

SENATE No. 816

The Commonwealth of Massachusetts

PRESENTED BY:

Joanne M. Comerford

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 committing to higher education the resources to insure a strong and healthy public higher education system.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Joanne M. Comerford	Hampshire, Franklin and Worcester	
Paul W. Mark	Berkshire, Hampden, Franklin and Hampshire	1/23/2023
Sal N. DiDomenico	Middlesex and Suffolk	1/24/2023
Jack Patrick Lewis	7th Middlesex	1/24/2023
Manny Cruz	7th Essex	1/24/2023
Jacob R. Oliveira	Hampden, Hampshire and Worcester	1/27/2023
Angelo J. Puppolo, Jr.	12th Hampden	1/27/2023
Susannah M. Whipps	2nd Franklin	1/27/2023
Patricia D. Jehlen	Second Middlesex	1/27/2023
Marc R. Pacheco	Third Bristol and Plymouth	1/27/2023
Carmine Lawrence Gentile	13th Middlesex	1/29/2023
Robyn K. Kennedy	First Worcester	1/30/2023
John J. Cronin	Worcester and Middlesex	1/30/2023
Vanna Howard	17th Middlesex	1/30/2023
Michael J. Barrett	Third Middlesex	1/31/2023
Jason M. Lewis	Fifth Middlesex	1/31/2023

<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>2/6/2023</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>	<i>2/6/2023</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>	<i>2/6/2023</i>
<i>Michael D. Brady</i>	<i>Second Plymouth and Norfolk</i>	<i>2/6/2023</i>
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>2/7/2023</i>
<i>John C. Velis</i>	<i>Hampden and Hampshire</i>	<i>2/7/2023</i>
<i>Julian Cyr</i>	<i>Cape and Islands</i>	<i>2/8/2023</i>
<i>Liz Miranda</i>	<i>Second Suffolk</i>	<i>2/9/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/10/2023</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/23/2023</i>
<i>Lydia Edwards</i>	<i>Third Suffolk</i>	<i>3/3/2023</i>
<i>Adam Gomez</i>	<i>Hampden</i>	<i>3/8/2023</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>3/20/2023</i>
<i>Paul R. Feeney</i>	<i>Bristol and Norfolk</i>	<i>3/21/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>3/29/2023</i>
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	<i>4/24/2023</i>
<i>Pavel Payano</i>	<i>First Essex</i>	<i>4/27/2023</i>
<i>Rodney M. Elliott</i>	<i>16th Middlesex</i>	<i>5/17/2023</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>6/13/2023</i>
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>7/24/2023</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>7/24/2023</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>8/21/2023</i>
<i>Nick Collins</i>	<i>First Suffolk</i>	<i>9/14/2023</i>

SENATE No. 816

By Ms. Comerford, a petition (accompanied by bill, Senate, No. 816) of Joanne M. Comerford, Paul W. Mark, Sal N. DiDomenico, Jack Patrick Lewis and other members of the General Court for legislation to commit to higher education the resources to insure a strong and healthy public higher education system. Higher Education.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act committing to higher education the resources to insure a strong and healthy public higher education system.

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 amended by inserting after
2 section 15 the following section:-

3 Section 15A. It is the intention of the general court to assure fair and adequate funding
4 for the commonwealth’s public institutions of higher education. Notwithstanding section 15B or
5 any other general or special law to the contrary, the annual budget request for the public
6 institutions of higher education shall be determined by the board of higher education and the
7 secretary under this section for the University of Massachusetts, the state university system, the
8 community college system, and needs-based financial assistance administered by the council
9 under section 9B; provided, that in order to achieve equity for students and workers, the council
10 shall allocate state appropriations to individual public colleges and universities in a manner
11 which: (i) establishes scholarship funding in accordance with section 1 of this act; (ii)

