

1 SB57
2 151528-2
3 By Senator Ward
4 RFD: Fiscal Responsibility and Accountability
5 First Read: 05-FEB-13
6 PFD: 01/24/2013

2
3
4 ENGROSSED

5
6
7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 To amend Sections 23-1-50.1 and 41-17A-6 of the Code
12 of Alabama 1975; to allow the Department of Transportation
13 Office of Fleet Management to review state department and
14 agency green fleets plans, develop a statewide fleet
15 management program and to repeal Chapter 17, Title 41 of the
16 Code of Alabama 1975, regarding the purchase, lease,
17 operation, and maintenance of state motor vehicles.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. Sections 23-1-50.1 and 41-17A-6 of the
20 Code of Alabama 1975, are amended to read as follows:

21 "§23-1-50.1.

22 "(a) It is the intent of the Legislature to give the
23 State Department of Transportation authority to accumulate
24 depreciation, equipment replacement allowances, and salvage
25 value on road machinery and equipment sufficient to upgrade,
26 replace, or make extraordinary repairs to the road machinery
27 and equipment of the State Department of Transportation, as

1 determined by a road machinery and equipment management
2 program to be developed by the department.

3 "(b) Unless the context clearly indicates otherwise,
4 the following words and phrases will have the following
5 meanings:

6 "(1) STATE DEPARTMENT OF TRANSPORTATION DIVISIONS.
7 Those divisions of the Department of Transportation
8 responsible for road construction and maintenance over a
9 specified geographic area of the state.

10 "(2) DEPRECIATION. That process of allocating the
11 original cost per fixed asset over the productive life of the
12 asset using some generally accepted method of depreciation.

13 "(3) EQUIPMENT MANAGEMENT SURPLUS RESERVE ACCOUNT. A
14 special revolving account or fund to be established in the
15 Public Road and Bridge Fund of the State Department of
16 Transportation to accumulate depreciation, equipment
17 replacement allowances, and salvage value to be used to
18 upgrade, replace, or make extraordinary repairs to road
19 machinery and equipment.

20 "(4) EQUIPMENT REPLACEMENT ALLOWANCE. An amount,
21 when added to the depreciation and salvage value of a unit of
22 road machinery and equipment and accumulated in a special
23 account, that will provide the funds to upgrade, replace, or
24 make extraordinary repairs to that unit of road machinery and
25 equipment.

1 "(5) EXTRAORDINARY REPAIRS. Repairs made to extend
2 an asset's useful life beyond that which was originally
3 estimated.

4 "(6) GENERAL OFFICE. Those general and
5 administrative offices of the State Department of
6 Transportation located in Montgomery, Alabama.

7 "(7) ROAD MACHINERY AND EQUIPMENT. Self-propelled
8 equipment or other equipment commonly referred to in the State
9 Department of Transportation as rental equipment, including
10 aircraft.

11 "(8) SALVAGE VALUE. That portion of a unit of road
12 machinery and equipment's cost that is recovered at the end of
13 its productive life.

14 "(c) There is created in the Public Road and Bridge
15 Fund of the State Department of Transportation an Equipment
16 Management Surplus Reserve Account. The director of the
17 department is directed to establish a road machinery and
18 equipment management program which shall determine the type,
19 number, and distribution between the general office and
20 department divisions of the road machinery and equipment
21 necessary to carry out the mission of the State Department of
22 Transportation in an efficient manner. This system shall also
23 determine the productive life of all of the road machinery and
24 equipment and establish depreciation rates, equipment
25 replacement allowance, and salvage value which, when
26 accumulated in the Equipment Management Surplus Reserve

1 Account, will provide the necessary funds to upgrade, replace,
2 or make extraordinary repairs to road machinery and equipment.

3 "(d) The Equipment Management Surplus Reserve
4 Account shall be subdivided into subaccounts as follows: One
5 for the general office and one each for each of the department
6 divisions. Depreciation, equipment replacement allowance, and
7 salvage value shall be credited to the account of the general
8 office or department division to which the unit of road
9 machinery and equipment is assigned and shall not be
10 commingled or transferred between the department division and
11 the general office. The funds in each of these subaccounts of
12 the general office and department divisions shall be available
13 to the appropriate office or division to upgrade, replace, or
14 to make extraordinary repairs to road machinery and equipment.

15 "(e) There is appropriated all of the funds created
16 to the Equipment Management Surplus Reserve Accounts, due to
17 the depreciation, equipment replacement allowance, and salvage
18 value of road machinery and equipment, for upgrading,
19 replacement, or extraordinary repairs to road machinery and
20 equipment. These funds shall not revert at the end of each
21 fiscal year, but shall carry over to each succeeding year. It
22 is the intent of the Legislature that funds appropriated from
23 the Equipment Management Surplus Reserve Account be used only
24 to upgrade, replace, or make extraordinary repairs to road
25 machinery and equipment, and that they not be used to increase
26 the number of units of equipment of the State Department of
27 Transportation. It is the further intent of the Legislature to

1 use these funds to maintain the present level of road
2 maintenance, as opposed to using the funds to place the state
3 in a competitive position with private enterprise. Specific
4 funds shall be appropriated by the Legislature to increase the
5 number of units of road machinery and equipment. It is
6 specifically provided that the aircraft, pickup truck, and
7 three automobiles transferred from the Department of Finance
8 to the State Department of Transportation, pursuant to
9 Executive Order No. 12, dated December 21, 1993, shall be
10 added to and become a part of the Department of Transportation
11 road machinery and equipment management program and Equipment
12 Management Surplus Reserve Account.

