

1 SB386
2 164988-1
3 By Senator Sanford
4 RFD: Transportation and Energy
5 First Read: 16-APR-15

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8 SYNOPSIS: Under existing law, the Department of
9 Transportation is under the direction of the
10 director who is appointed by the Governor.

11 This bill would create the State
12 Transportation Commission composed of nine members
13 appointed by the Governor from the nine divisions
14 of the department to coordinate and develop the
15 activities of the department.

16 This bill would provide for the appointment
17 of the director of the department by the commission
18 and for the duties of the director.

19 This bill would also remove the department
20 from application of the Budget Management Act.

21
22 A BILL

23 TO BE ENTITLED

24 AN ACT

25
26 Relating to the Department of Transportation; to
27 establish the State Transportation Commission; to provide for

1 the members, duties, responsibilities, and compensation and
2 expenses of the commission; to prohibit a person serving on
3 the commission from benefiting by entering into employment
4 with or contracting with companies that do business with the
5 department while serving on the commission or for a period of
6 two years thereafter; to amend Sections 23-1-21 and 23-1-21.2,
7 Code of Alabama 1975, relating to the appointment and
8 authority of the Director of the Department of Transportation;
9 to provide further for the appointment and duties of the
10 director; and to remove the department from application of the
11 Budget Management Act.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. (a) There is created a State
14 Transportation Commission which shall consist of nine members
15 appointed by the Governor. One member shall be appointed from
16 each division of the Department of Transportation as provided
17 in Section 2.

18 (b) The members appointed from Divisions One, Four,
19 and Seven of the department shall serve an initial term of two
20 years. The members appointed from Divisions Two, Five, and
21 Eight of the department shall serve an initial term of four
22 years. The members appointed from the Divisions Three, Six,
23 and Nine of the department shall serve an initial term of six
24 years. After the terms of the initial appointments end,
25 members shall be appointed for terms of six years. A member
26 shall serve until a successor is appointed and qualified. A
27 member of the commission may not serve consecutive terms. The

1 membership of the commission shall be inclusive and shall
2 reflect the racial, gender, geographic, urban/rural, and
3 economic diversity of the state.

4 (c) If any one or more of the commission members
5 dies, resigns, or is removed from office, the Governor shall
6 fill the vacancy by appointment for the unexpired term within
7 30 days after the vacancy occurs.

8 (d) The commission shall elect from its members a
9 chair. Five members of the commission shall constitute a
10 quorum for the transaction of the official business of the
11 commission.

12 (e) The members of the commission shall serve
13 part-time in the performance of their official duties, and
14 shall hold no other office of profit during their incumbency.
15 Members may not be employed in the roadbuilding industry, or
16 any affiliated industry, or as a lobbyist.

17 (f) The compensation of the members of the
18 commission shall be 30 percent of the compensation of the
19 cabinet members of the Governor pursuant to Section 36-6-6,
20 Code of Alabama 1975, and the compensation shall be paid in
21 installments from the State Treasury in the same manner that
22 the compensation of other state officers is paid.

23 (g) Before entering upon the duties of the office,
24 each commission member shall execute to the state a bond, to
25 be approved by the Governor and in an amount fixed by the
26 Governor, for the faithful performance of his or her duties.

1 (h) The necessary office, supplies, stationery, and
2 equipment shall be provided for the commission by the State
3 Department of Transportation. Each member of the commission
4 shall maintain an office in the division headquarters in his
5 or her division.

6 (i) Meetings of the commission shall be held at the
7 call of the chair or as may be determined by a quorum of the
8 commission.

9 (j) The commission shall assume all duties of the
10 Director of the Department of Transportation unless the
11 commission by resolution delegates the duties to the director.

12 (k) No person who serves on the commission may enter
13 employment with or contract with a company or organization or
14 enter employment with or contract with a company or
15 organization that contracts with a company or organization
16 that benefits from work approved by the commission during the
17 time the person is a member of the commission. If a person who
18 has served on the commission becomes employed or contracts
19 with a company or organization, that company or organization
20 may not enter into contracts with the department, either
21 directly or indirectly, for a period of two years after the
22 completion of his or her term of service as a member of the
23 commission.

24 (l) Commission members shall be subject to the State
25 Ethics Law.

1 Section 2. The Divisions of the State Department of
2 Transportation for the purpose of the appointment of members
3 of the commission are as follows:

4 (1) Division One: Cherokee, Cullman, DeKalb, Etowah,
5 Jackson, Limestone, Madison, Marshall, and Morgan Counties.

6 (2) Division Two: Colbert, Franklin, Lauderdale,
7 Lawrence, Marion, and Winston Counties.

8 (3) Division Three: Blount, Jefferson, Shelby, St.
9 Clair, and Walker Counties.

10 (4) Division Four: Calhoun, Chambers, Clay,
11 Cleburne, Coosa, Lee, Randolph, Russell, Talladega, and
12 Tallapoosa Counties.

