

HOUSE BILL 1076

By Kane

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 7, Part 2 and Title 49, Chapter 7, Part 20, relative to the committee on postsecondary educational institutions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-7-207(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a)

(1) There is created, under the auspices of the Tennessee higher education commission, a committee on postsecondary educational institutions, which shall have responsibility for oversight and regulation of institutions pursuant to part 20 of this chapter. The committee shall be composed of the executive director of the Tennessee higher education commission, the executive director of the Tennessee student assistance corporation, the executive director of a state association specifically serving institutions regulated by this part, and eight (8) members appointed as follows:

(A) The speaker of the senate shall appoint one (1) member who is employed for purposes of instruction or administration by, or holds an ownership interest in, a nationally accredited, degree-granting institution subject to the committee's supervision and oversight, and one (1) member representative of a community- or business-based organization who has an interest in postsecondary education or workforce development, but who has no association or relationship with institutions subject to the committee's supervision and oversight;

(B) The speaker of the house of representatives shall appoint one (1) member who is employed for purposes of instruction or administration by, or holds an ownership interest in, a nationally accredited institution subject to the committee's supervision and oversight, and one (1) member who is a private citizen involved in the field of higher education, but who has no association or relationship with institutions subject to the committee's supervision and oversight;

(C) The governor shall appoint one (1) member who is employed for purposes of instruction or administration by, or holds an ownership interest in, a regionally accredited institution subject to the committee's supervision and oversight. The governor shall also appoint one (1) member representative of an organization or department of state government specifically serving veterans, and one (1) member representative of a department of state government with an interest in labor and workforce development, neither of whom shall have an association or relationship with institutions subject to the committee's supervision and oversight; and

(D) The commission shall appoint one (1) member representative of the public interest who shall have no association or relationship with institutions subject to the committee's supervision and oversight.

(2) All members appointed to the committee shall be citizens of this state.

SECTION 2. Tennessee Code Annotated, Section 49-7-207(b), is amended by deleting the subsection in its entirety and substituting instead the following:

(b)

(1) The entire membership of the committee as composed on December 31, 2015, shall be vacated on January 1, 2016, and new members shall be appointed in accordance with subsection (a).

(2) In order to stagger the terms of the newly appointed commission members, initial appointments shall be made as follows:

(A) Each of the appointing authorities shall make an initial appointment for a term of one (1) year, which shall expire on December 31, 2016;

(B) The speaker of the house of representatives, the speaker of the senate, and the governor shall make an initial appointment for a term of two (2) years, which shall expire on December 31, 2017; and

(C) The governor shall make one initial appointment for a term of three (3) years, which shall expire on December 31, 2018.

(3) Following the expiration of members' initial terms as prescribed in (b)(2), all terms shall be three-year terms, beginning on January 1 and terminating on December 31, three (3) years thereafter.

(4) A member shall serve until the expiration of the term to which the member was appointed or until a successor is appointed.

(5) A vacancy occurring other than by the expiration of a term shall be filled in the same manner as the original appointment but for the unexpired term only.

(6) Members shall be eligible for reappointment to the commission following the expiration of their terms, but shall serve no more than two (2) consecutive three-year terms.

SECTION 3. Tennessee Code Annotated, Section 49-7-207(c), is amended by deleting the subsection in its entirety and substituting instead the following:

(c) The newly formed committee shall hold its first meeting prior to April 1, 2016, at the call of the executive director of THEC. At the first regular meeting in each fiscal

year, the members of the committee shall elect a chair and other officers as it deems necessary for one (1) year. The committee may from time to time promulgate bylaws or other rules of procedure that are proper to effectively discharging its duties, including the time and frequency of its regular meetings. Special meetings of the committee may be convened at the call of the chair.

SECTION 4. Tennessee Code Annotated, Section 49-7-207(d), is amended by deleting the subsection in its entirety and substituting instead the following:

(d)

(1) The committee shall have the authority to initiate and conduct onsite institutional reviews and investigations. The committee shall have the authority to formulate rules of procedures and performance standards for authorization and institutional performance, which action shall be subject to review, approval, or disapproval by the commission.

(2) Committee members shall receive no compensation for their services but shall be reimbursed for travel expenses in accordance with the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

SECTION 5. Tennessee Code Annotated, Section 49-7-207(e), is amended by deleting the subsection in its entirety and substituting instead the following:

(e) Neither the committee nor the commission is required to approve any institution or program submitted to them for approval under part 20 of this chapter, if, in its judgment, adequate provisions for the institution or program exist within the proposed service area. Furthermore, neither the committee nor the commission is required to approve any institution or program, if, in its judgment, there is insufficient evidence that adequate employment opportunities exist in the related occupations for persons

successfully completing the program and that the costs of the program are reasonable in relation to the reasonably expected earnings in occupations for which the program is designed.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.