SB 191

167066-7

By Senators Pittman, Orr, Hightower, Sanford, Dial, Holley, Ward, Melson, Glover, Albritton, Whatley, Shelnutt, Allen, Marsh, Blackwell, McClendon, Williams, Waggoner, Smith, Scofield, Brewbaker and Stutts

RFD: Finance and Taxation Education

First Read: 10-MAR-15
SB191

ENROLLED, An Act,

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

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

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

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

"$16-60-110.

"For purposes of this article, the following words
and phrases shall have the respective meaning ascribed to them
by this section:
"(1) ALABAMA COMMUNITY COLLEGE SYSTEM. The state-supported system of community and technical colleges formerly operating under the supervision of the State Board of Education, including individual institutions, system-wide programs, other related organizations, and central operations.

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

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

"(3) STATE. The State of Alabama.

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

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

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

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

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

§16-60-110.1.

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

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

(c) Any other law to the contrary notwithstanding, the authority, powers, and duties assigned to the State Board of Education with respect to the supervision, administration, naming, financing, construction, and equipping of institutions of postsecondary education, including community and technical colleges, junior colleges, and trade schools, however
described, are removed from the State Board of Education and
dele gated to the board, and all actions of such institutions
of postsecondary education requiring the approval of the State
Board of Education, commencing on the effective date of the
act adding this section, shall require only approval of the
board. Without limiting the generality of the foregoing, all
references to the State Board of Education in Sections
16-3-37, 16-5-8.3, 16-5-13, 16-60-88, 16-60-330, 16-60-332,
16-60-335, and 16-60-338, shall be deemed to refer to the
board.

§16-60-111.

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

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

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

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

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

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

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

(d) Initial appointees to the board may serve up to
one year without confirmation by the Senate. The initial board
members shall have immediate, interim authority to conduct the
business of the board as necessary to fulfill the intent of
this article. Thereafter, appointments made when the
legislature is not in session shall be effective ad interim.
As vacancies occur on the board for any cause, they shall be
filled by the original appointing authority for the unexpired term, subject to confirmation by the Senate at the next succeeding regular session of the Legislature. All appointees to the board shall be subject to confirmation by the Senate and shall be confirmed before beginning a term of office. As vacancies occur on the board for any cause, they shall be filled by the Governor for the unexpired term, subject to confirmation by the Senate before beginning service. An appointment made when the Legislature is in regular session shall be submitted to the Senate not later than the third legislative day following the date of appointment. An appointment made when the Legislature is not in regular session shall be submitted to the Senate not later than the third legislative day following the reconvening of the Legislature after the appointment.

(e) The members of the board shall be qualified electors of the State of Alabama, and the membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. In making appointments to the board, the Governor shall give special consideration to those persons who have attended a community or technical college and who are familiar with the two-year college system, or who have business leadership experience. No employee of the state may serve as an appointed member of the board. No appointed member of the board may
serve more than two consecutive terms of office. Other than
the ex officio members of the board, no person currently
serving in any elected office may concurrently serve as a
member of the board.

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

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

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

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

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

Section 4. Sections 16-60-111.1, 16-60-111.2,
16-60-111.3, 16-60-111.4, 16-60-111.5, 16-60-111.6,
16-60-111.7, 16-60-111.8, and 16-60-111.9, as amended by Act
Alabama 1975, are amended to read as follows:

"§16-60-111.1.

(a) For the sole purpose of assisting the board in
carrying out its authority and responsibility for each of the
junior community and technical colleges and trade schools, the
board shall have the authority to appoint a Chancellor who
will also be Chief Executive Officer of the Postsecondary
Education Department Alabama Community College System. The
Chancellor shall serve at the pleasure of the board and
perform such duties as are provided in this article and
otherwise as are assigned by the board. The Chancellor serving
on the effective date of the act amending this subsection shall continue to serve until his or her then current contract expires. The board may enter into a contract with the Chancellor for his or her services for a period not to exceed four years. The Chancellor shall be a person of good moral character with academic and professional education equivalent to graduation from a recognized regionally accredited university or college, who is knowledgeable in postsecondary institution administration and has training and experience sufficient to qualify him or her to perform the duties of the office.

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

"(1) Job description and title.
"(2) Required qualifications.
"(3) Salary range.
"(4) Information on where to submit an application.
"(5) Information on any deadlines for applying.
"(6) Any other relevant information.

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

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

"$16-60-111.2.

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

"$16-60-111.3.
"Notwithstanding any provision of law to the contrary, the board shall have the authority to establish the salary of the State Superintendent of Education and the Chancellor. The board may also provide for expense allowances to be paid to the State Superintendent of Education and the Chancellor in whatever amounts and for whatever purposes deemed necessary and appropriate by the board, and directly correlated to the operation and best interests of the Alabama Community College System. Such salary and expense allowances shall be paid in installments from the annual appropriation made to the board or the State Department of Education Alabama Community College System as appropriate.

