

# HB385 INTRODUCED



1 HB385  
2 QKYR141-1  
3 By Representative Robbins  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 04-Mar-25



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SYNOPSIS:

Under existing law, certain governmental agencies and quasi-governmental entities are permitted to condemn private land for a public purpose under the power of eminent domain.

This bill would prohibit any enumerated agency, unenumerated agency, or other governmental entity statutorily subject to the Alabama Sunset Law of 1981 from acquiring property rights through condemnation under its power of eminent domain.

This bill would also delete the specific statutory authority to purchase or acquire real property under the power of eminent domain in the future of the following agencies and entities: the Alabama Surface Mining Reclamation Commission, Bear Creek Development Authority, Alabama State Board of Pharmacy, Historical Commission, and the Alabama Construction Recruitment Institute.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to governmental agencies; to prohibit certain



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29 governmental agencies and quasi-governmental agencies from  
30 acquiring or purchasing property under the power of eminent  
31 domain; to grandfather in real property previously purchased  
32 or acquired by the agency or entity under eminent domain; and  
33 to amend Sections 9-16-74, 33-15-6, 34-23-92, 41-9-242, and  
34 41-10-725, Code of Alabama 1975, relating to the Alabama  
35 Surface Mining Reclamation Commission, Bear Creek Development  
36 Authority, Alabama State Board of Pharmacy, the Historical  
37 Commission and the Alabama Construction Recruitment Institute;  
38 and to prohibit further acquisition of real property under the  
39 power of eminent domain by those entities.

40 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

41       Section 1. (a) Commencing on June 1, 2025, no  
42 enumerated agency, as defined by Section 41-20-2, Code of  
43 Alabama 1975, or other nonenumerated or governmental entity  
44 statutorily subject to the Alabama Sunset Law of 1981, Chapter  
45 20 of Title 41, Code of Alabama 1975, may purchase or acquire  
46 title to real property through eminent domain. This section  
47 shall not affect any purchase or acquisition of real property  
48 through eminent domain that is in the process of closing or  
49 completed on or before June 1, 2025.

50       Section 2. Sections 9-16-74, 33-15-6, 34-23-92,  
51 41-9-242, and 41-10-725 of the Code of Alabama 1975, are  
52 amended to read as follows:

53       "§9-16-74

54       (a) In addition to any other powers conferred on it by  
55 law, the commission shall have the power to do all of the  
56 following:



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57 (1) Adopt, amend, suspend, repeal, and enforce  
58 reasonably necessary rules ~~and regulations~~, provided such  
59 rules ~~and regulations~~ shall not be more stringent than those  
60 ~~promulgated~~ adopted by federal law, or rule ~~or regulation~~, to  
61 control surface coal mining operations consistent with this  
62 article including the declaration of public policy and  
63 legislative intent contained in Section 9-16-71. Such rules  
64 ~~and regulations~~ may be for the state as a whole or may vary  
65 from area to area, as may be appropriate to accomplish the  
66 policy and intent of this article and in order to take into  
67 account varying local conditions.

68 (2) Hold public hearings as may be specified by law  
69 relating to any aspect or matter in the administration of this  
70 article and, in connection therewith, administer oaths and  
71 compel the attendance of witnesses and the production of  
72 evidence. In the event of failure of any person to comply with  
73 any subpoena lawfully issued, or on the refusal of any witness  
74 to produce evidence or to testify as to any matter regarding  
75 which he or she may be lawfully interrogated, it shall be the  
76 duty of any court of competent jurisdiction, upon the  
77 application of the commission, to compel obedience by  
78 proceedings for contempt as if the disobedience occurred in  
79 such court.

80 (3) Issue such orders as may be necessary to effectuate  
81 the purposes of this article and enforce the same through  
82 appropriate administrative and judicial proceedings.

83 (4) ~~Promulgate~~ Adopt and enforce rules, ~~regulations~~, and  
84 standards requiring the training, examination, and



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85 certification of persons engaging in or directly responsible  
86 for the use of explosives for the purpose of blasting in  
87 surface coal mining. Such rules ~~and regulations~~ shall include,  
88 but not be limited to, provisions for establishing and  
89 charging reasonable fees for the administration of these  
90 rules, ~~regulations,~~ and standards and for the training and  
91 examination of applicants for certification, for the renewal  
92 of certification, and for continuing education.

