

1 HB70
2 105732-1
3 By Representatives Ward and McCutcheon
4 RFD: Government Operations
5 First Read: 12-JAN-10
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8 SYNOPSIS: This bill establishes the Alabama
9 Transportation Commission and provides for the
10 members, the manner of selection of members, terms,
11 qualifications, duties, responsibilities,
12 compensation, and expenses of the commission. This
13 bill would further provide for: the salary,
14 appointment, qualifications, and authority of the
15 Director of the Department of Transportation; the
16 approval of the director's appointment of a chief
17 engineer; the department's legal division functions
18 and duties; the records maintained by the
19 department; the seals and the power to administer
20 oaths; roads located on state institutions; the
21 procurement of equipment; the director's authority
22 to execute contracts and supplemental contracts for
23 road and bridge construction, maintenance, and
24 repair; and a requirement that the newly created
25 Alabama Transportation Commission approve the
26 letting of contracts for the construction, repair,
27 or renewals of highways, bridges, or culverts in

1 the state. The bill would also prohibit members of
2 the Alabama Transportation Commission from having
3 an interest in any contract for the construction,
4 repair, or maintenance of any road or bridge in
5 this state and would further provide for the
6 promulgation of department rules and the receipt
7 and disbursement of department funds. This bill would
8 amend Section 23-1-249, Code of Alabama 1975, to
9 delete the authority of the director regarding the
10 promulgation of rules and regulations for junkyard
11 control and Section 23-1-286, Code of Alabama 1975,
12 to provide that the authority currently exercised
13 by the director regarding the promulgation of
14 outdoor advertising rules would be exercised by the
15 commission. This bill would also repeal Section
16 23-1-41, Code of Alabama 1975, regarding
17 self-insurance for department employees, and
18 Section 23-1-63, Code of Alabama 1975, relating to
19 the limitation of obligations on the inauguration
20 date of the incoming Governor.

21
22 A BILL

23 TO BE ENTITLED

24 AN ACT

25
26 To establish the Alabama Transportation Commission
27 and provide for the members, the manner of selection of

1 members, terms, qualifications, duties, responsibilities,
2 compensation, and expenses of the commission; to amend
3 Sections 23-1-21 and 23-1-21.2, Code of Alabama 1975, relating
4 to the salary, appointment, qualifications, and authority of
5 the Director of the Department of Transportation; Section
6 23-1-22, Code of Alabama 1975, regarding the approval of the
7 director's appointment of a chief engineer; Section 23-1-30,
8 Code of Alabama 1975, regarding the department's legal
9 division functions and duties; Section 23-1-34, Code of
10 Alabama 1975, regarding the records maintained by the
11 department; Section 23-1-39, Code of Alabama 1975, regarding
12 seals and the power to administer oaths; Section 23-1-42, Code
13 of Alabama 1975, regarding roads located on state
14 institutions; Section 23-1-50, Code of Alabama 1975, regarding
15 procurement of equipment; Sections 23-1-54 and 23-1-60, Code
16 of Alabama 1975, regarding the director's authority to execute
17 contracts and supplemental contracts for the road and bridge
18 construction, maintenance, and repair; Section 23-1-55, Code
19 of Alabama 1975, requiring that the newly created Alabama
20 Transportation Commission approve the letting of contracts for
21 the construction, repair, or renewals of highways, bridges, or
22 culverts in the state; Section 23-1-58, Code of Alabama 1975,
23 to prohibit members of the Alabama Transportation Commission
24 from having an interest in any contract for the construction,
25 repair, or maintenance of any road or bridge in this state;
26 Section 23-1-59, Code of Alabama 1975, regarding the
27 promulgation of department rules; Section 23-1-61, Code of

1 Alabama 1975, regarding the receipt and disbursal of
2 department funds; Section 23-1-249, Code of Alabama 1975, to
3 delete the authority of the director regarding the
4 promulgation of junkyard control rules and regulations; and
5 Section 23-1-286, Code of Alabama 1975, to provide that the
6 authority to promulgate outdoor advertising rules would be
7 granted to the commission; to repeal Section 23-1-41, Code of
8 Alabama 1975, regarding self-insurance for department
9 employees, and Section 23-1-63, Code of Alabama 1975, relating
10 to the limitation of obligations on the inauguration date of
11 the incoming Governor.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Sections 23-1A-1, 23-1A-2, and 23-1A-3
14 are added to the Code of Alabama 1975, to read as follows:

15 §23-1A-1.

