

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

1 SB57

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4 ENROLLED, An Act,

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

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

15 "§23-1-50.1.

16 "(a) It is the intent of the Legislature to give the
17 State Department of Transportation authority to accumulate
18 depreciation, equipment replacement allowances, and salvage
19 value on road machinery and equipment sufficient to upgrade,
20 replace, or make extraordinary repairs to the road machinery
21 and equipment of the State Department of Transportation, as
22 determined by a road machinery and equipment management
23 program to be developed by the department.

1 "(b) Unless the context clearly indicates otherwise,
2 the following words and phrases will have the following meanings:

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

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

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

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

23 "(5) EXTRAORDINARY REPAIRS. Repairs made to extend
24 an asset's useful life beyond that which was originally
25 estimated.

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

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

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

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

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

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

1 during the sessions of the Legislature or any recess thereof,
2 and in the interim period between sessions.

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

18 "(d) On an annual basis, all state department and
19 agency fleet managers shall submit a draft of their green
20 fleets plan to the ~~State Equipment Management Coordinator, or~~
21 ~~the Department of Finance designee for this position~~
22 Department of Transportation Office of Fleet Management, and
23 the Green Fleets Review Committee detailing how vehicle
24 procurement, fleet operations, and employee travel activity
25 are intended to conform to the green fleet policies and

1 strategies outlined in Section 41-17A-5. Each green fleets
2 plan submitted shall also include, as an appendix or addendum,
3 an updated fleet vehicle inventory list in the same format as
4 the fleet vehicle inventory required by Section 41-17A-3.

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

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

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

1 "(h) The most innovative green fleets plan
2 implemented shall receive recognition in an annual award to
3 the department or agency submitting the most innovative plan.
4 The committee shall determine the recipient of the award
5 during the annual green fleets review meeting."

6 Section 2. Chapter 17, Title 41 of the Code of
7 Alabama 1975, consisting of Sections 41-17-1 to 41-17-9,
8 inclusive, is repealed effective October 1, 2014. All
9 personnel, facilities, property, equipment, and funds
10 assigned, allocated, or appropriated to the Department of
11 Finance, Division of Service for the operation of a
12 transportation pool or the maintenance and repair of
13 state-owned or operated automobiles shall transfer to the
14 Alabama Department of Transportation, effective October 1,
15 2014.

16 Section 3. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB57
Senate 11-APR-13
I hereby certify that the within Act originated in and passed
the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 09-MAY-13

By: Senator Ward