

## **Legislation:**

We monitored over 100 pieces of legislation pertaining to higher education. Below is a general summary of some of the bills and the outcome:

### **LEGISLATION PASSED AND AWAITS THE SIGNATURE OF THE GOVERNOR:**

HB 93, Organ Donor Amendments by Rep. Gage Froerer, requires USHE institutions to electronically notify students twice a year advocating organ donation. USHE worked with Rep. Froerer clarifying how institutions could communicate to students.

HB 182, Concurrent Enrollment Amendments by Rep. Val Peterson, is a joint effort with the Utah State Office of Education to clarify statute relating to concurrent enrollment. The legislation primarily combines and clarifies several sections of statute to better define the program, it creates a statewide participation form, and defines teacher qualifications for concurrent enrollment math courses.

HB 216, Utah Educational Savings Plan Amendments by Rep. Stewart Barlow. This bill amends the Utah Uniform Probate Code so custodial property is created and a transfer is made when contributions are made into a custodial account at the Utah Educational Savings Plan.

HB 254 1st Sub., Resident Student Tuition Amendments by Rep. Marie Poulson makes a technical change so USHE institutions may grant resident tuition status to military service members and their immediate family members who may be assigned out of state but still maintain domicile in Utah.

HB 379, Interstate Reciprocity Agreement for Postsecondary Distance Education by Rep. Val Peterson authorizes USHE to execute an agreement on behalf of higher education, enabling Utah to join the National Council on State Authorization Reciprocity Agreements, of which 37 states are members. This voluntary consortium expands access to distance education courses, establishes standards of quality and reduces overall costs to administering online programs outside the state.

SB 103 1st Sub., Strategic Workforce Investments by Sen. Ann Millner creates an incentive fund for partnership initiatives with higher education institutions and employers to develop programs that have a defined set of stackable credentials. Initiatives must align to one or more of the state's economic development clusters as defined by the Governor's Office of Economic Development. Initiative funds were appropriated under the direction of the Executive Appropriations Committee of the Legislature.

SB 139 1st Sub., Board of Education Approval Amendments by Sen. Howard Stephenson directs the State Board of Ed to designate an employee to engage in monitoring and other conduct related to teacher preparation programs at USHE institutions.

SB 152, Accelerated Foreign Language Course Amendments by Sen. Howard Stephenson requires the University of Utah to develop concurrent enrollment courses for accelerated foreign language students; and provides certain exceptions for an upper level foreign language course to qualify for concurrent enrollment funding.

SB 156 1st Sub., State Facilities Amendments by Sen Wayne Harper clarifies the role and process of the state Division of Facilities and Construction Management in relation to executive branch and higher education building projects. The bill requires the State Building Board to weight higher education building requests according to the prioritization of the Board of Regents. Finally, it requires the Board of

Regents to do a study by November 2016 to determine the amount or percentage of money received from research and development activities that should be spent on operations and maintenance costs of higher education buildings.

SB 166, Utah Science, Technology and Research Modification by Sen. Ann Millner rewrites provisions relating to USTAR, its governing authority and funding, modifies powers and duties of governing authority, reporting requirements, researchers, and USTAR buildings, provisions related to audit of USTAR report, repeals provisions relating to technology outreach innovation program.

SB 204, Free Market Protection and Privatization Board Act Amendments by Sen. Howard Stephenson places higher education institutions under review authority of the board despite existing oversight performed by the Board of Regents relating to free market activities of USHE institutions.

SCR 6, Concurrent Resolution Recognizing the 20th Anniversary of the Utah Educational Savings Plan by Sen. Evan Vickers expresses support from the Legislature and the Governor for the Utah Educational Savings Plan, which is celebrating its 20th anniversary in 2016.

#### **LEGISLATION THAT DID NOT PASS:**

HB 171, Apprenticeship Authorization Act by Rep. Jacob Anderegg, creates the Apprenticeship Executive Board within the Utah Department of Workforce Services, provides duties for the Apprenticeship Executive Board, establishes a process for an employer to become a certified apprenticeship sponsor, and establishes a process and certain exemptions for a student entering into an apprenticeship agreement with a certified apprenticeship sponsor. SLCC felt this was largely a duplication of an existing process and would add some provisions that complicate reporting and current federal requirements.