93 (5) Secure through its director necessary scientific,  
94 technical, administrative, and operational services, including  
95 laboratory facilities by contract or otherwise.

96 (6) Encourage voluntary cooperation by persons and  
97 groups to achieve the purposes of this article.

98 (7) Encourage and conduct through its director and  
99 staff studies, investigations, and research relating to  
100 surface mining reclamation.

101 (8) Establish and enforce coal surface mining  
102 reclamation standards for the state which may vary according  
103 to appropriate areas, provided ~~they~~ the standards are not  
104 inconsistent with this article and the declaration of public  
105 policy and legislative intent contained in Section 9-16-71.

106 (9) Collect and disseminate information and conduct  
107 educational and training programs relating to surface coal  
108 mining and reclamation of land.

109 (10) Advise, consult, contract, and cooperate with  
110 other agencies of the state, local governments, industries,  
111 other states, interstate agencies, and the federal government  
112 and with interested persons or groups, especially, but not



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113 limited to, achieve one-stop permitting for surface coal  
114 mining operations and to transfer funds to carry out  
115 reclamation activities.

116 (11) Consult, upon request, with any person proposing  
117 to construct, install, or otherwise acquire a surface coal  
118 mine, concerning the efficacy of construction, installation,  
119 or acquisition of such surface mine. Nothing in any such  
120 consultation shall be construed to relieve any person from  
121 compliance with this article, and rules ~~and regulations~~ in  
122 force pursuant to this article, or any other provision of law.

123 (12) Accept, receive, and administer grants or other  
124 funds or gifts from public and private agencies, including the  
125 federal government, for the purpose of carrying out any of the  
126 functions of this article. Funds received by the regulatory  
127 authority pursuant to this section shall be deposited in the  
128 State Treasury to the account of the Alabama Surface Mining  
129 Fund.

130 (13) Employ personnel and consultants, purchase such  
131 equipment and supplies, and lease or otherwise acquire through  
132 its director such personal property as may be necessary for  
133 the administration of this article. Subject to any applicable  
134 restrictions contained in law, any department or agency of the  
135 state, from its available resources, may provide the  
136 regulatory authority with personnel and services, with or  
137 without charge, and the regulatory authority may compensate  
138 other agencies for services.

139 (14) Provide for the performance by its director,  
140 deputy director, or staff and employees in the name of the



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141 commission, of any act or duty authorized by and consistent  
142 with administration of this article, except for the  
143 ~~promulgation~~adoption, modification, suspension, or repeal of  
144 standards, and rules, ~~and regulations~~.

145 (15) Perform other acts and duties consistent with this  
146 article as may be necessary to implement the declaration of  
147 public policy and legislative intent contained in Section  
148 9-16-71, except acquiring or purchasing property through  
149 eminent domain.

150 (16) Provide for the establishment of advisory  
151 committees, appointment and adequate compensation for  
152 membership of the committees, scope of study and other duties,  
153 periods of duration, and terms of advisory members.

154 (17) Issue, modify, or revoke orders prohibiting  
155 actions which violate this article or the rules, ~~regulations~~,  
156 or standards ~~promulgated~~adopted pursuant to this article and  
157 require affirmative action to bring any surface coal mining  
158 operation into compliance with this article.

159 (18) Issue, continue in effect, revoke, modify, or deny  
160 permits through its director and staff for the conduct of  
161 surface coal mining operations or explorations which are  
162 subject to this article.

163 (19) Issue warnings and initiate civil or criminal  
164 actions through its director and staff as provided for in this  
165 article.

166 (20) Acquire and maintain workers' compensation  
167 insurance in the amount prescribed by the workers'  
168 compensation laws of Alabama and such general liability



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169 insurance as may be reasonably necessary to assure adequate  
170 protection of the commission, and its director, employees, and  
171 agents for lawful acts by them during the course of enforcing  
172 and administering this article.

173 (21)a. Enforce the state program, approved pursuant to  
174 Section 503 of the Federal Surface Mining Control and  
175 Reclamation Act of 1977, Public Law 95-87, 30 U.S.C. § 1200.

176 b. The commission shall make every effort to obtain  
177 full reimbursement from the Director of the Office of Surface  
178 Mining Reclamation and Enforcement for the costs of performing  
179 its duties under paragraph a.

