

HOUSE No. 1067

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 passage of the accompanying bill:

An Act supporting access and excellence in public higher education.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Stanley C. Rosenberg</i>	<i>Hampshire, Franklin and Worcester</i>
<i>Peter V. Kocot</i>	<i>1st Hampshire</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>
<i>Timothy R. Madden</i>	<i>Barnstable, Dukes and Nantucket</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>

HOUSE No. 1067

By Mr. Garballey of Arlington, a petition (accompanied by bill, House, No. 1067) of Sean Garballey and others further regulating the public education nominating council and public higher education. Higher Education.

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

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:

- 1 SECTION 1. Subsection (b) of section 18B of chapter 6 of the General Laws, as so
- 2 appearing in the 2010 Official Edition, is hereby amended by striking out the last sentence and
- 3 inserting in place thereof the following 2 sentences: - Said council shall consist of not fewer
- 4 than 12 nor more than 15 members; provided however, that 1 member shall be appointed by the
- 5 president of the senate, 1 member shall be appointed by the minority leader in the senate, 1
- 6 member shall be appointed by the speaker of the house of representatives and 1 member shall be
- 7 appointed by the minority leader in the house of representatives. Said council shall act with a
- 8 concurrence of at least a majority of its members.
- 9 □SECTION 2. Said section 18B of said chapter 6 is hereby further amended by inserting after
- 10 the word “governor”, in line 14, the following words: - or by the president of the senate or the
- 11 speaker of the house of representatives if a vacancy occurs in a position held by a member
- 12 appointed by the president or the speaker.
- 13 □SECTION 3. Said section 18B of said chapter 6 is hereby further amended by striking out
- 14 subsection (d) and inserting in place thereof the following subsection: -
- 15 □(d) The council shall widely publicize its mission, responsibilities, contact information, by-
- 16 laws governing the conduct of its affairs, descriptions of the responsibilities and duties and
- 17 criteria for selection of the members of the board of education, the board of higher education,
- 18 and all boards of trustees and any vacancies on such boards. The council shall cause such
- 19 information to be published online. Whenever a vacancy occurs or is expected to occur on any
- 20 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 subsection (e) in said
31 section 18B, as so appearing, the following new subsection: -

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

34 □SECTION 5. Section 1 of chapter 15A is hereby amended by striking out the third paragraph
35 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 and
37 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 democracy
56 by preparing an informed and engaged citizenry, one that acquires the knowledge and skills
57 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 all
60 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 and
65 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 education
71 and across all institutions and to manage campuses as efficiently as possible including, but not
72 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 community
78 college, each state university, and the University of Massachusetts has at its disposal adequate
79 funds to provide, foster and support high quality institutions of public higher education that serve
80 the interests of the commonwealth and its citizens in the manner described in this section. For
81 that purpose, it is hereby further declared to be the policy of the commonwealth to make
82 annually to each community college, each state university, and the University of Massachusetts
83 appropriations which are sufficient to provide no less than 50% of operating costs in any fiscal
84 year. It is hereby further declared to be the policy of the commonwealth to provide adequate
85 funds to each community college, each state university, and the University of Massachusetts for
86 the repair, renovation, construction, reconstruction, improvement, demolition, expansion,
87 acquisition, furnishing or equipping of buildings, structures, facilities and other infrastructure
88 including, but not limited to, technology infrastructure, necessary to maintain high quality
89 institutions of public higher education.

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

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

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

97 ☐Section 42. (a) Notwithstanding any general or special law to the contrary, each community
98 college, each state university and the University of Massachusetts shall create at the institution a
99 reserve fund, hereinafter referred to as the “student charges stabilization fund,” for their
100 respective institution. There shall be deposited annually into the student charges stabilization
101 fund of each institution the following: (1) any moneys which, within 60 days after the end of a
102 fiscal year, the institution certifies to the state comptroller are moneys that were appropriated to

103 the institution for that fiscal year and were not expended during, and remain unencumbered for
104 expenditure in respect of, that fiscal year; provided, that notwithstanding any general or special
105 law to the contrary, all such moneys shall remain available for expenditure, without further
106 appropriation, in subsequent fiscal years and shall not revert to the General Fund; and provided
107 further that the state comptroller shall transfer any such moneys remaining in the state treasury to
108 the institution within 30 days of receipt of the institution's certification; (2) moneys that are
109 appropriated to an institution which are required by the legislature to be deposited into the
110 institution's student charges stabilization fund; and (3) other moneys that an institution may elect
111 to deposit into its student charges stabilization fund, including student tuition and fee revenue.
112 Monies contained within the student charges stabilization fund shall be deposited in an interest-
113 bearing account credited to its respective institution.

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

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

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

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

138 □(c) Subject to appropriation, in addition to the amount provided for the ordinary maintenance
139 of the University of Massachusetts in item 7100-0200, such amount shall be increased by no less
140 than one-half the deficiency in fiscal year 2014 and by no less than the remaining amount to
141 close the deficiency in fiscal year 2015. The increase provided for in this subsection shall be
142 adjusted for inflation, increases in enrollment, increases in unrestricted revenues including, but

143 not limited to, fringe benefits paid by the commonwealth, and any collective bargaining
144 increases.

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

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

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