

1 HB537  
2 151153-5  
3 By Representative Jones  
4 RFD: Boards, Agencies and Commissions  
5 First Read: 25-FEB-14

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ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

"§41-10-724.

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

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

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

7           "(2) One member to be appointed by the Lieutenant  
8     Governor ~~from a list of three names provided~~ upon nomination  
9     and submission by the ~~Board of Directors of the Alabama~~  
10    ~~American Federation of Labor and Congress of Industrial~~  
11    ~~Organizations~~ Alabama State Construction Building Trades, or  
12    its successor organization.

13          "(3) ~~One member~~ Two members to be appointed by the  
14    Speaker of the House ~~from a list of nine names~~ submitted as  
15    follows: ~~Three from~~ One upon nomination and submission by the  
16    Alabama Associated General Contractors, ~~one from the Alabama~~  
17    ~~Chapter of Associated Builders and Contractors, one from the~~  
18    ~~Mid-Gulf Chapter of Associated Builders and Contractors, one~~  
19    ~~from the North Alabama Chapter of Associated Builders and~~  
20    ~~Contractors, and three from the American Subcontractors~~  
21    ~~Association, or its successor organization, and one upon~~  
22    nomination and submission by the Alabama Road Builders  
23    Association, or its successor organization.

24          "(4) Two members to be appointed by the President  
25    Pro Tempore of the Senate as follows: One upon nomination and

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

5 ~~"(4)(5)~~ The membership of the board of directors and  
6 employees and contractors of the board shall be inclusive and  
7 reflect the racial, gender, geographic, urban/rural and  
8 economic diversity of the state. ~~The board shall annually~~  
9 ~~report to the Legislature by the second legislative day of~~  
10 ~~each regular session the extent to which the board has~~  
11 ~~complied with the diversity provisions provided for in this~~  
12 ~~subdivision. All appointing authorities shall coordinate their~~  
13 ~~appointments so that diversity of gender, race, and~~  
14 ~~geographical areas is reflective of the makeup of this state.~~

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

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

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

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

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

23 "(3) If a director is found guilty by a court of  
24 competent jurisdiction of willful or wanton misconduct, fraud,  
25 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

1 shall meet at such times upon such notice as it shall  
2 determine or upon call of the chair.

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

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

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in  
and was passed by the House 19-MAR-14.

Jeff Woodard  
Clerk

Senate	01-APR-14	Amended and Passed
House	01-APR-14	Concurred in Sen- ate Amendment