180 c. If P.L. 95-87 or any rules or regulations  
181 ~~promulgated~~adopted thereunder or the federal laws it amends  
182 are adjudged unconstitutional or invalid in their application,  
183 or stayed pending litigation in any court of competent  
184 jurisdiction over surface coal mining operations in Alabama,  
185 the Alabama Surface Mining Commission shall suspend the  
186 enforcement of this article to the extent of such  
187 adjudication, unconstitutionality, inapplicability, or stay.

188 d. If any of the commission's rules ~~or regulations~~ are  
189 adjudged unconstitutional or invalid in their application, or  
190 stayed pending litigation in any court of competent  
191 jurisdiction, the Alabama Surface Mining Commission ~~shall have~~  
192 ~~the power to~~may enforce any valid, constitutional, and  
193 analogous provision of the rules and regulations  
194 ~~promulgated~~adopted under P.L. 95-87.

195 e. The State of Alabama, by any provision, part, or all  
196 of this article, does not waive any rights and powers reserved





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197 to it by the Tenth Amendment to the Constitution of the United  
198 States, and this subdivision shall not be interpreted so as to  
199 prevent the State of Alabama from protecting any and all of  
200 its rights and governmental powers through any legal action as  
201 might be determined by duly constituted officials of the State  
202 of Alabama.

203 ~~(22)~~ (b) No commission member, employee of the  
204 commission, or any other state employee performing any  
205 function or duties under this article shall have a direct or  
206 indirect financial interest in underground or surface coal  
207 mining operations. Whoever knowingly violates this  
208 ~~subdivision~~ subsection, upon conviction, shall be punished by a  
209 fine of not more than two thousand five hundred dollars  
210 (\$2,500), or by imprisonment for not more than one year, or  
211 both."

212 "§33-15-6

213 The general powers, duties, and functions of the  
214 authority shall be as follows:

215 (1) GENERAL. The authority:

216 a. Shall have perpetual succession in its corporate  
217 name;

218 b. May bring civil actions and have civil actions  
219 brought against it in its corporate name;

220 c. May adopt, use, and alter a corporate seal, which  
221 shall be judicially noticed;

222 d. May enter into such contracts and cooperative  
223 agreements with federal, state, and local governments, with  
224 agencies of such governments, and with private individuals,



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225 corporations, associations, and other organizations, including  
226 the Bear Creek Watershed Association, Inc., whether organized  
227 under the laws of Alabama or of another state, as the board  
228 may deem necessary or convenient to enable it to carry out the  
229 purposes of this article, which authorization shall include  
230 without limitation contracts and cooperative arrangements with  
231 any of the several states and with counties and municipalities  
232 in and agencies of such states;

233 e. May adopt, amend, and repeal bylaws;

234 f. May appoint managers, officers, employees,  
235 attorneys, and agents as the board deems necessary for the  
236 transaction of its business, fix their compensation, define  
237 their duties, and require bonds of such of them as the board  
238 may determine; the salaries of any such employees to be paid  
239 out of such funds as may be available to the authority from  
240 any source;

241 g. May institute legal proceedings in any court of  
242 competent jurisdiction and proper venue; provided, that no  
243 civil action may be brought against the authority nor may the  
244 authority be subjected to a counterclaim or cross-claim in any  
245 court other than the courts of Franklin County, Alabama; and  
246 provided further, that no civil action may be brought against  
247 the officers, directors, agents, or employees of the authority  
248 nor may they or any of them be subjected to a counterclaim or  
249 cross-claim for actions in behalf of the authority in any  
250 court other than the courts of Franklin County, Alabama; and  
251 provided further, that no claim or cause of action, based  
252 wholly or in part upon allegations ~~which~~that call into



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253 question the validity of the authority, shall be heard or  
254 adjudicated in any court other than the courts of Franklin  
255 County, Alabama; and

256 h. May appoint park rangers to enforce rules ~~and~~  
257 ~~regulations~~ including those of Section 33-15-7(c), l, in regard  
258 to property owned or under the jurisdiction of the Bear Creek  
259 Development Authority; to grant this authority to any  
260 conservation enforcement officer; and to give ~~said~~the rangers  
261 and officers the power and authority of deputy sheriffs to  
262 arrest without warrant and carry before the district court of  
263 the county which has jurisdiction over the Bear Creek  
264 Development Authority any person violating any of the laws of  
265 this state or the rules ~~and regulations prescribed~~adopted by  
266 the Bear Creek Development Authority while on the property of  
267 ~~such~~the authority.

