

1 SB222
2 148699-1
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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8 SYNOPSIS: Under existing law, the Alabama Industrial
9 Development and Training Institute, a mobile
10 training institute, provides work force development
11 for new and expanding businesses in the state.

12 Under existing law, the Alabama Industrial
13 Development and Training Institute was moved from
14 the Department of Postsecondary Education to the
15 Department of Commerce in June of 2012, by
16 executive order.

17 Under existing law, the institute is funded
18 through an annual line item in the Education Trust
19 Fund budget.

20 This bill would put the Alabama Industrial
21 Development and Training Institute under the
22 supervision and oversight of the Secretary of
23 Commerce and the Department of Commerce.

24 This bill would provide for the transfer of
25 the existing employees of the institute to the
26 Department of Commerce.

1 This bill would provide that the employees
2 of the institute would continue to be employed
3 outside of the Merit System.

4 This bill would provide that information
5 regarding a project reviewed by the institute is
6 confidential.

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8 A BILL
9 TO BE ENTITLED
10 AN ACT

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

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

24 ARTICLE 45.

25 41-9-1080.

26 The Legislature makes the following findings:

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

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

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

25 (4) AIDT's role in educating and training the
26 state's workforce is critical to the state's economic
27 development, job creation and retention, and AIDT's mission is

1 consistent with, and crucial to the success of, the projects,
2 and services of the Department of Commerce.

3 §41-9-1081.

4 As used in this article, the following words shall
5 have the following meanings:

6 (1) AIDT. The Alabama Industrial Development and
7 Training Institute.

8 (2) DIRECTOR. The Director of the Alabama Industrial
9 Development and Training Institute.

10 §41-9-1082.

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

1 Policy Manual, as amended from time to time and approved by
2 the Secretary of Commerce.

3 §41-9-1083.

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

17 §41-9-1084.

18 All individuals serving as employees of AIDT
19 immediately prior to the effective date of the act adding this
20 language shall remain employees of AIDT. The salary and
21 benefits of such AIDT employees shall not be changed solely as
22 a result of this article. All AIDT employees shall receive
23 compensation determined by the director and approved by the
24 Secretary of Commerce and shall continue to be exempt from the
25 provisions of the state Merit System Law and tenure laws with
26 respect to the method of selection, classification,
27 compensation, and termination of state employees. All AIDT

1 employees shall remain subject to the those AIDT policies and
2 procedures existing immediately prior to the effective date of
3 the act adding this language unless and until such policies
4 are modified or amended by written amendment approved by the
5 Secretary of Commerce.

6 §41-9-1085.

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

23 §41-9-1086.

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

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