

1 HB199  
2 164795-2  
3 By Representatives McMillan, Hubbard and McCampbell  
4 RFD: Education Policy  
5 First Read: 10-MAR-15

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8 SYNOPSIS: Under existing law, the Department of  
9 Postsecondary Education, and its chief executive  
10 officer, entitled Chancellor, is a parallel  
11 organization to the State Department of Education  
12 that is directly responsible to the State Board of  
13 Education for the direction and supervision of  
14 two-year institutions of higher education.

15 This bill would establish an independent  
16 Alabama Community College System in lieu of the  
17 Department of Postsecondary Education and would  
18 provide for the assumption by the Chancellor of the  
19 system and the Board of Trustees of the Alabama  
20 Community College System of all duties and  
21 responsibilities for community and technical  
22 colleges in the state.

23  
24 A BILL  
25 TO BE ENTITLED  
26 AN ACT  
27

1           To establish an independent Alabama Community  
2 College System in lieu of the Department of Postsecondary  
3 Education and provide for the assumption by the Chancellor of  
4 the system and the Board of Trustees of the Alabama Community  
5 College System of all duties and responsibilities for  
6 community and technical colleges in the state; to provide  
7 legislative intent; to amend Sections 16-60-110, 16-60-111.1,  
8 16-60-111.2, 16-60-111.3, 16-60-111.4, 16-60-111.5,  
9 16-60-111.6, 16-60-111.7, 16-60-111.8, and 16-60-111.9, as  
10 amended by Act 2014-48, 2014 Regular Session (Acts 2014),  
11 16-60-112, 16-60-113, 16-60-114, and 16-60-115, Code of  
12 Alabama 1975; to add Sections 16-60-110.1, 16-60-111,  
13 16-60-111.10, 16-60-111.11, 16-60-111.12, 16-60-111.13,  
14 16-60-111.14, 16-60-111.15, 16-60-111.16, 16-60-116,  
15 16-60-117, and 16-60-118 to the Code of Alabama 1975.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

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

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

5           Section 2. Section 16-60-110 of the Code of Alabama  
6 1975, is amended to read as follows:

7           "§16-60-110.

8           "For purposes of this article, the following words  
9 and phrases shall have the respective meaning ascribed to them  
10 by this section:

11           "(1) ALABAMA COMMUNITY COLLEGE SYSTEM. The  
12 state-supported system of community and technical colleges  
13 formerly operating under the supervision of the State Board of  
14 Education, including individual institutions, system-wide  
15 programs, and central operations.

16           "~~(1)(2) BOARD. The State Board of Education Trustees~~  
17 ~~of the Alabama Community College System.~~

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

21           "~~(3) STATE. The State of Alabama.~~

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

25           "~~(5) POSTSECONDARY EDUCATION DEPARTMENT. A parallel~~  
26 ~~organization to the State Department of Education directly~~  
27 ~~responsible to the State Board of Education for the direction~~

1 ~~and supervision of junior colleges and trade schools and~~  
2 ~~community colleges with a chief executive officer entitled~~  
3 ~~Chancellor.~~

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

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

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

15 §16-60-110.1.

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

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

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

17 §16-60-111.

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

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

23 (2) Seven members appointed by the Governor so that  
24 one member of the board is a resident of each of the seven  
25 congressional districts in the state as the districts are  
26 constituted on the effective date of this article.

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

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

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

15                   (c) Initial appointees to the board may serve up to  
16 one year without confirmation by the Senate. The initial board  
17 members shall have immediate, interim authority to conduct the  
18 business of the board as necessary to fulfill the intent of  
19 this article. Thereafter, appointments made when the  
20 Legislature is not in session shall be effective ad interim.  
21 As vacancies occur on the board for any cause, they shall be  
22 filled by the original appointing authority for the unexpired  
23 term, subject to confirmation by the Senate at the next  
24 succeeding session of the Legislature. An appointment made  
25 when the Legislature is in session shall be submitted to the  
26 Senate not later than the third legislative day following the  
27 date of appointment. An appointment made when the Legislature

1 is not in session shall be submitted to the Senate not later  
2 than the third legislative day following the reconvening of  
3 the Legislature after the appointment.

