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168555-5

By Representatives Baker, Harper, Collins, Shiver, Hill (M), McCutcheon, Weaver, Gaston, Sessions, Moore (B), Johnson (K), Nordgren, McMillan, Ingram and Davis

RFD: State Government

First Read: 23-APR-15
ENROLLED, An Act,

Relating to the Department of Commerce; to transfer various departments, programs, duties, functions, boards, and committees of the Department of Economic and Community Affairs and the Department of Postsecondary Education to the Department of Commerce; to transfer certain property, employees, and appropriations to the Department of Commerce; to reorganize the newly constituted Department of Commerce and provide for its duties and functions; to amend and renumber Sections 41-9-201, 41-9-202, 41-9-202.1, and 41-9-203 as Article 1, Chapter 29, of Title 41 of; to add Section 41-29-5 to; to amend and renumber Sections 41-9-760 to 41-9-767, inclusive, as Division 1, Part 1, Article 2, Chapter 29 of Title 41 of; to add Part 2 to Division 3, Article 2, Chapter 29 of Title 41 of; to add Division 4 to Article 2, Chapter 29 of Title 41 of; to add Division 1 to Article 3, Chapter 29 of Title 41 of; to add Division 2 to Article 3, Chapter 29 of Title 41 of; to amend and renumber Sections 41-9-1080 to 41-9-1086, inclusive, as Division 3, Article 3, Chapter 29 of Title 41 of; to amend and renumber Sections 16-66-1 to 16-66-8, inclusive, as amended by Act 2014-16, 2014 Regular Session, as Division 4, Article 3, Chapter 29 of Title 41 of; to add Division 5 to Article 3, Chapter 29 of Title 41 of; to
amend and renumber Section 41-23-7; and to repeal Section 41-9-4, of the Code of Alabama 1975.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. A heading for Chapter 29 (commencing with Section 41-29-1) is added to Title 41 of the Code of Alabama 1975, to read as follows:

Chapter 29. Department of Commerce

Section 2. A heading for Article 1 (commencing with Section 41-29-1) is added to Chapter 29 of Title 41 of the Code of Alabama 1975, to read as follows:


Section 3. Sections, 41-9-201, 41-9-202, 41-9-202.1, and 41-9-203 of the Code of Alabama 1975, are amended and renumbered to read as follows:

"§41-9-201. §41-29-1.

"(a)(1) There is hereby created the Department of Commerce within the office of the Governor and directly under his or her supervision and control. The Department of Commerce shall be headed by the Secretary of Commerce, who shall be a person possessed with extensive responsible experience in development of economic, human, and physical resources and promotion of industrial and commercial development. The secretary shall be appointed by the Governor and serve at his or her pleasure at a salary of any reasonable amount not to exceed by forty thousand dollars ($40,000) the highest
authorized salary for employees of the Department of Commerce who are subject to the Merit System law. In fixing such salary, the Governor shall give due consideration of the salaries of comparable positions in other states and in private industry. All other employees necessary to carry out the duties and functions of the Department of Commerce shall be employed subject to the Merit System law. In addition to any other employees, there may be employed a total of eight assistant secretaries for the office, who shall not be subject to the Merit System law and whose compensation shall be determined by the secretary.

"(2) The eight additional assistant secretaries shall be persons experienced in industrial and commercial development for at least the two years prior to their employment. Compensation for the eight additional assistant secretaries shall not exceed the amount of compensation paid for the highest classification of Merit System employees employed by the Department of Commerce.

"(3) The makeup of the assistant secretaries shall be inclusive and should reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

"(b) On the effective date of the act adding this amendatory language, the Department of Commerce shall be comprised of the following divisions: The Business Development Division and the Workforce Development Division. Each division
shall be headed by a deputy secretary who shall be appointed by the Secretary of Commerce outside of the classified service and who shall serve at the pleasure of the secretary at a salary of any reasonable amount not to exceed by ten thousand dollars ($10,000) the highest authorized salary for employees of the Department of Commerce who are subject to the Merit System law. The deputy secretary of each division shall report to the Secretary of Commerce.

"(b)(c) The Governor, through the Department of Commerce, shall encourage comprehensive and coordinated planning and programming of the affairs of state government.

"All economic development functions as defined in subdivision (12) of Section 36-25-1 or otherwise engaged in by any employee, department, agency, or body corporate in the executive branch of the state shall be pre-approved by the Secretary of Commerce or the Governor."

"(c)(d) The Governor may direct any state department or other agency of state government directly under his or her control and supervision to furnish the Department of Commerce with such personnel, equipment, and services as are necessary to enable it to carry out its responsibilities and duties and prescribe the terms thereof, including reimbursement of costs thereof.

"(e)(1) The Legislature finds and declares that the Alabama Community College System consists of comprehensive
community and technical colleges and the Alabama Technology
Network, an effective workforce development initiative. The
Alabama Community College System provides a unified system of
institutions delivering excellence in academic education,
adult education, and workforce development initiatives that
are responsive to industry needs from highly specialized
training programs that help prepare entry level employees to
meet growing demands.

