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3 HB123 HOUSE GOVERNMENT OPERATIONS COMMITTEE ENGROSSED
4 SUBSTITUTE

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10 A BILL
11 TO BE ENTITLED
12 AN ACT
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14 To establish the Alabama Transportation Commission
15 and provide for the members, the manner of selection of
16 members, terms, qualifications, duties, responsibilities,
17 compensation, and expenses of the commission; to amend
18 Sections 23-1-21 and 23-1-21.2, Code of Alabama 1975, relating
19 to the salary, appointment, qualifications, and authority of
20 the Director of the Department of Transportation; Section
21 23-1-22, Code of Alabama 1975, regarding the approval of the
22 director's appointment of a chief engineer; Section 23-1-30,
23 Code of Alabama 1975, regarding the department's legal
24 division functions and duties; Section 23-1-34, Code of
25 Alabama 1975, regarding the records maintained by the
26 department; Section 23-1-39, Code of Alabama 1975, regarding
27 seals and the power to administer oaths; Section 23-1-42, Code

1 of Alabama 1975, regarding roads located on state
2 institutions; Section 23-1-50, Code of Alabama 1975, regarding
3 procurement of equipment; Sections 23-1-54 and 23-1-60, Code
4 of Alabama 1975, regarding the director's authority to execute
5 contracts and supplemental contracts for the road and bridge
6 construction, maintenance, and repair; Section 23-1-55, Code
7 of Alabama 1975, requiring that the newly created Alabama
8 Transportation Commission approve the letting of contracts for
9 the construction, repair, or renewals of highways, bridges, or
10 culverts in the state; Section 23-1-58, Code of Alabama 1975,
11 to prohibit members of the Alabama Transportation Commission
12 from having an interest in any contract for the construction,
13 repair, or maintenance of any road or bridge in this state;
14 Section 23-1-59, Code of Alabama 1975, regarding the
15 promulgation of department rules; Section 23-1-61, Code of
16 Alabama 1975, regarding the receipt and disbursal of
17 department funds; Section 23-1-249, Code of Alabama 1975, to
18 delete the authority of the director regarding the
19 promulgation of junkyard control rules and regulations; and
20 Section 23-1-286, Code of Alabama 1975, to provide that the
21 authority to promulgate outdoor advertising rules would be
22 granted to the commission; to repeal Section 23-1-41, Code of
23 Alabama 1975, regarding self-insurance for department
24 employees, and Section 23-1-63, Code of Alabama 1975, relating
25 to the limitation of obligations on the inauguration date of
26 the incoming Governor.

27 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

3 §23-1A-1.

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

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

22 ~~(1) One member from the southern region of this~~
23 ~~state consisting of the following counties: Baldwin, Choctaw,~~
24 ~~Clarke, Conecuh, Dallas, Escambia, Hale, Marengo, Mobile,~~
25 ~~Monroe, Perry, Washington, and Wilcox.~~

26 ~~(2) One member from the central region of this state~~
27 ~~consisting of the following counties: Autauga, Barbour,~~

1 ~~Bullock, Butler, Chambers, Chilton, Coffee, Coosa, Covington,~~
2 ~~Crenshaw, Dale, Elmore, Geneva, Henry, Houston, Lee, Lowndes,~~
3 ~~Macon, Montgomery, Pike, Russell, Randolph, Tallapoosa, and~~
4 ~~Tuscaloosa.~~

5 ~~(3) One member from the northern region of this~~
6 ~~state consisting of the following counties: Winston, Clay,~~
7 ~~Cullman, Cleburne, Colbert, Pickens, Shelby, St. Clair,~~
8 ~~Sumter, Talladega, Etowah, Walker, Morgan, Marion, Marshall,~~
9 ~~Lawrence, Limestone, Madison, Jackson, Jefferson, Lamar,~~
10 ~~Lauderdale, Fayette, Franklin, Bibb, Blount, Calhoun, DeKalb,~~
11 ~~Cherokee, and Greene.~~

12 (1) One member from the northern region of this
13 state consisting of the following counties: Blount, Calhoun,
14 Cherokee, Cleburne, Colbert, Cullman, DeKalb, Etowah, Fayette,
15 Franklin, Jackson, Lamar, Lauderdale, Lawrence, Limestone,
16 Madison, Marion, Morgan, Marshall, St. Clair, Walker, and
17 Winston.

18 (2) One member from the central region of this state
19 consisting of the following counties: Bibb, Chambers, Chilton,
20 Clay, Coosa, Greene, Hale, Jefferson, Lee, Perry, Pickens,
21 Randolph, Russell, Shelby, Sumter, Talladega, Tallapoosa, and
22 Tuscaloosa.

