

1 175317-2 : n : 03/08/2016 : PITTMAN / bt

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3 SENATE EDUCATION AND YOUTH AFFAIRS COMMITTEE SUBSTITUTE FOR  
4 SB246

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

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

18 This bill would also provide certain powers  
19 to the Board of Trustees of the Alabama Community  
20 College System relating to the acquisition of and  
21 disposition of property.

22  
23 A BILL  
24 TO BE ENTITLED  
25 AN ACT  
26

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

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

9           Section 1. Sections 3, 4, and 5 of Act 2015-125,  
10 2015 Regular Session, now appearing as Sections 16-60-110.1,  
11 16-60-111.4, and 16-60-111.10 of the Code of Alabama 1975, are  
12 amended to read as follows:

13           "§16-60-110.1.

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

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

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

20           "§16-60-111.4.

21           "The board shall be authorized to:

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

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

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

3           "(4) Direct the expenditure of legislative  
4 appropriations of community and technical colleges including,  
5 but not limited to, the allocation of the annual legislative  
6 appropriation as the board determines is in the best interests  
7 of the Alabama Community College System.

8           "(5) Prescribe qualifications for faculty and  
9 establish an annual salary schedule and tenure requirements  
10 for faculty at community and technical colleges.

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

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

18           "§16-60-111.10.

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

1 may be for the best interests of the community and technical  
2 colleges. All property held before May 12, 2015, by or for the  
3 benefit of any of the community and technical colleges of the  
4 state, whether held in the name of the board, the Alabama  
5 Community College System, the State Board of Education, or a  
6 community or technical college shall, without the necessity of  
7 any further conveyance, be owned by the Alabama Community  
8 College System and shall be controlled by the board. All real  
9 property acquired on and after May 12, 2015, for the benefit  
10 of community and technical colleges shall be acquired by and  
11 in the name of the Alabama Community College System. Personal  
12 property acquired after that date may be acquired in the name  
13 of the Alabama Community College System or of the community or  
14 technical college for whose benefit it is acquired."

15           Section 2. This act shall become effective  
16 immediately following its passage and approval by the  
17 Governor, or its otherwise becoming law.