

1 SB191
2 165779-5
3 By Senators Pittman, Orr, Hightower, Sanford, Dial, Holley,
4 Ward, Melson, Glover, Albritton, Whatley, Shelnut, Allen,
5 Marsh, Blackwell, McClendon, Williams, Waggoner, Smith,
6 Scofield, Brewbaker and Stutts
7 RFD: Finance and Taxation Education
8 First Read: 10-MAR-15

1 SB191

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3
4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

10
11 To establish an independent Alabama Community
12 College System in lieu of the Department of Postsecondary
13 Education and provide for the assumption by the Chancellor of
14 the system and the Board of Trustees of the Alabama Community
15 College System of all duties and responsibilities for
16 community and technical colleges in the state; to provide
17 legislative intent; to amend Sections 16-60-110, 16-60-111.1,
18 16-60-111.2, 16-60-111.3, 16-60-111.4, 16-60-111.5,
19 16-60-111.6, 16-60-111.7, 16-60-111.8, and 16-60-111.9, as
20 amended by Act 2014-448, 2014 Regular Session (Acts 2014),
21 16-60-112, 16-60-113, 16-60-114, and 16-60-115, Code of
22 Alabama 1975; to add Sections 16-60-110.1, 16-60-111,
23 16-60-111.10, 16-60-111.11, 16-60-111.12, 16-60-111.13,
24 16-60-111.14, 16-60-111.15, 16-60-111.16, 16-60-116, and
25 16-60-117 to the Code of Alabama 1975.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1 Section 1. The Legislature finds and determines all
2 of the following:

3 (1) That it is necessary to the welfare of the state
4 that it provide workforce development initiatives that are
5 responsive to industry needs from highly specialized training
6 programs that help prepare entry level employees to meet
7 growing demands.

8 (2) That the needs of the citizens, businesses, and
9 industries of the state are best served by a unified system of
10 institutions and programs delivering excellence in academic
11 education, adult education, and workforce development.

12 (3) That a unified system is best supported and
13 supervised by a board of trustees devoted solely to providing
14 the best possible facilities, teaching, and instruction
15 through the Alabama Community College System.

16 Section 2. Section 16-60-110 of the Code of Alabama
17 1975, is amended to read as follows:

18 "§16-60-110.

19 "For purposes of this article, the following words
20 and phrases shall have the respective meaning ascribed to them
21 by this section:

22 "(1) ALABAMA COMMUNITY COLLEGE SYSTEM. The
23 state-supported system of community and technical colleges
24 formerly operating under the supervision of the State Board of
25 Education, including individual institutions, system-wide
26 programs, other related organizations, and central operations.

1 "~~(1)(2)~~ BOARD. The ~~State~~ Board of ~~Education Trustees~~
2 ~~of the Alabama Community College System.~~

3 "~~(2) JUNIOR COLLEGE. An educational institution~~
4 ~~offering instruction in the arts and sciences on the level of~~
5 ~~difficulty of the first two years above high school level.~~

6 "~~(3) STATE. The State of Alabama.~~

7 "~~(4) TRADE SCHOOL. An educational institution~~
8 ~~offering instruction primarily in useful trades, occupations~~
9 ~~or vocational skills.~~

10 "~~(5) POSTSECONDARY EDUCATION DEPARTMENT. A parallel~~
11 ~~organization to the State Department of Education directly~~
12 ~~responsible to the State Board of Education for the direction~~
13 ~~and supervision of junior colleges and trade schools and~~
14 ~~community colleges with a chief executive officer entitled~~
15 ~~Chancellor.~~

16 "(3) CHANCELLOR. The chief executive officer of the
17 Alabama Community College System.

18 "(4) COMMUNITY AND TECHNICAL COLLEGES. The publicly
19 supported two-year schools established as community colleges,
20 junior colleges, technical colleges, and trade schools
21 previously under the authority of the State Board of
22 Education."

23 Section 3. Sections 16-60-110.1 and 16-60-111 are
24 added to Article 5, commencing with Section 16-60-110, of
25 Chapter 60, Title 16 of the Code of Alabama 1975, to read as
26 follows:

27 §16-60-110.1.

1 (a) There is created the Alabama Community College
2 System as a department of state government, which shall
3 replace and succeed to the duties of the Department of
4 Postsecondary Education. All references in state law to the
5 Department of Postsecondary Education, Postsecondary Education
6 Department, and Alabama College System, or terms of like
7 import, shall be deemed to refer to the Alabama Community
8 College System.

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

13 (c) Any other law to the contrary notwithstanding,
14 the authority, powers, and duties assigned to the State Board
15 of Education with respect to the supervision, administration,
16 naming, financing, construction, and equipping of institutions
17 of postsecondary education, including community and technical
18 colleges, junior colleges, and trade schools, however
19 described, are removed from the State Board of Education and
20 delegated to the board, and all actions of such institutions
21 of postsecondary education requiring the approval of the State
22 Board of Education, commencing on the effective date of the
23 act adding this section, shall require only approval of the
24 board. Without limiting the generality of the foregoing, all
25 references to the State Board of Education in Sections
26 16-3-37, 16-5-8.3, 16-5-13, 16-60-88, 16-60-330, 16-60-332,

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

3 §16-60-111.

4 (a) There is established a Board of Trustees of the
5 Alabama Community College System. The board shall be composed
6 of the following members:

7 (1) The Governor, who shall be ex officio president
8 of the board.