12 emphasizes full-time over part-time employment and fair wages and benefits for adjunct faculty
13 and staff; (iii) realigns resources toward teaching, research, and student supports; (iv) enhances
14 the ability of colleges to provide support for students by providing an additional \$2,000 per
15 eligible student to fund supports services to improve outcomes for the most vulnerable students,
16 which may include, but shall not be limited to, low-income, first-generation, minority, and
17 disabled students and lesbian, gay, bisexual, transgender, queer and questioning students; (v)
18 supports the full curricular offerings and research endeavors appropriate to each institution; (vi)
19 provides up-to-date technology and other resources for student learning; and (vii) prioritizes
20 public operation of our public campuses over privatization; provided further, that the council
21 shall annually report the details of the funding distribution to the governor and to the house and
22 senate committees on ways and means and the joint committee on higher education; and
23 provided further, that notwithstanding section 7H of chapter 29 of the General Laws or any other
24 general or special law to the contrary, the governor shall submit to the general court annually a
25 request for an appropriation based on the recommendations of the Public Higher Education
26 Wage Equity and Working Conditions Commission, as created in Chapter ____ of the Acts of
27 2023.

28 SECTION 2. Chapter 15A of the General Laws is hereby further amended by inserting,
29 after section 45, the following section:-

30 Section 46. Green and Healthy Public College and University Building Planning
31 Commission

32 (a) There shall be a Green and Healthy Public College and University Building Planning
33 Commission, which shall consist of: the commissioner of higher education, who shall serve as

34 chair, or a designee; the commissioner of public health, who shall serve as vice chair, or a
35 designee; the secretary of energy and environmental affairs, who shall serve as vice chair, or a
36 designee; the speaker of the house of representatives, or a designee; the president of the senate,
37 or a designee; the minority leader of the house of representatives, or a designee; the minority
38 leader of the senate, or a designee; the chairs of the joint committee on ways and means, or their
39 designees; the chairs of the joint committee on higher education, or their designees; the president
40 of the university of Massachusetts, or a designee; the executive director of the Massachusetts
41 Association of Community Colleges, or a designee; the executive officer of the Massachusetts
42 State University Council of Presidents, or a designee; 4 representatives of the Massachusetts
43 Teachers Association, 1 of whom shall be employed by the university of Massachusetts, 1 of
44 whom shall be employed by a state university, and 1 of whom shall be employed by a
45 community college; a representative of the American Federation of Teachers, Massachusetts; a
46 representative of the American Institute of Architects-Massachusetts; a representative of the
47 Massachusetts State Building Trades Council; a representative of the Massachusetts Coalition for
48 Occupational Safety and Health; and a representative of the Massachusetts Department of Higher
49 Education's Student Advisory Council.

50 (b) The commission shall assess and make recommendations for public higher education
51 buildings relative to energy efficiency, spatial adequacy, life safety, accessibility, indoor
52 environmental quality and public health. The commission shall be established not less than every
53 10 years to monitor the implementation of its recommendations, and to conduct a new
54 assessment if determined to be necessary by the commission.

55 (c) The commission shall determine the means of conducting its work, which shall
56 include, but not be limited to:

57 (1) assessing the extent to which public higher education buildings in the commonwealth
58 provide students a healthy environment that is conducive to learning while efficiently using
59 energy and resources and limiting exposure to toxic building materials, referred to in this section
60 as “green and healthy public higher education buildings”. Factors to be considered shall include,
61 but not be limited to: (i) protection against infectious disease, including COVID-19 and
62 influenza; (ii) sufficient ventilation and air circulation, including adequate outdoor air exchange,
63 filtration and circulation; (iii) healthy indoor air quality, including limits on pollutants, exposure
64 to toxic substances, chemical emissions and vapor intrusion; (iv) adequate availability of clean
65 and safe water; (v) appropriate thermal comfort, humidity and temperature controls; (vi)
66 protections against pests with effective use of integrated pest management; (vii) limits on
67 pollutants, dust, mold and allergens; (viii) appropriate artificial lighting and plentiful natural
68 light; (ix) proper acoustic and noise control; (x) proper maintenance of mechanical systems; (xi)
69 design that promotes physical activity and meets accessibility standards; (xii) opportunities to
70 increase energy efficiency and efficient use of resources including low-flow fixtures; (xiii)
71 opportunities to shift to fossil-free fuels; (xiv) proper access to greenspace; and (xv)
72 opportunities for architectural design to enhance occupant safety. The assessment may rely on
73 existing data or be objectively measured. The assessment shall include a public searchable online
74 dashboard with the findings for all public higher education buildings in the commonwealth; and