4 (d) The members of the board shall be qualified  
5 electors of the State of Alabama, and the membership of the  
6 board shall be inclusive and reflect the racial, gender,  
7 geographic, urban/rural, and economic diversity of the state.  
8 In making appointments to the board, the Governor shall give  
9 special consideration to those persons who have attended a  
10 community or technical college and who are familiar with the  
11 two-year college system, or who have business leadership  
12 experience. No employee of the state may serve as an appointed  
13 member of the board. No appointed member of the board may  
14 serve more than two consecutive terms of office. No member of  
15 the board may concurrently serve as a voting member of both  
16 the board and the State Board of Education.

17 (e) Upon appointment of the initial members of the  
18 board, the board shall meet to organize itself, to elect  
19 officers, other than the president, as the board deems  
20 appropriate, and to transact any necessary business. This  
21 organizational meeting of the board is not considered a  
22 regular meeting of the board.

23 (f) The board shall meet not less than quarterly on  
24 dates to be set by the board in official session, by the  
25 president or by the Chancellor on written request of a  
26 majority of the board members. The rules generally adopted by  
27 deliberative bodies for their government shall be observed.



1 Members of the board or any subcommittee of the board may  
2 participate in meetings of the board or subcommittees by  
3 telephone conference or similar communications equipment  
4 through which all persons participating in the meeting can  
5 hear each other at the same time, and participation by the  
6 members shall constitute presence at a meeting for all  
7 purposes. The Chancellor shall give notice of any meeting as  
8 required by law.

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

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

26 (i) Before exercising any authority or performing  
27 any duty, each member of the board shall qualify as such by

1 taking and subscribing to the oath of office prescribed by the  
2 state constitution, the certificate of which shall be filed  
3 with the records of the board. The Governor may remove any  
4 appointed member of the board for immorality, misconduct in  
5 office, incompetency, or willful neglect of duty, giving the  
6 member a copy of the charges against him or her and, upon not  
7 less than 10 days' notice, an opportunity of being heard  
8 publicly in person or by counsel in his or her own defense. If  
9 any member shall be removed, the Governor shall file in the  
10 office of the Secretary of State a complete statement of all  
11 charges against the member, any findings, and a complete  
12 record of the proceedings.

13 Section 4. Sections 16-60-111.1, 16-60-111.2,  
14 16-60-111.3, 16-60-111.4, 16-60-111.5, 16-60-111.6,  
15 16-60-111.7, 16-60-111.8, and 16-60-111.9, as amended by Act  
16 2014-48, 2014 Regular Session (Acts 2014), of the Code of  
17 Alabama 1975, are amended to read as follows:

18 "§16-60-111.1.

19 "(a) For the ~~sole~~ purpose of assisting the board in  
20 carrying out its authority and responsibility for ~~each of the~~  
21 junior community and technical colleges and trade schools, the  
22 board shall ~~have the authority to~~ appoint a Chancellor who  
23 will also be Chief Executive Officer of the ~~Postsecondary~~  
24 Education Department Alabama Community College System. The  
25 Chancellor shall serve at the pleasure of the board and  
26 perform such duties as are provided in this article and  
27 otherwise as are assigned by the board. The Chancellor serving

1 on the effective date of the act amending this subsection  
2 shall continue to serve until his or her then current contract  
3 expires. The board may enter into a contract with the  
4 Chancellor for his or her services for a period not to exceed  
5 four years. The Chancellor shall be a person of good moral  
6 character with academic and professional education equivalent  
7 to graduation from a recognized university or college, who is  
8 knowledgeable in postsecondary institution administration and  
9 has training and experience sufficient to qualify him or her  
10 to perform the duties of the office.

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

20 " (1) Job description and title.

21 " (2) Required qualifications.

22 " (3) Salary range.

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

24 " (5) Information on any deadlines for applying.

25 " (6) Any other relevant information.