16 (a) There shall be an Alabama Transportation
17 Commission which shall consist of five members, who shall be
18 initially appointed by the Governor for terms of six, five,
19 four, three, and two years, respectively. Initial commission
20 members shall be appointed within 30 days of the effective
21 date of this act which appointments shall be effective upon
22 the date of the last appointment. Thereafter, members of the
23 commission shall be appointed by the Governor for six-year
24 terms.

25 (b) A member of the commission may not serve
26 consecutive terms. The membership of the commission shall
27 reflect the racial, gender, geographic, urban/rural, and

1 economic diversity of the state. The commission shall report
2 to the Legislature by the second legislative day of each
3 regular session the extent to which the membership of the
4 commission has met the diversity requirements of this
5 provision. Members of the commission shall be appointed by the
6 Governor as follows:

7 (1) One member from the northern region of this
8 state consisting of the following counties: Blount, Calhoun,
9 Cherokee, Cleburne, Colbert, Cullman, DeKalb, Etowah, Fayette,
10 Franklin, Jackson, Lamar, Lauderdale, Lawrence, Limestone,
11 Madison, Marion, Morgan, Marshall, St. Clair, Walker, and
12 Winston.

13 (2) One member from the central region of this state
14 consisting of the following counties: Bibb, Chambers, Chilton,
15 Clay, Coosa, Greene, Hale, Jefferson, Lee, Perry, Pickens,
16 Randolph, Russell, Shelby, Sumter, Talladega, Tallapoosa, and
17 Tuscaloosa.

18 (3) One member from the southern region of this
19 state consisting of the following counties: Autauga, Baldwin,
20 Barbour, Bullock, Butler, Choctaw, Clarke, Coffee, Conecuh,
21 Covington, Crenshaw, Dale, Dallas, Elmore, Escambia, Geneva,
22 Henry, Houston, Lowndes, Macon, Marengo, Mobile, Monroe,
23 Montgomery, Pike, Washington, and Wilcox.

24 "(4) Two members from the state at-large, who at the
25 time of appointment shall not be a resident of the same
26 Congressional district as another member.

1 (c) A member of the commission shall have at least
2 10 years' experience in a business or profession of which at
3 least five years was in a responsible administrative capacity.
4 All or part of the experience may have been with the United
5 States government, a state, or a political subdivision of a
6 state.

7 (d) If a vacancy in the commission occurs, the
8 Governor shall fill the vacancy by appointment for the
9 unexpired term within 30 days of the vacancy.

10 (e) The members of the commission shall serve
11 part-time in the performance of their official duties, but
12 shall hold no other public office of profit with: (1) A state
13 or political subdivision of a state; (2) a state or local
14 governmental or quasi-governmental commission, agency, board,
15 or authority; or (3) a public corporation created by the
16 Legislature. The members shall not be employed in the
17 roadbuilding industry, as a lobbyist, or as an employee or
18 member of a firm that provides goods or services to the
19 Department of Transportation.

20 (f) The members of the commission shall receive no
21 annual salary but shall receive fifty dollars (\$50) for each
22 day or partial day of actual service, actual travel expenses
23 incurred in the performance of their duties, mileage
24 reimbursement in accordance with state law, and other
25 necessary expenses, including food and lodging, incurred in
26 attending meetings and transacting the business of the
27 commission. The commission members shall be paid from the

1 Department of Transportation funds in the same manner as other
2 expenses of the department are paid.

3 (g) The Governor may remove any member of the
4 commission for immorality, misconduct in office, incompetency
5 or willful neglect of duty, inability to perform the duties of
6 the office, or failure to maintain the citizenship and
7 residency requirements of this section, by giving to the
8 member a copy of the charges against him or her and, upon not
9 less than 10 days' notice, an opportunity of being heard
10 publicly in person or by counsel in his or her own defense. If
11 any member shall be removed, the Governor shall file in the
12 office of the Secretary of State a complete statement of all
13 charges against the member, the findings thereon together with
14 a record of the proceedings.