75 (2) developing standards for green and healthy public higher education buildings.

76 (d) Members of the commission shall not receive compensation for their services but may
77 receive reimbursement for the reasonable expenses incurred in carrying out their responsibilities
78 as members of the commission. The commissioner of higher education shall furnish reasonable
79 staff and other support for the work of the commission.

80 SECTION 3. Section 16 of Chapter 15A is hereby amended by inserting after the
81 eleventh paragraph the following paragraphs:

82 There shall be a debt free college scholarship program that creates a path for debt free
83 college completion for all students, which shall include reasonable contributions from students
84 and families. This program shall support pathways for lifelong learning, shall provide support to
85 students enrolled in Massachusetts institutions of public higher education to earn professional or
86 vocational certifications, associate, or baccalaureate degrees, and shall be administered without
87 bias or undue burden whether students choose to directly enroll to earn four-year degrees or earn
88 stackable certificates and degrees over time.

89 The program shall meet the following criteria:

90 (1) the department shall identify the full cost of attendance, including tuition, fees and
91 living expenses, which include but are not limited to food and housing. Other costs to consider
92 include childcare and transportation costs;

93 (2) the department shall require the student to make a reasonable contribution towards the
94 full cost of attendance. This contribution may include Pell grants, existing institutional financial
95 aid, a reasonable family contribution, and earnings from a reasonable amount of work. The
96 calculation of reasonable family contribution shall address issues associated with the current
97 calculation of Expected Family Contribution and shall examine individual circumstances; and

98 (3) the department shall provide state financial aid to fill the gap between resources
99 available to students, as described in paragraph (2), and the total cost of attendance, which shall
100 include living expenses. State financial aid shall be sufficient to cover the cost of achieving up to
101 a 4-year degree at a Massachusetts public higher education institution for in-state students of any

102 age. Part-time students, those pursuing workforce training or vocational certificate degrees, and
103 adults re-entering higher education also shall be eligible. Undocumented in-state residents shall
104 be eligible to participate in the program, shall be charged in-state tuition, and shall be eligible for
105 all other program benefits. If alternative processes are required to determine the financial needs
106 of these students, the department shall develop such processes. The department shall also provide
107 a path for debt free college for incarcerated students.

108 SECTION 4. Chapter 29 of the General Laws is hereby amended by inserting after
109 section 2QQQQQ the following 3 sections:-

110 Section 2RRRRR. Public College and University Capital Debt Relief Fund

111 (a) There shall be a separate fund, to be administered by the board of higher education,
112 which shall be known as the Public College and University Capital Debt Relief Fund. The fund
113 shall be credited with: (i) appropriations, bond proceeds or other money authorized or transferred
114 by the general court and specifically designated to be credited to the fund; (ii) funds from public
115 and private sources, including, but not limited to gifts, grants and donations; and (iii) any interest
116 earned on such funds. Amounts credited to the fund shall be used, without further appropriation,
117 to provide financial relief for debt service associated with capital construction projects at
118 commonwealth institutions of public higher education, as defined in section 5 of chapter 15A;
119 provided, however, that, students shall not be charged fees for that portion of the debt service
120 paid out of the fund. The board of higher education, in consultation with the trustees of the
121 university of Massachusetts, shall determine the amounts to be allocated to each public higher
122 education institution to cover debt service obligations; and provided further, that funds allocated
123 from this reserve shall only be used to cover said debt service obligations and that public higher

124 education institutions shall invest funds made available by relieving debt service obligations for
125 hiring full-time faculty and staff, providing pay increases or other benefits for adjunct faculty,
126 and in other student success programs including, but not limited to, additional supports for low-
127 income students and students of color, using methods that improve the college experience and
128 graduation rates.

