

1 SB114  
2 181087-3  
3 By Senator Pittman  
4 RFD: Education and Youth Affairs  
5 First Read: 07-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

7  
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.