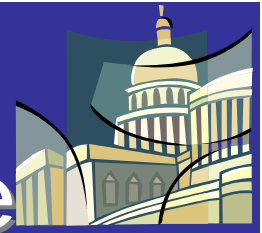


# The Chancellor's Legislative Update



A briefing for Alabama Community College System leaders, employees & stakeholders

May 27, 2008

*Here is your 2008 Regular Session Legislative Wrap-up. The report consists of bills that became Acts, a bill vetoed by the Governor and bills that were of interest to the Alabama Community College System.*

*The Legislature failed to pass HB319, the Education Trust Fund Budget, that provides for the maintenance and operation of educational programs in the state. Therefore, there is currently no budget for the 2008-2009 fiscal year.*

*The Governor has called a special session, which begins today at 4:00 p.m., for the Legislature to consider a proposed Education Trust Fund Budget. Please feel free to contact me or Government Affairs Director Anita Archie with your questions, concerns or input.*

*-- Bradley Byrne, Chancellor*



## What is the term?

**Act** – A bill which has passed both houses of the Legislature, been enrolled, certified, approved by the Governor or passed over the Governor's veto, or otherwise becomes law.

**Engrossment** – The incorporation of amendments into a bill before it is sent to the second house.

**Special or Extraordinary Session** – A session, limited to 12 legislative days within 30 calendar days, called by the Governor for a specific purpose set out in his proclamation. Any measures not included in his call require a 2/3 majority for passage.

**Vetoed** – The action of the Governor in disapproval of a measure; on its return to the Legislature, each house either sustains the veto or overrides it.

## Resolutions of Interest

**The following is a list of legislative resolutions that became Acts during the 2008 Regular Session:**

**HJR57 Act 2008-31** – Extending the Commission on Girls and Women in the Criminal Justice System to Oversee Implementation of its Recommendations. The Chancellor of Postsecondary Education sits as a member of the Commission.

**Learn more about the legislature**

- Meeting dates
- Bill status
- Member contact info

[www.legislature.state.al.us](http://www.legislature.state.al.us)

**Learn more about the budget**  
[www.lfo.state.al.us](http://www.lfo.state.al.us)

**SJR39 Act 2008-274** – Urging the Governor to Support the State’s Effort to Protect the Rights of Alabama Citizens and its Workforce. It requires AIDT to develop a program that helps businesses recruit legal workers through career fairs, scholarships, and similar events, and develop recruitment and training programs outside major cities.

## Bills of interest

***The following is a list of bills that became Acts during the 2008 Regular Session:***

### **COMPETITIVE BIDS**

**HB442 2008-379** – Reduces the administrative costs of local governments, schools, and two-year colleges related to purchasing by: (1) increasing the bid limit from \$7,500 to \$15,000; (2) expanding the types of purchases for which a reverse auction may be used; (3) granting discretion on the requirement of bid bonds; and (4) allowing the awarding of contracts to the second lowest bidder in the event that the lowest bidder defaults on the contract.

**SB381 2008- Act number currently not assigned** – Creates the State Procurement Fund and authorizes the Purchasing Division of the Department of Finance to charge fees to vendors who register to receive invitations-to-bid and to state agencies and departments that use the Purchasing Division. It allows the Purchasing Division to establish a method of purchasing personal property and non-professional services using credit cards.

Increases the competitive bid threshold from \$7,500 to \$15,000; allows the Purchasing Division to accept electronic signatures from state agencies; and allows the Purchasing Division to award primary and secondary contracts and multiple contracts.

Requires the Purchasing Division to develop and administer a system to identify and assist small, women-owned, and minority businesses that do business with the state.

### **CRIMES AND OFFENSES**

**SB385 2008-467** – Requires the Department of Conservation and Natural Resources to establish and administer a program to acquire and retire net and seine permits issued to saltwater commercial fishermen in Alabama and requires the department to provide for a program of economic relief for resident saltwater commercial fishermen under certain conditions. It also requires two years of free academic tuition at any public institution operated by the Department of Postsecondary Education.

### **EDUCATION**

**HB398 2008-281** – Alters the requirements for receiving an Alternative Teaching Certificate to include certain provisions mandated by the federal No Child Left Behind Act; modifies the Professional Educator employment prerequisites for teachers with an alternative certificate; allows for the issuance of alternative certificates to teachers in Grades 6 through 8 (in addition to Grades 9 through 12); and increases from \$20 to \$30 the certification application fee, which is paid initially and every five years thereafter by all certificated employees.

***The following bill was vetoed by the Governor:***

**EDUCATION**

**HB222** – Requires the posting of notices of vacancies in the positions of State Superintendent of Education, appointed county superintendent of education, appointed city superintendent of education, Chancellor of Postsecondary Education, and the chief executive officer of any two-year school or college under the auspices of the State Board of Education, the Alabama Institute for Deaf and Blind, the Alabama School of Fine Arts, the Department of Youth Services School District, and the Alabama High School of Mathematics and Science.

