

1 SB222
2 148699-3
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

1 SB222

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4 ENROLLED, An Act,

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

13 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

17 ARTICLE 45.

18 41-9-1080.

19 The Legislature makes the following findings:

20 (1) The Alabama Industrial Development and Training
21 Institute (hereinafter AIDT) was established in fiscal year
22 1970-1971 as a contract program reporting to the State Board
23 of Education through the Division of Vocational-Technical
24 Education. In 1976, the State Board of Education adopted a
25 resolution approving the establishment of AIDT as a mobile

1 training institute, appointed a director, established staff
2 positions and salary schedules, and mandated personnel
3 procedures for the staff identical to those with technical
4 colleges. AIDT continued operating under the Department of
5 Postsecondary Education when the Legislature established the
6 department and position of chancellor. AIDT has been
7 continuously funded through an annual line item in the
8 Education Trust Fund budget.

9 (2) AIDT provides quality workforce development for
10 the new and expanding businesses in the state and expands the
11 opportunities of its citizens through the jobs these
12 businesses create.

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

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

24 §41-9-1081.

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

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

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

7 §41-9-1082.

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

1 §41-9-1083.

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

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

22 §41-9-1084.

23 All individuals serving as employees of AIDT
24 immediately prior to the effective date of the act adding this
25 language shall remain employees of AIDT. The salary and

1 benefits of such AIDT employees shall not be changed solely as
2 a result of this article. All AIDT employees shall receive
3 compensation determined by the director and approved by the
4 Secretary of Commerce and shall continue to be exempt from the
5 provisions of the state Merit System Law and tenure laws with
6 respect to the method of selection, classification,
7 compensation, and termination of state employees. All AIDT
8 employees shall remain subject to the those AIDT policies and
9 procedures existing immediately prior to the effective date of
10 the act adding this language unless and until such policies
11 are modified or amended by written amendment approved by the
12 Secretary of Commerce.

13 §41-9-1085.

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

1 prospective entity who is considering locating or expanding or
2 has relocated or expanded within the state to reasonably
3 protect trade secrets or other confidential business
4 information of such entity.

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

11 §41-9-1086.

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

16 Section 2. This act shall become effective
17 immediately following its passage and approval by the
18 Governor, or its otherwise becoming law.

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President and Presiding Officer of the Senate

Speaker of the House of Representatives

SB222

Senate 20-MAR-13

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris
Secretary

House of Representatives
Passed: 16-APR-2013

By: Senator Pittman