HOUSE DOCKET, NO. 3544 FILED ON: 1/16/2015

HOUSE . . . . . No. 1046

The Commonwealth of Massachusetts

PRESENTED BY:

Sean Garballey

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act supporting access and excellence in public higher education.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Sean Garballey	*23rd Middlesex*
Jennifer E. Benson	*37th Middlesex*
Marjorie C. Decker	*25th Middlesex*
David M. Rogers	*24th Middlesex*
Timothy R. Madden	*Barnstable, Dukes and Nantucket*
Joseph W. McGonagle, Jr.	*28th Middlesex*
James Arciero	*2nd Middlesex*
Benjamin Swan	*11th Hampden*

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By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 1046) of Sean Garballey and others relative to public higher education access and policies. Higher Education.

The Commonwealth of Massachusetts

In the One Hundred and Eighty-Ninth General Court
(2015-2016)

An Act supporting access and excellence in public higher education.

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

SECTION 1. Subsection (b) of section 18B of chapter 6 of the General Laws, as so appearing in the 2010 Official Edition, is hereby amended by striking out the last sentence and inserting in place thereof the following 2 sentences: - Said council shall consist of not fewer than 12 nor more than 15 members; provided however, that 1 member shall be appointed by the president of the senate, 1 member shall be appointed by the minority leader in the senate, 1 member shall be appointed by the speaker of the house of representatives and 1 member shall be appointed by the minority leader in the house of representatives. Said council shall act with a concurrence of at least a majority of its members.

SECTION 2. Said section 18B of said chapter 6 is hereby further amended by inserting after the word “governor”, in line 14, the following words: - or by the president of the senate or the speaker of the house of representatives if a vacancy occurs in a position held by a member appointed by the president or the speaker.

13 SECTION 3. Said section 18B of said chapter 6 is hereby further amended by
14 striking out subsection (d) and inserting in place thereof the following subsection: -

15 (d) The council shall widely publicize its mission, responsibilities, contact
16 information, by-laws governing the conduct of its affairs, descriptions of the responsibilities and
17 duties and criteria for selection of the members of the board of education, the board of higher
18 education, and all boards of trustees and any vacancies on such boards. The council shall cause
19 such information to be published online. Whenever a vacancy occurs or is expected to occur on
20 any board, the governor shall notify the council. Whenever possible, the governor shall advertise
21 vacancies at least 3 months prior to the expiration of the term in order to broaden and deepen the
22 pool of qualified candidates for such boards. The council shall submit to the governor a nominee
23 who, in the judgment of the council, is qualified and willing to serve as a member or trustee. The
24 governor may appoint the nominee whose name is forwarded to him by the council. The
25 appointment shall be made within 90 days of the submission of the names by the nominating
26 council. In the case of appointments to the board of higher education, if an appointment is not
27 made within the 90-day period, the board of higher education shall make an interim appointment
28 for up to 1 year. If the governor does not act before the end of the 1-year period, the board of
29 higher education shall make an appointment for the full board term.

30 SECTION 4. Said chapter 6 is hereby further amended by inserting after
31 subsection (e) in said section 18B, as so appearing, the following new subsection: -

32 (f) In considering candidates for appointment the council shall consult with the
33 department of higher education.

34 SECTION 5. Section 1 of chapter 15A is hereby amended by striking out the
35 third paragraph and inserting in place thereof the following 2 paragraphs: -

36 It is hereby further declared that by maintaining a high quality system of public
37 colleges and universities, the commonwealth moves toward achieving the following goals: -

38 (a) to provide all its citizens regardless of economic means with the
39 opportunity to participate in high quality postsecondary academic and educational programs to
40 assist in their personal betterment and growth, as well as that of the entire citizenry, and to
41 ensure that public higher education remains affordable for all citizens of the commonwealth;

42 (b) to improve student access, academic achievement and graduation
43 rates at public institutions of higher education and to promote diversity at such institutions;

44 (c) to contribute to the existing base of research and knowledge in areas
45 of general and special interest, for the benefit of the communities, the commonwealth and
46 beyond, to provide policy research addressing the needs of the commonwealth and local
47 communities and, in the case of the University of Massachusetts, to pursue theoretical and
48 applied research, development, scholarship and creative activities that strengthen innovation at
49 all stages and contribute to the well-being of the citizens of the commonwealth and beyond;