26 " (c) The board may adopt or continue ~~policies~~  
27 procedures with respect to the appointment of the Chancellor

1 which are not inconsistent with this section. The position  
2 shall not be filled during the required posting period, except  
3 as herein provided. The posting of a vacancy notice as  
4 required in this section shall not be abridged or delayed  
5 except in emergency circumstances and then delayed only  
6 temporarily in order to reasonably meet the conditions of the  
7 emergency. A violation of the notice requirements of this  
8 section by the board shall void any related employment action  
9 taken by the board.

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

14 "§16-60-111.2.

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

21 "§16-60-111.3.

22 "Notwithstanding any provision of law to the  
23 contrary, the board shall have the authority to establish the  
24 salary of the ~~State Superintendent of Education and the~~  
25 Chancellor. The board may also provide for expense allowances  
26 to be paid to the ~~State Superintendent of Education and the~~  
27 Chancellor in whatever amounts and for whatever purposes

1 deemed necessary and appropriate by the board. Such salary and  
2 expense allowances shall be paid in installments from the  
3 annual appropriation made to the board or the ~~State Department~~  
4 ~~of Education~~ Alabama Community College System as appropriate.

5 "§16-60-111.4.

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

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

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

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

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

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

26 "(6) Accept gifts, donations, and devises and  
27 bequests of money and real and personal property for the

1 benefit of ~~junior~~ community and technical colleges and ~~trade~~  
2 ~~schools~~ or any one of them.

3 ~~"(7) Disseminate information concerning and promote~~  
4 ~~interest in junior colleges and trade schools among the~~  
5 ~~citizens of Alabama.~~

6 "§16-60-111.5.

7 "The Chancellor shall act as Chief Executive Officer  
8 of the ~~Postsecondary Education Department of the State Board~~  
9 ~~of Education~~ Alabama Community College System and ~~will~~ shall  
10 direct all matters involving the ~~junior~~ community and  
11 technical colleges and ~~trade schools~~ within the policies of  
12 the ~~State Board of Education~~ board. The Chancellor shall:

13 "(1) Execute and enforce the rules and regulations  
14 of the ~~State Board of Education~~ board governing the ~~junior~~  
15 community and technical colleges and ~~trade schools~~.

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

19 "(3) Administer the office of the Chancellor and  
20 appoint to positions of employment such professional,  
21 clerical, and other assistants, including specialists and  
22 consultants, on a full- or part-time basis as may be needed to  
23 assist the Chancellor in performing the duties of the office  
24 of the Chancellor. The number of employees, their compensation  
25 and all other expenditures of the office of the Chancellor  
26 shall be within the limits of a budget for the office of the  
27 Chancellor which shall be approved by the board. The

1 Chancellor and all employees of the office of the Chancellor  
2 shall not be subject to or governed by the provisions of the  
3 state Merit System law but shall be entitled to all benefits  
4 accruing to Merit System employees including the right to  
5 accumulate leave and participate in the Teachers' Retirement  
6 System ~~under the same terms and conditions as employees of the~~  
7 ~~State Department of Education.~~

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

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

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

25 "(7) Prepare, or cause to be prepared, and submit  
26 for approval and adoption by the ~~State Board of Education~~  
27 board such legislative measures as are in his or her opinion

1 needed for the further development and improvement of the  
2 ~~junior~~ community and technical colleges ~~and trade schools~~.

3 "§16-60-111.6.

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

12 "§16-60-111.7.

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

20 "§16-60-111.8.

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



1           "§16-60-111.9.

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

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

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

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

1           "(1) Job description and title.

2           "(2) Required qualifications.

3           "(3) Salary range.

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

5           "(5) Information on any deadlines for applying.

6           "(6) Any other relevant information.

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

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

22           "(2) The Chancellor of ~~Postsecondary Education~~ the  
23 Alabama Community College System, subject to the rules and  
24 procedures of the ~~State Board of Education~~ board, may appoint  
25 an interim executive officer to serve as the president of any  
26 two-year school or college under the auspices of the ~~State~~  
27 ~~Board of Education~~ board for such terms as the Chancellor

1 determines to be in the best interests of the ~~two-year school~~  
2 ~~or community or technical college.~~

3 "(3) ~~Experience gained by employment on a temporary~~  
4 ~~interim or emergency basis may not be applied toward job~~  
5 ~~experience requirements. Subject to the provisions of this~~  
6 ~~section, a A duly appointed interim or emergency executive~~  
7 officer shall not be prohibited from consideration for  
8 selection to fill an executive officer vacancy.

