

1 HB70
2 105732-5
3 By Representatives Ward and McCutcheon
4 RFD: Government Operations
5 First Read: 12-JAN-10
6 PFD: 01/06/2010

1 ENGROSSED

2
3
4 A BILL

5 TO BE ENTITLED

6 AN ACT

7
8 To establish the Alabama Transportation Commission
9 and provide for the members, the manner of selection of
10 members, terms, qualifications, duties, responsibilities,
11 compensation, and expenses of the commission; to amend
12 Sections 23-1-21 and 23-1-21.2, Code of Alabama 1975, relating
13 to the salary, appointment, qualifications, and authority of
14 the Director of the Department of Transportation; Section
15 23-1-22, Code of Alabama 1975, regarding the approval of the
16 director's appointment of a chief engineer; Section 23-1-30,
17 Code of Alabama 1975, regarding the department's legal
18 division functions and duties; Section 23-1-34, Code of
19 Alabama 1975, regarding the records maintained by the
20 department; Section 23-1-39, Code of Alabama 1975, regarding
21 seals and the power to administer oaths; Section 23-1-42, Code
22 of Alabama 1975, regarding roads located on state
23 institutions; Section 23-1-50, Code of Alabama 1975, regarding
24 procurement of equipment; Sections 23-1-54 and 23-1-60, Code
25 of Alabama 1975, regarding the director's authority to execute
26 contracts and supplemental contracts for the road and bridge

1 construction, maintenance, and repair; Section 23-1-55, Code
2 of Alabama 1975, requiring that the newly created Alabama
3 Transportation Commission approve the letting of contracts for
4 the construction, repair, or renewals of highways, bridges, or
5 culverts in the state; Section 23-1-58, Code of Alabama 1975,
6 to prohibit members of the Alabama Transportation Commission
7 from having an interest in any contract for the construction,
8 repair, or maintenance of any road or bridge in this state;
9 Section 23-1-59, Code of Alabama 1975, regarding the
10 promulgation of department rules; Section 23-1-61, Code of
11 Alabama 1975, regarding the receipt and disbursal of
12 department funds; Section 23-1-249, Code of Alabama 1975, to
13 delete the authority of the director regarding the
14 promulgation of junkyard control rules and regulations; and
15 Section 23-1-286, Code of Alabama 1975, to provide that the
16 authority to promulgate outdoor advertising rules would be
17 granted to the commission; to repeal Section 23-1-41, Code of
18 Alabama 1975, regarding self-insurance for department
19 employees, and Section 23-1-63, Code of Alabama 1975, relating
20 to the limitation of obligations on the inauguration date of
21 the incoming Governor.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Sections 23-1A-1, 23-1A-2, and 23-1A-3
24 are added to the Code of Alabama 1975, to read as follows:

25 §23-1A-1.

1 (a) There shall be an Alabama Transportation
2 Commission which shall consist of five members, who shall be
3 initially appointed by the Governor for terms of six, five,
4 four, three, and two years, respectively. Initial commission
5 members shall be appointed within 30 days of the effective
6 date of this act which appointments shall be effective upon
7 the date of the last appointment. Thereafter, members of the
8 commission shall be appointed by the Governor for six-year
9 terms.

10 (b) A member of the commission may not serve
11 consecutive terms. The membership of the commission shall
12 reflect the racial, gender, geographic, urban/rural, and
13 economic diversity of the state. The commission shall report
14 to the Legislature by the second legislative day of each
15 regular session the extent to which the membership of the
16 commission has met the diversity requirements of this
17 provision. Members of the commission shall be appointed by the
18 Governor as follows:

19 (1) One member from the northern region of this
20 state consisting of the following counties: Blount, Calhoun,
21 Cherokee, Cleburne, Colbert, Cullman, DeKalb, Etowah, Fayette,
22 Franklin, Jackson, Lamar, Lauderdale, Lawrence, Limestone,
23 Madison, Marion, Morgan, Marshall, St. Clair, Walker, and
24 Winston.

25 (2) One member from the central region of this state
26 consisting of the following counties: Bibb, Chambers, Chilton,

1 Clay, Coosa, Greene, Hale, Jefferson, Lee, Perry, Pickens,
2 Randolph, Russell, Shelby, Sumter, Talladega, Tallapoosa, and
3 Tuscaloosa.

