1   D76BHT-1

2   By Senators Albritton, Elliott

3   RFD: Finance and Taxation General Fund

4   First Read: 11-Apr-23

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4   SYNOPSIS:

5   Under existing law, all roads and bridges

6   constructed by certain public corporations established

7   for this purpose, comprise part of the public highway

8   and street system of the state.

9   This bill would provide that industrial access

10   roads constructed by a public corporation and used for

11   secured entry to an industrial facility shall not

12   constitute a taking of public property.

13   This bill would also make nonsubstantive,

14   technical revisions to update the existing code

15   language to current style.

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18   A BILL

19   TO BE ENTITLED

20   AN ACT

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22   Relating to use of industrial access roads and bridges;

23   to amend Section 23-6-9, Code of Alabama 1975, to exclude

24   certain industrial access roads constructed by certain public

25   corporations from the public highway and street system of the

26   state; and to make nonsubstantive, technical revisions to

27   update the existing code language to current style.

28   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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 ~~thereto~~work, ~~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

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~~no~~ 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

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.