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

12 Section 5. Sections 16-60-111.10, 16-60-111.11,  
13 16-60-111.12, 16-60-111.13, 16-60-111.14, 16-60-111.15, and  
14 16-60-111.16 are added to Article 5, commencing with Section  
15 16-60-110, of Chapter 60, Title 16 of the Code of Alabama  
16 1975, to read as follows:

17 §16-60-111.10.

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

25 §16-60-111.11.

26 (a) The board, with the approval and support of the  
27 Chancellor, may exercise all of the following powers:

1           (1) To borrow money from the United States of  
2 America or any department or agency thereof, or from any  
3 person, firm, corporation, or other lending agency for the  
4 purchase, construction, enlargement, or alteration of any  
5 buildings or other improvements, including dormitories, dining  
6 halls, classrooms, laboratories, libraries, stadiums,  
7 administration buildings, and any other buildings and  
8 appurtenances thereto suitable for use by the institution or  
9 institutions with respect to which the borrowing is made, or  
10 for the benefit of the Alabama Community College System or one  
11 or more of its programs, the acquisition of furniture and  
12 equipment for any thereof, the purchase of land, the  
13 beautification of grounds, and the construction of swimming  
14 pools, tennis courts, athletic fields, and other facilities  
15 for physical education, all for use by such institution or  
16 institutions, and for the acquisition, installation, and  
17 implementation of technology systems and improvements,  
18 including hardware and operating software, for the use by or  
19 benefit of one or more such institutions or the Alabama  
20 Community College System.

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

24           (3) To pledge to the payment of the principal of and  
25 interest on such securities the fees from students levied and  
26 to be levied by or for an institution or institutions, the  
27 revenues from any facility or facilities and any other monies

1 and revenues not appropriated by the state to such institution  
2 or institutions.

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

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

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

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

22 (b) The securities issued under this section may  
23 from time to time be refunded by the issuance, by sale or  
24 exchange, of refunding bonds, notes, or other securities  
25 payable from the same or different sources for the purpose of  
26 paying all or any part of the principal of the securities to  
27 be refunded, any redemption premium required to be paid as a

1 condition to the redemption prior to maturity of any such  
2 securities that are to be so redeemed in connection with such  
3 refunding, any accrued and unpaid interest on the securities  
4 to be refunded, any interest to accrue on each security to be  
5 refunded to the date on which it is to be paid, whether at  
6 maturity or by redemption prior to maturity, and the expenses  
7 incurred in connection with such refunding. Unless duly called  
8 for redemption pursuant to their provisions, the holders of  
9 any such securities then outstanding and proposed to be  
10 refunded shall not be compelled without their consent to  
11 surrender their outstanding securities for such refunding.

12 (c) Any such securities may be issued from time to  
13 time, may be executed in such manner, shall bear interest at  
14 such rate or rates, shall be payable as to both principal and  
15 interest, at such time or times, may be made redeemable before  
16 maturity at the option of the board at such redemption price  
17 or prices and on such terms, and may be sold in such manner  
18 and at such price or prices, all as may be provided in the  
19 proceedings under which they are issued. The board shall have  
20 power to prescribe all details thereof, subject only to this  
21 section. Bonds, notes, and other securities issued under this  
22 section shall be eligible for the investment of trust or other  
23 fiduciary funds in the exercise of prudent judgment by those  
24 making such investment. Neither the securities issued under,  
25 nor any pledge or agreement that may be made pursuant to, this  
26 section shall be or constitute an obligation of any nature  
27 whatsoever of the state, and neither the securities nor any

1 obligation arising from any such pledge or agreement shall be  
2 payable out of any monies appropriated by the state to the  
3 Alabama Community College System or to the institution or  
4 institutions with respect to which such securities are issued  
5 or such pledge or agreement is made.

6 §16-60-111.12.

