

1 HB244
2 138515-4
3 By Representative Wren
4 RFD: State Government
5 First Read: 12-FEB-13

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8 SYNOPSIS: Under existing law, various state agencies,
9 departments, boards, and commissions have the
10 authority, with the approval of the State Finance
11 Director, to purchase, lease, operate, and maintain
12 motor vehicles for the purpose of providing
13 necessary motor vehicle transportation for their
14 officers and employees. Also, the state motor pool
15 is administered by the Department of Finance,
16 Division of Service, for the purpose of providing
17 necessary motor vehicle transportation for state
18 officers and employees that do not have motor
19 vehicles regularly assigned to them.

20 Under existing law, the Green Fleets Review
21 Committee oversees compliance with state
22 procurement policies for motor vehicles as defined
23 in Section 41-17A-5, Code of Alabama 1975, as
24 amended.

25 This bill would establish the Office of
26 Fleet Management within the Department of
27 Transportation to manage the purchase, lease,

1 operation, maintenance, and disposal of all motor
2 vehicles needed to provide necessary motor vehicle
3 transportation for state officers and employees.
4 The Office of Fleet Management would be directed by
5 the State Fleet Manager appointed by the
6 Transportation Director.

7 This bill would provide for the powers and
8 duties of the Office of Fleet Management and the
9 State Fleet Manager.

10 This bill would create the Transportation
11 Revolving Fund to provide funding for the operation
12 of the Office of Fleet Management.

13 This bill would provide for motor vehicle
14 transportation pools in the City of Montgomery and
15 other areas of the state as designated by the State
16 Fleet Manager.

17 This bill would provide for regular reports
18 of the operation of the Office of Fleet Management
19 to the Green Fleets Review Committee.

20 This bill would repeal all laws or parts of
21 laws that conflict with this act.

22 This bill would provide for disciplinary
23 action for certain violations, and provides that
24 certain violations constitute a Class C
25 misdemeanor.

26 Amendment 621 of the Constitution of Alabama
27 of 1901, now appearing as Section 111.05 of the

1 Official ReCompilation of the Constitution of
2 Alabama of 1901, as amended, prohibits a general
3 law whose purpose or effect would be to require a
4 new or increased expenditure of local funds from
5 becoming effective with regard to a local
6 governmental entity without enactment by a 2/3 vote
7 unless: it comes within one of a number of
8 specified exceptions; it is approved by the
9 affected entity; or the Legislature appropriates
10 funds, or provides a local source of revenue, to
11 the entity for the purpose.

12 The purpose or effect of this bill would be
13 to require a new or increased expenditure of local
14 funds within the meaning of the amendment. However,
15 the bill does not require approval of a local
16 governmental entity or enactment by a 2/3 vote to
17 become effective because it comes within one of the
18 specified exceptions contained in the amendment.

19
20 A BILL

21 TO BE ENTITLED

22 AN ACT

23
24 To establish the Office of Fleet Management within
25 the Department of Transportation; to provide for the
26 appointment of the State Fleet Manager; to provide for the
27 powers and duties of the Office of Fleet Management and the

1 State Fleet Manager; to create the Transportation Revolving
2 Fund to provide funding for the operation of the Office of
3 Fleet Management; to provide for motor vehicle transportation
4 pools in the City of Montgomery and other areas of the state
5 as designated by the State Fleet Manager; to provide for
6 regular reports of the Office of Fleet Management to the Green
7 Fleets Review Committee; to repeal all laws or parts of law
8 that conflict with this act, specifically Sections 41-17-1 to
9 41-17-9, inclusive, Code of Alabama 1975; and to provide for
10 disciplinary action and Class C misdemeanor punishment for
11 certain violations, and in connection therewith would have as
12 its purpose or effect the requirement of a new or increased
13 expenditure of local funds within the meaning of Amendment 621
14 of the Constitution of Alabama of 1901, now appearing as
15 Section 111.05 of the Official Recompilation of the
16 Constitution of Alabama of 1901, as amended.

17 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18 Section 1. The following terms shall have the
19 following meanings:

20 (1) DEPARTMENT or ALDOT. The Department of
21 Transportation created pursuant to Section 23-1-22 of the Code
22 of Alabama 1975, as amended

23 (2) DIRECTOR. The Director of Transportation
24 provided in Section 23-1-21 of the Code of Alabama 1975, as
25 amended.

26 (3) FLEET or STATE FLEET. All state-owned or leased
27 motor vehicles and facilities.

1 (4) FUND. The Transportation Revolving Fund created
2 pursuant to this act.

3 (5) MOTOR VEHICLE. Any self-propelled device used to
4 provide necessary transportation of the officers and employees
5 of the various state agencies, departments, boards, and
6 commissions.

