

1 SB222  
2 148699-2  
3 By Senators Pittman, Brewbaker, Taylor, Beasley, Bussman, Orr,  
4 Allen, Fielding, Holley and Waggoner  
5 RFD: Job Creation and Economic Development  
6 First Read: 19-FEB-13

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to the Alabama Industrial Development and  
12 Training Institute; to make legislative findings; to place the  
13 institute under the supervision and control of the Secretary  
14 of Commerce and the Department of Commerce; to provide that  
15 all employees of the institute shall remain employees of the  
16 institute, and would continue to be employed outside of the  
17 state Merit System; and to provide that certain information  
18 regarding a project is confidential.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Article 45 of Chapter 9 of Title 41,  
21 comprised of Sections 41-9-1080 to 41-9-1086, inclusive, is  
22 added to the Code of Alabama 1975, as follows:

23 ARTICLE 45.

24 41-9-1080.

25 The Legislature makes the following findings:

26 (1) The Alabama Industrial Development and Training  
27 Institute (hereinafter AIDT) was established in fiscal year

1 1970-1971 as a contract program reporting to the State Board  
2 of Education through the Division of Vocational-Technical  
3 Education. In 1976, the State Board of Education adopted a  
4 resolution approving the establishment of AIDT as a mobile  
5 training institute, appointed a director, established staff  
6 positions and salary schedules, and mandated personnel  
7 procedures for the staff identical to those with technical  
8 colleges. AIDT continued operating under the Department of  
9 Postsecondary Education when the Legislature established the  
10 department and position of chancellor. AIDT has been  
11 continuously funded through an annual line item in the  
12 Education Trust Fund budget.

13 (2) AIDT provides quality workforce development for  
14 the new and expanding businesses in the state and expands the  
15 opportunities of its citizens through the jobs these  
16 businesses create.

17 (3) AIDT serves a unique role in the state by  
18 providing its citizens the specific skills, knowledge, and  
19 training needed to address the dynamic labor needs of new or  
20 expanding businesses in a flexible manner that allows for  
21 careful coordination with the time and location of the new or  
22 expanding businesses and their labor needs.

23 (4) AIDT's role in educating and training the  
24 state's workforce is critical to the state's economic  
25 development, job creation and retention, and AIDT's mission is  
26 consistent with, and crucial to the success of, the projects,  
27 and services of the Department of Commerce.

1 §41-9-1081.

2 As used in this article, the following words shall  
3 have the following meanings:

4 (1) AIDT. The Alabama Industrial Development and  
5 Training Institute.

6 (2) DIRECTOR. The Director of the Alabama Industrial  
7 Development and Training Institute.

8 §41-9-1082.

9 AIDT shall operate under the supervision and  
10 oversight of the Secretary of Commerce. All of the powers,  
11 authority, duties, functions, policies, and funds of, and  
12 appropriations to, AIDT previously conferred upon or granted  
13 to AIDT reporting to the State Board of Education through the  
14 Division of Vocational-Technical Education or by Alabama  
15 Executive Order No. 2012-31 are confirmed, ratified,  
16 continued, transferred to, and vested in AIDT. All contracts,  
17 leases, grants, and agreements previously entered by AIDT  
18 shall continue in full force and effect without modification  
19 or interruption by this restructuring. All property currently  
20 owned by AIDT shall continue to be the property of AIDT. AIDT  
21 shall continue to be headed by the director, who shall be  
22 appointed by the Secretary of Commerce and shall serve at his  
23 or her pleasure. The powers, duties, and qualifications  
24 required of the director shall be as set forth in the AIDT  
25 Policy Manual, as amended from time to time and approved by  
26 the Secretary of Commerce.

27 §41-9-1083.

1           AIDT shall continue to be funded from the Education  
2 Trust Fund and may receive any other funds appropriated by the  
3 United States or the state. AIDT shall maintain accounts in  
4 its own name and shall make all of its disbursements and  
5 payments directly from accounts maintained outside the State  
6 Treasury rather than through state warrants. Funds that have  
7 been allocated by AIDT under a project agreement for workforce  
8 development shall not be transferred to any other expenditure  
9 or for any other purpose without the express written approval  
10 of the Secretary of Commerce. All disbursements and payments  
11 by AIDT shall be subject to the approval of the director as  
12 prescribed in the AIDT Policy Manual as it may be amended from  
13 time to time with the approval of the Secretary of Commerce.

14           Before the third legislative day of each regular  
15 session of the Legislature AIDT shall provide to the Chair of  
16 the House Education Finance and Appropriations Committee and  
17 the Chair of the Senate Finance & Taxation Education Committee  
18 a reconciled financial statement of the project commitments  
19 and the actual expenditures on project commitments for the  
20 preceding fiscal year.

21           §41-9-1084.

22           All individuals serving as employees of AIDT  
23 immediately prior to the effective date of the act adding this  
24 language shall remain employees of AIDT. The salary and  
25 benefits of such AIDT employees shall not be changed solely as  
26 a result of this article. All AIDT employees shall receive  
27 compensation determined by the director and approved by the

1 Secretary of Commerce and shall continue to be exempt from the  
2 provisions of the state Merit System Law and tenure laws with  
3 respect to the method of selection, classification,  
4 compensation, and termination of state employees. All AIDT  
5 employees shall remain subject to the those AIDT policies and  
6 procedures existing immediately prior to the effective date of  
7 the act adding this language unless and until such policies  
8 are modified or amended by written amendment approved by the  
9 Secretary of Commerce.

10 §41-9-1085.

11 All information concerning a proposed project which  
12 is provided to the director and AIDT shall be confidential.  
13 AIDT, through the director, is authorized to enter into a  
14 confidentiality agreement or other contract provision with a  
15 prospective entity considering locating or expanding within  
16 the state which prohibits the disclosure by AIDT or any of its  
17 employees or contractors of the identity of the prospective  
18 entity and any information obtained, whether orally or in  
19 writing, by such persons about the entity's proposed project.  
20 Further, AIDT, through the director as approved by the  
21 Secretary of Commerce, is authorized to enter into a  
22 confidentiality agreement or other contract provision with a  
23 prospective entity who is considering locating or expanding or  
24 has relocated or expanded within the state to reasonably  
25 protect trade secrets or other confidential business  
26 information of such entity.

1                   Such confidentiality agreement or other contract  
2 provision shall not otherwise limit the disclosure under  
3 applicable open records laws of public documents which  
4 describe the nature, quantity, cost, or other pertinent  
5 information related to the activities of, or services  
6 performed by, AIDT.

7                   §41-9-1086.

8                   Any operations, processes, and matters of AIDT that  
9 are not covered by this article shall be governed by the AIDT  
10 Policy Manual, as amended from time to time with the written  
11 approval of the Secretary of Commerce.

12                   Section 2. This act shall become effective  
13 immediately following its passage and approval by the  
14 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate  
committee on Job Creation and Economic Development  
..... 19-FEB-13

Read for the second time and placed on the calen-  
dar..... 21-FEB-13

Read for the third time and passed as amended .... 20-MAR-13

Yeas 30  
Nays 1

Patrick Harris  
Secretary