

Dear Madam President:

I hereby transmit Senate File 2410, an Act relating to higher education, including coordination, administration, standards, and funding, making appropriations, and providing effective dates.

Senate File 2410 reflects Iowa's commitment to provide quality postsecondary educational opportunities for all of our citizens. The Act creates a Community College Excellence 2000 program, which will encourage the development of quality instructional centers and provide incentives for program sharing among the community colleges. Also included is a provision which authorizes the State Board of Education to establish an accreditation process for community colleges to assure quality education programs in all community colleges. The Act provides additional funding which may be used to improve faculty salaries and to reduce tuition in the community colleges. I am pleased to approve these initiatives included in Senate File 2410 which will help Iowans acquire the knowledge and skills necessary to compete in a global economy.

Senate File 2410 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the item designated as Section 25, in its entirety. This provision would prohibit the State Board of Regents from using reimbursements from the institutions to assist in the funding of the board office. These reimbursements are used for extraordinary expenditures such as presidential searches, organizational audits, staff activities relating to bonding for the universities, and preparation of materials which are of benefit to the universities. The board should continue to be authorized to seek appropriate reimbursements from the universities. Therefore, this provision cannot be approved.

I am unable to approve the item designated as Section 118, in its entirety. This provision would require the Higher Education Strategic Planning Council to explore the creation of an Iowa "Electronic University." While it may be appropriate for the Strategic Planning Council to include the use of new technologies in a strategic plan, the Strategic Planning Council should be responsible for determining which issues should be studied, as provided in Section 11 of this Act.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2410 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*

CHAPTER 1254

HIGHER EDUCATION AMENDMENTS

S.F. 2430

AN ACT relating to higher education including the funding, administration, and authority for dormitory bonding of community colleges, coordination of higher education sectors, and studies relating to educational opportunities.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. 1990 Iowa Acts, Senate File 2410,* section 10, is amended by striking the section and inserting in lieu thereof the following:

*Chapter 1253 herein

SEC. 10. NEW SECTION. 260B.1 HIGHER EDUCATION STRATEGIC PLANNING COUNCIL ESTABLISHED.

The higher education strategic planning council is established to develop strategic plans for the advancement of higher education institutions in the state.

The higher education council is an independent public body to be located in the offices of the college aid commission, which consists of seven voting members, who are to be selected in the following manner:

1. One voting member shall be a public member, who shall also serve as chairperson of the council.

2. Two voting members shall be selected from a list of nominees submitted by the state board of regents.

3. Two voting members shall be selected from a list of nominees submitted by the association which represents the largest number of independent colleges and universities.

4. Two voting members shall be selected from a list of nominees submitted jointly by the association which represents the largest number of community college trustees, the association which represents the largest number of community college presidents, and the state board of education.

All voting members shall be appointed by the governor, subject to confirmation by the senate. Terms of office of voting members are four years commencing on July 1.

Sec. 2. 1990 Iowa Acts, Senate File 2410,* section 49, subsection 5, is amended by adding the following new paragraph:

NEW PARAGRAPH. c. Discontinue the program or programs which have been identified as deficient.

Sec. 3. 1990 Iowa Acts, Senate File 2410,* section 50, subsection 1, is amended by striking the subsection and inserting in lieu thereof the following:

1. The state board shall develop standards for the accreditation of community college programs. Standards developed shall be general in nature so as to apply to more than one specific program of instruction. However, the state board may develop additional, specific criteria where appropriate to the accreditation process.

Sec. 4. 1990 Iowa Acts, Senate File 2410,* section 58, subsection 4, is amended by striking the subsection.

Sec. 5. 1990 Iowa Acts, Senate File 2410,* section 75, is amended to read as follows:

SEC. 75. NEW SECTION. 220.162 AUTHORITY TO ISSUE COMMUNITY COLLEGE DORMITORY BONDS AND NOTES.

The authority shall assist a community college or the state board for community colleges as provided in chapter 280A, and the authority shall have all of the powers delegated to it in a chapter 28E agreement by a community college board of directors, the state board for community colleges, or a private developer contracting with a community college to develop a ~~self-liquidating~~ housing facility, such as a dormitory, for the community college, with respect to the issuance or securing of bonds or notes ~~and the carrying out of the purposes of chapter 280A~~ as provided in sections 280A.71 and 280A.72.

Sec. 6. 1990 Iowa Acts, Senate File 2410,* section 76, subsections 1, 2, and 3, are amended to read as follows:

1. As used in this section and section 280A.72, unless the context otherwise requires, ~~“authority”:~~

a. “Authority” means the Iowa finance authority.

b. “Bonds” means revenue bonds which are payable solely as provided in this section and section 280A.72.

