

1 SB273  
2 174130-3  
3 By Senators Smitherman and Orr  
4 RFD: Governmental Affairs  
5 First Read: 18-FEB-16

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8 SYNOPSIS: Under existing law, the Director of  
9 Transportation may appoint up to three deputy  
10 directors of transportation, one of whom may be the  
11 chief engineer. The salary of a deputy director is  
12 determined by the director with approval of the  
13 Governor. A deputy director serves at the pleasure  
14 of the director and is not subject to the Merit  
15 System law.

16 This bill would delete provisions that  
17 salary of a deputy director would be set by the  
18 director with the approval of the Governor and that  
19 one of the deputy directors may be the chief  
20 engineer. The bill would also provide that a deputy  
21 director appointed after the effective date of this  
22 act would be in the unclassified service under the  
23 state Merit System law. The salary range of a state  
24 employee in the unclassified service is set by the  
25 State Personnel Board.

26 Under existing law, the Chief Engineer of  
27 the Department of Transportation is appointed by

1 the Director of Transportation and the salary of  
2 the chief engineer is determined by the director  
3 with the approval of the Governor. The law  
4 specifies that the chief engineer is an exempt  
5 employee under the state Merit System law.

6 This bill would delete the provisions in the  
7 law regarding the determination of the salary of  
8 the chief engineer and would provide that the chief  
9 engineer of the department would be in the  
10 unclassified service under the state Merit System  
11 law. The salary range of a state employee in the  
12 unclassified service is set by the State Personnel  
13 Board.

14  
15 A BILL  
16 TO BE ENTITLED  
17 AN ACT  
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19 Relating to the Department of Transportation; to  
20 amend Sections 23-1-21.4 and 23-1-22, Code of Alabama 1975,  
21 relating to the appointment, salary, and status of deputy  
22 directors of transportation and the chief engineer of the  
23 department.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Sections 23-1-21.4 and 23-1-22, Code of  
26 Alabama 1975, are amended to read as follows:

27 "§23-1-21.4.

1           "(a) The Director of Transportation may appoint up  
2 to three deputy directors of transportation, ~~one of whom may~~  
3 ~~be the chief engineer,~~ with the approval of the Governor. The  
4 Director of Transportation may assign duties and  
5 responsibilities to a deputy director as may be necessary for  
6 the proper administration and execution of the work of the  
7 Department of Transportation. ~~The salary of a deputy director~~  
8 ~~shall be determined by the Director of Transportation, with~~  
9 ~~the approval of the Governor.~~ A deputy director shall be paid  
10 from funds of the department in the same manner as salaries  
11 and expenses of other department employees are paid. A deputy  
12 director shall give bond for the faithful performance of his  
13 or her duties in an amount approved by the director.

14           "(b) (1) A deputy director appointed pursuant to this  
15 section prior to the effective date of the act adding this  
16 language shall serve at the pleasure of the Director of  
17 Transportation and shall not be subject to the state Merit  
18 System law, but shall otherwise be considered a state employee  
19 for all other purposes.

20           "(2) After the effective date of the act adding this  
21 subdivision, a deputy director appointed pursuant to this  
22 section shall be in the unclassified service under the state  
23 Merit System law.

24           "§23-1-22.

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

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

11 " (b) (1) The chief engineer appointed prior to the  
12 effective date of the act adding this language shall serve at  
13 the pleasure of and under the direction of the Director of  
14 Transportation and shall be an exempt employee under the state  
15 Merit System regulations.

16 "(2) After the effective date of the act adding this  
17 subdivision, the chief engineer shall be appointed in the  
18 unclassified service under the state Merit System law."

19 Section 2. This act shall become effective  
20 immediately following its passage and approval by the  
21 Governor, or its otherwise becoming law.