

1 SB385
2 151153-1
3 By Senator Marsh
4 RFD: Job Creation and Economic Development
5 First Read: 04-APR-13

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8 SYNOPSIS: Under existing law, the three members of
9 the Board of Directors of the Alabama Construction
10 Recruitment Institute are appointed by the
11 Governor, Lieutenant Governor, and Speaker of the
12 House from lists of names provided by the Alabama
13 local users group of the Construction Users
14 Roundtable, the Board of Directors of the Alabama
15 American Federation of Labor and Congress of
16 Industrial Organizations, the Associated General
17 Contractors, the Alabama Chapter of Associated
18 Builders and Contractors, the Mid-Gulf Chapter of
19 Associated Builders and Contractors, the North
20 Alabama Chapter of Associated Builders and
21 Contractors, and the American Subcontractors
22 Association.

23 This bill would increase the membership of
24 the board from three to seven, would include the
25 President Pro Tempore of the Senate as an
26 appointing authority, and would provide that
27 appointments be made as nominated and submitted by

1 the Construction Users Roundtable, the Building and
2 Construction Trades Department, the Associated
3 General Contractors, the Subcontractors Association
4 of Alabama, and the Alabama Chapter of Associated
5 Builders and Contractors, or their successor
6 organizations.

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8 A BILL
9 TO BE ENTITLED
10 AN ACT

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12 To amend Section 41-10-724, Code of Alabama 1975,
13 relating to the Board of Directors of the Alabama Construction
14 Recruitment Institute; to increase the membership of the board
15 from three to seven; to include the President Pro Tempore of
16 the Senate as an appointing authority; to provide that
17 appointments be made as nominated and submitted by the
18 Construction Users Roundtable, the Building and Construction
19 Trades Department, the Subcontractors Association of Alabama,
20 and the Alabama Chapter of Associated Builders and
21 Contractors, the Associated General Contractors, or their
22 successor organizations; and to provide technical corrections
23 relating to the increase in the membership of the board.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Section 41-10-724 of the Code of Alabama
26 1975, is amended to read as follows:

27 "§41-10-724.

1 "(a) All powers of the institute shall be exercised
2 by or under the authority of, and the business and affairs of
3 the institute shall be managed and governed, under the
4 direction of, a board of directors, constituted as provided
5 for in this section.

6 "(b) The board of directors shall consist of ~~three~~
7 seven voting members selected as follows:

8 "(1) One member to be appointed by the Governor ~~from~~
9 ~~a list of three names provided~~ upon nomination and submission
10 by the ~~Alabama local users group of the~~ Construction Users
11 Roundtable, or its successor organization.

12 "(2) ~~One member~~ Two members to be appointed by the
13 Lieutenant Governor ~~from a list of three names provided~~ as
14 follows: One upon nomination and submission by the ~~Board of~~
15 ~~Directors of the Alabama American Federation of Labor and~~
16 ~~Congress of Industrial Organizations~~ Building and Construction
17 Trades Department, or its successor organization, and one
18 signatory contractor as specified by the Building and
19 Construction Trades Department, or its successor organization.

20 "(3) ~~One member~~ Two members to be appointed by the
21 Speaker of the House ~~from a list of nine names submitted~~ as
22 follows: ~~Three from~~ One upon nomination and submission by the
23 Associated General Contractors, ~~one from the Alabama Chapter~~
24 ~~of Associated Builders and Contractors, one from the Mid-Gulf~~
25 ~~Chapter of Associated Builders and Contractors, one from the~~
26 ~~North Alabama Chapter of Associated Builders and Contractors,~~
27 ~~and three from the American Subcontractors Association, or its~~

1 successor organization, and one upon nomination and submission
2 by the Subcontractors Association of Alabama, or its successor
3 organization.

4 "(4) Two members to be appointed by the President
5 Pro Tempore of the Senate upon nomination and submission by
6 the Alabama Chapter of Associated Builders and Contractors, or
7 its successor organization.

