

Tuesday, Feb. 07, 2012

Legislative Update: Week Two

This is the second weekly report on the 2012 Utah legislative session from the perspective of the Utah System of Higher Education. The summary has been prepared by Dave Buhler, USHE associate commissioner for public affairs.

Education First and the Utah Student Association held a press conference Friday [Feb. 3] on the Capitol steps and students met with more than 50 legislators to emphasize the need to prioritize higher education. This was a significant effort by the students and Education First.

2012-2013 Budget. This past week the Higher Education Appropriations Subcommittee heard an overview of the system budget request adopted by the Board of Regents from Associate

Commissioner Dave Buhler and then from UVU President Matt Holland, USU President Stan

Albrecht, Dixie President Steve Nadauld, Weber President Ann Millner, SUU President Mike Benson, and UofU President-elect Dave Pershing. Each president provided an excellent presentation highlighting institutional innovations and priorities and was very well received by the committee. At their next meeting (Tuesday, Feb. 7, 8 a.m.) the committee will hear from SLCC President Cynthia Bioteau and Snow President Scott Wyatt, followed by Commissioner Bill Sederburg and Chair David Jordan. The subcommittee is expected to begin voting on budget priorities the following week.

Key Legislation of Interest to USHE

- **HB 4, Higher Education Base Budget*** by Rep. Mike Morley appropriates the base budget for all of the Utah System of Higher Education at the same level as 2011-12. It passed the House on Wednesday [Feb. 1], 74-0 and the Senate on Friday [Feb. 3], 28-0, and now goes to the governor for his signature.

- **HB 12, Corrections Education Amendments*** by Rep. Bill Wright clarifies that the Board of Regents has a collaborative role but not responsibility for education of prison inmates. It passed the Senate 2nd Reading on Wednesday [Feb. 1] (28-0) and was circled on the 3rd Reading Calendar. It will likely pass this week.
- **HB 19S1, State Issued Identification Numbers** by Rep. Wayne Harper has been substituted. The original bill may have prohibited the use of Social Security numbers or other nine-digit numbers by higher education. The substitute bill seems to have no impact on higher education operations. It is awaiting a committee hearing.
- **HB 24 S1, Health Insurance for School Districts** by Rep. Jim Bird would have required school districts and higher education institutions to bid health insurance services every three years. USHE had serious concerns about the short-time frame required for bids and other provisions. The bill was defeated in the House on Wednesday [Feb. 1], 25-49.
- **HB 49S1, Firearms Revisions** by Rep Paul Ray modifies laws related to the open carry of firearms. USHE is closely monitoring. It was approved by the House Law Enforcement and Criminal Justice Committee on Monday [Jan. 30], 10-3, and is now on the House floor for further consideration.
- **HB 53S1, Utah Education Network Amendments*** by Rep. Ronda Menlove modifies the governance of UEN by establishing a new steering committee with new authority and representatives from higher education, public education and the governor. It was approved Monday [Jan. 30], 71-0, and by the Senate Education Committee on Thursday [Feb. 2] 5-0. It now goes to the full Senate.
- **HB 94, Government Competition with Private Enterprise****, by Rep. Johnny Anderson is sweeping in scope and would require a study before any new activity, service, or program could be offered to see if it is being provided in the private sector. It is scheduled to be heard in Committee Monday morning [Feb. 6], but there are indications the sponsor is interested in seeing if an amendment would make it more palatable to Higher Education.
- **HB 284, Higher Education Governance**** by Rep. John Dougall would be the most sweeping change in higher education governance since 1969, changing the Board of Regents to a coordinating board. This would result in a variety of negative consequences for students and taxpayers. It has not yet received a committee hearing but may this week.
- **HB 285, Repeal of Higher Education Tuition Assistance Program*** by Rep. Steve Eliason was requested by the Commissioner's Office to repeal the "UTAP" program established by the Legislature years ago but never adequately funded. It is scheduled to be heard in the House Education Committee on Monday [Feb. 6].
- **HB 322, Higher Education Tenure**** by Rep. Chris Herrod is similar to the bill he introduced last year. It would eliminate new tenure at all USHE institutions except for the University of Utah and Utah State University. USHE will vigorously oppose.
- **SB 10, College and Career Readiness Amendments*** by Sen. Margaret

Dayton modifies testing of public and charter school students from UPASS to the ACT. It previously passed the Senate, 28-0, and the House Education Committee 12-0. It is being held in the House Rules Committee due to fiscal impact (until/unless the \$2 million fiscal note is funded).

- **SB 39, Gubernatorial Authority over Higher Education Officials** by Sen. Stuart Reid leaves appointment of the Commissioner of Higher Education to the Board of Regents but adds the requirement of concurrence by the governor and Senate confirmation. It also gives the governor the power to terminate the Commissioner after consultation with the Board of Regents (the Board retains that power unilaterally). Similar changes are made for the UCAT President. The governor's office has expressed support for the bill. It previously passed the Senate 23-2 and passed the House on Thursday [Feb. 2] 39-34. It now goes to the governor.
- **SB 44, GI Bill Tuition Gap Coverage** by Sen. Luz Robles requires USHE institutions to provide a tuition waiver for students who have received Post 9-11 GI Bill benefits but have not completed their bachelor's degree. The sponsor has agreed to our suggestion to substitute the bill and change it from a tuition waiver to a funded grant program.
- **SB 114, Contesting Public Procurements** by Sen. Wayne Niederhauser amends procedures for contesting procurement by state agencies and USHE. It is being held in the Senate Government Operations Committee for possible amendments.
- **SB 153, Procurement Amendments** by Sen. Wayne Niederhauser made numerous changes to the state procurement code and applies them to higher education. USHE purchasing officers and the Commissioner's Office have been involved in numerous meetings seeking to resolve potential negative consequences. Some have been resolved, others have not. We will continue to work with the sponsor and State Purchasing to see if all negative consequences can be removed from the bill. As currently written, it is estimated it would cost USHE \$1.9 million a year to implement. It has not yet been assigned to committee.

**USHE has taken an official position in support; **USHE has taken an official position in opposition.*

Please contact Neil Abercrombie, USU director of Government Relations, with questions specific to USU's 2012 legislative priorities or developments during the session, neil.abercrombie@usu.edu.

Also, for more frequent updates follow USU's Government Relations on [Twitter](#).

More information on legislation and committee agendas — or to view or

listen to floor debates — is available [online](#).

