

SB192 ENROLLED



1 D76BHT-2
2 By Senators Albritton, Elliott
3 RFD: Finance and Taxation General Fund
4 First Read: 11-Apr-23
5 2023 Regular Session



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1 Enrolled, An Act,

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4 Relating to use of industrial access roads and bridges;
5 to amend Section 23-6-9, Code of Alabama 1975, to exclude
6 certain industrial access roads constructed by certain public
7 corporations from the public highway and street system of the
8 state; to provide for certain roads to be considered an
9 industrial access road for purposes of this chapter; and to
10 make nonsubstantive, technical revisions to update the
11 existing code language to current style.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15 "§23-6-9

16 (a) The proceeds of all bonds, other than refunding
17 bonds, issued by the corporation, remaining after paying the
18 expenses of their issuance, shall be turned into the treasury,
19 shall be carried in a special industrial access road and
20 bridge construction account, and shall be available to be
21 drawn upon by the corporation, upon the approval of the State
22 Department of Transportation and the Governor, but solely for
23 the purpose of constructing, reconstructing, and relocating
24 industrial access roads and bridges, ~~and work~~ incidental or
25 related ~~thereto~~ work, ~~including~~ and the acquisition of necessary
26 property ~~necessary therefor~~. ~~Moneys~~ Monies on deposit in the
27 industrial access road and bridge construction account shall
28 be invested by the State Treasurer at the direction of the



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29 corporation in permitted investments which mature at such time
30 or times as the corporation shall direct. Net interest income
31 earned from the investment of bond proceeds deposited into the
32 industrial access road and bridge construction account shall
33 be deposited as received by the State Treasurer into the state
34 Public Road and Bridge Fund to be used for state highway
35 purposes.

36 (b) (1) The proceeds from the sale of any refunding
37 bonds of the corporation remaining after paying the expenses
38 of their issuance shall be used only for the purpose of
39 refunding outstanding bonds of the corporation and of paying
40 any premium that may be necessary to be paid in order to
41 redeem or retire the bonds to be refunded.

42 (2) Bonds refunded prior to their maturity with the
43 proceeds of refunding bonds shall be defeased if the
44 corporation, in its proceedings regarding issuance of the
45 refunding bonds provides for and establishes a trust or escrow
46 fund comprised of ~~monies~~monies or government securities, or
47 both, sufficient to pay, when due, the entire principal of,
48 premium, if any, and interest on the refunded bonds; provided,
49 that such government securities shall not be subject to
50 redemption prior to their maturities other than at the option
51 of the holder thereof.

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

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

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



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57 c. No longer be obligations of the corporation; and
58 d. Be~~shall be~~ secured solely by and payable from
59 ~~monneys~~monies and government securities deposited in such trust
60 or escrow fund.

61 (c) (1) All contracts of the corporation for the
62 construction, reconstruction, ~~and~~-relocation of industrial
63 access roads and bridges, ~~work~~-incidental or related
64 ~~thereto~~work, and the acquisition of necessary property
65 ~~necessary therefor~~, shall be as follows:

66 a. be inIn writing.

67 ~~, shall be subject~~b. Subject to the rules and
68 regulations, ~~and shall be let under the supervision~~ of the
69 State Department of Transportation.

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

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

74 (d) All ~~persons~~individuals engaged in the supervision
75 or performance of any ~~such~~-work of construction,
76 reconstruction, or relocation that ~~may be done~~is undertaken by
77 the corporation without the award of a contract ~~therefor~~ shall
78 be employees of the State Department of Transportation.

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

82 (f) All roads and bridges constructed by the
83 corporation shall constitute part of the public highway and
84 street system of the state. However, a private facility may



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85 establish reasonable security controls on a constructed access
86 roadway, in cooperation with local law enforcement agencies,
87 for the protection of its facility and employees, including
88 but not limited to an access gate, turn around lane, or
89 enclosed structure. These security controls shall not be
90 considered a privatization of the public roadway.

91 (g) Notwithstanding any other provision of law to the
92 contrary, a road constructed by or for a business entity
93 pursuant to an executed project agreement with the state in
94 accordance with Section 40-18-374 shall be considered an
95 industrial access road and bridge for purposes of this chapter
96 and may be owned by the business entity.

97 (h) There is ~~hereby~~ appropriated so much of the bond
98 proceeds as may be necessary for the construction of
99 industrial access roads and bridges in the state."

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



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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB192
Senate 25-Apr-23
I hereby certify that the within Act originated in and passed
the Senate.

Patrick Harris,
Secretary.

House of Representatives
Amended and passed: 31-May-23

Senate concurred in House amendment 31-May-23

By: Senator Albritton