268 (2) FORMULATION AND EXECUTION OF DEVELOPMENT PLANS. The  
269 authority ~~is authorized to~~may:

270 a. Investigate the resources of the Bear Creek  
271 Watershed and determine the requirements for its full  
272 development and for control and development of its stream  
273 system as an integral part of the economy of the area;

274 b. Develop and carry out a unified, comprehensive  
275 program of resource development designed to encourage and  
276 assist the economic growth of the area, which program shall  
277 not be inconsistent with official programs for statewide  
278 economic development;

279 c. Provide for the construction of water control  
280 structures, channel improvements, l, and other facilities for



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281 navigation, drainage, irrigation, water conservation and  
282 supply, industrial development, recreation, and related  
283 purposes, as a part of comprehensive plans;

284 d. Arrange with the state and with any city, county,  
285 municipality, or supplier of utilities for the abandonment,  
286 relocation, or other adjustments of roads, highways, bridges,  
287 and utility lines; and

288 e. In making investigations and in formulating and  
289 executing development plans, seek and utilize the assistance  
290 of appropriate federal, state, and local agencies and of  
291 private citizens and citizen organizations and, in aid of such  
292 activities, accept loans, grants, or other assistance from  
293 federal, state, and local governments or from agencies of such  
294 governments, and make contracts and execute instruments  
295 containing such terms, provisions, and conditions as the board  
296 in its discretion deems to be necessary, proper, or advisable  
297 for the purpose of obtaining such loans, grants, or other  
298 assistance.

299 (3) LAND PROPERTY ACQUISITION. The Commencing on June 1,  
300 2025, the authority may acquire by purchase, construction,  
301 lease, gift, ~~condemnation~~ or otherwise, except eminent domain,  
302 property of any kind, real, personal, or mixed, or any  
303 interest therein, ~~that~~ which the board deems necessary or  
304 convenient to the exercise of its powers or functions. ~~;~~  
305 ~~provided, that acquisition by condemnation shall be limited to~~  
306 ~~lands, rights in land, including leaseholds and easements, and~~  
307 ~~water rights in the Bear Creek Watershed that the board~~  
308 ~~determines to be necessary to the control and optimum~~



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309 ~~development of Bear Creek and its tributaries, including such~~  
310 ~~lands adjacent to or in the immediate vicinity of water~~  
311 ~~control reservoirs as the board determines to be necessary to~~  
312 ~~assure full development and optimum use of such reservoirs for~~  
313 ~~the purposes of navigation, water conservation and supply,~~  
314 ~~flood control, irrigation, industrial development, public~~  
315 ~~recreation and related purposes. The amount and character of~~  
316 ~~the interests in land, rights in land and water rights to be~~  
317 ~~acquired in such area shall be determined by the board of~~  
318 ~~directors, and its determination shall be conclusive. The~~  
319 ~~authority's power of eminent domain may be exercised under~~  
320 ~~Title 18 and any amendments thereto or pursuant to any other~~  
321 ~~general statutory provisions hereafter enacted for the~~  
322 ~~exercise of the power of eminent domain. The authority is~~  
323 ~~expressly authorized to acquire by condemnation or otherwise~~  
324 ~~and hold for resale or lease to private or other industrial~~  
325 ~~organizations land or interests in land in the Alabama portion~~  
326 ~~of the Bear Creek Watershed that it determines to be suitable~~  
327 ~~for industrial uses, and such acquisition is hereby declared~~  
328 ~~to be for the public purpose of the state's industrial~~  
329 ~~development and for the increase of industrial employment~~  
330 ~~opportunities.~~

331 (4) MANAGEMENT AND OPERATION. The authority may:

332 a. Enter into contracts with the United States, with  
333 the several states, and with individuals, private  
334 corporations, associations, municipalities, and other public  
335 agencies or political subdivisions of any kind, for the sale  
336 of water for municipal, domestic, agricultural, or industrial



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337 use, or for the sale of any other services, facilities, or  
338 commodities that the authority may be in a position to supply;

339 b. Acquire or purchase, except by eminent domain, and  
340 develop reservoirs and shoreline lands and provide for their  
341 operation for industrial, recreational, and other uses  
342 directly or by concessionaires, licensees, lessees, or  
343 ~~venders~~ vendors of shoreline lands;