23 (3) One member from the southern region of this
24 state consisting of the following counties: Autauga, Baldwin,
25 Barbour, Bullock, Butler, Choctaw, Clarke, Coffee, Conecuh,
26 Covington, Crenshaw, Dale, Dallas, Elmore, Escambia, Geneva,

1 Henry, Houston, Lowndes, Macon, Marengo, Mobile, Monroe,
2 Montgomery, Pike, Washington, and Wilcox.

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

6 (c) A member of the commission shall have at least
7 10 years' experience in a business or profession of which at
8 least five years was in a responsible administrative capacity.
9 All or part of the experience may have been with the United
10 States government, a state, or a political subdivision of a
11 state.

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

15 (e) The members of the commission shall serve
16 part-time in the performance of their official duties, but
17 shall hold no other public office of profit with: (1) A state
18 or political subdivision of a state; (2) a state or local
19 governmental or quasi-governmental commission, agency, board,
20 or authority; or (3) a public corporation created by the
21 Legislature. The members shall not be employed in the
22 roadbuilding industry, as a lobbyist, or as an employee or
23 member of a firm that provides goods or services to the
24 Department of Transportation.

25 (f) The members of the commission shall receive no
26 annual salary but shall receive fifty dollars (\$50) for each
27 day or partial day of actual service, actual travel expenses

1 incurred in the performance of their duties, mileage
2 reimbursement in accordance with state law, and other
3 necessary expenses, including food and lodging, incurred in
4 attending meetings and transacting the business of the
5 commission. The commission members shall be paid from the
6 Department of Transportation funds in the same manner as other
7 expenses of the department are paid.

8 (g) The Governor may remove any member of the
9 commission for immorality, misconduct in office, incompetency
10 or willful neglect of duty, inability to perform the duties of
11 the office, or failure to maintain the citizenship and
12 residency requirements of this section, by giving to the
13 member a copy of the charges against him or her and, upon not
14 less than 10 days' notice, an opportunity of being heard
15 publicly in person or by counsel in his or her own defense. If
16 any member shall be removed, the Governor shall file in the
17 office of the Secretary of State a complete statement of all
18 charges against the member, the findings thereon together with
19 a record of the proceedings.

20 (h) Each member of the commission shall take the
21 constitutional oath of office prescribed by Section 279 of the
22 Constitution of Alabama 1901, now appearing as Section 279 of
23 the Official ReCompilation of the Constitution of Alabama of
24 1901, as amended, prior to exercising any authority or
25 performing any duty.

26 §23-1A-2.

1 (a) The Transportation Commission shall meet in
2 regular session at least quarterly, with at least one of the
3 regular sessions held at the central office of the Department
4 of Transportation in Montgomery. At its initial meeting, the
5 commission shall elect a chair. Other meetings may be held as
6 the needs of public transportation may require on dates to be
7 set by the commission in official session or by the chair or
8 by the director on written request of a majority of the
9 commission members. The rules generally adopted by
10 deliberative bodies for their government shall be observed by
11 the commission.

12 (b) A majority of the commission members shall
13 constitute a quorum for the transaction of the official
14 business of the commission. Any power of the commission may be
15 exercised by a majority vote of those members present at any
16 meeting at which there is a quorum.

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

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

23 (e) The department shall provide administrative
24 support as necessary to perform the functions of the
25 commission within budgetary limitations.

26 §23-1A-3.

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

3 (1) Establish a program of current and long-range
4 planning, including a transportation facilities construction
5 program plan.

6 (2) Establish transportation policies for the
7 guidance and direction of the director.

8 (3) Establish transportation policies for general
9 aviation airports, railways, and waterways.

10 (4) Periodically review the status of the state
11 transportation system.

12 (5) Adopt rules as may be necessary to give full
13 force and effect to any of the provisions of the act adding
14 this section. Except as otherwise provided by law or expressly
15 provided in this subdivision, any rule of the department or
16 commission shall be governed by and subject to the Alabama
17 Administrative Procedure Act. Any rule of the department or
18 the commission regarding design, construction, repair, and
19 maintenance of highways, roads, and bridges, structures, or
20 facilities and relocation assistance shall not be governed by
21 or subject to the Alabama Administrative Procedure Act.

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

25 (7) Exercise sole authority to disburse all funds,
26 including, but not limited to, road and bridge funds, and any
27 interest thereon, provided to, on behalf of, or credited to

1 the department, in a manner consistent with state or federal
2 laws, rules, or regulations, which authority may be delegated
3 to the director, in whole or in part.