9 (2) Seven members appointed by the Governor so that
10 one member of the board is a resident of each of the seven
11 congressional districts in the state as the districts are
12 constituted on the effective date of this article. The member
13 appointed by the Governor pursuant to this subdivision,
14 representing the congressional district in which the main
15 campus of Athens State University is located, shall serve as
16 the member of the Board of Trustees of Athens State University
17 pursuant to subdivision (3) of subsection (a) of Section
18 16-47A-4.

19 (3) One ex officio, nonvoting member appointed by
20 the Governor who is actively serving on the State Board of
21 Education.

22 (4) One member appointed by the Governor from the
23 state at large.

24 (b) No member appointed by the Governor, nor any
25 member of the immediate family of the appointed member, shall
26 make or have made any contribution to the Governor's campaign

1 fund, nor any entity from which the governor derives any
2 benefit whatsoever.

3 (c) If a member appointed from a congressional
4 district ceases to be a resident of the district from which
5 appointed, the member shall vacate his or her office. Members
6 appointed by the Governor from Districts 1, 3, 5, and 7 shall
7 be appointed for an initial term of two years, and every four
8 years thereafter. Members appointed by the Governor from
9 Districts 2, 4, and 6, and from the state at large, shall be
10 appointed for an initial term of four years, and every four
11 years thereafter.

12 (d) All appointees to the board shall be subject to
13 confirmation by the Senate and shall be confirmed before
14 beginning a term of office. As vacancies occur on the board
15 for any cause, they shall be filled by the Governor for the
16 unexpired term, subject to confirmation by the Senate before
17 beginning service. An appointment made when the Legislature is
18 in session shall be submitted to the Senate not later than the
19 third legislative day following the date of appointment. An
20 appointment made when the Legislature is not in session shall
21 be submitted to the Senate not later than the third
22 legislative day following the reconvening of the Legislature
23 after the appointment. A member of the board may continue to
24 serve up to one year after the expiration of his or her term
25 until a successor has been appointed and confirmed.

26 (e) The members of the board shall be qualified
27 electors of the State of Alabama, and the membership of the

1 board shall be inclusive and reflect the racial, gender,
2 geographic, urban/rural, and economic diversity of the state.
3 In making appointments to the board, the Governor shall give
4 special consideration to those persons who have attended a
5 community or technical college and who are familiar with the
6 two-year college system, or who have business leadership
7 experience. No employee of the state may serve as an appointed
8 member of the board. No appointed member of the board may
9 serve more than two consecutive terms of office. No member of
10 the board may concurrently serve as a voting member of both
11 the board and the State Board of Education. No person serving
12 as a member of the Legislature, or any other elected
13 officials, may concurrently serve as a member of the board.

14 (f) Upon appointment, and after confirmation, of the
15 initial members of the board, the board shall meet to organize
16 itself, to elect officers, other than the president, as the
17 board deems appropriate, and to transact any necessary
18 business. The board shall also adopt bylaws to govern
19 operations including, but not limited to, the creation of
20 committees on finance, facility, programs, policy, internal
21 audits, and other committees as deemed necessary by the board.
22 This organizational meeting of the board is not considered a
23 regular meeting of the board.

24 (g) The board shall meet not less than quarterly on
25 dates to be set by the board in official session, by the
26 president or by the Chancellor on written request of a
27 majority of the board members. Two meetings of the board each

1 year shall be held with the members of the State Board of
2 Education. The rules generally adopted by deliberative bodies
3 for their government shall be observed and a quorum of five
4 shall be present. Members of the board or any subcommittee of
5 the board may participate in meetings of the board or
6 subcommittees by telephone conference or similar
7 communications equipment through which all persons
8 participating in the meeting can hear each other at the same
9 time, and participation by the members shall constitute
10 presence at a meeting for all purposes. The Chancellor shall
11 give notice of any meeting as required by law.

12 (h) The members of the board shall receive no
13 compensation for service on the board. Members shall be
14 reimbursed for actual traveling and other necessary expenses
15 incurred in attending meetings and transacting the business of
16 the board. Reimbursement shall be paid out of the Education
17 Trust Fund in the same manner as other expenses of the board
18 are paid.

19 (i) If not otherwise required by law, each member of
20 the board shall file a completed statement of economic
21 interests, pursuant to Section 36-25-24, for the previous
22 calendar year with the State Ethics Commission no later than
23 April 30th of each year, and shall be covered by all aspects
24 and requirements of the State Ethics Law, Chapter 25 of Title
25 36. Members of the board shall be indemnified for any loss
26 incurred as a result of damage done in the performance of
27 their duties as a member of the board and for which the member

1 is personally liable. Members shall be covered under the
2 General Liability Trust Fund in accordance with Section
3 36-1-6.1.

4 (j) Before exercising any authority or performing
5 any duty, each member of the board shall qualify as such by
6 taking and subscribing to the oath of office prescribed by the
7 state constitution, the certificate of which shall be filed
8 with the records of the board. The Governor may remove any
9 appointed member of the board for immorality, misconduct in
10 office, incompetency, or willful neglect of duty, giving the
11 member a copy of the charges against him or her and, upon not
12 less than 10 days' notice, an opportunity of being heard
13 publicly in person or by counsel in his or her own defense. If
14 any member shall be removed, the Governor shall file in the
15 office of the Secretary of State a complete statement of all
16 charges against the member, any findings, and a complete
17 record of the proceedings.