15 (h) Each member of the commission shall take the
16 constitutional oath of office prescribed by Section 279 of the
17 Constitution of Alabama 1901, now appearing as Section 279 of
18 the Official Recompilation of the Constitution of Alabama of
19 1901, as amended, prior to exercising any authority or
20 performing any duty.

21 §23-1A-2.

22 (a) The Transportation Commission shall meet in
23 regular session at least quarterly, with at least one of the
24 regular sessions held at the central office of the Department
25 of Transportation in Montgomery. At its initial meeting, the
26 commission shall elect a chair. Other meetings may be held as
27 the needs of public transportation may require on dates to be

1 set by the commission in official session or by the chair or
2 by the director on written request of a majority of the
3 commission members. The rules generally adopted by
4 deliberative bodies for their government shall be observed by
5 the commission.

6 (b) A majority of the commission members shall
7 constitute a quorum for the transaction of the official
8 business of the commission. Any power of the commission may be
9 exercised by a majority vote of those members present at any
10 meeting at which there is a quorum.

11 (c) Before entering upon the duties of the office,
12 each commission member shall execute to the state a bond, to
13 be approved by the Governor in an amount fixed by the
14 Governor, for the faithful performance of his or her duties.

15 (d) Necessary supplies, stationery, and equipment
16 shall be provided for the commission by the department.

17 (e) The department shall provide administrative
18 support as necessary to perform the functions of the
19 commission within budgetary limitations.

20 §23-1A-3.

21 The Transportation Commission shall be responsible
22 for and have the authority to assume the following duties:

23 (1) Establish a program of current and long-range
24 planning, including a transportation facilities construction
25 program plan.

26 (2) Establish transportation policies for the
27 guidance and direction of the director.

1 (3) Establish transportation policies for general
2 aviation airports, railways, and waterways.

3 (4) Periodically review the status of the state
4 transportation system.

5 (5) Adopt rules as may be necessary to give full
6 force and effect to any of the provisions of the act adding
7 this section. Except as otherwise provided by law or expressly
8 provided in this subdivision, any rule of the department or
9 commission shall be governed by and subject to the Alabama
10 Administrative Procedure Act. Any rule of the department or
11 the commission regarding design, construction, repair, and
12 maintenance of highways, roads, and bridges, structures, or
13 facilities and relocation assistance shall not be governed by
14 or subject to the Alabama Administrative Procedure Act.

15 (6) Receive all road and bridge funds, and any other
16 funds provided to, on behalf of, or credited to the department
17 from any source.

18 (7) Exercise sole authority to disburse all funds,
19 including, but not limited to, road and bridge funds, and any
20 interest thereon, provided to, on behalf of, or credited to
21 the department, in a manner consistent with state or federal
22 laws, rules, or regulations, which authority may be delegated
23 to the director, in whole or in part.

24 Section 2. Sections 23-1-21, 23-1-21.2, 23-1-22,
25 23-1-30, 23-1-34, 23-1-39, 23-1-42, 23-1-50, 23-1-54, 23-1-55,
26 23-1-58, 23-1-59, 23-1-60, 23-1-61, 23-1-249, and 23-1-286,
27 Code of Alabama 1975, are amended to read as follows:

1 "§23-1-21.

2 "(a) The chief executive officer of the State
3 Department of Transportation shall be known as the Director of
4 Transportation, who shall be appointed by the ~~Governor~~
5 Transportation Commission and shall hold office at the
6 pleasure of the ~~Governor~~. ~~All the powers, authority, and~~
7 ~~duties vested in the State Department of Transportation shall~~
8 ~~be exercised by the Director of Transportation~~ commission.

