

1 SB291
2 217929-1
3 By Senator Melson
4 RFD: Education Policy
5 First Read: 02-MAR-22

8 SYNOPSIS: Existing law provides for the composition
9 and authority of the Board of Trustees of the
10 Alabama Community College System.

11 This bill would add an additional at-large
12 trustee to the board of trustees.

13 This bill would create a nominating
14 committee to assist the Governor in appointing
15 trustees to the board of trustees.

16 This bill would provide further for the
17 duties of the board of trustees relating to the
18 approval of certain expenditures.

19 This bill would create the Workforce Reform
20 and Alignment Act and would require the Alabama
21 Workforce Council to submit an annual report of
22 business and industry workforce needs to the board
23 of trustees and the Legislature containing a peer
24 review of all workforce programs.

25 This bill would also require the Chancellor
26 of the Alabama Community College System to submit
27 certain reports to the Legislature.

1
2 A BILL
3 TO BE ENTITLED
4 AN ACT
5

6 Relating to the Alabama Community College System and
7 workforce development; to amend Sections 16-60-111 and
8 16-60-111.4, Code of Alabama 1975; to create the Workforce
9 Reform and Alignment Act; to provide for an additional
10 appointment to the Board of Trustees of the Alabama Community
11 College System; to provide for the creation of a nominating
12 committee to assist in the appointment of trustees; to provide
13 further for the duties of the board; and to require the
14 submission of certain reports to the Legislature.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. Sections 16-60-111 and 16-60-111.4, Code
17 of Alabama 1975, are amended to read as follows:

18 "§16-60-111.

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

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

24 "(2) Seven members appointed by the Governor so that
25 one member of the board is a resident of each of the seven
26 congressional districts in the state as the districts are
27 constituted on May 12, 2015. The member appointed by the

1 Governor pursuant to this subdivision, representing the
2 congressional district in which the main campus of Athens
3 State University is located, shall serve as the member of the
4 Board of Trustees of Athens State University pursuant to
5 subdivision (3) of subsection (a) of Section 16-47A-4.

6 "(3) One ex officio, nonvoting member appointed by
7 the Governor who is actively serving on the State Board of
8 Education.

9 "(4) ~~One member~~ Two members appointed by the
10 Governor from the state at large, one of whom shall be a
11 workforce expert, and the other of whom shall be a member of a
12 racial minority.

13 "(b) All members appointed by the Governor shall be
14 free from any contractual, employment, personal, or familial
15 financial interest in the Alabama Community College System,
16 and, commencing on January 1, 2023, shall be appointed
17 pursuant to the process provided in subsection (k).

18 "(c) If a member appointed from a congressional
19 district ceases to be a resident of the district from which
20 appointed, the member shall vacate his or her office. Members
21 appointed by the Governor from Districts 1, 3, 5, and 7 shall
22 be appointed for an initial term of two years, and every four
23 years thereafter. Members appointed by the Governor from
24 Districts 2, 4, and 6, and from the state at large, shall be
25 appointed for an initial term of four years, and every four
26 years thereafter.

1 "(d) All appointees to the board shall be subject to
2 confirmation by the Senate and shall be confirmed before
3 beginning a term of office. As vacancies occur on the board
4 for any cause, they shall be filled by the Governor for the
5 unexpired term, subject to confirmation by the Senate before
6 beginning service. An appointment made when the Legislature is
7 in regular session shall be submitted to the Senate not later
8 than the third legislative day following the date of
9 appointment. An appointment made when the Legislature is not
10 in regular session shall be submitted to the Senate not later
11 than the third legislative day following the reconvening of
12 the Legislature after the appointment.

13 "(e) The members of the board shall be qualified
14 electors of the State of Alabama, and the membership of the
15 board shall be inclusive and reflect the racial, gender,
16 geographic, ~~urban/rural~~ urban, rural, and economic diversity
17 of the state. In making appointments to the board, the
18 Governor shall give special consideration to those persons who
19 have attended a community or technical college and who are
20 familiar with the two-year college system, or who have
21 business leadership experience. No employee of the state may
22 serve as an appointed member of the board. No appointed member
23 of the board may serve more than two consecutive terms of
24 office. Other than the ex officio members of the board, no
25 person currently serving in any elected office may
26 concurrently serve as a member of the board.

1 "(f) Upon appointment, and after confirmation, of
2 the initial members of the board, the board shall meet to
3 organize itself, to elect officers, other than the president,
4 as the board deems appropriate, and to transact any necessary
5 business. The board may adopt bylaws to govern operations and
6 create committees as deemed necessary. This organizational
7 meeting of the board is not considered a regular meeting of
8 the board.