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

16 §16-60-111.13.

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

24 §16-60-111.14.

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

27 §16-60-111.15.

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

8           §16-60-111.16.

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

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

26           (c) The board may accept the administration of  
27 property, money, or other thing of value donated in trust for



1 the benefit of any community or technical college or colleges  
2 of the state upon such conditions as may be acceptable to the  
3 donor and the board, but no undertaking entered into by the  
4 board with such donor shall bind the state to pay any public  
5 monies to anyone. Nothing in this section shall prevent the  
6 board from undertaking payments to persons out of the proceeds  
7 derived from such trust funds as a condition of the acceptance  
8 of a donation for the benefit of such community or technical  
9 college or colleges. All trust funds administered under this  
10 article may be required by the board to pay the expenses of  
11 administering the same.

12 (d) The board shall assume all obligations of the  
13 State Board of Education with respect to bonds issued by the  
14 State Board of Education for the benefit of any community or  
15 technical college prior to the effective date of the act  
16 adding this subsection, which bonds and related obligations  
17 are and shall continue to be payable solely from certain  
18 revenues from tuition and fees charged against students at the  
19 respective community or technical colleges. No such  
20 assumption, however, shall create an obligation or  
21 indebtedness of the state or be payable out of funds  
22 appropriated by the state to the board or to the community or  
23 technical colleges. The board may also enter into an agreement  
24 with the State Board of Education to further provide for the  
25 respective rights and obligations of the board and the State  
26 Board of Education with respect to any such obligations,  
27 including, without limitation, compliance by the board with

1 the authorizing resolutions adopted by the State Board of  
2 Education with respect to such obligations, compliance by the  
3 board with covenants and agreements of the State Board of  
4 Education with respect to such obligations, reimbursement of  
5 any payments required to be made by the State Board of  
6 Education, and the issuance of obligations by the board on  
7 parity of pledge of revenues with the pledges made by the  
8 State Board of Education. In no event shall the adoption of  
9 the act pursuant to which this section is added result in the  
10 impairment of any rights of the holders of any bonds or other  
11 obligations issued by the State Board of Education for the  
12 benefit of the community and technical colleges.

13 Section 6. Sections 16-60-112, 16-60-113, 16-60-114,  
14 and 16-60-115 of the Code of Alabama 1975, are amended to read  
15 as follows:

16 "§16-60-112.

17 "Nothing contained in ~~Section 16-60-110 or any~~  
18 ~~provision of~~ this article shall be construed as repealing any  
19 provision of the Alabama Trade School and Junior College  
20 Authority Act, Sections 16-60-80 ~~through to~~ 16-60-96,  
21 inclusive, or ~~the provisions of~~ Sections 16-5-1 ~~through to~~  
22 16-5-14, inclusive, relating to the Alabama Commission on  
23 Higher Education.

24 "§16-60-113.

25 "Any junior community or technical college ~~or trade~~  
26 ~~school shall have authority,~~ during any fiscal year upon the  
27 approval of the Chancellor ~~to,~~ may borrow money in

1 anticipation of the current revenues for that fiscal year and  
2 to pledge the current revenues for ~~said that~~ fiscal year for  
3 payment of such loan or loans if funds on hand are not  
4 sufficient to pay the salaries of teachers for any given  
5 month; ~~provided, that any.~~ Any amount borrowed ~~shall~~ may not  
6 exceed one month's allotment and ~~shall~~ may not exceed the  
7 amount of the state appropriation minus the amount disbursed  
8 from ~~said school's~~ the annual allotment to the college.

9 "§16-60-114.

10 Any other law to the contrary notwithstanding, the  
11 authority, powers, and duties prescribed in Sections 16-60-80  
12 ~~through~~ to 16-60-96, inclusive, relating to the Alabama Trade  
13 School and Junior College Authority Act, are hereby  
14 transferred to the Chancellor and expressly removed from the  
15 State Superintendent of Education; ~~provided further, any.~~ Any  
16 other law to the contrary notwithstanding, this article shall  
17 be construed to require that all actions of the State Board of  
18 Education concerning the junior community and technical  
19 colleges ~~and trade schools~~ which previously have required the  
20 recommendation of the State Superintendent of Education shall  
21 now require only the recommendation of the Chancellor; ~~7~~  
22 ~~provided, however, that this.~~ This article ~~shall~~ may not be  
23 construed as removing the State Superintendent of Education  
24 from membership on any board, commission, authority or other  
25 agency on which the State Superintendent of Education now  
26 serves except as otherwise provided herein.

