

STATE DEBT

Pursuant to Section 213 of the Constitution of Alabama of 1901, as amended by Amendment 26 (the "Constitutional Budget Amendment") the State is prohibited from incurring debt, and the only method by which general obligation debt of the State can be incurred is by an amendment of the Constitution. Although conventions proposed by the legislature and approved by the electorate may be called for the purpose of amending the Alabama Constitution, all amendments historically have been adopted through a procedure which required them to be proposed by a favorable vote of three-fifths of all members of each house of the legislature and approved by a majority of the voters of the State voting in a statewide election.

The Supreme Court of Alabama has held that the debt prohibition contained in the Constitutional Budget Amendment does not apply to obligations incurred for current operating expenses payable during the current fiscal year, debts incurred by separate public corporations functioning as instrumentalities of the State, or State debt incurred to repel invasion or suppress insurrection. The State may also make temporary loans not exceeding \$300,000 to cover deficits in the State Treasury. Limited obligation debt may be authorized by the Legislature without an amendment to the Constitution. The State has followed the practice of financing certain capital improvement programs (principally for highways, education and improvements to the State docks) through the issuance of limited obligation bonds payable solely out of certain taxes and other revenues specifically pledged for their payment and not from the general revenues of the State. Such limited obligation bonds are not general obligations of the State, and the full faith and credit of the State are not pledged to the payment thereof.

On November 7, 2000 the Alabama voters ratified Amendment 666 that authorized the creation of the Alabama Capital Improvement Trust Fund and the payment debt service on certain general obligation bonds. Transfers into the Alabama Capital Improvement Fund are an amount up to 28% of all Oil and Gas Capital Payments received into the Alabama Trust Fund.

The Legislature (through enabling legislation) and the Governor (by executive order) have created public corporations and authorities of the State for the purpose of financing certain projects and programs such as public highways, public education facilities, judicial facilities, student loans, industrial site preparation grants and surveys, single and multi-family housing, economic development and industrial recruitment, wastewater collection treatment and related facilities, and agricultural development loans. The obligations of such public corporations and authorities are not obligations of the State but are limited obligations of the issuer, payable solely from the revenues pledged for the obligations of each such issuer including, in some cases, earmarked tax revenues and, in other cases, revenues from the projects or programs financed.