4 (3) One member from the southern region of this
5 state consisting of the following counties: Autauga, Baldwin,
6 Barbour, Bullock, Butler, Choctaw, Clarke, Coffee, Conecuh,
7 Covington, Crenshaw, Dale, Dallas, Elmore, Escambia, Geneva,
8 Henry, Houston, Lowndes, Macon, Marengo, Mobile, Monroe,
9 Montgomery, Pike, Washington, and Wilcox.

10 "(4) Two members from the state at-large, who at the
11 time of appointment shall not be a resident of the same
12 Congressional district as another member.

13 (c) A member of the commission shall have at least
14 10 years' experience in a business or profession of which at
15 least five years was in a responsible administrative capacity.
16 All or part of the experience may have been with the United
17 States government, a state, or a political subdivision of a
18 state.

19 (d) If a vacancy in the commission occurs, the
20 Governor shall fill the vacancy by appointment for the
21 unexpired term within 30 days of the vacancy.

22 (e) The members of the commission shall serve
23 part-time in the performance of their official duties, but
24 shall hold no other public office of profit with: (1) A state
25 or political subdivision of a state; (2) a state or local
26 governmental or quasi-governmental commission, agency, board,

1 or authority; or (3) a public corporation created by the
2 Legislature. The members shall not be employed in the
3 roadbuilding industry, as a lobbyist, or as an employee or
4 member of a firm that provides goods or services to the
5 Department of Transportation.

6 (f) The members of the commission shall receive no
7 annual salary but shall receive ~~fifty dollars (\$50)~~
8 seventy-five dollars (\$75) for each day or partial day of
9 actual service, actual travel expenses incurred in the
10 performance of their duties, mileage reimbursement in
11 accordance with state law, and other necessary expenses,
12 including food and lodging, incurred in attending meetings and
13 transacting the business of the commission. The commission
14 members shall be paid from the Department of Transportation
15 funds in the same manner as other expenses of the department
16 are paid.

17 (g) The Governor may remove any member of the
18 commission for immorality, misconduct in office, incompetency
19 or willful neglect of duty, inability to perform the duties of
20 the office, or failure to maintain the citizenship and
21 residency requirements of this section, by giving to the
22 member a copy of the charges against him or her and, upon not
23 less than 10 days' notice, an opportunity of being heard
24 publicly in person or by counsel in his or her own defense. If
25 any member shall be removed, the Governor shall file in the
26 office of the Secretary of State a complete statement of all

1 charges against the member, the findings thereon together with
2 a record of the proceedings.

3 (h) Each member of the commission shall take the
4 constitutional oath of office prescribed by Section 279 of the
5 Constitution of Alabama 1901, now appearing as Section 279 of
6 the Official Recompilation of the Constitution of Alabama of
7 1901, as amended, prior to exercising any authority or
8 performing any duty.

9 §23-1A-2.

10 (a) The Transportation Commission shall meet in
11 regular session at least quarterly, with at least one of the
12 regular sessions held at the central office of the Department
13 of Transportation in Montgomery. At its initial meeting, the
14 commission shall elect a chair. Other meetings may be held as
15 the needs of public transportation may require on dates to be
16 set by the commission in official session or by the chair or
17 by the director on written request of a majority of the
18 commission members. The rules generally adopted by
19 deliberative bodies for their government shall be observed by
20 the commission.

21 (b) A majority of the commission members shall
22 constitute a quorum for the transaction of the official
23 business of the commission. Any power of the commission may be
24 exercised by a majority vote of those members present at any
25 meeting at which there is a quorum.

1 (c) Before entering upon the duties of the office,
2 each commission member shall execute to the state a bond, to
3 be approved by the Governor in an amount fixed by the
4 Governor, for the faithful performance of his or her duties.

5 (d) Necessary supplies, stationery, and equipment
6 shall be provided for the commission by the department.

7 (e) The department shall provide administrative
8 support as necessary to perform the functions of the
9 commission within budgetary limitations.

10 §23-1A-3.

11 The Transportation Commission shall be responsible
12 for and have the authority to assume the following duties:

13 (1) Establish a program of current and long-range
14 planning, including a transportation facilities construction
15 program plan.

16 (2) Establish transportation policies for the
17 guidance and direction of the director.

18 (3) Establish transportation policies for general
19 aviation airports, railways, and waterways.