344 c. Sell or lease shoreline lands, or any interest  
345 therein, in connection with development of the stream system,  
346 for uses consistent with the authority's development plan and  
347 subject to such restrictions as the authority deems necessary  
348 for reservoir protection and subject to such requirements as  
349 to character of improvements and activities and the time  
350 within which such improvements or activities shall be  
351 undertaken as the authority deems appropriate to its overall  
352 development plan;

353 d. Acquire or operate shoreline lands of reservoirs  
354 owned by the United States of America as the agent of the  
355 federal agency having custody and control thereof under  
356 appropriate agreements with such agencies;

357 e. Acquire, construct, or operate such other facilities  
358 or works of improvement as are necessary to effectuate plans  
359 for the comprehensive development of the area;

360 f. Make and enforce reasonable rules ~~and regulations~~  
361 governing the use of any facilities and other property owned,  
362 controlled, or operated by the authority;

363 g. Provide for such insurance as the board may deem  
364 advisable; and



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365 h. Fix and revise from time to time reasonable rates,  
366 fees, and other charges for the sale of water for municipal,  
367 domestic, agricultural, or industrial use, or for the sale of  
368 any other services, facilities, or commodities that the  
369 authority may be in a position to supply.

370 (5) FINANCING. The authority may:

371 a. Sell and issue its bonds from time to time in order  
372 to provide funds for any corporate function, use, or purpose,  
373 all such bonds to be payable solely out of the revenues  
374 derived from the facilities and other property of the  
375 authority or out of the revenues of any particular facilities  
376 and other property of the authority; and

377 b. Secure such bonds by a pledge of all or any of the  
378 revenues which may now or hereafter come to the authority from  
379 any source, by a mortgage or deed of trust covering the  
380 authority's land or any part thereof, or under the provisions  
381 of a trust indenture, or by a combination of one or more  
382 thereof; provided, that all obligations created or assumed and  
383 all bonds issued by the authority shall be solely and  
384 exclusively obligations of the authority and shall not create  
385 an obligation or debt of the state or of any county or  
386 municipality."

387 "§34-23-92

388 The board shall exercise, subject to this chapter, the  
389 following powers and duties:

390 (1) To adopt rules concerning the records and reports  
391 to be kept and made by a pharmacy relating to the filling of  
392 prescriptions and the handling and preservation of drugs.



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393 (2) To fix standards and requirements for licenses and  
394 permits except as otherwise specified in this chapter.

395 (3) To ~~make~~adopt rules ~~and regulations~~ regarding  
396 sanitation consistent with state health regulations.

397 (4) To employ ~~such~~ chemists, agents, clerical help, and  
398 attorneys necessary for the proper administration of the  
399 duties of the board.

400 (5) To employ a Chief Drug Investigator and ~~such~~ other  
401 drug investigators that it deems necessary to enforce this  
402 chapter which are under the supervision of the board.

403 (6) To adopt rules ~~and regulations~~ for the  
404 administration and enforcement of this chapter and not  
405 inconsistent ~~herewith~~with this chapter. ~~Such~~The rules ~~and~~  
406 ~~regulations~~ shall be referenced to the section or sections of  
407 this chapter which set forth the legislative standard which  
408 ~~it~~the rule interprets or to which it applies. Every ~~such~~ rule  
409 ~~and regulation~~ shall be adopted in accordance with the Alabama  
410 Administrative Procedure Act. A copy of every rule ~~and~~  
411 ~~regulation~~ containing a requirement of general application  
412 shall be electronically mailed to each registered pharmacist  
413 at least 10 days before the effective date ~~thereof~~of the rule.  
414 A printed copy of ~~such~~the rules ~~and regulations~~ shall be  
415 mailed to any registered pharmacist upon written request to  
416 the board.

417 (7) To investigate violations of this chapter or any  
418 other law pertaining to the practice of pharmacy that may come  
419 to the knowledge of the board and institute or cause to be  
420 instituted before the board or in a proper court appropriate





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421 proceedings in connection therewith.

422 (8) To issue subpoenas and compel the attendance of  
423 witnesses and the production of all necessary papers, books  
424 and records, documentary evidence and materials, or other  
425 evidence in matters pending before the board relating to the  
426 revocation, suspension, or probation of any license. Those  
427 persons issued subpoenas and compelled to attend hearings or  
428 meetings in matters pending before the board shall be entitled  
429 to witness fees from board funds. Claims for witness fees  
430 shall be made on accepted State of Alabama voucher forms as  
431 appropriate. Travel and mileage expenses shall be reimbursed  
432 to witnesses in the amounts officially authorized to the board  
433 and its personnel at the time the service to the board is  
434 performed.

