

COMMITTEE ON PUBLIC AFFAIRS

Committee on Public Affairs

March 3, 2016

3. UNC Board of Governors Policy Agenda Drew Moretz

Situation: Each legislative session, the UNC Board of Governors approves a policy agenda, which highlights their priorities for the upcoming session. This agenda helps guide UNC staff during the legislative process.

Background: The legislature returns to Raleigh for the legislative “short session” on April 25th. The legislative short session is designed to tweak the state’s biennium budget and address issues that were left undone in the 2015 session. The consideration of the policy agenda will provide staff with guidance on key Board priorities throughout session.

Every legislative session brings some unforeseen policy issues. In that environment, the President is authorized per Board policy to speak for the interests of the University. The presentation includes an overview of potential policy areas that may arise during the legislative session. While exact legislative proposals on these issues are uncertain currently, UNC will likely need to engage on a number of the issues.

Additionally, the proposed Board of Governors policy agenda (included in the packet along with white papers on each issue) covers a number of issues critical to UNC and our institutions.

Assessment: The legislative session is likely to be very short and focused on non-controversial issues. The draft policy agenda for consideration reflects that by focusing on just a few critically important issues for UNC and our institutions.

Action: This item is for a vote.



The University of North Carolina 2016 Policy Agenda

University of North Carolina Board of Governors Policy Priorities

1) **Eliminate Private Fundraising Cap**

The conference report for the FY2015-16 budget, H. 97, included a provision to cap each individual UNC institution spending on private fundraising at \$1 million in state funds. Since the recession, the legislature has been encouraging UNC institutions to seek private funds as state funds were drying up. This provision is a major shift and we seek the elimination of the recently enacted provision.

2) **Extend 5% Carry Forward authority for next biennium**

The legislature increased UNC carry forward authority to 5% for the biennium with the increase being used for R&R (up from 2.5%) in H. 97. We ask the legislature to extend the increase in carry forward authority and eliminate the \$300,000 cap on R&R projects for institutions in order to provide time for UNC institutions to show the positive impacts of this added flexibility.

3) **Eliminate requirement for institutions to use non-General Funds for Advanced Planning for new capital projects**

The FY15-16 budget included a provision requiring UNC institutions to use non-General Fund dollars for advanced planning before the legislature would be given a chance to approve projects. Unlike last year's bond package request which included a "Skin in the Game" requirement if the legislature acted, this requirement goes further and requires campuses to front funds for projects the legislature may never approve. Because of the uncertainty of spending money for advanced planning before the legislature signs off on the project, there is a significant unintended negative impact on a number of our campuses.

4) **Permanent fix for qualified excess benefit arrangement (QEBA) issue**

Last session, UNC collaborated with the NC Treasurers Office to agree on a permanent fix for a pension issue that significantly impacts key leaders at UNC Hospital and several institutions. We were able to get a temporary reprieve on the issue through August 1, 2016, but we need to secure a permanent solution for those impacted.

Proposed UNC Action

Eliminate Private Fundraising Cap

Issue Overview

The enacted 2015 Budget Bill capped campuses state spending on fundraising activities to \$1 million and cut an associated \$16.4 million from the UNC System budget.

Rationale for UNC Action

A 2012 study showed that less than half of our universities were in the 50th percentile or greater in actual dollars raised or endowment values when compared to their peer institutions. The UNC System Strategic Plan adopted in early 2013 outlined two very aggressive goals in this area. They included 1.) Increase UNC total gifts by a minimum of 25% (\$125 million) and 2.) Move all universities to at least the 50th percentile in key performance metrics as compared to their peers.

The cap would negatively impact a strong and proven return-on-investment. For every dollar invested in advancement, the University raised \$6.76 cash in return and when commitments are included, the return-on-investment increases to \$10.39. Following the recession, UNC has shown consistent growth in total gifts by campus. Between 2010 and 2015 cash received by UNC has increased by 22% and the University's endowments increased by 61% over the same time period.

Impact

This cap and associated budget reduction of \$16.3 million would have a significant impact on a number of our universities. North Carolina State University would see a \$5.4 million reduction, while UNC Greensboro and East Carolina University would have to implement cuts exceeding \$3 million. If enacted, campuses would be forced to reduce private fundraising staff or take funds away from scholarships to fund the positions.

