**2017 Legislative**

**Session Summary**

**2017-2018 Higher Education Budget Highlights**

* **Compensation:** 2% 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.
* **Student Enrollment Growth:** $3.5 million ongoing for new student growth for the current year. This is the first time in a number of years that student growth in higher education has been explicitly funded (with the exception of [Acute Equity](https://higheredutah.org/wp-content/uploads/2014/03/TAB-U-2014-3-28.pdf) funding appropriated by the Legislature in 2014).
* **Performance Funding:**$6.5 million one-time (w/ongoing funding stream) for performance funding. This is the initial funding tied to [SB117](http://le.utah.gov/~2017/bills/static/SB0117.html) that will codify the performance funding model of the Board of Regents, which has been in place for four years.
* **Regents’ Scholarship**: $8 million ongoing for growth in the Regents’ Scholarship. For several years, growth in the program has been funded on one-time funds. This ongoing funding, along with the changes being proposed in [SB256](http://le.utah.gov/~2017/bills/static/SB0256.html), will help ensure long-term sustainability.
* **2% Base Budget Replacement**: Earlier in the 2017 session, the Legislature approved a 2% base budget cut to higher education – a cut of $19.2 million. Last week’s approval restores those cuts back to the higher education base budget.

**2017-2018 Capital Development**

The top three Regents’ capital development priorities were approved: the Medical Education and Discovery / Rehabilitation Hospital (UU), the Human Performance Center (DSU), and the Social Science Building Renovation (WSU). Funding for the UU project is phased in over three years and the DSU and WSU projects are phased in over two years. Also approved was an increase in capital improvement funds for state facilities.

**UVU Capital Facility Priorities Outcomes**

**Woodbury School of Business Building** was presented to Infrastructure & General Government (IGG) on February 8. The building was ranked fifth by the Board of Regents, but was not ranked by IGG for funding consideration this session.

**Transportation Needs:** The legislature, in partnership with Utah Valley University (UVU), the Utah Department of Transportation (UDOT), the Utah Transit Authority (UTA), and Mountainland Association of Governments (MAG), will be funding a pedestrian bridge to connect the Orem FrontRunner stop (UVU’s West Campus) with UVU’s main Orem campus. The legislature approved a transportation bond, which includes some funding for this pedestrian bridge. Funding for this project is as follows: $3M UVU, $7M UDOT, $4M bond (to be paid back by UTA over 10 years). MAG and UDOT are starting immediately to engineer and design the pedestrian bridge, which be finalized by fall 2017. Then, the project will go out to bid with construction starting spring of 2018. The completion date will be determined once the design has been set.

**Legislation Passed**

[**\*HB 24, Student Prosperity Plan - Tax Amendments**](http://le.utah.gov/~2017/bills/static/HB0024.html) - Rep. Jeremy Peterson, creates a method for corporations to make donations to assist qualifying low-income students to save for college through the Utah Educational Savings Plan (UESP).

[**HB 54, Campus Free Speech Amendments**](http://le.utah.gov/~2017/bills/static/HB0054.html) by Rep. Kim Coleman, creates requirements for USHE institutions related to free speech activity. The legislation replicates policies related to regarding free-speech already in place at USHE institutions.

[**HB 55 (2nd Sub.), Governmental Nonprofit Entity Compliance**](http://le.utah.gov/~2017/bills/static/HB0055.html), by Rep. Kim Coleman, establishes requirements for governmental nonprofit entities, subjecting them to regulations such as the Open and Public Meetings Act, the Government Records Access and Management Act (GRAMA) and Fiscal Procedures for Interlocal Entities. This impacts certain nonprofit entities affiliated with USHE institution in which the institutions have a controlling interest.

[**HB 156 (1st Sub.), State Job Application Process**](http://le.utah.gov/~2017/bills/static/HB0156.html)**,** by Rep. Sandra Hollins, prohibits a public employer from requiring job applicants to disclose past criminal convictions before an initial interview for employment. Certain exemptions are allowed, including employers whose primary purpose is performing financial or fiduciary functions.

[**HB 198, Concealed Carry Amendments**](http://le.utah.gov/~2017/bills/static/HB0198.html), by Rep. Karianne Lisonbee, establishes a provisional permit to carry a concealed firearm for individuals under 21 years of age.

