

1 HB7
2 144915-4
3 By Representative Love
4 RFD: Ways and Means Education
5 First Read: 05-FEB-13
6 PFD: 12/07/2012

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ENROLLED, An Act,

To amend Section 16-5-10, Code of Alabama 1975, relating to the Alabama Commission on Higher Education; to require the commission to establish a programmatic review fee schedule; to provide for the collection of the fees from non-Alabama institutions of postsecondary education; and to provide for the deposit of the fees into the State Treasury to the credit of the commission.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Section 16-5-10 of the Code of Alabama 1975, is amended to read as follows:

"§16-5-10.

"The commission shall exercise the following powers and duties in addition to those otherwise specified in this article:

"(1) To cause to be made such surveys and evaluations of higher education as are believed necessary for the purpose of providing appropriate information to carry out its powers and duties.

"(2) To recommend to the Legislature of Alabama the enactment of such legislation as it deems necessary or desirable to insure the highest quality of higher education in this state taking into consideration the orderly development and maintenance of the state system of public higher education

1 to meet trends in population and the change in social and
2 technical requirements of the economy.

3 "(3) To advise and counsel the Governor, at his
4 request, regarding any area of, or matter pertaining to,
5 postsecondary education.

6 "(4) To establish definitions of a junior college, a
7 community college, a technical college or institute, a senior
8 college, a university and university system; provided, that
9 nothing herein shall be construed as authorizing the
10 commission to establish or create any university system, nor
11 to alter any university system presently existing.

12 "(5) To develop and publish criteria which may be
13 used by the Legislature as a basis:

14 a. For changing the classification of any public
15 institution of higher education; and

16 "b. For determining the need for new public junior
17 colleges, public senior colleges, universities or university
18 systems.

19 "Any proposed statute which would establish an
20 additional institution of higher education may be submitted,
21 either prior to introduction or by the standing committee
22 considering same to the commission for its opinion as to the
23 need for the state therefore, and the commission shall report
24 its findings to the Governor and the Legislature.

1 "(6) To cause studies to be made for the purpose of
2 classifying and prescribing the role and scope for each public
3 institution of higher education in Alabama and to recommend
4 such changes in classification or role and scope for such
5 institutions as it deems necessary and which may be agreed to
6 by the governing board of the said institution. In making
7 studies and recommendations for the purpose of classifying and
8 prescribing the role and scope of institutions, the commission
9 shall do so without regard for race and traditional role of
10 the institution, provided, however, that in the absence of
11 compelling reasons to the contrary the commission shall give
12 priority to institutions having seniority in years of
13 operation in the service area. When making recommendations for
14 the elimination of duplication of educationally unnecessary
15 programs, absent justifiable reasons to the contrary, the
16 commission shall recommend the replacement of such programs
17 and/or services with programs and/or services that will
18 strengthen and enhance the role of the institution affected.

19 "(7) To hear applications from the institutions for
20 changes in classification or role and scope and to recommend
21 to the Legislature for clarification such classifications in
22 role or scope which may not be agreed to by the governing
23 board of any institution.

24 "(8) To make continuing studies, on its own
25 initiative or upon the request of the Governor or the

1 Legislature, of the financial needs of public higher education
2 and issue such reports to the Governor and the Legislature as
3 may result from its studies.

4 "(9) To submit to the Governor and the Legislature
5 on or before the first day in January of each year a written
6 report covering the activities of the commission and the state
7 of higher education in Alabama. The report shall include:

8 "a. Statements of the nature, progress or result of
9 any studies undertaken or completed during the past fiscal
10 year;

11 "b. Comments upon major developments, trends, new
12 policies, budgets and financial considerations which, in the
13 judgment of the commission will be useful in planning a sound
14 program of higher education; and

15 "c. Recommendations respecting postsecondary
16 education in this state as may be appropriate.

17 "(10) To make rules and regulations for its
18 meetings, procedures and execution of the powers and duties
19 delegated to it by this article.

20 "(11) To encourage the establishment and development
21 of formal consortia for the advancement of higher education
22 comprised of institutions of higher education in the state.

23 "(12) To conduct a program of public information in
24 order to inform citizens of the state of matters of importance
25 to higher education in Alabama.

1 "(13) To serve as the state agency for the
2 administration of those titles of the Higher Education Act of
3 1965 (Public Law 89-329) as amended for those programs
4 requiring a single state agency for which the commission
5 qualifies, unless otherwise designated by executive order.

6 "(14) To authorize and regulate instructional
7 programs or units offered by non-Alabama institutions of
8 postsecondary education in the State of Alabama. No
9 institution of postsecondary education located outside of
10 Alabama may offer units or programs of instruction within
11 Alabama without prior approval of the commission, except for
12 those units or programs approved by regional accrediting
13 authorities located in states participating in reciprocity
14 agreements entered into by the Governor or the commission. The
15 commission under its rule-making authority shall establish
16 criteria for the approval of such institutions and programs.
17 The commission shall promulgate a schedule of programmatic
18 review fees, which may be revised from time to time upon
19 reasonable notice at the discretion of the commission. Any
20 review fees, commensurate with the cost of commission
21 activities related to programmatic review, not exceeding
22 fifteen thousand dollars (\$15,000) per institution. Any
23 programmatic review fee collected from a non-Alabama
24 institution of postsecondary education shall be deposited in

1 the State Treasury to the credit of the commission and funds
2 collected are hereby appropriated to the commission.

3 "(15) The powers and duties of the commission shall
4 apply equally to all postsecondary institutions regardless of
5 any authority that may be, or has been, conferred upon them by
6 the constitution or by statutes."

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

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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 16-APR-13, as amended.

Jeff Woodard
Clerk

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| Senate | <hr/> 20-MAY-13 <hr/> | Amended and Passed |
| House | <hr/> 20-MAY-13 <hr/> | Concurred in Senate Amendment |