REINVESTED AT THE DIRECTION OF THE
15 BOARD IN ANY OF THE FOLLOWING:
16 1. UNITED STATES TREASURY OBLIGATIONS.
17 2. CONSOLIDATED FARM LOAN BONDS.
18 3. OBLIGATIONS ISSUED BY THE FEDERAL INTERMEDIATE CREDIT BANKS OR
19 BY BONDS FOR COOPERATIVES ON AUTHORITY OF THE FARM CREDIT ACT OF 1933.
20 4. ANY OTHER OBLIGATIONS GUARANTEED BY THE UNITED STATES
21 GOVERNMENT.
22 5. ANY INVESTMENTS THAT ARE AUTHORIZED BY ANY OTHER AGENCIES OF THE
23 UNITED STATES GOVERNMENT AND THAT ARE AUTHORIZED TO SECURE PUBLIC
24 DEPOSITS.
25 6. STATE AND LOCAL GOVERNMENT SERIES UNITED STATES TREASURY
26 SECURITIES.
27 7. STATE, COUNTY OR MUNICIPAL BONDS ISSUED IN THIS STATE AND ON
28 WHICH THE PAYMENTS OF INTEREST HAVE NOT BEEN DEFERRED.
29 8. INVESTMENT AGREEMENTS AND REPURCHASE AGREEMENTS COLLATERALIZED
30 BY INVESTMENTS DESCRIBED IN PARAGRAPHS 1 THROUGH 5 OF THIS SUBSECTION.
31 B. THE TREASURER OR FISCAL AGENT SHALL MAKE THE PURCHASE OF THE
32 SECURITIES ON AUTHORITY OF A RESOLUTION OF THE BOARD. THE TREASURER OR
33 FISCAL AGENT SHALL ACT AS CUSTODIAN OF ALL SECURITIES PURCHASED.
34 C. THE BOARD MAY PLACE ANY RESTRICTIONS ON REINVESTMENT YIELD ON
35 BOND PROCEEDS OR ON ANY MONIES PLEDGED TO PAY THE BONDS IF NECESSARY TO
36 COMPLY WITH FEDERAL INCOME TAX LAWS AND REGULATIONS TO GAIN ANY FEDERAL
37 TAX BENEFITS AVAILABLE WITH RESPECT TO THE BONDS.
38 41-2174. Deposit and disbursement of monies
39 A. MONIES DERIVED FROM SELLING BONDS UNDER THIS ARTICLE OR PLEDGED
40 OR ASSIGNED TO OR IN TRUST FOR THE BENEFIT OF THE HOLDER OR HOLDERS OF THE
41 BONDS SHALL BE DEPOSITED BY THE TREASURER OR FISCAL AGENT IN FINANCIAL
42 INSTITUTIONS THAT THE BOARD DESIGNATES AND THAT ARE INSURED BY AN AGENCY
43 OR INSTRUMENTALITY OF THE UNITED STATES. THE MONIES SHALL BE DISBURSED AS
44 THE BOARD DIRECTS AND ACCORDING TO THE TERMS OF ANY AGREEMENTS WITH THE
45 HOLDER OR HOLDERS OF THE BONDS.

1 B. THIS SECTION DOES NOT LIMIT THE POWER OF THE BOARD TO AGREE IN
2 CONNECTION WITH THE ISSUANCE OF ANY OF ITS BONDS AS TO THE CUSTODY AND
3 DISPOSITION OF THE MONIES RECEIVED FROM SELLING BONDS OR FROM THE INCOME
4 AND REVENUES PLEDGED OR ASSIGNED TO OR IN TRUST FOR THE BENEFIT OF THE
5 HOLDER OR HOLDERS OF THE BONDS.