18 Section 4. Sections 16-60-111.1, 16-60-111.2,
19 16-60-111.3, 16-60-111.4, 16-60-111.5, 16-60-111.6,
20 16-60-111.7, 16-60-111.8, and 16-60-111.9, as amended by Act
21 2014-448, 2014 Regular Session (Acts 2014), of the Code of
22 Alabama 1975, are amended to read as follows:

23 "§16-60-111.1.

24 "(a) For the ~~sole~~ purpose of assisting the board in
25 carrying out its authority and responsibility for ~~each of the~~
26 junior community and technical colleges and trade schools, the
27 board shall ~~have the authority to~~ appoint a Chancellor who

1 will also be Chief Executive Officer of the ~~Postsecondary~~
2 ~~Education Department~~ Alabama Community College System. The
3 Chancellor shall serve at the pleasure of the board and
4 perform such duties as are provided in this article and
5 otherwise as are assigned by the board. The Chancellor serving
6 on the effective date of the act amending this subsection
7 shall continue to serve until his or her then current contract
8 expires. The board may enter into a contract with the
9 Chancellor for his or her services for a period not to exceed
10 four years. The Chancellor shall be a person of good moral
11 character with academic and professional education equivalent
12 to graduation from a ~~recognized~~ regionally accredited
13 university or college, who is knowledgeable in postsecondary
14 institution administration and has training and experience
15 sufficient to qualify him or her to perform the duties of the
16 office.

17 " (b) Notice of a vacancy in the position of
18 Chancellor shall be posted by the ~~State Board of Education~~
19 board. The notice shall be posted on the Internet and in a
20 conspicuous place at each postsecondary school campus and
21 worksite, including all state and local board of education
22 offices, at least 30 calendar days before the position is to
23 be filled. The notice shall remain posted until the position
24 is filled and shall include, but not necessarily be limited
25 to, all of the following:

26 " (1) Job description and title.

27 " (2) Required qualifications.

1 "(3) Salary range.

2 "(4) Information on where to submit an application.

3 "(5) Information on any deadlines for applying.

4 "(6) Any other relevant information.

5 "(c) The board may adopt or continue ~~policies~~
6 procedures with respect to the appointment of the Chancellor
7 which are not inconsistent with this section. The position
8 shall not be filled during the required posting period, except
9 as herein provided. The posting of a vacancy notice as
10 required in this section shall not be abridged or delayed
11 except in emergency circumstances and then delayed only
12 temporarily in order to reasonably meet the conditions of the
13 emergency. A violation of the notice requirements of this
14 section by the board shall void any related employment action
15 taken by the board.

16 "(d) A vacancy in the position of Chancellor shall
17 be filled by the ~~state~~ board within 180 days after such a
18 vacancy occurs. The board may temporarily fill the position on
19 an interim basis for not more than two six-month periods.

20 "§16-60-111.2.

21 "The authority and responsibility for the operation,
22 management, control, supervision, maintenance, regulation,
23 improvement, and enlargement of ~~each of the junior~~ community
24 colleges and technical colleges ~~and trade schools~~ shall be
25 vested in the Chancellor, subject to the approval of the
26 board.

27 "§16-60-111.3.

1 "Notwithstanding any provision of law to the
2 contrary, the board shall have the authority to establish the
3 salary of the ~~State Superintendent of Education and the~~
4 Chancellor. The board may also provide for expense allowances
5 to be paid to the ~~State Superintendent of Education and the~~
6 Chancellor in whatever amounts and for whatever purposes
7 deemed necessary and appropriate by the board, and directly
8 correlated to the operation and best interests of the Alabama
9 Community College System. Such salary and expense allowances
10 shall be paid in installments from the annual appropriation
11 made to the board or the ~~State Department of Education~~ Alabama
12 Community College System as appropriate.

13 "§16-60-111.4.

14 "The ~~State Board of Education, upon recommendation~~
15 ~~of the Chancellor, board~~ shall be authorized to:

16 "(1) Make rules and regulations for the government
17 of ~~each junior college and trade school~~ community and
18 technical colleges.

19 "(2) Prescribe for the ~~junior~~ community and
20 technical colleges ~~and trade schools~~ the courses of study to
21 be offered and the conditions for granting certificates,
22 diplomas and/or degrees.

23 "(3) Appoint or terminate the employment of the
24 ~~president of each junior college and trade school, each~~
25 ~~president to serve at the pleasure of the board~~ presidents of
26 the community and technical colleges.

1 "(4) Direct ~~and supervise~~ the expenditure of
2 legislative appropriations of ~~each junior college and trade~~
3 ~~school~~ community and technical colleges.

4 "(5) Prescribe qualifications for faculty and
5 establish ~~a~~ an annual salary schedule and tenure requirements
6 for faculty at ~~each junior college and trade school~~ community
7 and technical colleges.

8 "(6) Accept gifts, donations, and devises and
9 bequests of money and real and personal property for the
10 benefit of ~~junior~~ community and technical colleges ~~and trade~~
11 ~~schools~~ or any one of them.