2. The authority shall cooperate with the state board for community colleges, individual community colleges, and private developers, acting in conjunction with a community college to build ~~self-liquidating~~ housing facilities in connection with the community college, in the

creation, administration, and funding of a community college dormitory bond program to finance self-liquidating housing facilities, such as dormitories, in connection with a community college.

3. The authority may issue its bonds and notes for the purpose of funding the nonrecurring cost of acquiring, or constructing, and equipping a community college related facility, such as a dormitory.

Sec. 7. 1990 Iowa Acts, Senate File 2410,* section 77, subsection 1, is amended to read as follows:

1. The authority may provide in the resolution, trust agreement, or other instrument authorizing the issuance of its bonds or notes pursuant to section 280A.71 that the principal of, premium, and interest on the bonds or notes are payable from any of the following and may pledge the same to its bonds and notes:

a. The income and receipts or other moneys derived from the projects financed with the proceeds of the bonds or notes.

b. The income and receipts or other money derived from designated projects whether or not the projects are financed in whole or in part with the proceeds of the bonds or notes.

a. From the net rents, profits, and income arising from the project or property pledged or mortgaged.

b. From the net rents, profits, and income which has not been pledged for other purposes arising from any similar housing facility under the control and management of the community college or state board for community colleges.

c. From the fees or charges established by the community college or state board for community colleges for students attending the institution who are living in the housing facility for which the obligation was incurred.

d. From the income derived from gifts and bequests made to the institutions under the control of the community college or state board for community colleges for such purposes.

e. The From the amounts on deposit in the name of a community college or a private developer or operator of a community college facility, including but not limited to revenues from a purchase, rental, or lease agreement, loan agreement, or dormitory charges.

f. The From the amounts payable to the authority, the community college board of directors, the state board for community colleges, or a private developer or operator, pursuant to a loan agreement, lease agreement, or sale agreement.

g. Any From the other funds or accounts established by the authority in connection with the program or the sale and issuance of its bonds or notes.

No obligation created hereunder shall ever be or become a charge against the state of Iowa but all such obligations, including principal and interest, shall be payable solely as provided in this section and section 280A.71.

Sec. 8. 1990 Iowa Acts, Senate File 2410,* section 77, subsection 6, is amended by striking the subsection.

Sec. 9. 1990 Iowa Acts, Senate File 2410,* section 93, is amended to read as follows:

SEC. 93. Section 286A.2, subsection 4, unnumbered paragraph 2, Code Supplement 1989, is amended to read as follows:

The total contact hours for an area school in a cost center for a budget year for purposes of determining state general aid under this chapter are the average of the total contact hours offered by the area school in that cost center for the base year and the two fiscal years preceding the base year. However, commencing July 1, ~~1991~~ 1992, total contact hours in a cost center for a budget year shall be the average of the total contact hours offered by the area school in that cost center for the base year and the fiscal year preceding the base year.

Sec. 10. 1990 Iowa Acts, Senate File 2410,* section 95, is amended by striking the section and inserting in lieu thereof the following:

SEC. 95. Section 286A.3, Code 1989, is amended by adding the following new unnumbered paragraph:

*Chapter 1253 herein

NEW UNNUMBERED PARAGRAPH. For each of the fiscal years beginning July 1, 1991, and July 1, 1992, the percent multiplier of the state average cost per contact hour shall be increased by an additional one-half of one percent, and on July 1 of each of the next four fiscal years, shall be increased by an additional one percent until the state foundation support level per contact hour for each instructional cost center equals seventy percent of the state average cost per contact hour.

Sec. 11. 1990 Iowa Acts, Senate File 2410,* section 97, is amended by striking the section and inserting in lieu thereof the following:

SEC. 97. Section 286A.5, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For each of the fiscal years beginning July 1, 1991, and July 1, 1992, the percent multiplier of the area school's general institutional function cost shall be increased by an additional one-half of one percent, and on July 1 of each of the next four fiscal years shall be increased by an additional one percent until the foundation support level for the general institutional function reaches seventy percent of the area school's general institutional support function cost.

Sec. 12. 1990 Iowa Acts, Senate File 2410,* section 98, is amended to read as follows:

SEC. 98. Section 286A.6, unnumbered paragraph 3, Code 1989, is amended to read as follows:

The foundation support level per contact hour eligible for state general aid for the student services function cost for an area school is the foundation support level per contact hour for the base year plus a student services support allowable growth amount. The allowable growth amount is determined by the department of management by multiplying the state percent of growth for the budget year by the state average student services function cost per contact hour for the base year. The total is then multiplied by the number of eligible contact hours in the area school to determine the foundation support for the student services function cost for a budget year.