7 (6) OFFICE or OFM. The Office of Fleet Management
8 created pursuant to this act.

9 (7) STATE AGENCY or AGENCY. Any agency, department,
10 board, commission, committee, corporation, and office of the
11 State of Alabama.

12 (8) STATE FLEET MANAGER or MANAGER. The individual
13 appointed by the director pursuant to this act to administer
14 the provisions of this act and manage the Office of Fleet
15 Management.

16 Section 2. (a) The Office of Fleet Management is
17 created within the Department of Transportation. The OFM shall
18 manage the acquisition, purchase, lease, operation,
19 maintenance, and disposal of all motor vehicles needed to
20 provide necessary motor vehicle transportation for state
21 officers and employees. The OFM shall also manage the
22 allocation and assignment of motor vehicles to the various
23 state agencies, for the purpose of providing necessary motor
24 vehicle transportation for its officers and employees.

25 (b) The OFM shall be managed by the State Fleet
26 Manager. The State Fleet Manager shall be appointed by and
27 serve at the pleasure of the director. The salary of the State

1 Fleet Manager shall be set by the director with approval of
2 the Governor.

3 (c) The manager shall promulgate, propose, develop,
4 and implement, subject to approval of the director, fleet
5 management rules, regulations, policies, procedures, and
6 practices designed for the most efficient acquisition,
7 allocation, utilization, maintenance, repair, and disposal of
8 motor vehicles to be used by state personnel in the
9 furtherance of their official duties.

10 (d) The manager shall, when economically feasible,
11 manage the procurement and operation of state motor vehicles
12 based on fuel economy and life cycle costing consistent with
13 the policies set forth in Section 41-17A-5 of the Code of
14 Alabama 1975, as amended.

15 (e) The manager shall be designated as the State
16 Equipment Management Coordinator pursuant to Act 2009-650. The
17 manager shall, when economically feasible, implement the goals
18 of the Interagency Alternative Fuels Working Group pursuant to
19 Act 2009-797 regarding the efforts of state agencies,
20 counties, and municipalities to promote, educate, research,
21 develop, produce, and promote consumption of alternative
22 fuels.

23 Section 3. (a) The Transportation Revolving Fund is
24 created within the Department of Transportation to fund the
25 operations of the OFM. All of the funds created pursuant to
26 this act are hereby appropriated. These funds shall be used
27 only for the efficient operation of the OFM and the

1 implementation of the provisions of this act. These funds
2 shall not revert at the end of each fiscal year, but shall
3 carry over to each succeeding year.

4 (b) All fees collected from the various state
5 agencies for the use of state motor vehicles shall be paid to
6 the department and deposited in the Transportation Revolving
7 Fund.

8 (c) On the effective date of this act, any funds
9 remaining in the Transportation Revolving Fund of the
10 Department of Finance pursuant to Section 41-17-5 of the Code
11 of Alabama 1975, as amended, shall be transferred to the
12 Transportation Revolving Fund created in subsection (a).

13 Section 4. (a) A transportation pool of motor
14 vehicles shall be maintained at a convenient location in the
15 City of Montgomery by the OFM for the purpose of providing
16 necessary motor vehicle transportation for the officers and
17 employees of the various state agencies that do not have
18 automobiles regularly assigned to them.

19 (b) The OFM shall maintain the motor vehicles to
20 ensure a clean, safe, and efficient fleet. Personnel shall be
21 provided as may be necessary to effectively operate the pool.
22 Personnel of the pool, upon request of the head of a state
23 agency, shall provide the agency with a vehicle. A pool
24 vehicle may be loaned for only a single trip and shall not be
25 assigned to any officer, employee, or other person or state
26 agency on any basis other than a trip basis. The pool

1 dispatcher shall keep the necessary maintenance and mileage
2 records for each pool vehicle.

3 (c) Each state agency shall be charged a mileage fee
4 for the use of a motor pool vehicle. The mileage fee shall be
5 charged for every mile of vehicle usage by the state agency.
6 The manager, subject to approval of the director, shall
7 periodically fix and adjust the mileage fee at an amount
8 sufficient to cover the cost of motor pool operations
9 including the salaries of motor pool employees, the cost of
10 acquiring, operating, maintaining, and replacing pool vehicles
11 and any other motor pool operating expenses. The OFM shall
12 issue monthly invoices to each state agency for the use of
13 motor pool vehicles. The mileage fees and any other funds
14 received for motor pool vehicle usage shall be deposited into
15 the Transportation Revolving Fund established pursuant to
16 Section 3.

17 (d) On the effective date of this act, all motor
18 vehicles, facilities, and personnel of the State Motor Pool as
19 provided for in Section 41-17-3 of the Code of Alabama 1975,
20 as amended, shall be transferred to the OFM.