12 "(7) ~~Disseminate information concerning and promote~~
13 ~~interest in junior colleges and trade schools among the~~
14 ~~citizens of Alabama~~ Establish a performance-based allocation
15 process that is equitable and compatible with the services and
16 programs offered by each individual campus.

17 "§16-60-111.5.

18 "The Chancellor shall act as Chief Executive Officer
19 of the ~~Postsecondary Education Department of the State Board~~
20 ~~of Education~~ Alabama Community College System and ~~will~~ shall
21 direct all matters involving the ~~junior~~ community and
22 technical colleges ~~and trade schools~~ within the policies of
23 the ~~State Board of Education~~ board. The Chancellor shall:

24 "(1) Execute and enforce the rules and regulations
25 of the ~~State Board of Education~~ board governing the ~~junior~~
26 community and technical colleges ~~and trade schools~~.

1 "(2) ~~Interpret~~ Implement the rules and regulations
2 of the board concerning the ~~junior~~ community and technical
3 colleges ~~and trade schools~~.

4 "(3) Administer the office of the Chancellor and
5 appoint to positions of employment such professional,
6 clerical, and other assistants, including specialists and
7 consultants, on a full- or part-time basis as may be needed to
8 assist the Chancellor in performing the duties of the office
9 of the Chancellor. The number of employees, their compensation
10 and all other expenditures of the office of the Chancellor
11 shall be within the limits of a budget for the office of the
12 Chancellor which shall be approved by the board. The
13 Chancellor and all employees of the office of the Chancellor
14 shall not be subject to or governed by the provisions of the
15 state Merit System law but shall be entitled to all benefits
16 accruing to Merit System employees including the right to
17 accumulate leave and participate in the Teachers' Retirement
18 System ~~under the same terms and conditions as employees of the~~
19 ~~State Department of Education~~.

20 "(4) Have the authority to take any and all actions
21 necessary and proper to administer policies, rules, and
22 regulations of the board in carrying out its responsibility
23 for the management and operation of the ~~junior~~ community and
24 technical colleges ~~and trade schools~~.

25 "(5) Prepare, or cause to be prepared, an annual
26 report of the ~~State Board of Education~~ board on the activities
27 of the ~~Postsecondary Education Department~~ Alabama Community

1 College System and shall submit on the first day of December,
2 or as early thereafter as practicable, the same to the board
3 for its approval and adoption. He or she shall also prepare,
4 or cause to be prepared, all other reports which are or may be
5 required of the board.

6 "(6) Prepare, or cause to be prepared, and submit
7 for approval by the ~~State Board of Education~~ board such budget
8 for each quadrennium, or for such other period as may be fixed
9 by the Department of Finance or other duly authorized body.

10 "(7) Prepare, or cause to be prepared, and submit
11 for approval and adoption by the ~~State Board of Education~~
12 board such legislative measures as are in his or her opinion
13 needed for the further development and improvement of the
14 junior community and technical colleges ~~and trade schools~~.

15 "§16-60-111.6.

16 "Except where otherwise clearly indicated herein the
17 board ~~will~~ shall delegate to the Chancellor, authority for the
18 Chancellor to act and make decisions concerning the management
19 and operation of the junior community and technical colleges
20 ~~and trade schools~~. The ~~president of each junior college and~~
21 ~~trade school~~ presidents of the community and technical
22 colleges shall be responsible to the Chancellor for the
23 day-to-day operation of ~~each school~~ the colleges.

24 "§16-60-111.7.

25 "The ~~president of each junior college and trade~~
26 ~~school~~ presidents of the community and technical colleges
27 shall appoint the faculty and staff of ~~each junior college and~~

1 ~~trade school~~ the community and technical colleges according to
2 qualifications prescribed by the board and such other
3 regulations which may be adopted by the board ~~in accordance~~
4 ~~with Section 16-60-111.4.~~

5 "§16-60-111.8.

6 "~~Upon this section becoming law, the~~ The board and
7 the ~~State Superintendent of Education~~ Chancellor shall be
8 authorized to take all administrative action, including
9 transfer to the board of funds appropriated to the ~~State Board~~
10 ~~of Education~~ board for administration of the ~~junior college~~
11 ~~and trade school program~~ Alabama Community College System,
12 necessary to carry out the intent and purpose of this article.

13 "§16-60-111.9.

14 "(a) For the purposes of this section, the following
15 terms shall have the following meanings:

16 "(1) BOARD. The Board of Trustees of the Alabama
17 Institute for Deaf and Blind; the Alabama Youth Services
18 Department School Board in its capacity as the Board of
19 Education for the Youth Services School District; the Board of
20 Directors of the Alabama School of Fine Arts; the Board of
21 Trustees of the Alabama High School of Mathematics and
22 Science; and the ~~State~~ Board of ~~Education~~ Trustees of the
23 Alabama Community College System as applied to two-year
24 postsecondary education institutions.

25 "(2) EXECUTIVE OFFICER. The President of the Alabama
26 Institute for Deaf and Blind; the president of any ~~two-year~~
27 ~~school or~~ community or technical college under the auspices of

1 the ~~State~~ Board of ~~Education~~ Trustees of the Alabama Community
2 College System; the Executive Director of the Alabama School
3 of Fine Arts; the Superintendent of the Department of Youth
4 Services School District; and the Executive Director of the
5 Alabama High School of Mathematics and Science.