For the fiscal period year commencing July 1, 1991, and ending June 30, 1995, twenty-five percent of noneligible contact hours shall be added to the eligible contact hours each fiscal year, for purposes of determining the foundation support for the student services function cost, until all contact hours are eligible for determining the foundation support level. In succeeding fiscal years, all the number of noneligible contact hours shall be eligible added to eligible contact hours for purposes of determining the foundation support level for the student services function cost shall be the number of noneligible contact hours used to determine the foundation support level for the fiscal year commencing July 1, 1991.

Sec. 13. 1990 Iowa Acts, Senate File 2410,* section 99, is amended by striking the section and inserting in lieu thereof the following:

SEC. 99. Section 286A.6, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For each of the fiscal years beginning July 1, 1991, and July 1, 1992, the percent multiplier of the state average student services function cost per contact hour shall be increased by an additional one-half of one percent, and on July 1 of each of the next four fiscal years shall be increased by an additional one percent until the foundation support level for the student services function cost equals seventy percent of the state average student services function cost per contact hour.

Sec. 14. 1990 Iowa Acts, Senate File 2410,* section 100, is amended by striking the section and inserting in lieu thereof the following:

SEC. 100. Section 286A.7, subsection 1, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For each of the fiscal years beginning July 1, 1991, and July 1, 1992, the percent multiplier of the state average cost per square foot for the physical plant maintenance cost shall be increased by an additional one-half of one percent, and on July 1 of each of the next four fiscal years shall be increased by an additional one percent until the foundation support level per square foot for the physical plant maintenance cost equals seventy percent of the state average cost per square foot.

Sec. 15. 1990 Iowa Acts, Senate File 2410,* section 102, is amended by striking the section and inserting in lieu thereof the following:

SEC. 102. Section 286A.7, subsection 2, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For each of the fiscal years beginning July 1, 1991, and July 1, 1992, the percent multiplier of the state average cost per cubic foot for the physical plant utility cost shall be increased by an additional one-half of one percent and on July 1 of each of the next four fiscal years shall be increased by an additional one percent until the foundation support level per cubic foot for the physical plant utility cost equals seventy percent of the state average cost per cubic foot.

Sec. 16. 1990 Iowa Acts, Senate File 2410,* section 104, is amended by striking the section and inserting in lieu thereof the following:

SEC. 104. Section 286A.8, Code 1989, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. For each of the fiscal years beginning July 1, 1991, and July 1, 1992, the percent multiplier of the area school's library function cost shall be increased by an additional one-half of one percent and on July 1 of each of the next four fiscal years shall be increased by an additional one percent until the foundation support level for the library function cost equals seventy percent of the area school's library function cost.

Sec. 17. 1990 Iowa Acts, Senate File 2410,* section 105, unnumbered paragraph 3, is amended by striking the unnumbered paragraph and inserting in lieu thereof the following:

For each of the fiscal years beginning July 1, 1991, and July 1, 1992, the percent multiplier of the area school's equipment purchase function cost shall be increased by an additional one-half of one percent, and on July 1 of each of the next four fiscal years, shall be increased by an additional one percent until the foundation support level for the equipment purchase function cost reaches seventy percent of the area school's equipment purchase function cost.

Sec. 18. 1990 Iowa Acts, Senate File 2410,* section 107, unnumbered paragraph 1, is amended to read as follows:

The department of education shall provide for the establishment of a community college excellence 2000 account in the office of the treasurer of state for deposit of moneys appropriated to the account for purposes of funding quality instructional centers and program and administrative sharing agreements under sections 280A.45 and 280A.46. There is appropriated from the general fund of the state to the department of education, for the fiscal year beginning July 1, 1991, an amount equal to two and five-tenths percent of the total state general aid generated for all community colleges during the base year under chapter 286A one million two hundred thousand dollars. In the next succeeding four fiscal years, the percent multiplier shall be increased in equal increments until the multiplier reaches ten percent. In succeeding fiscal years the percent multiplier used to determine the appropriation under this section shall be ten percent. There is appropriated from the general fund of the state to the department of education for the fiscal year beginning July 1, 1992, an amount equal to two and five-tenths percent of the total state general aid generated for all community colleges during the budget year under chapter 286A for deposit in the community college excellence 2000 account. In the next succeeding two fiscal years, the percent multiplier shall be increased in equal increments until the multiplier reaches seven and one-half percent of the total state general aid generated for all community colleges during the budget year.

