

ACT No. 2015- 125

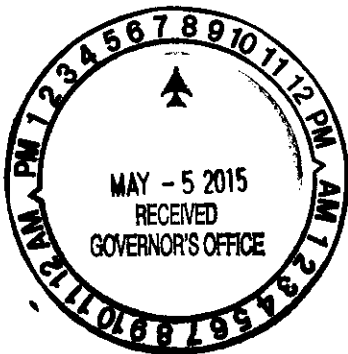
1 SB191

2 167066-7

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

2
3
4 ENROLLED, An Act,

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

20 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

23 (1) That it is necessary to the welfare of the state
24 that it provide workforce development initiatives that are
25 responsive to industry needs from highly specialized training

1 programs that help prepare entry level employees to meet
2 growing demands.

3 (2) That the needs of the citizens, businesses, and
4 industries of the state are best served by a unified system of
5 institutions and programs delivering excellence in academic
6 education, adult education, and workforce development.

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

11 (4) That high quality, affordable, local educational
12 opportunities for students to obtain associate's degrees and
13 to prepare for continuing their education at four-year
14 institutions have been a hallmark of Alabama's two-year
15 college system since its inception, that the board of trustees
16 created by this act is charged with maintaining and building
17 upon those options to ensure that a college education remains
18 affordable for all Alabama families.

19 Section 2. Section 16-60-110 of the Code of Alabama
20 1975, is amended to read as follows:

21 "§16-60-110.

22 "For purposes of this article, the following words
23 and phrases shall have the respective meaning ascribed to them
24 by this section:

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

6 "~~(1)(2) BOARD. The State Board of Education Trustees~~
7 of the Alabama Community College System.

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

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

12 "~~(4) TRADE SCHOOL. An educational institution~~
13 ~~offering instruction primarily in useful trades, occupations~~
14 ~~or vocational skills.~~

15 "~~(5) POSTSECONDARY EDUCATION DEPARTMENT. A parallel~~
16 ~~organization to the State Department of Education directly~~
17 ~~responsible to the State Board of Education for the direction~~
18 ~~and supervision of junior colleges and trade schools and~~
19 ~~community colleges with a chief executive officer entitled~~
20 ~~Chancellor.~~

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

23 "(4) COMMUNITY AND TECHNICAL COLLEGES. The publicly
24 supported two-year schools established as community colleges,
25 junior colleges, technical colleges, and trade schools

1 previously under the authority of the State Board of
2 Education."

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

7 §16-60-110.1.

8 (a) There is created the Alabama Community College
9 System as a department of state government, which shall
10 replace and succeed to the duties of the Department of
11 Postsecondary Education. All references in state law to the
12 Department of Postsecondary Education, Postsecondary Education
13 Department, and Alabama College System, or terms of like
14 import, shall be deemed to refer to the Alabama Community
15 College System.

16 (b) The Alabama Community College System shall be
17 governed by the Board of Trustees of the Alabama Community
18 College System, as created in this article for the purpose of
19 governing the community and technical colleges of the state.

20 (c) Any other law to the contrary notwithstanding,
21 the authority, powers, and duties assigned to the State Board
22 of Education with respect to the supervision, administration,
23 naming, financing, construction, and equipping of institutions
24 of postsecondary education, including community and technical
25 colleges, junior colleges, and trade schools, however

1 described, are removed from the State Board of Education and
2 delegated to the board, and all actions of such institutions
3 of postsecondary education requiring the approval of the State
4 Board of Education, commencing on the effective date of the
5 act adding this section, shall require only approval of the
6 board. Without limiting the generality of the foregoing, all
7 references to the State Board of Education in Sections
8 16-3-37, 16-5-8.3, 16-5-13, 16-60-88, 16-60-330, 16-60-332,
9 16-60-335, and 16-60-338, shall be deemed to refer to the
10 board.

11 §16-60-111.

12 (a) There is established a Board of Trustees of the
13 Alabama Community College System. The board shall be composed
14 of the following members:

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

17 (2) Seven members appointed by the Governor so that
18 one member of the board is a resident of each of the seven
19 congressional districts in the state as the districts are
20 constituted on the effective date of this article. The member
21 appointed by the Governor pursuant to this subdivision,
22 representing the congressional district in which the main
23 campus of Athens State University is located, shall serve as
24 the member of the Board of Trustees of Athens State University

1 pursuant to subdivision (3) of subsection (a) of Section 16-47A-4.

