

HB83 INTRODUCED



1 80TG22-1

2 By Representative Pringle

3 RFD: Transportation, Utilities and Infrastructure

4 First Read: 07-Mar-23

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SYNOPSIS:

Under existing law, the Department of Transportation is under the direction of the director who is appointed by the Governor.

This bill would create the State Transportation Commission composed of five members appointed by the Governor from the five regions of the Department of Transportation to coordinate and develop the activities of the department.

This bill would provide for the appointment of the Director of the Department of Transportation by the commission and for the duties of the director.

This bill would also provide that the department would not be subject to the Budget Management Act.

A BILL
TO BE ENACTED
AN ACT

Relating to the Department of Transportation; to establish the State Transportation Commission; to provide for the members, duties, responsibilities, and compensation and expenses of the commission; to prohibit a person serving on the State Transportation Commission from benefiting by entering employment with or contracting with companies that do



HB83 INTRODUCED

29 business with the Department of Transportation while he or she
30 serves on the commission or for a period of two years
31 thereafter; to provide for the appointment and duties of the
32 Director of the Department of Transportation; and for this
33 purpose to amend Sections 23-1-21 and 23-1-21.2, Code of
34 Alabama 1975, relating to the appointment and authority of the
35 Director of the Department of Transportation.

36 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

37 Section 1.(a) There shall be a State Transportation
38 Commission which shall consist of five members appointed by
39 the Governor. One member shall be appointed from each region
40 of the Department of Transportation as set out in Section 2.

41 (b) (1) The members appointed from the Regions One and
42 Four shall serve an initial term of two years. The members
43 appointed from the Regions Two and Five shall serve an initial
44 term of four years. The member appointed from the Region Three
45 shall serve an initial term of six years. After the initial
46 appointments, the term of the members shall be six years
47 except that a member shall serve until a successor is
48 appointed and qualified. A member of the commission may not
49 serve consecutive terms. The membership of the commission
50 shall be inclusive and shall reflect the racial, gender,
51 geographic, urban, rural, and economic diversity of the state.

52 (2) The commission shall report to the Legislature by
53 the second legislative day of each regular session the extent
54 to which the membership of the commission has met the
55 diversity requirements of this section.

56 (c) If any one or more of the commission members dies,



HB83 INTRODUCED

57 resigns, or is removed from office, the Governor shall fill
58 the vacancy by appointment for the unexpired term within 30
59 days of the vacancy.

60 (d) The commission shall elect from its members a
61 chair. Three members of the board shall constitute a quorum
62 for the transaction of the official business of the
63 commission.

64 (e) (1) The members of the commission shall serve
65 part-time in the performance of their official duties, but
66 shall hold no other office of profit during their incumbency.
67 In addition, the members shall not be employed in the road
68 building or any affiliated industry or as a lobbyist.

69 (2) The members of the commission shall be subject to
70 the Alabama Ethics Law.

71 (f) The compensation of the members of the commission
72 shall be 25 percent of the compensation of the cabinet members
73 of the Governor pursuant to Section 36-6-6, Code of Alabama
74 1975, and the compensation shall be paid in installments from
75 the State Treasury in the same manner that salaries of other
76 state officers are paid.

77 (g) Before entering upon the duties of the office, each
78 commission member shall execute to the state a bond, to be
79 approved by the Governor in an amount fixed by the Governor,
80 for the faithful performance of his or her duties.

81 (h) The necessary office, supplies, stationery, and
82 equipment shall be provided for the commission by the State
83 Department of Transportation. Each member of the commission
84 shall maintain an office in the region headquarters in the



HB83 INTRODUCED

85 region where the member resides.

86 (i) Meetings of the commission shall be held at the
87 call of the chair or as may be determined by a quorum of the
88 commission.

89 (j) The State Transportation Commission shall be
90 responsible for and have the authority to assume all duties of
91 the Director of the Department of Transportation unless the
92 commission by resolution delegates the duties to the director.

93 (k) No person who serves on the State Transportation
94 Commission shall enter employment with or contract with a
95 company or organization or enter employment with or contract
96 with a company or organization that contracts with a company
97 or organization that benefited from work approved by the
98 commission during the time the person was on the commission.
99 If a person who has served on the State Transportation
100 Commission becomes employed or contracts with a company or
101 organization, that company or organization is prohibited from
102 entering into contracts with the Department of Transportation,
103 either directly or indirectly, for a period of two years after
104 the completion of their term of service as a member of the
105 commission.

106 Section 2. The five regions of the Department of
107 Transportation established by the department on the effective
108 date of this act shall be the regions for the purpose of the
109 appointment of members of the State Transportation Commission.
110 The regions are as follows:

111 (1) Region One: The North Region composed of Madison,
112 Jackson, DeKalb, Marshall, Cullman, Etowah, Cherokee, Colbert,



HB83 INTRODUCED

113 Lauderdale, Lawrence, Franklin, Limestone, and Morgan
114 Counties.

115 (2) Region Two: The East Central Region composed of
116 Jefferson, Blount, St. Clair, Shelby, Coosa, Tallapoosa,
117 Calhoun, Chambers, Clay, Cleburne, Randolph, and Talladega
118 Counties and a portion of Lee County.

119 (3) Region Three: The West Central Region composed of
120 Tuscaloosa, Bibb, Chilton, Hale, Perry, Sumter, Fayette,
121 Lamar, Pickens, Greene, Walker, Marion, and Winston Counties.

122 (4) Region Four: The Southeast Region composed of
123 Elmore, Autauga, Bullock, Macon, Montgomery, Butler, Lowndes,
124 Dallas, Russell, Houston, Henry, Coffee, Geneva, Convington,
125 Crenshaw, Dale, Pike, and Barbour Counties and a portion of
126 Lee County.