20 (4) Periodically review the status of the state
21 transportation system.

22 (5) Adopt rules as may be necessary to give full
23 force and effect to any of the provisions of the act adding
24 this section. Except as otherwise provided by law or expressly
25 provided in this subdivision, any rule of the department or
26 commission shall be governed by and subject to the Alabama

1 Administrative Procedure Act. Any rule of the department or
2 the commission regarding design, construction, repair, and
3 maintenance of highways, roads, and bridges, structures, or
4 facilities and relocation assistance shall not be governed by
5 or subject to the Alabama Administrative Procedure Act.

6 (6) Receive all road and bridge funds, and any other
7 funds provided to, on behalf of, or credited to the department
8 from any source.

9 (7) Exercise sole authority to disburse all funds,
10 including, but not limited to, road and bridge funds, and any
11 interest thereon, provided to, on behalf of, or credited to
12 the department, in a manner consistent with state or federal
13 laws, rules, or regulations, which authority may be delegated
14 to the director, in whole or in part.

15 Section 2. Sections 23-1-21, 23-1-21.2, 23-1-22,
16 23-1-30, 23-1-34, 23-1-39, 23-1-42, 23-1-50, 23-1-54, 23-1-55,
17 23-1-58, 23-1-59, 23-1-60, 23-1-61, 23-1-249, and 23-1-286,
18 Code of Alabama 1975, are amended to read as follows:

19 "§23-1-21.

20 "(a) The chief executive officer of the State
21 Department of Transportation shall be known as the Director of
22 Transportation, who shall be appointed by the ~~Governor~~
23 Transportation Commission and shall hold office at the
24 pleasure of the ~~Governor~~. ~~All the powers, authority, and~~
25 ~~duties vested in the State Department of Transportation shall~~
26 ~~be exercised by the Director of Transportation~~ commission.

1 "Before entering upon the duties of office, the
2 Director of Transportation shall execute to the State of
3 Alabama a bond, to be approved by the ~~Governor~~ Transportation
4 Commission, in an amount to be fixed by the ~~Governor~~
5 Transportation Commission, for the faithful performance of his
6 or her duties.

7 "(b) The compensation of the director shall be set
8 by the Transportation Commission at an amount not to exceed
9 fifteen thousand dollars (\$15,000) above the annual salary of
10 the highest paid Department of Transportation Merit System
11 employee, and shall be paid in installments from the State
12 Treasury in the same manner that salaries of other state
13 officers are paid.

14 "(c) The director shall possess the following
15 qualifications:

16 "(1) Good moral character.

17 "(2) Knowledge in public transportation.

18 "(3) Graduation from a college or university
19 accredited by a regional accrediting association recognized by
20 the State Personnel Department.

21 "(4) At least 10 years' experience in an executive
22 or administrative capacity.

23 "(d) In the event of a vacancy in the office of the
24 director, the chief engineer of the department shall serve as
25 acting director until the commission selects a replacement.

1 The Transportation Commission shall name a new director within
2 120 days of a vacancy.

3 "§23-1-21.2.

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

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

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

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

23 "(4) Provide any available technical assistance to
24 local entities for formulating a program of public
25 transportation projects to assure that said projects are in
26 accordance with the comprehensive transportation planning

1 process where such process is established and is a
2 prerequisite for federal assistance.

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

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

9 "(6) Administer any federal funds received by the
10 department for the purpose of public transportation.

11 "(7) Administer any and all funds, including any
12 interest thereon, deposited into the State Road and Bridge
13 Fund.

14 "(b) In addition to the duties listed in subsection
15 (a), the director shall do the following:

16 "(1) Administer the policies promulgated by the
17 commission.

18 "(2) Supervise all administrative and technical
19 activities of the department.

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

21 "(4) Coordinate the activities of the various
22 offices of the department.

23 "(5) Recommend studies and investigations subject to
24 commission approval as may be appropriate and execute the
25 approved recommendations in conjunction with the various
26 offices.

1 "(6) Have day-to-day supervision over all
2 transportation matters relating to the construction or
3 maintenance of the state highways, letting of contracts
4 therefor, the selection of materials to be used in the
5 construction of state highways, and, in accordance with Merit
6 System laws and regulations for Merit System employees, the
7 employment, promotion, demotion, reprimand, suspension,
8 termination, reassignment, transfer, moving, or relocation of
9 all personnel not specifically authorized by statute to be
10 employed by the commission. The director may authorize the
11 payment of expenses of any personnel reassigned, transferred,
12 moved, or relocated in accordance with state law as provided
13 in Sections 36-7-40 and 36-7-41.