6 "(b) Notice of a vacancy in the position of
7 executive officer shall be posted by the applicable board. The
8 notice shall be posted on the Internet and in a conspicuous
9 place at each school campus and worksite at least 30 calendar
10 days before the position is to be filled. The notice shall
11 remain posted until the position is filled and shall include,
12 but not necessarily be limited to, all of the following:

13 "(1) Job description and title.

14 "(2) Required qualifications.

15 "(3) Salary range.

16 "(4) Information on where to submit an application.

17 "(5) Information on any deadlines for applying.

18 "(6) Any other relevant information.

19 "(c) The board may adopt or continue policies which
20 are not inconsistent with this section. The position shall not
21 be filled during the required posting period, except as herein
22 provided. The posting of a vacancy notice as required in this
23 section shall not be abridged or delayed except in emergency
24 circumstances and then delayed only temporarily in order to
25 reasonably meet the conditions of the emergency. The adoption
26 of additional policies shall comply with the requirements and
27 procedures of Section 16-1-30.

1 "(d) (1) Except as otherwise provided in subdivision
2 (2), a vacancy in the position of executive officer shall be
3 filled by the board within 120 days after such vacancy occurs,
4 except in the case of a financial emergency. The board may
5 temporarily fill the position on an interim basis for not more
6 than two six-month periods.

7 "(2) The Chancellor of ~~Postsecondary Education~~ the
8 Alabama Community College System, subject to the rules and
9 procedures of the ~~State Board of Education~~ board, may appoint
10 an interim executive officer to serve as the president of any
11 two-year school or college under the auspices of the ~~State~~
12 ~~Board of Education~~ board for such terms as the Chancellor
13 determines to be in the best interests of the ~~two-year school~~
14 or community or technical college.

15 "(3) ~~Experience gained by employment on a temporary~~
16 ~~interim or emergency basis may not be applied toward job~~
17 ~~experience requirements. Subject to the provisions of this~~
18 ~~section, a~~ A duly appointed interim or emergency executive
19 officer shall not be prohibited from consideration for
20 selection to fill an executive officer vacancy.

21 "(e) Violation of the notice requirements of this
22 section by the board shall void any related employment action
23 taken by the board."

24 Section 5. Sections 16-60-111.10, 16-60-111.11,
25 16-60-111.12, 16-60-111.13, 16-60-111.14, 16-60-111.15, and
26 16-60-111.16 are added to Article 5, commencing with Section

1 16-60-110, of Chapter 60, Title 16 of the Code of Alabama
2 1975, to read as follows:

3 §16-60-111.10.

4 The board may hold, lease, and rent real and
5 personal property and may make such repairs and improvements
6 on all property under its control as may be for the best
7 interests of the community and technical colleges and, subject
8 to the approval of the Governor, may acquire, sell, and convey
9 title to real estate.

10 §16-60-111.11.

11 (a) The board may exercise all of the following
12 powers:

13 (1) To borrow money from the United States of
14 America or any department or agency thereof, or from any
15 person, firm, corporation, or other lending agency for the
16 purchase, construction, enlargement, or alteration of any
17 buildings or other improvements, including dormitories, dining
18 halls, classrooms, laboratories, libraries, stadiums,
19 administration buildings, and any other buildings and
20 appurtenances thereto suitable for use by the institution or
21 institutions with respect to which the borrowing is made, or
22 for the benefit of the Alabama Community College System or one
23 or more of its programs, the acquisition of furniture and
24 equipment for any thereof, the purchase of land, the
25 beautification of grounds, and the construction of swimming
26 pools, tennis courts, athletic fields, and other facilities
27 for physical education, all for use by such institution or

1 institutions, and for the acquisition, installation, and
2 implementation of technology systems and improvements,
3 including hardware and operating software, for the use by or
4 benefit of one or more such institutions or the Alabama
5 Community College System.

6 (2) To sell and issue interest-bearing securities,
7 whether in the form of bonds, notes, or other securities, in
8 evidence of the monies so borrowed.

9 (3) To pledge to the payment of the principal of and
10 interest on such securities the fees from students levied and
11 to be levied by or for an institution or institutions, the
12 revenues from any facility or facilities and any other monies
13 and revenues not appropriated by the state to such institution
14 or institutions.

15 (4) To establish parietal rules respecting the use
16 or occupancy of any facilities the revenues of which are
17 pledged to such securities.

18 (5) To agree to maintain the charges for the use or
19 occupancy of, for services rendered by or from, and for
20 admission to, any facilities the revenues of which are so
21 pledged, and the fees from students so pledged, at such rates
22 and in such amounts as shall produce monies sufficient to pay
23 at their respective maturities the principal of and interest
24 on the securities with respect to which such pledges and
25 agreements are made and to create and maintain any required
26 reserves therefor.

1 (6) To agree to insure, maintain, repair, and
2 replace any such facilities, systems, and improvements with
3 respect to which any such pledge is made.

4 (7) To make such other agreements with respect to
5 the facilities, systems, and improvements and such securities
6 as the governing body providing for the issuance thereof shall
7 deem necessary or desirable.

