

1 HB250
2 216583-6
3 By Representative Hassell
4 RFD: State Government
5 First Read: 03-FEB-22

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ENROLLED, An Act,

Relating to the Alabama Port Authority; to amend Sections 33-1-16 and 33-1-31, Code of Alabama 1975, to authorize the Alabama Port Authority to build intermodal and multi-modal transfer facilities, and to amend Section 33-2-180, Code of Alabama 1975, to revise the definition of dock facilities.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 33-1-16, 33-1-31, and 33-2-180, Code of Alabama 1975, are amended to read as follows:

"§33-1-16.

"(a) The port authority may acquire, own, lease, locate, install, construct, hold, maintain, control, and operate at seaports, and at such other locations within the state as the port authority shall determine is in furtherance of promoting harbours, seaports, and riverports within the state, a line of terminal railroads with necessary sidings, turn outs, spurs, branches, switches, intermodal and multi-modal transfer facilities, yard tracks, bridges, trestles, and causeways, and in connection therewith or appurtenant thereto shall have the further right to lease, install, construct, acquire, own, maintain, control, and use any and every kind or character of motive power and conveyances or appliance necessary or proper to carry

1 passengers, goods, wares, and merchandise over, along, or upon
2 the tracks of the railroads or other conveyances.

3 "(b) The port authority may make agreements as to
4 scale of wages, seniority, and working conditions with
5 locomotive engineers, locomotive firemen, switchmen and switch
6 engine foremen, and hostlers engaged in the operation of the
7 terminal railroads provided for in this section, and the
8 service and equipment pertinent thereto. Should the port
9 authority exercise the power herein given, then it shall be
10 the duty of the port authority to make such agreements with
11 the employees hereinabove specified, in accordance with the
12 act of Congress known as the Railway Labor Act, being 45
13 U.S.C.A. Section 151 et seq., as amended, or as hereafter
14 amended, to the end that the agreements as to seniority and
15 working conditions will obtain as to said employees and the
16 standard rate of pay be provided as are in force relative to
17 like employees of interstate railroads operating in the same
18 territory with terminal railroads authorized hereby.

19 "(c) The port authority may connect its terminal
20 railroads with or cross any other railroad upon the payment of
21 just compensation and may receive, deliver to, and transport
22 the freight, passengers, and cars of common carrier railroads
23 as though it were an ordinary common carrier.

24 "§33-1-31.

1 "The port authority is authorized to formulate and
 2 promulgate rules and regulations for the operation of any
 3 seaport, ~~or harbor,~~ or any asset related to an intermodal or
 4 multi-modal transfer facility owned or operated by the port
 5 authority within the state. Any person, firm, association, or
 6 corporation violating any of the rules and regulations
 7 established or authorized to be established by this chapter
 8 shall be guilty of a Class A misdemeanor and for each offense
 9 shall be subjected to a fine ~~of~~ not exceeding five thousand
 10 dollars (\$5,000) and may also be imprisoned for not more than
 11 one year. Any fines ~~so~~ collected shall be paid to the port
 12 authority and by it placed to the credit of the operating
 13 fund.

14 "§33-2-180.

15 "Where used in this article the following ~~words and~~
 16 terms shall ~~be given~~ have the following respective meanings
 17 unless the context hereof clearly indicates otherwise:

18 "~~(1) CODE. The Code of Alabama 1975, as amended.~~

19 "~~(2)~~ (1) DEPARTMENT. Alabama State Docks Department
 20 created in Chapter 1 of Title 33.

21 "~~(3)~~ (2) DIRECTOR. The Director of State Docks
 22 provided for in Section 33-1-3.

23 "~~(4)~~ (3) DOCKS FACILITIES. Docks and all kinds of
 24 docks facilities, including elevators, compresses, conveyors,
 25 warehouses, water and rail terminals, bulk handling

1 facilities, coal handling facilities, grain elevator
2 facilities, wharves, piles, quays, cold storage facilities,
3 loading and unloading facilities, and other related
4 structures, facilities, equipment, property and improvements
5 of every kind ~~needful~~ necessary for the convenient use of
6 same, in aid of commerce and use of the waterways of the
7 state, ~~now or hereafter existing,~~ that are ~~now or hereafter~~
8 owned or held, or are or are to be under the management and
9 control of the department ~~and are located along navigable~~
10 ~~rivers, streams or waterways now or hereafter existing within~~
11 ~~the state.~~

12 "~~(5)~~ (4) DOCKS FACILITIES REVENUE BONDS. The revenue
13 bonds authorized in Section 33-2-181 to be sold and issued by
14 the department.

