

HB189 INTRODUCED



1 HB189
2 81B7FHH-1
3 By Representative Pringle
4 RFD: State Government
5 First Read: 20-Feb-24

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4 SYNOPSIS:

5 Under existing law, the State Department of
6 Transportation is under the direction of the Director
7 of Transportation who is appointed by the Governor.

8 This bill would create the State Transportation
9 Commission composed of five members appointed by the
10 Governor from the five regions of the State Department
11 of Transportation to coordinate and develop the
12 activities of the department and provide for the
13 membership, duties, and responsibilities of the
14 commission.

15 This bill would authorize the commission to
16 appoint the Director of the State Department of
17 Transportation and further provide for the duties of
18 the director.

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

21
22 A BILL

23 TO BE ENACTED

24 AN ACT

25
26 Relating to the State Department of Transportation; to
27 establish the State Transportation Commission; to provide for
28 the members, duties, responsibilities, and compensation and



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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

(b) (1) The members appointed from Regions One and Four shall serve an initial term of two years. The members appointed from Regions Two and Five shall serve an initial term of four years. The member appointed from Region Three shall serve an initial term of six years. After the initial appointments, the term of the members shall be six years except that a member shall serve until a successor is appointed and qualified. A member of the commission may not serve consecutive terms. The appointing authority shall coordinate his or her appointments to assure the commission's membership is inclusive and reflects the racial, gender, geographic, urban, rural, and economic diversity of the state.



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57 (2) The commission shall report to the Legislature by
58 the second legislative day of each regular session the extent
59 to which the membership of the commission has met the
60 diversity requirements of this section.

61 (c) If a commission member dies, resigns, or is removed
62 from office, the Governor shall fill the vacancy by
63 appointment for the unexpired term within 30 days of the
64 vacancy.

65 (d) The commission shall elect from its members a
66 chair. Three members of the board shall constitute a quorum
67 for the transaction of the official business of the
68 commission.

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

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

76 (f) The compensation of the members of the commission
77 shall be 25 percent of the compensation of the cabinet members
78 of the Governor pursuant to Section 36-6-6, Code of Alabama
79 1975, and the compensation shall be paid in installments from
80 the State Treasury in the same manner that salaries of other
81 state officers are paid.

82 (g) Before entering upon the duties of the office, each
83 commission member shall execute to the state a bond, to be
84 approved by the Governor in an amount fixed by the Governor,



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85 for the faithful performance of his or her duties.

86 (h) The necessary office, supplies, stationery, and
87 equipment shall be provided for the commission by the State
88 Department of Transportation. Each member of the commission
89 shall maintain an office in the region headquarters located in
90 the region where the member resides.

91 (i) Meetings of the commission shall be held at the
92 call of the chair or as may be determined by a quorum of the
93 commission.

94 (j) The State Transportation Commission shall be
95 responsible for and have the authority to assume all duties of
96 the Director of the State Department of Transportation unless
97 the commission by resolution delegates the duties to the
98 director.

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

112 Section 2. The five regions of the State Department of



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Transportation established by the department on the effective date of this act shall be the regions for the purpose of the appointment of members of the State Transportation Commission. The regions are as follows:

(1) Region One: The North Region composed of Madison, Jackson, DeKalb, Marshall, Cullman, Etowah, Cherokee, Colbert, Lauderdale, Lawrence, Franklin, Limestone, and Morgan Counties.

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

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

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

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

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

"§23-1-21

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



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

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

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

(1) Possess a wide knowledge of the transportation system needs of the State of Alabama.

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

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

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

(d) In the event of a vacancy in the office of the



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director, the chief engineer of the department shall serve as acting director until the commission selects a replacement. The commission shall name a new director within 90 days of a vacancy."

"§23-1-21.2

(a) The director, acting alone or through, and in cooperation with local entities, ~~is hereby delegated the authority to~~ may do any of the following:

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

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

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

(4) Provide any available technical assistance to local entities for formulating a program of public transportation projects to assure that ~~said~~ the projects are in accordance



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with the comprehensive transportation planning process where ~~such~~ the process is established and is a prerequisite for federal assistance.

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

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

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

(1) Administer the policies adopted by the commission.

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

(3) Organize the offices of the department.

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

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

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



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recommendations the department may have.

(7) Have general supervision over all matters relating to the construction or maintenance of the state highways, letting of contracts, and the selection of materials to be used in the construction of state highways and the employment, promotion, demotion, reprimand, suspension, termination, reassignment, transfer, moving, or relocation of all personnel not specifically authorized by statute to be employed by the commission. The director may authorize the payment of expenses of any personnel reassigned, transferred, moved, or relocated in accordance with rules adopted by the commission.

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

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

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

Section 6. This act shall become effective on October 1, 2024.