8 (b) The securities issued under this section may
9 from time to time be refunded by the issuance, by sale or
10 exchange, of refunding bonds, notes, or other securities
11 payable from the same or different sources for the purpose of
12 paying all or any part of the principal of the securities to
13 be refunded, any redemption premium required to be paid as a
14 condition to the redemption prior to maturity of any such
15 securities that are to be so redeemed in connection with such
16 refunding, any accrued and unpaid interest on the securities
17 to be refunded, any interest to accrue on each security to be
18 refunded to the date on which it is to be paid, whether at
19 maturity or by redemption prior to maturity, and the expenses
20 incurred in connection with such refunding. Unless duly called
21 for redemption pursuant to their provisions, the holders of
22 any such securities then outstanding and proposed to be
23 refunded shall not be compelled without their consent to
24 surrender their outstanding securities for such refunding.

25 (c) Any such securities may be issued from time to
26 time, may be executed in such manner, shall bear interest at
27 such rate or rates, shall be payable as to both principal and

1 interest, at such time or times, may be made redeemable before
2 maturity at the option of the board at such redemption price
3 or prices and on such terms, and may be sold in such manner
4 and at such price or prices, all as may be provided in the
5 proceedings under which they are issued. The board shall have
6 power to prescribe all details thereof, subject only to this
7 section. Bonds, notes, and other securities issued under this
8 section shall be eligible for the investment of trust or other
9 fiduciary funds in the exercise of prudent judgment by those
10 making such investment. Neither the securities issued under,
11 nor any pledge or agreement that may be made pursuant to, this
12 section shall be or constitute an obligation of any nature
13 whatsoever of the state, and neither the securities nor any
14 obligation arising from any such pledge or agreement shall be
15 payable out of any monies appropriated by the state to the
16 Alabama Community College System or to the institution or
17 institutions with respect to which such securities are issued
18 or such pledge or agreement is made.

19 §16-60-111.12.

20 The board shall submit each year on or before the
21 first day of December, or as early thereafter as practicable,
22 to the Governor an annual report covering all operations of
23 the Alabama Community College System and the support,
24 conditions, progress, and needs of education throughout the
25 state. The annual report shall be printed in sufficient
26 quantities for general distribution throughout the state and

1 for the usual exchange courtesies between state educational
2 authorities.

3 §16-60-111.13.

4 The board shall consider the educational needs of
5 the state and on and with the advice of the Chancellor shall
6 recommend to the Governor and to the Legislature such
7 additional legislation or changes in the existing legislation
8 as may be deemed desirable. Recommendations may be in the form
9 of prepared bills and shall be submitted to the Governor and
10 the Legislature.

11 §16-60-111.14.

12 The board may adopt an official seal for the
13 authorization of its acts.

14 §16-60-111.15.

15 The board by its presiding officer, or its
16 subcommittees by their chairs, the Chancellor and any of his
17 or her duly appointed agents shall have authority to
18 administer oaths and to examine under oath, in any part of the
19 state, witnesses in any matter pertaining to community and
20 technical colleges, and to cause the examination to be reduced
21 to writing.

22 §16-60-111.16.

23 (a) Property, money, or other thing of value may be
24 donated for the benefit of the community and technical
25 colleges to be held in trust and administered for the use of
26 such colleges.

1 (b) Whenever any property, money, or thing of value
2 is donated to be used for the benefit of the community or
3 technical colleges of this state, the board may administer
4 such trusts as it deems to be in the best interests of the
5 community or technical college or colleges for the benefit of
6 which the donation or gift is made. The board is given
7 complete control of such property and may sell, lease, or
8 otherwise dispose of the property as it deems to be in the
9 best interests of the community or technical college or
10 colleges for the benefit of which such property is donated; or
11 the board may convert the same into securities for handling
12 the property or proceeds therefrom as in its discretion will
13 best promote the purpose of the trust.

14 (c) The board may accept the administration of
15 property, money, or other thing of value donated in trust for
16 the benefit of any community or technical college or colleges
17 of the state upon such conditions as may be acceptable to the
18 donor and the board, but no undertaking entered into by the
19 board with such donor shall bind the state to pay any public
20 monies to anyone. Nothing in this section shall prevent the
21 board from undertaking payments to persons out of the proceeds
22 derived from such trust funds as a condition of the acceptance
23 of a donation for the benefit of such community or technical
24 college or colleges. All trust funds administered under this
25 article may be required by the board to pay the expenses of
26 administering the same.

1 (d) The board shall assume all obligations of the
2 State Board of Education with respect to bonds issued by the
3 State Board of Education for the benefit of any community or
4 technical college prior to the effective date of the act
5 adding this subsection, which bonds and related obligations
6 are and shall continue to be payable solely from certain
7 revenues from tuition and fees charged against students at the
8 respective community or technical colleges. No such
9 assumption, however, shall create an obligation or
10 indebtedness of the state or be payable out of funds
11 appropriated by the state to the board or to the community or
12 technical colleges. The board may also enter into an agreement
13 with the State Board of Education to further provide for the
14 respective rights and obligations of the board and the State
15 Board of Education with respect to any such obligations,
16 including, without limitation, compliance by the board with
17 the authorizing resolutions adopted by the State Board of
18 Education with respect to such obligations, compliance by the
19 board with covenants and agreements of the State Board of
20 Education with respect to such obligations, reimbursement of
21 any payments required to be made by the State Board of
22 Education, and the issuance of obligations by the board on
23 parity of pledge of revenues with the pledges made by the
24 State Board of Education. In no event shall the adoption of
25 the act pursuant to which this section is added result in the
26 impairment of any rights of the holders of any bonds or other

1 obligations issued by the State Board of Education for the
2 benefit of the community and technical colleges.

