

1 SB169
2 208714-5
3 By Senators Figures, Williams and Sessions
4 RFD: Governmental Affairs
5 First Read: 02-FEB-21

1 SB169

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4 ENROLLED, An Act,

5 Relating to the Alabama State Port Authority; to
6 amend Sections 33-1-3 and 33-1-39, Code of Alabama 1975; to
7 provide for an increase in the number of executive level
8 employees which the director is entitled to appoint; to
9 provide that the commercial terms of certain contracts entered
10 into by the Port Authority are exempt from certain state laws
11 limiting confidentiality, with exceptions; and to make
12 nonsubstantive, technical revisions to update the existing
13 code language to current style.

14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

15 Section 1. Section 33-1-3, Code of Alabama 1975, is
16 amended to read as follows:

17 "§33-1-3.

18 "The chief executive officer of the port authority
19 shall be known as the Director of the Alabama State Port
20 Authority. The director ~~shall have no~~ may not have any
21 financial interest in any harbor facilities or property that
22 the port authority or its predecessors have acquired or may
23 acquire or manage, ~~nor shall the director~~ and may not have any
24 financial or personal interest in any business or enterprise
25 of any sort which ~~shall interfere~~ interferes or ~~be is~~

1 inconsistent with his or her duties as director. The duties of
2 the director shall be as follows:

3 "(1) Exercise the chief executive authority of the
4 port authority, and exercise, consistent with this chapter and
5 other applicable law, all the powers, authority, and duties
6 vested by this chapter or other applicable law in the port
7 authority.

8 "(2) Appoint, with the advice and consent of the
9 board of directors of the port authority, no more than ~~nine~~
10 ~~persons~~ 11 individuals as executive level employees. These
11 ~~persons~~ individuals shall be non-merit system employees and
12 may replace current Merit System executive level employees who
13 retire or otherwise leave the employment of the port
14 authority. The director shall fix the salaries of these
15 non-merit system executive level employees giving due
16 consideration to the salaries of comparable positions in other
17 states and in private industries. These non-merit system
18 executive level employees, though not participants in the
19 classified service of the state under the Merit System Act,
20 shall be entitled to the other benefits, including, but not
21 limited to, retirement, sick and annual leave, and insurance
22 benefits afforded other state employees, except that the board
23 of directors of the port authority may provide and fund an
24 alternate benefit package for them.

1 "(3) Employ, with the advice and consent of the
2 board of directors of the port authority, all ~~persons~~
3 individuals necessary to the efficient operation of the
4 Alabama State Port Authority, including a secretary-treasurer,
5 fix their conditions of employment and tenure in office, and
6 be responsible for the efficient discharge of their duties.

7 Section 2. Section 33-1-39, Code of Alabama 1975, is
8 amended to read as follows:

9 "§33-1-39.

10 "(a) All contracts of the Alabama State Docks
11 Department, now known as the Alabama State Port Authority,
12 shall be in writing to precisely the same extent, and shall be
13 approved and executed in precisely the same manner, as such
14 contracts are on August 1, 2000, except that, where approval
15 of the Governor has been required, approval of the board shall
16 henceforth be required instead.

17 "(b) (1) Notwithstanding any other provision of law,
18 the terms of any contract or agreement entered into with a
19 customer of the authority in the course of the authority's
20 business, whether before or after the effective date of the
21 act adding this subdivision, and any report or other record,
22 that would disclose customer-specific information with respect
23 to cargo volume, shipping prices, or other information that
24 would put the authority or any of its customers at a
25 competitive disadvantage, shall be exempt from the

1 requirements of the laws of the state restricting
2 confidentiality of documents or records, including, but not
3 limited to, any open records or similar law.

4 "(2) The exemption in this subsection shall not
5 apply to any of the following:

6 "a. The existence of any contract or agreement
7 exempted under subdivision (1).

8 "b. The terms of any financing instrument entered
9 into by the authority, as borrower or guarantor.

10 "c. The base, fixed rents due under any lease of
11 real property by or from the authority.

12 "(3) Upon request, the authority shall furnish a
13 copy of an contract or agreement exempted under subdivision
14 (1), but shall redact the commercial terms and other portions
15 exempted under subdivision (1)."

16 Section 3. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB169

Senate 11-FEB-21

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,
Secretary.

House of Representatives
Passed: 01-APR-21

By: Senator Figures