SENATE DOCKET, NO. 1702 FILED ON: 1/18/2013

SENATE . . . . . No. 586

The Commonwealth of Massachusetts

PRESENTED BY:

Stanley C. Rosenberg

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 passage of the accompanying:

An Act supporting access and excellence in public higher education.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Stanley C. Rosenberg	*Hampshire, Franklin and Worcester*
Sean Garballey	*23rd Middlesex*
Peter V. Kocot	*1st Hampshire*
Daniel A. Wolf	*Cape and Islands*

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By Mr. Rosenberg, a petition (accompanied by bill, Senate, No. 586) of Stanley C. Rosenberg, Sean Garballey, Peter V. Kocot and Daniel A. Wolf for legislation to support access and excellence in public higher education. Higher Education.

The Commonwealth of Massachusetts

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.

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

(d) The council shall widely publicize its mission, responsibilities, contact information, by-laws governing the conduct of its affairs, descriptions of the responsibilities and duties and criteria for selection of the members of the board of education, the board of higher education, and all boards of trustees and any vacancies on such boards. The council shall cause such information to be published online. Whenever a vacancy occurs or is expected to occur on any board, the governor shall notify the council. Whenever possible, the governor shall advertise vacancies at least 3 months prior to the expiration of the term in order to broaden and deepen the pool of qualified candidates for such boards. The council shall submit to the governor a nominee 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 colleges
37 and universities, the commonwealth moves toward achieving the following goals: -

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

42 (b) to improve student access, academic achievement and graduation rates at public
43 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 of general and
45 special interest, for the benefit of the communities, the commonwealth and beyond, to provide
46 policy research addressing the needs of the commonwealth and local communities and, in the
47 case of the University of Massachusetts, to pursue theoretical and applied research, development,
48 scholarship and creative activities that strengthen innovation at all stages and contribute to the
49 well-being of the citizens of the commonwealth and beyond;

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

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

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

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

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

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

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

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

77 It is hereby further declared to be the policy of commonwealth to ensure that each
78 community college, each state university, and the University of Massachusetts has at its disposal
79 adequate funds to provide, foster and support high quality institutions of public higher education
80 that serve the interests of the commonwealth and its citizens in the manner described in this
81 section. For that purpose, it is hereby further declared to be the policy of the commonwealth to
82 make annually to each community college, each state university, and the University of
83 Massachusetts appropriations which are sufficient to provide no less than 50% of operating costs
84 in any fiscal year. It is hereby further declared to be the policy of the commonwealth to provide
85 adequate funds to each community college, each state university, and the University of
86 Massachusetts for the repair, renovation, construction, reconstruction, improvement, demolition,
87 expansion, acquisition, furnishing or equipping of buildings, structures, facilities and other
88 infrastructure including, but not limited to, technology infrastructure, necessary to maintain high
89 quality institutions of public higher education.

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

93 Each board of trustees shall prepare, as part of their budget requests, the amount of the
94 total operating costs, the amount of the total operating costs funded in the previous fiscal year by
95 the commonwealth, and the total amount required to fund at least 50% of the total operating
96 costs.

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

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

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

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

126 SECTION 8. (a) Notwithstanding any general or special law to the contrary,
127 the commonwealth shall address the underfunding of the operating requirements of its public
128 institutions of higher education as quickly as possible and by providing funding to all institutions
129 in an amount no less than 50% of the total operating costs no later than July 1, 2015.

130 (b) Subject to appropriation, in addition to the amounts provided for ordinary
131 maintenance of the community colleges and state universities in items 7109-0100, 7110-0100,
132 7112-0100, 7113-0100, 7114-0100, 7115-0100, 7116-0100, 7117-0100, 7118-0100, 7502-0100,
133 7503-0100, 7504-0100, 7505-0100, 7506-0100, 7507-0100, 7508-0100, 7509-0100, 7510-0100,
134 7511-0100, 7512-0100, 7514-0100, 7515-0100, 7516-0100, and 7518-0100 the total amount of
135 such appropriations shall be increased by no less than one-half the deficiency in fiscal year 2014
136 and by no less than the remaining amount to close the deficiency in fiscal year 2015. The
137 increase provided for in this subsection shall be adjusted for inflation, increases in enrollment,
138 increases in unrestricted revenues including, but not limited to, fringe benefits paid by the
139 commonwealth, and any collective bargaining increases.

140 (c) Subject to appropriation, in addition to the amount provided for the ordinary
141 maintenance of the University of Massachusetts in item 7100-0200, such amount shall be
142 increased by no less than one-half the deficiency in fiscal year 2014 and by no less than the
143 remaining amount to close the deficiency in fiscal year 2015. The increase provided for in this
144 subsection shall be adjusted for inflation, increases in enrollment, increases in unrestricted
145 revenues including, but not limited to, fringe benefits paid by the commonwealth, and any
146 collective bargaining increases.

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

155 The report shall at a minimum provide the following information: (1) a comprehensive
156 list of projects by campus for the community colleges, state universities and University of
157 Massachusetts; (2) projected costs for each project; (3) a plan to finance said projects that results
158 in the commonwealth funding said projects at no less than 70% of the total costs; (4) a list of
159 projects completed prior to January 1, 2014 that were financed by student fees, charges or other
160 funds and the annual debt service from said projects; (5) a plan, through assumption,
161 supplementary appropriation or other means, to eliminate existing debt service

162 The secretary shall submit the report, together with drafts of legislation needed to finance
163 the projects and eliminate existing debt service obligations, to the clerks of the house and senate,
164 the chairs of house and senate committees on ways and means and the chairs of the joint
165 committee on higher education no later than January 1, 2015.