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3 SUBSTITUTE FOR SB246
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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 grant corporate powers to
14 the system that are similar to those held by the
15 institutions of four-year institutions of higher
16 education within the state.

17 This bill would provide further for the
18 powers of the board relating to institutions and
19 employees.

20 This bill would also provide certain powers
21 to the Board of Trustees of the Alabama Community
22 College System relating to the acquisition of and
23 disposition of property.
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25 A BILL
26 TO BE ENTITLED
27 AN ACT

1
2 Relating to the Alabama Community College System; to
3 amend Sections 3, 4, and 5 of Act 2015-125, 2015 Regular
4 Session, now appearing as Sections 16-60-110.1, 16-60-111.4,
5 and 16-60-111.10, Code of Alabama 1975, so as to provide for
6 the operation of the system as a body corporate; to provide
7 further for the powers of the board relating to institutions
8 and employees; and to provide certain powers to the board of
9 trustees of the system relating to the acquisition of and
10 disposition of property.

11 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

12 Section 1. Sections 3, 4, and 5 of Act 2015-125,
13 2015 Regular Session, now appearing as Sections 16-60-110.1,
14 16-60-111.4, and 16-60-111.10 of the Code of Alabama 1975, are
15 amended to read as follows:

16 "§16-60-110.1.

17 "(a) There is created the Alabama Community College
18 System as a ~~department of state government~~ body corporate
19 under the name of the Alabama Community College System, which
20 shall replace and succeed to the duties of the Department of
21 Postsecondary Education and shall operate a system of
22 community and technical colleges within the state. All
23 references in state law to the Department of Postsecondary
24 Education, Postsecondary Education Department, and Alabama
25 College System, or terms of like import, shall be deemed to
26 refer to the Alabama Community College System. The body
27 corporate created by this subsection shall have all the

1 rights, privileges, and powers necessary to the end of its
2 creation.

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

7 "(c) Any other law to the contrary notwithstanding,
8 the authority, powers, and duties assigned to the State Board
9 of Education with respect to the supervision, administration,
10 naming, financing, construction, and equipping of institutions
11 of postsecondary education, including community and technical
12 colleges, junior colleges, and trade schools, however
13 described, are removed from the State Board of Education and
14 delegated to the board, and all actions of such institutions
15 of postsecondary education requiring the approval of the State
16 Board of Education, commencing on May 12, 2015, shall require
17 only approval of the board. Without limiting the generality of
18 the foregoing, all references to the State Board of Education
19 in Sections 16-3-37, 16-5-8.3, 16-5-13, 16-60-88, 16-60-330,
20 16-60-332, 16-60-335, and 16-60-338, shall be deemed to refer
21 to the board.

22 "§16-60-111.4.

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

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

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

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

6 "(4) Direct the expenditure of legislative
7 appropriations of community and technical colleges.

8 Notwithstanding the foregoing, the board shall continue to
9 direct that all employees of the Alabama Community College
10 System and the community and technical colleges shall continue
11 to be eligible and participate in the Teachers' Retirement
12 System of Alabama pursuant to Chapter 25; the Public Education
13 Employees' Health Insurance Plan pursuant to Chapter 25A; the
14 State Employees' Health Insurance Plan pursuant to Chapter 29
15 of Title 36; and other Qualified Health Plans established
16 pursuant to Section 1311 of the Patient Protection and
17 Affordable Care Act of 2010.

18 "~~(5) Prescribe qualifications for faculty and~~
19 ~~establish an annual salary schedule and tenure requirements~~
20 ~~for faculty at community and technical colleges.~~

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

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

1 (b) The board shall establish, publish, and maintain
2 an annual salary schedule for each community and technical
3 college employee.

4 "(c) The Alabama Commission on Higher Education
5 shall have no jurisdiction or authority relating to the merger
6 or consolidation, or both, of any institution of postsecondary
7 education under the jurisdiction, authority, and control of
8 the board for a period of five years after the effective date
9 of the act adding this subsection.

10 "§16-60-111.10.

11 "The board may acquire and hold, ~~real and personal~~
12 property and may lease, and rent, convey, and dispose of real
13 and personal property and may make such repairs and
14 ~~improvements on all property~~ under its control as may be for
15 the best interests of the community and technical colleges
16 and, subject to the approval of the Governor, may acquire,
17 sell, and convey title to real estate. The board may make
18 repairs and improvements on all property under its control as
19 may be for the best interests of the community and technical
20 colleges. All property held before May 12, 2015, by or for the
21 benefit of any of the community and technical colleges of the
22 state, whether held in the name of the board, the Alabama
23 Community College System, the State Board of Education, or a
24 community or technical college shall, without the necessity of
25 any further conveyance, be owned by the Alabama Community
26 College System and shall be controlled by the board. All real
27 property acquired on and after May 12, 2015, for the benefit

1 of community and technical colleges shall be acquired by and
2 in the name of the Alabama Community College System. Personal
3 property acquired after that date may be acquired in the name
4 of the Alabama Community College System or of the community or
5 technical college for whose benefit it is acquired."

6 Section 2. This act shall become effective 30 days
7 following its passage and approval by the Governor, or its
8 otherwise becoming law.