"§16-60-111.4.

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

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

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

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

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

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

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

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

"§16-60-111.5.

"The Chancellor shall act as Chief Executive Officer
of the Postsecondary Education Department of the State Board
of Education Alabama Community College System and shall
direct all matters involving the junior community and
technical colleges and trade schools within the policies of
the State Board of Education board. The Chancellor shall:
"(1) Execute and enforce the rules and regulations of the State Board of Education board governing the junior community and technical colleges and trade schools.

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

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

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

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

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

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

"$16-60-111.6.

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

"$16-60-111.7.

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

"$16-60-111.8.

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

"$16-60-111.9.

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

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

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

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

"(1) Job description and title.

"(2) Required qualifications.

"(3) Salary range.

"(4) Information on where to submit an application.
SB191

"(5) Information on any deadlines for applying.

"(6) Any other relevant information.

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

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

"(2) The Chancellor of Postsecondary Education the Alabama Community College System, subject to the rules and procedures of the State Board of Education board, may appoint an interim executive officer to serve as the president of any two-year school or college under the auspices of the State Board of Education board for such terms as the Chancellor determines to be in the best interests of the two-year school or community or technical college.
"(3) Experience gained by employment on a temporary interim or emergency basis may not be applied toward job experience requirements. Subject to the provisions of this section, a duly appointed interim or emergency executive officer shall not be prohibited from consideration for selection to fill an executive officer vacancy.

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

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

§16-60-111.10.

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

§16-60-111.11.

(a) The board may exercise all of the following powers:
(1) To borrow money from the United States of America or any department or agency thereof, or from any person, firm, corporation, or other lending agency for the purchase, construction, enlargement, or alteration of any buildings or other improvements, including dormitories, dining halls, classrooms, laboratories, libraries, stadiums, administration buildings, and any other buildings and appurtenances thereto suitable for use by the institution or institutions with respect to which the borrowing is made, or for the benefit of the Alabama Community College System or one or more of its programs, the acquisition of furniture and equipment for any thereof, the purchase of land, the beautification of grounds, and the construction of swimming pools, tennis courts, athletic fields, and other facilities for physical education, all for use by such institution or institutions, and for the acquisition, installation, and implementation of technology systems and improvements, including hardware and operating software, for the use by or benefit of one or more such institutions or the Alabama Community College System.

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

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

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

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

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

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

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

(c) Any such securities may be issued from time to time, may be executed in such manner, shall bear interest at such rate or rates, shall be payable as to both principal and interest, at such time or times, may be made redeemable before maturity at the option of the board at such redemption price or prices and on such terms, and may be sold in such manner and at such price or prices, all as may be provided in the proceedings under which they are issued. The board shall have power to prescribe all details thereof, subject only to this section. Bonds, notes, and other securities issued under this
section shall be eligible for the investment of trust or other fiduciary funds in the exercise of prudent judgment by those making such investment. Neither the securities issued under, nor any pledge or agreement that may be made pursuant to, this section shall be or constitute an obligation of any nature whatsoever of the state, and neither the securities nor any obligation arising from any such pledge or agreement shall be payable out of any monies appropriated by the state to the Alabama Community College System or to the institution or institutions with respect to which such securities are issued or such pledge or agreement is made.

§16-60-111.12.

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

§16-60-111.13.

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

$16-60-111.14.

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

$16-60-111.15.

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

$16-60-111.16.

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

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

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

(d) The board shall assume all obligations of the State Board of Education with respect to bonds issued by the State Board of Education for the benefit of any community or technical college prior to the effective date of the act.
adding this subsection, which bonds and related obligations
are and shall continue to be payable solely from certain
revenues from tuition and fees charged against students at the
respective community or technical colleges. No such
assumption, however, shall create an obligation or
indebtedness of the state or be payable out of funds
appropriated by the state to the board or to the community or
technical colleges. The board may also enter into an agreement
with the State Board of Education to further provide for the
respective rights and obligations of the board and the State
Board of Education with respect to any such obligations,
including, without limitation, compliance by the board with
the authorizing resolutions adopted by the State Board of
Education with respect to such obligations, compliance by the
board with covenants and agreements of the State Board of
Education with respect to such obligations, reimbursement of
any payments required to be made by the State Board of
Education, and the issuance of obligations by the board on
parity of pledge of revenues with the pledges made by the
State Board of Education. In no event shall the adoption of
the act pursuant to which this section is added result in the
impairment of any rights of the holders of any bonds or other
obligations issued by the State Board of Education for the
benefit of the community and technical colleges.
Section 6. Sections 16-60-112, 16-60-113, 16-60-114, and 16-60-115 of the Code of Alabama 1975, are amended to read as follows:

"$16-60-112.

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

"$16-60-113.