9 "Before entering upon the duties of office, the
10 Director of Transportation shall execute to the State of
11 Alabama a bond, to be approved by the ~~Governor~~ Transportation
12 Commission, in an amount to be fixed by the ~~Governor~~
13 Transportation Commission, for the faithful performance of his
14 or her duties.

15 "(b) The compensation of the director shall be set
16 by the Transportation Commission at an amount not to exceed
17 fifteen thousand dollars (\$15,000) above the annual salary of
18 the highest paid Department of Transportation Merit System
19 employee, and shall be paid in installments from the State
20 Treasury in the same manner that salaries of other state
21 officers are paid.

22 "(c) The director shall possess the following
23 qualifications:

24 "(1) Good moral character.

25 "(2) Knowledge in public transportation.

1 "(3) Graduation from a college or university
2 accredited by a regional accrediting association recognized by
3 the State Personnel Department.

4 "(4) At least 10 years' experience in an executive
5 or administrative capacity.

6 "(d) In the event of a vacancy in the office of the
7 director, the chief engineer of the department shall serve as
8 acting director until the commission selects a replacement.
9 The Transportation Commission shall name a new director within
10 120 days of a vacancy.

11 "\$23-1-21.2.

12 "(a) The director, acting alone or through, and in
13 cooperation with local entities, ~~is hereby delegated the~~
14 authority to may do all of the following:

15 (1) Enter into agreements with local entities to
16 provide public transportation and to administer any program or
17 programs, whether rural or urban, relative to public
18 transportation resulting from federal transportation
19 legislation. This shall include but not be limited to applying
20 for, accepting, and expending federal public transportation
21 funds in accordance with applicable federal laws and
22 regulations.

23 (2) Enter into agreements with the United States
24 for federal assistance for public transportation.

25 (3) Enter into agreements with local entities to
26 perform and/or cooperate in the performance of transportation
27 planning for public transportation improvements. However, the

1 director shall not perform such planning until such time as
2 the local entities affected enter into agreement with the
3 director to carry out a planning process.

4 "(4) Provide any available technical assistance to
5 local entities for formulating a program of public
6 transportation projects to assure that said projects are in
7 accordance with the comprehensive transportation planning
8 process where such process is established and is a
9 prerequisite for federal assistance.

10 "(5) Administer any state funds authorized from time
11 to time by the Legislature for the purpose of public
12 transportation.

13 ~~"(6) Develop and promulgate such rules and
14 regulations as are determined necessary to insure compliance
15 with federal laws and regulations.~~

16 "(6) Administer any federal funds received by the
17 department for the purpose of public transportation.

18 "(7) Administer any and all funds, including any
19 interest thereon, deposited into the State Road and Bridge
20 Fund.

21 "(b) In addition to the duties listed in subsection
22 (a), the director shall do the following:

23 "(1) Administer the policies promulgated by the
24 commission.

25 "(2) Supervise all administrative and technical
26 activities of the department.

27 "(3) Organize the offices of the department.

1 "(4) Coordinate the activities of the various
2 offices of the department.

3 "(5) Recommend studies and investigations subject to
4 commission approval as may be appropriate and execute the
5 approved recommendations in conjunction with the various
6 offices.

7 "(6) Have day-to-day supervision over all
8 transportation matters relating to the construction or
9 maintenance of the state highways, letting of contracts
10 therefor, the selection of materials to be used in the
11 construction of state highways, and, in accordance with Merit
12 System laws and regulations for Merit System employees, the
13 employment, promotion, demotion, reprimand, suspension,
14 termination, reassignment, transfer, moving, or relocation of
15 all personnel not specifically authorized by statute to be
16 employed by the commission. The director may authorize the
17 payment of expenses of any personnel reassigned, transferred,
18 moved, or relocated in accordance with state law as provided
19 in Sections 36-7-40 and 36-7-41.

20 "(7) Execute all contracts and agreements in the
21 name of the state.

22 "(8) Implement the transportation facilities
23 construction program as recommended by the Transportation
24 Commission.

