HB7
144915-4
By Representative Love
RFD: Ways and Means Education
First Read: 05-FEB-13
PFD: 12/07/2012
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...
to meet trends in population and the change in social and
technical requirements of the economy.

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

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

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

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

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

"Any proposed statute which would establish an
additional institution of higher education may be submitted,
either prior to introduction or by the standing committee
considering same to the commission for its opinion as to the
need for the state therefore, and the commission shall report
its findings to the Governor and the Legislature.
"(6) To cause studies to be made for the purpose of classifying and prescribing the role and scope for each public institution of higher education in Alabama and to recommend such changes in classification or role and scope for such institutions as it deems necessary and which may be agreed to by the governing board of the said institution. In making studies and recommendations for the purpose of classifying and prescribing the role and scope of institutions, the commission shall do so without regard for race and traditional role of the institution, provided, however, that in the absence of compelling reasons to the contrary the commission shall give priority to institutions having seniority in years of operation in the service area. When making recommendations for the elimination of duplication of educationally unnecessary programs, absent justifiable reasons to the contrary, the commission shall recommend the replacement of such programs and/or services with programs and/or services that will strengthen and enhance the role of the institution affected.

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

"(8) To make continuing studies, on its own initiative or upon the request of the Governor or the
Legislature, of the financial needs of public higher education
and issue such reports to the Governor and the Legislature as
may result from its studies.

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

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

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

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

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

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

"(12) To conduct a program of public information in
order to inform citizens of the state of matters of importance
to higher education in Alabama.
"(13) To serve as the state agency for the administration of those titles of the Higher Education Act of 1965 (Public Law 89-329) as amended for those programs requiring a single state agency for which the commission qualifies, unless otherwise designated by executive order.

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

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

Section 2. This act shall become effective immediately following its passage and approval by the Governor, or its otherwise becoming law.
Speaker of the House of Representatives

Kay Ivey

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

Senate 20-MAY-13
Amended and Passed
Concurred in Senate Amendment

House 20-MAY-13

APPROVED May 23, 2013

4:20 p.m.

Robert Bentley
GOVERNOR

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Alabama Secretary Of State
Act Num....: 2013-368
Bill Num....: H-7
Recv'd 05/24/13 12:38pmSLF
HOUSE ACTION

I HEREBY CERTIFY THAT THE RESOLUTION AS REQUIRED IN SECTION C OF ACT NO. 81-889 WAS ADOPTED AND IS ATTACHED TO THE BILL, H.B. 1

YEAS 102 NAYS 0

JEFF WOODARD, Clerk

CONFERENCE COMMITTEE

House Conferees __________________________

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SENATE ACTION

DATE: 4 8                      20__

RD 1 RFD 5

This Bill was referred to the Standing Committee of the Senate on ________________ and was acted upon by such Committee in session and is by order of the Committee returned therefrom with a favorable report w/amend(s) __ w/sub __ by a vote of yeas __ nays __ abstain __

this ___ day of __________ 20__

Chairperson

DATE: 20__

RF FAU

RD 2 CAL

DATE: 20__

RE-REFERRED __ RE-COMMITTED __

Committee __________________________

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, HB ______

YEAS __________ NAYS ______

PATRICK HARRIS, Secretary