127 (5) Region Five: The Southwest Region composed of
128 Mobile, Baldwin, Conecuh, Escambia, Clarke, Marengo, Choctaw,
129 Wilcox, Monroe, and Washington Counties.

130 Section 3. Sections 23-1-21 and 23-1-21.2 of the Code
131 of Alabama 1975, are amended to read as follows:

132 "§23-1-21

133 (a) (1) The chief executive officer of the State
134 Department of Transportation shall be known as the Director of
135 Transportation, who shall be appointed by the ~~Governor~~ State
136 Transportation Commission and shall hold office at the
137 pleasure of the ~~Governor. All the powers, authority, and~~
138 ~~duties vested in the State Department of Transportation shall~~
139 ~~be exercised by the Director of Transportation~~ commission. The
140 Director of Transportation shall have the authority and duties



HB83 INTRODUCED

141 delegated to him or her by the State Transportation
142 Commission.

143 (2) Before entering upon the duties of office, the
144 Director of Transportation shall execute to the State of
145 Alabama a bond, to be approved by the ~~Governor~~ State
146 Transportation Commission, in an amount to be fixed by the
147 ~~Governor~~ commission, for the faithful performance of his or
148 her duties.

149 (b) The Director of Transportation shall have the
150 following minimum qualifications:

151 (1) Possess a wide knowledge of the transportation
152 system and needs of Alabama.

153 (2) Possess a wide knowledge of the principles of
154 transportation organization and administration.

155 (3) Possess selected training or expertise in the field
156 of transportation.

157 (c) No person who is a member of the State
158 Transportation Commission within two years next preceding his
159 or her service on the commission shall be eligible to be
160 chosen as director of the department. The director shall give
161 his or her entire time to the duties of the office.

162 (d) In the event of a vacancy in the office of the
163 director, the chief engineer of the department shall serve as
164 acting director until the commission selects a replacement.
165 The commission shall name a new director within 90 days of a
166 vacancy."

167 "§23-1-21.2

168 (a) The director, acting alone or through, and in



HB83 INTRODUCED

169 cooperation with local entities, is hereby delegated the
170 authority to:

171 (1) Enter into agreements with local entities to
172 provide public transportation and to administer any program or
173 programs, whether rural or urban, relative to public
174 transportation resulting from federal transportation
175 legislation. This shall include, but not be limited to,
176 applying for, accepting, and expending federal public
177 transportation funds in accordance with applicable federal
178 laws and regulations.

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

181 (3) Enter into agreements with local entities to
182 perform ~~and/or~~ and cooperate in the performance of
183 transportation planning for public transportation
184 improvements. However, the director shall not perform such
185 planning until such time as the local entities affected enter
186 into agreement with the director to carry out a planning
187 process.

188 (4) Provide any available technical assistance to local
189 entities for formulating a program of public transportation
190 projects to assure that said projects are in accordance with
191 the comprehensive transportation planning process where such
192 process is established and is a prerequisite for federal
193 assistance.

194 (5) Administer any state funds authorized from time to
195 time by the Legislature for the purpose of public
196 transportation.



HB83 INTRODUCED

197 (6) Develop and ~~promulgate~~ adopt such rules ~~and~~
198 ~~regulations~~ as are determined necessary to ~~insure~~ ensure
199 compliance with federal laws and regulations.

200 (b) In addition to the duties listed in subsection (a),
201 the director shall do all of the following:

202 (1) Administer the policies promulgated by the
203 commission.

204 (2) Supervise and direct all administrative and
205 technical activities of the department.

206 (3) Organize the offices of the department.

207 (4) Coordinate the activities of the various offices of
208 the department.

209 (5) Recommend studies and investigations subject to
210 commission approval as he or she may deem appropriate and
211 carry out the approved recommendations in conjunction with the
212 various offices.

213 (6) Prepare and deliver to the Legislature and the
214 Governor on or before January 1 of each year, and at other
215 times as may be required by the Legislature or Governor, a
216 full report of the work of the department and the office
217 thereof, including a detailed statement of expenditures of the
218 department, a detailed construction update, information
219 concerning the status of roads, mass transit, and aviation,
220 and any recommendations the department may have.

221 (7) Have general supervision over all matters relating
222 to the construction or maintenance of the state highways,
223 letting of contracts, and the selection of materials to be
224 used in the construction of state highways and the employment,



HB83 INTRODUCED

225 promotion, demotion, reprimand, suspension, termination,
226 reassignment, transfer, moving, or relocation of all personnel
227 not specifically authorized by statute to be employed by the
228 commission. The director may authorize the payment of expenses
229 of any personnel reassigned, transferred, moved, or relocated
230 in accordance with rules adopted by the commission.

231 (8) Sign all contracts and agreements in the name of
232 the state.

233 Section 4. The provisions of this act shall be
234 operative only after the Attorney General gives an opinion in
235 writing that this act does not materially affect the case
236 styled, Johnny Reynolds v. Alabama Department of
237 Transportation, 85-T-665-N Middle District of Alabama.

238 Section 5. Notwithstanding the provisions of the Budget
239 Management Act, neither the Governor nor the Finance Director
240 shall have any authority to withhold funds, deny transfer of
241 funds, or redirect specific projects contrary to either the
242 five-year plan of the commission or the annual revenue and
243 expenditure plan of the commission.

244 Section 6. This act shall become effective on the first
245 day of the third month following its passage and approval by
246 the Governor, or its otherwise becoming law.