Ultimately, private fundraising supports financial aid to students. Nearly 49,400 of our 225,000 students depend on this support. Limiting the ability to fundraise at our universities means that many of these students will have to add more debt as they earn their degrees.

Last Session Action/Background

This issue was first introduced in the Governor's 2015 budget and subsequently included in the original House budget. House leaders found one-time funds to ensure this cut did not take effect in FY 2015-16. At that time, legislative leaders indicated they would be willing to revisit the issue in the Short Session. UNC agreed to move this item to a Management Flex cut in order to remove it permanently during the Senate budget negotiations. The House provision was adopted in the conference report.

Proposed UNC Action

Extend 5% carry forward authority for next biennium (2017-2019)

Issue Overview

G.S. 116-30.3 allows UNC institutions to carry forward up to 2.5% of unexpended state appropriations, subject to the approval of the State Budget Director, for one-time expenses that do not obligate the state to an ongoing expenditure. System-wide, we carried forward 1.23% into FY 2015-16. Of the 17 campuses, 14 carried forward funds and 6 carried forward more than 2%. Section 31.17 of the 2015 Appropriations Act temporarily increased this authority to 5% for funds carried forward from FY 2015-16 to FY 2016-17, with the additional amount to be used only for certain capital expenditures (repairs and renovations of facilities and advanced planning of new capital projects).

Rationale for UNC Action

The Board of Governors has strongly supported increasing carry forward authority for several years as it creates an additional incentive for chancellors to find savings to redirect and address critical repair and renovation (R&R) backlogs on their campuses. This is particularly important as R&R appropriations from the state have been unpredictable. The temporary nature of the additional carry forward authority creates uncertainty about availability of this source of funds in the future. This additional authority should be extended through the next biennium to allow the campuses to plan on a minimum level of R&R funding each year and demonstrate a reduction in the backlog of Repairs and Renovations.

Impact

We need time to demonstrate our ability to solve some of our own problems through careful management of state appropriations. With the sunset extended, campuses will be able to better plan to use this authority for the next several years and demonstrate a reduced R&R backlog.

Last Session Action/Background

This was the top Board of Governor legislative priority last session. House leaders inserted this provision into the budget, while the Senate budget did not include this provision. The provision was included in the conference report for H. 97. The language provided a one-time option for UNC institutions to carry forward 5%. UNC leadership needs a longer window in order to demonstrate the potential effectiveness of this policy change.

Proposed UNC Action

Eliminate requirement for institutions to use non-General Fund money for advanced planning for new capital projects

Issue Overview

Section 31.9 of the 2015 Appropriations Act requires UNC institutions to use non-General Fund money to fund advanced planning for new capital projects before approaching the legislature to confirm the project is a shared priority with the Board of Governors.

Rationale for UNC Action

This provision was likely a reaction to the current process of campuses requesting funds for advanced planning for projects, even if the State has not yet committed to fund the entire project. However, if unchanged, this provision will cause significant harm to campuses' ability to request future new capital projects due to fundraising challenges.

Impact

This provision harms campuses' ability to fundraise for new capital projects and may cause campuses to waste valuable non-General Fund resources on advanced planning for projects the General Assembly will not choose to authorize. Additionally, this added step will cause delays in the project timeline, which could increase costs and violate statutory time limits on project authorizations (G.S. 143C-8-11(b)).

Last Session Action/Background

This provision received little attention during the legislative process. As such, there is no known widespread support for this provision and the longer it remains in statute, the more challenging it will be to repeal. Numerous campuses, such as Western Carolina University, have made this a top priority for their concerns during the interim.

UNC staff worked with House chairman Dean Arp to limit this provision to schematic design (first 2% of project cost) versus original requirement for campuses to front 10% of project cost, and amended to allow campuses to use the additional carry forward authority granted in Section 31.17.

