

1 HB163
2 181087-3
3 By Representatives McMillan, Scott, Davis, Ellis, Shiver,
4 Baker and Jackson
5 RFD: Education Policy
6 First Read: 09-FEB-17

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8 SYNOPSIS: Under existing law, the Alabama Community
9 College System operates as a department of state
10 government.

11 This bill would establish the Alabama
12 Community College System as a body corporate under
13 the laws of the state and would grant corporate
14 powers to the system that are similar to those held
15 by the four-year institutions of higher education
16 within the state.

17 This bill would clarify the eligibility of
18 employees of the Alabama Community College System
19 and community and technical colleges to participate
20 in the Teachers' Retirement System of Alabama, the
21 Public Education Employees' Health Insurance Plan,
22 the State Employees' Health Insurance Plan, and
23 other qualified health plans established pursuant
24 to the federal Patient Protection and Affordable
25 Care Act of 2010.

26 This bill would also provide certain powers
27 to the Board of Trustees of the Alabama Community

1 College System relating to the acquisition and
2 disposition of property.

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4 A BILL
5 TO BE ENTITLED
6 AN ACT

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8 Relating to the Alabama Community College System; to
9 amend Sections 16-60-110.1, 16-60-111.4, and 16-60-111.10,
10 Code of Alabama 1975, to provide for the operation of the
11 system as a body corporate; to clarify the eligibility of
12 employees of the system and community and technical colleges
13 to participate in the Teachers' Retirement System of Alabama,
14 the Public Education Employees' Health Insurance Plan, the
15 State Employees' Health Insurance Plan, and qualified health
16 plans under the federal Patient Protection and Affordable Care
17 Act of 2010; and to provide further for the acquisition and
18 disposition of property.

19 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

20 Section 1. Sections 16-60-110.1, 16-60-111.4, and
21 16-60-111.10 of the Code of Alabama 1975, are amended to read
22 as follows:

23 "§16-60-110.1.

24 "(a) There is created the Alabama Community College
25 System as a ~~department of state government~~ body corporate
26 under the name of the Alabama Community College System, which
27 shall replace and succeed to the duties of the Department of

1 Postsecondary Education and shall operate a system of
2 community and technical colleges within the state. All
3 references in state law to the Department of Postsecondary
4 Education, Postsecondary Education Department, and Alabama
5 College System, or terms of like import, shall be deemed to
6 refer to the Alabama Community College System. The body
7 corporate created by this subsection shall have all the
8 rights, privileges, and powers necessary to the end of its
9 creation.

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

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

1 16-60-332, 16-60-335, and 16-60-338, shall be deemed to refer
2 to the board.

3 "§16-60-111.4.

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

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

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

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

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

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

22 "(6) Accept gifts, donations, and devises and
23 bequests of money and real and personal property for the
24 benefit of community and technical colleges or any one of
25 them.

1 "(7) Establish a performance-based allocation
2 process that is equitable and compatible with the services and
3 programs offered by each individual campus.

4 "(b) Any provision of law to the contrary
5 notwithstanding, employees of the Alabama Community College
6 System and community and technical colleges shall participate
7 in the Teachers' Retirement System of Alabama pursuant to
8 Chapter 25; the Public Education Employees' Health Insurance
9 Plan pursuant to Chapter 25A; the State Employees' Health
10 Insurance Plan pursuant to Chapter 29, Title 36; and other
11 qualified health plans established pursuant to Section 1311 of
12 the federal Patient Protection and Affordable Care Act of
13 2010.

14 "§16-60-111.10.

15 "The board may acquire and hold, real and personal
16 property and may lease, and rent, convey, and dispose of real
17 and personal property and may make such repairs and
18 improvements on all property under its control as may be in
19 the best interests of the community and technical colleges
20 and, subject to the approval of the Governor, may acquire,
21 sell, and convey title to real estate. The board may make
22 repairs and improvements on all property under its control as
23 may be in the best interests of the community and technical
24 colleges. All property held before May 12, 2015, by or for the
25 benefit of any of the community and technical colleges of the
26 state, whether held in the name of the board, the Alabama
27 Community College System, the State Board of Education, or a

1 community or technical college, without the necessity of any
2 further conveyance, shall be owned by the Alabama Community
3 College System and shall be controlled by the board. All real
4 property acquired on and after May 12, 2015, for the benefit
5 of community and technical colleges shall be acquired by and
6 in the name of the Alabama Community College System. Personal
7 property acquired after that date may be acquired in the name
8 of the Alabama Community College System or of the community or
9 technical college for whose benefit it is acquired."

10 Section 2. This act shall become effective
11 immediately following its passage and approval by the
12 Governor, or its otherwise becoming law, and shall become
13 operative, in whole or in part, on a date or dates occurring
14 before October 1, 2017, as determined by the Chancellor of the
15 Alabama Community College System and the Board of Trustees of
16 the Alabama Community College System.