Sec. 19. 1990 Iowa Acts, Senate File 2410,* section 107, is amended by adding the following new unnumbered paragraph:

NEW UNNUMBERED PARAGRAPH. It is the intent of the general assembly that the general assembly enact legislation by July 1, 1995, that will increase the maximum percent multiplier established in this section from seven and five-tenths percent to ten percent.

**Sec. 20. 1990 Iowa Acts, Senate File 2410, section 112, is amended to read as follows:
SEC. 112.*

*If funds are appropriated for that purpose, the The department of personnel shall conduct a study of educational opportunities for state employees. The study shall include, but is not limited to, current utilization of educational leave by state employees, programs and services available currently to state employees, state employee needs for increased education, and the development of a plan to coordinate available resources and programs with employees in need of educational services. The department shall submit its findings, together with the plan for increasing educational opportunities, in a report to the general assembly by December 1, 1991.**

**Sec. 21. 1990 Iowa Acts, Senate File 2410, section 113, is amended to read as follows:
SEC. 113.*

If funds are appropriated for that purpose, the The department of education, in consultation with the state board of regents, shall develop recommendations relating to the programs offered under the postsecondary enrollment options Act contained in chapter 261C. The recommendations shall include any funding changes needed to enhance utilization of the postsecondary enrollment options Act by students, including changes in targeted dollar amounts.

*The recommendations shall also include an examination of the relationship between the offering of advanced placement courses at the secondary school level and the options available for delivery of postsecondary courses through the postsecondary enrollment options Act. The department shall submit its findings together with its recommendations in a report to the general assembly by January 15, 1991.**

**Sec. 22. 1990 Iowa Acts, Senate File 2410, section 114, is amended to read as follows:
SEC. 114.*

*If funds are appropriated for that purpose, the The state board of regents shall conduct a study to determine whether public service assistance is included as one of the criteria for determining institutional compensation and whether faculty members at institutions under its control who do provide public service assistance on a state or national basis receive remuneration for providing the assistance. The board shall submit its findings, along with any recommendations, in a report to the general assembly by December 1, 1990.**

**Sec. 23. 1990 Iowa Acts, Senate File 2410, section 115, is amended to read as follows:
SEC. 115.*

*If funds are appropriated for that purpose, the The department of education, in conjunction with the department of economic development and the department of employment services, shall conduct a study of the job and career information programs available through the public education system and state agencies. The study shall include assessment and monitoring of the coordination between the programs offered, the relationship between the programs and statewide job training programs, the identification of areas in which new programs need to be offered or existing programs strengthened, and the development of recommendations for creation of an information delivery system to provide continuing updates of the relative workforce training and personnel needs as compared to the numbers of students enrolled in the various programs. The department of education shall submit the findings, along with any recommendations, in a report to the general assembly by December 1, 1991.**

**Sec. 24. 1990 Iowa Acts, Senate File 2410, section 116, is amended to read as follows:
SEC. 116.*

*If funds are appropriated for that purpose, the The department of education in cooperation with the boards of trustees of each community college shall conduct a study of the child care needs of students, faculty, and staff at each of the community colleges. The department shall submit its findings, along with any recommendations, in a report to the general assembly by December 1, 1991.**

**Sec. 25. 1990 Iowa Acts, Senate File 2410, section 117, is amended to read as follows:*

SEC. 117.

If funds are appropriated for that purpose, the The department of education shall conduct a study of offering special programs at the community colleges versus initiating tuition reciprocity or subvention agreements with similar higher education institutions in surrounding states. The department shall submit its findings in a report to the general assembly by December 1, 1991.*

**Sec. 26. 1990 Iowa Acts, Senate File 2410, section 118, is amended to read as follows:
SEC. 118.*

If funds are appropriated for that purpose, the The higher education strategic planning council shall explore the creation of an Iowa "electronic university" and the marketing of courses from Iowa to students in other states through the use of telecommunications.*

**Sec. 27. 1990 Iowa Acts, Senate File 2410, section 119, is amended to read as follows:
SEC. 119.*

If funds are appropriated for that purpose, the The board of educational examiners in cooperation with the department of education and community college trustees shall conduct a study of the practitioner licensing standards for instructional personnel teaching at the community colleges. The study shall include evaluation of current standards in light of current needs, a comparison of the standards with those of other institutions of higher education in the state and comparable institutions in other states, and evaluation of the educational requirements for nursing educators under 655 Iowa Administrative Code, Rule 2.3 (2)(d)(2), Rule 2.6 (1)(a)(1)(1.), and Rule 2.6 (2)(c), as the requirements relate to community colleges. In addition, this study, done in cooperation with the board of nursing, shall include an assessment of the state's supply of nursing educators who possess the educational qualifications identified in the administrative rules. The board of nursing shall by rule delay enforcement of the nursing educator administrative rules being studied until completion of the study, submission of any findings, and a review of the rules and the completed study by the administrative rules review committee. The board of educational examiners shall submit the findings, along with any recommended changes in the standards, in a report to the general assembly by July 1, 1991.*