14 "(7) Execute all contracts and agreements in the
15 name of the state.

16 "(8) Implement the transportation facilities
17 construction program as recommended by the Transportation
18 Commission.

19 "(9) Provide assistance and information to the
20 Transportation Commission as requested.

21 "(10) Other duties as assigned or delegated by the
22 Transportation Commission.

23 "§23-1-22.

24 "(a) There is hereby created within the State
25 Department of Transportation the position of chief engineer,
26 which shall be filled by appointment by the Director of

1 Transportation, with the approval of the ~~Governor~~
2 Transportation Commission. Such appointment shall also be
3 subject to approval by the State Board of Registration for
4 Engineers and Land Surveyors. The salary of the chief engineer
5 shall be as determined pursuant to Chapter 6 of Title 36, and
6 ~~he~~ the chief engineer shall be allowed traveling expenses when
7 traveling on business of the state pursuant to Article 2 of
8 Chapter 7 of Title 36, all to be paid from funds of the State
9 Department of Transportation as salaries and expenses of other
10 State Department of Transportation employees are paid. The
11 chief engineer shall give bond for the faithful performance of
12 his or her duties in an amount to be approved by the Governor.

13 "(b) The chief engineer shall serve under the
14 direction of the Director of Transportation and otherwise be
15 entitled to all the privileges and responsibilities as other
16 Merit System employees, and his or her service and removal
17 shall be subject to the state Merit System regulations.

18 "§23-1-30.

19 "The functions and duties of the legal division of
20 the State Department of Transportation shall, as all other
21 assistant attorneys general, include the following:

22 "(1) To advise the Transportation Commission and the
23 Director of Transportation and other personnel of the State
24 Department of Transportation on the legal aspects of all State
25 Department of Transportation business;

1 "(2) To examine and advise as to the legality of all
2 contracts and agreements entered into by the State Department
3 of Transportation or the Director of Transportation;

4 "(3) To take all legal action necessary or desirable
5 in the acquisition of rights-of-way for state and interstate
6 highways;

7 "(4) To appear in court as attorney for the State of
8 Alabama and the State Department of Transportation in the
9 acquisition of rights-of-way for state and interstate
10 highways; and

11 "(5) To represent the Transportation Commission,
12 State Department of Transportation, and the Director of
13 Transportation in all legal proceedings to which the
14 Transportation Commission, State Department of Transportation,
15 or the Director of Transportation is a party.

16 "§23-1-34.

17 "The State Department of Transportation shall keep
18 on file in its office copies of all plans and specifications
19 prepared by the State Department of Transportation, in
20 accordance with Section 41-13-21, and the files and records of
21 such department shall, under reasonable regulations, be kept
22 open for inspection of the public at all reasonable hours.
23 Certified copies of records shall be received in evidence in
24 all the courts of this state.

25 "§23-1-39.

1 "The State Department of Transportation shall have a
2 seal and the director shall have the power to administer
3 oaths, take affidavits, and make certificates.

4 "§23-1-42.

5 "(a) The roads and streets, drives and parking areas
6 located on the campus of any state institution of higher
7 learning, the Alabama state hospitals, the Partlow State
8 School and Hospital and the Alabama Agricultural Center in the
9 City of Montgomery shall be deemed a part of the state highway
10 system and may be constructed, maintained and repaired by the
11 State Department of Transportation in the same manner as other
12 highways and roads in the state highway system.

13 "(b) The State Department of Transportation ~~or the~~
14 ~~director thereof is hereby authorized and empowered to~~ may
15 expend any funds in the Public Road and Bridge Fund to
16 effectuate the purpose of this section, ~~provided such~~
17 ~~expenditure is first approved by the Governor.~~

18 "§23-1-50.