21 Section 5. (a) The State Fleet Manager, upon
22 approval of the director, shall promulgate, propose, develop,
23 and implement, subject to approval of the director, such
24 policies, procedures, rules, and regulations as may be
25 necessary to administer the provisions of this act to include
26 provisions for the efficient allocation and assignment of

1 motor vehicles to state agencies and their officers and
2 employees.

3 (b) On the effective date of this act, all state
4 owned or leased motor vehicles shall be transferred to the
5 OFM. This transfer may be accomplished in stages at the
6 direction of the manager with all transfers of motor vehicles
7 to be completed by October 1, 2014.

8 (c) No motor vehicle may be allocated or assigned to
9 any agency except upon the request of the head or chief
10 executive officer of the agency and the approval of the State
11 Fleet Manager. If motor vehicles are approved for allocation
12 or assignment to an agency, the head or chief executive
13 officer of the agency may assign motor vehicles to the
14 officers and employees of the agency whose duties require the
15 assignment of a motor vehicle.

16 (d) Each state agency shall be charged a mileage fee
17 for the use of each motor vehicle assigned to the agency and
18 its officers and employees. The mileage fee shall be charged
19 for every mile of vehicle usage by the state agency. The
20 manager, subject to approval of the director, shall
21 periodically fix and adjust the mileage fee at an amount
22 sufficient to cover the cost of usage of motor vehicles
23 assigned to an agency including the cost of acquiring,
24 operating, maintaining, and replacing assigned motor vehicles
25 and any other incidental operating expenses. The OFM shall
26 issue monthly invoices to each state agency for the use of
27 assigned motor vehicles. The mileage fees and any other funds

1 received for assigned motor vehicle usage shall be deposited
2 into the Transportation Revolving Fund created pursuant to
3 Section 3.

4 (e) Any funds appropriated to any state agency for
5 the lease, purchase, or replacement of motor vehicles shall be
6 transferred to the Transportation Revolving Fund created
7 pursuant to Section 3 for the acquisition of motor vehicles.

8 (f) On or before October 1, 2014, any funds
9 remaining in the Public Safety Motor Vehicle Replacement Fund
10 of the Department of Public Safety pursuant to Section 32-2-80
11 of the Code of Alabama 1975, as amended, shall be transferred
12 to the Transportation Revolving Fund created pursuant to
13 Section 3.

14 Section 6. It shall be a misdemeanor for any person
15 to use or permit any other person to use any state motor
16 vehicle for any purpose other than official state business or
17 travel incidental to the performance of official state
18 business. It shall be a misdemeanor for any official or
19 employee of a state agency to obliterate, alter, cover, or
20 conceal all or any portion of a license plate or other
21 official insignia affixed to a state motor vehicle. Any
22 unauthorized or improper use of a state motor vehicle by an
23 official or employee of a state agency shall constitute
24 grounds for suspension or dismissal.

25 Section 7. It is the intention of the Legislature
26 that the Office of Fleet Management shall be financially
27 self-supporting from the fees charged the various state

1 agencies pursuant to this act and the efficient management of
2 the acquisition, operation, maintenance, and disposal of state
3 motor vehicles. It is also the intention of the Legislature
4 that the Office of Fleet Management and the Transportation
5 Revolving Fund operate in a fashion similar to the Road
6 Machinery and Equipment Management Program and the Equipment
7 Management Surplus Reserve Account of the Department of
8 Transportation pursuant to Section 23-1-50.1 of the Code of
9 Alabama 1975, as amended.

10 Section 8. The provisions of this act shall not
11 apply to any two-year or four-year college, university, or
12 technical institution or any local boards of education.

13 Section 9. Although this bill would have as its
14 purpose or effect the requirement of a new or increased
15 expenditure of local funds, the bill is excluded from further
16 requirements and application under Amendment 621, now
17 appearing as Section 111.05 of the Official Recompilation of
18 the Constitution of Alabama of 1901, as amended, because the
19 bill defines a new crime or amends the definition of an
20 existing crime.

21 Section 10. All laws or parts of laws which conflict
22 with the provision of this act, except provisions in Title 23
23 of the Code of Alabama 1975, as amended, are repealed. Chapter
24 17, Title 41 of the Code of Alabama 1975, as amended,
25 consisting of Sections 41-17-1 to 41-17-9, inclusive, is
26 specifically repealed.

1 Section 11. The provisions of this act are
2 severable. If any part of this act is declared invalid or
3 unconstitutional, that declaration shall not affect the part
4 which remains.

5 Section 12. This act shall become effective
6 immediately upon its passage and approval by the Governor, or
7 its otherwise becoming law, and shall become fully implemented
8 by October 1, 2013.