

BOLDING FLOOR AMENDMENT  
HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1239  
(Reference to Senate engrossed bill)

1 Page 2, between lines 5 and 6, insert:

2 "Sec. 2. Section 15-1626, Arizona Revised Statutes, is amended to  
3 read:

4 15-1626. General administrative powers and duties of board:  
5 definition

6 A. The board shall:

7 1. Have and exercise the powers necessary for the effective governance  
8 and administration of the institutions under its control. To that end, the  
9 board may adopt, and authorize each university to adopt, such regulations,  
10 policies, rules or measures as are deemed necessary and may delegate in  
11 writing to its committees, to its university presidents, or their designees,  
12 or to other entities under its control, ~~any part of its authority for the~~  
13 administration and governance of such institutions, including those powers  
14 enumerated in section 15-1625, subsection B, paragraphs 2 and 4, paragraphs  
15 3, 4, 8, 9, 11 and 12 of this subsection and subsection B of this section.  
16 Any delegation of authority may be rescinded by the board at any time in  
17 whole or in part.

18 2. Appoint and employ and determine the compensation of presidents  
19 with such power and authority and for such purposes in connection with the  
20 operation of the institutions as the board deems necessary.

21 3. Appoint and employ and determine the compensation of  
22 vice-presidents, deans, professors, instructors, lecturers, fellows and such  
23 other officers and employees with such power and authority and for such  
24 purposes in connection with the operation of the institutions as the board

1       deems necessary, or delegate its authority pursuant to paragraph 1 of this  
2       subsection.

3               4. Remove any officer or employee when the interests of education in  
4       this state so require in accordance with its personnel rules and policies.

5               5. Fix tuitions and fees to be charged and differentiate the tuitions  
6       and fees between institutions and between residents, nonresidents,  
7       undergraduate students, graduate students, students from foreign countries  
8       and students who have earned credit hours in excess of the credit hour  
9       threshold. For the purposes of this paragraph, the undergraduate credit hour  
10       threshold is one hundred forty-five hours for students who attend a  
11       university under the jurisdiction of the board. The undergraduate credit  
12       hour threshold shall be based on the actual full-time equivalent student  
13       enrollment counted on the forty-fifth day of every fall and spring semester,  
14       divided by two, and any budget adjustment based on student enrollment shall  
15       occur in the fiscal year following the actual full-time equivalent student  
16       enrollment count. The undergraduate credit hour threshold shall not apply to  
17       degree programs that require credit hours above the credit hour threshold,  
18       credits earned in the pursuit of up to two baccalaureate degrees, credits  
19       earned in the pursuit of up to two state regulated licensures or  
20       certificates, credits earned in the pursuit of teaching certification,  
21       credits transferred from a private institution of higher education, credits  
22       transferred from an institution of higher education in another state, credits  
23       earned at another institution of higher education but that are not accepted  
24       as transfer credits at the university where the student is currently enrolled  
25       and credits earned by students who enroll at a university under the  
26       jurisdiction of the board more than twenty-four months after the end of that  
27       student's previous enrollment at a public institution of higher education in  
28       this state. On or before October 15 of each year, the board shall report to  
29       the joint legislative budget committee the number of in-state students and  
30       out-of-state students who were enrolled at universities under the  
31       jurisdiction of the board during the previous fiscal year who met or exceeded  
32       the undergraduate credit hour threshold prescribed in this paragraph. The  
33       amount of tuition, registration fees and other revenues included in the  
34       operating budget for the university adopted by the board as prescribed in  
35       paragraph 13 of this subsection shall be deposited, ~~—~~ pursuant to sections

1 35-146 and 35-147. All other tuition and fee revenue shall be retained by  
2 each university for expenditure as approved by the board, except that the  
3 universities shall not use any tuition or fee revenue to fund or support an  
4 alumni association.

5 6. Except as provided in subsection I of this section, adopt rules to  
6 govern its tuition and fee setting process that provide for the following:

7 (a) At least one public hearing at each university as an opportunity  
8 for students and members of the public to comment on any proposed increase in  
9 tuition or fees.

10 (b) Publication of the notice of public hearing at least ten days  
11 prior to the hearing in a newspaper of general circulation in Maricopa  
12 county, Coconino county and Pima county. The notice shall include the date,  
13 time and location of the public hearing.

14 (c) Public disclosure by each university of any proposed increases in  
15 tuition or fees at least ten days prior to the public hearing.

16 (d) A ROLL CALL VOTE OF ANY final board action on changes in tuition  
17 or fees ~~shall be taken by roll call vote.~~

18 The procedural requirements of subdivisions (a), (b), (c) and (d) of this  
19 paragraph apply only to those changes in tuition or fees that require board  
20 approval.