13 "(f) Any other provision of law to the contrary
14 notwithstanding, at the end of the productive life of a unit
15 of road machinery or equipment covered by the equipment
16 management surplus reserve account established as provided for
17 in this section, the unit of road machinery or equipment shall
18 be sold at the discretion of the director, either at public
19 auction, as provided for by the laws of the State of Alabama,
20 or by a negotiated sale between the State Department of
21 Transportation and any other state department or agency, and
22 the proceeds from any sale, whether at public auction or by
23 such negotiation, shall be paid into the equipment management
24 surplus reserve account and credited to the subaccount to
25 which the unit of road machinery or equipment is credited.

1 "(g) The department may develop a fleet management
2 program for the state which will operate in a similar manner
3 as the department's Equipment Management Program.

4 "§41-17A-6.

5 "(a) In order to ensure compliance with the goals
6 outlined in Section 41-17A-4, as well as to monitor the
7 actions outlined in Section 41-17A-5, a Green Fleets Review
8 Committee is created. The Permanent Joint Legislative
9 Committee on Energy will appoint the members of the Green
10 Fleets Review Committee. The membership of the committee shall
11 reflect the racial, gender, geographic, urban/rural and
12 economic diversity of the state. The Chair of the Green Fleets
13 Review Committee may create advisory subcommittees and appoint
14 members thereto, which may include members of the Green Fleets
15 Review Committee, representatives from governmental agencies,
16 and members of the public with interest and expertise in the
17 objectives of the committee. The Green Fleets Review Committee
18 shall create no more than two active advisory subcommittees at
19 any given time unless the committee votes unanimously for
20 additional subcommittees.

21 "(b) The committee shall thereafter meet at the call
22 of the chair or any majority of the members thereof; provided,
23 that the committee shall meet at least once each four months.
24 The committee shall have a continuing existence and may meet,
25 act, and conduct its business at any place within this state
26 during the sessions of the Legislature or any recess thereof,
27 and in the interim period between sessions.

1 "(c) Each legislative member of the committee or any
2 subcommittee, if created, shall be entitled to his or her
3 regular legislative compensation, his or her per diem, and
4 travel expenses for each day he or she attends a meeting of
5 the committee. Upon requisitions signed by the chair of the
6 committee or subcommittees, these payments shall be paid out
7 of any funds appropriated to the use of the Legislature by
8 means of warrants drawn by the Comptroller on the State
9 Treasury. Notwithstanding the foregoing, no member shall
10 receive additional legislative compensation or per diem when
11 the Legislature is in session or if a member is being paid any
12 other payments on the same dates for attendance on other state
13 business. The total legislative expenditures of the committee
14 shall not exceed five thousand dollars (\$5,000) per fiscal
15 year.

16 "(d) On an annual basis, all state department and
17 agency fleet managers shall submit a draft of their green
18 fleets plan to the ~~State Equipment Management Coordinator, or~~
19 ~~the Department of Finance designee for this position~~
20 Department of Transportation Office of Fleet Management, and
21 the Green Fleets Review Committee detailing how vehicle
22 procurement, fleet operations, and employee travel activity
23 are intended to conform to the green fleet policies and
24 strategies outlined in Section 41-17A-5. Each green fleets
25 plan submitted shall also include, as an appendix or addendum,
26 an updated fleet vehicle inventory list in the same format as
27 the fleet vehicle inventory required by Section 41-17A-3.

1 "(e) Each green fleets plan shall be reviewed by the
2 ~~State Equipment Management Coordinator, or the Department of~~
3 ~~Finance designee for this position~~ Department of
4 Transportation Office of Fleet Management, and the committee
5 for overall conformity with the policies and for completeness
6 in addressing the green fleets strategies. Inadequate plans
7 shall be returned to the submitting department or agency for
8 revision and discussion with the committee.

9 "(f) Any appeal of the committee's decisions must be
10 made in writing to the committee accompanied by appropriate
11 documentation. Valid reasons for an appeal include
12 unavailability of appropriate fleet vehicles, incremental
13 costs in excess of the full life-cycle savings that would
14 accrue from the acquisition of a given vehicle, and the
15 primacy of a given vehicle's mission to public safety or a
16 similar area judged to be applicable by the committee.

17 "(g) Approval of vehicle procurement requests for
18 each department or agency is contingent upon a satisfactory
19 recommendation from the State Fleet Manager as to the merit of
20 the department's or agency's green fleets plan.

21 "(h) The most innovative green fleets plan
22 implemented shall receive recognition in an annual award to
23 the department or agency submitting the most innovative plan.
24 The committee shall determine the recipient of the award
25 during the annual green fleets review meeting."

26 Section 2. Chapter 17, Title 41 of the Code of
27 Alabama 1975, consisting of Sections 41-17-1 to 41-17-9,

1 inclusive, is repealed effective October 1, 2014. All
2 personnel, facilities, property, equipment, and funds
3 assigned, allocated, or appropriated to the Department of
4 Finance, Division of Service for the operation of a
5 transportation pool or the maintenance and repair of
6 state-owned or operated automobiles shall transfer to the
7 Alabama Department of Transportation, effective October 1,
8 2014.

9 Section 3. This act shall become effective
10 immediately following its passage and approval by the
11 Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18

Senate

Read for the first time and referred to the Senate
committee on Fiscal Responsibility and Account-
ability..... 05-FEB-13

Read for the second time and placed on the calen-
dar 1 amendment..... 07-FEB-13

Read for the third time and passed as amended 11-APR-13

Yeas 23
Nays 0

Patrick Harris
Secretary