19 "~~Subject to the provisions of Chapter 4, Title 41,~~
20 ~~the~~ The State Department of Transportation ~~is authorized to~~
21 may rent, construct, or purchase ~~such~~ buildings, stock,
22 machinery, tools, materials, and other equipment as it may
23 find necessary for use in carrying out ~~the provisions of this~~
24 chapter and pay for the same out of the State Highway Fund. It
25 shall also, ~~subject to the provisions of Chapter 4 of Title~~
26 ~~41,~~ pay out of ~~said~~ the fund the necessary expenses of the

1 department of every description, including traveling expenses
2 of the officials and engineers, superintendents, foremen and
3 clerks, etc., while in the actual performance of their duties
4 authorized or imposed by this chapter and also the cost of all
5 supplies or materials furnished for ~~said the~~ department and
6 for the maintenance of all machinery used by the department or
7 its agent.

8 "§23-1-54.

9 "Every contract for road or bridge construction,
10 repair, or maintenance under the provisions of this chapter
11 shall be made in the name of the State of Alabama, ~~approved~~
12 and executed by the Director of the State Department of
13 Transportation and the Governor. There shall be a 35% goal of
14 using black contractors with the Department and its road
15 projects.

16 "§23-1-55.

17 "No contracts for construction, repair, or renewals
18 of highways, bridges, or culverts shall be let without the
19 approval of ~~the Governor~~ Transportation Commission and until
20 after all necessary right-of-way for such highways and right
21 for material for construction and right-of-way for ingress and
22 egress to ~~said the~~ material have been legally procured and all
23 documents covering such procurement have been placed on file
24 with the Director of Transportation.

25 "§23-1-58.

1 "Neither any member of the Transportation
2 Commission, the director, nor any other person in the employ
3 of the Department of Transportation shall be, either directly
4 or indirectly, interested in any contract or agreement for the
5 construction or maintenance of any road or bridge in this
6 state or in the sale of any machinery, material, or anything
7 whatever entering into the construction, repair, or
8 maintenance of the roads and bridges of this state.

9 "§23-1-59.

10 "~~(a) The State Department of Transportation shall~~
11 ~~have the right and power to~~ Transportation Commission may
12 adopt all reasonable and necessary rules and regulations for
13 the better construction, repair, and maintenance of the public
14 roads and bridges in Alabama under the jurisdiction of the
15 department ~~which the department shall deem proper.~~ The
16 director, on behalf of the department, ~~shall have the power to~~
17 may enter into contracts and agreements with the owners or
18 operators of telegraph or telephone lines, community antenna
19 television systems, power transmission lines, gas districts,
20 gas, water, sewer, or other pipelines which are constructed,
21 to be constructed or operated along or across the right-of-way
22 of public roads, bridges, and highways of this state and to
23 prescribe all reasonable rules ~~and regulations~~ as to the
24 construction, repair, or maintenance of the poles, wires, and
25 lines of such telegraph, telephone, community antenna
26 television systems, or power companies and pipelines of gas

1 districts, gas, water, sewer, or other pipeline companies so
2 as to ~~insure~~ provide for the safety of the travelling public
3 in using the roads, bridges, and highways in this state.

4 "~~The State Department of Transportation~~
5 Transportation Commission may prescribe any reasonable rules
6 ~~and regulations~~ so as to prevent unnecessary trespassing upon
7 or injury to any of the public roads, bridges, or highways of
8 the state upon which state money may be expended or
9 appropriated or upon any part of the right-of-way of any of
10 the public roads or highways in the state upon which state
11 money may be expended or appropriated.

12 "~~The State Department of Transportation~~
13 Transportation Commission may prescribe rules ~~and regulations~~
14 as to the weight or tonnage of vehicles to be used upon any of
15 the public roads, bridges, or highways of the state upon which
16 state money may be expended or appropriated, except as may be
17 otherwise provided by law.

18 "~~The State Department of Transportation~~
19 Transportation Commission, in addition to the right,
20 authority, and powers conferred upon it by this title, ~~is~~
21 ~~authorized to~~ may make all such reasonable rules ~~and~~
22 ~~regulations~~ as the ~~department~~ commission may deem necessary to
23 carry out the provisions of this title and comply with federal
24 rules or regulations.

25 "§23-1-60.