"(2) Notwithstanding any other provision of the act
adding this subsection, the Alabama Community College System
shall continue to provide a wide range of career-technical
courses and short-term training for job-specific
certifications.


"(a) The Department of Commerce shall be the
principal staff agency of the executive branch to plan with
the other departments of state government and with other
governmental units for the comprehensive development of the
state's human, economic and physical resources and their
relevance for programs administered by the state and the
governmental structure required to put such programs into
effect. It shall provide information, assistance and staff
support by all appropriate means. The Department of Commerce
shall perform all the duties and exercise all the powers and
authority relative to state regional and local planning and
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industrial development heretofore vested in the Alabama Development Office. All books, records, supplies, funds, equipment and personnel of the Alabama Development Office are also hereby transferred to the Department of Commerce.

"(b) All of the powers and authority heretofore vested in the Alabama Development Office and the Director of Development shall be vested in the Department of Commerce created by this article chapter and the Secretary of Commerce, respectively. A reference in any provision of law to the Alabama Development Office or the Director of Development shall be deemed a reference to the Department of Commerce and Secretary of Commerce, respectively.

"(c) Without in any way limiting the foregoing general powers and duties, the Department of Commerce shall have the following additional powers and duties:

"(1) To formulate a long-range state comprehensive plan, to be submitted by the Governor to the Legislature for its consideration.

"(2) To formulate, for approval by the Governor and the Legislature, long-range plans and policies for the orderly and coordinated growth of the state, including, but not limited to, functional plans.

"(3) To prepare special reports and make available the results of the agency's research, studies and other
activities through publications, memoranda, briefings, and
expert testimony.

"(4) To analyze the quality and quantity of services
required for the continued orderly and long-range growth of
the state, taking into consideration the relationship of
activities, capabilities, and future plans of local units of
government, area commissions, development districts, private
enterprise, and the state and federal governments.

"(5) To encourage the coordination of the planning
and programming activities of all state departments, agencies,
and institutions, local levels of government, and other public
and private bodies within the state.

"(6) To advise and consult with regional, county,
and local planning and development agencies.

"(7) To work with the state budget agency and other
state departments, agencies, and institutions to study and
review plans, programs and federal aid applications filed with
the federal government.

"(8) To survey, review, and appraise the
accomplishments of state government in achieving its goals and
objectives at the direction of the Governor and in cooperation
with the state budget agency.

"(9) To apply for and accept advances, loans,
grants, contributions, and any other form of assistance from
the federal government, the state or other public body, or
from any sources, public or private, for the purposes of this
article and to enter into and carry out contracts or
agreements in connection therewith and to include in any
contract for financial assistance with the federal government
such conditions imposed pursuant to federal laws as it may
deeem reasonable and appropriate and which are not inconsistent
with the purposes of this article chapter.

"(10) To review and comment on all local and
areawide applications for federal planning assistance or to
delegate such authority to a regional planning and development
commission.

"(11) To exercise all other powers necessary and
proper for the discharge of its duties, including the
promulgation of reasonable rules and regulations.

"(d) The Department of Commerce is hereby authorized
to make grants from appropriations to regional planning and
development commissions which are certified to receive such
grants by the Governor under the provisions of Sections
11-85-50 through 11-85-55.

"§41-9-202.1 §41-29-3.

"(a)(1) The Secretary of Commerce shall be notified,
either orally or in writing, about the general parameters of a
project if an entity is considering locating or expanding a
facility at a site within this state and intends to claim any
of the incentives provided by the State of Alabama that are
described in subdivision (2). The required notification should be made as soon as the project's parameters are generally known or when a site or sites have been identified by an investing entity or entities or a visit is made to the State of Alabama by the entity or its representative. The initial required notification may be made on an anonymous basis (i.e., "Project Alpha") in order to protect the confidentiality of a proposed project. Upon timely notifying the secretary within the time frame specified in this subdivision, the secretary shall transmit a letter to the company or its representative acknowledging receipt of the required notification (the "notification acknowledgment letter").

"(2) The required notification set forth in subdivision (1) applies to (i) capital investment credits pursuant to Act 95-187, as amended; (ii) site preparation grants pursuant to Act 91-635, as amended; (iii) funding for access roads and bridges through the Alabama Industrial Access Road and Bridge Corporation pursuant to Act 85-549, as amended; (iv) training or other assistance from the Alabama Industrial Development Training Program where the annual expenditures of cash is estimated to be in excess of one million dollars ($1,000,000); and (v) any direct or indirect cash payment for a project from the State of Alabama, whether in the form of an in-kind contribution of a site, building, or equipment, or otherwise.
"(b) All information concerning a proposed project which is provided to the secretary and the Department of Commerce shall be confidential. The secretary is authorized to enter into a confidentiality agreement with a prospective entity which prohibits the disclosure of the identity of the prospective entity and any information obtained, whether orally or in writing, about the entity's proposed project.

