

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



1 desirable to insure the highest quality of higher education in  
2 this state taking into consideration the orderly development  
3 and maintenance of the state system of public higher education  
4 to meet trends in population and the change in social and  
5 technical requirements of the economy.

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

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

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

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

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

22 "Any proposed statute which would establish an  
23 additional institution of higher education may be submitted,  
24 either prior to introduction or by the standing committee  
25 considering same to the commission for its opinion as to the  
26 need for the state therefore, and the commission shall report  
27 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  
26    Legislature, of the financial needs of public higher education

1 and issue such reports to the Governor and the Legislature as  
2 may result from its studies.

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

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

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

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

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

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

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

25 "(13) To serve as the state agency for the  
26 administration of those titles of the Higher Education Act of  
27 1965 (Public Law 89-329) as amended for those programs

1 requiring a single state agency for which the commission  
2 qualifies, unless otherwise designated by executive order.

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

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

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

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House of Representatives

Read for the first time and re-  
ferred to the House of Representa-  
tives committee on Ways and Means  
Education..... . . . . . 05-FEB-13

Read for the second time and placed  
on the calendar 1 amendment ..... . . . . . 06-FEB-13

Read for the third time and passed  
as amended..... . . . . . 16-APR-13

Yeas 100, Nays 0, Abstains 0

Jeff Woodard  
Clerk