

1 SB170
2 165308-1
3 By Senator Holley
4 RFD: Governmental Affairs
5 First Read: 10-MAR-15

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8 SYNOPSIS: This bill would create the Construction
9 Industry Craft Training Program and the Craft
10 Training Board which shall be administered with the
11 Alabama Building Commission.

12 This bill would provide for a fee whose
13 proceeds would be used to finance the craft
14 training program.

15 This bill would provide for the powers and
16 duties of the Craft Training Board.

17
18 A BILL
19 TO BE ENTITLED
20 AN ACT

21
22 To create the construction industry Craft Training
23 Program and the Craft Training Board to be administered within
24 the existing Alabama Building Commission, or successor agency
25 or department; to establish a fee in the amount of one dollar
26 (\$1) per each one thousand dollars (\$1,000) of construction
27 authorized on the issuance of any nonresidential construction

1 building permit in order to implement the program; and to
2 establish and define the powers and duties of the Craft
3 Training Board.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

5 Section 1. For purposes of this act, the following
6 terms have the following meanings:

7 (1) CONSTRUCTION INDUSTRY CRAFT TRAINING FEES.

8 Revenues received by the state in the form of federal, state,
9 local, or private sector grants for the purpose of funding
10 construction industry craft training programs and fees imposed
11 under Section 4 except this subdivision may not be construed
12 as authorizing the collection of fees. No fee from any
13 licensed home builder, as defined in Chapter 14A of Title 34,
14 Code of Alabama 1975; any subcontractor working on a
15 residential construction site including renovations to any
16 residential structure; or from any person or entity
17 specifically exempt under Chapter 14A of Title 34, Code of
18 Alabama 1975, except for subdivision (3) of Section 34-14A-6,
19 Code of Alabama 1975.

20 (2) CONSTRUCTION INDUSTRY CRAFT TRAINING PROGRAM. A
21 program to be administered within the Alabama Building
22 Commission.

23 Section 2. The Craft Training Fund is created for
24 the benefit of the State of Alabama and its citizens and shall
25 continue to exist as a special fund in the State Treasury and
26 shall be funded with the construction industry craft training
27 fees and administered solely in accordance with Section 3 and

1 the decisions of the Craft Training Board. The revenue
2 received by the fund shall be invested by the State Treasurer
3 in permitted investments until the Craft Training Board uses
4 money for the purposes established in that section. Earnings
5 on permitted investments shall remain a part of the fund.

6 Section 3. (a) It is the intent of the Legislature
7 to establish and provide for a coordinated effort between the
8 construction industry and institutions of higher education and
9 other entities, including, but not limited to, union training
10 programs, to enhance the availability and quality of programs
11 which promote construction industry craft training and
12 education, and thereby enhance the availability and competence
13 of the work force for supporting the industry.

14 (b) In order to provide for efficient, competent,
15 and resourceful construction industry craft training programs
16 that will deliver the knowledge and skills necessary for
17 persons to learn and meet the skill requirements for a craft
18 and career in the construction industry trades and thereby
19 enhance the development of a quality labor pool to support the
20 construction industry of this state, there is established
21 within the Alabama Building Commission a program to be known
22 as the Alabama Construction Industry Craft Training Program.
23 The program shall be managed and governed by the Craft
24 Training Board which shall consist of seven members selected
25 as follows:

26 (1) Two voting members appointed by the Governor
27 from a list of six members, or member representatives, of the

1 Associated Builders and Contractors of Alabama, Incorporated,
2 or its successor, submitted to the Governor by the Associated
3 Builders and Contractors of Alabama, Incorporated.

4 (2) Two voting members appointed by the Governor
5 from a list of six members, or member representatives, of the
6 Associated General Contractors of America, Incorporated, or
7 its successor, submitted to the Governor by the Associated
8 General Contractors of America, Incorporated.

9 (3) One voting member appointed by the Governor from
10 a list of three members, or member representatives, of the
11 Alabama State Building and Construction Trades Council, or its
12 successor, submitted to the Governor by the Alabama State
13 Building and Construction Trades Council.

14 (4) One voting member appointed by the Governor from
15 a list of three members, or member representatives, of the
16 Birmingham Construction Industry Authority, or its successor,
17 submitted to the Governor by the Birmingham Construction
18 Industry Authority.

19 (5) One voting member to be appointed by the
20 Governor from a list of three members, or member
21 representatives, of the Construction Users Roundtable, or its
22 successor, submitted to the Governor by the Construction Users
23 Roundtable.

