

1 HB163  
2 181087-4  
3 By Representatives McMillan, Scott, Davis, Ellis, Shiver,  
4 Baker and Jackson  
5 RFD: Education Policy  
6 First Read: 09-FEB-17

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ENGROSSED

A BILL  
TO BE ENTITLED  
AN ACT

Relating to the Alabama Community College System; to amend Sections 16-60-110.1, 16-60-111.4, and 16-60-111.10, Code of Alabama 1975, to provide for the operation of the system as a body corporate; to clarify the eligibility of employees of the system and community and technical colleges to participate in the Teachers' Retirement System of Alabama, the Public Education Employees' Health Insurance Plan, the State Employees' Health Insurance Plan, and qualified health plans under the federal Patient Protection and Affordable Care Act of 2010; and to provide further for the acquisition and disposition of property.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 16-60-110.1, 16-60-111.4, and 16-60-111.10 of the Code of Alabama 1975, are amended to read as follows:

"§16-60-110.1.

"(a) There is created the Alabama Community College System as a ~~department of state government~~ body corporate under the name of the Alabama Community College System, which shall replace and succeed to the duties of the Department of

1 Postsecondary Education and shall operate a system of  
2 community and technical colleges within the state. All  
3 references in state law to the Department of Postsecondary  
4 Education, Postsecondary Education Department, and Alabama  
5 College System, or terms of like import, shall be deemed to  
6 refer to the Alabama Community College System. The body  
7 corporate created by this subsection shall have all the  
8 rights, privileges, and powers necessary to the end of its  
9 creation.

10 "(b) The Alabama Community College System shall be  
11 governed by the Board of Trustees of the Alabama Community  
12 College System, as created in this article for the purpose of  
13 governing the community and technical colleges of the state.

14 "(c) Any other law to the contrary notwithstanding,  
15 the authority, powers, and duties assigned to the State Board  
16 of Education with respect to the supervision, administration,  
17 naming, financing, construction, and equipping of institutions  
18 of postsecondary education, including community and technical  
19 colleges, junior colleges, and trade schools, however  
20 described, are removed from the State Board of Education and  
21 delegated to the board, and all actions of such institutions  
22 of postsecondary education requiring the approval of the State  
23 Board of Education, commencing on May 12, 2015, shall require  
24 only approval of the board. Without limiting the generality of  
25 the foregoing, all references to the State Board of Education  
26 in Sections 16-3-37, 16-5-8.3, 16-5-13, 16-60-88, 16-60-330,

1 16-60-332, 16-60-335, and 16-60-338, shall be deemed to refer  
2 to the board.

3 "§16-60-111.4.

4 "(a) The board shall be authorized to:

5 "(1) Make rules and regulations for the government  
6 of community and technical colleges.

7 "(2) Prescribe for the community and technical  
8 colleges the courses of study to be offered and the conditions  
9 for granting certificates, diplomas and/or degrees.

10 "(3) Appoint or terminate the employment of the  
11 presidents of the community and technical colleges.

12 "(4) Direct the expenditure of legislative  
13 appropriations of community and technical colleges including,  
14 but not limited to, the allocation of the annual legislative  
15 appropriation as the board determines is in the best interests  
16 of the Alabama Community College System.

17 "(5) Prescribe qualifications for faculty and  
18 establish, publish, and maintain an annual salary schedule for  
19 each community and technical college employee classification  
20 and tenure requirements for faculty at community and technical  
21 colleges.

22 "(6) Accept gifts, donations, and devises and  
23 bequests of money and real and personal property for the  
24 benefit of community and technical colleges or any one of  
25 them.

1           "(7) Establish a performance-based allocation  
2 process that is equitable and compatible with the services and  
3 programs offered by each individual campus.

4           "(b) Any provision of law to the contrary  
5 notwithstanding, employees of the Alabama Community College  
6 System and community and technical colleges shall participate  
7 in the Teachers' Retirement System of Alabama pursuant to  
8 Chapter 25; the Public Education Employees' Health Insurance  
9 Plan pursuant to Chapter 25A; the State Employees' Health  
10 Chapter 25 and the State Employee's Health Insurance Plan  
11 pursuant to Chapter 29, Title 36; and . Employees of community  
12 and technical colleges shall participate in the Teachers'  
13 Retirement System of Alabama pursuant to Chapter 25 and the  
14 Public Education Employees' Health Insurance Plan pursuant to  
15 Chapter 25A or other qualified health plans established  
16 pursuant to Section 1311 of the federal Patient Protection and  
17 Affordable Care Act of 2010.

18           "§16-60-111.10.

19           "The board may acquire and hold, real and personal  
20 property and may lease, and rent, convey, and dispose of real  
21 and personal property and may make such repairs and  
22 improvements on all property under its control as may be in  
23 the best interests of the community and technical colleges  
24 and, subject to the approval of the Governor, may acquire,  
25 sell, and convey title to real estate. The board may make  
26 repairs and improvements on all property under its control as  
27 may be in the best interests of the community and technical

1 colleges. All property held before May 12, 2015, by or for the  
2 benefit of any of the community and technical colleges of the  
3 state, whether held in the name of the board, the Alabama  
4 Community College System, the State Board of Education, or a  
5 community or technical college, without the necessity of any  
6 further conveyance, shall be owned by the Alabama Community  
7 College System and shall be controlled by the board. All real  
8 property acquired on and after May 12, 2015, for the benefit  
9 of community and technical colleges shall be acquired by and  
10 in the name of the Alabama Community College System. Personal  
11 property acquired after that date may be acquired in the name  
12 of the Alabama Community College System or of the community or  
13 technical college for whose benefit it is acquired."

14           Section 2. This act shall become effective  
15 immediately following its passage and approval by the  
16 Governor, or its otherwise becoming law, and shall become  
17 operative, in whole or in part, on a date or dates occurring  
18 before October 1, 2017, as determined by the Chancellor of the  
19 Alabama Community College System and the Board of Trustees of  
20 the Alabama Community College System.

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Education Policy  
..... . . . . 09-FEB-17

Read for the second time and placed  
on the calendar 1 amendment ..... . . . . 16-FEB-17

Read for the third time and passed  
as amended..... . . . . 28-FEB-17

Yeas 96, Nays 0, Abstains 0

Jeff Woodard  
Clerk