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

5 (4) One member appointed by the Governor from the
6 state at large.

7 (b) All members appointed by the Governor shall be
8 free from any contractual, employment, personal, or familial
9 financial interest in the Alabama Community College System.

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

19 ~~(d) Initial appointees to the board may serve up to~~
20 ~~one year without confirmation by the Senate. The initial board~~
21 ~~members shall have immediate, interim authority to conduct the~~
22 ~~business of the board as necessary to fulfill the intent of~~
23 ~~this article. Thereafter, appointments made when the~~
24 ~~Legislature is not in session shall be effective ad interim.~~
25 ~~As vacancies occur on the board for any cause, they shall be~~

1 ~~filled by the original appointing authority for the unexpired~~
2 ~~term, subject to confirmation by the Senate at the next~~
3 ~~succeeding regular session of the Legislature. All appointees~~
4 ~~to the board shall be subject to confirmation by the Senate~~
5 ~~and shall be confirmed before beginning a term of office. As~~
6 ~~vacancies occur on the board for any cause, they shall be~~
7 ~~filled by the Governor for the unexpired term, subject to~~
8 ~~confirmation by the Senate before beginning service.~~ An
9 appointment made when the Legislature is in regular session
10 shall be submitted to the Senate not later than the third
11 legislative day following the date of appointment. An
12 appointment made when the Legislature is not in regular
13 session shall be submitted to the Senate not later than the
14 third legislative day following the reconvening of the
15 Legislature after the appointment.

16 (e) The members of the board shall be qualified
17 electors of the State of Alabama, and the membership of the
18 board shall be inclusive and reflect the racial, gender,
19 geographic, urban/rural, and economic diversity of the state.
20 In making appointments to the board, the Governor shall give
21 special consideration to those persons who have attended a
22 community or technical college and who are familiar with the
23 two-year college system, or who have business leadership
24 experience. No employee of the state may serve as an appointed
25 member of the board. No appointed member of the board may

1 serve more than two consecutive terms of office. Other than
2 the ex officio members of the board, no person currently
3 serving in any elected office may concurrently serve as a
4 member of the board.

5 (f) Upon appointment, and after confirmation, of the
6 initial members of the board, the board shall meet to organize
7 itself, to elect officers, other than the president, as the
8 board deems appropriate, and to transact any necessary
9 business. The board may adopt bylaws to govern operations and
10 create committees as deemed necessary. This organizational
11 meeting of the board is not considered a regular meeting of
12 the board.

13 (g) The board shall meet not less than quarterly on
14 dates to be set by the board in official session, by the
15 president or by the Chancellor on written request of a
16 majority of the board members. One meeting of the board each
17 year shall be held with the members of the State Board of
18 Education. The rules generally adopted by deliberative bodies
19 for their government shall be observed and a quorum of five
20 shall be present. Members of the board or any committee of the
21 board may participate in meetings of the board or committees
22 by telephone conference or similar communications equipment
23 through which all persons participating in the meeting can
24 hear each other at the same time, and participation by the
25 members shall constitute presence at a meeting for all

1 purposes. The Chancellor shall give notice of any meeting as
2 required by law.

3 (h) The members of the board shall receive no
4 compensation for service on the board. Members shall be
5 reimbursed for actual traveling and other necessary expenses
6 incurred in attending meetings and transacting the business of
7 the board. Reimbursement shall be paid out of the Education
8 Trust Fund in the same manner as other expenses of the board
9 are paid.

10 (i) If not otherwise required by law, each member of
11 the board shall file a completed statement of economic
12 interests, pursuant to Section 36-25-24, for the previous
13 calendar year with the State Ethics Commission no later than
14 April 30th of each year, and shall be covered by all aspects
15 and requirements of the State Ethics Law, Chapter 25 of Title
16 36. Members of the board shall be indemnified for any loss
17 incurred as a result of damage done in the performance of
18 their duties as a member of the board and for which the member
19 is personally liable. Members shall be covered under the
20 General Liability Trust Fund in accordance with Section
21 36-1-6.1.

