1   HB603

2   139987-4

3   By Representatives Love and McClurkin

4   RFD: Ways and Means Education

5   First Read: 22-MAR-12

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2   <u>ENROLLED</u>, An Act,

3   Relating to the Prepaid Affordable College Tuition

4   (PACT) Program, to amend Sections 16-33C-16 and 16-33C-20 of

5   the Code of Alabama 1975, retroactive to their date of

6   enactment; to add Section 16-33C-23 to the Code of Alabama

7   1975; to repeal Section 16-33C-17 of the Code of Alabama 1975,

8   retroactive to its date of enactment; to provide that payments

9   of tuition and mandatory fees by the PACT Program to instate

10   public institutions of higher education between the effective

11   date of Act 2010-725 and the effective date hereof shall be

12   deemed full payment; to repeal Section 16-33C-19 of the Code

13   of Alabama 1975, retroactive to its date of enactment; and to

14   expressly grant the PACT Board all necessary authority to

15   pursue solutions to any actuarial deficit in the PACT Trust

16   Fund.

17   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

18   Section 1. Sections 16-33C-16 and 16-33C-20 of the

19   Code of Alabama 1975, are amended to read as follows:

20   "§16-33C-16.

21   "~~(a)~~ In addition to the appropriations made in

22   Section 16-33C-14 and Section 16-33C-15, there is annually

23   appropriated from the Education Trust Fund to the PACT Trust

24   Fund the following amounts in the following fiscal years:

25   "(1) For the fiscal year ending 2016 -- $10,000,000

1   "(2) For the fiscal year ending 2017 -- $20,000,000

2   "(3) For the fiscal year ending 2018 -- $20,000,000

3   "(4) For the fiscal year ending 2019 -- $13,000,000

4   "~~(b) These appropriations, along with the~~

5 ~~appropriations made in Section 16-33C-14 and Section~~

6 ~~16-33C-15, will make the PACT Program 100 percent fully~~

7 ~~funded, according to the actuarial professional retained by~~

8 ~~the PACT board.~~

9   "§16-33C-20.

10   "In the event that the PACT Program's Board of

11 Directors receives an actuarial report certifying that any

12 appropriation made in Section 16-33C-14, Section 16-33C-15, or

13 Section 16-33C-16 is no longer necessary ~~for the PACT Program~~

14 ~~to be fully funded~~, the PACT Program's Board of Directors

15 shall certify to the Legislature that no future appropriations

16 are necessary."

17   Section 2. Section 16-33C-23 is added to the Code of

18 Alabama 1975, to read as follows:

19   §16-33C-23.

20   The PACT Board is expressly authorized to negotiate,

21 accept, and implement a legally binding resolution with PACT

22 purchasers and beneficiaries to address any actuarial deficit

23 in the PACT Trust Fund, which includes all powers granted

24 elsewhere in this chapter and all other powers necessary or

25 convenient under this section.

1   Section 3. Section 16-33C-17 of the Code of Alabama

2   1975, is hereby repealed. This repeal is declared to be

3   remedial and curative and is retroactive to April 30, 2010;

4   provided, however, any payments of mandatory fees or tuition

5   per credit hour made by the PACT Program to any instate public

6   institutions of higher education between the effective date of

7   Act 2010-725 and the effective date hereof shall be deemed

8   full payment of such mandatory fees or tuition per credit hour

9   on behalf of the beneficiary of the PACT Contract.

10   Section 4. Section 16-33C-19 of the Code of Alabama

11   1975, is hereby repealed. This repeal is declared to be

12   remedial and curative and is retroactive to April 30, 2010.

13   Section 5. The foregoing amendments of Sections

14   16-33C-16 and 16-33C-20 of the Code of Alabama 1975, are

15   declared remedial and curative and are retroactive to April

16   30, 2010.

17   Section 6. This act shall become effective

18   immediately following its passage and approval by the

19   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 05-APR-12, as amended.

Greg Pappas
Clerk

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Senate   12-APR-12   Passed