HB244

138515-4

By Representative Wren

RFD: State Government

First Read: 12-FEB-13
SYNOPSIS: Under existing law, various state agencies, departments, boards, and commissions have the authority, with the approval of the State Finance Director, to purchase, lease, operate, and maintain motor vehicles for the purpose of providing necessary motor vehicle transportation for their officers and employees. Also, the state motor pool is administered by the Department of Finance, Division of Service, for the purpose of providing necessary motor vehicle transportation for state officers and employees that do not have motor vehicles regularly assigned to them.

Under existing law, the Green Fleets Review Committee oversees compliance with state procurement policies for motor vehicles as defined in Section 41-17A-5, Code of Alabama 1975, as amended.

This bill would establish the Office of Fleet Management within the Department of Transportation to manage the purchase, lease,
operation, maintenance, and disposal of all motor
cars needed to provide necessary motor vehicle
transportation for state officers and employees.
The Office of Fleet Management would be directed by
the State Fleet Manager appointed by the
Transportation Director.

This bill would provide for the powers and
duties of the Office of Fleet Management and the
State Fleet Manager.

This bill would create the Transportation
Revolving Fund to provide funding for the operation
of the Office of Fleet Management.

This bill would provide for motor vehicle
transportation pools in the City of Montgomery and
other areas of the state as designated by the State
Fleet Manager.

This bill would provide for regular reports
of the operation of the Office of Fleet Management
to the Green Fleets Review Committee.

This bill would repeal all laws or parts of
laws that conflict with this act.

This bill would provide for disciplinary
action for certain violations, and provides that
certain violations constitute a Class C
misdemeanor.

Amendment 621 of the Constitution of Alabama
of 1901, now appearing as Section 111.05 of the
Official Recompilation of the Constitution of Alabama of 1901, as amended, prohibits a general law whose purpose or effect would be to require a new or increased expenditure of local funds from becoming effective with regard to a local governmental entity without enactment by a 2/3 vote unless: it comes within one of a number of specified exceptions; it is approved by the affected entity; or the Legislature appropriates funds, or provides a local source of revenue, to the entity for the purpose.

The purpose or effect of this bill would be to require a new or increased expenditure of local funds within the meaning of the amendment. However, the bill does not require approval of a local governmental entity or enactment by a 2/3 vote to become effective because it comes within one of the specified exceptions contained in the amendment.

A BILL
TO BE ENTITLED
AN ACT

To establish the Office of Fleet Management within the Department of Transportation; to provide for the appointment of the State Fleet Manager; to provide for the powers and duties of the Office of Fleet Management and the
State Fleet Manager; to create the Transportation Revolving Fund to provide funding for the operation of the Office of Fleet Management; to provide for motor vehicle transportation pools in the City of Montgomery and other areas of the state as designated by the State Fleet Manager; to provide for regular reports of the Office of Fleet Management to the Green Fleets Review Committee; to repeal all laws or parts of law that conflict with this act, specifically Sections 41-17-1 to 41-17-9, inclusive, Code of Alabama 1975; and to provide for disciplinary action and Class C misdemeanor punishment for certain violations, and in connection therewith would have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following terms shall have the following meanings:

(1) DEPARTMENT or ALDOT. The Department of Transportation created pursuant to Section 23-1-22 of the Code of Alabama 1975, as amended

(2) DIRECTOR. The Director of Transportation provided in Section 23-1-21 of the Code of Alabama 1975, as amended.

(3) FLEET or STATE FLEET. All state-owned or leased motor vehicles and facilities.
Section 2. (a) The Office of Fleet Management is created within the Department of Transportation. The OFM shall manage the acquisition, purchase, lease, operation, maintenance, and disposal of all motor vehicles needed to provide necessary motor vehicle transportation for state officers and employees. The OFM shall also manage the allocation and assignment of motor vehicles to the various state agencies, for the purpose of providing necessary motor vehicle transportation for its officers and employees.

(b) The OFM shall be managed by the State Fleet Manager. The State Fleet Manager shall be appointed by and serve at the pleasure of the director. The salary of the State
Fleet Manager shall be set by the director with approval of the Governor.

(c) The manager shall promulgate, propose, develop, and implement, subject to approval of the director, fleet management rules, regulations, policies, procedures, and practices designed for the most efficient acquisition, allocation, utilization, maintenance, repair, and disposal of motor vehicles to be used by state personnel in the furtherance of their official duties.

(d) The manager shall, when economically feasible, manage the procurement and operation of state motor vehicles based on fuel economy and life cycle costing consistent with the policies set forth in Section 41-17A-5 of the Code of Alabama 1975, as amended.

(e) The manager shall be designated as the State Equipment Management Coordinator pursuant to Act 2009-650. The manager shall, when economically feasible, implement the goals of the Interagency Alternative Fuels Working Group pursuant to Act 2009-797 regarding the efforts of state agencies, counties, and municipalities to promote, educate, research, develop, produce, and promote consumption of alternative fuels.

Section 3. (a) The Transportation Revolving Fund is created within the Department of Transportation to fund the operations of the OFM. All of the funds created pursuant to this act are hereby appropriated. These funds shall be used only for the efficient operation of the OFM and the
implementation of the provisions of this act. These funds shall not revert at the end of each fiscal year, but shall carry over to each succeeding year.

(b) All fees collected from the various state agencies for the use of state motor vehicles shall be paid to the department and deposited in the Transportation Revolving Fund.

(c) On the effective date of this act, any funds remaining in the Transportation Revolving Fund of the Department of Finance pursuant to Section 41-17-5 of the Code of Alabama 1975, as amended, shall be transferred to the Transportation Revolving Fund created in subsection (a).