22 (j) Before exercising any authority or performing
23 any duty, each member of the board shall qualify as such by
24 taking and subscribing to the oath of office prescribed by the
25 state constitution, the certificate of which shall be filed

1 with the records of the board. The Governor may remove any
2 appointed member of the board for immorality, misconduct in
3 office, incompetency, or willful neglect of duty, giving the
4 member a copy of the charges against him or her and, upon not
5 less than 10 days' notice, an opportunity of being heard
6 publicly in person or by counsel in his or her own defense. If
7 any member shall be removed, the Governor shall file in the
8 office of the Secretary of State a complete statement of all
9 charges against the member, any findings, and a complete
10 record of the proceedings.

11 Section 4. Sections 16-60-111.1, 16-60-111.2,
12 16-60-111.3, 16-60-111.4, 16-60-111.5, 16-60-111.6,
13 16-60-111.7, 16-60-111.8, and 16-60-111.9, as amended by Act
14 2014-448, 2014 Regular Session (Acts 2014), of the Code of
15 Alabama 1975, are amended to read as follows:

16 "§16-60-111.1.

17 "(a) For the ~~sole~~ purpose of assisting the board in
18 carrying out its authority and responsibility for ~~each of the~~
19 junior community and technical colleges and trade schools, the
20 board shall ~~have the authority to~~ appoint a Chancellor who
21 will also be Chief Executive Officer of the ~~Postsecondary~~
22 Education Department Alabama Community College System. The
23 Chancellor shall serve at the pleasure of the board and
24 perform such duties as are provided in this article and
25 otherwise as are assigned by the board. The Chancellor serving

1 on the effective date of the act amending this subsection
2 shall continue to serve until his or her then current contract
3 expires. The board may enter into a contract with the
4 Chancellor for his or her services for a period not to exceed
5 four years. The Chancellor shall be a person of good moral
6 character with academic and professional education equivalent
7 to graduation from a ~~recognized~~ regionally accredited
8 university or college, who is knowledgeable in postsecondary
9 institution administration and has training and experience
10 sufficient to qualify him or her to perform the duties of the
11 office.

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

21 "(1) Job description and title.

22 "(2) Required qualifications.

23 "(3) Salary range.

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

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

1 "(6) Any other relevant information.

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

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

17 "§16-60-111.2.

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

24 "§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~~

1 ~~president to serve at the pleasure of the board~~ presidents of
2 the community and technical colleges.

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

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

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

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

19 "\$16-60-111.5.

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

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

4 "(2) Interpret the rules and regulations of the
5 board concerning the junior community and technical colleges
6 ~~and trade schools~~.

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

23 "(4) Have the authority to take any and all actions
24 necessary and proper to administer policies, rules, and
25 regulations of the board in carrying out its responsibility

1 for the management and operation of the junior community and
2 technical colleges ~~and trade schools~~.

3 "(5) Prepare, or cause to be prepared, an annual
4 report of the ~~State Board of Education~~ board on the activities
5 of the ~~Postsecondary Education Department~~ Alabama Community
6 College System and shall submit on the first day of December,
7 or as early thereafter as practicable, the same to the board
8 for its approval and adoption. He or she shall also prepare,
9 or cause to be prepared, all other reports which are or may be
10 required of the board.

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

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

20 "\$16-60-111.6.

21 "Except where otherwise clearly indicated herein the
22 board ~~will~~ shall delegate to the Chancellor, authority for the
23 Chancellor to act and make decisions concerning the management
24 and operation of the junior community and technical colleges
25 ~~and trade schools~~. The ~~president of each junior college and~~

1 ~~trade school~~ presidents of the community and technical
2 colleges shall be responsible to the Chancellor for the
3 day-to-day operation of ~~each school~~ the colleges.

4 "§16-60-111.7.

5 "The ~~president of each junior college and trade~~
6 ~~school~~ presidents of the community and technical colleges
7 shall appoint the faculty and staff of ~~each junior college and~~
8 ~~trade school~~ the community and technical colleges according to
9 qualifications prescribed by the board and such other
10 regulations which may be adopted by the board ~~in accordance~~
11 ~~with Section 16-60-111.4~~.

12 "§16-60-111.8.

13 "~~Upon this section becoming law, the~~ The board and
14 the ~~State Superintendent of Education~~ Chancellor shall be
15 authorized to take all administrative action, including
16 transfer to the board of funds appropriated to the ~~State Board~~
17 ~~of Education~~ board for administration of the ~~junior college~~
18 ~~and trade school program~~ Alabama Community College System,
19 necessary to carry out the intent and purpose of this article.

20 "§16-60-111.9.

