

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

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

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

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

23 "§33-1-3.

24 "The chief executive officer of the port authority  
25 shall be known as the Director of the Alabama State Port  
26 Authority. The director ~~shall have no~~ may not have any  
27 financial interest in any harbor facilities or property that

1 the port authority or its predecessors have acquired or may  
2 acquire or manage, ~~nor shall the director~~ and may not have any  
3 financial or personal interest in any business or enterprise  
4 of any sort which ~~shall interfere~~ interferes or ~~be~~ is  
5 inconsistent with his or her duties as director. The duties of  
6 the director shall be as follows:

7 "(1) Exercise the chief executive authority of the  
8 port authority, and exercise, consistent with this chapter and  
9 other applicable law, all the powers, authority, and duties  
10 vested by this chapter or other applicable law in the port  
11 authority.

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

1 of directors of the port authority may provide and fund an  
2 alternate benefit package for them.

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

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

11 "§33-1-39.

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

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

Read for the first time and referred to the Senate  
committee on Governmental Affairs..... 02-FEB-21

Read for the second time and placed on the calen-  
dar 1 amendment..... 09-FEB-21

Read for the third time and passed as amended .... 11-FEB-21

Yeas 24  
Nays 0

Patrick Harris,  
Secretary.