25 "(9) Provide assistance and information to the
26 Transportation Commission as requested.

1 "(10) Other duties as assigned or delegated by the
2 Transportation Commission.

3 "§23-1-22.

4 "(a) There is hereby created within the State
5 Department of Transportation the position of chief engineer,
6 which shall be filled by appointment by the Director of
7 Transportation, with the approval of the ~~Governor~~
8 Transportation Commission. Such appointment shall also be
9 subject to approval by the State Board of Registration for
10 Engineers and Land Surveyors. The salary of the chief engineer
11 shall be as determined pursuant to Chapter 6 of Title 36, and
12 ~~he~~ the chief engineer shall be allowed traveling expenses when
13 traveling on business of the state pursuant to Article 2 of
14 Chapter 7 of Title 36, all to be paid from funds of the State
15 Department of Transportation as salaries and expenses of other
16 State Department of Transportation employees are paid. The
17 chief engineer shall give bond for the faithful performance of
18 his or her duties in an amount to be approved by the Governor.

19 "(b) The chief engineer shall serve under the
20 direction of the Director of Transportation and otherwise be
21 entitled to all the privileges and responsibilities as other
22 Merit System employees, and his or her service and removal
23 shall be subject to the state Merit System regulations.

24 "§23-1-30.

25 "The functions and duties of the legal division of
26 the State Department of Transportation shall, as all other
27 assistant attorneys general, include the following:

1 "(1) To advise the Transportation Commission and the
2 Director of Transportation and other personnel of the State
3 Department of Transportation on the legal aspects of all State
4 Department of Transportation business;

5 "(2) To examine and advise as to the legality of all
6 contracts and agreements entered into by the State Department
7 of Transportation or the Director of Transportation;

8 "(3) To take all legal action necessary or desirable
9 in the acquisition of rights-of-way for state and interstate
10 highways;

11 "(4) To appear in court as attorney for the State of
12 Alabama and the State Department of Transportation in the
13 acquisition of rights-of-way for state and interstate
14 highways; and

15 "(5) To represent the Transportation Commission,
16 State Department of Transportation, and the Director of
17 Transportation in all legal proceedings to which the
18 Transportation Commission, State Department of Transportation,
19 or the Director of Transportation is a party.

20 "§23-1-34.

21 "The State Department of Transportation shall keep
22 on file in its office copies of all plans and specifications
23 prepared by the State Department of Transportation, in
24 accordance with Section 41-13-21, and the files and records of
25 such department shall, under reasonable regulations, be kept
26 open for inspection of the public at all reasonable hours.

1 Certified copies of records shall be received in evidence in
2 all the courts of this state.

3 "§23-1-39.

4 "The State Department of Transportation shall have a
5 seal and the director shall have the power to administer
6 oaths, take affidavits, and make certificates.

7 "§23-1-42.

8 "(a) The roads and streets, drives and parking areas
9 located on the campus of any state institution of higher
10 learning, the Alabama state hospitals, the Partlow State
11 School and Hospital and the Alabama Agricultural Center in the
12 City of Montgomery shall be deemed a part of the state highway
13 system and may be constructed, maintained and repaired by the
14 State Department of Transportation in the same manner as other
15 highways and roads in the state highway system.

16 "(b) The State Department of Transportation ~~or the~~
17 ~~director thereof is hereby authorized and empowered to~~ may
18 expend any funds in the Public Road and Bridge Fund to
19 effectuate the purpose of this section, ~~provided such~~
20 ~~expenditure is first approved by the Governor.~~

21 "§23-1-50.

22 "~~Subject to the provisions of Chapter 4, Title 41,~~
23 ~~the~~ The State Department of Transportation ~~is authorized to~~
24 may rent, construct, or purchase ~~such~~ buildings, stock,
25 machinery, tools, materials, and other equipment as it may
26 find necessary for use in carrying out ~~the provisions of this~~
27 chapter and pay for the same out of the State Highway Fund. It

1 shall also, ~~subject to the provisions of Chapter 4 of Title~~
2 ~~41,~~ pay out of ~~said the~~ fund the necessary expenses of the
3 department of every description, including traveling expenses
4 of the officials and engineers, superintendents, foremen and
5 clerks, etc., while in the actual performance of their duties
6 authorized or imposed by this chapter and also the cost of all
7 supplies or materials furnished for ~~said the~~ department and
8 for the maintenance of all machinery used by the department or
9 its agent.