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

23 "(1) BOARD. The Board of Trustees of the Alabama
24 Institute for Deaf and Blind; the Alabama Youth Services
25 Department School Board in its capacity as the Board of

1 Education for the Youth Services School District; the Board of
2 Directors of the Alabama School of Fine Arts; the Board of
3 Trustees of the Alabama High School of Mathematics and
4 Science; and the ~~State~~ Board of ~~Education~~ Trustees of the
5 Alabama Community College System as applied to two-year
6 postsecondary education institutions.

7 "(2) EXECUTIVE OFFICER. The President of the Alabama
8 Institute for Deaf and Blind; the president of any ~~two-year~~
9 ~~school or~~ community or technical college under the auspices of
10 the ~~State~~ Board of ~~Education~~ Trustees of the Alabama Community
11 College System; the Executive Director of the Alabama School
12 of Fine Arts; the Superintendent of the Department of Youth
13 Services School District; and the Executive Director of the
14 Alabama High School of Mathematics and Science.

15 "(b) Notice of a vacancy in the position of
16 executive officer shall be posted by the applicable board. The
17 notice shall be posted on the Internet and in a conspicuous
18 place at each school campus and worksite at least 30 calendar
19 days before the position is to be filled. The notice shall
20 remain posted until the position is filled and shall include,
21 but not necessarily be limited to, all of the following:

22 "(1) Job description and title.

23 "(2) Required qualifications.

24 "(3) Salary range.

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

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

2 "(6) Any other relevant information.

3 "(c) The board may adopt or continue policies which
4 are not inconsistent with this section. The position shall not
5 be filled during the required posting period, except as herein
6 provided. The posting of a vacancy notice as required in this
7 section shall not be abridged or delayed except in emergency
8 circumstances and then delayed only temporarily in order to
9 reasonably meet the conditions of the emergency. The adoption
10 of additional policies shall comply with the requirements and
11 procedures of Section 16-1-30.

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

18 "(2) The Chancellor of ~~Postsecondary Education~~ the
19 Alabama Community College System, subject to the rules and
20 procedures of the ~~State Board of Education~~ board, may appoint
21 an interim executive officer to serve as the president of any
22 two-year school or college under the auspices of the ~~State~~
23 ~~Board of Education~~ board for such terms as the Chancellor
24 determines to be in the best interests of the ~~two-year school~~
25 ~~or~~ community or technical college.

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

7 "(e) Violation of the notice requirements of this
8 section by the board shall void any related employment action
9 taken by the board."

10 Section 5. Sections 16-60-111.10, 16-60-111.11,
11 16-60-111.12, 16-60-111.13, 16-60-111.14, 16-60-111.15, and
12 16-60-111.16 are added to Article 5, commencing with Section
13 16-60-110, of Chapter 60, Title 16 of the Code of Alabama
14 1975, to read as follows:

15 §16-60-111.10.

16 The board may hold, lease, and rent real and
17 personal property and may make such repairs and improvements
18 on all property under its control as may be for the best
19 interests of the community and technical colleges and, subject
20 to the approval of the Governor, may acquire, sell, and convey
21 title to real estate.

22 §16-60-111.11.

23 (a) The board may exercise all of the following
24 powers:

1 (1) To borrow money from the United States of
2 America or any department or agency thereof, or from any
3 person, firm, corporation, or other lending agency for the
4 purchase, construction, enlargement, or alteration of any
5 buildings or other improvements, including dormitories, dining
6 halls, classrooms, laboratories, libraries, stadiums,
7 administration buildings, and any other buildings and
8 appurtenances thereto suitable for use by the institution or
9 institutions with respect to which the borrowing is made, or
10 for the benefit of the Alabama Community College System or one
11 or more of its programs, the acquisition of furniture and
12 equipment for any thereof, the purchase of land, the
13 beautification of grounds, and the construction of swimming
14 pools, tennis courts, athletic fields, and other facilities
15 for physical education, all for use by such institution or
16 institutions, and for the acquisition, installation, and
17 implementation of technology systems and improvements,
18 including hardware and operating software, for the use by or
19 benefit of one or more such institutions or the Alabama
20 Community College System.

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

24 (3) To pledge to the payment of the principal of and
25 interest on such securities the fees from students levied and

1 to be levied by or for an institution or institutions, the
2 revenues from any facility or facilities and any other monies
3 and revenues not appropriated by the state to such institution
4 or institutions.

