

HB291 INTRODUCED



1 FI6EDC-1

2 By Representative Givens

3 RFD: Transportation, Utilities and Infrastructure

4 First Read: 11-Apr-23

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SYNOPSIS:

Under existing law, all roads and bridges constructed by certain public corporations established for this purpose, comprise part of the public highway and street system of the state.

This bill would provide that industrial access roads constructed by a public corporation and used for secured entry to an industrial facility shall not constitute a taking of public property.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED
AN ACT

Relating to use of industrial access roads and bridges; to amend Section 23-6-9, Code of Alabama 1975, to exclude certain industrial access roads constructed by certain public corporations from the public highway and street system of the state; and to make nonsubstantive, technical revisions to update the existing code language to current style.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:



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29 Section 1. Section 23-6-9, Code of Alabama 1975, is
30 amended to read as follows:

31 "§23-6-9

32 (a) The proceeds of all bonds, other than refunding
33 bonds, issued by the corporation, remaining after paying the
34 expenses of their issuance, shall be turned into the treasury,
35 shall be carried in a special industrial access road and
36 bridge construction account, and shall be available to be
37 drawn upon by the corporation, upon the approval of the State
38 Department of Transportation and the Governor, but solely for
39 the purpose of constructing, reconstructing, and relocating
40 industrial access roads and bridges, ~~and work~~ incidental or
41 related ~~theretowork~~, ~~including~~ and the acquisition of necessary
42 property ~~necessary therefor~~. ~~Moneys~~ Monies on deposit in the
43 industrial access road and bridge construction account shall
44 be invested by the State Treasurer at the direction of the
45 corporation in permitted investments which mature at such time
46 or times as the corporation shall direct. Net interest income
47 earned from the investment of bond proceeds deposited into the
48 industrial access road and bridge construction account shall
49 be deposited as received by the State Treasurer into the state
50 Public Road and Bridge Fund to be used for state highway
51 purposes.

52 (b) (1) The proceeds from the sale of any refunding
53 bonds of the corporation remaining after paying the expenses
54 of their issuance shall be used only for the purpose of
55 refunding outstanding bonds of the corporation and of paying
56 any premium that may be necessary to be paid in order to



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57 redeem or retire the bonds to be refunded.

58 (2) Bonds refunded prior to their maturity with the
59 proceeds of refunding bonds shall be defeased if the
60 corporation, in its proceedings regarding issuance of the
61 refunding bonds provides for and establishes a trust or escrow
62 fund comprised of ~~moneys~~monies or government securities, or
63 both, sufficient to pay, when due, the entire principal of,
64 premium, if any, and interest on the refunded bonds; provided,
65 that such government securities shall not be subject to
66 redemption prior to their maturities other than at the option
67 of the holder thereof.

68 (3) Upon the establishment of ~~such a~~the trust or escrow
69 fund, the refunded bonds shall:

70 a. No~~ne~~ longer be deemed to be outstanding, ~~shall no~~;

71 b. No longer be secured by the funds pledged therefor
72 in Section 23-6-10 of this chapter, ~~shall no~~;

73 c. No longer be obligations of the corporation; and

74 d. Be~~shall be~~ secured solely by and payable from
75 ~~moneys~~monies and government securities deposited in such trust
76 or escrow fund.

77 (c) (1) All contracts of the corporation for the
78 construction, reconstruction, ~~and~~ relocation of industrial
79 access roads and bridges, ~~work~~ incidental or related
80 ~~thereto~~work, and the acquisition of necessary property
81 ~~necessary therefor~~, shall be as follows:

82 a. be in~~in~~ writing.

83 ~~, shall be subject~~ b. Subject to the rules and
84 regulations, ~~and shall be let under the supervision~~ of the



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85 State Department of Transportation.

86 ~~, and shall be subject~~c. Subject to approval by the
87 Governor and by the State Department of Transportation.

88 (2) All work provided for in any such contract shall be
89 supervised by the State Department of Transportation.

90 (d) All ~~persons~~individuals engaged in the supervision
91 or performance of any ~~such~~ work of construction,
92 reconstruction, or relocation that ~~may be done~~is undertaken by
93 the corporation without the award of a contract ~~therefor~~ shall
94 be employees of the State Department of Transportation.

95 (e) Any property acquired by the corporation by
96 purchase, condemnation, or otherwise shall be acquired in the
97 name of the state or shall be forthwith conveyed to the state.

98 (f) All roads and bridges constructed by the
99 corporation shall constitute part of the public highway and
100 street system of the state. However, a private facility may
101 establish reasonable security controls on a constructed access
102 roadway, in cooperation with local law enforcement agencies,
103 for the protection of its facility and employees, including
104 but not limited to an access gate, turn around lane, or
105 enclosed structure. These security controls shall not be
106 considered a privatization of the public roadway.

107 (g) There is ~~hereby~~ appropriated so much of the bond
108 proceeds as may be necessary for the construction of
109 industrial access roads and bridges in the state."

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