6 41-2175. Characteristics of bonds; negotiable; obligation;
7 legal investments; exempt from taxation

8 A. BONDS ISSUED UNDER THIS ARTICLE ARE FULLY NEGOTIABLE WITHIN THE
9 MEANING AND FOR ALL PURPOSES OF THE UNIFORM COMMERCIAL CODE, SUBJECT ONLY
10 TO ANY PROVISIONS FOR REGISTRATION, REGARDLESS OF WHETHER THE BONDS
11 ACTUALLY CONSTITUTE NEGOTIABLE INSTRUMENTS UNDER THE UNIFORM COMMERCIAL
12 CODE.

13 B. THE BONDS, THEIR TRANSFER AND THE INCOME FROM THE BONDS ARE AT
14 ALL TIMES FREE FROM TAXATION IN THIS STATE.

15 C. BONDS ISSUED UNDER THIS ARTICLE:

16 1. ARE OBLIGATIONS OF THE AUTHORITY. THE MEMBERS OF THE BOARD AND
17 PERSONS WHO EXECUTE THE BONDS ARE NOT PERSONALLY LIABLE FOR THE PAYMENT OF
18 THE BONDS.

19 2. ARE PAYABLE ONLY ACCORDING TO THEIR TERMS.

20 3. ARE OBLIGATIONS OF THE AUTHORITY AND ARE NOT GENERAL, SPECIAL OR
21 OTHER OBLIGATIONS OF THIS STATE.

22 4. DO NOT CONSTITUTE A DEBT OF THIS STATE.

23 5. ARE NOT ENFORCEABLE AGAINST THIS STATE NOR IS PAYMENT OF THE
24 BONDS ENFORCEABLE OUT OF ANY MONIES OTHER THAN THE REVENUE PLEDGED AND
25 ASSIGNED TO, OR IN TRUST FOR THE BENEFIT OF, THE HOLDER OR HOLDERS OF THE
26 BONDS.

27 6. ARE SECURITIES IN WHICH PUBLIC OFFICERS AND BODIES OF THIS STATE
28 AND OF MUNICIPALITIES AND POLITICAL SUBDIVISIONS OF THIS STATE, ALL
29 COMPANIES, ASSOCIATIONS AND OTHER PERSONS CARRYING ON AN INSURANCE
30 BUSINESS, ALL FINANCIAL INSTITUTIONS, INVESTMENT COMPANIES AND OTHER
31 PERSONS CARRYING ON A BANKING BUSINESS, ALL FIDUCIARIES AND ALL OTHER
32 PERSONS WHO ARE AUTHORIZED TO INVEST IN GOVERNMENT OBLIGATIONS MAY
33 PROPERLY AND LEGALLY INVEST.

34 7. ARE SECURITIES THAT MAY BE DEPOSITED WITH PUBLIC OFFICERS OR
35 BODIES OF THIS STATE AND MUNICIPALITIES AND POLITICAL SUBDIVISIONS OF THIS
36 STATE FOR PURPOSES THAT REQUIRE THE DEPOSIT OF GOVERNMENT BONDS OR
37 OBLIGATIONS.

38 41-2176. Effect of changing circumstances on bonds; agreement
39 of state

40 A. BONDS ISSUED UNDER THIS ARTICLE REMAIN VALID AND BINDING
41 OBLIGATIONS OF THE AUTHORITY NOTWITHSTANDING THAT BEFORE THE DELIVERY OF
42 THE BONDS ANY OF THE PERSONS WHOSE SIGNATURES APPEAR ON THE BONDS CEASE TO
43 BE OFFICERS OF THE AUTHORITY.

1 B. AN AMENDMENT OF ANY PROVISION IN THIS CHAPTER DOES NOT DIMINISH
2 OR IMPAIR THE VALIDITY OF BONDS ISSUED UNDER THIS ARTICLE OR THE REMEDIES
3 AND RIGHTS OF BONDHOLDERS.