5 (4) To establish parietal rules respecting the use
6 or occupancy of any facilities the revenues of which are
7 pledged to such securities.

8 (5) To agree to maintain the charges for the use or
9 occupancy of, for services rendered by or from, and for
10 admission to, any facilities the revenues of which are so
11 pledged, and the fees from students so pledged, at such rates
12 and in such amounts as shall produce monies sufficient to pay
13 at their respective maturities the principal of and interest
14 on the securities with respect to which such pledges and
15 agreements are made and to create and maintain any required
16 reserves therefor.

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

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

24 (b) The securities issued under this section may
25 from time to time be refunded by the issuance, by sale or

1 exchange, of refunding bonds, notes, or other securities
2 payable from the same or different sources for the purpose of
3 paying all or any part of the principal of the securities to
4 be refunded, any redemption premium required to be paid as a
5 condition to the redemption prior to maturity of any such
6 securities that are to be so redeemed in connection with such
7 refunding, any accrued and unpaid interest on the securities
8 to be refunded, any interest to accrue on each security to be
9 refunded to the date on which it is to be paid, whether at
10 maturity or by redemption prior to maturity, and the expenses
11 incurred in connection with such refunding. Unless duly called
12 for redemption pursuant to their provisions, the holders of
13 any such securities then outstanding and proposed to be
14 refunded shall not be compelled without their consent to
15 surrender their outstanding securities for such refunding.

16 (c) Any such securities may be issued from time to
17 time, may be executed in such manner, shall bear interest at
18 such rate or rates, shall be payable as to both principal and
19 interest, at such time or times, may be made redeemable before
20 maturity at the option of the board at such redemption price
21 or prices and on such terms, and may be sold in such manner
22 and at such price or prices, all as may be provided in the
23 proceedings under which they are issued. The board shall have
24 power to prescribe all details thereof, subject only to this
25 section. Bonds, notes, and other securities issued under this

1 section shall be eligible for the investment of trust or other
2 fiduciary funds in the exercise of prudent judgment by those
3 making such investment. Neither the securities issued under,
4 nor any pledge or agreement that may be made pursuant to, this
5 section shall be or constitute an obligation of any nature
6 whatsoever of the state, and neither the securities nor any
7 obligation arising from any such pledge or agreement shall be
8 payable out of any monies appropriated by the state to the
9 Alabama Community College System or to the institution or
10 institutions with respect to which such securities are issued
11 or such pledge or agreement is made.

12 §16-60-111.12.

13 The board shall submit each year on or before the
14 first day of December, or as early thereafter as practicable,
15 to the Governor an annual report covering all operations of
16 the Alabama Community College System and the support,
17 conditions, progress, and needs of education throughout the
18 state. The annual report shall be printed in sufficient
19 quantities for general distribution throughout the state and
20 for the usual exchange courtesies between state educational
21 authorities.

22 §16-60-111.13.

23 The board shall consider the educational needs of
24 the state and on and with the advice of the Chancellor shall
25 recommend to the Governor and to the Legislature such

1 additional legislation or changes in the existing legislation
2 as may be deemed desirable. Recommendations may be in the form
3 of prepared bills and shall be submitted to the Governor and
4 the Legislature.

5 §16-60-111.14.

6 The board may adopt an official seal for the
7 authorization of its acts.

8 §16-60-111.15.

9 The board by its presiding officer, or its
10 subcommittees by their chairs, the Chancellor and any of his
11 or her duly appointed agents shall have authority to
12 administer oaths and to examine under oath, in any part of the
13 state, witnesses in any matter pertaining to community and
14 technical colleges, and to cause the examination to be reduced
15 to writing.

16 §16-60-111.16.

17 (a) Property, money, or other thing of value may be
18 donated for the benefit of the community and technical
19 colleges to be held in trust and administered for the use of
20 such colleges.

21 (b) Whenever any property, money, or thing of value
22 is donated to be used for the benefit of the community or
23 technical colleges of this state, the board may administer
24 such trusts as it deems to be in the best interests of the
25 community or technical college or colleges for the benefit of

1 which the donation or gift is made. The board is given
2 complete control of such property and may sell, lease, or
3 otherwise dispose of the property as it deems to be in the
4 best interests of the community or technical college or
5 colleges for the benefit of which such property is donated; or
6 the board may convert the same into securities for handling
7 the property or proceeds therefrom as in its discretion will
8 best promote the purpose of the trust.

