

Monday, Feb. 13, 2012

Legislative Update: Week Three

This is the third 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.

Highlights. This was a good week on Capitol Hill for Utah Higher Education. On Tuesday [Feb. 7], a potentially expensive unfunded mandate that would have hampered the efficient operation of institutions, HB 94, was withdrawn for the session. On Wednesday [Feb. 8], a bill to eliminate tenure for any new faculty members was rejected by the House Education Committee 10-4. On Friday [Feb. 10], more than 70 members of the Utah State Legislature participated in the Higher Education Luncheon in the Capitol Rotunda with Regents, the Commissioner, Presidents, and Trustees.

2012-13 Budget. This past week the Higher Education Appropriations Subcommittee heard presentations from Salt Lake Community College President Cynthia Bioteau and Snow College President Scott Wyatt, Commissioner Bill Sederburg and Board of Regents Chair David Jordan.

Presentations were also made for additional funding for USU Regional Campuses and for the Engineering Initiative. The Subcommittee is scheduled to begin voting on their budget recommendations on Monday [Feb. 13] and complete them on Wednesday [Feb. 15]. Final recommendations to the full Legislature will be made later by the Executive Appropriations Subcommittee.

Infrastructure. The Infrastructure Subcommittee accepted the facility space standards presented by the Commissioner's Office — the result of a year-long study and considerable work within USHE. The Subcommittee will prioritize Capital Facility requests this week.

Key Legislation of Interest to USHE

- **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 on Monday (29-0) and previously passed the House. It now goes to the governor for his signature.

- **HB 19S1**, State Issued Identification Numbers by Rep. Wayne Harper asks agencies to voluntarily abandon the use of nine-digit identification numbers except under certain circumstances. It passed the House on Wednesday (71-0) and now goes to the Senate.
- **HB 49S1**, Firearms Revisions by Rep Paul Ray modifies laws related to the open carry of firearms. USHE is closely monitoring. It is still waiting for a vote by the House.
- **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. The Senate approved it Friday (26-0) and it now goes to the governor for his signature.
- **HB 94**, Government Competition with Private Enterprise** by Rep. Johnny Anderson was sweeping in scope and would have required a study before any new activity, service, or program could be offered to see if it is being provided in the private sector. It was heard in Committee on Wednesday, and after negative testimony by higher education and others, at the request of the sponsor, was sent to the Rules Committee for possible interim study.
- **HB 123, Education Savings Account** by Rep. John Dougall would take the per-pupil high school funding (similar to a voucher) and provide it to the student to spend at any public high school or charter high school with any unexpended balance remaining in a savings account for college. It will be considered by the House Education Committee on Monday [Feb. 13].
- **HB 124, In-state Tuition for Veterans** by Rep. Curt Oda, would make it somewhat easier for recently discharged members of the military to obtain Utah residency. It has a \$1.7 million fiscal note and will be heard by the House Education Committee on Monday [Feb. 13].
- **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 still not been scheduled for a committee hearing. It is possible it may be heard on Wednesday [Feb. 15 or Friday [Feb. 17] of 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 was unanimously approved by the House Education Committee on Monday and by the House on Thursday (67-0). It now goes to the Senate.
- **HB 322S1, Higher Education Tenure**** by Rep. Chris Herrod is similar to the bill he introduced last year. It would have eliminated new tenure at all USHE institutions but allowing for ten-year contracts at

the University of Utah and Utah State University. The Committee rejected the bill by 10-4 on Wednesday.

- **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 39-34. It is awaiting the governor's signature.
- **SB 44 S1, GI Bill Tuition Gap Coverage** by Sen. Luz Robles establishes a new grant program to be administered by the Board of Regents for students who have received Post 9-11 GI Bill benefits but have not completed their bachelor's degree. The bill appropriates \$250,000 for this purpose. The Senate Education Committee approved it Thursday, and it now goes to the full Senate.
- **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 makes numerous changes to the state procurement code and applies them to higher education. USHE purchasing officers and the Commissioner's Office have been very involved in numerous meetings seeking to resolve potential negative consequences. At the end of the week we were optimistic that all major issues have or will be resolved. It is awaiting a Committee Hearing.
- **SJR 22, Joint Resolution on State Spending Limitations**** by Sen. Stuart Reid, would amend the Utah Constitution to severely restrict new state spending, requiring a 60 percent majority vote in both houses to appropriate more money than the current year (adjusted for inflation/deflation and population growth). This could seriously hamper higher education, public education and other state programs. It passed the Senate Revenue and Taxation Committee on Wednesday, 4-2, and now goes to the full Senate.

**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.

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