

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

SYNOPSIS: This bill would authorize the Alabama Port Authority to build intermodal and multi-modal facilities in addition to the other facilities currently authorized.

Under existing law, the definition of dock facilities is limited to facilities located on navigable rivers, streams, or waterways.

This bill would amend the definition of dock facilities to no longer being limited to facilities located on navigable rivers, streams, or waterways.

A BILL
TO BE ENTITLED
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

1 33-2-180, Code of Alabama 1975, to revise the definition of
2 dock facilities.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

6 "§33-1-16.

7 "(a) The port authority may acquire, own, lease,
8 locate, install, construct, hold, maintain, control, and
9 operate at seaports, and at such other locations within the
10 state as the port authority shall determine is in furtherance
11 of promoting harbours, seaports, and riverports within the
12 state, a line of terminal railroads with necessary sidings,
13 turn outs, spurs, branches, switches, intermodal and
14 multi-modal transfer facilities, yard tracks, bridges,
15 trestles, and causeways, and in connection therewith or
16 appurtenant thereto shall have the further right to lease,
17 install, construct, acquire, own, maintain, control, and use
18 any and every kind or character of motive power and
19 conveyances or appliance necessary or proper to carry
20 passengers, goods, wares, and merchandise over, along, or upon
21 the tracks of the railroads or other conveyances.

22 "(b) The port authority may make agreements as to
23 scale of wages, seniority, and working conditions with
24 locomotive engineers, locomotive firemen, switchmen and switch
25 engine foremen, and hostlers engaged in the operation of the
26 terminal railroads provided for in this section, and the
27 service and equipment pertinent thereto. Should the port

1 authority exercise the power herein given, then it shall be
2 the duty of the port authority to make such agreements with
3 the employees hereinabove specified, in accordance with the
4 act of Congress known as the Railway Labor Act, being 45
5 U.S.C.A. Section 151 et seq., as amended, or as hereafter
6 amended, to the end that the agreements as to seniority and
7 working conditions will obtain as to said employees and the
8 standard rate of pay be provided as are in force relative to
9 like employees of interstate railroads operating in the same
10 territory with terminal railroads authorized hereby.

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

16 "§33-1-31.

17 "The port authority is authorized to formulate and
18 promulgate rules and regulations for the operation of any
19 seaport, ~~or~~ harbor, or any asset related to an intermodal or
20 multi-modal transfer facility owned or operated by the port
21 authority within the state. Any person, firm, association, or
22 corporation violating any of the rules and regulations
23 established or authorized to be established by this chapter
24 shall be guilty of a Class A misdemeanor and for each offense
25 shall be subjected to a fine ~~of~~ not exceeding five thousand
26 dollars (\$5,000) and may also be imprisoned for not more than
27 one year. Any fines ~~so~~ collected shall be paid to the port

1 authority and by it placed to the credit of the operating
2 fund.

3 "§33-2-180.

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

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

8 "~~(2)~~ (1) DEPARTMENT. Alabama State Docks Department
9 created in Chapter 1 of Title 33.

10 "~~(3)~~ (2) DIRECTOR. The Director of State Docks
11 provided for in Section 33-1-3.

12 "~~(4)~~ (3) DOCKS FACILITIES. Docks and all kinds of
13 docks facilities, including elevators, compresses, conveyors,
14 warehouses, water and rail terminals, bulk handling
15 facilities, coal handling facilities, grain elevator
16 facilities, wharves, piles, quays, cold storage facilities,
17 loading and unloading facilities, and other related
18 structures, facilities, equipment, property and improvements
19 of every kind ~~needful~~ necessary for the convenient use of
20 same, in aid of commerce and use of the waterways of the
21 state, ~~now or hereafter existing,~~ that are ~~now or hereafter~~
22 owned or held, or are or are to be under the management and
23 control of the department ~~and are located along navigable~~
24 ~~rivers, streams or waterways now or hereafter existing within~~
25 ~~the state.~~

1 "~~(5)~~(4) DOCKS FACILITIES REVENUE BONDS. The revenue
2 bonds authorized in Section 33-2-181 to be sold and issued by
3 the department.

4 "~~(6)~~(5) DOCKS FACILITIES REVENUES. All gross
5 revenues of the department derived from charges made by the
6 department for all services provided by the department to, and
7 for the use of docks facilities by, persons using any of the
8 docks facilities, including all special handling and
9 processing charges, tariffs, surcharges and other fees, but
10 excluding any amounts received by the department from state
11 taxes or licenses or from appropriations to the department
12 made by the state.

13 "~~(7)~~(6) GOVERNMENT SECURITIES. Any bonds or other
14 obligations which as to principal and interest constitute
15 direct obligations of, or are unconditionally guaranteed by,
16 the United States of America, including obligations of any
17 federal agency to the extent such obligations are
18 unconditionally guaranteed by the United States of America and
19 any certificates or any other evidences of an ownership
20 interest in such obligations of, or unconditionally guaranteed
21 by, the United States of America or in specified portions
22 thereof, l (which may consist of the principal thereof or the
23 interest thereon).

24 "~~(8)~~(7) INDUSTRIAL BOARD BONDS. Those bonds of the
25 industrial development board, dated February 1, 1981, and
26 issued to provide funds for the construction, lease, l and

1 purchase of the industrial board project and for other
2 purposes related thereto.

3 "~~(9)~~(8) INDUSTRIAL BOARD PROJECT. Certain additions
4 to the docks facilities financed through the issuance of the
5 industrial board bonds and leased to the department by the
6 industrial development board pursuant to a lease and agreement
7 dated as of February 1, 1981.

8 "~~(10)~~(9) INDUSTRIAL DEVELOPMENT BOARD. The
9 Industrial Development Board of the City of Mobile, Alabama, a
10 public corporation and instrumentality that was organized and
11 is existing under the provisions of Act No. 648 enacted at the
12 1949 Regular Session of the Legislature, as amended (codified
13 as §§ 11-54-80 through 11-54-123).

14 "~~(11)~~(10) LEGISLATURE. The Legislature of Alabama.

15 "~~(12)~~(11) OUTSTANDING BONDS. Any docks facilities
16 revenue bonds issued under this article, any refunding bonds
17 issued under this article, the ~~Seaport~~ seaport facility bonds,
18 the state general obligation docks bonds, and the industrial
19 board bonds, at any time issued and outstanding.

20 "~~(13)~~(12) REFUNDING BONDS. Those refunding bonds
21 authorized in Section 33-2-182 to be sold and issued by the
22 department.

23 "~~(14)~~(13) SEAPORT FACILITY BONDS. The department's
24 seaport facility revenue and special excise tax bonds, dated
25 March 1, 1972, issued pursuant to Act No. 64 enacted at the
26 1971 First Special Session of the Legislature, as amended, and
27 the department's seaport facility revenue bonds, Series 1978,

1 dated November 1, 1978, issued pursuant to Act No. 703 enacted
2 at the 1976 Regular Session of the Legislature, as amended.

3 "~~(15)~~(14) STATE. The State of Alabama.

4 "~~(16)~~(15) STATE GENERAL OBLIGATION DOCKS BONDS. The
5 general obligation docks expansion bonds of the state, dated
6 March 1, 1966, the general obligation docks capital extension
7 bonds of the state, dated March 1, 1968, and the general
8 obligation docks facilities bonds, Series 1970, of the state,
9 dated September 1, 1970.

10 "~~(17)~~(16) STATE TREASURER. The State Treasurer of
11 the state."

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