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

22 (d) The board shall assume all obligations of the
23 State Board of Education with respect to bonds issued by the
24 State Board of Education for the benefit of any community or
25 technical college prior to the effective date of the act

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

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

4 "§16-60-112.

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

12 "§16-60-113.

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

24 "§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

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

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

19 Commencing on the effective date of the act amending this
20 subsection, all authority vested in the Postsecondary
21 Education Department pursuant to this subsection shall be
22 transferred from the Postsecondary Education Department to the
23 Alabama Community College System pursuant to Section
24 16-60-111.

1 "(c) All full-time nonprobationary employees of the
2 Adult Education program and the components of that program,
3 the State Approving Agency program and the components of that
4 program, and the Private School Licensure program and the
5 components of that program for postsecondary proprietary
6 schools, shall be transferred to the Postsecondary Education
7 Department on the effective date of this section to a
8 full-time nonprobationary employee classification commensurate
9 with the level of each respective employee classification at
10 the Postsecondary Education Department on the date prior to
11 the transfer. Commencing on the effective date of the act
12 amending this subsection, all employees and programs
13 transferred to the Postsecondary Education Department pursuant
14 to this subsection shall be transferred from the Postsecondary
15 Education Department to the Alabama Community College System
16 pursuant to Section 16-60-111.

17 "(d) Any full-time nonprobationary employee
18 transferred under this section from the Postsecondary
19 Education Department to the Alabama Community College System
20 shall be entitled to the due process rights provided ~~under the~~
21 ~~Fair Dismissal Act as provided in Sections 36-26-100, et seq.~~
22 by the State Personnel Board on the effective date of the act
23 amending this subsection, and also to all other rights,
24 benefits, and due process to which they were entitled before
25 the ~~passage of this section~~ effective date of the act amending

1 this subsection, and pursuant to Section 16-60-111, including,
2 but not limited to, the right to accumulate leave, participate
3 in the Teachers' Retirement System, and consideration for
4 annual salary increases. No employee shall be demoted or have
5 his or her salary, position, or status adversely affected due
6 to his or her transfer or any other provision of this section.

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

17 "(f) An employee of the community and technical
18 colleges shall be as defined in subdivision (1) of Section
19 16-25A-1.

20 "(g) An employee of the Alabama Community College
21 System shall be as defined in subdivision (3) of Section
22 16-25-1.

23 "~~(f)~~ (h) The State Board of Education shall
24 coordinate the transfer. The State Superintendent of Education
25 and, the State Department of Education, and the Postsecondary

1 Education Department shall assist the Chancellor and the
2 ~~Postsecondary Education Department~~ Board of Trustees of the
3 Alabama Community College System with the highest degree of
4 cooperation to carry out the intent and purpose of this
5 section and to achieve an orderly transition.

6 "~~(g)~~(i) The Chancellor of the ~~Postsecondary~~
7 ~~Education Department~~ Alabama Community College System shall
8 direct all matters involving the Adult Education program, the
9 State Approving Agency program, and the Private School
10 Licensure program for postsecondary proprietary schools in
11 conformance with state and federal law and the policies of the
12 ~~State Board of Education~~ Alabama Community College System. All
13 responsibilities related to the Adult Education program, the
14 State Approving Agency program, and the Private School
15 Licensure program for postsecondary proprietary schools
16 previously vested with the ~~State Superintendent of Education~~
17 ~~shall be vested with the~~ Chancellor of the Postsecondary
18 Education Department shall be vested with the Chancellor of
19 the Alabama Community College System.

20 "~~(h)~~(j) The State Approving Agency program shall be
21 transferred from the ~~State Department of Education to the~~
22 ~~Postsecondary Education Department~~ to the Alabama Community
23 College System pursuant to this section.

24 "~~(i)~~(k) The Private School Licensure program for
25 postsecondary proprietary schools shall be transferred from

1 the ~~State Department of Education to the~~ Postsecondary
2 Education Department to the Alabama Community College System
3 pursuant to this section.

4 "~~(j)~~(l) The State Board of Education and the State
5 Superintendent of Education shall take all administrative
6 action, including the transfer of funds, appropriate and
7 necessary to carry out the intent and purpose of this
8 section."

