

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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SYNOPSIS:

Under existing law, the State Department of Transportation is under the direction of the Director of Transportation 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 State Department of Transportation to coordinate and develop the activities of the department and provide for the membership, duties, and responsibilities of the commission.

This bill would authorize the commission to appoint the Director of the State Department of Transportation and further provide 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 State Department of Transportation; to establish the State Transportation Commission; to provide for the members, duties, responsibilities, and compensation and



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29 expenses of the commission; to prohibit a person serving on
30 the State Transportation Commission from benefiting by
31 entering employment with or contracting with companies that do
32 business with the State Department of Transportation while he
33 or she serves on the commission or for a period of two years
34 thereafter; to provide for the appointment and duties of the
35 Director of the State Department of Transportation; and for
36 this purpose to amend Sections 23-1-21 and 23-1-21.2, Code of
37 Alabama 1975, relating to the appointment and authority of the
38 Director of the State Department of Transportation.

39 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

45 (b) (1) The members appointed from Regions One and Four
46 shall serve an initial term of two years. The members
47 appointed from Regions Two and Five shall serve an initial
48 term of four years. The member appointed from Region Three
49 shall serve an initial term of six years. After the initial
50 appointments, the term of the members shall be six years
51 except that a member shall serve until a successor is
52 appointed and qualified. A member of the commission may not
53 serve consecutive terms. The appointing authority shall
54 coordinate his or her appointments to assure the commission's
55 membership is inclusive and reflects the racial, gender,
56 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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113 Transportation established by the department on the effective
114 date of this act shall be the regions for the purpose of the
115 appointment of members of the State Transportation Commission.
116 The regions are as follows:

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

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

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

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

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

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

138 "§23-1-21

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



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

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

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

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

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

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

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

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



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

173 "§23-1-21.2

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

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

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

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

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



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

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

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

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

208 (1) Administer the policies adopted by the commission.

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

211 (3) Organize the offices of the department.

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

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

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



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225 recommendations the department may have.

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

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

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

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

249 Section 6. This act shall become effective on October
250 1, 2024.