"(c) All written statements of intent to claim the capital credit which may be filed with the Department of Revenue at anytime prior to the date on which a qualifying project is placed in service pursuant to Section 40-18-191, shall include the notification acknowledgment letter from the secretary.

"(d) All applications to the State Industrial Development Authority for site preparation grants pursuant to Act 91-635, 1991 Regular Session, as last amended by Act 97-645, 1997 Regular Session, shall include the notification acknowledgment letter from the secretary.

"(e) All applications to the Industrial Access Road and Bridge Corporation for funding for access roads and bridges shall include the notification acknowledgment letter from the secretary.

"(f) All companies seeking training or other assistance from the Alabama Industrial Development Training Program shall file an application with the Secretary of
Commerce if the annual expenditure of cash is estimated to be in excess of one million dollars ($1,000,000). The application shall include the notification acknowledgment letter from the secretary. The secretary shall be responsible for reviewing, coordinating, and processing each application. The secretary shall have 30 days to process each application.

"(g) An application must be filed with the secretary before any direct or indirect cash payments are expended for a project from the State of Alabama, whether the payment is in the form of an in-kind contribution of a site, building, equipment, or otherwise. The application shall include the notification acknowledgment letter from the secretary. The secretary shall be responsible for reviewing, coordinating, processing, and approving each application for direct or indirect cash payments and shall have 30 days to approve or deny each application.

"§41-29-203. §41-29-4.

"The Governor, in carrying out his or her responsibilities under this article chapter, may establish advisory committees or councils and appoint the members thereof, who shall serve at his or her pleasure. Members shall serve without compensation. The Governor shall designate the chairmen and such other officers as he or she may deem necessary for each advisory committee or council. Advisory committees or councils established pursuant to this section
shall meet at the call of their chairmen or of the Secretary of Commerce."

Section 4. Section 41-29-5 is added to Article 1, Chapter 29, of Title 41 of the Code of Alabama 1975, to read as follows:

§41-29-5.

On the effective date of the act adding this section, the Department of Commerce shall be reorganized into two divisions that shall have the functions prescribed as follows:

(1) The Business Development Division shall be responsible for all of the functions of the Department of Commerce as it existed before the effective date of the act adding this section, including, but not limited to, small business advocacy; the functions performed by the Alabama Small Business Commission, created and functioning pursuant to Section 41-29-240 and international trade.

(2) The Workforce Development Division shall be comprised of the following entities which shall report to the chief Deputy Secretary of the division: The Workforce Development Division and Workforce Investment Division of the Department of Economic and Community Affairs, formerly Chapter 23 of Title 41, the Alabama Industrial Development and Training Institute, formerly functioning pursuant to Sections 41-9-1080 to 41-9-1086, inclusive, and the Alabama Workforce
Council and the regional workforce councils of the Department of Postsecondary Education, formerly functioning pursuant to Sections 16-66-1 to 16-66-8, inclusive, and the Legislative Oversight Commission of the Alabama Department of Economic and Community Affairs, formerly functioning pursuant to Section 41-23-7.

Any transfer of personnel, appropriations, funds, or property, real or personal from the Alabama Community College System to the Department of Commerce pursuant to this subdivision, shall be made with the cooperation and approval of the Chancellor and the Board of Trustees of the Alabama Community College System.

Section 5. Sections 41-9-760 to 41-9-767, inclusive, are amended and renumbered as Part 1 of Division 1 of Article 2 of Chapter 29 of Title 41 of the Code of Alabama 1975, to read as follows:


"Division 1. Office of Small Business Advocacy.


"41-9-760. §41-29-220.

"There is hereby created, within the Business Development Division of the Alabama Development Office Department of Commerce, the Alabama Small Business Office of Advocacy for the purpose of aiding, counselling, assisting and protecting, insofar as possible, the interests of small
business concerns in order to preserve free competitive enterprise and maintain a healthy state economy; and to provide information and assistance to citizens interested in entering into commercial activity.

"§41-9-761. §41-9-221.

"For purposes of this article, division, unless the context otherwise requires, the following words and phrases shall have the following meanings:

"(4) A.D.O. The Alabama Development Office (1) DIVISION. The Business Development Division of the Department of Commerce.

"(2) DIRECTOR. The Director of the Alabama Small Business Office of Advocacy.

"(3) OFFICE. The Alabama Small Business Office of Advocacy.

"(1) SMALL BUSINESS. A small business, as defined in Section 25-10-3.

"§41-9-762. 41-29-222.

"(a) The management of the office created by this article division shall be vested in a director, who shall be designated by the director deputy secretary of the A.D.O division.

"(b) The A.D.O. director Secretary of Commerce may assign other A.D.O. Department of Commerce employees or other employees in the state Merit System and exempt positions in
the various executive branch departments to assist the
director for such periods of time as are necessary to enable
the director to carry out his or her responsibilities.

