

1 SB49
2 131531-1
3 By Senator Pittman
4 RFD: Finance and Taxation Education
5 First Read: 07-FEB-12
6 PFD: 10/14/2011

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8 SYNOPSIS: Under existing law, the Alabama Commission
9 on Higher Education is authorized to regulate, and
10 required to provide prior approval for,
11 instructional programs offered by non-Alabama
12 institutions of postsecondary education in the
13 state.

14 This bill would require the commission to
15 establish a schedule of programmatic review fees
16 for the review of instructional programs proposed
17 to be offered in the state by non-Alabama
18 institutions of postsecondary education and would
19 provide for the deposit of fees collected from
20 non-Alabama institutions of postsecondary education
21 into the State Treasury to the credit of the
22 commission.

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

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

8 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

11 "§16-5-10.

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

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

19 "(2) To recommend to the Legislature of Alabama the
20 enactment of such legislation as it deems necessary or
21 desirable to insure the highest quality of higher education in
22 this state taking into consideration the orderly development
23 and maintenance of the state system of public higher education
24 to meet trends in population and the change in social and
25 technical requirements of the economy.

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

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

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

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

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

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

23 "(6) To cause studies to be made for the purpose of
24 classifying and prescribing the role and scope for each public
25 institution of higher education in Alabama and to recommend
26 such changes in classification or role and scope for such
27 institutions as it deems necessary and which may be agreed to

1 by the governing board of the said institution. In making
2 studies and recommendations for the purpose of classifying and
3 prescribing the role and scope of institutions, the commission
4 shall do so without regard for race and traditional role of
5 the institution, provided, however, that in the absence of
6 compelling reasons to the contrary the commission shall give
7 priority to institutions having seniority in years of
8 operation in the service area. When making recommendations for
9 the elimination of duplication of educationally unnecessary
10 programs, absent justifiable reasons to the contrary, the
11 commission shall recommend the replacement of such programs
12 and/or services with programs and/or services that will
13 strengthen and enhance the role of the institution affected.

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

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

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

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

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

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

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

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

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

19 " (13) To serve as the state agency for the
20 administration of those titles of the Higher Education Act of
21 1965 (Public Law 89-329) as amended for those programs
22 requiring a single state agency for which the commission
23 qualifies, unless otherwise designated by executive order.

24 " (14) To authorize and regulate instructional
25 programs or units offered by non-Alabama institutions of
26 postsecondary education in the State of Alabama. No
27 institution of postsecondary education located outside of

1 Alabama may offer units or programs of instruction within
2 Alabama without prior approval of the commission. The
3 commission under its rule-making authority shall establish
4 criteria for the approval of such institutions and programs.
5 The commission shall promulgate a schedule of programmatic
6 review fees, which may be revised from time to time upon
7 reasonable notice at the discretion of the commission. Any
8 programmatic review fee collected from a non-Alabama
9 institution of postsecondary education shall be deposited in
10 the State Treasury to the credit of the commission.

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

15 Section 2. This act shall become effective
16 immediately following its passage and approval by the
17 Governor, or its otherwise becoming law.