4 Section 2. Sections 23-1-21, 23-1-21.2, 23-1-22,
5 23-1-30, 23-1-34, 23-1-39, 23-1-42, 23-1-50, 23-1-54, 23-1-55,
6 23-1-58, 23-1-59, 23-1-60, 23-1-61, 23-1-249, and 23-1-286,
7 Code of Alabama 1975, are amended to read as follows:

8 "§23-1-21.

9 "(a) The chief executive officer of the State
10 Department of Transportation shall be known as the Director of
11 Transportation, who shall be appointed by the ~~Governor~~
12 Transportation Commission and shall hold office at the
13 pleasure of the ~~Governor~~. ~~All the powers, authority, and~~
14 ~~duties vested in the State Department of Transportation shall~~
15 ~~be exercised by the Director of Transportation~~ commission.

16 "Before entering upon the duties of office, the
17 Director of Transportation shall execute to the State of
18 Alabama a bond, to be approved by the ~~Governor~~ Transportation
19 Commission, in an amount to be fixed by the ~~Governor~~
20 Transportation Commission, for the faithful performance of his
21 or her duties.

22 "(b) The compensation of the director shall be set
23 by the Transportation Commission at an amount not to exceed
24 fifteen thousand dollars (\$15,000) above the annual salary of
25 the highest paid Department of Transportation Merit System
26 employee, and shall be paid in installments from the State

1 Treasury in the same manner that salaries of other state
2 officers are paid.

3 "(c) The director shall possess the following
4 qualifications:

5 "(1) Good moral character.

6 "(2) Knowledge in public transportation.

7 "(3) Graduation from a college or university
8 accredited by a regional accrediting association recognized by
9 the State Personnel Department.

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

12 "(d) In the event of a vacancy in the office of the
13 director, the chief engineer of the department shall serve as
14 acting director until the commission selects a replacement.
15 The Transportation Commission shall name a new director within
16 120 days of a vacancy.

17 "§23-1-21.2.

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

21 "(1) Enter into agreements with local entities to
22 provide public transportation and to administer any program or
23 programs, whether rural or urban, relative to public
24 transportation resulting from federal transportation
25 legislation. This shall include but not be limited to applying
26 for, accepting, and expending federal public transportation

1 funds in accordance with applicable federal laws and
2 regulations.

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

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

11 "(4) Provide any available technical assistance to
12 local entities for formulating a program of public
13 transportation projects to assure that said projects are in
14 accordance with the comprehensive transportation planning
15 process where such process is established and is a
16 prerequisite for federal assistance.

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

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

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

25 "(7) Administer any and all funds, including any
26 interest thereon, deposited into the State Road and Bridge
27 Fund.

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

3 "(1) Administer the policies promulgated by the
4 commission.

5 "(2) Supervise all administrative and technical
6 activities of the department.

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

8 "(4) Coordinate the activities of the various
9 offices of the department.

10 "(5) Recommend studies and investigations subject to
11 commission approval as may be appropriate and execute the
12 approved recommendations in conjunction with the various
13 offices.

14 "(6) Have day-to-day supervision over all
15 transportation matters relating to the construction or
16 maintenance of the state highways, letting of contracts
17 therefor, the selection of materials to be used in the
18 construction of state highways, and, in accordance with Merit
19 System laws and regulations for Merit System employees, the
20 employment, promotion, demotion, reprimand, suspension,
21 termination, reassignment, transfer, moving, or relocation of
22 all personnel not specifically authorized by statute to be
23 employed by the commission. The director may authorize the
24 payment of expenses of any personnel reassigned, transferred,
25 moved, or relocated in accordance with state law as provided
26 in Sections 36-7-40 and 36-7-41.

1 "(7) Execute all contracts and agreements in the
2 name of the state.

3 "(8) Implement the transportation facilities
4 construction program as recommended by the Transportation
5 Commission.

6 "(9) Provide assistance and information to the
7 Transportation Commission as requested.

8 "(10) Other duties as assigned or delegated by the
9 Transportation Commission.

10 "§23-1-22.

11 "(a) There is hereby created within the State
12 Department of Transportation the position of chief engineer,
13 which shall be filled by appointment by the Director of
14 Transportation, with the approval of the ~~Governor~~
15 Transportation Commission. Such appointment shall also be
16 subject to approval by the State Board of Registration for
17 Engineers and Land Surveyors. The salary of the chief engineer
18 shall be as determined pursuant to Chapter 6 of Title 36, and
19 ~~he~~ the chief engineer shall be allowed traveling expenses when
20 traveling on business of the state pursuant to Article 2 of
21 Chapter 7 of Title 36, all to be paid from funds of the State
22 Department of Transportation as salaries and expenses of other
23 State Department of Transportation employees are paid. The
24 chief engineer shall give bond for the faithful performance of
25 his or her duties in an amount to be approved by the Governor.