§41-9-763. §41-29-223.

"The duties and functions of the office shall
include all of the following:

"(1) Serve as the principal advocate in the state on
behalf of small businesses, including, but not limited to,
advisory participation in the consideration of all legislation
and administrative regulations which affect small businesses.

"(2) Establish a central reference program and
general counseling service to assist small businesses.

"(3) Represent the views and interests of small
businesses before other state agencies whose policies and
activities may affect small businesses.

"(4) Enlist the cooperation and assistance of public
and private agencies, businesses, and other organizations in
disseminating information about the programs and services
provided by state government which are of benefit to small
businesses, and information on how small businesses can
participate in, or make use of, those programs and services.

"(5) Evaluate the efforts of state agencies,
businesses, and industry to assist minority small business
enterprises, and make such recommendations as may be
appropriate to assist the development and strengthening of
minority and other small business enterprises.

"(6) Consult with experts and authorities in the
fields of small business investment, venture capital
investment, and commercial banking and other comparable
financial institutions involved in the financing of business,
and with individuals with regulatory, legal, economic, or
financial expertise, including members of the academic
community, and individuals who generally represent the public
interest.

"(7) Determine the desirability of developing a set
of rational, objective criteria to be used to define small
business, and to develop such criteria, if appropriate.

"(8) To provide a center of information where a
person interested in establishing a commercial facility or
engaging in a commercial activity may be informed of any
registration, license, or other approval of a state regulatory
agency that is required for that facility or activity or of
the existence of standards, criteria, or requirements which
the laws of this state require that facility or activity to
meet.

"§41-9-764. §41-29-224.

"Each state agency which requires a permit, license,
or other regulatory approval or maintains standards or
criteria with which an activity or facility must comply shall inform the office of the following:

"(1) The activity or facility that is subject to regulation.

"(2) The existence of any threshold levels which would exempt the activity or facility from regulation.

"(3) The nature of the regulatory program.

"(4) The amount of any fees.

"(5) How to apply for any permits or regulatory approvals.

"(6) A brief statement of the purpose of requiring the permit or regulatory approval or requiring compliance with the standards or criteria.

"§41-9-765. §41-29-225.

"Each state agency shall promptly inform the office of any changes in the information provided under this article division or the establishment of a new regulatory program. The information provided to or disseminated by the office shall not be binding upon the regulatory program of a state agency.

"§41-9-766. §41-29-226.

"For the purpose of implementing the provisions of this article division, the office shall establish a toll-free telephone number.

"§41-9-767. §41-29-227."
"Each agency of the state shall furnish to the director such reports, documents, and information as the director deems necessary to carry out his or her functions under this article division. The office shall prepare and submit a written annual report to the Governor and to the Legislature, that describes the activities and recommendations of the office.

Section 6. Part 2 (commencing with Section 41-29-240) is added to Division 1 of Article 2 of Chapter 29 of Title 41 of the Code of Alabama 1975, to read as follows:


§41-29-240.

(a) The Alabama Small Business Commission is created as part of the Office of Small Business Advocacy.

(b) The commission shall have the following duties:

(1) Formulate policies encouraging innovation of small business in the state.

(2) Discuss issues critical to the economic growth of small, independent businesses and their interests that will encourage the formation of and foster the growth of small businesses in the state.

(3) Advise the Department of Commerce in formulating and promoting policies relating to small businesses.
(4) Act as an advocate for small businesses and the entrepreneurs who work to create opportunities for new small businesses and sustain those that are already in existence.

(5) Promote policies to assist new business start-ups and expansion of existing businesses.

(c) The commission shall be chaired by an appointee of the Governor, who shall be a voting member. The Director of the Business Development Division shall be responsible for the administrative functions of the commission including, but not limited to, the organization of meetings, preparing the annual reports, and other items as needed by the commission. The commission shall be composed of the following members who shall serve a term of two years with the option of being reappointed to one additional term by their appointing authority:

(1) One member from each of the congressional districts of the state appointed by the Governor.

(2) One member appointed by the Governor from a list of three names submitted by the Alabama Homebuilders Association.

(3) One member appointed by the Governor from a list of three names submitted by the Alabama Retail Association.

(4) One member appointed by the Governor from a list of three names submitted by the Alabama Bankers Association.
(5) One member appointed by the Governor from a list of three names submitted by the Medical Association of Alabama.

(6) One member appointed by the Governor from a list of three names submitted by the Alabama Farmers Federation.

(7) One member appointed by the Governor from a list of three names submitted by the Alabama Trucking Association.

(8) One member appointed by the Governor from a list of three names submitted by the Alabama Association of General Contractors.

(9) One member appointed by the Governor from a list of three names submitted by the Alabama Automobile Dealers Association.

(10) One member appointed by the Governor from the manufacturing sector.

(11) One member appointed by the Lieutenant Governor from a list of three names submitted by the Alabama Forestry Association.

(12) One at-large member appointed by the Lieutenant Governor.