15 "~~(6)~~ (5) DOCKS FACILITIES REVENUES. All gross
16 revenues of the department derived from charges made by the
17 department for all services provided by the department to, and
18 for the use of docks facilities by, persons using any of the
19 docks facilities, including all special handling and
20 processing charges, tariffs, surcharges and other fees, but
21 excluding any amounts received by the department from state
22 taxes or licenses or from appropriations to the department
23 made by the state.

24 "~~(7)~~ (6) GOVERNMENT SECURITIES. Any bonds or other
25 obligations which as to principal and interest constitute

1 direct obligations of, or are unconditionally guaranteed by,
2 the United States of America, including obligations of any
3 federal agency to the extent such obligations are
4 unconditionally guaranteed by the United States of America and
5 any certificates or any other evidences of an ownership
6 interest in such obligations of, or unconditionally guaranteed
7 by, the United States of America or in specified portions
8 thereof, ~~which may consist of the principal thereof or the~~
9 interest thereon).

10 "~~(8)~~ (7) INDUSTRIAL BOARD BONDS. Those bonds of the
11 industrial development board, dated February 1, 1981, and
12 issued to provide funds for the construction, lease, ~~and~~
13 purchase of the industrial board project and for other
14 purposes related thereto.

15 "~~(9)~~ (8) INDUSTRIAL BOARD PROJECT. Certain additions
16 to the docks facilities financed through the issuance of the
17 industrial board bonds and leased to the department by the
18 industrial development board pursuant to a lease and agreement
19 dated as of February 1, 1981.

20 "~~(10)~~ (9) INDUSTRIAL DEVELOPMENT BOARD. The
21 Industrial Development Board of the City of Mobile, Alabama, a
22 public corporation and instrumentality that was organized and
23 is existing under the provisions of Act No. 648 enacted at the
24 1949 Regular Session of the Legislature, as amended (codified
25 as §§ 11-54-80 through 11-54-123).

1 "~~(11)~~(10) LEGISLATURE. The Legislature of Alabama.

2 "~~(12)~~(11) OUTSTANDING BONDS. Any docks facilities
3 revenue bonds issued under this article, any refunding bonds
4 issued under this article, the ~~Seaport~~ seaport facility bonds,
5 the state general obligation docks bonds, and the industrial
6 board bonds, at any time issued and outstanding.

7 "~~(13)~~(12) REFUNDING BONDS. Those refunding bonds
8 authorized in Section 33-2-182 to be sold and issued by the
9 department.

10 "~~(14)~~(13) SEAPORT FACILITY BONDS. The department's
11 seaport facility revenue and special excise tax bonds, dated
12 March 1, 1972, issued pursuant to Act No. 64 enacted at the
13 1971 First Special Session of the Legislature, as amended, and
14 the department's seaport facility revenue bonds, Series 1978,
15 dated November 1, 1978, issued pursuant to Act No. 703 enacted
16 at the 1976 Regular Session of the Legislature, as amended.

17 "~~(15)~~(14) STATE. The State of Alabama.

18 "~~(16)~~(15) STATE GENERAL OBLIGATION DOCKS BONDS. The
19 general obligation docks expansion bonds of the state, dated
20 March 1, 1966, the general obligation docks capital extension
21 bonds of the state, dated March 1, 1968, and the general
22 obligation docks facilities bonds, Series 1970, of the state,
23 dated September 1, 1970.

24 "~~(17)~~(16) STATE TREASURER. The State Treasurer of
25 the state."

1 Section 2. This act shall become effective on the
2 first day of the third month following its passage and
3 approval by the Governor, or its otherwise becoming law.

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives
I hereby certify that the within Act originated in
and was passed by the House 15-FEB-22.

Jeff Woodard
Clerk

Senate	10-MAR-22	Passed
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