129 Section 2SSSSS. Green and Healthy Public College and University Building Fund

130 (a) There shall be a separate fund, to be administered by the board of higher education,
131 which shall be known as the Green and Healthy Public College and University Building Fund.
132 The fund shall be credited with: (i) appropriations, bond proceeds or other money authorized or
133 transferred by the general court and specifically designated to be credited to the fund; (ii) funds
134 from public and private sources, including, but not limited to gifts, grants and donations; and (iii)
135 any interest earned on such funds. Amounts credited to the fund shall be used, without further
136 appropriation, to fund and implement the recommendations of the Green and Healthy Public
137 College and University Building Planning Commission, established in section 46 of chapter 15A,
138 for the renovation and rehabilitation of existing buildings and new building construction to meet
139 the recommended green and healthy public higher education buildings standards.

140 Section 2TTTTT. Public Higher Education Wage Equity and Working Conditions Fund

141 (a) There shall be a separate fund, to be administered by the board of higher education,
142 which shall be known as the Public Higher Education Wage Equity and Working Conditions
143 Fund. The fund shall be credited with: (i) appropriations, bond proceeds or other money
144 authorized or transferred by the general court and specifically designated to be credited to the
145 fund; (ii) funds from public and private sources, including, but not limited to gifts, grants and

146 donations; and (iii) any interest earned on such funds. Amounts credited to the fund shall be
147 used, without further appropriation, to fund and implement the recommendations of the Public
148 Higher Education Wage Equity and Working Conditions Commission established by this section.

149 SECTION 5. Section 6 of said chapter 29 is hereby amended by adding the following
150 paragraph:-

151 The operating budget in the current and ensuing fiscal years shall include the
152 appropriation necessary to fund all incremental cost items for all years covered by any collective
153 bargaining agreement to which either the board of trustees of the university of Massachusetts or
154 the board of higher education is a party, separate and apart from any appropriation for the
155 general maintenance of the university or public institutions of higher education where the board
156 of higher education is the employer for purposes of collective bargaining under chapter 150E,
157 excluding grant funded and auxiliary enterprises accounts funded positions.

158 SECTION 6. Chapter 32 of the General Laws is hereby amended by adding the following
159 section:-

160 Section 106. For purposes of this chapter and notwithstanding this chapter or any other
161 general or special law, rule or regulation to the contrary, any employee who teaches the
162 equivalent of at least 2 three-credit courses per semester or 4 three-or-more credit courses per
163 calendar year at 1 or more of the public institutions of higher education, including a division of
164 continuing education, regardless of funding source, including but not limited to subsidiary
165 account CC, or any staff working at 1 or more public institutions of higher education whose
166 cumulative weekly hours worked at all campuses, including hours teaching courses if applicable,
167 is half-time or more for two or more semesters per calendar year, shall be considered an

168 employee eligible for membership in the state employees' retirement system and shall earn
169 creditable service for such time and shall be regarded as regular compensation and shall be
170 included in the salary on which deductions are to be paid to the annuity savings fund and the
171 board shall credit as at least one-half year of service, actual service teaching at 1 or more public
172 institutions of higher education the equivalent of at least 4 three-credit courses per calendar year;
173 provided further, however, that said faculty and staff shall be eligible for the optional retirement
174 system established in section 40 of chapter 15A.