Section 4. (a) A transportation pool of motor vehicles shall be maintained at a convenient location in the City of Montgomery by the OFM for the purpose of providing necessary motor vehicle transportation for the officers and employees of the various state agencies that do not have automobiles regularly assigned to them.

(b) The OFM shall maintain the motor vehicles to ensure a clean, safe, and efficient fleet. Personnel shall be provided as may be necessary to effectively operate the pool. Personnel of the pool, upon request of the head of a state agency, shall provide the agency with a vehicle. A pool vehicle may be loaned for only a single trip and shall not be assigned to any officer, employee, or other person or state agency on any basis other than a trip basis. The pool
dispatcher shall keep the necessary maintenance and mileage records for each pool vehicle.

(c) Each state agency shall be charged a mileage fee for the use of a motor pool vehicle. The mileage fee shall be charged for every mile of vehicle usage by the state agency. The manager, subject to approval of the director, shall periodically fix and adjust the mileage fee at an amount sufficient to cover the cost of motor pool operations including the salaries of motor pool employees, the cost of acquiring, operating, maintaining, and replacing pool vehicles and any other motor pool operating expenses. The OFM shall issue monthly invoices to each state agency for the use of motor pool vehicles. The mileage fees and any other funds received for motor pool vehicle usage shall be deposited into the Transportation Revolving Fund established pursuant to Section 3.

(d) On the effective date of this act, all motor vehicles, facilities, and personnel of the State Motor Pool as provided for in Section 41-17-3 of the Code of Alabama 1975, as amended, shall be transferred to the OFM.

Section 5. (a) The State Fleet Manager, upon approval of the director, shall promulgate, propose, develop, and implement, subject to approval of the director, such policies, procedures, rules, and regulations as may be necessary to administer the provisions of this act to include provisions for the efficient allocation and assignment of
motor vehicles to state agencies and their officers and employees.

(b) On the effective date of this act, all state owned or leased motor vehicles shall be transferred to the OFM. This transfer may be accomplished in stages at the direction of the manager with all transfers of motor vehicles to be completed by October 1, 2014.

(c) No motor vehicle may be allocated or assigned to any agency except upon the request of the head or chief executive officer of the agency and the approval of the State Fleet Manager. If motor vehicles are approved for allocation or assignment to an agency, the head or chief executive officer of the agency may assign motor vehicles to the officers and employees of the agency whose duties require the assignment of a motor vehicle.

(d) Each state agency shall be charged a mileage fee for the use of each motor vehicle assigned to the agency and its officers and employees. The mileage fee shall be charged for every mile of vehicle usage by the state agency. The manager, subject to approval of the director, shall periodically fix and adjust the mileage fee at an amount sufficient to cover the cost of usage of motor vehicles assigned to an agency including the cost of acquiring, operating, maintaining, and replacing assigned motor vehicles and any other incidental operating expenses. The OFM shall issue monthly invoices to each state agency for the use of assigned motor vehicles. The mileage fees and any other funds
received for assigned motor vehicle usage shall be deposited into the Transportation Revolving Fund created pursuant to Section 3.

(e) Any funds appropriated to any state agency for the lease, purchase, or replacement of motor vehicles shall be transferred to the Transportation Revolving Fund created pursuant to Section 3 for the acquisition of motor vehicles.

(f) On or before October 1, 2014, any funds remaining in the Public Safety Motor Vehicle Replacement Fund of the Department of Public Safety pursuant to Section 32-2-80 of the Code of Alabama 1975, as amended, shall be transferred to the Transportation Revolving Fund created pursuant to Section 3.

Section 6. It shall be a misdemeanor for any person to use or permit any other person to use any state motor vehicle for any purpose other than official state business or travel incidental to the performance of official state business. It shall be a misdemeanor for any official or employee of a state agency to obliterate, alter, cover, or conceal all or any portion of a license plate or other official insignia affixed to a state motor vehicle. Any unauthorized or improper use of a state motor vehicle by an official or employee of a state agency shall constitute grounds for suspension or dismissal.

Section 7. It is the intention of the Legislature that the Office of Fleet Management shall be financially self-supporting from the fees charged the various state
agencies pursuant to this act and the efficient management of
the acquisition, operation, maintenance, and disposal of state
motor vehicles. It is also the intention of the Legislature
that the Office of Fleet Management and the Transportation
Revolving Fund operate in a fashion similar to the Road
Machinery and Equipment Management Program and the Equipment
Management Surplus Reserve Account of the Department of
Transportation pursuant to Section 23-1-50.1 of the Code of
Alabama 1975, as amended.

Section 8. The provisions of this act shall not
apply to any two-year or four-year college, university, or
technical institution or any local boards of education.

Section 9. Although this bill would have as its
purpose or effect the requirement of a new or increased
expenditure of local funds, the bill is excluded from further
requirements and application under Amendment 621, now
appearing as Section 111.05 of the Official Recompilation of
the Constitution of Alabama of 1901, as amended, because the
bill defines a new crime or amends the definition of an
existing crime.

Section 10. All laws or parts of laws which conflict
with the provision of this act, except provisions in Title 23
of the Code of Alabama 1975, as amended, are repealed. Chapter
17, Title 41 of the Code of Alabama 1975, as amended,
consisting of Sections 41-17-1 to 41-17-9, inclusive, is
specifically repealed.
Section 11. The provisions of this act are severable. If any part of this act is declared invalid or unconstitutional, that declaration shall not affect the part which remains.

Section 12. This act shall become effective immediately upon its passage and approval by the Governor, or its otherwise becoming law, and shall become fully implemented by October 1, 2013.