(13) One member appointed by the Speaker of the House of Representatives from the service, hospitality, and tourism sector.

(14) One member of the House of Representatives appointed by the Speaker of the House of Representatives.
(15) One member of the manufacturing sector appointed by the President Pro Tempore of the Senate.

(16) One member of the Senate appointed by the President Pro Tempore of the Senate.

(d) To the extent possible, the commission members shall be small business owners representing businesses with 50 or fewer employees.

(e) The commission shall prepare and submit an annual report to the Governor no later than December 31 of each year.

§41-29-241.

(a) The Alabama Small Business Advisory Committee is created and shall serve as a technical and informational source to the Alabama Small Business Commission. The chair of the commission shall also serve as chair of the committee.

(b) The advisory committee shall be comprised of the following members:

(1) The Commissioner of the Department of Revenue, or his or her designee.

(2) The Commissioner of the Department of Labor, or his or her designee.

(3) The Secretary of Commerce, or his or her designee.

(4) A member representing the Alabama Association of Chambers of Commerce, appointed by the Governor.
(5) A member representing the Economic Development Association of Alabama, appointed by the Governor.

(6) A member representing the Association of County Commissions of Alabama, appointed by the Governor.

(7) A member representing the Alabama League of Municipalities, appointed by the Governor.

(8) A member representing the utility industry, appointed by the Governor.

(9) The Chancellor of the Alabama Community College System, or his or her designee.

(10) Additional members as the Governor deems necessary.

(c) The advisory committee shall meet at the call of the chair.

Section 7. Division 3 (commencing with Section 41-29-250) is added to Article 2 of Chapter 29 of Title 41 of the Code of Alabama 1975, to read as follows:

Division 3. International Trade.

§41-29-250.

On the effective date of the act adding this section, all functions performed by the Department of Economic and Community Affairs administering international trade policies and programs are transferred to the Department of Commerce and shall be administered by the division.
Section 8. Article 3 (commencing with Section 41-29-260) is added to Chapter 29 of Title 41 of the Code of Alabama 1975, to read as follows:

Article 3. Workforce Development Division.
Division 1. Workforce Programs.

§41-29-260.

All of the workforce programs administered by the Department of Economic and Community Affairs before the effective date of the act adding this section shall be transferred to the Department of Commerce and administered by the Workforce Development Division of the Department of Commerce including, but not limited to, programs administered through the federal Workforce Investment Act, Alabama Career Centers, Incumbent Worker Training Program, On-the-Job Training Program, Individual Training Account, Rapid Response Team, youth programs, eligible training provider list, Mentor Alabama, the Alabama Community Partnership for Recovery and Reentry, National Emergency Grant-Occupational Skills Training for Dislocated Workers, and the Alabama Disability Employment Initiative.

Division 2. Workforce Investment.

§41-29-270.

The administration of Workforce Investment Board and Local Workforce Investment Boards administered by the Department of Economic and Community Affairs before the
effective date of the act adding this section is transferred to the Workforce Development Division of the Department of Commerce and, on the effective date of the act adding this section, the boards shall be administered through the Workforce Development Division of the department.

Section 9. Sections 41-9-1080 to 41-9-1086, inclusive, Code of Alabama 1975, are amended and renumbered as Division 3 of Article 3 of Chapter 29 of Title 41 of the Code of Alabama 1975, to read as follows:

"Division 3. Alabama Industrial Development Training Institute.

"§41-9-1080. §41-29-280.

"The Legislature makes the following findings:

"(1) The Alabama Industrial Development and Training Institute, hereinafter AIDT, was established in fiscal year 1970-1971 as a contract program reporting to the State Board of Education through the Division of Vocational-Technical Education. In 1976, the State Board of Education adopted a resolution approving the establishment of AIDT as a mobile training institute, appointed a director, established staff positions and salary schedules, and mandated personnel procedures for the staff identical to those with technical colleges. AIDT continued operating under the Department of Postsecondary Education when the Legislature established the department and position of Chancellor. AIDT has been
continuously funded through an annual line item in the
Education Trust Fund budget.

"(2) AIDT provides quality workforce development for
the new and expanding businesses in the state and expands the
opportunities of its citizens through the jobs these
businesses create.

"(3) AIDT serves a unique role in the state by
providing its citizens the specific skills, knowledge, and
training needed to address the dynamic labor needs of new or
expanding businesses in a flexible manner that allows for
careful coordination with the time and location or the new or
expanding businesses and their labor needs.

"(4) AIDT's role in educating and training the
state's workforce is critical to the state's economic
development, job creation and retention, and AIDT's mission is
consistent with, and crucial to the success of, the projects,
and services of the Department of Commerce.

§41-9-1081. §41-29-281.

"As used in this article division, the following
words shall have the following meanings:

"(1) AIDT. The Alabama Industrial Development and
Training Institute.

"(2) DIRECTOR. The Director of the Alabama
Industrial Development and Training Institute.