27 "§16-60-115.

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

16           "(b) All funds appropriated to the State Department  
17 of Education for the fiscal year ending September 30, 2003,  
18 for the Adult Education program and the components of that  
19 program, the State Approving Agency program and the components  
20 of that program, and the Private School Licensure program and  
21 the components of that program for postsecondary proprietary  
22 schools, shall be transferred to the Postsecondary Education  
23 Department for its use during that fiscal year under the same  
24 terms and conditions as specified for those funds in any  
25 appropriation bill, or as otherwise specified by law.  
26 Commencing on the effective date of the act amending this  
27 subsection, all authority vested in the Postsecondary

1 Education Department pursuant to this subsection shall be  
2 transferred from the Postsecondary Education Department to the  
3 Alabama Community College System pursuant to Section  
4 16-60-111.

5 "(c) All full-time nonprobationary employees of the  
6 Adult Education program and the components of that program,  
7 the State Approving Agency program and the components of that  
8 program, and the Private School Licensure program and the  
9 components of that program for postsecondary proprietary  
10 schools, shall be transferred to the Postsecondary Education  
11 Department on the effective date of this section to a  
12 full-time nonprobationary employee classification commensurate  
13 with the level of each respective employee classification at  
14 the Postsecondary Education Department on the date prior to  
15 the transfer. Commencing on the effective date of the act  
16 amending this subsection, all employees and programs  
17 transferred to the Postsecondary Education Department pursuant  
18 to this subsection shall be transferred from the Postsecondary  
19 Education Department to the Alabama Community College System  
20 pursuant to Section 16-60-111.

21 "(d) Any full-time nonprobationary employee  
22 transferred under this section from the Postsecondary  
23 Education Department to the Alabama Community College System  
24 shall be entitled to the due process rights provided ~~under the~~  
25 ~~Fair Dismissal Act as provided in Sections 36-26-100, et seq.~~  
26 by the State Personnel Board on the effective date of the act  
27 amending this subsection, and also to all other rights,

1 benefits, and due process to which they were entitled before  
2 the ~~passage of this section~~ effective date of the act amending  
3 this subsection, and pursuant to Section 16-60-111, including,  
4 but not limited to, the right to accumulate leave, participate  
5 in the Teachers' Retirement System, and consideration for  
6 annual salary increases. No employee shall be demoted or have  
7 his or her salary, position, or status adversely affected due  
8 to his or her transfer or any other provision of this section.

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

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

1           "(g) The Chancellor of the ~~Postsecondary Education~~  
2 ~~Department~~ Alabama Community College System shall direct all  
3 matters involving the Adult Education program, the State  
4 Approving Agency program, and the Private School Licensure  
5 program for postsecondary proprietary schools in conformance  
6 with state and federal law and the policies of the ~~State Board~~  
7 ~~of Education~~ Alabama Community College System. All  
8 responsibilities related to the Adult Education program, the  
9 State Approving Agency program, and the Private School  
10 Licensure program for postsecondary proprietary schools  
11 previously vested with the ~~State Superintendent of Education~~  
12 ~~shall be vested with the~~ Chancellor of the Postsecondary  
13 Education Department shall be vested with the Chancellor of  
14 the Alabama Community College System.

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

19           "(i) The Private School Licensure program for  
20 postsecondary proprietary schools shall be transferred from  
21 the ~~State Department of Education to the~~ Postsecondary  
22 Education Department to the Alabama Community College System  
23 pursuant to this section.

24           "(j) The State Board of Education and the State  
25 Superintendent of Education shall take all administrative  
26 action, including the transfer of funds, appropriate and

1 necessary to carry out the intent and purpose of this  
2 section."