10 "§23-1-54.

11 "Every contract for road or bridge construction,
12 repair, or maintenance under the provisions of this chapter
13 shall be made in the name of the State of Alabama, ~~approved~~
14 and executed by the Director of the State Department of
15 Transportation ~~and the Governor.~~

16 "§23-1-55.

17 "No contracts for construction, repair, or renewals
18 of highways, bridges, or culverts shall be let without the
19 approval of ~~the Governor~~ Transportation Commission and until
20 after all necessary right-of-way for such highways and right
21 for material for construction and right-of-way for ingress and
22 egress to ~~said the~~ material have been legally procured and all
23 documents covering such procurement have been placed on file
24 with the Director of Transportation.

25 "§23-1-58.

26 "Neither any member of the Transportation
27 Commission, the director, nor any other person in the employ

1 of the Department of Transportation shall be, either directly
2 or indirectly, interested in any contract or agreement for the
3 construction or maintenance of any road or bridge in this
4 state or in the sale of any machinery, material, or anything
5 whatever entering into the construction, repair, or
6 maintenance of the roads and bridges of this state.

7 "§23-1-59.

8 "(a) ~~The State Department of Transportation shall~~
9 ~~have the right and power to~~ Transportation Commission may
10 adopt all reasonable and necessary rules and regulations for
11 the better construction, repair, and maintenance of the public
12 roads and bridges in Alabama under the jurisdiction of the
13 department ~~which the department shall deem proper~~. The
14 director, on behalf of the department, ~~shall have the power to~~
15 may enter into contracts and agreements with the owners or
16 operators of telegraph or telephone lines, community antenna
17 television systems, power transmission lines, gas districts,
18 gas, water, sewer, or other pipelines which are constructed,
19 to be constructed or operated along or across the right-of-way
20 of public roads, bridges, and highways of this state and to
21 prescribe all reasonable rules ~~and regulations~~ as to the
22 construction, repair, or maintenance of the poles, wires, and
23 lines of such telegraph, telephone, community antenna
24 television systems, or power companies and pipelines of gas
25 districts, gas, water, sewer, or other pipeline companies so
26 as to ~~insure~~ provide for the safety of the travelling public
27 in using the roads, bridges, and highways in this state.

1 "~~The State Department of Transportation~~
2 Transportation Commission may prescribe any reasonable rules
3 ~~and regulations~~ so as to prevent unnecessary trespassing upon
4 or injury to any of the public roads, bridges, or highways of
5 the state upon which state money may be expended or
6 appropriated or upon any part of the right-of-way of any of
7 the public roads or highways in the state upon which state
8 money may be expended or appropriated.

9 "~~The State Department of Transportation~~
10 Transportation Commission may prescribe rules ~~and regulations~~
11 as to the weight or tonnage of vehicles to be used upon any of
12 the public roads, bridges, or highways of the state upon which
13 state money may be expended or appropriated, except as may be
14 otherwise provided by law.

15 "~~The State Department of Transportation~~
16 Transportation Commission, in addition to the right,
17 authority, and powers conferred upon it by this title, ~~is~~
18 ~~authorized to~~ may make all such reasonable rules ~~and~~
19 ~~regulations~~ as the ~~department~~ commission may deem necessary to
20 carry out the provisions of this title and comply with federal
21 rules or regulations.

22 "§23-1-60.