9 "(g) The board shall meet not less than quarterly on
10 dates to be set by the board in official session, by the
11 president, or by the Chancellor on written request of a
12 majority of the board members. One meeting of the board each
13 year shall be held with the members of the State Board of
14 Education. The rules generally adopted by deliberative bodies
15 for their government shall be observed and a quorum of five
16 shall be present. Members of the board or any committee of the
17 board may participate in meetings of the board or committees
18 by telephone conference or similar communications equipment
19 through which all persons participating in the meeting can
20 hear each other at the same time, and participation by the
21 members shall constitute presence at a meeting for all
22 purposes. The Chancellor shall give notice of any meeting as
23 required by law.

24 "(h) The members of the board shall receive no
25 compensation for service on the board. Members shall be
26 reimbursed for actual traveling and other necessary expenses
27 incurred in attending meetings and transacting the business of

1 the board. Reimbursement shall be paid out of the Education
2 Trust Fund in the same manner as other expenses of the board
3 are paid.

4 "(i) If not otherwise required by law, each member
5 of the board shall file a completed statement of economic
6 interests, pursuant to Section 36-25-24, for the previous
7 calendar year with the State Ethics Commission no later than
8 April 30th of each year, and shall be covered by all aspects
9 and requirements of the State Ethics Law, Chapter 25 of Title
10 36. Members of the board shall be indemnified for any loss
11 incurred as a result of damage done in the performance of
12 their duties as a member of the board and for which the member
13 is personally liable. Members shall be covered under the
14 General Liability Trust Fund in accordance with Section
15 36-1-6.1.

16 "(j) Before exercising any authority or performing
17 any duty, each member of the board shall qualify as such by
18 taking and subscribing to the oath of office prescribed by the
19 state constitution, the certificate of which shall be filed
20 with the records of the board. The Governor may remove any
21 appointed member of the board for immorality, misconduct in
22 office, incompetency, or willful neglect of duty, giving the
23 member a copy of the charges against him or her and, upon not
24 less than 10 days' notice, an opportunity of being heard
25 publicly in person or by counsel in his or her own defense. If
26 any member shall be removed, the Governor shall file in the
27 office of the Secretary of State a complete statement of all

1 charges against the member, any findings, and a complete
2 record of the proceedings.

3 "(k) (1) Commencing on January 1, 2023, each member
4 appointed to the board by the Governor shall be appointed from
5 a list of individuals selected by a nominating committee. The
6 nominating committee shall consist of the following members:

7 "a. The Governor, or his or her designee.

8 "b. The Lieutenant Governor, or his or her designee.

9 "c. A trustee of the board, as selected by the
10 membership of the board.

11 "d. A workforce expert, selected by the Business
12 Council of Alabama and Manufacture Alabama, subject to
13 approval by the Governor.

14 "(2) Appointed members of the nominating committee
15 shall serve at the pleasure of the appointing authority for a
16 period of at least one year.

17 "(3) Thirty days before the expiration of the term
18 of a trustee, or within 20 days following the creation of a
19 vacancy in the office of trustee by death, resignation, or
20 other cause, the Chancellor, upon at least 10 days' notice,
21 shall call a meeting of the nominating committee. The
22 nominating committee, by majority vote of those present at the
23 meeting, shall nominate to the Governor the names of three
24 qualified individuals to fill the respective trustee position
25 on the board. The Governor shall appoint one of the nominated
26 individuals to the board pursuant to subsection (d).

1 "(4) If the nominating committee fails to submit a
2 list of nominees to the Governor within 30 days after a
3 vacancy occurs due to any reason, the Governor, by and with
4 the advice and consent of the Senate, may appoint an otherwise
5 qualified individual to the board, pursuant to subsection (d),
6 without the assistance of the nominating committee.

7 "§16-60-111.4.

8 "(a) The board shall ~~be authorized to~~ do all of the
9 following:

10 "(1) ~~Make~~ Adopt rules and regulations for the
11 government of community and technical colleges.

12 "(2) Prescribe for the community and technical
13 colleges the courses of study to be offered and the conditions
14 for granting certificates, diplomas, and degrees.

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

17 "(4) Direct the expenditure of legislative
18 appropriations of community and technical colleges including,
19 but not limited to, the allocation of the annual legislative
20 appropriation, as the board determines is in the best
21 interests of the Alabama Community College System.

22 "(5) Prescribe qualifications for faculty and
23 establish, publish, and maintain an annual salary schedule for
24 each community and technical college employee classification
25 and tenure requirements for faculty at community and technical
26 colleges.

1 "(6) Accept gifts, donations, and devises and
2 bequests of money and real and personal property for the
3 benefit of community and technical colleges or any one of
4 them.