*Sec. 28. 1990 Iowa Acts, Senate File 2410,** section 123, is amended to read as follows:
SEC. 123.*

The initial voting members of the higher education strategic planning council shall serve terms of office beginning July 1, 1990, as follows: four members shall serve four-year terms and three members shall serve two-year terms. Members serving four-year terms shall include the public member and one member from each of the three other categories of voting members.

*Sec. 29. Section 12.30, subsection 1, paragraph a, Code 1989, is amended to read as follows:
a. "Authority" means a department, or public or quasi-public instrumentality of the state including, but not limited to, the authority created under chapter 175, 175A, 220, 261A, 307B, or 442A, which has the power to issue obligations, except that "authority" does not include the state board of regents or the Iowa finance authority to the extent it acts pursuant to chapter 280A.*

Sec. 30. NEW SECTION. 286A.17 STUDY OF STATE FOUNDATION SUPPORT LEVEL.

It is the intent of the general assembly that the general assembly and the governor enact legislation to increase the state foundation support level for the instructional cost centers and the noninstructional function costs to the seventy-five percent level by July 1, 2001.

**Sec. 31.*

*The higher education strategic planning council shall recommend a process for assessing quality of instruction and for assessment of student learning. The council shall submit recommendations in a report to the general assembly by December 1, 1991.**

*Item veto; see message at end of the Act

**Chapter 1253 herein

Sec. 32.

It is the intent of the general assembly that the general assembly shall review and evaluate the needs and funding relating to the providing of remedial education at the community colleges and to establish an appropriate remedial cost center within the area school foundation formula by the fiscal year which commences July 1, 1992.

Sec. 33. 1990 Iowa Acts, Senate File 2410,* sections 90 and 91 are repealed.

Approved May 6, 1990, except the items which I hereby disapprove and which are designated as sections 20, 21, 22, 23, 24, 25, 26, and 27 in their entirety; and section 31 in its entirety. My reasons for vetoing these items are delineated in the item veto message pertaining to this Act to the secretary of state this same date, a copy of which is attached hereto.

TERRY E. BRANSTAD, *Governor*

Dear Madam Secretary:

I hereby transmit Senate File 2430, an Act relating to higher education including the funding, administration, and authority for dormitory bonding of community colleges, coordination of higher education sectors, and studies relating to educational opportunities.

Senate File 2430 amends Senate File 2410, which I have previously approved. Primarily, Senate File 2430 revises the provisions of Senate File 2410 which increase funding for community colleges and which authorize the issuance of community college dormitory bonds. These changes reflect the fiscal constraints of the state while maintaining the commitment to provide quality postsecondary educational opportunities for Iowans.

Senate File 2430 is, therefore, approved on this date with the following exceptions which I hereby disapprove.

I am unable to approve the items designated as Sections 20, 21, 22, 23, 24, 25, and 27, in their entirety. These sections would remove provisions which I have previously approved in 1990 Iowa Acts, Senate File 2410. Those provisions in Senate File 2410 would make a variety of studies by the Department of Personnel, the Department of Education, the Board of Regents and the Board of Educational Examiners conditional upon the appropriation of funds. I have asked state agencies to curtail expenditures for hiring personnel and for travel and equipment due to the fiscal constraints of the state. Given these circumstances, I am unable to approve these sections.

I am unable to approve the item designated as Section 26, in its entirety. This section would amend 1990 Iowa Acts, Senate File 2410, Section 118. Because I did not approve that section of Senate File 2410, it would be incongruous to approve this section.

I am unable to approve the item designated as Section 31, in its entirety. This provision would require the Higher Education Strategic Planning Council to recommend a process for assessing the quality of instruction and student learning. It is inappropriate for the General Assembly to single out this issue for study by the Strategic Planning Council. The Council should be responsible for determining the issues to be included in a strategic plan for higher education in Iowa. However, I concur that the assessment of instruction and student learning is an important concern, and I would encourage each sector of higher education to examine this issue.

For the above reasons, I hereby respectfully disapprove these items in accordance with Amendment IV of the Amendments of 1968 to the Constitution of the State of Iowa. All other items in Senate File 2430 are hereby approved as of this date.

Sincerely,
TERRY E. BRANSTAD, *Governor*