23 "The following implementation of the provisions of
24 the State Department of Transportation standard specifications
25 for highways and bridges is hereby adopted as a statutory
26 provision, any and all other laws in conflict notwithstanding:

1 "(1) ALTERATION OF PLANS OR CHARACTER OR WORK. The
2 Director of Transportation ~~shall have the authority to make,~~
3 at any time during the progress of any construction on any
4 highway project under his or her jurisdiction, may make such
5 changes or alterations of construction details, including
6 alterations in grade or alignment of roadway or bridges, or
7 both, as may be necessary or desirable for the successful
8 completion of the project. The aforementioned changes or
9 alterations may or may not increase or decrease the original
10 planned quantities; however, under no circumstances shall
11 changes or alterations involve any work beyond the termini of
12 the original construction project, except as may be necessary
13 to satisfactorily complete the project in the most feasible
14 and economical manner, in the judgment of the Director of
15 Transportation.

16 "(2) EXTRA WORK. The Director of Transportation
17 ~~shall have the authority to~~ may determine the need for new or
18 additional work not contemplated or included in the original
19 construction contract. This new or additional work shall not
20 extend beyond the termini of the original construction
21 project, except as may be necessary to satisfactorily complete
22 the project in the most feasible and economical manner, in the
23 judgment of the Director of Transportation.

24 "(3) SUPPLEMENTAL AGREEMENT OR FORCE ACCOUNT ORDER.
25 The Director of Transportation ~~shall have the authority to~~ may
26 enter into a supplemental contract with the prime contractor,
27 setting forth the estimated quantities of extra work and

1 specifying the unit prices or lump sum agreed upon by the
2 parties involved; provided, that such supplemental contract
3 shall not be subject to any competitive bid laws of this
4 state. If a satisfactory unit price or lump sum cannot be
5 agreed upon, the Director of Transportation shall have the
6 authority to direct that extra work be performed on a force
7 account basis, as defined by the State Department of
8 Transportation standard specifications for highways and
9 bridges.

10 "(4) Every supplemental contract for road or bridge
11 construction, repair, or maintenance under this chapter shall
12 be made in the name of the State of Alabama and executed by
13 the director of the department.

14 "§23-1-61.

15 ~~"There is hereby appropriated to the State~~
16 ~~Department of Transportation for its use the entire net~~
17 ~~revenue derived by the state from the sale of motor vehicle,~~
18 ~~trailer and tractor licenses, and such other appropriations or~~
19 ~~funds received by the State Department of Transportation shall~~
20 ~~be expended and accounted for as provided in this article.~~
21 Said After the effective date of the act adding this language,
22 the Department of Transportation shall be subject to Chapter
23 19, Title 41, the Budget Management Act. The State Highway
24 Fund shall be paid out of the Treasury on the Comptroller's
25 warrant drawn upon presentation to him of the certificate of
26 the department approved by the Governor.

27 "§23-1-249.

1 ~~"The director may:~~

2 ~~"(1) Promulgate regulations he deems necessary to~~
3 ~~implement and enforce provisions of this division; and~~

4 ~~"(2) Enter~~ The director may enter into agreements
5 with the United States Department of Transportation pursuant
6 to Title 23, United States Code, and any amendments thereto,
7 relating to the control of junkyards in areas adjacent to the
8 interstate and primary systems and to take action in the name
9 of the state to comply with the terms of this agreement.

10 "\$23-1-286.

11 ~~"The Director of Transportation Commission is hereby~~
12 ~~authorized to may adopt such rules and regulations as are~~
13 necessary and appropriate to carry out ~~the provisions of this~~
14 division."

15 Section 3. (a) Section 23-1-41 of the Code of
16 Alabama 1975, relating to the self-insurance program for
17 department employees, is repealed.

18 (b) Section 23-1-63 of the Code of Alabama 1975,
19 relating to the limitation of obligations on the inauguration
20 date of the incoming Governor, is repealed.

21 Section 4. Nothing in this act shall be construed to
22 affect the current distribution of interest income generated
23 by any state, federal or local funds under the purview of the
24 Department of Transportation. This section expressly includes
25 interest income deposited into the State General Fund.

26 Section 5. All laws or parts of laws which conflict
27 with this act are repealed.

1 Section 6. This act shall become effective
2 immediately following its passage and approval by the
3 Governor, or its otherwise becoming law.