[**HB 431 (3rd Sub.), Government Employees Reimbursement Amendments**](http://le.utah.gov/~2017/bills/static/HB0431.html), by Rep. Tim Quinn, prohibits government officers or employees from making personal purchases with public funds, including incurring debt on behalf of or payable by a governmental entity. The bill was amended to allow inconsequential recourse for unintended purchases. The bill establishes an administrative penalty for officers or employees who are found to be making a personal expenditure.

[**SB 14 (2nd Sub.), Emergency Telephone Service Amendments**](https://docs.google.com/spreadsheets/d/1pNp-407ADASWexnr2ADdfZ6beT58Ldi5koUvlf1ExDw/edit#gid=0), by Sen. Wayne Harper, requires multi-line telephone systems to provide geo-location information for a public safety answering point and requires multi-line phone systems to be capable of accessing 911 services directly.

[**\*SB 35, Veterans Tuition Gap Program Act Amendments**](http://le.utah.gov/~2017/bills/static/SB0035.html), by Sen. Escamilla, amends the federal programs to which the Veterans Tuition Gap Program relates and removes the requirement that a qualifying veteran using the program qualify for a federal program.

[**HB 100, Institutions of Higher Education Disclosure Requirements**](http://le.utah.gov/~2017/bills/static/HB0100.html) by Rep. Kim Coleman, requires institutions of higher education to disclose information including job placement, wage earnings, average student debt and the amount of tax subsidy for programs at USHE institutions.

[**\*HB 249 (1st Sub.), Higher Education Financial Literacy Amendments**](http://le.utah.gov/~2017/bills/static/HB0249.html)**,** by Rep. Robert Spendlove, requires higher education to annually notify students who have taken out a loan for college directing them to their loan balance as well as a repayment calculator.

[**\*HB 251, Campus Advocate Confidentiality Amendments**](http://le.utah.gov/~2017/bills/static/HB0251.html), by Rep. Angela Romero, prohibits the disclosure of confidential communications related to advocacy services at a Utah institution of higher education.

[**\*HCR 16 (1st Sub.), Concurrent Resolution Declaring Mental Health Issues To Be A Public Health Crisis At Utah Higher Education Institutions**](http://le.utah.gov/~2017/bills/static/HCR016.html), by Rep. Ed Redd, declares mental health issues to be a public health crisis at Utah higher education institutions. It strongly urges state agencies, local health authorities, non-profit groups, and higher education entities to seek productive, long-term solutions to address this crisis.

[**\*SB 117 (4th Sub.), Performance Funding Revisions**](http://le.utah.gov/~2017/bills/static/SB0117.html)**,** by Sen. Ann Millner, provides ongoing funding dedicated the performance outcomes proposed by the Board of Regents and adopted by the Legislature in 2015.

[**\*SB 149 (1st Sub.), Financial Education and Savings Plan to Benefit At-risk Children**](http://le.utah.gov/~2017/bills/static/SB0149.html), by Sen. Lincoln Fillmore, creates the *Parental Coaching to Encourage Student Savings Program*, which provides financial training to parents of economically disadvantaged children attending kindergarten. The program encourages parents to start saving money for their child's eventual higher education expenses. The program provides a $50 contribution to the 529 savings accounts of economically disadvantaged children if their parents successfully meet the requirements of the program.

[**SB 194 (5th Sub.), Utah Data Research Center Act)**](http://le.utah.gov/~2017/bills/static/SB0194.html), by Sen. Jacob Anderegg, establishes the Utah Data Research Center to coordinate data-centric initiatives between the Utah System of Higher Education, K-12, the Utah Department of Workforce Services and the Utah Department of Health. USHE already provides substantial data coordination and services regarding student performance and workforce.

[**SB 238, Higher Education Governance Revisions,**](http://le.utah.gov/~2017/bills/static/SB0238.html) by Sen. Ann Millner, changes the name of UCAT (to Utah System of Technical Colleges and of individual campuses to technical colleges) and makes several significant changes to the governance of public higher education in Utah. The legislation clarifies the roles and mission of the Board of Regents and Boards of Trustees and changes how Regents are appointed by the Governor. The legislation also changes how new academic programs are approved, codifies how presidential searches are to be conducted, and defines the primary missions of USHE institutions. The Commissioner and the Board’s Executive committee worked closely with the bill sponsor on clarifying amendments.

[**SB 243, Revised Uniform Athlete Agents Act**](http://le.utah.gov/~2017/bills/static/SB0243.html), by Sen. Lyle Hillyard, updates existing state statute related to the recruitment and contracting of collegiate athletes. The legislation clarifies definitions, expands notification requirements and provides for reciprocal registration of athletes between states.