3 Section 6. Sections 16-60-112, 16-60-113, 16-60-114,
4 and 16-60-115 of the Code of Alabama 1975, are amended to read
5 as follows:

6 "§16-60-112.

7 "Nothing contained in ~~Section 16-60-110 or any~~
8 ~~provision of~~ this article shall be construed as repealing any
9 provision of the Alabama Trade School and Junior College
10 Authority Act, Sections 16-60-80 ~~through to~~ 16-60-96,
11 inclusive, or ~~the provisions of~~ Sections 16-5-1 ~~through to~~
12 16-5-14, inclusive, relating to the Alabama Commission on
13 Higher Education.

14 "§16-60-113.

15 "Any junior community or technical college ~~or trade~~
16 ~~school shall have authority,~~ during any fiscal year upon the
17 approval of the Chancellor ~~to,~~ may borrow money in
18 anticipation of the current revenues for that fiscal year and
19 to pledge the current revenues for ~~said that~~ that fiscal year for
20 payment of such loan or loans if funds on hand are not
21 sufficient to pay the salaries of teachers for any given
22 month; ~~provided, that any.~~ Any amount borrowed ~~shall~~ may not
23 exceed one month's allotment and ~~shall~~ may not exceed the
24 amount of the state appropriation minus the amount disbursed
25 from ~~said school's~~ the annual allotment to the college.

26 "§16-60-114.

1 Any other law to the contrary notwithstanding, the
2 authority, powers, and duties prescribed in Sections 16-60-80
3 ~~through to~~ 16-60-96, inclusive, relating to the Alabama Trade
4 School and Junior College Authority Act, are hereby
5 transferred to the Chancellor and expressly removed from the
6 State Superintendent of Education; ~~provided further, any.~~ Any
7 other law to the contrary notwithstanding, this article shall
8 be construed to require that all actions of the State Board of
9 Education concerning the junior community and technical
10 colleges ~~and trade schools~~ which previously have required the
11 recommendation of the State Superintendent of Education shall
12 now require only the recommendation of the Chancellor;
13 ~~provided, however, that this.~~ This article ~~shall~~ may not be
14 construed as removing the State Superintendent of Education
15 from membership on any board, commission, authority or other
16 agency on which the State Superintendent of Education now
17 serves except as otherwise provided herein.

18 "§16-60-115.

19 "(a) All powers, duties, responsibilities, and
20 functions of, and all related records, property, equipment of,
21 and all rights, obligations of, and unexpended balances of
22 appropriations including federal and other funds or
23 allocations for the fiscal year ending September 30, 2002, of
24 the Adult Education program, the State Approving Agency
25 program, and the Private School Licensure program for
26 postsecondary proprietary schools of the State Department of
27 Education shall be transferred by the State Board of Education

1 to the Postsecondary Education Department. Commencing on the
2 effective date of the act amending this subsection, all
3 authority vested in the Postsecondary Education Department
4 pursuant to this subsection shall be transferred from the
5 Postsecondary Education Department to the Alabama Community
6 College System pursuant to Section 16-60-111.

7 "(b) All funds appropriated to the State Department
8 of Education for the fiscal year ending September 30, 2003,
9 for the Adult Education program and the components of that
10 program, the State Approving Agency program and the components
11 of that program, and the Private School Licensure program and
12 the components of that program for postsecondary proprietary
13 schools, shall be transferred to the Postsecondary Education
14 Department for its use during that fiscal year under the same
15 terms and conditions as specified for those funds in any
16 appropriation bill, or as otherwise specified by law.

17 Commencing on the effective date of the act amending this
18 subsection, all authority vested in the Postsecondary
19 Education Department pursuant to this subsection shall be
20 transferred from the Postsecondary Education Department to the
21 Alabama Community College System pursuant to Section
22 16-60-111.

23 "(c) All full-time nonprobationary employees of the
24 Adult Education program and the components of that program,
25 the State Approving Agency program and the components of that
26 program, and the Private School Licensure program and the
27 components of that program for postsecondary proprietary

1 schools, shall be transferred to the Postsecondary Education
2 Department on the effective date of this section to a
3 full-time nonprobationary employee classification commensurate
4 with the level of each respective employee classification at
5 the Postsecondary Education Department on the date prior to
6 the transfer. Commencing on the effective date of the act
7 amending this subsection, all employees and programs
8 transferred to the Postsecondary Education Department pursuant
9 to this subsection shall be transferred from the Postsecondary
10 Education Department to the Alabama Community College System
11 pursuant to Section 16-60-111.

12 "(d) Any full-time nonprobationary employee
13 transferred under this section from the Postsecondary
14 Education Department to the Alabama Community College System
15 shall be entitled to the due process rights provided ~~under the~~
16 ~~Fair Dismissal Act as provided in Sections 36-26-100, et seq.~~
17 by the State Personnel Board on the effective date of the act
18 amending this subsection, and also to all other rights,
19 benefits, and due process to which they were entitled before
20 the ~~passage of this section~~ effective date of the act amending
21 this subsection, and pursuant to Section 16-60-111, including,
22 but not limited to, the right to accumulate leave, participate
23 in the Teachers' Retirement System, and consideration for
24 annual salary increases. No employee shall be demoted or have
25 his or her salary, position, or status adversely affected due
26 to his or her transfer or any other provision of this section.