§41-9-1082. §41-29-282.
"AIDT shall operate under the supervision and oversight of the Secretary as a part of the Workforce Development Division of the Department of Commerce. All of the powers, authority, duties, functions, policies, and funds of, and appropriations to, AIDT previously conferred upon or granted to AIDT reporting to the State Board of Education through the Division of Vocational-Technical Education or by Alabama Executive Order No. 2012-31 are confirmed, ratified, continued, transferred to, and vested in AIDT. All contracts, leases, grants, and agreements previously entered by AIDT shall continue in full force and effect without modification or interruption by this restructuring. All property currently owned by AIDT shall continue to be the property of AIDT. AIDT shall continue to be headed by the director, who shall be appointed by the Secretary of Commerce and shall serve at his or her pleasure. The powers, duties, and qualifications required of the director shall be as set forth in the AIDT Policy Manual, as amended from time to time and approved by the Secretary of Commerce.

§41-9-1083. §41-29-283.

"(a) AIDT shall continue to be funded from the Education Trust Fund and may receive any other funds appropriated by the United States or the state. AIDT shall maintain accounts in its own name and shall make all of its disbursements and payments directly from accounts maintained
outside the State Treasury rather than through state warrants. Funds that have been allocated by AIDT under a project agreement for workforce development shall not be transferred to any other expenditure or for any other purpose without the express written approval of the Secretary of Commerce. All disbursements and payments by AIDT shall be subject to the approval of the director as prescribed in the AIDT Policy Manual as it may be amended from time to time with the approval of the Secretary of Commerce.

"(b) Before the third legislative day of each regular session of the Legislature AIDT shall provide to the Chair of the House Ways and Means Education Fund Committee and the Chair of the Senate Finance and Taxation Education Committee a reconciled financial statement of the project commitments and the actual expenditures on project commitments for the preceding fiscal year.

"§41-9-1084. §41-29-284.

"All individuals serving as employees of AIDT immediately prior to the effective date of the act adding this language, shall remain employees of AIDT. The salary and benefits of such AIDT employees shall not be changed solely as a result of this article division. All AIDT employees shall receive compensation determined by the director and approved by the Secretary of Commerce and shall continue to be exempt from the provisions of the state Merit
System Law and tenure laws with respect to the method of selection, classification, compensation, and termination of state employees. All AIDT employees shall remain subject to the AIDT policies and procedures existing immediately prior to April 24, 2013, the effective date of the act adding this language, unless and until such policies are modified or amended by written amendment approved by the Secretary of Commerce.


"All information concerning a proposed project which is provided to the director and AIDT shall be confidential. AIDT, through the director, is authorized to enter into a confidentiality agreement or other contract provision with a prospective entity considering locating or expanding within the state which prohibits the disclosure by AIDT or any of its employees or contractors of the identity of the prospective entity and any information obtained, whether orally or in writing, by such persons about the entity's proposed project. Further, AIDT, through the director as approved by the Secretary of Commerce, is authorized to enter into a confidentiality agreement or other contract provision with a prospective entity who is considering locating or expanding or has relocated or expanded within the state to reasonably protect trade secrets or other confidential business information of such entity. Such confidentiality agreement or
other contract provision shall not otherwise limit the
disclosure under applicable open records laws of public
documents which describe the nature, quantity, cost, or other
pertinent information related to the activities of, or
services performed by, AIDT.

"§41-9-1086. §41-29-286.

"Any operations, processes, and matters of AIDT that
are not covered by this article division shall be governed by
the AIDT Policy Manual, as amended from time to time with the
written approval of the Secretary of Commerce."

Section 10. Sections 16-66-1 to 16-66-8, inclusive,
as amended by Act 2014-16, 2014 Regular Session, of the Code
of Alabama 1975, are amended and renumbered as Division 4 of
Article 3 of Chapter 29 of Title 41, of the Code of Alabama
1975, to read as follows:

"Division 4. Alabama Workforce Council.

"§16-66-1. §41-29-290.

"The Alabama Workforce Council is hereby created as
an appointed group of state business and industry senior
managers continued in existence as a part of the Workforce
Development Division of the Department of Commerce. The
council is responsible for advising and supporting the
Chancellor of the Alabama Community College System, and the
Superintendent of the Alabama Department of Education, and the
Council of College and University Presidents. The Alabama
Workforce Council will serve as an advisory body in formulating policies, developing innovative educational workforce programming, and discussing issues critical to the workforce development needs in the State of Alabama. Furthermore, the council will promote, coordinate, and collaborate across prekindergarten-12, two-year colleges, four-year universities, and business and industry.

"§16-66-2. §41-29-291.

"The Alabama Workforce Council shall consist of the following members and shall reflect the racial, gender, geographic, urban and rural, and economic diversity of the state:

"(1) Two members appointed by the Governor.

"(2) One member appointed by the Lieutenant Governor.

"(3) One member appointed by the Speaker of the House of Representatives.

