

SENATE No. 1540

The Commonwealth of Massachusetts

SENATE, May 6, 1992.

The committee on Education, Arts and Humanities, to whom was referred the petition (accompanied by bill, Senate, No. 200) of Thomas F. Birmingham for legislation relative to the degree-awarding authority of educational institutions in the Commonwealth; and on so much of the recommendations of the Secretary of Education (House, No. 75) as relates to the licensing fees for independent colleges and universities (accompanied by bill, House, No. 77), reports the accompanying bill (Senate, No. 1540).

For the committee,

THOMAS F. BIRMINGHAM.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Two.

AN ACT RELATIVE TO STATE FEES AND DEGREE AUTHORITY TIMELINESS
FOR INDEPENDENT HIGHER EDUCATION INSTITUTIONS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 15A of the General Laws is hereby
2 amended by adding the following new section: —

3 Section 37. The higher education coordinating council may
4 establish fees to be charged to independent institutions of higher
5 education which seek approval of articles of organization, articles
6 of amendment, or foreign corporation certificates pursuant to
7 sections thirty, thirty A, thirty-one, thirty-one A of chapter sixty-
8 nine of the General Laws and may establish fees to charge
9 institutions which transfer records to the higher education
10 coordinating council pursuant to section thirty-one B of said
11 chapter sixty-nine. The revenue received from the collection of
12 said fees shall at the time of collection be impressed with a trust
13 and placed in a separate fund, established by the higher education
14 coordinating council, entitled the licensing fee trust fund and shall
15 be expended solely for carrying out the provisions of sections
16 thirty through thirty C of said chapter sixty-nine. Expenditures
17 from said fund may be made for administrative costs incurred by
18 the higher education coordinating council in implementing
19 chapter sixty-nine including overhead, staff salaries, and
20 honoraria and expenses of visiting teams.

1 SECTION 2. Chapter 69 of the General Laws is hereby
2 amended by striking out section 31A and inserting in place thereof
3 the following section: —

4 Section 31A. No educational institution located, offering
5 courses, or otherwise doing business within the commonwealth,
6 shall award degrees within the commonwealth unless authorized
7 by charter to do so or otherwise authorized by the commonwealth;

8 nor shall any educational institution chartered, incorporated or
9 organized in another state conduct within the commonwealth any
10 courses available to residents of the commonwealth leading to the
11 award of a degree, unless such educational institution has received
12 the approval of the commonwealth for such courses. The higher
13 education coordinating council shall be responsible for the
14 implementation of the provisions of this section. The higher
15 education coordinating council shall act within one hundred and
16 eighty days on any application for degree authority from any
17 institution; in the absence of such action, degree authority shall
18 be deemed to have been granted.