50 (d) to reinforce the critical importance of higher education to the future
51 of the economic growth and development of the commonwealth in a global economy and, by so
52 doing, prepare its citizens to constitute a capable, adaptable and innovative workforce to meet the
53 economic needs of the commonwealth at all levels, as well as their own economic security, and
54 to respond to the needs of the workplace, as defined in consultation with business, industry and
55 labor;

56 (e) to reinforce the critical importance of higher education to the strength
57 of our democracy by preparing an informed and engaged citizenry, one that acquires the
58 knowledge and skills needed to become politically involved and then participates actively in
59 their community, commonwealth and country;

60 (f) to provide opportunities for lifelong learning and for a seamless
61 system of education at all levels to encourage citizens of all ages to increase their knowledge and
62 skills;

63 (g) to support pre-kindergarten through grade 12 education programs
64 including, but not limited to, the preparation of high quality teachers and administrators for pre-
65 kindergarten through grade 12 schools;

66 (h) to promote collaboration among public institutions of higher
67 education on a statewide and regional basis and with the private sector

68 (i) to ensure that the board of higher education and public institutions of
69 higher education are responsible for the effective management and stewardship of public funds
70 and are accountable to the public and the general court in their use of funds to advance
71 educational priorities and to achieve and demonstrate positive educational outcomes;

72 (j) to ensure the cost-efficient use of resources at each public institution
73 of higher education and across all institutions and to manage campuses as efficiently as possible
74 including, but not limited to, the formation of statewide and regional collaborations and
75 partnerships in management and academic programming that increase efficiency and quality in
76 our public higher education system; and

77 (k) to utilize technology to enhance teaching and learning and to
78 increase the capacity to serve all the citizens of the commonwealth seeking postsecondary
79 education.

80 It is hereby further declared to be the policy of commonwealth to ensure that
81 each community college, each state university, and the University of Massachusetts has at its
82 disposal adequate funds to provide, foster and support high quality institutions of public higher
83 education that serve the interests of the commonwealth and its citizens in the manner described
84 in this section. For that purpose, it is hereby further declared to be the policy of the
85 commonwealth to make annually to each community college, each state university, and the
86 University of Massachusetts appropriations which are sufficient to provide no less than 60% of
87 operating costs in any fiscal year. It is hereby further declared to be the policy of the
88 commonwealth to provide adequate funds to each community college, each state university, and
89 the University of Massachusetts for the repair, renovation, construction, reconstruction,
90 improvement, demolition, expansion, acquisition, furnishing or equipping of buildings,
91 structures, facilities and other infrastructure including, but not limited to, technology
92 infrastructure, necessary to maintain high quality institutions of public higher education.

93 SECTION 6. Section 15B of chapter 15A of the General Laws, as so appearing,
94 is hereby amended by inserting after the fourth paragraph the following new paragraph:-

95 Each board of trustees shall prepare, as part of their budget requests, the amount
96 of the total operating costs, the amount of the total operating costs funded in the previous fiscal
97 year by the commonwealth, and the total amount required to fund at least 60% of the total
98 operating costs.

99 SECTION 7. Said chapter 15A is hereby amended by adding, after section 41,
100 the following new section: -

101 Section 42. (a) Notwithstanding any general or special law to the contrary, each
102 community college, each state university and the University of Massachusetts shall create at the
103 institution a reserve fund, hereinafter referred to as the "student charges stabilization fund," for
104 their respective institution. There shall be deposited annually into the student charges
105 stabilization fund of each institution the following: (1) any moneys which, within 60 days after
106 the end of a fiscal year, the institution certifies to the state comptroller are moneys that were
107 appropriated to the institution for that fiscal year and were not expended during, and remain
108 unencumbered for expenditure in respect of, that fiscal year; provided, that notwithstanding any
109 general or special law to the contrary, all such moneys shall remain available for expenditure,
110 without further appropriation, in subsequent fiscal years and shall not revert to the General Fund;
111 and provided further that the state comptroller shall transfer any such moneys remaining in the
112 state treasury to the institution within 30 days of receipt of the institution's certification; (2)
113 moneys that are appropriated to an institution which are required by the legislature to be
114 deposited into the institution's student charges stabilization fund; and (3) other moneys that an
115 institution may elect to deposit into its student charges stabilization fund, including student
116 tuition and fee revenue. Monies contained within the student charges stabilization fund shall be
117 deposited in an interest-bearing account credited to its respective institution.

