

# LEGISLATIVE BRIEF

## Weekly Legislative Report – Final Summary

*Week 7 (March 8, 2018)*

The 2018 Legislative Session ended yesterday, March 8. The following is a brief summary of budget increases and key legislation. A more complete overview of the legislative session will be presented at the upcoming Board of Regents meeting on Friday, March 30, 2018.

### Budget Update

Legislative leaders adopted priorities for the 2018-19 budget during the final week of the Legislative Session. The latest [quarterly revenue estimates](#) provided new funds for higher education, including the replacement of the [base budget cuts](#) made earlier in the session. Over the course of the last week, Executive Appropriations prioritized a 6.9% ongoing operating budget increase for USHE:

**Compensation:** 2.5% labor market adjustment increase (plus funding for health insurance rate increases), with the ratio of funding at 75% from state funds and 25% of tuition funds. The Legislature also funded the staffing and equity adjustments for Snow College and Dixie State University requested by the Board.

**Budget Priorities:**

- Student Growth & Capacity \$9,073,800
- Completion \$4,763,700
- Workforce \$9,188,300
- Performance-based Funding \$3,850,000

**Statewide Initiatives:**

- Regents' /New Century \$3,345,000
- Utah Academic Library Consortium \$ 800,000

**1.5% Base Budget Replacement:** Earlier in the 2018 session, the Legislature approved a 1.5% base budget cut to higher education – a cut of \$14.2 million. Last week's approval restores those cuts back into the higher education base budget, with the exception of state funding of Campus Compact.

### Legislation Passed

**[HB 116 \(1<sup>st</sup> Sub.\), Student Civil Liberties Protection Act](#)** by Rep. Kim Coleman is based on the Administrative Rules Review Committee's review of the policy development processes at USHE institutions over the past year. The bill requires USHE institutions to review current policies and repeal or initiate rulemaking proceedings for each policy that directly affects a student's civil liberty. While current policies uphold civil liberties for students, higher education supports this additional review and rulemaking for greater transparency.

**[\\*HB237 \(1<sup>st</sup> Sub.\), Concurrent Enrollment Enhancements](#)** by Rep. Mike Winder requires the Board of Regents to establish policy, in coordination with higher education concurrent enrollment directors, that defines the qualifications to be an eligible concurrent enrollment instructor. Current instructors for the 2017-18 academic years will continue to be eligible regardless of qualifications.

**[\\*HB 300 \(1<sup>st</sup> Sub.\), Higher Education Governance Amendments](#)** by Rep. Val Peterson provides for gubernatorial appointment of the local boards of directors in of the Utah System of Technology Colleges (USTC) to be parallel with board appointments in USHE, and removes a provision requiring Senate consent for the appointment of the student member of the State Board of Regents. The bill also provides that board members could be removed by the Governor for cause. The bill also creates a two-year commission comprised of Regents, USTC Trustees, the Commissioners, legislators and economic and workforce agency heads.

**[\\*HB 349, Higher Education Legacy Scholarship Amendments](#)** by Rep. Val Potter repeals a provision that restricts a student who receives an alumni legacy scholarship from counting time towards establishing residency. Students who receive this scholarship would be eligible to receive in-state tuition after 12 months in Utah.

**[\\*HCR 16, Concurrent Resolution Honoring President Matthew S. Holland](#)** by Rep. Brad Daw honors President Holland for his nine-year service at Utah Valley University. President Holland was honored by the House and Senate on Monday, February 26. [Streamed recording available here.](#)

**[\\*SB 104, Talent Development and Retention Strategy](#)** by Sen. Ann Millner establishes a loan forgiveness program for students who graduate in programs that lead to high demand jobs. It also enables private business to partner with institutions to help fund the scholarships.

**[SB 195, Credit Acceptance by Higher Education Institutions](#)** by Sen. Howard Stephenson would allow students to transfer credit from a Regent-approved private provider or a regionally accredited institution. This puts in place a state-level option where USHE institutions have several agreements with private providers and partners.

**[\\*SB 207, Student Data Protection Amendments](#)** by Sen. Jacob Anderegg allows higher education institutions to use contact information of high school students and their parents who have opted-in for purposes of postsecondary outreach.

## Proposed Legislation Not Passed

**[\\*\\*HB 82, Student Right to Active Counsel](#)** by Rep. Kim Coleman, who introduced similar legislation in the 2016 and 2017 Sessions. The Legislature did not adopt the proposed legislation in either session. In July 2016, the Board of Regents adopted policy that outlines required due process for disciplinary actions and included the role of active counsel in certain proceedings. This bill is unnecessary given the policy already adopted.

**[\\*\\*HB 122, Higher Education Employment Authority Amendments](#)** by Rep. Justin Fawson proposes to move Regents' authority to appoint presidents to institutional Boards of Trustees. The proposed changes would create a confusing line of governance for the presidents where Regents are responsible for the oversight and accountability of higher education in the state.

**[\\*\\*HB 254 \(1<sup>st</sup> Sub.\), Campus Sexual Violence Reporting](#)** by Rep. Kim Coleman outlines [non-binding circumstances when an institution may turn information](#) over to law enforcement, even against the wishes of a victim of sexual violence desire for confidentiality, based on an articulable and significant threat to campus safety. The bill also mandates that colleges offer amnesty from conduct-code violations for students, which USHE institutions already have in policy. The bill threatens the ability for victims of sexual violence to maintain anonymity.

**[\\*\\*HB 388 Public Education Funding Allocation Assurance](#)** by Rep. LaVar Christensen requires a minimum funding level assurance of at least 90% for K-12 education from the state Education Fund. Higher education is funded from a combination of Education and General Fund tax dollars, varying from year to year based on legislative discretion. That flexibility helps the state maintain a balanced budget.

**[\\*\\*HB 398, Higher Education Student Speech Rights](#)** by Rep. Kim Coleman establishes a specific threshold that determines when student-on-student speech becomes harassment as opposed to protected speech. It will put schools in conflict with existing federal definitions of harassment.

**[SB 162, Intergenerational Poverty Matching – Education Savings Plan](#)** by Sen. Evan Vickers creates an education savings pilot program to provide matching contributions to Utah's My529 on behalf of children experiencing intergenerational poverty.

**[\\*SB174, Higher Education Capital Facilities](#)** by Sen. Ann Millner establishes a new procedure and funding mechanism for higher education capital development projects using metrics established by the Board of Regents in the following areas: enrollment, total performance according to performance funding requirements, regional growth in student population, facility age and condition, and adequacy of academic space. The use of these funds are dependent on the amount the Legislature appropriates to the institutions.

*\* USHE took an official position in support; \*\* USHE took an official position in opposition. For more information on legislation, committee agendas, or to view or listen to floor debates, see: <http://le.utah.gov/>*