4 C. THIS STATE PLEDGES TO AND AGREES WITH THE HOLDERS OF THE BONDS
5 AUTHORIZED BY THIS ARTICLE THAT THIS STATE WILL NOT LIMIT, ALTER OR IMPAIR
6 THE RIGHTS VESTED IN THE AUTHORITY TO RECEIVE THE MONIES NECESSARY TO
7 FULFILL THE TERMS OF ANY AGREEMENTS MADE WITH THE HOLDERS OF THE BONDS, OR
8 IN ANY WAY IMPAIR THE RIGHTS AND REMEDIES OF THE BONDHOLDERS, UNTIL ALL
9 BONDS ISSUED UNDER THIS ARTICLE, TOGETHER WITH INTEREST ON THE BONDS,
10 INTEREST ON ANY UNPAID INSTALLMENTS OF PRINCIPAL OR INTEREST AND ALL COSTS
11 AND EXPENSES IN CONNECTION WITH ANY ACTION OR PROCEEDINGS BY OR ON BEHALF
12 OF THE BONDHOLDERS, ARE FULLY MET AND DISCHARGED. THE BOARD, AS AGENT FOR
13 THIS STATE, MAY INCLUDE THIS PLEDGE AND UNDERTAKING IN ITS RESOLUTIONS AND
14 INDENTURES AUTHORIZING AND SECURING ITS BONDS.

15 41-2177. Validity of bonds; legal opinion

16 A. THIS ARTICLE CONSTITUTES FULL AUTHORITY FOR AUTHORIZING AND
17 ISSUING BONDS WITHOUT REFERENCE TO ANY OTHER LAW OF THIS STATE. NO OTHER
18 LAW WITH REGARD TO AUTHORIZING OR ISSUING OBLIGATIONS OR THAT IN ANY WAY
19 IMPEDES OR RESTRICTS PERFORMING THE ACTS AUTHORIZED BY THIS ARTICLE MAY BE
20 CONSTRUED TO APPLY TO ANY PROCEEDINGS TAKEN OR ACTS DONE PURSUANT TO THIS
21 ARTICLE.

22 B. THE VALIDITY OF BONDS ISSUED UNDER THIS ARTICLE DOES NOT DEPEND
23 ON AND IS NOT AFFECTED BY THE LEGALITY OF ANY PROCEEDING RELATING TO THE
24 ACQUISITION, CONSTRUCTION, IMPROVEMENT, OPERATION OR MAINTENANCE OF A
25 TRANSPORTATION AND TRADE FACILITY FOR WHICH THE BONDS ARE ISSUED.

26 C. THE BOARD MAY SUBMIT ANY BONDS TO BE ISSUED UNDER THIS ARTICLE
27 TO THE ATTORNEY GENERAL AFTER ALL PROCEEDINGS FOR AUTHORIZING THE BONDS
28 HAVE BEEN COMPLETED. ON SUBMISSION, THE ATTORNEY GENERAL SHALL EXAMINE
29 AND PASS ON THE VALIDITY OF THE BONDS AND THE REGULARITY OF THE
30 PROCEEDINGS. IF THE PROCEEDINGS COMPLY WITH THIS ARTICLE, AND IF THE
31 BONDS, WHEN DELIVERED AND PAID FOR, WILL CONSTITUTE BINDING AND LEGAL
32 OBLIGATIONS OF THE AUTHORITY, THE ATTORNEY GENERAL SHALL CERTIFY ON THE
33 BACK OF EACH BOND, IN SUBSTANCE, THAT IT IS ISSUED ACCORDING TO THE
34 CONSTITUTION AND LAWS OF THIS STATE AND THAT THE INTEREST ON THE BONDS
35 WILL BE EXEMPT FROM STATE TAXES AS PROVIDED BY LAW.

36 D. THE BONDS SHALL RECITE THAT THEY ARE REGULARLY ISSUED PURSUANT
37 TO THIS ARTICLE. THAT RECITAL, TOGETHER WITH THE LEGAL OPINION UNDER
38 SUBSECTION C OF THIS SECTION, CONSTITUTES PRIMA FACIE EVIDENCE OF THE
39 LEGALITY AND VALIDITY OF THE BONDS. FROM AND AFTER THE SALE AND DELIVERY
40 OF THE BONDS, THEY ARE INCONTESTABLE BY THIS STATE OR THE AUTHORITY.