Proposed UNC Action

Find Permanent Solution for the Qualified Excess Benefit Arrangement issue (QEBA)

Issue Overview

Internal Revenue Service (IRS) Section 415(b) limits the amount that defined benefit pension plans may pay out to beneficiaries, but also provides a way for public pensions to pay beneficiaries above that amount by creating a QEBA under IRS Section 415(m). A QEBA is an account set up outside of the state's pension plan for the purpose of addressing the gap between the IRS 415(b) limits and the total amount that is due to the retiree under the State's retirement benefit formula, which is based on age, years of creditable service, and compensation amount. The state of North Carolina did not create a QEBA for many years and operated the plan paying benefits in excess of the IRS 415(b) limits.

Rationale for UNC Action

In 2013, the General Assembly directed the State Treasurer's office to create a QEBA, but included a December 31, 2014 sunset. This sunset created retention challenges for the UNC System and UNC Health Care employees due to the potential reduction in value of future retirement benefits by impacted individuals. The UNC Board of Governors directed General Administration staff to ensure those employees were not negatively impacted, but only for those impacted by the December 31, 2014 sunset date.

Impact

This issue impacts UNC employees across the system (less than 300 identified for the long term—of which 30 would be impacted in 2016) including chancellors, athletic directors, physicians and clinical department chairs at the UNC School of Medicine. For the UNC School of Medicine and the UNC Health Care System, it is anticipated they would have to provide \$50-\$70 million for new start up packages to replace three clinical chairs as well as three other seasoned medical professionals. This is difficult to manage all at one time.

It is projected that this issue will remedy itself over time. These 300 or fewer employees will eventually retire. Legislation could limit participation for the future for those that are only currently vested in the State Retirement System. It should be noted that there is no appropriations required to fund the QEBA. It is self-funded through retirement earnings and employees and state contributions. Further if not addressed, it is anticipated individuals will sue the State for the benefits earned as it is believed this is a defined benefit at the start of an individual's employment with the State.

Last Session Action/Background

Throughout the last legislative session, the UNC General System worked with the State Treasurer's office and legislative leadership to ensure a long-term and permanent fix was approved. While the permanent legislative fix was not included in the final State budget, the budget did contain a provision that created a new sunset date of August 1, 2016. While providing temporary relief, UNC needs to seek a permanent solution on this issue.

Board of Governors Policy Agenda Review

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March 3, 2016

Legislative Issues Likely to Arise:

- State Employee Pay raise
- NC Guaranteed Admissions Program
- UNC Self-Liquidating Capital Projects
- Fixed/Affordable Tuition
- Capital Improvement Reform
- IT Consolidation
- Government Data Analytics Center Reform
- Faculty Workload
- Sexual Assault
- More....

UNC Board of Governors Draft Policy Priorities

- **Eliminate the cap on private fundraising**
 - Restriction to \$1 million in state dollars per UNC campus included in budget conference report
 - Originated in the Governor's budget
 - In House budget, not in Senate budget
 - Top priority for many campuses (\$16.3 million cut to UNC institutions)

UNC DRAFT Policy Priorities, cont.

- **Extend Carry Forward increase**
 - UNC carry forward increased from 2.5% to 5% for biennium
 - CF incentivizes efficiencies;
 - Use for one-time purposes like R&R
 - Can't obligate state to future expenditures
 - Allow UNC leadership to demonstrate positive impacts of carry forward increase

UNC DRAFT Policy Priorities, cont.

- **Eliminate Advanced Planning requirement for new capital projects**
 - Campuses required to fund advanced planning w/non-state funds for new projects before approaching legislature (roughly 2% of total cost)
 - Pushed even more state responsibility on UNC than last year's "Skin-in-the-Game" proposal
 - Must Raise and **spend** non-General Fund dollars for projects that may never materialize
 - Potential investors likely need certainty of state support before pledges turn into cash on hand
 - Prohibitive for most campuses to propose new state-supported projects

Unresolved Issue from last Session

- **Permanent Fix for Pension issue (QEBA)**
 - IRS set arbitrary limit on pension payments, but provided option for state pension plans to make employees whole
 - NC pension plan didn't set up until 2013, but sunset was included
 - Critical to for retaining key staff across the system
 - Accomplished temporary fix last session, although had negotiated language for permanent fix with NC Treasurer's office and key legislator
 - Immediate talent retention issue