1 "(e) Upon the vacating of any of the employee
2 classifications designated under subsection (c), by any such
3 incumbents, such classifications shall cease to be
4 automatically considered full-time nonprobationary positions
5 and persons to fill such positions thereafter shall serve at
6 the pleasure of the Chancellor of the ~~Postsecondary Education~~
7 ~~Department~~ Alabama Community College System, having the same
8 rights, benefits, terms, conditions, and due process to which
9 other employees of the ~~Postsecondary Education Department~~
10 Alabama Community College System are entitled.

11 "(f) An employee of the community and technical
12 colleges shall be as defined in subdivision (1) of Section
13 16-25A-1.

14 "(g) An employee of the Alabama Community College
15 System shall be as defined in subdivision (3) of Section
16 16-25-1.

17 "~~(f)~~ (h) The State Board of Education shall
18 coordinate the transfer. The State Superintendent of Education
19 ~~and,~~ the State Department of Education, and the Postsecondary
20 Education Department shall assist the Chancellor and the
21 ~~Postsecondary Education Department~~ Board of Trustees of the
22 Alabama Community College System with the highest degree of
23 cooperation to carry out the intent and purpose of this
24 section and to achieve an orderly transition.

25 "~~(g)~~ (i) The Chancellor of the ~~Postsecondary~~
26 ~~Education Department~~ Alabama Community College System shall
27 direct all matters involving the Adult Education program, the

1 State Approving Agency program, and the Private School
2 Licensure program for postsecondary proprietary schools in
3 conformance with state and federal law and the policies of the
4 ~~State Board of Education~~ Alabama Community College System. All
5 responsibilities related to the Adult Education program, the
6 State Approving Agency program, and the Private School
7 Licensure program for postsecondary proprietary schools
8 previously vested with the ~~State Superintendent of Education~~
9 ~~shall be vested with the~~ Chancellor of the Postsecondary
10 Education Department shall be vested with the Chancellor of
11 the Alabama Community College System.

12 "(h)(j) The State Approving Agency program shall be
13 transferred from the ~~State Department of Education to the~~
14 Postsecondary Education Department to the Alabama Community
15 College System pursuant to this section.

16 "(i)(k) The Private School Licensure program for
17 postsecondary proprietary schools shall be transferred from
18 the ~~State Department of Education to the~~ Postsecondary
19 Education Department to the Alabama Community College System
20 pursuant to this section.

21 "(j)(l) The State Board of Education and the State
22 Superintendent of Education shall take all administrative
23 action, including the transfer of funds, appropriate and
24 necessary to carry out the intent and purpose of this
25 section."

26 Section 7. Sections 16-60-116 and 16-60-117 are
27 added to Article 5, commencing with Section 16-60-110, of

1 Chapter 60, Title 16 of the Code of Alabama 1975, to read as
2 follows:

3 §16-60-116.

4 (a) (1) The Alabama Aviation College, formerly known
5 as the Alabama Institution of Aviation Technology, is
6 established as an independent institution within the Alabama
7 Community College System responsible for providing aviation
8 education and training statewide. The Alabama Aviation College
9 shall be responsible directly to the Chancellor, who shall
10 provide an annual budget that adequately funds the statewide
11 mission of the college. The mission of the college shall
12 include preparing and training maintenance, service, and new
13 build assembly technicians for the aviation industry.

14 (2) To ensure that programs and curriculum provided
15 by the college are aligned with the needs of the aviation
16 industry, the Chancellor shall appoint an Aviation Commission
17 to advise and make recommendations to the Chancellor to ensure
18 that curriculum content is appropriate, aviation programs
19 offered are marketed to the fullest extent, and partnerships
20 with business and industry are established, and other duties
21 as designated by the Chancellor. In no event shall the college
22 be combined or consolidated with another community or
23 technical college within the Alabama Community College System
24 to form a regional institution. Nothing in this act shall
25 preclude the Chancellor, through the offerings of the Alabama
26 Aviation college, a site or branch whether permanent or
27 temporary, to fulfill the statewide mission of the college.

1 (b) The career and technical education programs for
2 the benefit of incarcerated adults, currently provided by the
3 J.F. Ingram State Technical College, shall hereafter be
4 provided as a program of the Alabama Community College System,
5 under the direction of the Chancellor, with such facilities
6 and at such locations as shall be necessary and appropriate.

7 §16-60-117.

8 The board may operate technical and workforce
9 development programs as are necessary and appropriate to
10 provide a skilled workforce within the state. Such technical
11 and workforce development programs may be provided through the
12 facilities and faculties of the community and technical
13 colleges or may be provided at other sites and utilizing such
14 other faculty and staff as are required to satisfy the needs
15 of business and industry. The board, upon recommendation of
16 the Chancellor, shall appoint such program directors as needed
17 with respect to such programs, using the same procedures as
18 are from time to time applicable to the appointment of the
19 presidents of the community and technical colleges.

20 Section 8. This act shall become effective
21 immediately following its passage and approval by the
22 Governor, or its otherwise becoming law.

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Senate

Read for the first time and referred to the Senate
committee on Finance and Taxation Education 10-MAR-15

Read for the second time and placed on the calen-
dar..... 11-MAR-15

Read for the third time and passed as amended 19-MAR-15

Patrick Harris
Secretary