9 Section 7. Sections 16-60-116 and 16-60-117 are
10 added to Article 5, commencing with Section 16-60-110, of
11 Chapter 60, Title 16 of the Code of Alabama 1975, to read as
12 follows:

13 §16-60-116.

14 (a) The Alabama Aviation College, formerly known as
15 the Alabama Institution of Aviation Technology, is established
16 as an independent institution within the Alabama Community
17 College System responsible for providing aviation education
18 and training statewide. The Alabama Aviation College shall be
19 responsible directly to the Chancellor, who shall provide an
20 annual budget that adequately funds the statewide mission of
21 the college. The mission of the college shall include
22 preparing and training maintenance, service, and new build
23 assembly technicians for the aviation industry.

24 (b) To ensure that programs and curriculum provided
25 by the college are aligned with the needs of the aviation

1 industry, the Chancellor shall appoint an Aviation Commission
2 to advise and make recommendations to the Chancellor to ensure
3 that curriculum content is appropriate, aviation programs
4 offered are marketed to the fullest extent, and partnerships
5 with business and industry are established, and other duties
6 as designated by the Chancellor. In no event shall the college
7 be combined or consolidated with another community or
8 technical college within the Alabama Community College System
9 to form a regional institution. Nothing in this act shall
10 preclude the Chancellor from establishing a site or branch,
11 whether permanent or temporary, to fulfill the statewide
12 aviation education mission of the Alabama Community College
13 System.

14 §16-60-117.

15 The board may operate technical and workforce
16 development programs as are necessary and appropriate to
17 provide a skilled workforce within the state. Such technical
18 and workforce development programs may be provided through the
19 facilities and faculties of the community and technical
20 colleges or may be provided at other sites and utilizing such
21 other faculty and staff as are required to satisfy the needs
22 of business and industry. The board, upon recommendation of
23 the Chancellor, shall appoint such program directors as needed
24 with respect to such programs, using the same procedures as

1 are from time to time applicable to the appointment of the
2 presidents of the community and technical colleges.

3 Section 8. The provisions of this act are severable.
4 If any part of this act is declared invalid or
5 unconstitutional, that declaration shall not affect the part
6 which remains.

7 Section 9. This act shall become effective when a
8 quorum of the board of trustees is confirmed by the Senate or
9 30 days following its passage, whichever comes first.

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Kay Ivey

President and Presiding Officer of the Senate

[Signature]

Speaker of the House of Representatives

7 Senate 19-MAR-15.
8 I hereby certify that the within Act originated in and passed
9 the Senate, as amended.

10 Senate 05-MAY-15
11 I hereby certify that the within Act originated in and passed
12 the Senate, as amended by Executive Amendment.
13
14

Patrick Harris
Secretary

18

House of Representatives
Amended and Passed: 23-APR-15

House of Representatives
Passed: 05-MAY-15, as amended by Executive Amendment.

25

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27

APPROVED *for Pittman* May 5, 2015

TIME 8:10 p.m.

Robert Bentley
GOVERNOR

Alabama Secretary Of State

Act Num....: 2015-125
Bill Num...: S-191

Recv'd 05/06/15 10:15amSLF

SPONSOR

1 Pittman

CO-SPONSORS

- 2 Orr
- 3 Hightower
- 4 Saxford
- 5 Dial
- 6 Holley
- 7 Ward
- 8 Helms
- 9 Blount
- 10 Albritton
- 11 Unthank
- 12 Shelton
- 13 Allen
- 14 Marsh
- 15 Blackwell
- 16 McClellan
- 17 Williams
- 18 Waggoner

19 Smith

20 Scofield

21 Brewster

22 Tuttle

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SENATE ACTION

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 191.

years 29 nays 3 abstain 0

PATRICK HARRIS, Secretary

I hereby certify that the notice & proof is attached to the Bill, SB as required in the General Acts of Alabama, 1975 Act No. 919.

PATRICK HARRIS, Secretary

CONFERENCE COMMITTEE

Senate Conferees

HOUSE ACTION

DATE: 3-31

RD 1 RFD EP

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on Education Policy, acted upon by such committee session, and returned therefrom to the House with the recommendation that it be Passed w/amend(s) This 15 day of April, 2015. Patrick Harris, Chairperson

DATE: 4-16

RF W.S.V. RD

DATE:

RE-REFERRED RE-COMMITTED Committee

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 191.

YEAS 84 NAYS 7

JEFF WOODARD, Clerk