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

8 "(8) Approve or deny, in writing, any expense of the
9 Chancellor or senior staff member that exceeds fifty thousand
10 dollars (\$50,000).

11 "(9) Approve or deny, in writing, any legal,
12 lobbying, or public relations consulting expenses, regardless
13 of the amount.

14 "(10) Approve or deny, in writing, any transaction
15 contemplated by a community college or technical college
16 during an interim presidency that exceeds twenty thousand
17 dollars (\$20,000).

18 "(b) Any provision of law to the contrary
19 notwithstanding, employees of the Alabama Community College
20 System shall participate in the Teachers' Retirement System of
21 Alabama pursuant to Chapter 25 and the State Employee's Health
22 Insurance Plan pursuant to Chapter 29, Title 36. Employees of
23 community and technical colleges shall participate in the
24 Teachers' Retirement System of Alabama pursuant to Chapter 25
25 and the Public Education Employees' Health Insurance Plan
26 pursuant to Chapter 25A or other qualified health plans

1 established pursuant to Section 1311 of the federal Patient
2 Protection and Affordable Care Act of 2010."

3 Section 2. (a) This section shall be known and may
4 be cited as the Workforce Reform and Alignment Act.

5 (b) For the purposes of this section, the following
6 terms shall have the following meanings:

7 (1) BOARD. The Board of Trustees of the Alabama
8 Community College System.

9 (2) CHANCELLOR. The Chancellor of the Alabama
10 Community College System.

11 (3) DEPARTMENT. The Alabama Department of Economic
12 and Community Affairs.

13 (4) INSTITUTE. The Alabama Industrial Development
14 and Training Institute.

15 (5) SYSTEM. The Alabama Community College System.

16 (c) On or before July 1, annually:

17 (1) The Alabama Workforce Council shall submit a
18 report of business and industry workforce needs to the board,
19 the Speaker of the House of Representatives, and the President
20 Pro Tempore of the Senate containing a peer review of all
21 system workforce programs, using input from the Department of
22 Commerce, the office of the Governor, and the institute.

23 (2) The president of each community and technical
24 college shall submit a report to the board regarding their
25 alignment with the report required by subdivision (1).

1 (3)a. The Chancellor shall submit a report to the
2 board regarding his or her alignment with the report required
3 by subdivision (1).

4 b. The Chancellor shall submit an annual report to
5 the Speaker of the House of Representatives and the President
6 Pro Tempore of the Senate regarding all of the following:

7 1. All noncredit workforce programs.

8 2. The goal of any noncredit workforce program,
9 using specific language.

10 3. An accounting of the businesses and industries
11 that are served by the noncredit workforce programs.

12 4. The number of individuals enrolled in each
13 noncredit workforce program.

14 5. The number of individuals enrolled in each
15 noncredit workforce program who have received an
16 apprenticeship and whether or not those individuals have
17 secured employment.

18 6. The graduation rate for each noncredit workforce
19 program.

20 7. The short term issuance of credentials offered by
21 the system.

22 c. The Chancellor shall submit an annual report to
23 the Speaker of the House of Representatives and the President
24 Pro Tempore of the Senate regarding all of the following:

25 1. Pay, tenure of service, and job responsibilities
26 of the Chancellor.

1 2. Pay, tenure of service, and job responsibilities
2 of the senior staff of the system, including, but not limited
3 to, the chief of staff, associate chancellors, vice
4 chancellors, and directors.

5 3. Consulting contracts entered into by the system
6 exceeding twenty thousand dollars (\$20,000), including, but
7 not limited to, lobbying and other contracts, the scope of the
8 contracts, and a full report of any activities and funds
9 expended pertaining to those contracts.

10 4. Consistent with department grant making
11 processes, all funds, including bond issuances as approved by
12 the Public School and College Authority and interagency
13 agreements, organized and reported by the central office,
14 including the Chancellor's executive office, each community
15 and technical college, and each legislative district,
16 including a year-by-year comparison of any new monies in each
17 district.

18 (d) Beginning on July 1, 2023, the Chancellor shall
19 submit a quarterly report to the Speaker of the House of
20 Representatives and the President Pro Tempore of the Senate
21 detailing both of the following:

22 (1) The number of interim presidencies community and
23 technical colleges have experienced, or are experiencing,
24 during the previous quarter, and the length of each interim
25 presidency.

1 (2) Any actions taken by the Chancellor to fill
2 vacancies in the office of president at community and
3 technical colleges.

4 Section 3. Section 1 of this act shall become
5 effective on the first day of the third month following its
6 passage and approval by the Governor, or its otherwise
7 becoming law. Section 2 of this act shall become effective on
8 May 1, 2023, following its passage and approval by the
9 Governor, or its otherwise becoming law.