"(4) One member appointed by the President Pro Tempore of the Senate.

"(5) One member from each of the following 10 regions that comprise the regional workforce development councils of Alabama appointed by the Governor:

"a. Region 1: Colbert, Franklin, Lauderdale, Lawrence, Marion, and Winston Counties."
"b. Region 2: Cullman, DeKalb, Jackson, Limestone,

Madison, Marshall, and Morgan Counties.

c. Region 3: Bibb, Fayette, Greene, Hale, Lamar,

Pickens, and Tuscaloosa Counties.

d. Region 4: Blount, Chilton, Jefferson, Shelby,
St. Clair, and Walker Counties.

e. Region 5: Calhoun, Etowah, Cherokee, Clay,

Cleburne, Coosa, Randolph, Talladega, and Tallapoosa Counties.

f. Region 6: Dallas, Marengo, Perry, Sumter, and

Wilcox Counties.

g. Region 7: Autauga, Butler, Crenshaw, Elmore,

Lowndes, and Montgomery Counties.

h. Region 8: Bullock, Chambers, Lee, Macon, and

Russell Counties.

i. Region 9: Baldwin, Choctaw, Clarke, Conecuh,

Escambia, Mobile, Monroe, and Washington Counties.

j. Region 10: Barbour, Coffee, Covington, Dale,

Geneva, Henry, Houston, and Pike Counties.

"(6) The Director Deputy Secretary of the Governor's
Office of Workforce Development Division shall be an ex

officio member of the council but shall have no voting rights.

"(7) The Chancellor of the Alabama Community College

System shall be an ex officio member of the council, but shall

have no voting rights.
"(8) The State Superintendent of Education shall be an ex officio member of the council, but shall have no voting rights.

"(9) The Governor shall have the authority to appoint additional members to the council when necessary.

§16-66-3. §41-29-292.

"The Deputy Secretary of the Workforce Development Division Secretary of Commerce shall be responsible for the administrative functions of the council, including, but not limited to, the organization of meetings, preparing the annual report, and other items as needed by the council.

§16-66-4. §41-29-293.

"The council shall meet within 30 days after the appointment of the council membership and establish procedures and other policies necessary to carry on the business of the council, including the establishment of a quorum. The council shall meet at least twice a year, but may meet more frequently upon the call of the chair. Members of the council may participate in a meeting of the council by means of conference telephone, video conference, or similar communications equipment by means of which all persons participating in the meeting may hear each other at the same time. Participation by such means shall constitute presence in person at a meeting for all purposes, including the establishment of a quorum.

§16-66-5. §41-29-294."
"Members of the council shall serve at the pleasure of the official responsible for designating the members, but in no case shall the term of any member exceed four years. The initial council members shall be appointed for terms from one to four years and shall serve such staggered terms so that one member may be appointed subsequently each year. Vacancies shall be filled in the manner provided for the original appointments. Persons appointed to fill vacancies shall serve the unexpired portions of the terms.

"§16-66-6. §41-29-295.

"The council shall report to the Governor, the Legislature, the State Board of Education, and the Alabama Council of College and University Presidents on its advisory recommendations, if any, by January 31 of each year. The council will also meet with the above mentioned groups, if necessary, to discuss the recommendations in the report.

"§16-66-7. §41-29-296.

"The members of the council shall not receive a salary or per diem allowance for serving as members of the council, but shall be entitled to reimbursement, from the Department of Commerce for expenses incurred in the performance of the duties of the office at the same rate allowed state employees pursuant to general law.

"§16-66-8. §41-29-297."
"The advisory duties and responsibilities of the council shall include, but are not restricted to, the following:

"(1) Review ways to streamline and align the existing workforce development functions of the state.

"(2) Evaluate the best way to increase awareness and educate students on available opportunities in industry sectors.

"(3) Evaluate ways to create a feedback loop for industry and education.

"(4) Evaluate private/public partnerships to create industry-funded scholarship programs for community colleges, vocational programs, and dual enrollment programs.

"(5) Evaluate the value of increasing the marketing associated with career readiness and skilled craft trades.

"(6) Evaluate the standards for membership and operations to the existing 10 regional workforce development councils.

"(7) Evaluate and make recommendations to realign the counties that comprise a regional council, as required to meet the needs of employers."

Section 11. Division 5 (commencing with Section 41-29-300) is added to Article 3 of Chapter 29 of Title 41 of the Code of Alabama 1975, to read as follows:

Division 5. Regional Workforce Development Councils.
§41-29-300.

(a) The Regional Workforce Development Councils are hereby established as an appointed group of state business and industry senior managers. The Regional Workforce Development Councils shall be appointed from no less than six and no more than 10 regions. The Deputy Secretary of the Workforce Development Division of the Department of Commerce and the Chancellor of the Alabama Community College System shall jointly promulgate rules related to the establishment and governance of these councils. The Deputy Secretary of the Workforce Development Division of the Department of Commerce shall follow the operating guidelines previously adopted by the Workforce Development Division of the Alabama Community College System (WDD/ACCS). The Regional Workforce Development Councils shall provide a direct link to the workforce needs of business and industry at the local level. The councils shall be business-driven and business-led and work with their member counties and shall develop a regional strategic plan and comprehensive workforce development system that supports local economic and job development activities.

