

1 HB163
2 181087-6
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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ENROLLED, 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 Postsecondary Education and shall operate a system of community and technical colleges within the state. All references in state law to the Department of Postsecondary

1 Education, Postsecondary Education Department, and Alabama
2 College System, or terms of like import, shall be deemed to
3 refer to the Alabama Community College System. The body
4 corporate created by this subsection shall have all the
5 rights, privileges, and powers necessary to the end of its
6 creation.

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

11 "(c) Any other law to the contrary notwithstanding,
12 the authority, powers, and duties assigned to the State Board
13 of Education with respect to the supervision, administration,
14 naming, financing, construction, and equipping of institutions
15 of postsecondary education, including community and technical
16 colleges, junior colleges, and trade schools, however
17 described, are removed from the State Board of Education and
18 delegated to the board, and all actions of such institutions
19 of postsecondary education requiring the approval of the State
20 Board of Education, commencing on May 12, 2015, shall require
21 only approval of the board. Without limiting the generality of
22 the foregoing, all references to the State Board of Education
23 in Sections 16-3-37, 16-5-8.3, 16-5-13, 16-60-88, 16-60-330,
24 16-60-332, 16-60-335, and 16-60-338, shall be deemed to refer
25 to the board.

1 "§16-60-111.4.

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

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

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

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

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

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

20 "(6) Accept gifts, donations, and devises and
21 bequests of money and real and personal property for the
22 benefit of community and technical colleges or any one of
23 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~~ a three-fifths
25 majority of the membership of the board, may acquire, sell,

1 and convey title to real estate. The board may make repairs
2 and improvements on all property under its control as may be
3 in the best interests of the community and technical colleges.
4 All property held before May 12, 2015, by or for the benefit
5 of any of the community and technical colleges of the state,
6 whether held in the name of the board, the Alabama Community
7 College System, the State Board of Education, or a community
8 or technical college, without the necessity of any further
9 conveyance, shall be owned by the Alabama Community College
10 System and shall be controlled by the board. All real property
11 acquired on and after May 12, 2015, for the benefit of
12 community and technical colleges shall be acquired by and in
13 the name of the Alabama Community College System. Personal
14 property acquired after that date may be acquired in the name
15 of the Alabama Community College System or of the community or
16 technical college for whose benefit it is acquired."

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

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Speaker of the House of Representatives

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 28-FEB-17, as amended.

Jeff Woodard
Clerk

Senate	11-APR-17	Amended and Passed
House	11-APR-17	Concurred in Senate Amendment