21 7. Pursuant to section 35-115, submit a budget request for each  
22 institution under its jurisdiction that includes the estimated tuition and  
23 fee revenue available to support the programs of the institution as described  
24 in the budget request. The estimated available tuition and fee revenue shall  
25 be based on the tuition and registration fee rates in effect at the time the  
26 budget request is submitted with adjustments for projected changes in  
27 enrollment as provided by the board.

28 8. Establish ~~curriculums~~ CURRICULA and designate courses at the  
29 several institutions that in its judgment will best serve the interests of  
30 this state.

31 9. Award such degrees and diplomas on the completion of such courses  
32 and curriculum requirements as it deems appropriate.

33 10. Prescribe qualifications for admission of all students to the  
34 universities, INCLUDING QUALIFICATIONS THAT ALLOW APPLICANTS WHO HAVE EARNED  
35 A DIPLOMA AFFIXED WITH THE STATE SEAL OF BILITERACY PURSUANT TO SECTION

1       15-258 TO SATISFY THE FOREIGN LANGUAGE REQUIREMENTS FOR ADMISSION. The board  
2 shall establish policies for guaranteed admission that ~~assure~~ ENSURE fair and  
3 equitable access to students in this state from public, private and charter  
4 schools and homeschools. For the purpose of determining the qualifications  
5 of honorably discharged veterans, veterans are those persons who served in  
6 the armed forces for a minimum of two years and who were previously enrolled  
7 at a university or community college in this state. No prior failing grades  
8 received by the veteran at the university or community college in this state  
9 may be considered.

10       11. Adopt any energy conservation standards promulgated by the  
11 department of administration for the construction of new buildings.

12       12. Employ for such time and purposes as the board requires attorneys  
13 whose compensation shall be fixed and paid by the board. Litigation to which  
14 the board is a party and for which self-insurance is not provided may be  
15 compromised or settled at the direction of the board.

16       13. Adopt annually an operating budget for each university equal to  
17 the sum of appropriated general fund monies and the amount of tuition,  
18 registration fees and other revenues approved by the board and allocated to  
19 each university operating budget.

20       14. In consultation with the state board of education and other  
21 education groups, develop and implement a program to award honors  
22 endorsements to be affixed to the high school diplomas of qualifying high  
23 school pupils and to be included in the transcripts of pupils who are awarded  
24 endorsements. The board shall develop application procedures and testing  
25 criteria and adopt testing instruments and procedures to administer the  
26 program. In order to receive an honors endorsement, a pupil must demonstrate  
27 an extraordinary level of knowledge, skill and competency as measured by the  
28 testing instruments adopted by the board in mathematics, English, science and  
29 social studies. Additional subjects may be added at the determination of the  
30 board. The program is voluntary for pupils.

31       15. Require the publisher of each literary and nonliterary textbook  
32 used in the universities of this state to furnish computer software in a  
33 standardized format when software becomes available for nonliterary textbooks  
34 to the Arizona board of regents from which braille versions of the textbooks  
35 may be produced.

1           16. Require universities that provide a degree in education to require  
2 courses that are necessary to obtain a provisional structured English  
3 immersion endorsement as prescribed by the state board of education.

4           17. Acquire United States flags for each classroom that are  
5 manufactured in the United States and that are at least two feet by three  
6 feet and hardware to appropriately display the United States flags, acquire a  
7 legible copy of the Constitution of the United States and the Bill of Rights,  
8 display the flags in each classroom in accordance with title 4 of the United  
9 States Code and display a legible copy of the Constitution of the United  
10 States and the Bill of Rights adjacent to the flag.

11           18. To facilitate the transfer of military personnel and their  
12 dependents to and from the public schools of this state, pursue, in  
13 cooperation with the state board of education, reciprocity agreements with  
14 other states concerning the transfer credits for military personnel and their  
15 dependents. A reciprocity agreement entered into pursuant to this paragraph  
16 shall:

17           (a) Address procedures for each of the following:

18           (i) The transfer of student records.

19           (ii) Awarding credit for completed ~~course-work~~ COURSEWORK.

20           (iii) Permitting a student to satisfy the graduation requirements  
21 prescribed in section 15-701.01 through the successful performance on  
22 comparable exit-level assessment instruments administered in another state.

23           (b) Include appropriate criteria developed by the state board of  
24 education and the Arizona board of regents.

25           19. Require a university to publicly post notices of all of its  
26 employment openings, including the title and description, instructions for  
27 applying and relevant contact information.