***The following is a list of bills of interest that failed to become Acts during the 2008 Regular Session:***

**APPROPRIATIONS**

**HB80/HB 141** – Prohibits public funds from being passed through one entity to another at the direction of a member of the Legislature.

**HB285 and HB592** – Makes an appropriation of \$15,000,000 from the Workforce Development Fund to the Department of Corrections for the fiscal year ending September 30, 2008.

**CHANCELLOR OF POSTSECONDARY EDUCATION**

**HB594** – Sets the compensation of the Chancellor of Postsecondary Education the same as members of the Governor's cabinet.

**CHILDREN**

**HB408** – Provides that all applicants, current employees under review and current employees of two-year institutions of postsecondary education will be subject to criminal history background information checks.

**COLLEGES AND UNIVERSITIES**

**HB558** – Requires public institutions of higher education to waive undergraduate tuition and fees for each full-time student who is an Alabama resident and a recipient of the Purple Heart or another combat decoration superior in precedence. Such benefits shall be made available only after the veteran has fully utilized all other available educational benefits (scholarships, benefits provided through other federal or state programs).

**HB756** – Provides that funds appropriated by the Legislature to two-year colleges and technical schools, or four-year colleges and universities may not be used to pay a person to lobby for such schools.

**HB758** – Requires each applicant for admission to a teacher preparation program at either a two-year or four-year institution of higher education to complete a criminal history background information check as a part of the initial application process and requires any publication of such institutions that describe the requirements for a teacher preparation program to inform prospective students of the background check requirement.

**HB889** – Prohibits any employee of a two-year or four-year institution of higher education from receiving incentives from publishers.

**SB18** – Authorizes a student at a state-supported college or university to carry a firearm on campus if certain conditions are met.

**SB27** – Prohibits a state-supported college or university from adopting a policy prohibiting a person employed as a professor at the college or university from carrying a firearm on campus if the professor has any required license.

**SB271** – Authorizes certain persons employed as a professor at a state-supported college or university to carry a firearm on the campus of the college or university at which the professor is employed.

**SB589** – Authorizes any public four-year institution of higher education in this state to waive instructional fees and tuition for certified law enforcement officers in exchange for service by the law enforcement officers in guarding classrooms.

**SB600** – Establishes a State Board of Postsecondary Education, provides for the direction and supervision of two-year institutions of higher education under the purview of the State Department of Postsecondary Education and the Chancellor, separate from the State Department of Education.

### **CONSTITUTIONAL AMENDMENT**

**HB78** – Proposes an amendment to the Constitution of Alabama of 1901, to establish and confirm the Education Trust Fund, and to provide for disbursements from the fund.

**HB208** – Proposes an amendment to the Constitution of Alabama of 1901, to appeal Amendment 709 and reestablish the Education Trust Fund Rainy Day Account in the Alabama Trust Fund.

**HB757** – Proposes a constitutional amendment specifying that certain persons employed in a managerial capacity by any entity that contracts with any public two-year or four-year institution of higher education in this state may not serve in the Legislature.

**SB479** – Proposing an amendment to the Constitution of Alabama of 1901, to limit total appropriations from the Education Trust Fund and the State General Fund in any fiscal year to the revenue collected for the fiscal year that ended one year prior to the commencement of the fiscal year for which the appropriations are being made.

### **COUNTIES**

**HB100 (Engrossed)** – Authorizes a local preference where the bid from a local vendor is greater than the bid of the lowest responsible bidder; provides for making an award to the second lowest responsible bidder in the event that the lowest responsible bidder defaults under the bid award.

### **CRIMES AND OFFENSES**

**HB268** – Prohibits relatives of members of the State Board of Education from serving in any contract capacity with the State of Alabama or its educational political subdivisions.

**HB714** – Provides procedures for issuing an arrest warrant for an employee concerning actions performed in the official duties of the employee.

### **CRIMINAL BACKGROUND CHECKS**

**HB599** – Subjects any person who may be permitted access to school property when

students are present, pursuant to a contractual relationship with a local employing board or nonpublic school, to a criminal history background information check.

### **EDUCATION**

**HB120 Similar Bill HB854 and SB57(Engrossed)** – Transfers the Private School Licensure Program and services for postsecondary school from the Department of Postsecondary Education to the Commission on Higher Education.

**HB179** – Provides for the start date of the academic year for public elementary and secondary schools.

**HB288** – Establishes the Alabama Virtual Library Executive Council.

**HB377** – Provides that all applicants, current employees under review and current employees of two-year institutions of postsecondary education will be subject to criminal history background information checks. In addition, each two-year and four-year institution of higher education shall require each applicant for admission to a teacher preparation program to be subject to such checks.

**HB385** – Provides for the establishment of the Alabama Virtual Library and the Alabama Virtual Library Executive Council and for its membership, responsibilities, and duties.

### **HB412**

Allows independent "for profit" institutions of higher education meeting certain criteria to qualify for participation in the Alabama Student Grant Program.

**HB451** – Provides an income tax credit to reimburse educational loan payments for any Alabama resident who earns an associate degree or a bachelor's degree in Alabama, and lives, works, and pays taxes in Alabama after earning that degree.