118 (b) Each institution shall deposit 5% of any growth in state appropriation and
119 tuition and fees revenue from the prior year into their student charges stabilization fund.

120 (c) The board of trustees at each college and university may, in a fiscal year and
121 upon the vote of the board, expend money in its student charges stabilization fund whenever in
122 any such year the moneys made available to it do not meet the commonwealth's annual full
123 funding obligations with respect to the operating requirements of the institution as set forth in
124 section 1. Among the uses the boards of trustees of each state university, community college and
125 the university shall direct for the operation and support of the institution, the moneys shall first
126 be used to reduce the need for increases in tuition and mandatory fees and to mitigate increases
127 should they become necessary.

128 SECTION 8. (a) Notwithstanding any general or special law to the contrary, the
129 commonwealth shall address the underfunding of the operating requirements of its public
130 institutions of higher education as quickly as possible and by providing funding to all institutions
131 in an amount no less than 60% of the total operating costs no later than July 1, 2016.

132 (b) Subject to appropriation, in addition to the amounts provided for ordinary
133 maintenance of the community colleges and state universities in items 7109-0100, 7110-0100,
134 7112-0100, 7113-0100, 7114-0100, 7115-0100, 7116-0100, 7117-0100, 7118-0100, 7502-0100,
135 7503-0100, 7504-0100, 7505-0100, 7506-0100, 7507-0100, 7508-0100, 7509-0100, 7510-0100,
136 7511-0100, 7512-0100, 7514-0100, 7515-0100, 7516-0100, and 7518-0100 the total amount of
137 such appropriations shall be increased by no less than one-half the deficiency in fiscal year 2015
138 and by no less than the remaining amount to close the deficiency in fiscal year 2016. The
139 increase provided for in this subsection shall be adjusted for inflation, increases in enrollment,
140 increases in unrestricted revenues including, but not limited to, fringe benefits paid by the
141 commonwealth, and any collective bargaining increases.

142 (c) Subject to appropriation, in addition to the amount provided for the ordinary
143 maintenance of the University of Massachusetts in item 7100-0200, such amount shall be
144 increased by no less than one-half the deficiency in fiscal year 2015 and by no less than the
145 remaining amount to close the deficiency in fiscal year 2016. The increase provided for in this
146 subsection shall be adjusted for inflation, increases in enrollment, increases in unrestricted
147 revenues including, but not limited to, fringe benefits paid by the commonwealth, and any
148 collective bargaining increases.

149 SECTION 9. Notwithstanding any general or special law to the contrary, the
150 secretary of administration in finance, in consultation with the president of the University of
151 Massachusetts and the commissioner of higher education, shall prepare a plan of capital
152 improvements to institutions of public higher education in the commonwealth to correct deferred
153 maintenance, building code, handicapped access, life safety code conditions and for the repair
154 and construction of other projects at these facilities, general rehabilitation of these facilities, and
155 for the elimination of debt service incurred by the community colleges, state universities, and
156 University of Massachusetts;

157 The report shall at a minimum provide the following information: (1) a
158 comprehensive list of projects by campus for the community colleges, state universities and
159 University of Massachusetts; (2) projected costs for each project; (3) a plan to finance said
160 projects that results in the commonwealth funding said projects at no less than 70% of the total
161 costs; (4) a list of projects completed prior to January 1, 2016 that were financed by student fees,
162 charges or other funds and the annual debt service from said projects; (5) a plan, through
163 assumption, supplementary appropriation or other means, to eliminate existing debt service

164 The secretary shall submit the report, together with drafts of legislation needed
165 to finance the projects and eliminate existing debt service obligations, to the clerks of the house
166 and senate, the chairs of house and senate committees on ways and means and the chairs of the
167 joint committee on higher education no later than January 1, 2016.