28           20. In consultation with the community college districts in this  
29 state, develop and implement common equivalencies for specific levels of  
30 achievement on advanced placement examinations and international  
31 baccalaureate examinations in order to award commensurate postsecondary  
32 academic credits at community colleges and public universities in this state.

33           21. On or before August 1 of each year, report to the joint  
34 legislative budget committee the graduation rate by university campus during  
35 the previous fiscal year. The board shall also report the retention rate by

1 university campus and by class, as determined by date of entry during the  
2 previous fiscal year.

3 B. The board shall adopt personnel policies for all employees of the  
4 board and the universities.

5 C. In conjunction with the auditor general, the board shall develop a  
6 uniform accounting and reporting system, which shall be reviewed by the joint  
7 legislative budget committee before final adoption by the board. The board  
8 shall require each university to comply with the uniform accounting and  
9 reporting system.

10 D. The board may employ legal assistance in procuring loans for the  
11 institutions from the United States government. Fees or compensation paid  
12 for such legal assistance shall not be a claim on the general fund of this  
13 state but shall be paid from funds of the institutions.

14 E. The board shall approve or disapprove any contract or agreement  
15 entered into by the university of Arizona hospital with the Arizona health  
16 facilities authority.

17 F. The board may adopt policies that authorize the institutions under  
18 its jurisdiction to enter into employment contracts with nontenured employees  
19 for periods of more than one year but not more than five years. The policies  
20 shall prescribe limitations on the authority of the institutions to enter  
21 into employment contracts for periods of more than one year but not more than  
22 five years, including the requirement that the board approve the contracts.

23 G. The board may adopt a plan or plans for employee benefits that  
24 allow for participation in a cafeteria plan that meets the requirements of  
25 the United States internal revenue code of 1986.

26 H. The board may establish a program for the exchange of students  
27 between the universities under the jurisdiction of the board and colleges and  
28 universities located in the state of Sonora, Mexico. Notwithstanding  
29 subsection A, paragraph 5 of this section, the program may provide for  
30 in-state tuition at the universities under the jurisdiction of the board for  
31 fifty Sonoran students in exchange for similar tuition provisions for up to  
32 fifty Arizona students enrolled or seeking enrollment in Sonoran colleges or  
33 universities. The board may direct the universities to work in conjunction  
34 with the Arizona-Mexico commission to coordinate recruitment and admissions  
35 activities.

1 I. Subsection A, paragraph 6, subdivisions (a), (b), (c) and (d) of  
2 this section do not apply to fee increases that are set by individual  
3 universities and that do not require approval by the Arizona board of regents  
4 before the fee increase becomes effective.

5 J. The Arizona board of regents, in collaboration with the  
6 universities under its jurisdiction, shall adopt a performance funding  
7 model. The performance funding model shall use performance metrics that  
8 include the increase in degrees awarded, the increase in completed student  
9 credit hours and the increase in externally generated research and public  
10 service funding. The funding formula may give added weight to degrees  
11 related to science, technology, engineering and mathematics and other  
12 high-value degrees that are in short supply or that are essential to this  
13 state's long-term economic development strategy.

14 K. The Arizona board of regents shall use the performance funding  
15 model adopted pursuant to subsection J of this section in developing and  
16 submitting budget requests for the universities under its jurisdiction.

17 L. On or before November 1 of each year, the Arizona board of regents  
18 shall submit to the joint legislative budget committee and the governor's  
19 office of strategic planning and budgeting a report on university debt and  
20 obligations, including:

- 21 1. Long-term notes and obligations.
- 22 2. Certificates of participation and other obligations pursuant to any  
23 lease-purchase agreements.
- 24 3. Revenue bonds.
- 25 4. Bonds issued pursuant to section 15-1682.03.

26 M. The report issued pursuant to subsection L of this section shall  
27 contain, for the most recent fiscal year:

- 28 1. The aggregate level of outstanding principal and the principal and  
29 interest payments, by type of debt or obligation.
- 30 2. An itemization, by campus and project, of the amount of yearly  
31 principal and interest to be paid in the most recent and the next five fiscal  
32 years.

33 N. The board may enter into an intergovernmental agreement pursuant to  
34 section 15-1747 to manage universities under its jurisdiction subject to the  
35 terms of the reciprocity agreement.

- 1                   0. For the purposes of this section, "university debt and obligations"
- 2           means debt and obligations, the principal and interest of which are paid in
- 3           whole or in part with university monies."
- 4   Re-number to conform
- 5   Amend title to conform

REGINALD BOLDING JR.

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