(b) The Regional Workforce Development Councils shall make funding recommendations for grant applications submitted, based on the documented needs of the region as identified in their strategic plans.
(c) Each council shall meet at least quarterly, but may meet more frequently upon the call of the chair. Members of each council may participate in a meeting of the council by means of conference telephone, video conference, or similar communications equipment by means of which all persons participating in the meeting may hear each other at the same time. Participation by such means shall constitute presence in person at a meeting for all purposes, including the establishment of a quorum.

(d) The objectives of the Regional Workforce Development Councils are to:

(1) Promote a workforce development system in the region through the development of communication strategies among agencies and by advancing initiatives that support the efficient and effective use of resources.

(2) Assess current and future workforce needs of employers in the region. Establish a strategic plan to meet capacity and skill development and training needs in the region and ensure that the investment of public workforce development funds are addressing priority needs in the region.

(3) Partner with workforce development service providers, including the two-year colleges, or other workforce development regions in planning and developing actions to address specific workforce development priorities.
(4) Serve as a co-applicant for workforce
development funds requested through the WDD/ACCS.

(5) Monitor effectiveness of state-funded and
federally funded training projects in the region and the
impact on overall workforce and economic development.

(6) Assist in examining the service delivery
structure and coordination among entities providing workforce
development services in the region.

(7) Expand the resource base available for workforce
development in the region.

(8) Coordinate planning with economic developers and
elected officials to ensure that workforce development
strategies support economic development goals in the region.

(9) Serve as an advocate for high quality workforce
development activities in the region.

(10) Assist the WDD/ACCS in establishing practices
that ensure high quality training and services are provided in
the region. The Regional Workforce Development Councils will
utilize the WDD/ACCS as the provider of high quality training
and services, unless otherwise restricted by law, rule, or
regulation.

Section 12. Section 41-23-7, Code of Alabama 1975,
is amended and renumbered to read as follows:

"§41-23-7. 41-29-400."
"(a) There is hereby created the Department of Economic and Community Affairs Legislative Oversight Commission of the Workforce Development Division to consist of the Chairman and Deputy Chairman of the Senate Committee on Finance and Taxation, three members of the Senate to be appointed by the Lieutenant Governor, the Chairman and Vice-chairman of the House Ways and Means Committee, and three members of the House of Representatives to be appointed by the Speaker of the House.

"(b) The commission shall hold an organizational meeting within 30 days after this bill is enacted the effective date of the act adding this amendatory language, and shall elect a chairman and vice-chairman from among its members. Thereafter, the commission shall meet at least two times annually, and additional meetings shall be held at the call of the chairman or upon the request of six or more members. Such meetings shall be held with the Director of the Department of Economic and Community Affairs Workforce Development Division in attendance.

"(c) The commission shall adopt its own rules of procedure for the transaction of business, and a majority of the members present shall constitute a quorum for the purpose of transacting business or performing authorized duties.

"(d) Each member of the commission shall be entitled to his or her regular legislative compensation and per diem
and travel expenses for each day he or she attends a meeting
or conducts business of the commission, and such compensation
and expenses shall be paid from the funds appropriated for the
use of the Legislature.

"(e) The commission shall monitor and evaluate the
management and operations of the Department of Economic and
Community Affairs Workforce Development Division, shall
recommend to the Legislature the enactment of such laws
respecting the Department of Economic and Community Affairs
Workforce Development Division as the commission shall deem
desirable, and shall submit a written report on the
operations, finances and grants made by the Department of
Economic and Community Affairs Workforce Development Division
during each regular session of the Alabama Legislature."

Section 13. Any law in direct conflict with this act
is repealed and Section 41-9-204 of the Code of Alabama 1975,
is expressly repealed.

Section 14. The Code Commissioner shall conform
references in the Code of Alabama 1975, to the offices,
departments, divisions, and other entities included in Chapter
29 of Title 41 of the Code of Alabama 1975, to reflect the
changes made by that chapter. Code changes, including amending
and renumbering existing code sections to be part of Chapter
29 to make conforming changes required to conform to the
substantive changes made in this act, shall be made at a time
determined to be appropriate by the Code Commissioner.

Section 15. This act shall become effective
immediately following its passage and approval by the
Governor, or its otherwise becoming law and shall become
operative in whole or in part on a date or dates determined by
the Secretary of Commerce but in any event no later than
October 1, 2016.
Speaker of the House of Representatives

President and Presiding Officer of the Senate

I hereby certify that the within Act originated in
and was passed by the House 07-MAY-15.

Jeff Woodard
Clerk

04-JUN-15

Amended and Passed
Concurred in Senate Amendment