**HB534** – Provides free tuition for undergraduate study at any state college, state community college, state junior college, state technical college, or state university to Alabama residents who have served or are serving in an active status either on active duty military service or within the National Guard or a reserve component in the current conflict in support of the global war on terrorism occurring on or after September 11, 2001.

**HB541** – Provides that rules of the State Board of Education are subject the Administrative Procedure Act.

**HB923** – Provides rights and protection for teachers concerning scientific presentations on views and students concerning their positions on views.

### **EDUCATION TRUST FUND**

**HB319 (Engrossed)** – Education Budget.

### **EDUCATION TRUST FUND PRORATION PREVENTION ACCOUNT**

**HB330 (Engrossed)** – Withdraws all remaining funds from the Education Trust Fund Proration Prevention Account and transfer the funds to the Education Trust Fund.

**HB794 (Engrossed)** – Increases the amount received by the Proration Prevention Account to seventy-five percent of the unanticipated and unappropriated ending balance in the Education Trust Fund.

## ***ENERGY***

**HB241** – Requires an agency of State government requesting an appropriation of state funds for the preliminary planning and construction of a proposed capital project to include in its funding request to the State Building Commission a justification that the building is appropriate for design as a high performance building.

**HB242** – Proposes to adopt the 2006 International Energy Conservation Code (IECC), and subsequent editions, as a minimum requirement for the design of all new commercial buildings and the renovation and addition to all commercial buildings in the state.

## ***ETHICS***

**HB33** – Requiring the State Ethics Commission to conduct a mandatory training program for certain persons covered under the State Ethics Law.

**HB71** – Includes within the definition of lobbying and lobbyists persons who attempt to influence contracts for the purchase or lease of supplies, services, or materials which are not competitively bid.

**HB415 (Engrossed)** – Increases the threshold for filing a statement of economic interests with the Alabama Ethics Commission.

**HB452** – Requires lobbyists to disclose all expenditures on public officials, and require those persons who lobby the Executive Branch to register with the Ethics Commission.

## ***ETHICS COMMISSION***

**HB65** – Requires reporting of specific amounts, not categories on the statement of economic interests, reduces the period for amending the financial disclosure form from 90 days to 30 days, provides further for the appointment and confirmation of members of the Ethics Commission, grants the commission subpoena power, allows three members of the commission to institute a complaint, deletes the requirement of actual knowledge prior to investigating a complaint, reduces the amount allowed for lobbyist spending from \$250 a day to \$25 a day with an annual cap of \$500, and prohibits a lobbyist convicted of an ethical violation from continuing to serve as a lobbyist.

**HB66** – Includes the State Ethics Commission within the entities which may bring a civil action to enforce the statute under the Open Meetings Law.

## ***FISCAL RESPONSIBILITY AND ACCOUNTABILITY***

**HB239 (Engrossed)** – Allows the procurement of personal property by the state to recognize life cycle costing, as ascertained by industry recognized and accepted sources, in the awarding of the lowest responsible bid for personal property.

## ***INSURANCE***

**HB159** – Requires the State Department of Education and the Department of Finance to implement a program to purchase or provide a policy of educator professional liability insurance to insure certificated personnel employed by a local board of education and student teachers.

## ***NURSES AND NURSING***

**HB737** – Increases the amount of scholarships for nurses and requires applicants to meet additional qualifications in order to receive a scholarship.

## **PUBLIC OFFICERS AND EMPLOYEES**

**HB20** – Requires public disclosure of the names of public officials or spouses of public officials or candidates who are employed by the state or who have a contract with the state, a county, or a municipality.

**HB787**– Allows elected public employees of any county, municipality, state and its subdivision to take vacation, personal or annual leave at their complete discretion.

## **RETIREMENT**

**HB81 (Engrossed)** – Reopens the Teachers' Retirement System for purchase of certain prior service credit in the system by an active and contributing member who was employed at an Alabama public high school while employed by a post-secondary institution in Alabama.

## **STATE AGENCIES**

**HB74 (Engrossed)** – Requires certain contractors that contract with the state to certify as a condition to the contract that they will not hire unauthorized aliens; and to provide that certain violations shall result in the payment of a civil penalty equal to three percent of the contract value.

**HB668** – Provides that state employees, including those who provide services under a personal or professional services contract, and employees of public educational institutions in the state are not eligible for state elective office or the Legislature.

## **TAXATION**

**HB392** – Proposes as a monetary inducement or incentive for adult workers to seek educational advancement and training for both higher paying and more demanding jobs, an income tax credit for both the employee and the employer based on the costs associated with the additional education and training for these positions.

**HB455** – Provides for an exclusion from Alabama individual income tax for federal tax rebates received in 2008 and prohibits additional federal deductions or credits.

**HB469** – Provides an exclusion from Alabama individual income taxation for any federal tax credits resulting from the federal Economic Stimulus Act of 2008.

## **VETERANS**

**HB161** – Extends the educational benefits of dependent of veterans or prisoners of war.

Questions? Comments?  
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