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

"$16-60-114.
Any other law to the contrary notwithstanding, the authority, powers, and duties prescribed in Sections 16-60-80 through to 16-60-96, inclusive, relating to the Alabama Trade School and Junior College Authority Act, are hereby transferred to the Chancellor and expressly removed from the State Superintendent of Education; provided further, any. Any other law to the contrary notwithstanding, this article shall be construed to require that all actions of the State Board of Education concerning the junior community and technical colleges and trade schools which previously have required the recommendation of the State Superintendent of Education shall now require only the recommendation of the Chancellor; provided, however, that this. This article shall may not be construed as removing the State Superintendent of Education from membership on any board, commission, authority or other agency on which the State Superintendent of Education now serves except as otherwise provided herein.

"§16-60-115.

"(a) All powers, duties, responsibilities, and functions of, and all related records, property, equipment of, and all rights, obligations of, and unexpended balances of appropriations including federal and other funds or allocations for the fiscal year ending September 30, 2002, of the Adult Education program, the State Approving Agency program, and the Private School Licensure program for
postsecondary proprietary schools of the State Department of Education shall be transferred by the State Board of Education to the Postsecondary Education Department. Commencing on the effective date of the act amending this subsection, all authority vested in the Postsecondary Education Department pursuant to this subsection shall be transferred from the Postsecondary Education Department to the Alabama Community College System pursuant to Section 16-60-111.

"(b) All funds appropriated to the State Department of Education for the fiscal year ending September 30, 2003, for the Adult Education program and the components of that program, the State Approving Agency program and the components of that program, and the Private School Licensure program and the components of that program for postsecondary proprietary schools, shall be transferred to the Postsecondary Education Department for its use during that fiscal year under the same terms and conditions as specified for those funds in any appropriation bill, or as otherwise specified by law. Commencing on the effective date of the act amending this subsection, all authority vested in the Postsecondary Education Department pursuant to this subsection shall be transferred from the Postsecondary Education Department to the Alabama Community College System pursuant to Section 16-60-111.
"(c) All full-time nonprobationary employees of the Adult Education program and the components of that program, the State Approving Agency program and the components of that program, and the Private School Licensure program and the components of that program for postsecondary proprietary schools, shall be transferred to the Postsecondary Education Department on the effective date of this section to a full-time nonprobationary employee classification commensurate with the level of each respective employee classification at the Postsecondary Education Department on the date prior to the transfer. **Commencing on the effective date of the act amending this subsection, all employees and programs transferred to the Postsecondary Education Department pursuant to this subsection shall be transferred from the Postsecondary Education Department to the Alabama Community College System pursuant to Section 16-60-111.**

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

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

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

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

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

"(g)(i) The Chancellor of the Postsecondary Education Department Alabama Community College System shall direct all matters involving the Adult Education program, the State Approving Agency program, and the Private School Licensure program for postsecondary proprietary schools in conformance with state and federal law and the policies of the State Board of Education Alabama Community College System. All responsibilities related to the Adult Education program, the State Approving Agency program, and the Private School Licensure program for postsecondary proprietary schools previously vested with the State Superintendent of Education shall be vested with the Chancellor of the Postsecondary Education Department shall be vested with the Chancellor of the Alabama Community College System.

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

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

"(1) The State Board of Education and the State Superintendent of Education shall take all administrative action, including the transfer of funds, appropriate and necessary to carry out the intent and purpose of this section."

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

§16-60-116.

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

(b) To ensure that programs and curriculum provided by the college are aligned with the needs of the aviation
industry, the Chancellor shall appoint an Aviation Commission to advise and make recommendations to the Chancellor to ensure that curriculum content is appropriate, aviation programs offered are marketed to the fullest extent, and partnerships with business and industry are established, and other duties as designated by the Chancellor. In no event shall the college be combined or consolidated with another community or technical college within the Alabama Community College System to form a regional institution. Nothing in this act shall preclude the Chancellor from establishing a site or branch, whether permanent or temporary, to fulfill the statewide aviation education mission of the Alabama Community College System.

§16-60-117.

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

Section 8. The provisions of this act are severable.

If any part of this act is declared invalid or
unconstitutional, that declaration shall not affect the part
which remains.

Section 9. This act shall become effective when a
quorum of the board of trustees is confirmed by the Senate or
30 days following its passage, whichever comes first.
SB 191

Kay Ivey
President and Presiding Officer of the Senate

Speaker of the House of Representatives

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

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

Patrick Harris
Secretary

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

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

APPROVED
May 5, 2015

TIME 8:10 p.m.

Robert Bentley
GOVERNOR

Alabama Secretary Of State
Act Num....: 2015-125
Bill Num....: S-191
Recvd 05/06/15 10:15amSLF
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 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

RE-REFERRED:  
RE-COMMITTED

CONFERENCE COMMITTEE

Senate Conferees

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