

1 HB402
2 137433-2
3 By Representatives McCutcheon, Farley, Shiver, Johnson (K),
4 Faust, Greer, Ball, Baughn, Johnson (W), Rich, McAdory,
5 Patterson, McClendon, Carns, Nordgren, Collins, Wallace,
6 Beech, Wren, Lee, Buttram, Clouse, Chesteen, Laird, Fincher,
7 Gaston, Hurst, Henry, Long and Williams (D)
8 RFD: Transportation, Utilities and Infrastructure
9 First Read: 23-FEB-12

1 ENGROSSED

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3
4 A BILL

5 TO BE ENTITLED

6 AN ACT

7
8 To amend Sections 23-1-22, 23-1-23, and 23-1-24 of
9 the Code of Alabama 1975, relating to the State Department of
10 Transportation and the position of chief engineer; to provide
11 that the position would be an exempt position under the state
12 Merit System appointed by the Director of Transportation and
13 to further provide for the qualifications and duties of the
14 chief engineer.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 23-1-22, 23-1-23, and 23-1-24 of
17 the Code of Alabama 1975, are amended to read as follows:

18 "§23-1-22.

19 "(a) There is hereby created within the State
20 Department of Transportation the position of chief engineer,
21 which shall be filled by appointment by the Director of
22 Transportation, with the approval of the Governor. ~~Such~~
23 ~~appointment shall also be subject to approval by the State~~
24 ~~Board of Registration for Engineers and Land Surveyors.~~ The
25 salary of the chief engineer shall be as determined pursuant
26 to Chapter 6 of Title 36 by the director with approval of the
27 Governor, and ~~he~~ the chief engineer shall be allowed traveling

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

8 "(b) The chief engineer shall serve at the pleasure
9 of and under the direction of the Director of Transportation
10 ~~and otherwise be entitled to all the privileges and~~
11 ~~responsibilities as other Merit System employees, and his~~
12 ~~service and removal~~ and shall be ~~subject to the~~ an exempt
13 employee under the state Merit System regulations.

14 "§23-1-23.

15 "The chief engineer shall be a ~~registered~~ licensed
16 professional engineer in the State of Alabama with a minimum
17 of 15 years' progressive professional engineering experience
18 pertaining to the planning, development, construction,
19 maintenance, and repair of highways and bridges. ~~He~~ The chief
20 engineer shall either hold a degree in civil engineering from
21 an accredited school of engineering or shall have served at
22 least ten (10) years as a Division Engineer or Bureau Chief
23 with the Department of Transportation ~~school of recognized~~
24 ~~standing. The chief engineer~~ and shall ~~have a detail~~ possess a
25 detailed knowledge of engineering principles and their
26 application ~~pertaining~~ to highways and bridges. ~~He~~ The chief
27 engineer shall ~~maintain citizenship in the State of Alabama~~ be

1 a citizen of this state and shall continuously be a ~~registered~~
2 licensed professional engineer in ~~the State of Alabama as a~~
3 ~~condition while serving in this office~~ this state while
4 employed.

5 "§23-1-24.

6 ~~"The duties of the chief engineer in the State~~
7 ~~Department of Transportation shall include the administration~~
8 ~~of technical phases of the organization, and direction and~~
9 ~~coordination of the engineering activities of the State~~
10 ~~Department of Transportation. The chief engineer of the State~~
11 Department of Transportation shall coordinate the general
12 mathematical, physical, and engineering sciences as applied to
13 the planning, design, construction, maintenance, or repair of
14 highways and bridges in this state. The Director of
15 Transportation may assign general engineering, administrative,
16 and operational activities to other qualified employees of the
17 department. The chief engineer shall ~~affix his signature to~~
18 sign the title sheets of all plans let to contract by the
19 ~~State Department of Transportation~~ department. The duties of
20 the chief engineer shall be subject to and under the
21 direction, control, and supervision of the Director of
22 Transportation."

23 Section 2. This act shall become effective
24 immediately following its passage and approval by the
25 Governor, or its otherwise becoming law.

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House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Transportation,
Utilities and Infrastructure 23-FEB-12

Read for the second time and placed
on the calendar 1 amendment 08-MAR-12

Read for the third time and passed
as amended..... 20-MAR-12

Yeas 86, Nays 2, Abstains 0

Greg Pappas
Clerk