24 (c) When a craft training board member resigns or
25 otherwise relinquishes membership in the organization that
26 recommended his or her appointment by the Governor, the
27 resignation or relinquishment shall automatically result in

1 forfeiture of membership on the board. Any vacancy on the
2 board shall be filled by appointment by the Governor upon the
3 recommendation of the relevant organization for the remainder
4 of the unexpired term.

5 (d) Appointments to the craft training board shall
6 be made by October 15, 2015. Each board member shall serve for
7 a three-year term and until a successor is appointed,
8 qualified, and assumes office. Board members shall be
9 ineligible for reappointment. The organizational meeting of
10 the board shall be held during the last 10 days of October
11 2015 at the time and place determined by the board members
12 representing the Alabama Associated General Contractors of
13 America, Incorporated. At the first meeting, the craft
14 training board shall elect its chair and officers. Thereafter,
15 the board shall determine its meeting schedule. The board
16 shall meet at least quarterly. No member shall draw any salary
17 for any service he or she may render or for any duty he or she
18 may perform in connection with the board, but shall be
19 entitled to reimbursement of reasonable expenses incurred that
20 are directly related to the duties in serving as a member of
21 the board. The board may also appoint geographically oriented
22 advisory committees and invite local employers and employees
23 in the construction industry to relate specific labor force
24 problems that may be solved by the craft training program. The
25 advisory committees may be composed of individuals who are not
26 craft training board members. In addition to any other
27 immunity available to the board and its members, the board and

1 its members, and members of any advisory committees, shall be
2 immune from civil liability against claims of any nature
3 arising out of or related in any way to the performance of
4 their duties in managing and governing the construction
5 industry craft training program, so long as they were acting
6 in good faith in the performance of such duties.

7 (e) In addition to any other power established
8 pursuant to this act, the craft training board shall have the
9 following powers to be exercised in its discretion:

10 (1) To develop curricula for use in craft training
11 programs.

12 (2) To establish forms, criteria, guidelines, and
13 procedures regarding construction industry craft training
14 programs and procedures to be used in requesting
15 appropriations of funds from the Craft Training Fund.

16 (3) To solicit and receive from institutions of
17 higher education and other entities, including, but not
18 limited to, union training programs, applications for use of
19 monies in the Craft Training Fund, to be used in the
20 implementation of craft training programs and in accordance
21 with this act.

22 (4) To disburse funds from the Craft Training Fund
23 consistent with this section and which the Craft Training
24 Board deems appropriate and under such conditions and terms as
25 the Craft Training Board deems appropriate.

26 (5) To provide grants to educational, governmental,
27 nonprofit, community-based, workforce development, economic

1 development, and other organizations and associations engaged
2 in the education, training, and professional development of
3 persons engaged in activities leading to the furtherance of
4 careers in nonresidential construction in accordance with the
5 purposes of this act and which the Craft Training Board deems
6 appropriate, and under such conditions and terms as the Craft
7 Training Board deems appropriate.

8 (f) The Craft Training Board shall have exclusive
9 control over the expenditure of all funds in the Craft
10 Training Fund, as well as the exclusive authority to exercise
11 the powers specifically listed in subsection (e). A majority
12 of the members of the Craft Training Board shall constitute a
13 quorum for the transaction of any and all business of the
14 Craft Training Board. The director, technical staff, and
15 support personnel of the Alabama Building Commission, or
16 successor agency or department, shall implement the
17 resolutions and decisions of the Craft Training Board. The
18 Craft Training Board shall be responsible for reimbursing the
19 Alabama Building Commission from the Craft Training Fund the
20 costs it incurs in order to administer the program.

21 Section 4. (a) In order to fund the construction
22 industry craft training program, a fee in the amount of one
23 dollar (\$1) per each one thousand dollars (\$1,000) of
24 construction authorized on the issuance of any nonresidential
25 construction building permit issued by any county, city, town,
26 or other political subdivision of this state is imposed.

1 (b) The office of the political subdivision issuing
2 the permit shall be responsible for collecting the fee and
3 remitting it monthly to the Department of Revenue.

4 (c) There shall be appropriated to the Department of
5 Revenue as a first charge against the revenues from the fee
6 imposed by this section an amount that will offset its actual
7 costs in the administration and regulation of this fee, which
8 shall not exceed five percent of the proceeds produced by such
9 fee. The net proceeds received pursuant to this section shall
10 be deposited in the Craft Training Fund and shall be used
11 exclusively at the direction of the Craft Training Board.

12 (d) The proceeds from fees collected and deposited
13 into the craft training fund are appropriated for the purposes
14 of this act, to be expended, in whole or in part, by the Craft
15 Training Board.

16 Section 5. This act shall become effective following
17 its passage and approval by the Governor, or its otherwise
18 becoming law.