175 SECTION 7. (a) There shall be a Public Higher Education Wage Equity and Working
176 Conditions Commission, which shall consist of the following: the secretary of administration and
177 finance, who shall serve as co-chair, or a designee; the commissioner of higher education, who
178 shall serve as co-chair, or a designee; the speaker of the house of representatives, or a designee;
179 the president of the senate, or a designee; the minority leader of the house of representatives, or a
180 designee; the minority leader of the senate, or a designee; the chairs of the joint committee on
181 ways and means, or their designees; the chairs of the joint committee on higher education, or
182 their designees; the president of the university of Massachusetts, or a designee; the executive
183 director of the Massachusetts Association of Community Colleges, or a designee; the executive
184 officer of the Massachusetts State University Council of Presidents, or a designee; 3
185 representatives of the Massachusetts Teachers Association, 1 of whom shall be employed by the
186 university of Massachusetts, 1 of whom shall be employed by a state university, and 1 of whom
187 shall be employed by a community college; a representative of the American Federation of
188 Teachers, Massachusetts; a representative of the Massachusetts AFL-CIO; a representative of
189 AFSCME Council 93; the student member of the board of higher education; a representative of
190 the Massachusetts Association of Teachers of Speakers of Other Languages; a representative of

191 the Graduate Employee Organization; and a representative of the Massachusetts Education
192 Justice Alliance.

193 (b) The commission shall determine the means of conducting its work, which shall
194 include, but not be limited to: (1) assessing the salaries and working conditions of employees of
195 private institutions of higher education in the commonwealth, as well as employees of public
196 higher education institutions nationwide, and making recommendations to ensure that
197 commonwealth public higher education employee salaries and benefits are at least commensurate
198 with those other employees; (2) identifying programs, services and salaries that shall help to
199 recruit and retain high quality faculty and staff at institutions of public higher education with a
200 focus on prioritizing the recruitment and retention of a racially, culturally, ethnically and
201 linguistically diverse workforce; (3) ensuring that there are sufficient full-time faculty and staff
202 to provide reasonable workloads so educators can provide all students with the support they need
203 to thrive; (4) identifying programs and methods to enhance faculty and staff professional
204 development including, but not limited to, creating improved employee tuition waiver benefits
205 for faculty and staff who enroll in institutions of public higher education; (5) performing an
206 analysis looking at equity by race, gender, and other non-dominant identities, in all faculty and
207 staff positions, by examining all wages and benefits and inequities that arise for any other reason;
208 (6) recommend a base salary for faculty that would allow faculty to support themselves and their
209 families without being required to teach additional courses beyond a full course load; (7)
210 recommend a base salary for professional and classified staff salaries to the salaries that would
211 allow them to support themselves and their families; and (8) recommend a base salary for
212 adjunct faculty that would allow faculty to support themselves and their families without being

213 required to teach additional courses beyond a full course load, including the cost of health
214 insurance and retirement security.

215 The Commission shall issue budgetary recommendations and submit legislation to
216 implement their findings not later than December 31, 2023. The commission should be made up
217 of representatives from student groups, campus administrations, unions representing campus
218 faculty and staff, equity focused community groups and designees from the House, Senate, and
219 the executive offices of administration and finance and education.

220 SECTION 8. For the fiscal years 2024 through 2028, inclusive, no tuition or fees shall
221 increase for students enrolled at commonwealth public institution of higher education in any
222 fiscal year where the appropriation for public institutions of higher education is at least the
223 amount requested by the council, as provided in section 15A of chapter 15A of the General
224 Laws.

225 SECTION 9. Notwithstanding section 8 of chapter 32A of the General Laws or any other
226 general or special law to the contrary, the cost of fringe benefits, including, but not limited to, the
227 cost of pensions and health insurance, associated with employees of a public institution of higher
228 education as defined in section 5 of chapter 15A, shall be the obligation of the commonwealth,
229 excluding grant funded and auxiliary enterprises accounts funded positions.

