

1 SB268  
2 151153-3  
3 By Senator Marsh  
4 RFD: Governmental Affairs  
5 First Read: 23-JAN-14

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 six, 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 Alabama  
2 State Construction Building Trades, the Alabama  
3 Associated General Contractors, the Alabama Road  
4 Builders Association, the Alabama Associated  
5 Builders and Contractors, and the Subcontractors  
6 Association of Alabama, or their successor  
7 organizations.

8  
9 A BILL  
10 TO BE ENTITLED  
11 AN ACT  
12

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

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Section 41-10-724 of the Code of Alabama  
2 1975, is amended to read as follows:

3           "§41-10-724.

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

9           "(b) The board of directors shall consist of ~~three~~  
10 six voting members selected as follows:

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

15           "(2) One member to be appointed by the Lieutenant  
16 Governor ~~from a list of three names provided~~ upon nomination  
17 and submission by the ~~Board of Directors of the Alabama~~  
18 ~~American Federation of Labor and Congress of Industrial~~  
19 ~~Organizations~~ Alabama State Construction Building Trades, or  
20 its successor organization.

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

1 ~~Contractors, and three from the American Subcontractors~~  
2 ~~Association, or its successor organization, and one upon~~  
3 ~~nomination and submission by the Alabama Road Builders~~  
4 ~~Association, or its successor organization.~~

5 "(4) Two members to be appointed by the President  
6 Pro Tempore of the Senate as follows: One upon nomination and  
7 submission by the Alabama Associated Builders and Contractors,  
8 or its successor organization, and one upon nomination and  
9 submission by the Subcontractors Association of Alabama, or  
10 its successor organization.

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

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

1 manner within 45 days of the vacancy by appointment by the  
2 Governor, Speaker of the House, President Pro Tempore of the  
3 Senate, or Lieutenant Governor, as appropriate. Each director  
4 shall reside within the State of Alabama. Directors may be  
5 reappointed for successive terms. No director shall draw any  
6 salary for any service he or she may render or for any duty he  
7 or she may perform in connection with the institute, but shall  
8 be entitled to the reimbursement of reasonable expenses  
9 incurred that are directly related to the duties in serving as  
10 a member of the board. No director shall continue to serve as  
11 a member of the board after ceasing to be an active member of  
12 the respective recommending organization from whose list the  
13 appointment was initially made as provided in subsection (b).

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

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

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

25 "(3) If a director is found guilty by a court of  
26 competent jurisdiction of willful or wanton misconduct, fraud,  
27 gross negligence, or a knowing violation of a criminal law,

1 the director shall be automatically removed and shall cease to  
2 serve as a member of the board.

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

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

17 "(g) All resolutions adopted by the board of  
18 directors shall constitute actions of the institute. All  
19 proceedings of the board shall be reduced to writing by the  
20 secretary and shall be recorded in a substantially bound book  
21 and filed in the office of the institute. Copies of such  
22 proceedings, when certified by the secretary of the institute  
23 under the seal of the institute, shall be received in all  
24 courts as prima facie evidence of the matters and things  
25 therein certified. The board of directors of the institute  
26 shall meet at such times upon such notice as it shall  
27 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.