3 Section 7. Sections 16-60-116, 16-60-117, and  
4 16-60-118 are added to Article 5, commencing with Section  
5 16-60-110, of Chapter 60, Title 16 of the Code of Alabama  
6 1975, to read as follows:

7 §16-60-116.

8 (a) The Alabama Aviation College, formerly known as  
9 the Alabama Institution of Aviation Technology, shall be  
10 operated as a program of the Alabama Community College System,  
11 under direction of the Chancellor, with such facilities and at  
12 such locations as shall be necessary and appropriate.

13 (b) The career and technical education programs for  
14 the benefit of incarcerated adults, currently provided by the  
15 J.F. Ingram State Technical College, shall hereafter be  
16 provided as a program of the Alabama Community College, under  
17 the direction of the Chancellor, with such facilities and at  
18 such locations as shall be necessary and appropriate.

19 §16-60-117.

20 The board may operate technical and workforce  
21 development programs as are necessary and appropriate to  
22 provide a skilled workforce within the state. Such technical  
23 and workforce development programs may be provided through the  
24 facilities and faculties of the community and technical  
25 colleges or may be provided at other sites and utilizing such  
26 other faculty and staff as are required to satisfy the needs  
27 of business and industry. The board, upon recommendation of



1 the Chancellor, shall appoint such program directors as needed  
2 with respect to such programs, using the same procedures as  
3 are from time to time applicable to the appointment of the  
4 presidents of the community and technical colleges.

5 §16-60-118.

6 (a) There is created the Workforce Development and  
7 Postsecondary Education Regionalization Task Force.

8 (b) The task force shall be comprised of the  
9 following members:

10 (1) One member appointed by the Governor.

11 (2) One member appointed by the Lieutenant Governor.

12 (3) One member appointed by the Speaker of the House  
13 of Representatives.

14 (4) One member appointed by the President Pro  
15 Tempore of the Senate.

16 (5) The Chancellor of the Alabama Community College  
17 System.

18 (6) Seven members appointed by the Chancellor, who  
19 have expertise in the field of postsecondary education,  
20 including student services, instructional and training  
21 programs, human resources, athletics, or business and finance  
22 relating to community and technical colleges.

23 (c) The Chancellor, or his or her designee, shall  
24 serve as the chair of the task force.

25 (d) (1) Not later than six months after the effective  
26 date of the act adding this section, the task force shall  
27 submit to the board for final approval recommendations for the

1 establishment of regions of the state for the governance and  
2 operation of the Alabama Community College System. The  
3 recommendations shall also be provided to the Governor and the  
4 Legislature. The recommendations of the task force shall  
5 include all of the following:

6 a. Designated regions, which shall be not less than  
7 six nor more than 10 in number.

8 b. The community and technical colleges to be  
9 combined into the institution to serve each region.

10 c. Recommended legislation, if any, necessary and  
11 appropriate to effect the regional structure.

12 d. Findings as shall be required to demonstrate how  
13 the recommendations will better enable the Alabama Community  
14 College System to provide the education and workforce training  
15 needed to meet the demands of the business and industry served  
16 by the Alabama Community College System.

17 (2) In no event shall any of the task force  
18 recommendations result in any of the community and technical  
19 colleges being placed in violation of the accreditation  
20 standards applicable to community and technical colleges  
21 including, but not limited to, the Southern Association of  
22 Colleges and Schools.

23 (e) The Chancellor, on request of the task force,  
24 shall furnish to the task force information relative to the  
25 existing operations and finances of the Alabama Community  
26 College System and the community and technical colleges.

1                   (f) The members of the task force shall serve  
2 without compensation but shall be entitled to reimbursement of  
3 actual expenses incurred in attending meetings of the task  
4 force or any committees or subcommittees appointed by the  
5 chair.

6                   (g) The Governor shall provide such staff logistical  
7 support as shall be reasonably required by the task force. All  
8 expenses incurred by the task force shall be paid from funds  
9 appropriated to the Alabama Community College System.

10                   Section 8. This act shall become effective  
11 immediately following its passage and approval by the  
12 Governor, or its otherwise becoming law.