230 SECTION 10. Notwithstanding any general or special law, rule or regulation to the
231 contrary, after January 1, 2023, the costs associated with the construction of an academic,
232 administrative or auxiliary building at a commonwealth institution of public higher education, as
233 defined in section 5 of chapter 15A of the General Laws, shall be paid in full by the
234 commonwealth from state funds or eligible federal funds and shall not be paid for with any

235 public higher education institutional funds or financed through public building authorities or
236 private entities; provided, however, that the costs associated with the assessment, upgrade or
237 repair of any existing academic, administrative or auxiliary building at an institution of public
238 higher education that is under the control and supervision of the department of capital asset
239 management and maintenance shall be paid in full by the commonwealth.

240 SECTION 11. The Green and Healthy Public College and University Building Planning
241 Commission, as established in section 46 of chapter 15A of the General Laws, shall create and
242 recommend a plan for all existing and new public higher education buildings to equitably meet
243 the standards for green and healthy public higher education buildings developed pursuant to
244 paragraph (c) of section 46 of said chapter 15A, by 2035. The commission shall issue
245 recommendations, including an analysis that summarizes the findings of its assessment of public
246 higher education buildings in the commonwealth, for implementing green and healthy public
247 higher education buildings standards for cost-effective renovation and rehabilitation of existing
248 buildings and for new building construction, and a plan for implementing these standards for all
249 public higher education buildings, by 2035. The recommendations shall prioritize addressing
250 buildings with the greatest needs first. The recommendations shall consider the unique
251 environmental conditions of buildings located in urban, industrial, and other areas facing
252 particular site challenges and shall consider the need to address historic patterns of injustice and
253 inequity in public higher education. The recommendations shall estimate the cost of bringing all
254 buildings into compliance with the standards by 2035, including the ongoing cost of maintenance
255 and repair, and recommend a plan to fund these costs, and shall also compare those costs with
256 long-term savings in health and medical costs, energy costs, maintenance, life cycle assessment
257 and other savings, and the growth in economic activity of bringing buildings to the standards,

258 including increased jobs and job training. The first plan of the commission shall be published and
259 submitted to the joint committee on ways and means and the joint committee on higher education
260 not later than December 31, 2024. Prior to completing its assessment and issuing its
261 recommendations, the commission shall conduct public hearings at every commonwealth
262 institution of public higher education and shall consult with employee organizations, as defined
263 in chapter 150E, representing employees at each institution of public higher education.

264 SECTION 12. The department of higher education shall implement the debt free program
265 outlined in Section 3 of this Act for all students at community colleges in fiscal year 2024 and
266 for all students at four-year Massachusetts public higher education institutions in fiscal year
267 2025.

268 SECTION 13. (a) Notwithstanding any general or special law to the contrary, the board
269 of higher education shall establish a 5-year funding schedule, beginning in fiscal year 2024, to
270 provide the level of funding needed to implement all provisions of this Act; to assure fair and
271 adequate funding for the commonwealth public institutions of higher education, which shall
272 include needs-based financial assistance developed under section 15B of chapter 15A of the
273 General Laws; and shall be adjusted to recognize the fixed costs of those institutions.
274 Notwithstanding any general or special law to the contrary, the budget request to the secretary of
275 administration and finance for the system of institutions of public higher education and needs-
276 based financial assistance developed under said section 15B shall be not less than the amount
277 determined by said schedule. The council shall submit its annual budget request to the secretary
278 of administration and finance, the house and senate committees on ways and means and the joint
279 committee on higher education.

280 (b) Notwithstanding section 7H of chapter 29 of the General Laws or any other general or
281 special law to the contrary, effective for fiscal years starting in fiscal year 2024, the governor
282 shall submit to the general court annually a request for an appropriation that complies with the
283 funding requirements of this section and section 15A of chapter 15A of the General Laws. Said
284 appropriation request shall not propose any direct or indirect reductions in any other state
285 appropriation including, but not limited to, collective bargaining agreements under chapter 150E,
286 scholarships and need-based financial assistance authorized by said chapter 15A.