1 "The following implementation of the provisions of
2 the State Department of Transportation standard specifications
3 for highways and bridges is hereby adopted as a statutory
4 provision, any and all other laws in conflict notwithstanding:

5 "(1) ALTERATION OF PLANS OR CHARACTER OR WORK. The
6 Director of Transportation ~~shall have the authority to make,~~
7 at any time during the progress of any construction on any
8 highway project under his or her jurisdiction, may make such
9 changes or alterations of construction details, including
10 alterations in grade or alignment of roadway or bridges, or
11 both, as may be necessary or desirable for the successful
12 completion of the project. The aforementioned changes or
13 alterations may or may not increase or decrease the original
14 planned quantities; however, under no circumstances shall
15 changes or alterations involve any work beyond the termini of
16 the original construction project, except as may be necessary
17 to satisfactorily complete the project in the most feasible
18 and economical manner, in the judgment of the Director of
19 Transportation.

20 "(2) EXTRA WORK. The Director of Transportation
21 ~~shall have the authority to~~ may determine the need for new or
22 additional work not contemplated or included in the original
23 construction contract. This new or additional work shall not
24 extend beyond the termini of the original construction
25 project, except as may be necessary to satisfactorily complete

1 the project in the most feasible and economical manner, in the
2 judgment of the Director of Transportation.

3 "(3) SUPPLEMENTAL AGREEMENT OR FORCE ACCOUNT ORDER.

4 The Director of Transportation ~~shall have the authority to~~ may
5 enter into a supplemental contract with the prime contractor,
6 setting forth the estimated quantities of extra work and
7 specifying the unit prices or lump sum agreed upon by the
8 parties involved; provided, that such supplemental contract
9 shall not be subject to any competitive bid laws of this
10 state. If a satisfactory unit price or lump sum cannot be
11 agreed upon, the Director of Transportation shall have the
12 authority to direct that extra work be performed on a force
13 account basis, as defined by the State Department of
14 Transportation standard specifications for highways and
15 bridges.

16 "(4) Every supplemental contract for road or bridge
17 construction, repair, or maintenance under this chapter shall
18 be made in the name of the State of Alabama and executed by
19 the director of the department.

20 "§23-1-61.

21 ~~"There is hereby appropriated to the State~~
22 ~~Department of Transportation for its use the entire net~~
23 ~~revenue derived by the state from the sale of motor vehicle,~~
24 ~~trailer and tractor licenses, and such other appropriations or~~
25 ~~funds received by the State Department of Transportation shall~~
26 ~~be expended and accounted for as provided in this article.~~

1 ~~Said~~ After the effective date of the act adding this language,
2 the Department of Transportation shall be subject to Chapter
3 19, Title 41, the Budget Management Act. The State Highway
4 Fund shall be paid out of the Treasury on the Comptroller's
5 warrant drawn upon presentation ~~to him~~ of the certificate of
6 the department ~~approved by the Governor.~~

7 "§23-1-249.

8 ~~"The director may:~~

9 ~~"(1) Promulgate regulations he deems necessary to~~
10 ~~implement and enforce provisions of this division; and~~

11 ~~"(2) Enter~~ The director may enter into agreements
12 with the United States Department of Transportation pursuant
13 to Title 23, United States Code, and any amendments thereto,
14 relating to the control of junkyards in areas adjacent to the
15 interstate and primary systems and to take action in the name
16 of the state to comply with the terms of this agreement.

17 "§23-1-286.

18 ~~"The Director of Transportation Commission is hereby~~
19 ~~authorized to~~ may adopt such rules and regulations ~~as are~~
20 necessary and appropriate to carry out ~~the provisions of this~~
21 division."

22 Section 3. (a) Section 23-1-41 of the Code of
23 Alabama 1975, relating to the self-insurance program for
24 department employees, is repealed.

1 (b) Section 23-1-63 of the Code of Alabama 1975,
2 relating to the limitation of obligations on the inauguration
3 date of the incoming Governor, is repealed.

4 Section 4. Nothing in this act shall be construed to
5 affect the current distribution of interest income generated
6 by any state, federal or local funds under the purview of the
7 Department of Transportation. This section expressly includes
8 interest income deposited into the State General Fund.

9 Section 5. All laws or parts of laws which conflict
10 with this act are repealed.

11 Section 6. This act shall become effective
12 immediately following its passage and approval by the
13 Governor, or its otherwise becoming law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

16
17
18
19

House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Government Oper-
ations 12-JAN-10

Read for the second time and placed
on the calendar with 1 substitute
and 14-JAN-10

Read for the third time and passed
as amended 19-JAN-10

Yeas 87, Nays 6, Abstains 1

Greg Pappas
Clerk