HB 262, Campus Anti-Harassment Act by Rep. Kim Coleman defines discriminatory harassment and stipulates an institution of higher education must take action against discriminatory harassment immediately after gaining knowledge of the act. USHE institutions, the Commissioner's Office, and the Attorney General's office have concerns regarding the bill's legality, the increased legal liability and increased costs of implementation. The bill was held in the House Judiciary Committee. This issue is expected to be discussed in the interim.

HB 337 1st Sub., Student Right to Active Counsel by Rep. Kim Coleman requires notification of right of counsel for disciplinary meetings between a student and individual from a higher ed institution. Serious concerns exist regarding the increased staffing costs and increase in litigation due to the several types of damages a court may award. Legal counsel from several institutions met with Rep. Coleman to explore possible solutions. The bill failed in the Senate after a floor amendment was made to narrow the impact of the bill.

HB 353, Institutions of Higher Education Disclosure Provisions by Rep. Kim Coleman requires institutions of higher education to disclose information including rates of completion, job placement, and wage earnings for each academic program. It also requires notification and acknowledgement of all students as they enroll. The bill was held by the House Education committee.

HB 365, Campus Free Expression Act by Rep. Kim Coleman creates requirements for USHE institutions related to free speech activity. The legislation replicates best practices regarding free-speech already in

place at USHE institutions, but adds a private right of action that would add unnecessary administrative and litigation costs. The bill was held by the House Judiciary committee. This issue is expected to be discussed in the interim.

HB 357, Longitudinal Data Management Act by Rep. Jacob Anderegg would remove current funding from USHE and the other members of the Utah Data Alliance (USOE, UEN, UCAT) to create the Utah Data Commission. Passage of this legislation would have eliminated the resources to provide longitudinal data efforts such as the High School Feedback Report, Wage Information by Field of Study, Where USHE Graduates are Employed, and Remedial Math reports. The Commissioner's Office worked with Rep. Anderegg on possible substitute language. The bill was held by the House Education Committee.

HB 410, Military Tuition Waiver Amendments by Rep. Curt Oda authorizes the use of partial tuition waivers. This allows for more efficient allocation of available tuition waivers. In particular, this will assist eligible military to receive partial tuition waivers to supplement other available federal aid options from the state and federal government. The bill passed the House unanimously but was not prioritized by the Senate in the final hours of the Session.

HB 432 1st Sub., Government Nonprofit Entity Compliance Amendments by Rep. Kim Coleman provides that governmental nonprofit entities would be subject to the Open and Public Meetings Act, the Government Records Access and Management Act, and the Accounting Reports. USHE institutions have several nonprofit private-public partnerships that would unduly be subject to these requirements. The bill was held by the House Revenue and Taxation Committee.

SB 47, College Credit for Public Safety Officers by Sen. Karen Mayne, This legislation would have required USHE institutions that have programs in Criminal Justice to accept a default 18 credits for any student who has completed the Peace Officer Standards and Training Division (POST). Sen. Mayne held the bill in the Senate Education Committee hearing, satisfied that the Commissioner's Office and USHE institutions have addressed the concerns this legislation was attempting to address.

SB 188 4th Sub., Higher Education Capital Facilities by Sen. Stephen Urquhart creates the Higher Education Capital Facilities Account to fund higher education buildings. The bill defines how funds will accrue and how they will be distributed to USHE institutions in association with Performance Funding. The bill defines the role of the Board of Regents in approving USHE capital development projects. The bill was held in the House Political Subdivisions committee and further study is expected in the interim.

SJR 4, Proposal to Amend Utah Constitution – Education Funding by Sen. Jim Dabakis is a proposed amendment to the state constitution that would have removed all education funds from the USHE budget. USHE opposed the legislation and the Board of Regents formally took a position against the resolution at its January Board mtg. Senator Dabakis assured the Commissioner that he supports new revenue to replace any cuts from education funds to higher education. The resolution failed in the Senate Revenue and Taxation Committee.