13 (5) Division Five: Bibb, Chilton, Fayette, Greene,
14 Hale, Lamar, Perry, Pickens, and Tuscaloosa Counties.

15 (6) Division Six: Autauga, Bullock, Butler, Dallas,
16 Elmore, Lowndes, Macon, and Montgomery Counties.

17 (7) Division Seven: Barbour, Crenshaw, Coffee,
18 Convington, Dale, Geneva, Henry, Houston, and Pike Counties.

19 (8) Division Eight: Clarke, Choctaw, Marengo,
20 Monroe, Sumter, Washington, and Wilcox Counties.

21 (9) Division Nine: Baldwin, Conecuh, Escambia, and
22 Mobile Counties.

23 Section 3. Sections 23-1-21 and 23-1-21.2 are
24 amended to read as follows:

25 "§23-1-21.

26 "(a) (1) The chief executive officer of the State
27 Department of Transportation shall be known as the Director of

1 Transportation, who shall be appointed by the ~~Governor~~ State
2 Transportation Commission and shall hold office at the
3 pleasure of the ~~Governor~~. ~~All the powers, authority, and~~
4 ~~duties vested in the State Department of Transportation shall~~
5 ~~be exercised by the Director of Transportation~~ commission. The
6 Director of Transportation shall have the powers, authority,
7 and duties delegated to him or her by the commission.

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

13 "(b) The Director of the Department of
14 Transportation shall have the following minimum
15 qualifications:

16 "(1) Possess a wide knowledge of the transportation
17 system and needs of the state.

18 "(2) Possess a wide knowledge of the principles of
19 transportation organization and administration.

20 "(3) Possess selected training or expertise in the
21 field of transportation.

22 "(c) No person who is a member of the commission
23 within two years next preceding his or her service on the
24 commission shall be eligible to be chosen as director of the
25 department. The position of director shall be a full-time
26 position.

1 "(d) In the event of a vacancy in the office of the
2 director, the chief engineer of the department shall serve as
3 acting director until the commission selects a replacement.
4 The commission shall name a new director within 90 days after
5 a vacancy.

6 "§23-1-21.2.

7 "(a) The director, acting alone or through, and in
8 cooperation with local entities, is hereby delegated the
9 authority to:

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

18 "(2) Enter into agreements with the United States
19 for federal assistance for public transportation.

20 "(3) Enter into agreements with local entities to
21 perform and/or cooperate in the performance of transportation
22 planning for public transportation improvements. However, the
23 director shall not perform such planning until such time as
24 the local entities affected enter into agreement with the
25 director to carry out a planning process.

26 "(4) Provide any available technical assistance to
27 local entities for formulating a program of public

1 transportation projects to assure that said projects are in
2 accordance with the comprehensive transportation planning
3 process where such process is established and is a
4 prerequisite for federal assistance.

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

8 "(6) Develop and promulgate such rules and
9 regulations as are determined necessary to insure compliance
10 with federal laws and regulations.

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

13 "(1) Administer the rules promulgated by the
14 commission.

15 "(2) Supervise and direct all administrative and
16 technical activities of the department.

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

18 "(4) Coordinate the activities of the various
19 offices of the department.

20 "(5) Recommend studies and investigations, subject
21 to commission approval, as he or she may deem appropriate and
22 implement the approved recommendations in conjunction with the
23 various offices.

24 "(6) Prepare and deliver to the Legislature and the
25 Governor on or before January 1 of each year, and at other
26 times as may be required by the Legislature or Governor, a
27 full report of the work of the department and the office

1 thereof, including a detailed statement of expenditures of the
2 department, a detailed construction update, information
3 concerning the status of roads, mass transit, and aviation,
4 and any recommendations the department may have.

5 "(7) Have general supervision over all matters
6 relating to the construction or maintenance of state highways,
7 letting of contracts therefor, and the selection of materials
8 to be used in the construction of state highways and the
9 employment, promotion, demotion, reprimand, suspension,
10 termination, reassignment, transfer, moving, or relocation of
11 all personnel not specifically authorized by statute to be
12 employed by the commission. The director may authorize the
13 payment of expenses of any personnel reassigned, transferred,
14 moved, or relocated in accordance with rules as are
15 promulgated by the commission.

16 "(8) Sign all contracts and agreements in the name
17 of the state."

18 Section 4. The provisions of the Budget Management
19 Act to the contrary notwithstanding, neither the Governor nor
20 the Finance Director may withhold funds, deny transfer of
21 funds, or redirect specific projects contrary to either the
22 five-year plan of the commission or the annual revenue and
23 expenditure plan of the commission.

24 Section 5. This act shall become effective on the
25 first day of the next term of the Governor following its
26 passage and approval by the Governor, or its otherwise
27 becoming law.