8 ~~"(4)(5) The membership of the board of directors and~~
9 ~~employees and contractors of the board shall be inclusive and~~
10 ~~reflect the racial, gender, geographic, urban/rural and~~
11 ~~economic diversity of the state. The board shall annually~~
12 ~~report to the Legislature by the second legislative day of~~
13 ~~each regular session the extent to which the board has~~
14 ~~complied with the diversity provisions provided for in this~~
15 ~~subdivision.~~

16 "(c) All initial members of the board shall be
17 appointed as provided in subsection (b) within 30 days of May
18 18, 2009. Members of the board of directors shall be selected
19 for four-year terms expiring on June 30 four years thereafter
20 and shall serve until a successor is appointed by the
21 Governor, Speaker of the House, President Pro Tempore of the
22 Senate, or Lieutenant Governor, as appropriate, pursuant to
23 the same selection method described in subsection (b). Any
24 vacancy on the board of directors shall be filled in the same
25 manner within 45 days of the vacancy by appointment by the
26 Governor, Speaker of the House, President Pro Tempore of the
27 Senate, or Lieutenant Governor, as appropriate. Each director

1 shall reside within the State of Alabama. Directors may be
2 reappointed for successive terms. No director shall draw any
3 salary for any service he or she may render or for any duty he
4 or she may perform in connection with the institute, but shall
5 be entitled to the reimbursement of reasonable expenses
6 incurred that are directly related to the duties in serving as
7 a member of the board. No director shall continue to serve as
8 a member of the board after ceasing to be an active member of
9 the respective recommending organization from whose list the
10 appointment was initially made as provided in subsection (b).

11 "(d) A director may or shall be removed from the
12 board of directors as follows:

13 "(1) If, for any reason, other than an illness which
14 shall be documented in writing to the institute by a
15 physician, a director is absent for more than 25 percent of
16 scheduled board meetings during the fiscal year of the
17 institute, the director may be removed by a unanimous vote of
18 the other ~~two~~ five directors.

19 "(2) A director may be removed, with or without
20 cause, by vote of the respective recommending organization
21 from whose list the appointment was initially made.

22 "(3) If a director is found guilty by a court of
23 competent jurisdiction of willful or wanton misconduct, fraud,
24 gross negligence, or a knowing violation of a criminal law,
25 the director shall be automatically removed and shall cease to
26 serve as a member of the board.

1 "(e) The first organizational meeting of the board
2 shall be held within 30 days following the appointment of all
3 of the directors. At the organizational meeting, the board
4 shall elect officers of the board from among its members.
5 Officers of the board shall serve for the terms and shall have
6 the powers and duties as the board by rule may prescribe.

7 "(f) The presence of ~~all~~ four members of the board
8 of directors shall constitute a quorum for the transaction of
9 business. Action of the board may only occur with ~~(1)~~
10 unanimous approval of ~~all three~~ those members of the board, ~~or~~
11 ~~(2) the approval of two members of the board upon the~~
12 ~~abstention of the third member. Any vacancy on the board of~~
13 ~~directors or the disqualification of any director thereof~~
14 ~~shall impair the right of the board of directors to act~~
15 present and voting after establishment of a quorum.

16 "(g) All resolutions adopted by the board of
17 directors shall constitute actions of the institute. All
18 proceedings of the board shall be reduced to writing by the
19 secretary and shall be recorded in a substantially bound book
20 and filed in the office of the institute. Copies of such
21 proceedings, when certified by the secretary of the institute
22 under the seal of the institute, shall be received in all
23 courts as prima facie evidence of the matters and things
24 therein certified. The board of directors of the institute
25 shall meet at such times upon such notice as it shall
26 determine or upon call of the chair.

1 "(h) The institute shall have the authority through
2 its board to disburse funds appropriated to the fund for the
3 purposes stated in this article."

4 Section 2. This act shall become effective on the
5 first day of the third month following its passage and
6 approval by the Governor, or its otherwise becoming law.