26 "(b) The chief engineer shall serve under the
27 direction of the Director of Transportation and otherwise be

1 entitled to all the privileges and responsibilities as other
2 Merit System employees, and his or her service and removal
3 shall be subject to the state Merit System regulations.

4 "§23-1-30.

5 "The functions and duties of the legal division of
6 the State Department of Transportation shall, as all other
7 assistant attorneys general, include the following:

8 "(1) To advise the Transportation Commission and the
9 Director of Transportation and other personnel of the State
10 Department of Transportation on the legal aspects of all State
11 Department of Transportation business;

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

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

18 "(4) To appear in court as attorney for the State of
19 Alabama and the State Department of Transportation in the
20 acquisition of rights-of-way for state and interstate
21 highways; and

22 "(5) To represent the Transportation Commission,
23 State Department of Transportation, and the Director of
24 Transportation in all legal proceedings to which the
25 Transportation Commission, State Department of Transportation,
26 or the Director of Transportation is a party.

27 "§23-1-34.

1 "The State Department of Transportation shall keep
2 on file in its office copies of all plans and specifications
3 prepared by the State Department of Transportation, in
4 accordance with Section 41-13-21, and the files and records of
5 such department shall, under reasonable regulations, be kept
6 open for inspection of the public at all reasonable hours.
7 Certified copies of records shall be received in evidence in
8 all the courts of this state.

9 "§23-1-39.

10 "The State Department of Transportation shall have a
11 seal and the director shall have the power to administer
12 oaths, take affidavits, and make certificates.

13 "§23-1-42.

14 "(a) The roads and streets, drives and parking areas
15 located on the campus of any state institution of higher
16 learning, the Alabama state hospitals, the Partlow State
17 School and Hospital and the Alabama Agricultural Center in the
18 City of Montgomery shall be deemed a part of the state highway
19 system and may be constructed, maintained and repaired by the
20 State Department of Transportation in the same manner as other
21 highways and roads in the state highway system.

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

27 "§23-1-50.

1 ~~"Subject to the provisions of Chapter 4, Title 41,~~
2 the The State Department of Transportation ~~is authorized to~~
3 may rent, construct, or purchase ~~such~~ buildings, stock,
4 machinery, tools, materials, and other equipment as it may
5 find necessary for use in carrying out ~~the provisions of this~~
6 chapter and pay for the same out of the State Highway Fund. It
7 shall also, ~~subject to the provisions of Chapter 4 of Title~~
8 ~~41,~~ pay out of ~~said~~ the fund the necessary expenses of the
9 department of every description, including traveling expenses
10 of the officials and engineers, superintendents, foremen and
11 clerks, etc., while in the actual performance of their duties
12 authorized or imposed by this chapter and also the cost of all
13 supplies or materials furnished for ~~said~~ the department and
14 for the maintenance of all machinery used by the department or
15 its agent.

16 "§23-1-54.

17 "Every contract for road or bridge construction,
18 repair, and or maintenance under the provisions of this chapter
19 shall be made in the name of the State of Alabama, ~~approved~~
20 and executed by the Director of the State Department of
21 Transportation ~~and the Governor.~~

22 "§23-1-55.

23 "No contracts for construction, repair, and or renewals
24 of highways, bridges, and or culverts shall be let without the
25 approval of ~~the Governor~~ Transportation Commission and until
26 after all necessary right-of-way for such highways and right
27 for material for construction and right-of-way for ingress and

1 egress to ~~said~~ the material have been legally procured and all
2 documents covering such procurement have been placed on file
3 with the Director of Transportation.

4 "§23-1-58.

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

13 "§23-1-59.

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

1 construction, repair, or maintenance of the poles, wires, and
2 lines of such telegraph, telephone, community antenna
3 television systems, or power companies and pipelines of gas
4 districts, gas, water, sewer, or other pipeline companies so
5 as to ~~insure~~ provide for the safety of the travelling public
6 in using the roads, bridges, and highways in this state.

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

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

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

1 "§23-1-60.

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

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

21 "(2) EXTRA WORK. The Director of Transportation
22 ~~shall have the authority to~~ may determine the need for new or
23 additional work not contemplated or included in the original
24 construction contract. This new or additional work shall not
25 extend beyond the termini of the original construction
26 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.~~
27 Said After the effective date of the act adding this language,

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

6 "§23-1-249.

7 ~~"The director may:~~

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

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

16 "§23-1-286.

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

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

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

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

6 Section 5. All laws or parts of laws which conflict
7 with this act are repealed.

8 Section 6. This act shall become effective
9 immediately following its passage and approval by the
10 Governor, or its otherwise becoming law.