435 (9) To administer oaths in connection with the duties  
436 of the board.

437 (10) To make a written report annually of its receipts  
438 and disbursements to the Governor and to the State  
439 Pharmaceutical Association. Included in this report shall be  
440 the names of all registrants licensed to practice under this  
441 chapter and a record of all permits issued during the period  
442 covered by the report.

443 (11) To enforce ~~the state barbiturate act, the state~~  
444 ~~amphetamine act, the state narcotic law, and all other~~ laws of  
445 the state which pertain to the practice of pharmacy, the  
446 examination of applicants, the licensing of pharmacists, the  
447 manufacture, packaging, repackaging, production, sale, or  
448 distribution of drugs, chemicals, and poisons, and all laws



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449 pertaining to standards for their strength and purity. The  
450 board may work in conjunction with other law enforcement  
451 agencies to enforce any law pertaining to the practice of  
452 pharmacy. Nothing in this section shall be construed to  
453 deprive the State Board of Health of any powers or duties  
454 otherwise prescribed by law including the enforcement of the  
455 narcotic law.

456 (12) To investigate alleged violations of this chapter  
457 or any rule ~~or regulation~~ published by the board and conduct  
458 hearings to revoke, suspend, or probate any license or permit  
459 granted by the board under this chapter and to invoke  
460 penalties not to exceed the sum of one thousand dollars  
461 (\$1,000) for each violation and to institute any legal  
462 proceedings necessary to effect compliance with this chapter;  
463 provided, that any person, firm, or corporation subjected to  
464 such penalty or legal proceedings may take an appeal in  
465 accordance with Section 34-23-94.

466 (13) On application of any person and payment of the  
467 cost therefor, the secretary of the board shall furnish, under  
468 its seal and signed by the secretary, a certified copy of the  
469 license or permit of the requestor, or a certified copy of a  
470 ~~regulation or~~ rule of the board. In any court or proceeding,  
471 such copy shall be prima facie evidence of the fact of the  
472 issuance of ~~such~~the permit or license and the adoption of  
473 ~~such~~the rule ~~or regulation~~.

474 (14) ~~To acquire by gift, grant, purchase, condemnation,~~  
475 ~~or otherwise, and to convey or hold title to, real property,~~  
476 ~~together with all rights incidental thereto~~Commencing on



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477 October 1, 2025, the board may not acquire or purchase by  
478 eminent domain any additional real property."

479 "§41-9-242

480 The purpose of the Alabama Historical Commission,  
481 hereinafter referred to as the commission, shall be to acquire  
482 in its own name or in the name of the State of Alabama by  
483 purchase, devise, lease, assignment, license, ~~condemnation,~~  
484 gift, bequest, transfer or otherwise, except eminent domain,  
485 buildings, objects, and sites deemed worthy of being  
486 preserved, improved, protected, and maintained for or on  
487 account of their particular historic, archaeological, or  
488 architectural significance, including adjacent properties  
489 deemed necessary for the proper setting, use, and  
490 administration of same, and ~~said~~ those buildings, objects, and  
491 sites shall include, but shall not be limited to, the  
492 following:

493 (1) Buildings in which events of great significance to  
494 Alabama's or the nation's history have taken place and the  
495 sites surrounding them~~.~~ .

496 (2) Birthplaces or residences of outstanding personages  
497 and the sites surrounding them~~.~~ .

498 (3) The sites of historic or significant events in  
499 Alabama or United States history, including military  
500 engagements, Indian treaties, and massacres~~.~~ .

501 (4) Buildings of significant or outstanding  
502 architectural value~~.~~ .

503 (5) Buildings, sites, objects, or monuments of special  
504 significance to our cultural, military, social, economic,



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505 religious, or commercial heritage, including post roads,  
506 traces, ruins, railroads, plantations, wharfs, missions,  
507 places of treaties, cemeteries, fortifications, and places of  
508 worship; ~~and.~~

509 (6) Archaeological sites for excavational, salvage,  
510 protective, and interpretative purposes."

511 "§41-10-725

512 (a) The institute shall have the following powers:

513 (1) To design, implement, and amend a program or  
514 programs to provide for the recruitment of, and the promotion  
515 of training programs and opportunities for, new craft trade  
516 workers for the construction industry and the users of the  
517 construction industry.