[**\*SB 256, Regents Scholarship Amendments**](http://le.utah.gov/~2017/bills/static/SB0256.html), by Sen. Lyle Hillyard, makes major administrative changes to the scholarship program to improve the student application experience as well as enhance coordination with institutions the award recipients attend. This will ensure better use of state aid resources as well as create an overall better experience for students. This legislation does not alter or weaken the existing academic requirements for the scholarship. It also removes outdated statute.

[**SB 263 (2nd Sub.), Work-Based Learning Amendments**](http://le.utah.gov/~2017/bills/static/SB0263.html), by Sen. Howard Stephenson, charges the Career and Technical Education Board to study work-based learning and the associated benefits and challenges.

[**SJR 1, Joint Rules Resolution on Funding Mix Determinations**](http://le.utah.gov/~2017/bills/static/SJR001.html), Sen. Jerry Stevenson, Adjusts the funding ratio of state funds vs. tuition funds that have funded compensation costs to higher education. For over twenty years, the Legislature and public higher education have held constant the ratio funding compensation costs at 75% from state funds and 25% of tuition funds. This resolution defaults this ratio for compensation to follow the present overall mix of state dollars and tuition dollars currently funding higher education – which has been about 50% state funds and 50% tuition for the past few years. Intent language was adopted in this year’s budget bills to hold the historical 75/25 ratio for the next two fiscal years.

**Failed Legislation**

[**\*\*HB 103, Campus Anti-harassment Act**](http://le.utah.gov/~2017/bills/static/HB0103.html) by Rep. Kim Coleman, defines discriminatory harassment and stipulates that an institution of higher education must take action against discriminatory harassment immediately after gaining knowledge of the act. The bill would have created conflicting statutes and a potential for significant confusion with existing laws related to workplace and school harassment.

[**HB 120, University Student Housing Construction Oversight**](http://le.utah.gov/~2017/bills/static/HB0120.html)**,** by Rep. John Westwood, exempts higher education institutions projects for the construction of student housing from the supervision of the Division of Facilities Construction and Management.

[**\*\*HB 275, Utah Administrative Rulemaking Act Amendments**](http://le.utah.gov/~2017/bills/static/HB0275.html)**,** by Rep. Brian Green, removes the exemption for higher education from the Administrative Rulemaking Act for policies related to students. Currently, there are almost 15,000 policies maintained by the Board of Regents and USHE institutions that would need to be reviewed and possibly submitted for administrative rulemaking.

[**\*\*HB 284, Student Right to Active Counsel**](http://le.utah.gov/~2017/bills/static/HB0284.html)**,** by Rep. Kim Coleman, introduced similar legislation in the 2016 Session. The Legislature ultimately did not adopt the proposed legislation. 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 326, Campus Sexual Violence Protection Act**](http://le.utah.gov/~2017/bills/static/HB0326.html), by Rep. Kim Coleman, allows an institution of higher education to report an allegation of sexual violence to a law enforcement agency and enacts other provisions related to the duties of an institution of higher education in circumstances related to sexual violence.

[**\*\*HB 334, Academic Freedom and Protection Act**](http://le.utah.gov/~2017/bills/static/HB0334.html), by Rep. Kim Coleman, prohibits a USHE institution from taking adverse action against faculty in retaliation for certain expression. Existing Regents’ policy already requires institutions to protect academic freedom.

[**SB 78 (2nd Sub.), Teacher Pedagogical Assessment**](https://docs.google.com/spreadsheets/d/1pNp-407ADASWexnr2ADdfZ6beT58Ldi5koUvlf1ExDw/edit#gid=0), by Sen. Ann Millner, requires the State Board of Education to establish a teacher pedagogical assessment that is performance based and assesses an individual's pedagogical skills to receive or retain a certain license to teach.

[**\*\*SB 255, Funding for Education Systems Amendments**](http://le.utah.gov/~2017/bills/static/SB0255.html), by Sen. Howard Stephenson, would cap, until 2022, any additional revenues from the Education Fund (income tax) to the state higher education system. The mix of funds higher ed has been budgeted over the years varies between the Education Fund and the General Fund (Sales Tax) – the two primary funding sources of the state’s budget. In effect, higher education has been a balancing wheel between the two funds to help the legislature in balancing the budget. This restricts the legislature’s flexibility and would likely make it more difficult for the state to fund critical higher education needs over the next five years. This could also result in greater reliance on tuition. The bill was ultimately substituted, then never adopted.

*\* 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/*](http://le.utah.gov/)