518 (2) To educate the public about career opportunities as  
519 craft trade workers in the construction industry.

520 (3) To acquire, receive, and take title to, by  
521 purchase, gift, lease, license, devise, or otherwise, except  
522 eminent domain, to hold, keep, improve, maintain, equip,  
523 furnish, and develop personal property, and to transfer,  
524 convey, donate, sell, lease, license, grant options to,  
525 assign, or otherwise dispose of property of every kind and  
526 character, real, personal, mixed, tangible, and intangible,  
527 and any and every interest therein, to any person or entity.

528 (4) To accept gifts, grants, bequests, or devises of  
529 money and tangible and intangible property.

530 (5) To make and alter bylaws, not inconsistent with ~~the~~  
531 ~~provisions of~~ this division or laws of the State of Alabama,  
532 for the administration and regulation of the affairs of the



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533 institute.

534 (6) To make, enter into, and execute contracts,  
535 agreements, leases, licenses, or other legal arrangements and  
536 to take such steps and actions as may be necessary or  
537 convenient in the furtherance of any purpose or the exercise  
538 of any power provided or granted to ~~it~~reinstitute by this  
539 section.

540 (7) To engage in media advertising, marketing, website  
541 creation, website design, website maintenance, database  
542 creation, database design, database maintenance, data and  
543 information collection, and data and information dissemination  
544 and distribution, including the dissemination or distribution  
545 of data and information on potential construction workforce  
546 recruits, to the construction industry, users of the  
547 construction industry, and educational institutions, or other  
548 entities, as deemed necessary or appropriate by the institute  
549 in its sole discretion.

550 (8) To conduct surveys, studies, metrics, and other  
551 analyses of the construction industry and its potential  
552 workforce, and to disseminate or distribute the surveys,  
553 studies, metrics, and other analyses of the construction  
554 industry and its potential workforce to the construction  
555 industry, users of the construction industry, and educational  
556 institutions, or other entities, as deemed necessary or  
557 appropriate by the institute in its sole discretion.

558 (9) To incur ancillary costs, project costs,  
559 advertising costs, and recruitment costs and to pay these  
560 costs out of proceeds of the Recruitment and Training



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561 Promotion Fund.

562 (10) To make application directly or indirectly to any  
563 federal, state, county, or municipal government or agency or  
564 to any other source, public or private, for grants or other  
565 similar financial assistance in furtherance of the institute's  
566 purpose and to accept and use the same upon the terms and  
567 conditions as are prescribed by the federal, state, county, or  
568 municipal government or agency or other source.

569 (11) To employ and provide for the compensation of an  
570 executive director and staff and support personnel according  
571 to policies and procedures adopted by the institute. The  
572 executive director and the employees of the institute shall  
573 not be considered state employees; however, the director and  
574 employees may petition the Employees' Retirement System and  
575 the State Employees' Insurance Board for inclusion in these  
576 systems subject to terms and conditions of similarly situated  
577 persons who may petition for benefits from these entities. The  
578 Employees' Retirement System may elect to provide retirement  
579 benefits and the State Employees' Insurance Board may elect to  
580 provide health insurance benefits to the employees of the  
581 institute upon petition of the employees and subject to terms  
582 and conditions for similarly situated employees of other  
583 public entities.

584 (12) To hire accountants, attorneys, engineers,  
585 consultants, and other professionals as the board shall deem  
586 necessary for the conduct of the business of the institute.

587 (13) To provide grants to educational, governmental,  
588 nonprofit, community-based, workforce development, economic



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589 development, and other organizations and associations engaged  
590 in the education, recruitment, training, placement, and  
591 professional development of persons engaged in activities  
592 leading to the furtherance of careers in commercial and  
593 industrial construction in accordance with the purposes of the  
594 institute.

595 (14) To cooperate or partner, or both, with regional  
596 and national organizations promoting construction workforce  
597 development, including the sharing of ~~non-monetary~~nonmonetary  
598 marketing and educational resources and databases, in  
599 furtherance of the purposes of the institute.

600 (15) To do all things necessary or convenient to carry  
601 out the powers and purposes conferred by this section.

602 (16) To exercise any and all powers permissible under  
603 state law not in conflict with the purposes of the institute.

604 (b) Commencing on October 1, 2025, the commission may  
605 not purchase or acquire by eminent domain any additional real  
606 property."

607 Section 3. This act shall become effective on October  
608 1, 2025.